



SOUTH AYRSHIRE COUNCIL

(Wreck Road, Girvan)

(Waiting Restrictions)

Order 2017

Lesley Bloomer
Executive Director of Economy,
Neighbourhood & Environment
South Ayrshire Council

Statement of Reasons

SOUTH AYRSHIRE COUNCIL (Wreck Road, Girvan) (Waiting Restrictions) (Order 2017)

Statement of Reasons for Proposing to Make the Above Order

It is considered necessary to make the above Order for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising and for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

Lesley Bloomer
Executive Director of Economy,
Neighbourhood & Environment
South Ayrshire Council

Order



SOUTH AYRSHIRE COUNCIL

(Wreck Road, Girvan)

(Waiting Restrictions)

Order 2017

South Ayrshire Council in exercise of the powers conferred on it by Sections 1(1), 2(1) to (3), 3, 4, 5, 99, 101, and 102 of the Road Traffic Regulation Act 1984 as amended, and the Road Traffic Act 1991 and of all other enabling powers, and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Road Traffic Regulation Act 1984, hereby makes the following Order:-

Citation and commencement

1. This Order may be cited as the "South Ayrshire Council (Wreck Road, Girvan) (Waiting Restrictions) Order 2017" and shall come into operation on Thursday 1st June 2017.

Interpretation

2. In this Order the following expressions have the meanings hereby assigned to them:-

"Council" means South Ayrshire Council, constituted under the Local Government etc. (Scotland) Act 1994 as amended and having its principal office at County Buildings, Wellington Square, Ayr KA7 1DR;

"Disabled Person's Badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

"Disabled Person's Vehicle" has the same meaning as in the Disabled Persons' Parking Places (Scotland) Act 2009;

"Dual Purpose Vehicle" has the same meaning as in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986;

"Emergency Service Vehicles" means a vehicle being used by the Police, Fire & Rescue, Ambulance or Coastguard Services in an emergency;

"Goods Vehicle" means a vehicle constructed or adapted for the use for the conveyance of goods or burden of any description, but not including a dual purpose vehicle;

"Local Authority" means South Ayrshire Council;

"Local Roads Authority" means South Ayrshire Council;

"Owner" in relation to a vehicle, means the person who keeps and uses the vehicle. In determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his/her employment and who is entitled to use such vehicle as though he/she were the registered keeper thereof;

"Parking Attendant" means a person employed in accordance with Section 63A of the Act of 1984 to carry out the functions therein;

"Penalty Charge" has the same meaning as in Section 82(1) of the 1991 Act;

"Penalty Charge Notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the 1991 Act;

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the 1986 regulations" means the Removal and Disposal of Vehicles (Scotland) Regulations 1986, as amended;

"the 1991 Act" means the Road Traffic Act 1991; and

"Vehicle" unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads, whether or not by mechanical power.

3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
4. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies to an Act of Parliament.

Prohibition of Waiting

5. Save as provided in Articles 6, 7 and 8 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or a parking attendant in uniform, cause or permit any vehicle to wait at any time in any of the lengths of road specified in the Schedule to this Order.

6. (a) Nothing in Article 5 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of the roads referred to in that Article: -
- (i) for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage;
 - (ii) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the said lengths of the roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of roads, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus as defined in the Communications Act 2003;
 - (iii) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in pursuance of statutory powers and duties and in particular, but without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire and rescue, ambulance and coastguard purposes;
 - (iv) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
 - (v) if the vehicle is in the service of or employed by the Post Office and is waiting in any of the lengths of the roads while the postal packets addressed to premises adjacent thereto are being unloaded from the vehicle, or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
 - (vi) for the purpose of loading or unloading the vehicle while the vehicle is standing at the kerb and is in actual use in connection with the removal of furniture from such premises to a depository or to such premises from a depository;
 - (vii) to enable the vehicle to be used in connection with funeral operations and weddings.
- (b) Notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police constable in uniform or a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

7. (a) Nothing in Article 5 of this Order shall apply to any disabled person's vehicle which is not causing an obstruction and which displays a disabled person's badge issued by a local authority in exercise of its powers under Section 21 of the Chronically Sick and Disabled Persons Act 1970, as amended,
- (b) Notwithstanding (a) above, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police constable in uniform or a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

Provision for loading & unloading

8. (a) Nothing in Article 5 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of the roads referred to in that Article for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than thirty minutes in the same place and no such vehicle shall wait for a longer period than 10 minutes in the same place without goods being loaded onto or unloaded from the vehicle.
- (b) Notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same on the instruction of a police constable in uniform or a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction.

Alteration of Position of a Vehicle

9. Where any vehicle is standing in contravention of the provisions of Article 5, a police constable in uniform, a parking attendant in uniform, or a person duly authorised by the Council may alter, or cause to be altered, the position of the vehicle in order that the manner of standing of the said vehicle shall comply with the aforementioned provisions.

Removal of a Vehicle

10. Where a police constable in uniform, a parking attendant in uniform, or a person duly authorised by the Council is of the opinion that any of the provisions contained in Article 5 have been contravened or have not been complied with in respect of a vehicle left in a length of road described by this Order, he or she may remove the vehicle, or cause the vehicle to be removed, from the length of road and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a Vehicle in an Emergency

11. A police constable in uniform, a parking attendant in uniform, or a person duly authorised by the Council may move or cause to be moved, in case of an emergency, to any place they think fit, any vehicles left in any length of road described by this Order.

Contraventions

12. A Penalty Charge Notice shall be issued to any vehicle which is in contravention of Article 5 of this Order. A Penalty Charge Notice showing the information required by the 1991 Act may be issued by a parking attendant in accordance with the requirements of the said Act or any subsequent applicable legislation. Any vehicle illegally, obstructively or dangerously parked, or abandoned or broken down, may be removed from the location in terms of s99 of the 1984 Act and the Removal and Disposal of Vehicles (Scotland) Regulations 1986, as amended.
13. The particulars given in the Penalty Charge Notice attached to a vehicle in accordance with Article 12 shall be treated as evidence in any proceedings relating to failure to pay such Penalty Charge.
14. Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 12 no person shall remove the notice from the vehicle unless authorised to do so by the owner of the vehicle other than the driver of the vehicle who may not be the owner, a parking attendant in uniform, or some other person duly authorised by the Council,
15. Where a parking attendant has altered the position of, removed or moved a vehicle in an emergency in accordance with Articles 9, 10 or 11: -
 - (a) he/she shall provide for the safe custody of the vehicle;
 - (b) the Council shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as it might prescribe from time to time;
 - (c) the provisions of the 1984 Act as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.

Abandoned Vehicles

16. Subject to Article 17, where a parking attendant has altered the position of, removed or moved a vehicle in an emergency, in pursuance of Articles 9, 10 or 11, and it appears to them that the said vehicle has been abandoned, they may sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain

the name and address of the owner of the vehicle and to inform the owner of their intention in accordance with the 1986 Regulations as amended.

17. The Council will be deemed to have made reasonable enquiry to ascertain the name and address of the owner of any vehicle to which Article 16 applies provided that they have taken such steps in relation to that vehicle that may be prescribed by any regulations for the time being in force under Section 99 or 101 of the 1984 Act, for authorising the Council to sell or otherwise dispose of the vehicle if it had been left on a road and if it appeared to the Council that it had been abandoned.

This Order together with the Schedule and Plan annexed and signed as relative hereto are subscribed for and on behalf of South Ayrshire Council at Ayr by Karen Boyd Briggs, Legal and Licensing Manager and Authorised Signatory, as follows:

.....(witness)

EMMA STEVENSON.....(full name)

.....SOLICITOR.....(designation)

.....(signed)

.....6.4.17.....(date)

.....COUNTY BUILDINGS.....(address)

WELLINGTON SQUARE

AYR KA7 1DR

SCHEDULE

NO WAITING AT ANY TIME

**Length of Road in
South Ayrshire Council Area
within the Town of Girvan**

**Side of Road to which
Restriction Applies**

Hervey Road

- | | | |
|----|---|------|
| 1. | From the extended south kerbline of Wreck Road southwards for a distance of 16 metres | East |
| 2. | From the extended south kerbline of Wreck Road southwards for a distance of 12 metres | West |

Park Road

- | | | |
|----|---|------|
| 1. | From the extended south kerbline of Wreck Road southwards for a distance of 12 metres | Both |
|----|---|------|

Roxburgh Road

- | | | |
|----|---|------|
| 1. | From the extended south kerbline of Wreck Road southwards for a distance of 17 metres | East |
|----|---|------|

South Park Avenue

- | | | |
|----|--|-------|
| 1. | From the extended east kerbline of Victory Park Road eastwards for a distance of 18 metres | North |
|----|--|-------|

Victory Park Road

- | | | |
|----|--|------|
| 1. | From the extended north kerbline of South Park Avenue northwards for a distance of 20 metres | East |
| 2. | From the extended north kerbline of Wreck Road northwards for a distance of 14 metres | West |

Wreck Road

- | | | |
|----|---|-------|
| 1. | From the extended west kerbline of Victory Park Road westwards for a distance of 18 metres | North |
| 2. | From a point 12 metres west of the extended west kerbline of Hervey Road eastwards to a point 18 metres east of the extended east kerbline of Hervey Road | South |

SCHEDULE (Continued)

NO WAITING AT ANY TIME

**Length of Road in
South Ayrshire Council Area
within the Town of Girvan**

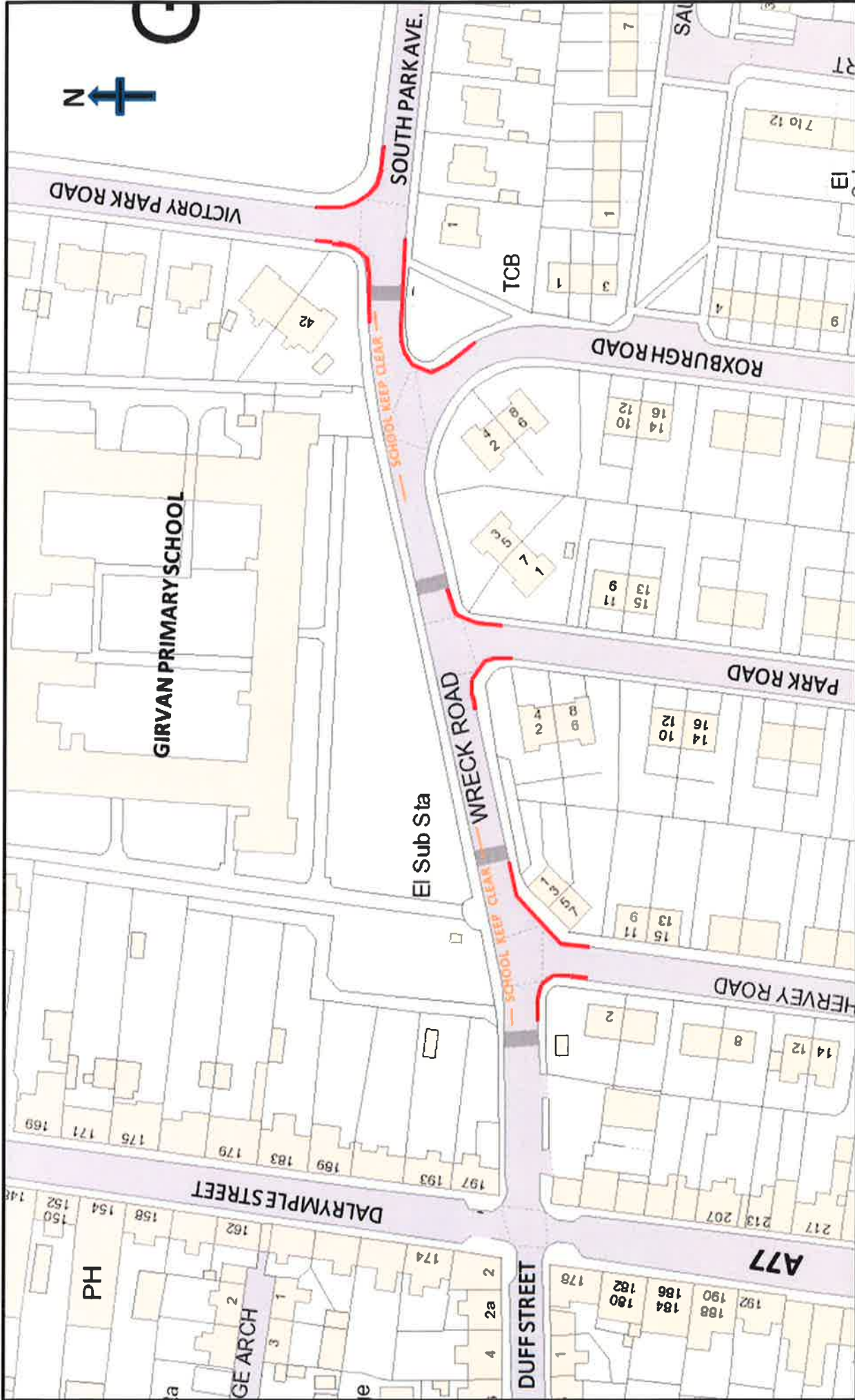
**Side of Road to which
Restriction Applies**

Wreck Road (continued)

- | | | |
|----|--|-------|
| 3. | From a point 14 metres west of the extended west kerbline of Park Road eastwards to a point 6 metres east of the extended east kerbline of Park Road | South |
| 4. | From the extended east kerbline of Roxburgh Road eastwards for a distance of 35 metres | South |

This is the Schedule referred to in the foregoing Order





Wreck Road, Girvan – Proposed Waiting Restrictions

Produced By: **EK**
Date: **22/11/2016**

Proposed 'No Waiting at any Time' Double Yellow Lines

Scale – 1:1250

This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationary Office. © Crown copyright and/or database right 2015. All rights reserved. Licence number: 200020765.

This is the Plan referred to in the foregoing Order

