

**THE EAST AYRSHIRE COUNCIL
(PRINCES STREET PARKING PLACE, KILMARNOCK) (LOADING AREA)
(AMENDMENT & REVOCATION) (CONSOLIDATION)
ORDER 2012**

East Ayrshire Council, in exercise of the powers conferred on them by Sections 32, 35(1), 63A, 99, 101, 102 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended, Sections 66, 69 to 74, 79 Schedule 6 of the Road Traffic Act 1991, as amended, the Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012 and Regulation 19 and Part I of Schedule 6 of the Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, as amended, and of all other enabling powers hereby make the following Order—

PART I

GENERAL

Citation and commencement

1. This Order may be cited as “The East Ayrshire Council (Princes Street Parking Place, Kilmarnock) (Loading Area) (Amendment & Revocation) (Consolidation) Order 2012” and shall come into operation on the 1st day of July 2012

Interpretation

2. In this Order unless the context otherwise requires—

- (a) The following expressions have the meanings hereby assigned to them—

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“Council” means East Ayrshire Council;

“electronic communications apparatus” means—

- (i) any apparatus (within the meaning of the Communications Act 2003) which is designed or adapted for use in connection with the provision of an electronic communications network;
- (ii) any apparatus (within the meaning of that Act) that is designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network;
- (iii) any line, conduit, structure, pole or other thing in, on, by or from which any electronic communications apparatus is or may be installed, supported, carried or suspended; and references to the installation of electronic communications apparatus are to be construed accordingly;

“loading area” means an area within a parking place which is provided for the leaving of a vehicle and shall be indicated in such a manner as the Council may determine by lines, studs or other indicators;

“parking attendant” has the same meaning as in Section 63A of the Road Traffic Regulation Act 1984;

"trailer" has the same meaning as in Section 138 of the Act.

“universal service provider” has the same meaning as in the Postal Services Act 2000;

“universal postal service” has the same meaning as in the Postal Services Act 2000;

“vehicle” 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;

- b) A reference in this Order to any enactment or order is a reference to that enactment or order as amended by any subsequent enactment or order.
- c) A reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

PART II

Provision for loading & unloading by vehicles

- 3. Save as provided in Articles 4, 7, 11 and 12 no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait other than 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 one hour in the same place and no such vehicle shall wait for longer than ten minutes in the same place without goods being loaded onto or unloaded from the vehicle, at any time in the loading area specified in Schedule 1;
- 4. Nothing in Article 3 shall—
 - (a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of 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 lengths of 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 any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus;

- (iii) 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 & rescue and ambulance purposes;
 - (iv) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid injury or damage to persons or property;
 - (v) if the vehicle bearing the livery of a provider of a universal postal service which, whilst used by a universal service provider in the course of the provision of a universal postal service, is stationary only for so long as may be reasonably necessary for postal packets to be collected or delivered to or from adjacent premises or posting boxes;
 - (vi) for the purpose of loading or unloading the vehicle while in actual use in connection with the removal of furniture from one office or dwelling house to another or 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 wedding or funeral operations.
- (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 parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

Description of loading area

5. The area described in Schedule 1 to this Order and as shown on the relevant plan reference CP16A shall for the purpose of this Order be referred to as a loading area.

Delineation of a loading area

6. The limits of each loading area shall be indicated in such a manner as the Council may determine by lines, studs or other indications.

Manner of standing in a loading area

7. A vehicle left in a loading area for the purpose of loading or unloading shall stand in such a manner that it does not constitute a danger or obstruction to other users of the loading area.

Alteration of position of a vehicle

8. Where any vehicle is standing in contravention of the provisions of Articles 7 a parking attendant in uniform or any 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.

Restrictions of use of loading area

9. (i) No person shall use any vehicle while it is in a loading area in connection with the sale of any article to any person in or near the loading area or in connection with the selling or offering for sale of his/her skill in handicraft or his/her services in any other capacity other than with the written consent of the Council without prejudice to any planning or health regulations which may require to be met.
- (ii) No person shall wash, clean or overhaul any vehicle or execute any mechanical or other alterations or repairs to the vehicle while it is in a loading area, except such repairs as may be essential for the purpose of enabling the vehicle to be towed or driven away from the loading area.
- (iii) Notwithstanding anything in Article 3, 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 officer in uniform or a parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction

Removal of a vehicle

10. Where a parking attendant in uniform or a person duly authorised by the Council is of the opinion that any of the provisions contained in Articles 3, 4, 7 and 9 have been contravened or have not been complied with in respect of a vehicle left in a loading area described by this Order, he or she may remove the vehicle, or cause the vehicle to be removed from the loading area 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 or a parking attendant in uniform or any 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 vehicle left in any length of road described by this Order.

Power to suspend a loading area

12. Save as provided in Articles 3 and subject to Articles 8, 10 and 11—
- (a) Any person duly authorised by the Council may suspend the use of a loading area or any part thereof whenever such suspension is considered reasonably necessary—

- (i) for the purpose of facilitating the movement of traffic or promoting its safety;
- (ii) for the purpose of any building operation or demolition, the removal of any obstruction to traffic, or excavation in or adjacent to the loading area or the maintenance, improvement or reconstruction of the loading area or the laying, erection, alteration, removal or repair in or adjacent to the loading area of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus;
- (iii) for the purpose of loading or unloading the vehicle while the vehicle is standing in the loading area and is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
- (iv) to enable the vehicle to be used in connection with wedding or funeral operations.
- (v) On any suspension of a loading area, any person duly authorised by the Council, may use suitable means to indicate that the use of the loading area is suspended
- (vi) No person shall cause or permit to cause any vehicle to wait in any part of a loading area which has been suspended, except with the permission of a person authorised by the Council.

Power to dispose of abandoned vehicles

13. Subject to Article 14, the Council may as respects a vehicle which has been removed from a loading area in pursuance of Article 10, if it appears to them to have been abandoned, 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.

Definition of reasonable enquiry

14. 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 10 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.

PART III

AMENDMENTS AND REVOCATIONS

Orders to be amended

15. The Orders specified in Schedule 2 shall have effect subject to the amendments specified in that Schedule.

Orders to be revoked

16. The Orders specified in Schedule 3 are hereby revoked.

Sealed with the Common Seal of East Ayrshire Council and subscribed for them and on their behalf by David John Mitchell, Proper Officer and Solicitor to the Council, at Kilmarnock on the 12th day of June 2012

DMitchell

12th June 2012

SCHEDULE 1
LOADING AREA

Column 1

Loading Area

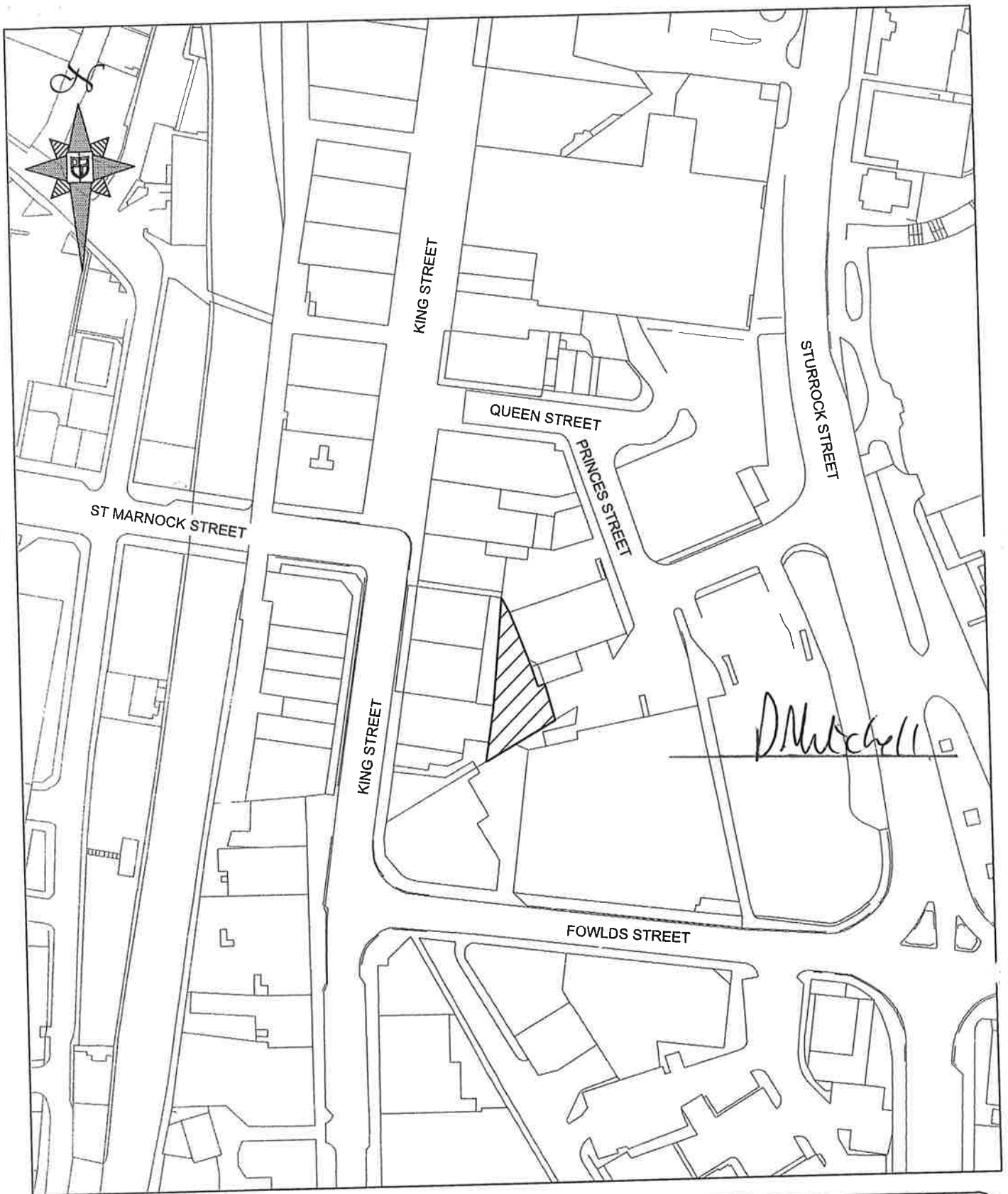
Princes Street, Kilmarnock

Column 2

Description

Situated within the Princes Street Parking Place which is located on the southwest side of Princes Street and shown zebra hatched on Plan no CP16A annexed and signed and sealed as relative hereto





The East Ayrshire Council
 (Princes Street Parking Place, Kilmarnock)
 (Loading Area) (Amendment & Revocation)
 (Consolidation) Order 2012

Scale: 1:1250 Date: 12/06/2012
 Drawing prepared at:
 The Johnnie Walker Bond,
 15 Strand Street, Kilmarnock KA1 1HU

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KEY

 LOADING AREA



East Ayrshire
 COUNCIL

Department of Neighbourhood Services
 ROADS & TRANSPORTATION SERVICES

PLAN REF

CP16A

