

East Lothian Council (Electric Vehicle Charging Bays) Order 2019

TO – 007 / 19

East Lothian Council in exercise of the powers conferred on them by Sections 1(1), 2(1) to (3), 32 (1), 35 (1), 49, 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and of all other enabling powers and after consultation with the Traffic Commissioner and the Chief Constable of Police Scotland in accordance with Part III and V of Schedule 9 to the 1984 Act hereby make the following Order.

Citation

1. This Order may be cited as the “East Lothian Council (Electric Vehicle Charging Bays) Order 2019” and shall come into effect on the xx day of xx Two Thousand and Nineteen.
2. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order,:-

East Lothian Council (Car Club and Electric Vehicle Parking Places) Order 2015 (TO - 253/15)

East Lothian Council (Electric Vehicle Parking Places) Order 2017 (TO - 256/17)

shall be fully revoked.

Interpretation

3. In this Order except where the context otherwise requires the following expressions shall have the meanings hereby assigned to them: -

“**Chief Constable**” means Chief Constable of Police Scotland;

“**Council**” means East Lothian Council;

“**Electric Vehicle**” means an automobile that is powered entirely or partially by electricity and is capable of being charged from an external source;

“**Electric Vehicle Charging Bay**” means an area on a road designated as a charging bay by Article 3(b) of this Order, the limits of which are indicated by means of markings in accordance with diagram 1028.3, 1028.4, 1032 or 1033 of Schedule 6 to the Traffic Signs Regulations and General Directions 2016;

“**Electric Vehicle Charging Point**” means a purpose built apparatus designed specifically for the charging of an Electric Vehicle;

“**Period**” means maximum period or length of time for which a person is permitted to leave a vehicle in an Electric Vehicle Charging Bay;

“**Schedule**” means the Schedule to this Order;

“**Traffic Sign**” means a sign of any size, colour and type, prescribed or authorised under or having effect as though prescribed or authorised under section 64 of the 1984 Act;

“**Parking Attendant**” has the same meaning as in Section 63A of the 1984 Act.

Authorisation and Use

4. Subject to the provisions of this Order each area of road specified in Schedule I is authorised to be used and is hereinafter referred to as a charging bay for Electric Vehicles as defined in Article 3 of this Order and as such will be available for 24 hours per day on all days of the week.

Situation of Charging Bays

5. The situation of Electric Vehicle Charging Bays shall be as determined by the Council.

Placing of Traffic Signs, Electric Vehicle Charging Points, etc.

6. The Council shall: -
 - (a) cause the limits of each charging bay to be indicated by the appropriate traffic signs and/or road markings;
 - (b) place and maintain on or in the vicinity of each charging bay appropriate traffic signs or notices indicating that such Electric Vehicle Charging Bays may be used for the leaving only of an Electric Vehicle, or the restrictions under which a Non-Electric Vehicle can use the facilities;
 - (c) install in such position at or in the vicinity of a charging bay as they may think fit, such Electric Vehicle Charging Points as are required by this Order for the purposes of that charging bay; and
 - (d) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of each charging bay.

Permitted Classes and Maximum Waiting Periods

7. Subject to Article 17 of this Order, no person shall cause or permit a vehicle to wait in an Electric Vehicle Charging Bay **unless** it is of a class specified in Article 4 of this Order and the Electric Vehicle is connected by a charging lead to an Electric Vehicle Charging Point.
8. Subject to Article 17 of this Order, no person shall cause or permit a vehicle to wait in an Electric Vehicle Charging Bay for a period longer than what is specified in Schedule II.

Interval before Electric Vehicle may be again be left

9. No Electric Vehicle which has been taken away from a charging bay after waiting thereon shall, until the expiration of ninety minutes from the time it was taken away, again be left in that charging bay.

Position which vehicle may wait

10. Every vehicle left in a charging bay shall wait entirely within the limits of a charging bay.

Alteration of Position of Vehicle in a Charging Bay

11. Where a vehicle is standing in an Electric Vehicle Charging Bay in contravention of the provisions of Article 9 a Parking Attendant or Police Constable in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of Vehicle from an Electric Vehicle Charging Bay

12. Where a Parking Attendant or a Police Constable in uniform is of the opinion that any of the provisions contained in Articles 4, 7, 8, 9, 10, 15 and 16 of this Order have been contravened or not complied with in respect of a vehicle left in a charging bay they may remove the vehicle from the charging bay or cause it to be removed and where it is so removed shall provide for the safe custody of the vehicle.

Movement of Vehicle in Charging Bay in an Emergency

13. A Parking Attendant or Police Constable in uniform may move or cause to be moved, in case of emergency to any place they think fit, any vehicle left in a charging bay.

Manner of Moving Vehicle

14. Any person removing or altering the position of a vehicle by virtue of Articles 11, 12 or 13 may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it or alter its position, as the case may be.

Power to Suspend Use of Charging Bay

15. (a) A Parking Attendant or Police Constable in uniform may suspend the use of a charging bay or any part thereof whenever and for such period as he may consider reasonably necessary: -
- (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any road works, building operations, demolition or excavation or for the construction, maintenance, repair or removal of any sewer or any main, pipe, cable or apparatus, traffic sign or Electric Vehicle Charging Point within or adjacent to the charging bay;
 - (iii) for the provision of special parking facilities at times of exhibitions or conferences or other special occasions;
- (b) Any person suspending the use of a charging bay or any part or parts thereof in accordance with the provisions of paragraph (1) above shall place or cause to be placed in or adjacent to that charging bay or the relevant part or parts thereof a traffic sign or traffic signs indicating that waiting is prohibited;
- (c) No person shall cause or permit a vehicle to be left in any part of a charging bay during such period as there is in or adjacent to that part of the charging bay a traffic sign placed in pursuance of the immediately preceding paragraph: PROVIDED that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any other vehicle to be left if that vehicle is left with the permission of that person suspending the use of the charging bay or part thereof in pursuance of paragraph (1) above.

Restriction of Use of Vehicles in Charging Bays

16. No person shall use a vehicle or permit a vehicle to stand in a charging bay: -
- (a) In connection with the sale of the vehicle;
 - (b) In connection with the sale of any article from the vehicle except where the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected, or
 - (c) In connection with the selling or offering for hire of skill or services;

Exemptions for Vehicles waiting in Charging Bays

17. Notwithstanding the restriction imposed by Article 7 of this Order, any person may cause a vehicle to wait at any time anywhere in a charging bay, other than a charging bay or part of a charging bay the use of which has been suspended, if: -

- (a) the vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his control or such waiting being necessary in order to avoid an accident;
- (b) the vehicle is a vehicle used for fire brigade purposes or an ambulance or a vehicle in the service of the local authority or a vehicle in the service of a police force provided that the vehicle is being used in pursuance of statutory powers or duties;
- (c) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (d) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used: -
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any road works, building operations, demolition or excavation or excavation for the construction, maintenance, repair or removal of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or for any telecommunication apparatus, traffic sign within or adjacent to the charging bay.

18. Given under the seal of East Lothian Council this xx day of xx Two Thousand and Nineteen.

Authorised Signatory
East Lothian Council
John Muir House
Haddington

East Lothian Council (Electric Vehicle Charging Bays) Order 2019

SCHEDULE I

Town Name	Site Name	No of Bays
Aberlady	Rig Street	4
Cockenzie - Port Seton	Port Seton Community Centre	2
Dirleton	Castle Car Park	2
Dunbar	Bleachingfield Centre	2
Dunbar	Abbeylands Car Park, High Street	4
Dunbar	Westgate (Rapid)	2
Dunbar	Westgate (Fast)	2
East Linton	Station Road (Rapid)	2
East Linton	Station Road (Fast)	2
Haddington	John Muir House Reception	2
Haddington	John Muir House Block A	2
Haddington	Long Stay Car Park	4
Haddington	John Muir House Electric Car Park	3
Haddington	John Muir House Electric Car Park (Car Club)	6
Haddington	Enjoy Leisure, Aubigny Sports Centre, Mill Wynd	2
Humbie	Humbie Hub	2
Macmerry	Randall House	2
Macmerry	Penston House	5
Macmerry	Penston House (Car Club)	4
Musselburgh	Fisherrow Car Park, Fisherrow	4
Musselburgh	Enjoy Leisure, Musselburgh Sports Centre, Newbigging	2
Musselburgh	Shorthope Street Car Park (Rapid)	2
Musselburgh	Shorthope Street Car Park (Fast)	2
Musselburgh	Gracefield Car Park	4
Musselburgh	Eskside East	2
North Berwick	Enjoy Leisure, North Berwick Sports Centre, Grange Road	2
North Berwick	Imperial Car Park, Quality Street (Rapid)	2
North Berwick	Imperial Car Park, Quality Street (Fast)	2
Prestonpans	Hawthorn Road	2
Prestonpans	High Street	2
Stenton	Church Car Park	2
Tranent	Loch Road Car Park, Loch Road	4
Tranent	Lindores Drive Car Park	2
Tranent	Enjoy Leisure, Loch Centre, Loch Road	2
Wallyford	Park and Choose (Rapid)	2
Wallyford	Park and Choose (Fast)	4
West Barns	Springfield	2

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SCHEDULE II

Town Name	Site Name	Max stay (Minutes)
Aberlady	Rig Street	240
Cockenzie - Port Seton	Port Seton Community Centre	45
Dirleton	Castle Car Park	240
Dunbar	Bleachingfield Centre	240
Dunbar	Abbeylands Car Park, High Street	240
Dunbar	Westgate (Rapid)	45
Dunbar	Westgate (Fast)	240
East Linton	Station Road (Rapid)	45
East Linton	Station Road (Fast)	240
Haddington	John Muir House Reception	45
Haddington	John Muir House Block A	240
Haddington	Long Stay Car Park	No restriction
Haddington	John Muir House Electric Car Park	240
Haddington	John Muir House Electric Car Park (Car Club)	No restriction
Haddington	Enjoy Leisure, Aubigny Sports Centre, Mill Wynd	45
Humbie	Humbie Hub	240
Macmerry	Randall House	240
Macmerry	Penston House	240
Macmerry	Penston House (Car Club)	No restriction
Musselburgh	Fisherrow Car Park, Fisherrow	240
Musselburgh	Enjoy Leisure, Musselburgh Sports Centre, Newbigging	45
Musselburgh	Shorthope Street Car Park (Rapid)	45
Musselburgh	Shorthope Street Car Park (Fast)	240
Musselburgh	Gracefield Car Park	240
Musselburgh	Eskside East	240
North Berwick	Enjoy Leisure, North Berwick Sports Centre, Grange Road	45
North Berwick	Imperial Car Park, Quality Street (Rapid)	45
North Berwick	Imperial Car Park, Quality Street (Fast)	240
Prestonpans	Hawthorn Road	45
Prestonpans	High Street	240
Stenton	Church Car Park	240
Tranent	Loch Road Car Park, Loch Road	240
Tranent	Lindores Drive Car Park	45
Tranent	Enjoy Leisure, Loch Centre, Loch Road	45
Wallyford	Park and Choose	No restriction
West Barns	Springfield	240

ORDER 007/19

EAST LoTHIAN COUNCIL
ROAD TRAFFIC REGULATION ACT 1984

2019

Subjects: Electric Vehicle Charging Bays

EAST LoTHIAN COUNCIL
JOHN MuIR HOUSE
HADDINGTON

