

THE FIFE COUNCIL (OFF-STREET PARKING PLACES) CONSOLIDATION ORDER 2013

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THE FIFE COUNCIL (OFF-STREET PARKING PLACES) (CONSOLIDATION) ORDER 2013

The Fife Council ("the Council"), in exercise of the powers conferred on them by sections 32 and 35 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers, and after consultation with the chief officer of police for the Council's area in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

Part 1 - Citation, Commencement and Extent

1. This Order may be cited as "The Fife Council (Off-Street Parking Places) (Consolidation) Order 2013" and shall come into force on the 29th day of April 2013.
2. This Order applies to the off-street parking places specified in columns 2 and 3 and depicted on the drawings specified in column 4 of Schedules 1 and 2 to this Order.

Part 2 - Interpretation

3. (1) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (2) References in this Order to a disabled person, to a disabled person's badge and to a vehicle displaying a disabled person's badge in the relevant position shall be construed in accordance with the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002.
- (3) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"Article" means an article of this Order;

"caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer);

"charging hours", in relation to a metered parking place, means such hours on such days as are specified in columns 5 and 6 of Schedule 2 to this Order;

"charging period", in relation to a metered parking place, means any period specified in column 7 of Schedule 2 to this Order;

"coach" means a public service vehicle provided that it is not being operated as a Local Service as defined in the Transport Act 1985;

"disabled vehicle bay" means a parking bay which has been marked as intended for the exclusive use of a vehicle displaying a disabled person's badge.

"driver" in relation to a vehicle, means the person authorised by the owner to drive the vehicle and, for the avoidance of doubt, includes the owner of the vehicle;

"electronic communications network" has the same meaning as in section 32 of the Communications Act 2003;

"goods vehicle" means a motor vehicle which is constructed or adapted for use for the carriage of goods of any description;

"hand-held device" means a wireless hand-held computer used by a parking attendant which is programmed to interface with the remote payment parking system;

"heavy goods vehicle" means any goods vehicle which has an operating weight exceeding 7.5 tonnes (as the term "operating weight" is defined in section 138 of the 1984 Act);

"invalid carriage" has the same meaning as in section 136 of the 1984 Act;

"metered parking place" means a parking place described in Schedule 2 to this Order;

"motorcycle" has the same meaning as in section 136 of the 1984 Act;

"motor vehicle" has the same meaning as in section 136 of the 1984 Act;

“nearside”, in relation to a vehicle, means the left side of the vehicle viewed from the perspective of the driver sitting in the vehicle facing forwards;

“owner”, in relation to a vehicle, means the registered keeper of the vehicle; or

“parking attendant” has the same meaning as in section 63A of the 1984 Act;

“parking bay” means an individual, separately marked space provided for the leaving of a single vehicle in a parking place or part thereof;

“parking charge”, in relation to a metered parking place, means any charge specified in column 8 of Schedule 2 to this Order;

“parking meter” has the same meaning as in section 46(2) of the 1984 Act, being apparatus of a type approved by the Scottish Ministers for the purposes of this Order;

“parking place” means a parking place to which this Order applies;

“passenger vehicle” means a motor vehicle constructed or adapted solely for the carriage of not more than 12 passengers (exclusive of the driver);

“remote payment parking system” means a system to facilitate and monitor the payment of parking charges using telephone or internet enabled devices via communication with the service provider, in accordance with the instructions indicated on signs located at or in the vicinity of parking places;

“residents’ parking permit” means a permit issued by the Council under Part 5 of The Fife Council (Waiting and Loading Restrictions and On-Street Parking Places) Consolidation Order 2013;

“Schedule” means a schedule to this Order;

“season ticket” means a ticket issued by the Council under Part 5 of this Order;

“service provider” means the company authorised and appointed by the Council to operate, administer and maintain the process for payment of the parking charge using the remote payment parking system;

“ticket” means a ticket issued by a parking meter installed at a metered parking place described in Schedule 2 of this Order;

“trailer” has the same meaning as in section 136 of the 1984 Act.

Part 3 - Designation and Use of Parking Places

4. (1) Each parking place described in columns 2 to 4 of Schedules 1 and 2 is hereby designated as a parking place only for the leaving of such vehicles as are passenger vehicles and goods vehicles.
 - (2) Notwithstanding the restriction contained in the foregoing paragraph, parking places may be used for the leaving of coaches and heavy goods vehicles where dedicated bays are provided for them, such exemption being indicated in column 11 of Schedules 1 and 2.
 - (3) Each disabled vehicle bay within the parking places described in Schedules 1 and 2 may be used only for the leaving of such vehicles as display a disabled person's badge in the relevant position.
 - (4) Every vehicle which is left in a parking place described in Schedules 1 and 2 shall stand so that every part of the vehicle is within the limits of a parking bay.
5. The restrictions contained in Article 4 shall not apply to:-
 - (1) any vehicle while it is being used for fire and rescue, ambulance or police purposes, if the observance of that Article would be likely to hinder the use of the vehicle for such purposes;
 - (2) any vehicle, not being a passenger vehicle, while being used for the purpose of carrying out on behalf of the Council any works of maintenance, improvement or reconstruction of the parking place.

6. (1) No person shall use any vehicle in a parking place or permit any vehicle to stand in a parking place:-
 - (a) in connection with the sale of the vehicle;
 - (b) in connection with the sale of any article;
 - (c) in connection with the selling or offering for hire or reward of any skill or service;
 - (d) for the purpose of being cleaned or washed;
 - (e) for the carrying out of repairs thereto, except to secure its immediate removal.
- (2) No person shall use any parking place for the leaving of caravans or trailers without the permission of a person duly authorised by the Council to give such permission.
7. (1) Any person duly authorised by the Council may suspend the use of a parking place in whole or in part whenever such suspension is considered reasonably necessary:-
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of facilitating any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent thereto of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any apparatus comprised in an electronic communications network or of any traffic sign or parking meter;
 - (c) for the provision of special parking facilities at times of exhibitions, conferences or other special occasions.
- (2) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of the foregoing paragraph shall place or cause to be placed in or adjacent to that parking place or the relevant part thereof a sign or signs indicating that such use is prohibited.
- (3) No person shall cause or permit a vehicle to be left in any parking place or part thereof the use of which is suspended, provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire and rescue,

ambulance or police purposes to be so left, or any other vehicle to be so left if that vehicle is left with the permission of:-

- (a) the person suspending the use of the parking place or part thereof; or
- (b) a police constable in uniform.

Part 4 - Metered Parking

- 8. (1) Where a maximum length of stay in relation to a metered parking place is specified in column 9 of Schedule 2, no person shall, except upon the direction or with the permission of a parking attendant, cause or permit any vehicle to wait in that parking place during the charging hours for a period longer than that specified in column 9 of that Schedule.
- (2) No vehicle which has been taken away from a metered parking place during the charging hours shall, until the expiration of the period (if any) specified in column 10 of Schedule 2, be left again in the same parking place during the charging hours.
- 9. (1) A parking charge will be payable for a vehicle left in any metered parking place described in Schedule 2 during the charging hours relating to that parking place.
- (2) The charging hours relating to each metered parking place shall be as specified in columns 5 and 6 of Schedule 2.
- (3) The charging periods for each metered parking place, for which payment of a parking charge must be made, shall be as specified in column 7 of Schedule 2.
- (4) The parking charges in respect of the charging periods for each metered parking place shall be as specified in column 8 of Schedule 2.
- (5) The parking charges payable in relation to any metered parking place may be varied from time to time by the Council.
- 10. (1) On leaving a vehicle in a metered parking place during the charging hours the driver of the vehicle shall make payment of the appropriate parking charge by:

- (a) inserting in a parking meter relating to that parking place a coin or coins of the denominations listed on the parking meter as valid for use in that parking place to the value required to meet the parking charge and displaying on the vehicle in the manner provided in the following Article the ticket issued by the parking meter; or
 - (b) using the remote payment parking system (where available) to register such payment; or
 - (c) using any other method of payment as may be authorised by the Council and indicated by instructions on a parking meter relating to that parking place and displaying in the manner provided in the following Article any ticket issued by the parking meter.
- (2) Where a driver has made payment through the remote payment parking system, an indication that payment of the parking charge has been made shall appear on a hand-held device.
11. (1) Tickets shall be displayed on vehicles left in metered parking places as follows:-
- (a) in the case of a vehicle fitted with a front windscreen the ticket shall be displayed facing forwards on the glass of such windscreen or on the side windows of the vehicle behind the glass so that the time shown on the front of said ticket is clearly visible to a person standing at the nearside of the vehicle;
 - (b) in the case of a vehicle not fitted with a front windscreen the ticket shall be displayed on the nearside of the vehicle and not less than 850 millimetres and not more than two metres above the surface of the ground in the immediate vicinity so that the time shown on the front of said ticket is clearly visible to a person standing at the nearside of the vehicle;
 - (c) in the case of a non-adhesive ticket, the ticket shall be displayed facing upwards on the dashboard of the vehicle in a conspicuous position so that the time and date of issue shown on the front of said ticket is clearly visible to a person standing at the nearside of the vehicle.

- (2) Where a ticket has been displayed on a vehicle in accordance with paragraph (1) of this Article, no person not being the driver of the vehicle shall remove the ticket unless authorised to do so by the driver.
12. (1) If at any time while a vehicle is left in a metered parking place during the charging hours no ticket is displayed on the vehicle in accordance with the provisions of the foregoing Article and no indication appears on a hand-held device that the parking charge has been paid, it shall be presumed unless the contrary is proved that the parking charge has not been duly paid in respect of that vehicle.
- (2) The date and time recorded on a ticket displayed on a vehicle left in a metered parking place shall be presumed, unless the contrary is proved, to be the date and time in respect of which the parking charge was paid.
- (3) The expiry of the charging period for which the parking charge has been paid at a parking meter shall be indicated by the time indicated on a ticket displayed on the vehicle for which the charge has been paid.
- (4) The period for which the parking charge has been paid at a parking meter shall be deemed to have expired when the time on the clock on the parking meter relating to the parking place in which the vehicle has been left exceeds the time indicated on the ticket displayed on said vehicle.
13. In respect of a vehicle for which payment of a parking charge has been made, additional payment may be made:
- (a) by means of coins inserted into a parking meter when the original payment was made in that way, or
- (b) by means of the remote payment parking system when the original payment was made in that way, or
- (c) by means of any other authorised method of payment used for making the original payment;

provided that the maximum length of stay (if any) for the parking place in question, as specified in column 9 of Schedule 2, is not exceeded.

14. (1) The provisions of Article 9 shall not apply if at the time when a vehicle is first left in a metered parking place during the charging hours there are on all of the parking meters relating to that parking place notices placed by any person duly authorised by the Council indicating that the parking meters are out of order. If the vehicle is left for longer than the maximum length of stay (if any) permitted within that parking place, the parking charge shall be deemed to have been incurred and paid at the time when the vehicle was first left in the parking place and all the provisions of this Order shall apply accordingly.
- (2) The provisions of Articles 8 and 9 of this Order shall not apply in respect of the following vehicles left in any metered parking place described in Schedule 2:-
- (a) any vehicle while it is being used for fire and rescue, ambulance or police purposes, if the observance of those Articles would be likely to hinder the use of the vehicle for such purposes;
 - (b) any vehicle, not being a passenger vehicle, while being used for the purpose of carrying out on behalf of the Council any works of maintenance, improvement or reconstruction of the parking place;
 - (c) any vehicle on which is displayed, in the relevant position, a disabled person's badge;
 - (d) any vehicle on which is displayed, at the front or nearside of the vehicle, the appropriate badge approved by the General Medical Council, such vehicle having been left by the driver thereof who is a general medical practitioner while visiting patients on professional calls;
 - (e) any motorcycle provided that the motorcycle is left in a bay which has been designated by the lettering "M/C" as intended for the exclusive use of motorcycles;
 - (f) any coach or heavy goods vehicle permitted to use a parking place by virtue of paragraph (2) of Article 4 of this Order;

- (g) any vehicle on which is displayed, at the front or nearside of the vehicle so as to be clearly visible from the front or nearside of the vehicle, a valid Season Ticket issued under Part 5 of this Order, where exemption for such vehicles is indicated in column 11 of Schedule 2;
- (h) any vehicle on which is displayed, at the front or nearside of the vehicle so as to be clearly visible from the front or nearside of the vehicle, a valid residents' parking permit issued under Part 5 of The Fife Council (Waiting and Loading Restrictions and On-Street Parking Places) Consolidation Order 2013, where exemption for such vehicles is indicated in column 11 of Schedule 2.

Part 5 - Season Tickets

15. (1) The Council may issue season tickets for use in off-street parking places in its area and may provide by this or any other Order for the exemption of vehicles displaying season tickets from relevant waiting restrictions and parking charges.
- (2) The parking places in respect of which season tickets are issued, the periods for which they are issued and the charges therefor shall be as determined by the Council and may be varied by the Council from time to time.
- (3) Application for a season ticket shall be made on a form supplied by the Council for the purpose and shall be submitted to the Council at the address specified on the form accompanied by payment of the appropriate charge.
- (4) The Council shall be entitled to refuse to issue a season ticket to an applicant who has previously been in possession of a season ticket which has been altered in any way.
- (5) A season ticket shall be in such form as the Council may from time to time determine and may include the following particulars -
- (i) the name of the Council,
 - (ii) words signifying that it is a season ticket for use in a particular parking place or a general class of parking places,
 - (iii) an identifying number,
 - (iv) the expiry date of the season ticket,
 - (v) the registration mark of the vehicle to which the season ticket relates.

16. (1) The Council shall maintain a register of all season tickets issued by them under this Part of this Order and the terms of such register shall be conclusive as to the validity of any season ticket.
- (2) Any vehicle to which a valid season ticket relates may be left at any time in any parking place in respect of which it has been issued, provided that the season ticket is displayed at the front or nearside of the vehicle so as to be clearly visible from the front or nearside of the vehicle.
- (3) Where a vehicle to which a valid season ticket relates is left in any parking place for which the season ticket has been issued, only the display of the original, unaltered season ticket shall indicate that the vehicle may be left in that parking place.
- (4) A season ticket shall cease to be valid following its expiry date or on the occurrence of any of the following events –
 - (i) the holder ceasing to be the keeper of the vehicle to which it relates;
 - (ii) should the season ticket be altered, defaced or damaged to the extent that any of the information or details thereon has become illegible.
- (5) The holder of a season ticket shall be obliged to surrender it on request by the Council if any of the events specified in the foregoing paragraph has occurred.

Part 6 – General

17. The Council shall place and maintain such equipment, signs and markings as are required to give effect to the provisions of this Order and, without prejudice to the generality of the foregoing, shall:
 - (a) install and maintain in such positions as they think fit in the vicinity of each metered parking place such parking meters as may be required;
 - (b) cause the limits of parking bays within each parking place to be marked on the ground;
 - (c) place and maintain in the vicinity of each parking place appropriate signs indicating the restrictions applying to that parking place; and

- (d) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of any parking place.
18. For the avoidance of doubt, anything done with the permission or at the direction of a police constable in uniform shall not constitute a contravention of this Order.
19. (1) Where a person duly authorised in that behalf by the Council is of the opinion that any of the provisions contained in this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove the vehicle from that parking place or cause it to be so removed and when it is so removed shall provide for the safe custody of the vehicle.
- (2) A person duly authorised in that behalf by the Council may move or cause to be moved, in case of emergency or urgency, to any place he thinks fit any vehicle left in a parking place.

Part 7 - Revocations

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

Dated this 8th day of April 2013.

Jane E. Donaldson

Proper Officer of the Council.