



**SOUTH AYRSHIRE COUNCIL**

**(Harbour Road and Turnberry Road, Maidens)**

**(Waiting Restrictions)**

**Order 2017**

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

**Statement of Reasons**

**SOUTH AYRSHIRE COUNCIL  
(Harbour Road and Turnberry Road, Maidens)  
(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).

**Order**



**SOUTH AYRSHIRE COUNCIL**

**(Harbour Road and Turnberry Road, Maidens)**

**(Waiting Restrictions)**

**Order 2017**

South Ayrshire Council, in exercise of the powers conferred on them by Sections 1(1), 2(1), 2(2), 4, 5, 99, 101, 102 and part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended, and the Road Traffic Act 1991, as amended, 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 1984 Act hereby make the following Order—

*Citation and commencement*

1. This Order may be cited as "South Ayrshire Council (Harbour Road and Turnberry Road, Maidens) (Waiting Restrictions) Order 2017" and shall come into operation on Monday 1<sup>st</sup> May 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 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. 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.
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 and plan annexed to this Order.

6. Nothing in Article 5 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, Ambulance and HM Coastguard 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 the vehicle is standing at the kerb 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;
  - (vii) to enable the vehicle to be used in connection with wedding or funeral operations.
- (b) apply to a licensed taxi waiting in a taxi stance situated in any road specified in that Article during any period for which that stance as such designated by the Council under the Civic Government (Scotland) Act 1982.

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 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 if 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.

Subscribed for and on behalf of South Ayrshire Council by Karen Boyd Briggs, Legal and Licensing Manager and Authorised Signatory to the Council, at Ayr on the Ninth day of March 2017, as follows:-

Signature:  ..... Dated: 9.3.17.....

Witness signature:  ..... Dated: 9.3.17.....

Witness name: WYNNE STEWART CARLAW

Place: Ayr.....



## SCHEDULE

### NO WAITING AT ANY TIME

#### Length of Road in South Ayrshire Council Area within the Village of Maidens

#### Side of Road to which Restriction applies

#### Harbour Road

- |  |                |
|--|----------------|
| 1. From the extended west kerb line of Turnberry Road westwards and north for a distance of 355 metres.                  | North and East |
| 2. From the extended west kerb line of Turnberry Road westwards for a distance of 45 metres.                             | South          |
| 3. From a point 209 metres west of the extended west kerb line of Turnberry Road westwards for a distance of 12 metres.  | South          |
| 4. From a point 278 metres west of the extended west kerb line of Turnberry Road northwards for a distance of 57 metres. | West           |

#### Turnberry Road

- |   |      |
|---|------|
| 1. From the a point 12 metres north of the extended north kerb line of Harbour Road southwards to a point 12 metres south of the extended south kerbline of harbour Road. | West |
|---|------|

*This is the Schedule referred to in the foregoing South Ayrshire Council (Harbour Road and Turnberry Road, Maidens) (Waiting Restrictions) Order 2017*

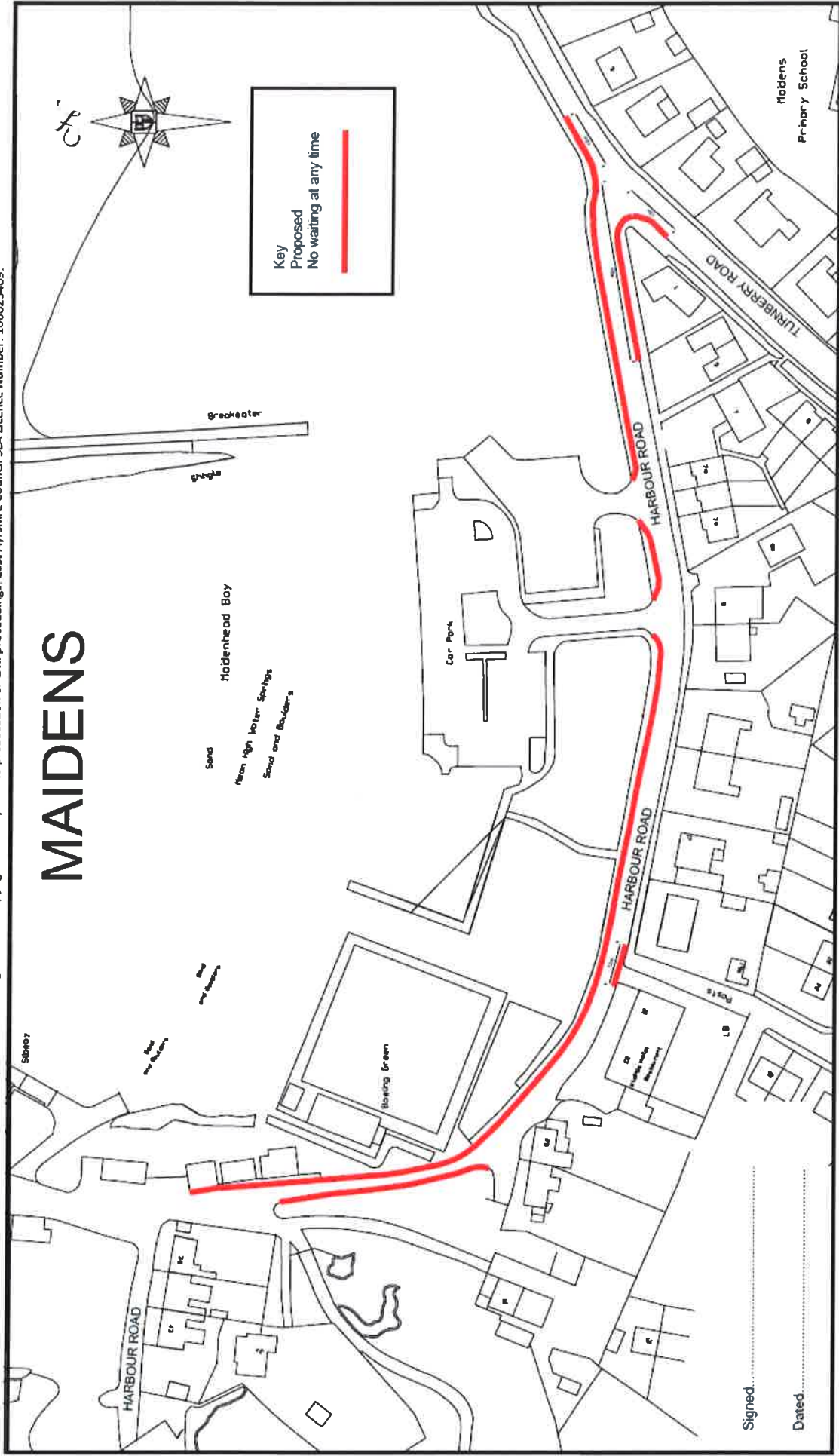


**This is the Plan referred to in the foregoing SOUTH AYRSHIRE COUNCIL  
(HARBOUR ROAD AND TURNBERRY ROAD, MAIDENS) (WAITING RESTRICTIONS) ORDER 2017**

*Event Signage*

**ARA-EAC 2017 Order No. TRO263**

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Signed.....  
Dated.....



Enquires to -  
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The Johnnie Walker Bond,  
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