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**SOUTH AYRSHIRE COUNCIL**

**(Ayr Grammar Primary School, Ayr)  
(Waiting and Loading Restrictions)**

**Order 2017**

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

**Statement of Reasons**

**SOUTH AYRSHIRE COUNCIL**  
**(Ayr Grammar Primary School, Ayr)**  
**(Waiting and Loading Restrictions)**  
**Order 2017**

Statement of Reasons for making the above Order.

It is considered necessary to make the above Order to introduce parking restrictions "to facilitate the safe passage of pedestrians and vehicles", in the vicinity of Ayr Grammar Primary school at the start and end of the school day.

Lesley Bloomer  
Executive Director of Economy  
Neighbourhood and Environment  
South Ayrshire Council  
County Buildings  
Ayr  
KA7 1DR

## Order



### **SOUTH AYRSHIRE COUNCIL**

#### **(Ayr Grammar Primary School, Ayr) (Waiting and Loading Restrictions)**

#### **Order 2017**

South Ayrshire Council, in exercise of the powers conferred on it by Sections 1(1), 2(1) to (3), 3, 4, 99, 101, 102 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 as amended, and the Road Traffic Act 1991, the Road Traffic (Permitted Parking Area and Special Parking Area) (South Ayrshire Council) Designation Order 2012 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 Act, hereby makes the following Order:-

#### *Citation and commencement*

1. This Order may be cited as the "South Ayrshire Council (Ayr Grammar Primary School, Ayr) (Waiting and Loading Restrictions) Order 2017", and shall come into operation on Thursday 1<sup>st</sup> June 2017.

#### *Interpretation*

2. In this Order unless the context otherwise requires the following expressions have the meanings hereby assigned to them:

"council" means South Ayrshire Council;

"emergency service vehicle" means a vehicle being used by the Police, Fire Rescue or Ambulance Services;

"local authority" means the South Ayrshire Council;

"local roads authority" means the South Ayrshire Council;

"motor cycle" has the same meaning as in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986 as originally enacted;

"owner" in relation to a vehicle, has the same meaning as Section 111(3), (4) and 142(1) of the 1984 Act;

"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 Act of 1991;

"penalty charge notice" means a notice issued or served by a parking attendant pursuant to the provisions of Section 63 and 66 of the Act of 1991;

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

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

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

"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.

***No Waiting or Loading 8.30am to 9.15am, 2.45pm to 3.30pm, Monday to Friday***

5. Save as provided in Article 6 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 between the hours of 8.30am to 9.15am, 2.45pm to 3.30pm, Monday to Friday, in any of the lengths of roads specified in Schedule 1 to this Order.
6. Nothing in Articles 5 of this Order shall:
  - a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in those Articles -
    - (i) 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 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 communication apparatus as defined in the Communications Act 2003.

- (ii) 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 brigade and ambulance purposes;
  - (iii) 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;
  - (iv) if the vehicle is in the service of, or employed by, a universal postal service 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 being unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
  - (v) for the purposes 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;
  - (vi) 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 stopped 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;

#### *Alteration of Position of a Vehicle.*

7. Where any vehicle is standing in contravention of the provisions of Articles 5 or 6 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.*

8. 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 Articles 5 or 6 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*

9. Any person duly authorised by the Council, or a police constable in uniform or a parking attendant in uniform, 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*

10. If a vehicle is left in a prohibited or restricted road or parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable. A penalty Charge Notice showing the information required by the appropriate legislation may then be issued by a parking attendant in accordance with the requirements of the legislation or any subsequent applicable legislation or the vehicle may be removed from the location.
11. The particulars given in the penalty charge notice attached to a vehicle in accordance with Article 11 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.
12. Where a penalty charge notice has been attached to a vehicle in accordance with the provisions of Article 11 no person, not being the driver of the vehicle, a parking attendant in uniform, or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.
13. in accordance with Articles 8, 9, or 10 -
  - (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 Act of 1984 as amended shall apply to the disposal of such vehicles removed by or on behalf of the Council pursuant to this Article.


*Abandoned Vehicles*

14. Subject to Article 16, the Council may as respects a vehicle which has been removed from a prohibited or restricted road or parking place in pursuance of Articles 8, 9 or 10, 11 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.
15. 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 15 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.

*Amendments*

16. The Order specified in the Schedule annexed and executed as relative to this Order shall have effect subject to the amendments specified in Schedule 2

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

.....(witness)

EMMA STEVENSON.....(full name)

SOLICITOR.....(designation)

COUNTY BUILDINGS.....(address)  
WELLINGTON SQUARE  
AYR KA7 1DR

.....(signed)

6.4.17.....(date)

**SCHEDULE 1**

**NO WAITING OR LOADING**

**8.30am to 9.15am, 2.45pm to 3.30pm,**

**MONDAY TO FRIDAY**

**Length of Road in Ayr**

**Side of Road to which  
Restriction Applies**

**Bellevue Road**

1. From the west kerbline of Midton Road westwards for a distance of 20 metres or thereby.

Both

**Beresford Terrace**

1. From a point 18 metres south of the extended south kerbline of Bellevue Street southwards to its junction with Carrick Road.

East

2. From a point 18 metres south of the extended south kerbline of Bellevue Street southwards to its junction with Midton Road.

West

**Carrick Road**

1. From its junction with Beresford Terrace southwards for a distance of 52 metres or thereby

East

2. From its junction with Beresford Terrace southwards to the north kerbline of Carrick Road Lane.

West

**Midton Road**

1. From its junction with Carrick Road southwest then southwards for a distance of 151 metres.

East

2. From its junction with Beresford Terrace southwest then southwards for a distance of 151 metres.

West

This is the Schedule 1 referred to in the foregoing Order.





**SCHEDULE 2**

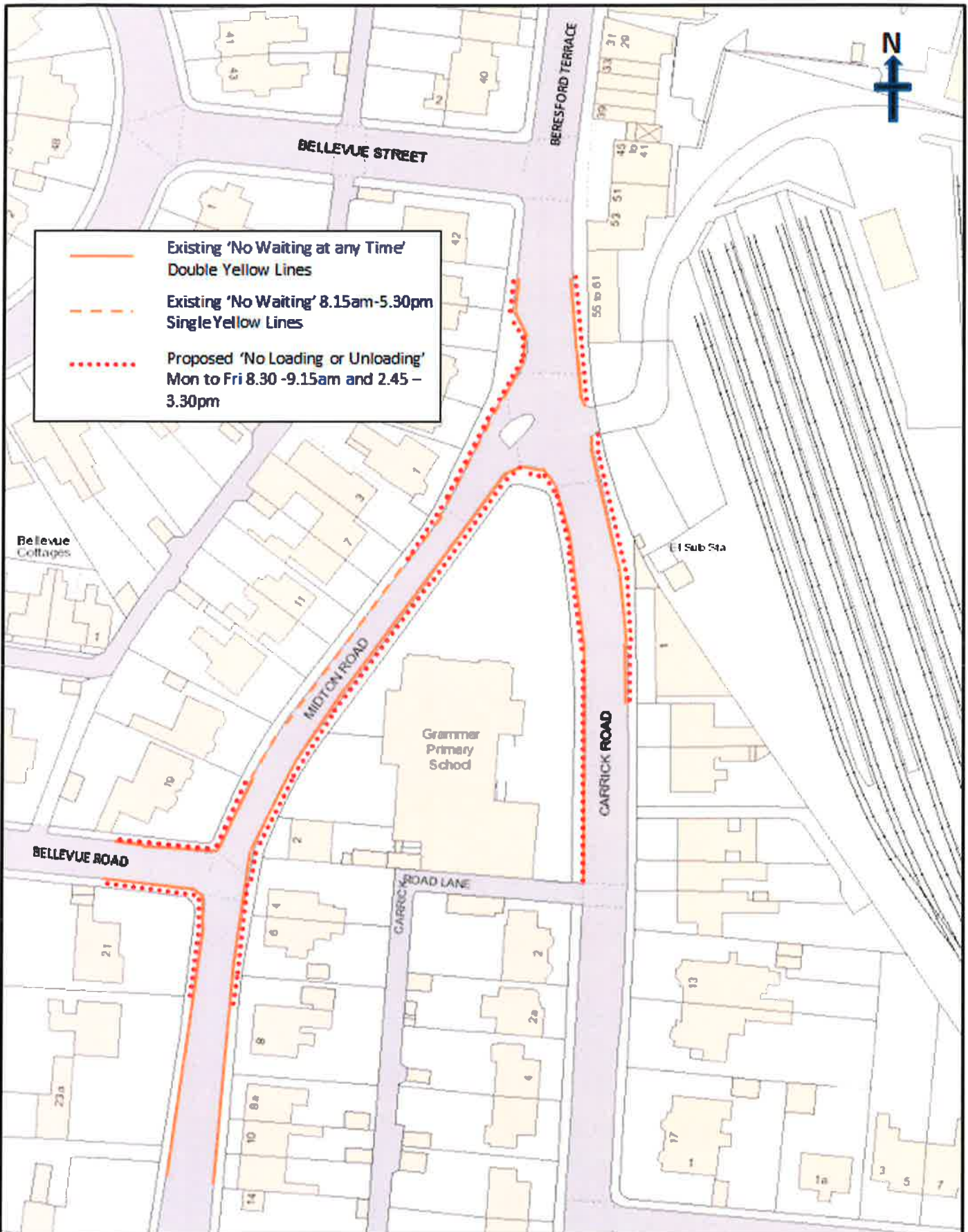
**Order to be Amended**

<b><u>Name of Order to be amended</u></b>	<b><u>Extent of Amendment</u></b>
South Ayrshire Council (Town of Ayr) Waiting Restrictions (Consolidation) Order 2015	<p>In Schedule 16, No Waiting at any Time, under “<b>Midton Road</b>”, Item 1 for the words “From a point 46 metres or thereby southwest of its junction with Carrick Road to a point 151 metres or thereby southwest of its junction with Carrick Road.” There shall be substituted the words with “ From its junction with Beresford terrace to a point 151 metres or thereby southwest of its junction with Carrick Road.”</p> <p>In Schedule 21, No Waiting 8.30am – 5.30pm, Monday to Sunday, in respect of “<b>Midton Road</b>”, item 1 shall be deleted.</p>

This is the Schedule 2 referred to in the foregoing Order.

A handwritten signature in black ink, appearing to be 'Gordon Blair', is written below the text.





- Existing 'No Waiting at any Time'  
Double Yellow Lines
- Existing 'No Waiting' 8.15am-5.30pm  
Single Yellow Lines
- Proposed 'No Loading or Unloading'  
Mon to Fri 8.30 - 9.15am and 2.45 -  
3.30pm



**Ayr Grammar Primary School, Ayr**  
**Waiting and Loading Restrictions Order 2017**

Scale - N.T.S.      Produced By: EK  
Date: 30/03/2017

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This is the plan referred to in the foregoing Order

