



SOUTH AYRSHIRE COUNCIL

(Various Roads, Coylton)

(Waiting Restrictions)

ORDER 2012

Lesley Bloomer
Executive Director of Development
and Environment

Mike Newall
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Burns House
Burns Statue Square
Ayr
KA7 1UT



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Statement of Reasons for Proposing to Make the Above Order

It is considered necessary to make the above Order to enhance road safety.

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South Ayrshire Council, ("the Council"), in exercise of the powers conferred on it by Sections 1(1), 2(1) to (3), 3, 4, 99, 101, 102 and 124 of the Road Traffic Regulation Act 1984 ("the 1984 Act") as amended, and the Road Traffic Act 1991 ("the 1991 Act") and of all other enabling powers, and after consultation with the Chief Constable of Strathclyde Police 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 (Various Roads, Coylton) (Waiting Restrictions) Order 2012", and shall come into operation on 23rd November 2012

Interpretation

2. In this Order the following expressions have the meanings hereby assigned to them:

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

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

"council" means South Ayrshire Council;

"disabled person's badge" has the same meaning as in the Disabled Person's (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2000.

"local authority" means the South Ayrshire Council;

"local roads authority" means the South Ayrshire Council;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. 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 Act of 1991;

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

“parking place” means an area of road within which parking bays are indicated;

“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.

Prohibition of Waiting

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 at any time in any of the lengths of roads specified in the Schedule and plans annexed and executed as relative to this Order.
6. Nothing in Article 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 is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his 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 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 telecommunications apparatus as defined in the Telecommunications Act 1984.
 - (iii) 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;

- (iv) 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;
 - (v) if the vehicle is in the service of, or employed by, a Postal Delivery 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;
 - (vi) 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;
 - (vii) to enable the vehicle to be used in connection with funeral operations or weddings.
- (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 a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

Alteration of Position of a Vehicle

7. 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

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 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

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 uniform or some other

person duly authorised by the Council 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 10 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 10 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. Where a parking attendant has removed or caused to be removed a vehicle 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 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

14. Subject to Article 15, 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, 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 14 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.

This Order together with the Schedules annexed and signed as relative hereto is subscribed for and on behalf of South Ayrshire Council by Karen Boyd Briggs, our Legal and Licensing Manager one of our officers authorised in that respect at Ayr on the Eleventh day of October, Two thousand and twelve before this witness Deborah Anne McVey Legal Services Officer with South Ayrshire Council at County Buildings, Wellington Square, Ayr.

Deborah A. McVey (witness)

KBB
X Karen Boyd Briggs

SCHEDULE

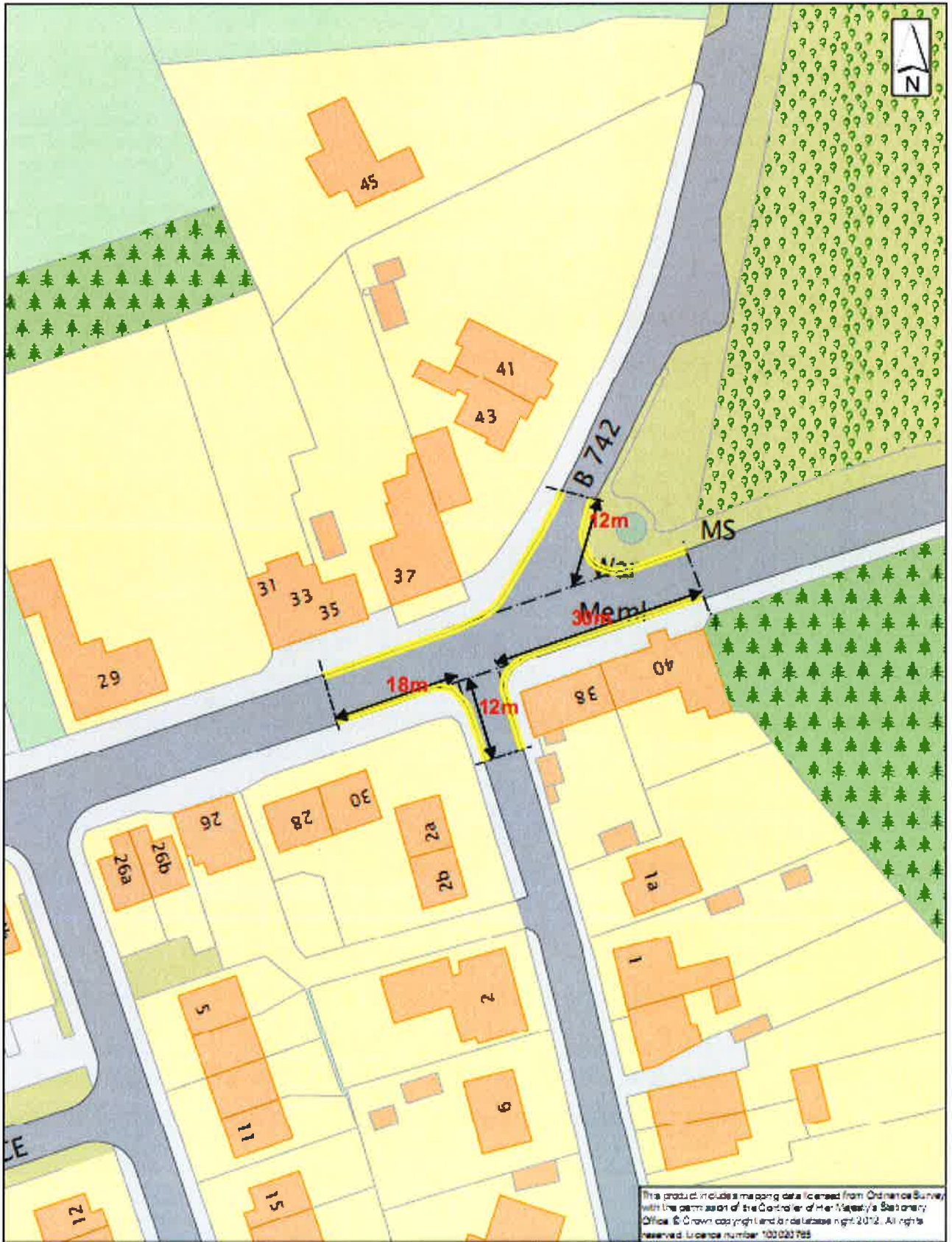
NO WAITING AT ANY TIME

<u>Lengths of Road in South Ayrshire Council</u>	<u>Side of Road to which Restriction Applies</u>
<u>Hillhead, Coylton(A70)</u>	
From a point 18 metres west of the extended west kerbline of Manse Road eastwards to a point 30 metres east of the extended east kerbline of Manse Road. (as shown on Plan "A" annexed and executed as relative hereto)	Both
From a point 18 metres west of the extended west kerbline of B742 Dalrymple Road eastwards to a point 18 metres east of the extended east kerbline of B742 Dalrymple Road. (as shown on Plan "B" annexed and executed as relative hereto)	Both
<u>Manse Road, Coylton</u>	
From its junction with the extended south kerbline of Hillhead southwards for a distance of 12 metres or thereby. (as shown on Plan "A" annexed and executed as relative hereto)	Both
<u>B742 Annbank Road</u>	
From its junction with the extended north kerbline of Hillhead northwards for a distance of 12 metres or thereby. (as shown on Plan "A" annexed and executed as relative hereto)	Both
<u>B742 Dalrymple Road</u>	
From its junction with the extended south kerbline of Hillhead southwards for a distance of 12 metres or thereby. (as shown on Plan "B" annexed and executed as relative hereto)	Both
<u>The Beeches, Coylton</u>	
From the extended north east kerbline of Joppa north eastwards for a distance of 12 metres or thereby. (as shown on Plan "C" annexed and executed as relative hereto)	Both
<u>Joppa, Coylton</u>	
From a point 22 metres west of the extended west kerbline of the Beeches eastward to a point 12 metres east of the extended east kerbline of the Beeches. (as shown on Plan "C" annexed and executed as relative hereto)	Both


This is the Schedule annexed and executed as relative to in the foregoing Order

KBB
X 

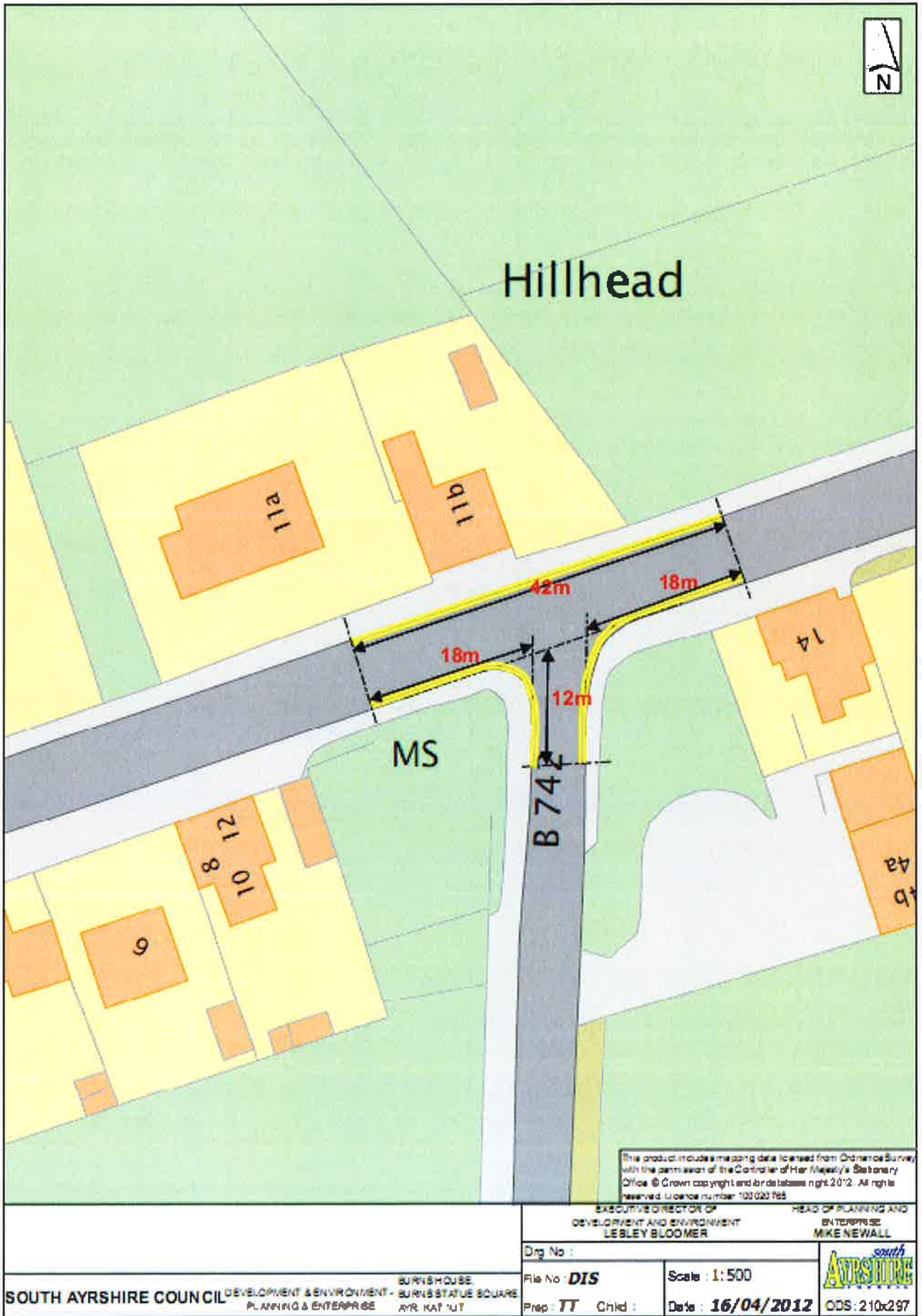
PLAN A



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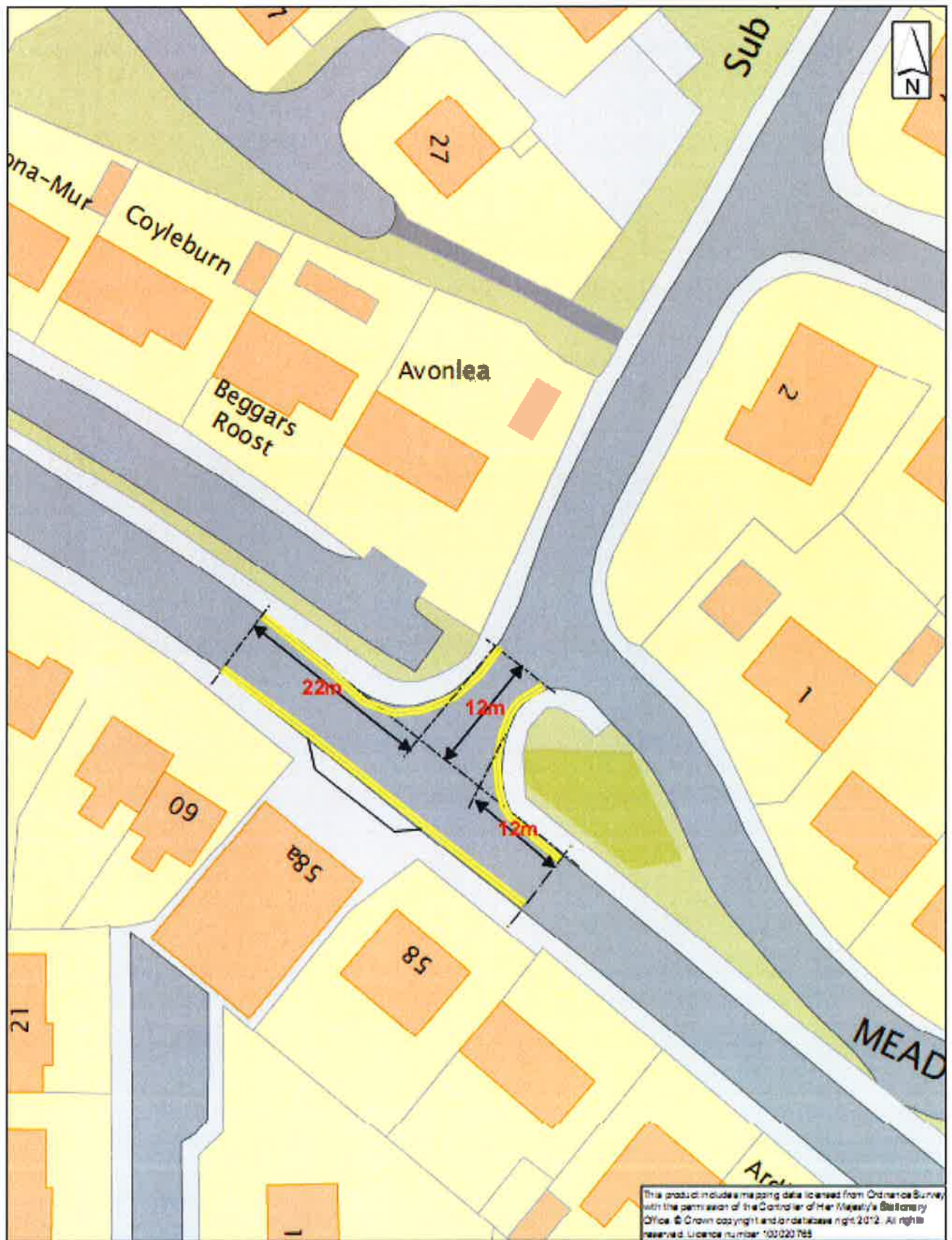
EXECUTIVE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT LESLEY BLOOMER		HEAD OF PLANNING AND ENTERPRISE MIKE NEWALL	
SOUTH AYRSHIRE COUNCIL		Scale: 1:687	 ODS 210x297
DEVELOPMENT & ENVIRONMENT - BURNISSTATUE SQUARE PLANNING & ENTERPRISE - AYR, KAT 1UT		File No: DIS	
BURNIS HOUSE, AYR, KAT 1UT		Prop: TT Child:	Date: 16/04/2012

X *Lesley Bloomer*



X. Gordon

PLAN C



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SOUTH AYRSHIRE COUNCIL DEVELOPMENT & ENVIRONMENT - PLANNING & ENTERPRISE BURNS HOUSE BURNS SQUARE AYR, KY1 1JT	EXECUTIVE DIRECTOR OF DEVELOPMENT AND ENVIRONMENT LESLIE BLOOMER	HEAD OF PLANNING AND ENTERPRISE MIKE NEWELL
	Dig No : File No : DIS Prop: TT Chld :	Scale : 1:500 Date : 16/04/2012

Calvin [Signature]

