

East Ayrshire Council
(The Square, Cumnock) (Pedestrian and Cycle Zone and
Waiting and Loading Restrictions) Order 20__

East Ayrshire Council in exercise of the powers conferred on them by 1(1), 2(1), 2(2), 4, 52, 63A, 99, 101 and 102 of The Road Traffic Regulation Act 1984, as amended, The Road Traffic (Permitted Parking Area and Special Parking Area)(East Ayrshire Council) Designation Order 2012, 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 :-

PART I

GENERAL

Citation and commencement

1. This Order may be cited as “East Ayrshire Council (The Square, Cumnock) (Pedestrian and Cycle Zone and Waiting and Loading Restrictions) Order 201__” and shall come into operation on

Interpretation

2. a) In this Order the following expressions have the meanings hereby assigned to them—

“the 1984 Act” means the Road Traffic Regulation Act 1984;

“Council” means East Ayrshire Council;

“electronic communications apparatus” means—

- (i) any apparatus (within the meaning of the Communications Act 2003) which is designed or adapted for use in connection with the provision of an electronic communications network;
- (ii) any apparatus (within the meaning of that Act) that is designed or adapted for a use which consists of or includes the sending or receiving of communications or other signals that are transmitted by means of an electronic communications network;
- (iii) any line, any conduit, structure, pole or other thing in, on, by or from which any electronic communications apparatus is or may be installed, supported, carried or suspended; and references to the installation of electronic communications apparatus are to be construed accordingly;

“eligible organisation” means a organisation contracted to provide motor vehicles associated with funeral or wedding operations held at Old Cumnock Old Church, The Square, Cumnock.

“eligible organisation vehicle” means a motor vehicle which is regularly used in connection with the operation of an eligible organisation and is insured for such business use;

“motor vehicle” unless the context otherwise requires means a mechanically propelled vehicle intended or adapted for use on roads;

"pedestrian and cycle zone" has the same meaning as in Schedule 1 of The Traffic Signs Regulations and General Directions 2016;

"pedestrian zone permit" means a permit issued by an authorised officer of the Council to indicate that the motor vehicle is permitted to enter the pedestrian zone;

“road” has the same meaning as in Section 151(1) of the Roads (Scotland) Act 1984;

“Schedule” means the Schedule annexed and signed as relative hereto;

"security cash delivery service provider" means a security cash delivery service provider under contract to provide a specialist service in the secure transportation and storage of cash and valuables by means of motor vehicles bearing the livery of that security cash delivery service provider;

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

“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.

- b) A reference in this Order to any enactment is a reference to that enactment as amended by any subsequent enactment or order.
- c) A reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.

PART II

PEDESTRIAN AND CYCLE ZONE

- 3 Save as provided in Article 4, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to be driven at any time so as to enter that length of road within that part of The Square, Cumnock specified in Schedule 1 and as shown on Plan 1 annexed and signed as relative hereto.
- 4 Nothing in Article 3 shall—
- (a) Prevent any person from causing or permitting any motor vehicles to be driven at any time so as to enter that length of road—
 - (i) for so long as may be necessary to enable the motor 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;
 - (ii) to enable the motor 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 and ambulance purposes;
 - (iii) if the motor 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 for postal packets to be collected or delivered to or from adjacent premises or posting boxes;
 - (iv) to enable a motor vehicle bearing the livery of a security cash delivery service provider which, whilst used by a security cash delivery service provider in the course of the secure transportation and storage of cash and valuables to be collected or delivered to or from adjacent premises;
 - (v) the motor vehicle is displaying a valid pedestrian zone permit issued by the Council in accordance with Article 5;
 - (vi) for the purpose of loading or unloading the vehicle whilst the vehicle is not in an obstructive position 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.

PEDESTRIAN ZONE PERMITS

Provision of pedestrian zone permits for eligible organisation vehicles

5. Subject to Articles 6 to 12 inclusive, the Council shall issue a pedestrian zone permit for use by an eligible organisation on their eligible organisation vehicle, subject to the following conditions—
 - (a) the motor vehicle for which the pedestrian zone permit is intended shall be used regularly in direct connection with funeral and wedding operations held at Old Cumnock Old Church;
 - (b) the number of pedestrian zone permits issued to an eligible organisation shall be at the discretion of the Head of Roads and Transportation;
 - (c) the application shall be submitted by the eligible organisation in writing in a manner determined by the Council and shall provide such information as the Council may require in order to verify that the application is valid;
 - (d) for each pedestrian zone permit issued the applicant shall pay a charge as specified in Part I of Schedule 2 for the associated period of validity specified in that Schedule;
 - (e) the applicant shall provide documentation to prove to the Council's satisfaction that the requirements of the foregoing parts of this Article have been met.

Display of pedestrian zone permits

6. A pedestrian zone permit issued by the Council in accordance with Article 5 shall be displayed on the eligible organisation vehicle in a conspicuous position so that the indications on the front of the pedestrian zone permit are clearly visible to a person standing outside the eligible organisation vehicle and at its front nearside.

Information to be included on a pedestrian zone permit

7. A pedestrian zone permit issued by the Council shall carry the following information—
 - (a) the road in which the permit is valid;
 - (b) the name of the eligible organisation;
 - (c) a unique number or other such identifying mark;

- (d) the date upon which the pedestrian zone permit shall expire;
- (e) any other information deemed to be necessary by the Council.

Restrictions on the use of pedestrian zone permits

8. A pedestrian zone permit issued under Article 5 shall—
- (a) be used only on an eligible organisation vehicle for which it was issued;
 - (b) be used only to indicate that the eligible organisation vehicle is permitted to enter the pedestrian zone specified in Schedule 1;
 - (c) not be altered or defaced in any way;
 - (d) remain the property of East Ayrshire Council.

Surrender of pedestrian zone permits

9. An eligible organisation that is in receipt of a pedestrian zone permit may surrender its pedestrian zone permit to the Council at any time and shall receive a refund for the unused complete months on a pro-rata basis, less an administration charge of an amount to be decided by the Council from time to time.

Withdrawal of pedestrian zone permits

10. The Council may, by giving 28 days notice in writing served on the pedestrian zone permit holder at the address shown on the application for the pedestrian zone permit, or at such other address believed to be the eligible organisation's address at the time, withdraw a permit if—
- (a) the organisation ceases to be an eligible organisation for which the pedestrian zone permit is issued upon which the appropriate refund as referred to in Article 9 shall be made by the Council to the pedestrian zone permit holder;
 - (b) the Council issues a duplicate or replacement pedestrian zone permit under the provisions of Article 11.

Applications for duplicate or replacement permits

11. An eligible organisation may make an application for a duplicate or replacement pedestrian zone permit if—
- (a) the original pedestrian zone permit is mutilated or defaced or faded so that the identifying mark as referred to in Article 7 is illegible; or

In the aforementioned case the pedestrian zone permit shall be surrendered to the Council at which time it shall be rendered invalid,

(b) a pedestrian zone permit is lost, stolen or destroyed.

In all cases the duplicate or replacement pedestrian zone permit shall be issued only where the conditions stated in Article 5 (a), (b), (c), and (e) are met and upon the payment of an administration fee of an amount to be decided by the Council from time to time.

Application of Order equally to original and replacement permits

12. The provisions contained in Articles 5 to 11 as they pertain to pedestrian zone permits shall apply equally to duplicate or replacement pedestrian zone permits as to the pedestrian zone permit originally issued.

PART III

WAITING AND LOADING RESTRICTIONS

Prohibition of waiting and loading/unloading

13. Save as provided in Articles 14 and 15, and subject to Articles 16 and 17 no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait at any time in any length of road within that part of The Square, Cumnock specified in Schedule 3.
14. Nothing in Article 13 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 as long as is necessary to enable a person to board or alight from the vehicle;
 - (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 and ambulance purposes;
 - (iv) if 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 whilst the vehicle is not in an obstructive position 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.
15. Notwithstanding anything in Articles 13 and 14, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police constable in uniform or parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

Removal of a vehicle

16. Where a parking attendant in uniform or any person duly authorised by the Council is of the opinion that any of the provisions contained in Articles 13, 14 and 15 have been contravened or have not been complied with in respect of a vehicle left in a length of road described by this Order, they 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

17. A parking attendant in uniform or any 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 vehicle left in any length of road described by this Order.

Sealed with the Common Seal of East Ayrshire Council and subscribed for them and on their behalf by David John Mitchell, Chief Governance Officer to the Council at Kilmarnock on the __ day of _____ 201_

Signed

Dated.....

This is Schedule 1 referred to in the foregoing (The Square, Cumnock) (Pedestrian and Cycle Zone and Waiting and Loading Restrictions) Order 201__.

SCHEDULE 1

PEDESTRIAN ZONE
EXCEPT PEDAL CYCLES AND PERMIT HOLDERS

Lengths of Road in the Area
of East Ayrshire within the
Town of
Cumnock

Plan
Ref

The Square

1. That part of The Square, Cumnock which is bounded on the south and west sides by properties numbers 1 to 26 The Square and on the north and east side by the southern and western kerb lines of The Square (north and east leg) and the western kerb line of Glaisnock Street. 1

This is Schedule 2 referred to in the foregoing (The Square, Cumnock) (Pedestrian and Cycle Zone and Waiting and Loading Restrictions) Order 201__.

SCHEDULE 2

PART II

CHARGES FOR PEDESTRIAN ZONE PERMITS FOR THE SQUARE

In the Area of East Ayrshire within the Town of Cumnock

Annual Charge	-	£ nil. per annum
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Quarterly Charge	-	£ nil. per quarter
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Monthly Charge	-	£ nil. per month
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This is Schedule 3 referred to in the foregoing (The Square, Cumnock) (Pedestrian and Cycle Zone and Waiting and Loading Restrictions) Order 201__.

SCHEDULE 3

NO WAITING AND NO LOADING AT ANY TIME

**Lengths of Road in the Area
of East Ayrshire within the
Town of Cumnock**

*Plan
Ref*

The Square

- | | |
|---|---|
| 1. That part of The Square, Cumnock which is bounded on the south and west sides by properties numbers 1 to 26 The Square and on the north and east side by the southern and western kerb lines of The Square (north and east leg) and the western kerb line of Glaisnock Street. | 1 |
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