

**EAST AYRSHIRE COUNCIL**

**(VARIOUS ROADS WITHIN EAST AYRSHIRE)(DISABLED PERSONS' DESIGNATED PARKING PLACES)(REVOCATION)  
ORDER 202-**

East Ayrshire Council, in exercise of the powers conferred on them by Sections 1(1), 2(1), 2(2), 32, 45, 63A, 99, 101, 102 and Part IV of Schedule 9 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 the “East Ayrshire Council (Various Roads within East Ayrshire)(Disabled Persons’ Designated Parking Places)(Revocation) Order 202-” and shall come into operation on *insert date* 202-.

***Interpretation***

2. In this Order unless the context otherwise requires –

(a) 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;

“disabled person’s badge” means:

- a) a badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (c.44);
- b) a badge issued under a provision of the law of Northern Ireland corresponding to that section, or
- c) a badge issued by any member State other than the United Kingdom for purposes corresponding to the purposes for which badges under that section are issued;

“disabled person’s parking place” means a length of road or parking area which is designated as a disabled person’s parking place by Article 1.

“disabled person’s vehicle” means a vehicle lawfully displaying a disabled person’s badge;

“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;

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

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

“parking place” means areas on roads or parking areas designated as parking places by Article 1 of this Order;

“parking space” means a space in a parking place which is provided for the leaving of a disabled person’s vehicle;

“permitted vehicle” means such vehicles as are displaying a valid disabled person’s badge.

“Schedule” means Schedules 1 and 2 annexed and signed as relative hereto;

“universal service provider” has the meaning given by section 65 of the Postal Services Act 2011;

“universal postal service” has the meaning given by sections 30-33 and section 65(3) of the Postal Services Act 2011;

“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 or Order is a reference to that enactment or order 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**  
**DESIGNATED DISABLED PERSONS' PARKING PLACES**

*Designation of a disabled person's parking place*

1. Each area described in Schedule 1 to this Order is hereby designated as a disabled person's parking place.

*Vehicles for which the use of disabled person's parking places is permitted*

2. Subject to Article 5 each parking place designated in this Order may only be used for the leaving of disabled persons' vehicles displaying a valid disabled person's badge.

*Numbering of disabled persons' parking places*

3. Each disabled person's parking place shall be given a reference number specified in column 2 of Schedule 1, as a means of identifying the disabled persons parking place described opposite that reference number in column 4 of Schedule 1.

*Delineation of parking spaces within a disabled person's parking place*

4. The limits of each parking place designated in this Order and the limits of each parking space in a parking place shall be indicated in accordance with the Traffic Signs Regulations and General Directions 2016.

*Manner of standing in disabled persons' parking spaces*

5. Subject to Article 6, the manner of standing of a permitted vehicle in a parking place shall be:
  - (a) as specified in column 5 of Schedule 1, opposite the description of the parking place in column 4 of the Schedule 1; and
  - (b) such that no parking place is occupied by more than one vehicle and that every part of the vehicle is within the limits of a parking space provided that, where the length of a vehicle precludes compliance with this paragraph, such vehicle shall be deemed to be within the limits of a parking space if—
    - (i) the extreme front portion or, as the case may be, the extreme rear portion of the vehicle is within 300 mm of an indication on the carriageway or parking area provided under Article 4 in relation to the parking space; and
    - (ii) the vehicle, or any part thereof, is not within the limits of any adjoining parking space.

*Alteration of position of a vehicle in a disabled person's parking place*

6. Where any vehicle is standing in a disabled person's parking place 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 from a disabled person's parking place*

7. 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 2 and 5 have been contravened or have not been complied with in respect of a vehicle left in a disabled person's parking place designated by this Order, they may remove the vehicle, or cause the vehicle to be removed, from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

*Movement of a vehicle in a disabled person's parking place in an emergency*

8. A police constable in uniform, 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 a disabled person's parking place.

*Power to suspend a disabled person's parking place*

9. Save as provided in Article 10—
  - (a) Any person duly authorised by the Council may suspend the use of a disabled person's parking place or any part thereof whenever such suspension is considered reasonably necessary—
    - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
    - (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) for the convenience of occupiers of premises adjacent to the parking place on any occasion of 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;

- (iv) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
  - (v) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions.
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- (b) A police constable in uniform may suspend for not longer than twenty four hours the use of a disabled persons parking place or part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
  - (c) Any person suspending the use of a disabled person's parking place or any part thereof in accordance with paragraphs (a) or (b) of this Article shall thereupon place, or cause to be placed, in or adjacent to any part of that parking place the use of which is suspended, a traffic sign in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2016 indicating that waiting by vehicles is prohibited.
  - (d) No person shall cause or permit a vehicle to be left in a parking space during such period as there is in or adjacent to that space a traffic sign placed in pursuance of paragraph (c) of this Article;

*Exception to the suspension of a disabled person's parking place*

10. Nothing in Article 9 shall prevent any person from causing or permitting a vehicle to be used in any suspended disabled person's parking place, or part thereof, so long as—
- (a) 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;
  - (b) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
  - (c) the vehicle is being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of any part of the road in which the disabled person's parking place referred to is located, or the laying, erection, alteration or repair in or near to the said parking place, of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communication apparatus, and the vehicle cannot conveniently be used for such purpose in any other road;
  - (d) 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;
  - (e) the vehicle 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;

provided that in paragraphs (a) and (b) of this Article, the vehicle is left with the permission of the person suspending the use of the parking place or part thereof, a police constable in uniform, or a parking attendant in uniform; or

(f) the vehicle is an emergency service vehicle being used in pursuance of statutory powers and duties.

*Power to dispose of abandoned vehicles*

11. Subject to Article 12, the Council may as respects a vehicle which has been removed from a disabled person’s parking place in pursuance of Article 7, 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.

*Definition of reasonable enquiry*

12. 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 11 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 and 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.

**PART III  
REVOCATION**

*Order to be revoked*

13. The Order specified in Schedule 2 is hereby revoked.

Sealed with the Common Seal of East Ayrshire Council and subscribed for it and on its behalf by David Mitchell, Proper Officer, at Kilmarnock on *insert date* 202-.

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