

**EAST AYRSHIRE COUNCIL
(NATIONAL HEALTH SERVICE TRUST
CAR PARKS IN EAST AYRSHIRE)
(OFF STREET DISABLED PARKING PLACES AND LIMITED WAITING)
ORDER 202-**

ARRANGEMENT OF ARTICLES

<i>Article</i>	<i>Provision</i>	<i>Page</i>
1.	Citation and commencement	2
2.	Interpretation	2
3.	Designation of parking places	2
4.	Laying out and marking of parking places and parking bays	5
5.	Vehicles which may use parking places	6
6.	Restrictions of use of parking places	6
7.	Exemptions	6
8.	Manner of standing in parking places	7
9.	Contravention in a parking place	8
10.	Alteration of position of vehicle in parking places	8
11.	Removal of vehicles from parking places	8
12.	Movement of vehicles	9
13.	Power to suspend or re-designate parking places	9
14.	Power to dispose of abandoned vehicles	10
15.	Responsibility of driver	10
16.	Responsibility of registered keeper	11
17.	Disclaimer	11

**EAST AYRSHIRE COUNCIL
(NATIONAL HEALTH SERVICE TRUST
CAR PARKS IN EAST AYRSHIRE)
(OFF STREET DISABLED PARKING PLACES AND RESTRICTED WAITING)
ORDER 202-**

East Ayrshire Council, in exercise of their powers under Sections 32, 33, 34, 35, 35A, 35B, 35C, 112 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the 1984 Act), as amended; The Road Traffic (Permitted Parking Area and Special Parking Area)(East Ayrshire Council) Designation Order 2012; the Road Traffic Act 1991, as amended, and all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 of the 1984 Act hereby make the following Order:

1. Citation and Commencement

This Order may be cited as the “East Ayrshire Council (National Health Service Trust Car Parks in East Ayrshire) (Off Street Disabled Persons Parking Places and Limited Waiting) Order 20—” and shall come into operation on

2. Interpretation

- (i) In this Order the following expressions have the meanings hereby respectively assigned to them:

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

“**the 1991 Act** ” means the Road Traffic Act 1991;

“**Council**” means the 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 vehicle**” has the same meaning as in Section 142(1) of the 1984 Act as amended;

“**driver**” in relation to a vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place;

“**limited waiting bay**” a parking bay in which a vehicle may only wait up to the maximum stay permitted and may not return within the no return period;

“**maximum stay**” the longest amount of time that a vehicle may wait in a parking bay

“**motor vehicle**” has the same meaning as in section 136 of the 1984 Act

“**owner**” has the same meaning as in Section 142 (1) of the 1984 Act;

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

“**parking bay**” means a marked space in a parking place which is provided for the leaving of a vehicle;

“**parking place**” means an area designated as a parking place by this Order;

“**penalty charge**” has the same meaning as in Section 66 of the 1991 Act;

“**penalty charge notice**” means a notice issued or served by a parking attendant pursuant to the provisions of Section 43 and Section 66 of the 1991 Act;

“**registered keeper**” is the person for the time being registered at the Driving and Vehicle Licensing Agency as the person recorded as keeping the vehicle and the person named on the Vehicle Registration Certificate. The registered keeper is not necessarily the legal owner of the vehicle or the driver of the vehicle;

“**relevant position**” in respect of a disabled persons badge means the badge is exhibited in a conspicuous position so that all the particulars are clearly visible from outside the vehicle;

“**return period**” means the period following expiry of the maximum parking stay in that parking place during which the driver shall not return the vehicle to the parking place;

“**Schedule**” means Schedule 1 annexed to this Order and which forms part of this Order;

“**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;

- (ii) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

3. **Designation of Parking Places**

Each area which is described in Schedule 1 to this Order and as shown on the relevant plan shall be a parking place for the purpose of this Order.

4. Laying Out and Marking of Parking Places and Parking Bays

The limits of each parking place and the limits of every parking bay in that parking place shall be indicated by lines, studs or other indicators as the Council shall deem to be appropriate.

5. Vehicles which May Use Parking Places

Each parking place may be used, subject to the provision of this Order, for the leaving of motor vehicles displaying a disabled persons badge; for the leaving of motor vehicles; or for the leaving of such other additional motor vehicles or such other vehicles as the Council may determine from time to time in relation to any particular parking place.

6. Restrictions of Use of Parking Places

Each parking place as specified in Schedule 1 is subject to the following restrictions at all times:

- (i) No person shall use any vehicle while it is in a parking place in connection with the sale of any article to any person in or near the parking place, or in connection with the selling or offering for sale his/her skill in handicraft, or his/her services in any other capacity other than with the written consent of the Council without prejudice to any planning, health or other statutory requirements and duties which may require to be met.
- (ii) No person shall wash, clean or overhaul any vehicle or execute any mechanical or other alterations or repairs to the vehicle while it is in a parking place, except such repairs as may be essential for the purpose of enabling the vehicle to be towed or driven away from the parking place.
- (iii) No person shall use any part of a parking place or vehicle in it for sleeping, cooking or camping purposes.
- (iv) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a vehicle displaying a disabled persons badge, the driver of a motor vehicle shall not permit it to wait in that parking bay unless it is a motor vehicle displaying a disabled persons badge issued by a local authority in exercise of its powers under Section 21(1) of the Chronically Sick and Disabled Persons Act 1970 and The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and is carrying the disabled person.
- (v) Where, at or near the entrance to a parking place or at a parking bay, there is a sign, symbol or surface marking which indicates that the parking place or bay is available only to vehicles either of a specified type or under a specified height, width, length or weight no person shall cause or permit to enter the parking place or park any vehicle in the bay which is either not of the specified type or exceeds that height, width, length or weight.

- (vi) Where, within a parking place, there is a sign or surface marking which indicates that a parking bay is available only for a specified duration, no person shall cause or permit a vehicle to be left in that parking bay for more than the maximum period specified in Schedule 1
- (ix) On expiry of the maximum period that a motor vehicle can wait in the parking place the driver shall not return the motor vehicle to that parking bay within the no return period as set out in Schedule 1.

7. Exemptions

- (i) Any motor vehicle which displays in the relevant position a valid disabled persons badge issued by a local authority in exercise of its powers under Section 21(1) of the Chronically Sick and Disabled Persons Act 1970 and The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and is left in a parking place, shall be exempt from any such time limits specified in this Order.

8. Manner of Standing in Parking Places

Each vehicle left in a parking place shall so stand that every part of the vehicle is within the limits of a parking bay, provided that, in the case of any parking place where the length of any vehicle precludes it from standing wholly within the limits of a parking bay, that vehicle shall so stand in the parking bay and that such portion as is beyond the limits of the parking bay shall not constitute a danger or obstruction to other users in the parking place.

9. Contravention in a Parking Place

If a vehicle is left in a parking place referred to in the Schedule 1 at any time without complying with the provisions of this Order, then a contravention shall have occurred and a penalty charge shall be payable. A penalty charge notice may then be issued by a parking attendant.

10. Alteration of Position of Vehicle in Parking Places

Where any vehicle is standing in a parking place in contravention of the provision of Article 9 of this Order, a parking attendant or any other person authorised by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions and may recover any expenses associated with this alteration.

11. Removal of Vehicles from Parking Places

Where a parking attendant or any other person authorised by the Council is of the opinion that any of the provisions contained in Articles 6,8,9 and 13(iii) of this Order have been contravened or not complied with in respect of a vehicle left in a parking place or if a penalty charge has been incurred, he may remove or cause to be removed the vehicle from the parking place, and where

it is so removed, shall provide for the safe custody of the vehicle. The Council may then recover all expenses associated with the removal and may retain possession of the vehicle until all monies due to the Council in respect of the vehicle have been duly paid (as determined by Section 102 of the 1984 Act).

12. Movement of Vehicles

A parking attendant or any person authorised by the Council may in the case of an emergency, move or cause to be moved, vehicles left in a parking place to any place he thinks fit.

13. Power to Suspend or Re-designate Parking Places

- (i) Any person duly authorised by the Council may suspend or re-designate the use of a parking place or any part thereof whenever such suspension or re-designation is considered reasonably necessary.
- (ii) On any suspension or re-designation of a parking bay in a parking place in accordance with the provisions of the preceding paragraph, any person duly authorised by the Council, may use suitable means to indicate that the use of the parking bay or parking place is suspended or re-designated.
- (iii) No person shall cause or permit to cause any vehicle to wait in any part of a parking place which has been suspended or re-designated in accordance with the provisions of this Article, except with the permission of a person authorised by the Council.

14. Power to Dispose of Abandoned Vehicles

- (i) The Council may, in respect of a vehicle which has been removed from a parking place in pursuance of Article 11 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry with the DVLA to ascertain the name and address of the owner of the vehicle.
- (ii) The Council shall be deemed not to have made reasonable enquiry to ascertain the name and address of the owner of any vehicle to which this Article applies unless they have taken, in relation to that vehicle, such steps as or may be prescribed by Sections 11 to 16 of the Removal and Disposal of Vehicle Regulations, by any sub-section of Section 3 or 4 or 5 of the Refuse Disposal (Amenity) Act, 1978 and Section 101 or 102 of the 1984 Act.

15. Responsibility of Driver

The person who was driving the vehicle at the time when it was left in the parking place shall be responsible for complying with the provisions of Articles 5, 6, 7, 8 and 13iii of this Order and unless otherwise proved to the contrary, the registered keeper of the vehicle shall be deemed to be the driver of that vehicle.

16. Responsibility of Registered Keeper

The responsibility for payment of any parking charge and any Penalty Charge Notice (PCN) rests with the Registered Keeper of the vehicle as recorded at the Driver and Vehicle Licensing Agency (DVLA). If the keeper was not the driver at the time of the offence it remains her/his responsibility to pay the PCN and any recompense from the driver should be obtained by the keeper.

17. Disclaimer

The Council shall not be held liable for any damage to, loss of, or theft of/or from any vehicle in any parking place. For the avoidance of doubt, any person using the parking places specified in Schedule 1 to this Order do so at their own risk.

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

Signed.....

Date.....

DRAFT

Schedule 1
PARKING PLACES

Parking Place	Plan Reference No.	Name and Address	Extent of the Parking Place (shown as zebra hatched on the annexed plan, specified in column 2, and signed and sealed as relative hereto)	Types of Parking Bay within the Parking Place	Operational Hours
1	2	3	5		7
NHS1	NHS - CP - 01	Crosshouse Hospital Kilmarnock, KA2 0BE	That land bounded to the south by B7081 Kilmarnock Road; to the west by the property boundary between the NHS trust property and the rear of the properties on Woodbank Road, and Woodlea Court, Crosshouse; to the north by the boundary between the NHS trust property and those properties accessed from Bonnyton Road; to the east by the private road known as Lister Street within the NHS trust land.	<p style="text-align: center; color: red;">Parking Places/Bays for vehicles displaying Disabled Persons Badges Only</p> <hr/> <p style="text-align: center; color: red;">Bays where the maximum stay is limited to 20mins with a no return period of 20mins</p> <hr/> <p style="text-align: center; color: red;">Bays with no restriction on stay length</p>	AT ANY TIME

Signed.....

Dated.....

