

**THE EAST AYRSHIRE COUNCIL
(VARIOUS ROADS WITHIN EAST AYRSHIRE) (WAITING AND LOADING
RESTRICTIONS AND DESIGNATED PARKING PLACES)
(AMENDMENTS & REVOCATIONS)
ORDER 2012**

East Ayrshire Council, in exercise of the powers conferred on them by Sections 1(1), 2(1), 2(2), 4, 45, 46, 46A 47, 48, 49, 51, 52, 53, 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 Sections 66, 69, 70, 71, 72, 73, 74, 79 and Schedule 6 of the Road Traffic Act 1991, as amended, 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 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) (Waiting and Loading Restrictions and Designated Parking Places) (Amendments & Revocations) Order 2012” and shall come into operation on the 1st day of July 2012

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” has the meaning given by The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;
 - “disabled person’s badge” has the meaning given by The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;
 - “disabled persons vehicle” means a vehicle lawfully displaying a disabled person’s badge;
 - “disabled parking place” means a length of road which is provided for the leaving of a disabled persons vehicle as described by Article 61;

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

“eligible address” means a dwelling or residential unit with a postal address in a road described in Part IV, V and VI of Schedule 5;

“eligible business” means a business operating from eligible premises;

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

“eligible premises” means a business premises with a postal address in a road described in Part IV, V and VI of Schedule 5;

“eligible resident” means a person who keeps and uses an eligible vehicle and whose main place of residence is at an eligible address;

“eligible vehicle” means a vehicle kept and owned or used by an eligible resident;

“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;

“goods vehicle” means a motor vehicle or trailer constructed or adapted for use for the haulage of goods or burden of any description;

“loading bay” means a length of road which is provided for the leaving of a vehicle as described by Article 10;

“limited waiting bay” means a length of road which is provided for the leaving of a vehicle as described by Article 24;

“limited waiting space” means a space in a limited waiting bay which is provided for the leaving of a vehicle;

“motorcycle” has the same meaning as is Section 136 (4) of the 1984 Act;

“operational hours” means in—

- (i) Parking Zone A: 8.00am to 6.00pm, Mondays to Saturdays inclusive,
- (ii) Parking Zone B: 8.00am to 6.00pm, Mondays to Saturdays inclusive,
- (iii) Parking Zone C: 8.00am to 6.00pm, Mondays to Saturdays inclusive;

*Amended Nov 2013
now 9am-5pm*

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

“parking charge” means an amount payable in respect of a parking stay not exceeding the parking period. The parking charge applying to parking places designated by this Order shall be as specified in Articles 52 and Schedule 5;

“parking period” means the maximum parking duration of parking permitted on payment of the parking charge. The parking period applying to parking places designated by this Order shall be as specified in Articles 52 and Schedule 5;

“parking place” means areas on roads designated as parking places by Article 36 of this Order;

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

“parking ticket” means a numbered ticket issued from a parking ticket machine and which indicates—

- (i) the parking charge that has been paid; and
- (ii) the date and time of payment, or the date and time of departure due; and
- (iii) any other information which the roads authority deems necessary;

“parking ticket machine” means an apparatus designed to—

- (i) accept payment of the parking charge;
- (ii) indicate the time externally; and
- (iii) issue parking tickets;

“Parking Zone A” means the area encompassing the parking places described in Column 2 of Part I in Schedule 5;

“Parking Zone B” means the area encompassing the parking places described in Column 2 of Part II in Schedule 5;

“Parking Zone C” means the area encompassing the parking places described in Column 2 of Part III in Schedule 5;

“permitted vehicle” means such vehicles as are motor cars, passenger vehicles, goods vehicles, dual-purpose vehicles and vehicles displaying a disabled persons badge, all of which have the same meaning as is Section 2 of the Road Vehicles (Construction and Use) Regulations 1986;

“public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981;

“taxi” has the same meaning as in Section 23(1) of the Civic Government (Scotland) Act 1982;

“temporary no waiting sign” means a sign or traffic cone that incorporates a sign in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2002 as amended;

“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 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

WAITING AND LOADING RESTRICTIONS

Prohibition of waiting and loading/unloading

3. Save as provided in Articles 4 and 5, and subject to Articles 29 and 30 no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait in any of the lengths of roads on the days and during the times specified in Schedule 1.
4. Nothing in Article 3 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 so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their 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 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) 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 while the vehicle is standing at the kerb 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.
 - (b) apply to a licensed taxi waiting in a taxi stance situated in any road specified in that Article during any period for which that stance as such designated by the Council under the Civic Government (Scotland) Act 1982.
5. Nothing in Article 3 shall apply to any disabled person's vehicle which is not causing an obstruction or danger to others and which displays a valid disabled person's badge, provided that no such vehicle shall wait in any of the lengths of roads on the days and during the times which no loading is specified in Schedule 1.
6. Notwithstanding anything in Articles 4 and 5, 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.

Provision for loading & unloading

7. Save as provided in Articles 8, 9 and 13 and subject to Articles 28, 29, 30 and 31 (a) (i) (iv) (b) (c) and (d) no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait in any of the lengths of roads on the days and during the times specified in Schedule 2 other than for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than thirty minutes in the same place and no such vehicle shall wait for longer than ten minutes in the same place without goods being loaded onto or unloaded from the vehicle.
8. Nothing in Article 7 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 so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their 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 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) 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 while the vehicle is standing at the kerb 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.

(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 parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

9. Notwithstanding anything in Article 7, the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same 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;

Description of loading bay

10. Each length of a road described in Column 2 of Schedule 2 is hereby known as a loading bay.

Numbering of loading bay

11. Each loading bay shall be given a reference number specified in column 1 of Schedule 2, as a means of identifying the loading bay described opposite that reference number in column 2 of the said Schedule.

Delineation of a loading bay

12. The limits of each loading bay shall be indicated on the carriageway by the use of road markings in accordance with diagrams 1028.3, 1032 and 1033 of the Traffic Signs Regulations and General Directions 2002 as amended.

Manner of standing in a loading bay

13. Subject to Articles 27, 28, 29 and 30 the manner of standing of a vehicle that is waiting shall be—
- (a) as specified in column 3 of Schedule 2 opposite the description of the loading bay in column 2 of the said Schedule
 - (b) that every part of the vehicle is within the limits of a loading bay 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 loading bay 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 provided under Article 12 in relation to the loading bay; and
 - (ii) the vehicle, or any part thereof, is not within the limits of any adjoining loading bay.

Prohibition of waiting

14. Save as provided in Articles 15, 16, 17 and 18 and subject to Articles 29 and 30 no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait in any of the lengths of roads on the days and during the times specified in Schedule 3.
15. Nothing in Article 14 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 so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their 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 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) 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 while the vehicle is standing at the kerb 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.
- (b) apply to a licensed taxi waiting in a taxi stance situated in any road specified in that Article during any period for which that stance as such designated by the Council under the Civic Government (Scotland) Act 1982.
16. Nothing in Article 14 shall apply to any disabled person's vehicle which is not causing an obstruction or danger to others and which displays a valid disabled person's badge.
17. Notwithstanding anything in Articles 15 and 16, 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.

Prohibition of waiting (continued)

18. Nothing in Article 14 shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of roads on the days and during the times specified in Schedule 3—
- (a) for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than thirty minutes in the same place and no such vehicle shall wait for longer than ten minutes in the same place without goods being loaded onto or unloaded from the vehicle;
 - (b) notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same 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;

Limited Waiting Bays

19. Save as provided in Articles 20, 21, 22 and 23 and subject to Articles 27, 28, 29, 30 and 31 no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait in any on the lengths of roads on the days and during the times specified in Schedule 4 to this Order-
- (a) for a longer waiting period than that stated in Schedule 4

Limited Waiting, Return Prohibited

20. Save as provided in Articles 19, 21, 22 and 23 and subject to Articles 27, 28, 29 , 30 and 31 no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait in any of the lengths of roads on the days and during the times specified in Schedule 4 to this Order—
- (a) if the vehicle has previously waited in that length of road and the period specified as the No Return period in Schedule 4 has not elapsed since the last period of waiting of the said vehicle in the said lengths of roads.
21. Nothing in Articles 19 or 20 shall—
- (a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of roads 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 their 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 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) 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 while the vehicle is standing at the kerb 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.
- (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 parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.
22. Nothing in Articles 19 and 20 shall apply to any disabled person's vehicle which is not causing an obstruction or danger to others and which displays a valid disabled person's badge.
23. Nothing in Articles 19 and 20 shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of roads on the days and during the times specified in Schedule 4—
- (a) for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than thirty minutes in the same place and no such vehicle shall wait for longer than ten minutes in the same place without goods being loaded onto or unloaded from the vehicle;
 - (b) notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same 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;

Description of limited waiting bay

24. Each length of a road described in Column 2 of Schedule 4 is hereby known as a limited waiting bay.

Numbering of limited waiting bay

25. Each limited waiting bay shall be given a reference number specified in column 1 of Schedule 4, as a means of identifying the limited waiting bay described opposite that reference number in column 2 of the said Schedule.

Delineation of limited waiting bay and limited waiting spaces within a limited waiting bay

26. The limits of each limited waiting bay and limited waiting space within a limited waiting bay shall be indicated on the carriageway by the use of road markings in accordance with diagrams 1028.3, 1028.4, 1032 and 1033 of the Traffic Signs Regulations and General Directions 2002 as amended.

Manner of standing within a limited waiting bay and limited waiting spaces within a limited waiting bay

27. Notwithstanding anything in Articles 19, 20, 21, 22 and 23 and subject to Articles 28, 29 and 30 the manner of standing of a vehicle that is waiting shall be—
- (a) as specified in column 3 of Schedule 4 opposite the description of the limited waiting bay in column 2 of the said Schedule
 - (b) such that no limited waiting space within a limited waiting bay is occupied by more than one vehicle and that every part of the vehicle is within the limits of a limited waiting 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 limited waiting 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 provided under Article 26 in relation to the limited waiting space within a limited waiting bay; and
 - (ii) the vehicle, or any part thereof, is not within the limits of any adjoining limited waiting space.
 - (c) such that every part of the vehicle is within the limits of a limited waiting bay 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 limited waiting bay 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 provided under Article 26 in relation to the limited waiting bay.

Alteration of position of a vehicle

28. Where any vehicle is standing in contravention of the provisions of Articles 7, 13, 14, 19, 20, 22, 23, 27, 31, 32 and 33 a parking attendant in uniform or any 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

29. 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 3, 7, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 31, 32 and 33 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

30. 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.

Power to suspend a limited waiting bay and loading bay

31. Save as provided in Articles 7, 19, 20, 32 and 33 and subject to Articles 28, 29 and 30—
- (a) Any person duly authorised by the Council may suspend the use of a limited waiting bay and loading bay 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 the purpose of any building operation or demolition, the removal of any obstruction to traffic, or excavation in or adjacent to the limited waiting bay or the maintenance, improvement or reconstruction of the limited waiting bay or the laying, erection, alteration, removal or repair in or adjacent to the limited waiting bay of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus;
 - (iii) for the purpose 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 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) to enable the vehicle to be used in connection with wedding or funeral operations.

- (b) A police constable in uniform may suspend for not longer than twenty four hours the use of a limited waiting bay and loading bay 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 limited waiting bay and loading bay 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 limited waiting bay and loading bay the use of which is suspended, a traffic sign in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2002 as amended, and remove or cover the limited waiting or loading signs that relates to that limited waiting bay or loading bay that is suspended to indicating that waiting by vehicles is prohibited.
- (d) No person shall cause or permit a vehicle to be left in a limited waiting bay or loading bay during such period as there is in or adjacent to that limited waiting bay or loading bay a traffic sign placed and limited waiting or loading sign removed or covered in pursuance of paragraph (c) of this Article.

Exception to the suspension of a limited waiting bay and loading bay

32. Nothing in Article 31 shall prevent any person from causing or permitting a vehicle to be used in any suspended limited waiting bay, or part thereof—
- (a) for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage;
 - (b) 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;
 - (c) 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
 - (d) 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;
 - (e) 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;

- (f) for the purpose 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 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;
 - (g) to enable the vehicle to be used in connection with wedding or funeral operations.
 - (h) notwithstanding anything in paragraphs (a), (b), (c), (d), (e), (f) and (g) of this Article, the driver of a vehicle waiting for the purposes as stated therein 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;
33. Nothing in Article 31 shall prevent any person from causing or permitting a vehicle to wait in the limited waiting bay and loading bay which is temporarily suspended—
- (a) for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than thirty minutes in the same place and no such vehicle shall wait for longer than ten minutes in the same place without goods being loaded onto or unloaded from the vehicle;
 - (b) notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same 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;

Power to dispose of abandoned vehicles

34. Subject to Article 35, the Council may as respects a vehicle which has been removed from a parking place in pursuance of Article 29, 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

35. 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 34 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.

PART III
DESIGNATED PARKING

Designation of a parking place

36. Each area on a road described in Column 2 of Parts I, II and III of Schedule 5 is hereby designated as a parking place.

Vehicles for which the use of parking places is permitted

37. Subject to Article 40 and Articles 48 to 60 inclusive, each parking place designated in this Order may be used during the operational hours for the leaving of permitted vehicles.

Numbering of parking places

38. Each parking place shall be given a reference number specified in column 1 of Parts I, II and III of Schedule 5, as a means of identifying the parking place described opposite that reference number in column 2 of the said Schedule.

Delineation of parking spaces within a parking place

39. The limits of each parking space within a parking place shall be indicated on the carriageway by the use of—
- (a) road markings in accordance with diagrams 1028.4, 1032 and 1033 of the Traffic Signs Regulations and General Directions 2002 as amended; or
 - (b) non-reflective, non-depressible metal road studs as Authorised by the Scottish Ministers in the “Road Traffic Regulation Act 1984 – Section 64 and 65 Authorisation of Traffic Signs – Controlled Parking Zone – Kilmarnock Town Centre – East Ayrshire”.

Manner of standing in parking spaces

40. Subject to Article 41, the manner of standing of a permitted vehicle in a parking place shall be—
- (a) as specified in column 3 of Parts I, II and III of Schedule 5, opposite the description of the parking place in column 2 of the said Schedule; and
 - (b) such that no parking space 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 provided under Article 39 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 parking place

41. Where any vehicle is standing in a parking place in contravention of the provisions of Article 40, 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 parking place

42. 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 37, 40, 44, 45, 46, 51 and 52 have been contravened or have not been complied with in respect of a vehicle left in a parking place designated by this Order, he or she 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 parking place in an emergency

43. A police constable in uniform or 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 parking place.

Power to suspend parking places

44. Save as provided in Article 45—

- (a) Any person duly authorised by the Council may suspend the use of a 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 the purpose of any building operation or demolition, the removal of any obstruction to traffic, or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus, traffic sign or parking meter;

- (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.
- (b) A police constable in uniform may suspend for not longer than twenty four hours the use of a 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 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 2002 as amended, and remove or cover the sign that relates to that parking place, 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 parking place

45. Nothing in Article 44 shall prevent any person from causing or permitting a vehicle to be used in any suspended 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 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 communications 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

- 46. Subject to Article 47, the Council may as respects a vehicle which has been removed from a parking place in pursuance of Article 42, 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

- 47. 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 46 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.

Parking charge and parking period

- 48. Save as provided in Articles 50, the leaving of a permitted vehicle in a parking place during the operational hours is permitted only—
 - (a) on payment of the parking charge; and
 - (b) for a duration not exceeding the parking period relating to the parking charge paid.

Payment of parking charge

- 49. The parking charge shall be paid by means of such parking meters, parking ticket machines or other parking devices as may be decided by the Council.

Exceptions to payment of the parking charge and application of the parking period

50. Nothing in Article 48 shall apply so as to require the payment of the parking charge or the application of the parking period in respect of a vehicle left during the operational hours in a parking place, if—
- (a) the vehicle is waiting in the parking place only for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage;
 - (b) 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 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 communications apparatus, and the vehicle cannot conveniently be used for such purposes in any other road;
 - (c) the vehicle is being 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 and the vehicle cannot conveniently be used for such purposes in any other road;
 - (d) 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;
 - (e) 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;
 - (f) 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;
 - (g) the vehicle is being used in connection with wedding or funeral operations;
 - (h) the vehicle is displaying a valid disabled persons badge;
 - (i) the vehicle is displaying a valid permit issued by the Council in accordance with Articles 87 or 96;
 - (j) the vehicle is left in the parking place on Christmas Day (25th December) or New Year's Day (1st January).

Parking places located within Parking Zone A, B and C

51. Any parking place described in Column 2 of Parts I, II and III of Schedule 5 shall be deemed to be located within the named Parking Zone.

Parking charge and parking period within Parking Zone A, B and C

52. The parking charge payable in respect of a vehicle left in a parking place within a named Parking Zone during the operational hours shall be any of the charges specified in column 2 of Part VII of Schedule 5 insofar as the charge appears opposite the reference to a Parking Zone in column 1 of the said Part of Schedule 5, and subject to the parking period described opposite that parking charge in column 3 of the said Part of Schedule 5.

Interval before which a vehicle can again be left

53. No permitted vehicle which has been removed from a parking place after the parking charge has been incurred shall, until the expiration of one hour from the time it was removed, again be left in that parking place during the operational hours.

Installation of parking ticket machines

54. The Council may provide parking ticket machines for the collection of parking charges at or near any parking place designated by this Order.

Payment of parking charge in parking places controlled by parking ticket machines

55. The parking charge as specified in Article 52 shall be payable on the leaving of a permitted vehicle in the parking place during the operational hours by the insertion in a parking ticket machine associated with the parking space in which the vehicle is left of—

- (a) a coin, or more than one coin inserted immediately one after the other of a denomination or denominations accepted by the parking ticket machine; or
- (b) a credit card or debit card of a type accepted by the parking ticket machine; or
- (c) a parking card or other method of payment adopted by the Council for the payment of parking charges.

Display of parking ticket on a vehicle

56. The parking ticket issued by the parking ticket machine at the time of payment of the parking charge shall be displayed on the vehicle in a conspicuous position so that the time and other details indicated on the front of the parking ticket are clearly visible to a person standing outside the vehicle.

Validity of a parking ticket

57. A parking ticket issued by a parking ticket machine shall be valid for a single stay only and no other ticket issued by a parking ticket machine shall be displayed. A parking ticket shall be displayed only on the vehicle for which it was purchased and shall not be transferred to any other vehicle.

Indication of the payment of the parking charge by parking tickets

58. Payment of the parking charge for a permitted vehicle left in a parking place as specified in Article 52 shall be indicated by the issue from a parking ticket machine at or near the parking place of a numbered parking ticket indicating—

- (a) the identification number of the parking ticket machine from which the parking ticket was issued;
- (b) the parking charge that has been paid;
- (c) the date and time of payment, or the date and time of departure due,

and the displaying of the parking ticket in accordance with Article 56.

Indication of the expiry of the parking period by parking tickets

59. The expiry of the parking period for which the parking charge has been paid shall be indicated—

- (a) where the parking ticket indicates the date and time of payment of the parking charge, when the time shown on the clock on the parking ticket machine is later than the time of payment indicated on the parking ticket plus the parking period associated with the parking charge paid; or
- (b) where the parking ticket indicates the date and time of departure due, when the time shown on the clock on the parking ticket machine is later than the departure time indicated on the parking ticket.

Indications by parking ticket machines and parking tickets as evidence

60. If at any time while a vehicle is left in a parking place—
- (a) no parking ticket is displayed on that vehicle in accordance with Article 56 it shall be presumed, unless proven to the contrary, that the parking charge has not been duly paid;
 - (b) the parking ticket displayed on the vehicle which gives one of the indications specified in Article 58(c), it shall be presumed, unless proven to the contrary, that the parking charge has been duly paid;

- (c) the parking ticket displayed on the vehicle indicates a due time of departure that is earlier than the current time, it shall be presumed, unless proven to the contrary, that the parking period has already expired; and
- (d) the parking ticket displayed on the vehicle indicates a time of arrival that, when the parking period for which the ticket was purchased is added gives a due departure time that is earlier than the current time, it shall be presumed, unless proven to the contrary, that the parking period has already expired.

PART IV

DESIGNATED PARKING PLACES FOR CERTAIN CLASSES OF VEHICLE

Designated Disabled Persons Parking Places

Designation of a disabled persons parking place

61. Each area on a road described in Column 2 of Parts XI, XII and XIII of Schedule 5 is hereby designated as a disabled persons parking place.

Vehicles for which the use of disabled persons parking places is permitted

62. Subject to Article 63 and Articles 66 to 73 inclusive, each disabled persons parking place designated in this Order may be used on the days and during the times specified in Parts XI, XII and XIII of Schedule 5 for the leaving of disabled persons vehicles provided that—
- (a) a valid disabled persons badge is displayed upon the vehicle; and
 - (b) the vehicle shall be left for a period not exceeding that stated in Parts XI, XII and XIII of Schedule 5.

Interval before which a vehicle can again be left

63. No disabled persons vehicle which has been removed from a disabled persons parking place shall, until the expiration of one hour from the time it was removed, again be left in that disabled persons parking place during the operational hours.

Numbering of disabled persons parking places

64. Each disabled persons parking place shall be given a reference number specified in column 1 of Parts XI, XII and XIII of Schedule 5, as a means of identifying the disabled persons parking place described opposite that reference number in column 2 of the said Parts of Schedule 5.

Delineation of parking spaces within a disabled persons parking place

65. The limits of each parking space within a parking place shall be indicated on the carriageway by the use of non-reflective, non-depressible metal road studs in accordance with the Road Traffic Regulation Act 1984 - Section 64 and 65 Authorisation of Traffic Signs – Controlled Parking Zone – Kilmarnock Town Centre – East Ayrshire 2011 or by the use of road markings in accordance with diagrams 1028.3, 1032 and 1033 of the Traffic Signs Regulations and General Directions 2002.

Manner of standing in a disabled persons parking space

66. Subject to Article 67, the manner of standing of a permitted vehicle in a disabled persons parking place shall be—

- (a) as specified in column 3 of Parts XI, XII and XIII of Schedule 5, opposite the description of the disabled persons parking place in column 2 of the said Parts of Schedule 5; and
- (b) such that no parking space 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 provided under Article 65 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 persons parking place

67. Where any vehicle is standing in a disabled persons parking place in contravention of the provisions of Article 66, 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 persons parking place

68. 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 62, 63 or 66 have been contravened or have not been complied with in respect of a vehicle left in a disabled persons parking place designated by this Order, he or she 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 persons parking place in an emergency

69. 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 persons parking place.

Power to suspend disabled persons parking places

70. Save as provided in Article 71—

- (a) Any person duly authorised by the Council may suspend the use of a disabled persons 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 the purpose of any building operation or demolition, the removal of any obstruction to traffic, or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus, traffic sign or parking meter;
 - (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.
- (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 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 2002 as amended, and remove or cover the sign that relates to that parking place, 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 persons parking place

71. Nothing in Article 70 shall prevent any person from causing or permitting a vehicle to be used in any suspended disabled persons 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) 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;
- (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

72. Subject to Article 73, the Council may as respects a vehicle which has been removed from a disabled persons parking place in pursuance of Article 68, 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

73. 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 67 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.

Designated Motorcycle Parking Places

Designation of a motorcycle parking place

74. Each area on a road described in Column 2 of Part X of Schedule 5 is hereby designated as a motorcycle parking place.

Vehicles for which the use of motorcycle parking places is permitted

75. Subject to Article 76 and Articles 79 to 86 inclusive, each motorcycle parking place designated in this Order may be used on the days and during the times specified in Parts X of Schedule 5 for the leaving of motorcycles provided that—

- (a) the vehicle shall be left for a period not exceeding that stated in Parts X of Schedule 5.

Interval before which a vehicle can again be left

76. No motorcycle which has been removed from a parking place shall, until the expiration of one hour from the time it was removed, again be left in that motorcycle parking place during the operational hours.

Numbering of motorcycle parking places

77. Each motorcycle parking place shall be given a reference number specified in column 1 of Part X of Schedule 5, as a means of identifying the motorcycle parking place described opposite that reference number in column 2 of the said Part of Schedule 5.

Delineation of parking spaces within a motorcycle parking place

78. The limits of each parking space within a parking place shall be indicated on the carriageway by the use of non-reflective, non-depressible metal road studs in accordance with the Road Traffic Regulation Act 1984 - Section 64 and 65 Authorisation of Traffic Signs – Controlled Parking Zone – Kilmarnock Town Centre – East Ayrshire 2011 or by the use of road markings in accordance with diagrams 1028.4, of the Traffic Signs Regulations and General Directions 2002.

Manner of standing in a motorcycle parking space

79. Subject to Article 80, the manner of standing of a permitted vehicle in a motorcycle parking place shall be—
- (a) as specified in column 3 of Part X of Schedule 5, opposite the description of the motorcycle parking place in column 2 of the said Part of Schedule 5; and
- (b) such that no parking space 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 provided under Article 78 of this Order 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 motorcycle parking place

80. Where any vehicle is standing in a motorcycle parking place in contravention of the provisions of Article 79, 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 motorcycle parking place

81. 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 75, 76 and 79 have been contravened or have not been complied with in respect of a vehicle left in a motorcycle parking place designated by this Order, he or she 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 motorcycle parking place in an emergency

82. 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 motorcycle parking place.

Power to suspend motorcycle parking places

83. Save as provided in Article 84—

- (a) Any person duly authorised by the Council may suspend the use of a motorcycle 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 the purpose of any building operation or demolition, the removal of any obstruction to traffic, or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any electronic communications apparatus, traffic sign or parking meter;

- (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.
- (b) A police constable in uniform may suspend for not longer than twenty four hours the use of a motorcycle 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 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 motorcycle parking place the use of which is suspended, a traffic sign in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2002 as amended, and remove or cover the sign that relates to that motorcycle parking place, 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 motorcycle parking place

84. Nothing in Article 83 shall prevent any person from causing or permitting a vehicle to be used in any suspended motorcycle 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) 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;
 - (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

- 85. Subject to Article 86, the Council may as respects a vehicle which has been removed from a motorcycle parking place in pursuance of Article 81, 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

- 86. 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 85 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 V

PERMITS

Residents Parking Permits

Provision of residents parking permits for eligible vehicles

87. Subject to Articles 88 to 95 inclusive, the Council shall issue a residents parking permit to an eligible resident who makes application, subject to the following conditions—
- (a) the applicant shall keep and use an eligible vehicle;
 - (b) the applicant shall have as their or her main place of residence an eligible address;
 - (c) a maximum of one residents parking permit shall be issued per eligible address;
 - (d) the applicant shall pay a charge specified in Part VIII of Schedule 5 for the associated period of validity specified in that Schedule;
 - (e) the applicant shall apply 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.
 - (f) 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 residents parking permits

88. A residents parking permit issued by the Council in accordance with Article 87 shall be displayed on the vehicle in a conspicuous position so that the indications on the front of the permit are clearly visible to a person standing outside the vehicle and at its front nearside.

Validity of residents parking permits

89. Residents parking permits shall be valid as follows—
- (a) a residents parking permit issued to an eligible address within Parking Zone A, having a postal address within a road or part thereof described in Part IV of Schedule 5, shall be valid only—
 - (i) when used in a parking place described in Part II of Schedule 5 and deemed as being within Parking Zone B;
 - (ii) during the operational hours pertaining to Parking Zone B;

- (b) a residents parking permit issued to an eligible address within Parking Zone B, having a postal address within a road or part thereof described in Part V of Schedule 5, shall be valid only—
 - (i) when used in a parking place described in Part II of Schedule 5 and deemed as being within Parking Zone B;
 - (ii) during the operational hours pertaining to Parking Zone B;
- (c) a residents parking permit issued to an eligible address within Parking Zone C, having a postal address within a road or part thereof described in Part VI of Schedule 5, shall be valid only—
 - (i) when used in a parking place described in Part III of Schedule 5 and deemed as being within Parking Zone C;
 - (ii) during the operational hours pertaining to Parking Zone C;

A vehicle displaying a valid residents parking permit which is left in any parking place within the Parking Zone for which the permit is valid shall be exempt from the parking charge and parking period in that parking place.

Information to be included on a residents parking permit

90. A residents parking permit issued by the Council shall carry the following information—
- (a) the Parking Zone in which the permit is valid;
 - (b) registration mark of the vehicle to which it applies;
 - (c) a unique number or other such identifying mark;
 - (d) the date upon which the permit shall expire;
 - (e) any other information deemed to be necessary by the Council.

Restrictions on the use of residents permits

91. A residents parking permit issued under Article 87 shall—
- (a) be used only on the vehicle for which it was issued and which bears the same registration mark as the permit;
 - (b) be used only in designated parking places within the Parking Zone stated on the permit;
 - (c) not be altered or defaced in any way;
 - (d) remain the property of East Ayrshire Council;

Surrender of residents parking permits

92. An eligible resident who is in receipt of a residents parking permit may surrender their or her 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 residents parking permits

93. The Council may, by giving 28 days notice in writing served on the permit holder at the address shown on the application for the permit, or at such other address believed to be the permit holder's residence at the time, withdraw a permit if—
- (a) the resident parking permit holder ceases to be a resident at the address for which the permit is issued upon which the appropriate refund as referred to in Article 92 shall be made by the Council to the permit holder;
 - (b) the Council issues a duplicate or replacement permit under the provisions of Article 94.

Applications for duplicate or replacement permits

94. An eligible resident may make an application for a duplicate or replacement residents parking permit if—
- (a) the original residents parking permit is mutilated or defaced or faded so that the identifying mark as referred to in Article 90 is illegible; or
 - (b) the eligible vehicle for which the permit was issued is no longer kept and used by the permit holder and has been replaced by another eligible vehicle;

In both the aforementioned cases the residents permit shall be surrendered to the Council at which time it shall be rendered invalid,

- (c) a permit is lost, stolen or destroyed.

In all cases the duplicate or replacement permit shall be issued only where the conditions stated in Article 87 (a), (b), (c), (e) and (f) 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

95. The provisions contained in Articles 88 to 94 as they pertain to residents parking permits shall apply equally to duplicate or replacement permits as to the residents parking permit originally issued.

Business Parking Permits

Provision of business parking permits for eligible business vehicles

96. Subject to Article 97 to 104 inclusive, the Council shall issue a business parking permit for use on an eligible business vehicle use in connection with an eligible business, subject to the following conditions—
- (a) the vehicle for which the permit is intended shall be used regularly in direct connection with the business;
 - (b) the business shall operate from eligible premises;
 - (c) the number of business parking permits issued to an eligible business shall be at the discretion of the Head of Roads and Transportation;
 - (d) the application shall be submitted by the eligible business 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;
 - (e) for each permit issued the applicant shall pay a charge as specified in Part IX of Schedule 5 for the associated period of validity specified in that Schedule;
 - (f) 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 business parking permits

97. A business parking permit issued by the Council in accordance with Article 96 shall be displayed on the vehicle in a conspicuous position so that the indications on the front of the permit are clearly visible to a person standing outside the vehicle and at its front nearside.

Validity of business parking permits

98. Business parking permits shall be valid as follows—
- (a) a business parking permit issued to an eligible business within Parking Zone A, having a postal address within a road or part thereof described in Part IV of Schedule 5, shall be valid only—
 - (i) when used in a parking place described in Part II of Schedule 5 and deemed as being within Parking Zone B;
 - (ii) during the operational hours pertaining to Parking Zone B;
 - (b) a business parking permit issued to an eligible business within Parking Zone B, having a postal address within a road or part thereof described in Part V of Schedule 5, shall be valid only—

- (i) when used in a parking place described in Part II of Schedule 5 and deemed as being within Parking Zone B;
- (ii) during the operational hours pertaining to Parking Zone B;
- (c) a business parking permit issued to an eligible business within Parking Zone C, having a postal address within a road or part thereof described in Part VI of Schedule 5, shall be valid only—
 - (i) when used in a parking place described in Part III of Schedule 5 and deemed as being within Parking Zone C;
 - (ii) during the operational hours pertaining to Parking Zone C;

A vehicle displaying a valid business parking permit which is left in any parking place within the Parking Zone for which the permit is valid shall be exempt from the parking charge and parking period in that parking place.

Information to be included on a business parking permit

99. A business parking permit issued by the Council shall carry the following information—
- (a) the Parking Zone in which the permit is valid;
 - (b) registration mark of the vehicle to which it applies;
 - (c) a unique number or other such identifying mark;
 - (d) the date upon which the permit shall expire;
 - (e) any other information deemed to be necessary by the Council.

Restrictions on the use of business permits

100. A business parking permit issued under Article 96 shall—
- (a) be used only on the vehicle for which it was issued and which bears the same registration mark as the permit;
 - (b) be used only in designated parking places within the Parking Zone stated on the permit;
 - (c) not be altered or defaced in any way;
 - (d) remain the property of East Ayrshire Council;

Surrender of business parking permits

101. An eligible business that is in receipt of a business parking permit may surrender its 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 business parking permits

102. The Council may, by giving 28 days notice in writing served on the permit holder at the address shown on the application for the permit, or at such other address believed to be the business's address at the time, withdraw a permit if—
- (a) the business ceases to have eligible premises at the address for which the permit is issued upon which the appropriate refund as referred to in Article 101 shall be made by the Council to the permit holder;
 - (b) the Council issues a duplicate or replacement permit under the provisions of Article 103.

Applications for duplicate or replacement permits

103. An eligible business may make an application for a duplicate or replacement business parking permit if—
- (a) the original business parking permit is mutilated or defaced or faded so that the identifying mark as referred to in Article 99 is illegible; or
 - (b) the eligible vehicle for which the permit was issued is no longer kept and used by the business and is replaced by another eligible business vehicle;

In both the aforementioned cases the business permit shall be surrendered to the Council at which time it shall be rendered invalid,

- (c) a permit is lost, stolen or destroyed.

In all cases the duplicate or replacement permit shall be issued only where the conditions stated in Article 96 (a), (b), (c), (e) and (f) 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

104. The provisions contained in Articles 96 to 103 as they pertain to business parking permits shall apply equally to duplicate or replacement permits as to the business parking permit originally issued.

PART VI

FOOTBALL MATCHES AND SPECIAL EVENTS AT RUGBY PARK, KILARNOCK

Prohibition of waiting for football matches and special events

105. Save as provided in Articles 106 and 107 and subject to Articles 108 to 110 no person shall, except upon the direction or with the permission of a parking attendant in uniform, cause or permit any vehicle to wait in any lengths of roads specified in Schedule 6 when temporary traffic signs in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2002 as amended, have been placed on any part or side or lengths of roads by a police constable in uniform or a parking attendant in uniform or any person duly authorised by the Council.
106. Nothing in Article 105 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 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 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 telecommunications 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 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 waiting in any of the lengths of roads so referred to while postal packets addressed to premises adjacent thereto are being unloaded from the vehicle or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
 - (vi) for the purpose 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 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 funeral operations.

(b) apply to a licensed taxi waiting in a taxi stance situated in any road specified in that Article during any period for which that stance as such designated by the Council under the Civic Government (Scotland) Act 1982.

107. Nothing in Article 105 shall prevent any person from causing or permitting a vehicle to wait at the kerb in any of the lengths of roads referred to in that Article—

(a) for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than thirty minutes in the same place and no such vehicle shall wait for longer than ten minutes in the same place without goods being loaded onto or unloaded from the vehicle.

(b) notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same on the instruction of a police constable in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction.

Alteration of position of a vehicle

108. Where any vehicle is standing in contravention of the provisions of Article 105, a parking attendant in uniform or any 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

109. 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 105, 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

110. A police constable in uniform or 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.