

**EAST AYRSHIRE COUNCIL  
(NHS AYSHIRE AND ARRAN  
CAR PARKS IN EAST AYRSHIRE)  
(OFF STREET DESIGNATED PARKING PLACES  
AND LIMITED WAITING)  
ORDER 2021**

**ARRANGEMENT OF ARTICLES**

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East Ayrshire Council, in exercise of their powers under Sections 32, 33, 34, 35, 35A, 35B, 35C and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended (the 1984 Act);; 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 (NHS Ayrshire and Arran Car Parks in East Ayrshire) (Off Street Designated Parking Places and Limited Waiting) Order 2021” and shall come into operation on 1<sup>st</sup> May 2021.

**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 East Ayrshire Council;

“**disabled person’s badge**” means:

- a) a badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970;
- 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;

“**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;

“**electric vehicle**” means a Plug-in Electric Vehicle or a Plug-in Hybrid Electric Vehicle;

**“electric vehicle charging bay”** means a parking bay which has been marked and signed for the exclusive use of an electric vehicle whilst that vehicle is being charged by means of cable to an electric vehicle charging point;

**“electric vehicle charging point”** means a purpose built unit designed specifically for charging vehicles;

**“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;

**“Plug-in Electric Vehicle”** means an electric drive vehicle using one or more electric motors for propulsion which may also contain a combustion engine either for exclusive use of supplying energy to recharge the power source and/or supplying motive power;

**“Plug-in Hybrid Electric Vehicle”** means a hybrid vehicle which utilizes rechargeable batteries, or another energy storage device that can be restored to full charge by connecting a plug to an external electric power source;

**“registered keeper”** means the person for the time being registered at the Driver and Vehicle Licensing Agency as the person recorded as keeping the vehicle and the person named on the Vehicle Registration Certificate;

**“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 stay in that parking place during which time the driver shall not return the vehicle to the parking place;

“**Schedule**” means Schedule 1 annexed and subscribed as relative 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.
- (iii) 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.

**3. Designation of Parking Places**

Each area which is described the Schedule and is shown on the plan annexed and subscribed as relative to this Order shall be designated as a parking place for the purposes 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 provisions of this Order, for the leaving of motor vehicles displaying a disabled persons badge; for the leaving of motor vehicles; for the charging of electric 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 the Schedule 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 a 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 or at a parking bay, there is a sign, symbol 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 enter that parking place or to wait in that parking bay unless it is a vehicle displaying, in a relevant position, a disabled persons badge issued by a local authority and is carrying the disabled person.
- (v) Where, within a parking place or at a parking bay, there is a sign, symbol or surface marking which indicates that the parking place or parking 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 any vehicle to enter the parking place or allow any vehicle to wait in the parking bay which is either not of the specified type or exceeds that height, width, length or weight.
- (vi) Where, within a parking place or at a parking bay, there is a sign or surface marking which indicates that the parking place or 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 stay as specified in the Schedule.
- (vii) On expiry of the maximum period that a motor vehicle can wait in the parking place or parking bay the driver shall not return the motor vehicle to that parking place or parking bay within the no return period as set out the Schedule
- (viii) Where, within a parking place or at a parking bay there is a sign, symbol or surface marking which indicates that the parking place or parking bay is available only for an electric vehicle using the charging facilities, no person shall cause or permit any vehicle to wait in that parking place or parking bay unless:
  - a) the vehicle is an electric vehicle and
  - b) the vehicle is connected to the charging point by means of a cable and is being charged.

## 7. **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.

**8. Contravention in a Parking Place**

If a vehicle is left in a parking place referred to in the Schedule 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.

**9. Alteration of Position of Vehicle in Parking Places**

Where any vehicle is standing in a parking place in contravention of the provision of Article 7 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.

**10. 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 5,6,7,8 and 12(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, they 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 (in accordance with Section 102 of the 1984 Act).

**11. 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 they think fit.

**12. Power to Suspend or Re-designate Parking Places**

- (i) Any person 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 any part of a parking place in accordance with the provisions of the preceding paragraph, any person authorised by the Council, may use suitable means to indicate that the use of the 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.

**13. 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 10 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 1986, 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.

**14. 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 12(iii) 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.

**15. Responsibility of Registered Keeper**

The responsibility for payment of any penalty charge notice rests with the registered keeper of the vehicle. If the registered keeper was not the driver at the time of the offence it remains her/his responsibility to pay the penalty charge notice and any recompense from the driver should be obtained by the registered keeper.

**16. 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 place specified in the Schedule does so at their own risk.

Sealed with the Common Seal of East Ayrshire Council and subscribed for it and on its behalf by David John Mitchell, Proper Officer and Solicitor to the Council at Kilmarnock on the 12 day of April 2021

Signed..........

*This is the Schedule referred to in the foregoing "East Ayrshire Council (NHS Ayrshire and Arran Car Parks in East Ayrshire) (Off Street Designated Parking Places and Limited Waiting) Order 2021"*

**Schedule 1**  
**PARKING PLACES**

<b>Parking Place</b>	<b>Plan Reference No.</b>	<b>Name and Address</b>	<b>Extent of the Parking Place (shown as zebra hatched on the annexed plan, and subscribed as relative hereto)</b>	<b>Types of Parking Bay within the Parking Place</b>	<b>Operational Hours</b>
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 property and the rear of the properties on Woodbank Road, and Woodlea Court, Crosshouse; to the north by the boundary between the NHS property and those properties accessed from Bonnyton Road; to the east by the boundary between the NHS property and the adjoining landowner.	Parking Places/Bays for vehicles displaying Disabled Persons Badges Only  Limited Waiting Bay with a maximum stay of 20mins and a no return period of 20mins  Bays with no restriction on stay length  Electric Vehicle Charging Bay	AT ANY TIME

Signed.....*D. Whitehead*.....





**Ayrshire Roads Alliance**  
 A partnership between East Ayrshire Council and South Ayrshire Council.

Acting Head of Roads - Ayrshire Roads Alliance  
**Kevin Braidwood**  
 Opera House, 8 John Finnie Street,  
 Kilmarnock, KA1 1DD

**PLAN REF**

**NHS-CP-001**

East Ayrshire Council  
 (NHS Ayrshire and Arran  
 Car Parks in East Ayrshire)  
 (Off Street Designated Parking Places  
 and Limited Waiting)  
 Order 2021

Drawing prepared at:  
 Opera House, 8 John Finnie  
 Street, Kilmarnock, KA1 1DD

**KEY**



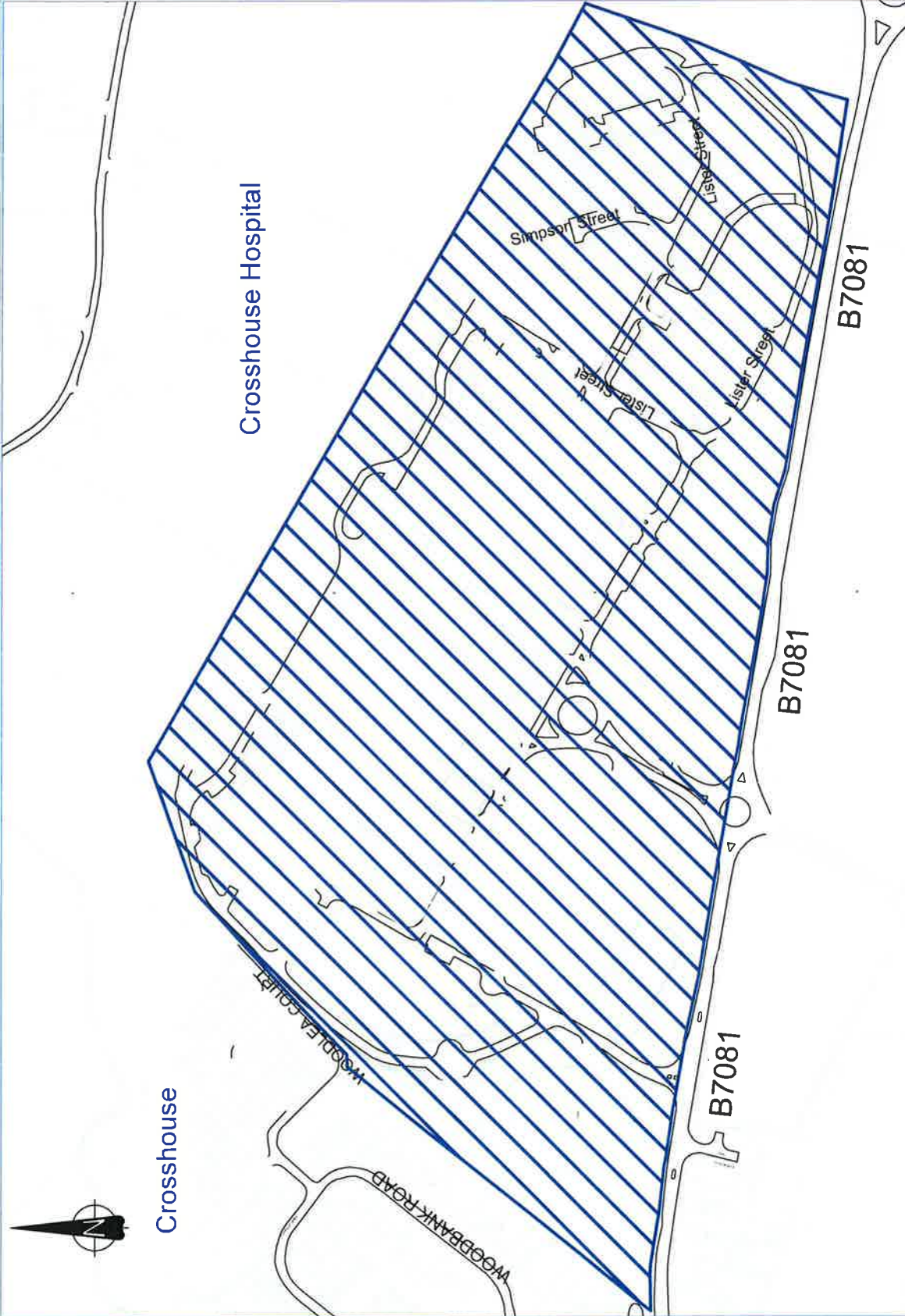
Area designated as a  
 parking place

Scale: 1:2500

Date: Jan 2021

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This is the plan referred to in the foregoing East Ayrshire Council (NHS Ayrshire and Arran Car Parks in East Ayrshire) (Off Street Designated Parking Places and Limited Waiting) Order 2021

Signed ..... *D. M. M. M.*

