

East Ayrshire Council
(Grassyards Road, Kay Park Crescent, Kay Park Terrace, MacKenzie Drive and MacNeil
Place, Kilmarnock)
(Temporary Prohibition of Waiting) Order 2022

East Ayrshire Council in exercise of the powers conferred on it by Section 14(1) of the Road Traffic Regulation Act 1984, as amended, the Road Traffic (Permitted Parking Area and Special Parking Area) (East Ayrshire Council) Designation Order 2012 and the Road Traffic Act 1991, as amended, and of all other enabling powers, hereby makes the following Order—

PART I

GENERAL

Citation and commencement

1. This Order may be cited as “East Ayrshire Council (Grassyards Road, Kay Park Crescent, Kay Park Terrace, MacKenzie Drive and MacNeil Place, Kilmarnock) (Temporary Prohibition of Waiting) Order 2022” and shall come into force at 00:01 hours on Monday 14th February 2022 and will remain in force until 24:00 hours on Sunday 13th August 2023, by reason of works being executed on or near the road.

Interpretation

2. In this Order unless the context otherwise requires—

- (a) The following expressions have the meanings hereby assigned to them—

“disabled person’s badge” means:

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

“double yellow lines” means a road marking in accordance with diagram 1018.1 of the Traffic Signs Regulations and General Directions 2016, as amended;

“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;

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

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

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

“temporary no waiting signs” means a traffic cone that incorporates a sign in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2016, as amended;

“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.

“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;

- b) A reference in this Order to any enactment is a reference to that enactment as amended by any subsequent enactment.
- 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

Prohibition of Waiting

- 3. Save as provided in Articles 4, 5, 6 and 7 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. The provisions of Articles 3, 5, 6 and 7 shall apply only when—
 - (a) double yellow lines are marked along the side of the affected lengths of roads. **OR**
 - (b) temporary no waiting signs are placed along the side of the affected lengths of roads.

5. Nothing in Article 3 shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of roads referred to in that Article—
- (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 his 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 ambulance purposes;
 - (d) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid injury or damage to persons or property;
 - (e) if a marked vehicle 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 funeral or wedding operations;
6. 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.
7. Notwithstanding anything in Articles 5 and 6, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police officer in uniform or a parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

Sealed with the Common Seal of East Ayrshire Council and subscribed for it and on its behalf by David John Mitchell, Chief Governance Officer to the Council at Kilmarnock on the 1st day of February 2022.

Signed

Dated.....

This is Schedule 1 referred to in the foregoing East Ayrshire Council (Grassyards Road, Kay Park Crescent, Kay Park Terrace, MacKenzie Drive and MacNeil Place, Kilmarnock) (Temporary Prohibition of Waiting) Order 2022

SCHEDULE 1

PROHIBITION OF WAITING **(NO WAITING AT ANY TIME)**

From 00:01 hours on Monday 14 February 2022 until
24:00 hours on Sunday 13 August 2023

Length of Road in the local authority
Area of East Ayrshire within the
Town of Kilmarnock

Side of Road to which
Restrictions Apply

Plan Ref:

Grassyards Road

From a point 10 meters north of the extended northern kerbline of MacKenzie Drive southwards for 28 meters

East

1

Kay Park Crescent (North/South leg)

- (a) From a point 14 metres north of the extended northern kerbline of Kay Park Crescent (east/west leg) southwards for 36 metres

Both

1

Kay Park Crescent (East/West leg)

- (a) From the junction with Grassyards Road westwards for 35 metres

North

1

- (b) From its junction with Grassyards Road westwards for 18 metres

South

1

Kay Park Terrace

- (a) The perimeter of the eastern road head, on all sides between a point 12 meters west of the property boundary line between no No.19 Kay Park Terrace and No.5 Grassyards Road and the eastern extent of the road head.

North, East and
South sides

1

MacKenzie Drive

- (a) From its junction with Grassyards Road eastwards for 12 metres

Both

1

- | | | |
|--|------|---|
| (b) From a point 10 metres southeast of the extended eastern kerbline of MacNeil Place north-westwards for 35 metres | Both | 1 |
|--|------|---|

MacNeil Place

- | | | |
|--|------|---|
| (a) From its junction with MacKenzie Drive north-eastwards for 14 metres | Both | 1 |
|--|------|---|

This is Schedule 2 referred to in the foregoing East Ayrshire Council (Balmoral Road and Hill Street, Kilmarnock) (Temporary Prohibition of Waiting) Order 2021

SCHEDULE 2

ORDERS TO BE TEMPORARILY SUSPENDED IN PART

Title of Order

East Ayrshire Council (Various Roads within East Ayrshire) (Waiting and Loading Restrictions and Designated Parking Places) (Consolidation) Order 2021