

East Ayrshire Council
(Underwood Road, Cumnock)
(Designated Parking Places) Order 202x

East Ayrshire Council, in exercise of the powers conferred on it by Sections 1(1), 2(1), 2(2), 4, 45, 46, 47, 48, 49, 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 the Road Traffic Act 1991, as amended, and of all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following Order—

PART I

GENERAL

Citation and commencement

1. This Order may be cited as “East Ayrshire Council (Underwood Road, Cumnock) (Designated Parking Places) Order 202x” and shall come into operation on the xxx day of xxx

Interpretation

2. (a) In this Order unless the context otherwise requires the following expressions have the meanings hereby assigned to them—

“the 1984 Act” means the Road Traffic Regulation Act 1984, as amended;

“Council” means East Ayrshire Council;

“disabled person’s badge” has the meaning given by the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, 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;

“eligible address” means a dwelling or residential unit with a postal address in a road described in Schedule 2;

“eligible resident” means a person whose main place of residence is at an eligible address;

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

“operational hours” means in

- (i) Parking Zone U – at all times

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

“parking place” means areas on roads designated as parking places by Article 3 of this Order;

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

“Parking Zone U” means the area encompassing the parking places described in Column 2 in Schedule 1;

“permitted vehicle” means

- a) such vehicles as motor cars, passenger vehicles, goods vehicles and dual-purpose vehicles all of which have the same meaning as in Regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986 OR
- b) such vehicles as prescribed in (a) which are displaying a disabled persons badge;

“Schedule” means Schedules 1, 2 and 3 annexed and signed as relative hereto;

“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

DESIGNATED PARKING PLACES

Designation of a parking place located within Parking Zone U

- 3 Each area on a road described in Column 2 of Schedule 1 is hereby designated as a parking place within Parking Zone U.
- 4 Each parking place shall be given a reference number specified in column 1 of Schedule 1, as a means of identifying the parking place described opposite that reference number in column 2 of the said Schedule.

Vehicles for which the use of parking places is permitted.

- 5 Save as provided in Article 10 and subject to Article 7 and Articles 11-18 inclusive each parking place designated in this Order may only be used during the operational hours for the leaving of permitted vehicles displaying a valid Parking Zone U permit

Delineation of a parking place

- 6 The limits of a parking place shall be indicated on the carriageway in accordance with the Traffic Signs Regulations and General Directions 2016, as amended

Manner of standing in a parking place

- 7 Subject to Article 8, the manner of standing of a permitted vehicle in a parking place shall be
- a. as specified in column 3 of Schedule 1, opposite the description of the parking place in column 2 of the said Schedule; and
 - b. such that every part of the vehicle is within the limits of a parking space provided that, where the length or width 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 5 in relation to the parking space;
 - (ii) the side of the vehicle is within 300 mm of an indication on the carriageway provided under Article 6 in relation to the parking space;

- (iii) 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

- 8 Where any vehicle is standing in a parking place in contravention of the provisions of Article 7, 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.

Movement of a vehicle in a parking place in an emergency

- 9 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.

Exemptions to the use of the parking place.

- 10. Nothing in Article 5 shall apply in respect of a vehicle left 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 lawfully displaying a valid disabled persons badge;

Provision of parking permits for eligible residents

11. Subject to Articles 12 to 18 inclusive, the Council shall issue parking permits to an eligible resident who makes application, subject to the following conditions—

- (a) the applicant shall have as their main place of residence an eligible address;
- (b) 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;
- (c) 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; or
- (d) the Council is satisfied that parking permits should be issued;

the applicant shall pay a charge specified in Schedule 3 for the associated period of validity specified in that Schedule

Display of parking permits

12. A parking permit issued by the Council in accordance with Article 11 shall be displayed on the permitted 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 parking permits

13. Parking permits shall be valid as follows—

- (a) a parking permit issued to an eligible address within Parking Zone U, having a postal address within a road or part thereof described in Schedule 2, shall be valid only—
 - (i) when used in a parking place described in Schedule 2 and deemed as being within Parking Zone U;
 - (ii) during the operational hours pertaining to Parking Zone U;
 - (iii) when displayed as described in Article 12 on a permitted vehicle

Information to be included on a parking permit

14. A 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 or the eligible address;
 - (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 permits

15. A parking permit issued under Article 14 shall—
- (a) be used only on the vehicle for which it was issued and which bears the same registration mark as the permit; or
 - (b) be used only on a vehicle which is visiting an eligible address for that Parking Zone U permit;
 - (c) be used only in designated parking places within the Parking Zone stated on the permit;
 - (d) not be altered or defaced in any way;
 - (e) remain the property of East Ayrshire Council.

Surrender of parking permits

16. An eligible resident who is in receipt of parking permit(s) may surrender their permit(s) to the Council at any time.

Withdrawal of residents parking permits

17. The Council may, by giving 14 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 parking permit holder ceases to be a resident at the eligible address for which the permit was issued;
 - (b) the Council issues a duplicate or replacement permit under the provisions of Article 18

Applications for duplicate or replacement permits

18. An eligible resident may make an application for a duplicate or replacement parking permits if;
- (a) the original parking permit is mutilated or defaced or faded so that the identifying mark as referred to in Article 14 is illegible

In this case the permit shall be surrendered to the Council at which time it shall be rendered invalid;

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

In all cases the duplicate or replacement permit shall be issued only where the conditions stated in Article 11 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

19. The provisions contained in Articles 11 to 18 as they pertain to parking permits shall apply equally to duplicate or replacement permits as to the parking permit originally issued.

Power to suspend parking places

20. Save as provided in Article 21—

- (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, temporary no waiting signs in accordance with diagram 636 of the Traffic Signs Regulations and General Directions 2016, 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.

Exemptions to the suspension of a parking place

21. Nothing in Article 20 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.

Removal of a vehicle from a parking place

- 22 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 5,7,8,10,12, 13, 20 and 21 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.

Power to dispose of abandoned vehicles

- 23. Subject to Article 24, the Council may as respects a vehicle which has been removed from a parking place in pursuance of Article 22, 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

- 24. 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 23 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.

Sealed with the Common Seal of East Ayrshire Council and subscribed for it and on its behalf by David John Mitchell, Solicitor and Proper Officer to the Council at Kilmarnock on the [xxxx].

Signed

Dated.....

This is Schedule 1 referred to in the foregoing East Ayrshire Council (Underwood Road, Cumnock) (Designated Parking Places) Order 202x

SCHEDULE 1
DESIGNATED PARKING PLACES

Parking Zone U – Designated Parking Places for Permit Holders Only

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	
Parking Place Ref. No.	Areas of Roads Designated as Parking Places within the town of Cumnock	Special Manner of Standing in Parking Place	<i>Plan Ref</i>
<u>Underwood Road</u>			
1.	That part of the north side of Underwood Road which is bounded on the north side by the edge of carriageway, which has a width throughout 1.8m, and which extends from a point 46 metres west of its junction with Auchinleck Road, to a point 73 metres west of that junction	Parallel to the edge of carriageway	1

This is Schedule 2 referred to in the foregoing East Ayrshire Council (Underwood Road, Cumnock) (Designated Parking Places) Order 202x

SCHEDULE 2
PERMIT PARKING AREA

Parking Zone U – Eligible Addresses

No1 Underwood Cottage, Underwood Road, Cumnock
No 2 Underwood Cottage, Underwood Road, Cumnock

This is Schedule 3 referred to in the foregoing East Ayrshire Council (Underwood Road, Cumnock) (Designated Parking Places) Order 202x

SCHEDULE 3
PERMIT PARKING AREA

CHARGES FOR PARKING ZONE U PERMITS

In the Area of East Ayrshire within the Town of Cumnock

The charges for Parking Zone U permits shall be as follows—

Annual Charge - £ nil. per annum

Quarterly Charge - £ nil. per quarter

Monthly Charge - £ nil. per month