

**South Ayrshire Council
(The Battery (pier access road from Esplanade) Ayr)
(Motor Caravan Parking)
Experimental Order 2024**

South Ayrshire Council in exercise of the powers conferred on them by Sections 9 and 10 of the Road Traffic Regulation Act 1984, as amended, and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to said Act and having complied with the statutory requirements of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, as amended, hereby make the following Order:-

PART I

GENERAL

Citation and Commencement

1. This Order may be cited as "South Ayrshire Council (The Battery (pier access road from Esplanade) Ayr) (Motor Caravan Parking) Experimental Order 2024 and shall come into operation on Monday 1 April 2024 for a period not exceeding 18 months.

2. The Experimental Order has been made to regulate the use of the parking places subject to the provisions contained herein to address associated safety concerns over the unregulated use the parking places and to assess the feasibility of the experimental restrictions. The Council shall in due course consider whether the provisions of the Experimental Order should be made permanent.

Interpretation

3. In this Order 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;

“**motor vehicle**” unless the context otherwise requires means a mechanically propelled vehicle intended or adapted for use on roads;

“**motor caravan**” as defined by the Road Vehicles (Construction and Use) (Amendment) (No2) Regulations 1987 means a motor vehicle which is constructed or adapted for the carriage of passengers and their effects and which contains, as permanently installed equipment, the facilities which are reasonably necessary for enabling the vehicle to provide mobile living accommodation for its users;

“**road**” has the same meaning as in Section 151(1) of the Roads (Scotland) Act 1984;

“**Schedule**” means the Schedule(s) annexed as relative hereto;

4. A reference in this Order to any enactment is a reference to that enactment as amended by any subsequent enactment.
5. 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 FOR CERTAIN CLASSES OF VEHICLE

Designated Motor Caravan Parking Places

Designation of a motor caravan parking place

6. Each area on a road described in Column 2 of Schedule 1 is hereby designated as a motor caravan parking place.

Vehicles for which the use of motor caravan parking places is permitted

7. Subject to Articles 8 and 11, each motor caravan parking place designated in this Order may be used during the operational hours for the leaving of motor caravans provided that the vehicle shall be left for a period not exceeding the maximum duration specified in the Schedule.

Interval before which a vehicle can again be left

8. No motor caravan which has exceeded the maximum duration of stay and has been removed from a parking place shall again be left in that motor caravan parking place during the operational hours if a period of less than twenty-four hours has elapsed since the expiry of a maximum duration stay.

Numbering of motor caravan parking places

9. Each motor caravan parking place shall be given a reference number specified in column 1 of Schedule 1, as a means of identifying the motor caravan parking place described opposite that reference number in column 2 of the said Schedule.

Delineation of parking spaces within a motor caravan parking place

10. The limits of each parking space within a parking place shall be indicated on the carriageway by the use of road markings in accordance with diagrams 1028.4 and 1033 of the Traffic Signs Regulations and General Directions 2016.

Manner of standing in parking spaces

11. The manner of standing of a permitted vehicle in a motor caravan parking place shall be;

- (a) as specified in column 3 of Schedule 1, opposite the description of the motor caravan 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.

Alteration of position of a vehicle in a motor caravan parking place

12. Where any vehicle is standing in a motor caravan parking place in contravention of the provisions of Article 11, 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 motor caravan parking place

13. Where a police constable in uniform or a parking attendant in uniform is of the opinion that any of the provisions contained in Articles 7 and 11 have been contravened or have not been complied with in respect of a vehicle left in a motor caravan 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 motor caravan parking place in an emergency

14. 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 motor caravan parking place.

Power to suspend motor caravan parking places

15. Any person duly authorised by the Council may suspend the use of a motor caravan 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 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 telecommunications 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.
16. Any person suspending the use of a motor caravan parking place or any part thereof in accordance with Article 15, shall thereupon place, or cause to be placed, in or adjacent to any part of that motor caravan parking place the use of which is suspended, a traffic sign indicating that waiting by vehicles is prohibited.

17. 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 Article 15.

Exception to the suspension of a motor caravan parking place

18. Nothing in Article 15 shall prevent any person from causing or permitting a vehicle to be used in any suspended motor caravan parking place, or part thereof, so long as;

- (a) 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;
- (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 motorcycle 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 telecommunications apparatus, and the vehicle cannot conveniently be used for such purpose in any other road; or
- (e) the vehicle is an emergency service vehicle being used in pursuance of statutory powers and duties.

Power to dispose of abandoned vehicles

19. The Council may as respects a vehicle which has been removed from a motor caravan parking place in pursuance of Article 13, 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.

20. 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 19 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 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

21. 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

22. The parking charge shall be paid by means of such parking meters, parking ticket machines, making a mobile phone payment or other parking devices as may be decided by the Council.

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

23. Nothing in Article 21 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 telecommunications 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; or
- (d) 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.

Installation of parking ticket machines

24. 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

25. The parking charge as specified in Article 21 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 or indication of payment

- 26. 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.
- 27. In respect of an indication that a payment has been made using the Telephone Payment Parking System for a vehicle left in a parking place and the parking period for which payment has been made shall appear on a hand held device.

Validity of a parking ticket or a telephone payment

- 28. 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.
- 29. The parking time purchased using the Telephone Payment System shall be valid for a single stay only and shall not be transferred to any other vehicle or from one parking place to another.

Indication of the expiry of the parking period by parking tickets

- 30. 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 initial 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 initial period associated with the initial 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

31. 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 23 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 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
- (c) 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 initial period has already expired.

Subscribed for South Ayrshire Council and on their behalf by **Kevin Braidwood, Head of Roads, Ayrshire Roads Alliance.**

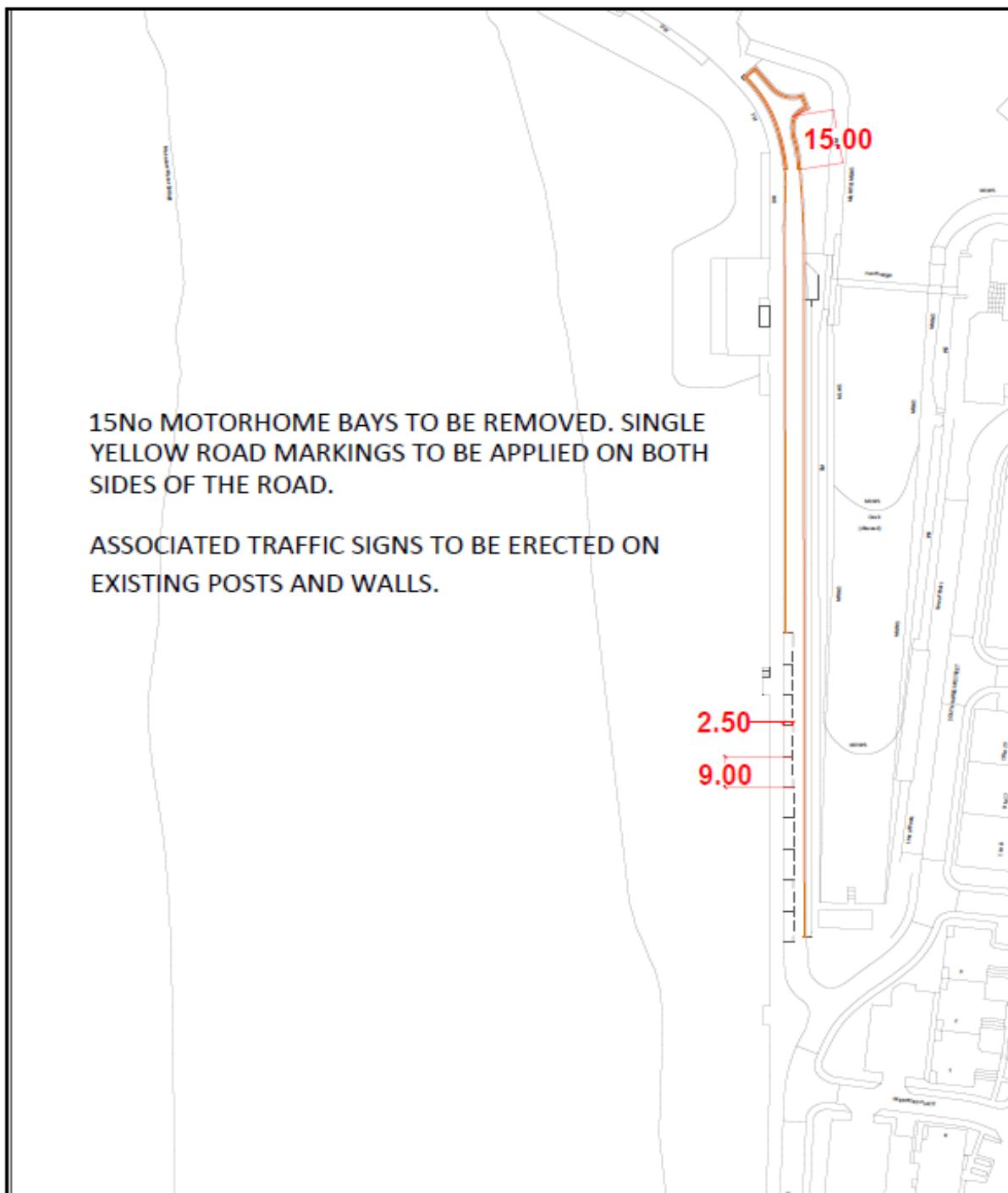
Signed



Dated 04 March 2024

SCHEDULE 1

Ref	Description	Manner of Standing	Parking Period	Parking Charge
1	The Battery (Pier Access Road), Ayr From a point 20 metres north of the extended northwest kerb line of Esplanade, northwards for a distance of 90 metres.	Parallel to the kerb and wholly within the extents of a parking space	<p><i>Days & Hours when charges will be made:</i> Monday to Sunday 6:00pm – 9:00am (15 hours) 1 April – 30 September</p> <p><i>Maximum period for which vehicles may wait:</i> Up to 45 hours (3 consecutive days)</p>	<ul style="list-style-type: none"> • Up to 15 hours (1 day) £10 • Up to 30 hours (2 consecutive days) £20 • Up to 45 hours (3 consecutive days) £30



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Drawing No:		Status	P	T	C	R
South Ayrshire Council MOTORCARAVAN PARKING		Ayrshire Roads Alliance				Revision
		Drg No:	01			
		File No:	BM1	Scale: NTS		ODS : 210 x 297 (A4)
Lead of Roads - Ayrshire Roads Alliance Open House, 8 John Finnie Street, Kilmarnock, East Ayrshire KA1 1DD	Kevin Braithwood (0300 7900), LLM, MCIBS, MCIArb, ARICS, AMICE, AD eng	Prep:	BMCD	Chkd:	Date:	01 December 2023