

**ANGUS COUNCIL (DISABLED PERSONS'
PARKING PLACES) (OFF-STREET
PARKING PLACES) (DECRIMINALISED
ENFORCEMENT) ORDER 2017**

2017

**Head of Legal and Democratic Services
Angus House
Orchardbank Business Park
Forfar
DD8 1AN**

**Angus Council (Disabled Persons' Parking Places) (Off-Street Parking Places)
(Decriminalised Enforcement) Order 2017**

Angus Council in exercise of its powers under Sections 1(1), 2(1) to (3), 4, 32, 35(1) and (3), 3(A), 35A, 35B, 35C, 46 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended ("the Act of 1984"), the Road Traffic Act 1991 the Disabled Persons' Parking Places (Scotland) Act 2009 and of all other enabling powers in these Acts and otherwise, after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the Act of 1984 hereby makes the following Order.

**PART 1
GENERAL**

SECTION 1 – PRELIMINARY

Citation and commencement

1. This Order shall come into operation on the Fourth Day of December Two Thousand and seventeen and may be cited as the Angus Council (Disabled Persons' Parking Places)(Off-Street Parking Places) (Decriminalised Enforcement) Order 2017.

Interpretation

2. Except where otherwise stated, any 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. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act of 1984 or by or under any other enactment provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.
4. The Plan Index and list of abbreviations forming Schedule 1 to this Order is hereby incorporated into and forms part of this Order.

5. The Off-Street Plans and each of them forming Schedule 2 to this Order and titled the “Angus Council (Disabled Persons’ Parking Places) (Off-Street Parking Places) (Decriminalised Enforcement) Order 2017 Off Street Plans” are hereby incorporated into and form part of this Order.
6. This Order and the two Schedules annexed hereto are executed by and on behalf of Angus Council.
7. In this Order, except where the context otherwise requires, the following expressions have the meanings respectively assigned to them:

“Angus Council” means Angus Council, the local authority constituted under the Local Government etc (Scotland) Act 1994 and having its principal offices at Angus House, Orchardbank Business Park, Forfar DD8 1AN;

"car park" means any area of land including accesses and exits owned by the Council and/or licensed by the Council for occupation by another legal body or entity or by a private party for use as an area for a parking place or places and on which a parking bay is situated;

“Council” means Angus Council and includes any parking services contractors or authorised agent appointed by or acting on behalf of the Council for the purposes of any function under the provisions of this Order;

"disabled person's badge" has the same meaning as in the Disabled Persons' (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

"disabled person's vehicle" has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons') (Scotland) Regulations 2000;

“driver” in relation to a vehicle waiting or parked in a restricted area or parking place respectively, means the person driving the vehicle at the time it was left and/or parked in the prohibited or restricted parking area or parking place;

"local roads authority" means Angus Council;

“owner” in relation to a vehicle means the person who is recorded as the registered keeper by the Driver and Vehicle Licensing Agency on the date on which the vehicle was parked in the parking place in question;

“park” and “parked” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place (as the case may be) if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

“Parking Attendant” means a person authorised by or on behalf of the Council to operate, supervise or control any parking place by exercise of the appropriate provisions of this Order;

"parking place" means an area or bay which is provided for the leaving of a vehicle the limits or restrictions as to which are indicated by means of surface markings or by different coloured blockwork or otherwise indicated by signs in on, or near the parking place;

“penalty charge” means a penalty charge which is payable by virtue of paragraph 3(1) and (2) of Schedule 3 to the Road Traffic Act 1991; or any subsequent legislation so enabling;

“Plans” means the Off-Street Plans and each of them referenced and identified in Schedule 1 and Schedule 2 to this Order;

“relevant position” means

- (a) in respect of a vehicle displaying a valid disabled person’s badge -
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that the front of the badge is legible from outside the vehicle; or

- (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that the front of the badge is legible from outside the vehicle;

"Schedule" means a schedule to this Order;

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act of 1984;

"vehicle" unless the context otherwise requires, includes any motor car, motor cycle or other mechanically or electrically propelled machine or implement of any kind and designed to be drawn or propelled along roads, including a trailer designed to be towed by a vehicle.

- 8. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order and any reference to a Plan or Plans is a reference to a Plan or Plans incorporated into this Order.
- 9. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- 10. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.
- 11. If a court, Transport Scotland or The Parking and Bus Lane Tribunal for Scotland or other statutory body or authority, declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

PART 2
DESIGNATION AND USE OF PARKING PLACES

Designation

12. Each parking place identified on the Plans by reference to Schedules 1 and 2 (whether or not situated in a car park) are hereby designated to be used subject to the following provisions of this Order as parking places for vehicles displaying a valid disabled person's badge only.

Display of disabled person's badge

13. Save as expressly provided in this Order, no person shall cause or permit any vehicle to park in a disabled person's parking place unless there is displayed on that vehicle in the relevant position a valid disabled person's badge, provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s).

Position of vehicle

14. If parking spaces are marked out in a parking place the driver of a vehicle shall ensure that it is not parked beyond the parking space markings and shall not permit it to park or wait in that parking place unless it is so positioned.

Traffic signs/road markings

15. The Council may:
- (a) place and maintain traffic signs or markings indicating the limits of each disabled parking place; and
 - (b) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a disabled parking place.

Power to close or suspend parking places

16. Nothing in this Order shall prevent the Council, an authorised licensee of the Council or owner of a parking place by notice, sign or barrier displayed or erected in a parking place from closing or suspending the use of a parking place or any part thereof for any period.
17. Any person closing or suspending the use of a parking place or any part thereof shall thereupon place or cause to be placed in or adjacent to that parking place or that part thereof a notice or traffic sign indicating that of that parking place or that part thereof is closed or the use is suspended and that parking by vehicles is prohibited.
18. No person shall cause or permit a vehicle to be parked in a parking place or any part thereof during such periods that the parking place or that part thereof is closed or the use is suspended or during such period as there is in or adjacent thereto a notice or traffic sign indicating the closure or suspension placed by or on behalf of the Council, an authorised licensee of the Council or owner of the parking place.

PART 3

RELOCATION, REMOVAL AND DISPOSAL OF VEHICLES

Emergencies/abandoned vehicle

19. A person authorised by the Council or a police officer in uniform may, using such measures as are appropriate, move or cause to be moved any vehicle parked in a parking place either (a) in an emergency or (b) where a vehicle appears to have been abandoned, in either case to any place he/she thinks fit.

Contraventions in suspended parking place

20. A person authorised by the Council may, using such measures as are appropriate, move or cause to be moved to any place he/she thinks fit, any vehicle parked in a parking place which has been closed or suspended in whole or in part by the Council an authorised licensee of the Council or owner of a parking place and the cost of

movement or removal and safe keeping shall be the liability of the owner of the vehicle.

Safe keeping

21. Any person removing a vehicle from a parking place under the provisions of this Order shall make such arrangements as may be reasonably necessary to provide for the safe keeping of the vehicle.

PART 4 CONTRAVENTION AND PENALTY CHARGE

Contravention

22. If a vehicle is parked in a parking place without complying with the requirements of this Order, a contravention shall have occurred and a penalty charge shall be payable.

Restriction on removal of notices

23. Any notice fixed to a vehicle in accordance with this Order shall not be removed or interfered with except by or under the authority of:
- (i) the owner, or person in charge of the vehicle;
 - (ii) a Parking Attendant or police officer in uniform.

Provisions on removal of vehicle

24. Where a Parking Attendant or some other person duly authorised by the Council has removed or caused to be removed a vehicle in accordance with the provisions of this Order:
- (a) he/she shall provide for the safe custody of the vehicle until such time as the vehicle is recovered by the owner or the vehicle is to be disposed of;

- (b) the Council, or such other person as shall have been duly authorised by the Council, shall be entitled to recover from the person responsible such charges in respect of the removal, storage and disposal of the vehicle as may reasonably have been incurred in connection with same.

Evidence

25. The particulars given in any notice served on a vehicle in accordance with the provisions of this Order shall be treated as evidence in any proceedings relating to failure to pay the penalty charge.

IN WITNESS WHEREOF this Order comprising this and the preceding seven pages together with Schedules 1 and 2 annexed hereto have been executed for and on behalf of Angus Council by Sheona Craig Hunter, Head of Legal and Democratic Services at Forfar on the Fourth day of December Two Thousand and seventeen.

(Signed) *Sheona Craig Hunter*

All in the presence of

(Signed) *Alan Cameron Ingram*

Alan Cameron Ingram

Senior Solicitor

Angus House

Forfar

SCHEDULE 1

**Angus Council (Disabled Persons' Parking Places)(Off-Street Parking Places)
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Plan Index and list of abbreviations

SCHEDULE 2

**Angus Council (Disabled Persons' Parking Places)(Off-Street Parking Places)
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