

	<b>ANGUS COUNCIL (DISABLED PERSONS' PARKING PLACES)(STREET PARKING PLACES) (DECRIMINALISED ENFORCEMENT) ORDER 2017</b>
	<b>2017</b>
	<b>Head of Legal and Democratic Services Angus House Orchardbank Business Park Forfar DD8 1AN</b>

## **ANGUS COUNCIL (DISABLED PERSONS' PARKING PLACES)(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, 45, 46 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (the Act of 1984) as amended, the Road Traffic Act 1991, the Disabled Persons' Parking Places (Scotland) Act 2009 and of all other enabling powers in these Acts and otherwise, and 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.

### **SECTION 1 – PRELIMINARY**

#### Citation and commencement

1. This Order shall come into operation on the 3<sup>rd</sup> day of May 2017 and may be cited as the Angus Council (Disabled Persons' Parking Places)(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 forming Schedule 1 to this Order is hereby incorporated into and forms part of this Order.

5. The *On-Street Plans* and each of them forming Schedule 2 to this Order and titled the "Angus Council (Disabled Persons' Parking Places)(Street Parking Places)(Decriminalised Enforcement) Order 2017 On 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. Except where the context otherwise requires, the following expressions have the meaning hereby 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;

"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 stated in the Disabled Persons' (Badges for Motor Vehicles) (Scotland) Regulations 2000;

"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;

"emergency service vehicles" means a vehicle being used by the Police, Fire, or Ambulance Services or such other service as the Council in its discretion may permit;

“enactment” means any enactment, whether public, general or local, and includes any order, byelaw rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“Key” means the key to the abbreviations set out in in the Plan Index Schedule 1 to be read in conjunction with the Plans;

"local roads authority" means Angus Council;

"local service" has the same meaning as in the Transport Act 1985;

“main carriageway” means that part of a public highway used primarily for through traffic provided that the expression main carriageway shall not include any lay-by;

“owner” in relation to a vehicle, means the person by whom such vehicle is kept and used and in determining who was the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has the use of such vehicle in the course of his / her employment and who is entitled to use such vehicle as though he / she were the registered keeper thereof;

“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 or parking bay (as the case may be) if any part of it is below the vehicle or the vehicle’s load (if any) whether or not a 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 car park or part thereof by exercise of the appropriate provisions of this Order

"parking bay" means the area of a road within a parking place which is provided for the leaving of a vehicle and is indicated in such a manner as the local roads authority may determine by signs, carriageway markings, lines or other indications;

"parking place" means an area of a highway designated by this Order for the parking of a vehicle or vehicles of a specific class or classes; and where an area of a road within which a parking bay or bays may be indicated;

"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 as amended; or any subsequent legislation so enabling;

"Plan Index" means the master index of plans by reference to the areas of Angus set out in Schedule 1 and to be read in conjunction with the Key and the Plans;

"Plans" means the On-Street Plans and each of them forming Schedule 2 to this Order;

"relevant position" in respect of a disabled person's badge and parking disc has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;

"telecommunication system" has the same meaning as in the Telecommunications Act 1984;

"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;

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 the Plans is a reference to a Plan or the Plans incorporated into this Order.

9. 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.
  
10. 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.

## **SECTION 2 - DISABLED PERSONS' PARKING PLACES**

### **Disabled persons parking places**

#### Designation of disabled person's parking places

11. The parts of roads identified as such on the Plans 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.

#### Display of disabled person's badge

12. 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).

#### Emergencies

13. Nothing in Articles 11 or 12 shall render it unlawful to cause or permit any emergency service vehicle to wait in any length of road specified therein for so long as may be necessary to enable the emergency service vehicle to be used in an emergency for fire and rescue, ambulance, police or other such contingencies.

#### General exemptions

14. Nothing in Articles 11 or 12 shall render it unlawful to cause or permit any vehicle to wait in any length of road specified therein for so long as may be necessary to enable:

- (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely:-
  - (i) the removal of any obstruction to traffic;
  - (ii) the maintenance, improvement or reconstruction of the said lengths or sides of road; or
  - (iii) the laying, erection, alteration or repair in or on land adjacent to the said lengths or sides of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications system;
- (b) the vehicle, not being a passenger vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in the service of a local authority or its contractors in pursuance of that authority's statutory powers or duties;
- (c) the vehicle of the Royal Mail or other universal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) to be used for the purpose of delivering and/or collecting mail; or
- (d) in any case where the person in control of the vehicle,
  - (i) is required by law to stop;
  - (ii) is obliged to stop so as to prevent an accident; or
  - (iii) is prevented from proceeding by circumstances outside his/her control.



## **General conditions in respect of parking places**

### Manner of standing in a parking place

15. Unless indicated otherwise by markings on the carriageway, each vehicle parked in a disabled person's parking place in accordance with the foregoing provisions of this Order shall stand:
- (i) if the parking place is in a one-way street, so that the vehicle is facing according to the direction of the traffic flow and adjacent to the edge of the carriageway;
  - (ii) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50cms or thereby.

### Alteration of position of a vehicle in a parking place

16. Where any vehicle is standing in a parking place in contravention of the provisions of the preceding Article, a Parking Attendant or person duly authorised by the Council or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Movement of a vehicle in a parking place in an emergency

17. A police officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any place he / she thinks fit, any vehicle parked in a parking place and shall provide for the safe custody of the vehicle.

Suspension of use of a parking place

18. Any Parking Attendant or any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary:
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
  - (b) for the purpose of any building operation, demolition or excavation adjacent to the parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the parking place, the laying, erection, alteration or repair in or adjacent to the parking place or any sewer or of any main, pipe , or apparatus for the supply of gas, water or electricity or of any telecommunications system or the placing, maintenance or removal of any traffic sign;
  - (c) for the convenience or occupiers of premises adjacent to the parking place on any occasion of the removal of furniture to or from one office or dwelling-house adjacent to the parking place from or to a depository, another office or dwelling-house;
  - (d) on any occasion on which it is likely by reason of some special attraction or event that any street will be thronged or obstructed;
  - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions;
- or

- (f) on any occasion in the interests of traffic or pedestrian movement and safety when a special event is taking place in the vicinity.

19. A police officer in uniform may suspend for not longer than 7 days at a time the use of a parking place or any part thereof whenever he / she considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
20. Any person or police officer suspending the use of a parking place or any part thereof in accordance with the provisions of this Order shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof a traffic sign indicating that parking by vehicles is prohibited.

#### No parking in a suspended parking place

21. No person shall cause or permit a vehicle to park in a parking place or any part thereof during which such period as the Council or a police officer has suspended that parking place or part thereof and exhibits notice of such suspension on or near that parking place.

#### Placing of traffic signs etc.

22. The Council may:
  - (a) place and maintain traffic signs or markings indicating the limits of each disabled parking place,
  - (b) place and maintain traffic signs indicating that such parking places may be used for the leaving only of the vehicles of the specified classes, and
  - (c) carry out such other work as it reasonably required for the purposes of the satisfactory operation of a disabled parking place.

### **SECTION 3 - CONTRAVENTION AND PENALTY CHARGE**

#### Contravention

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

#### Indications as evidence

24. The particulars given in any notice served on a vehicle in contravention of any provision of this Order shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

#### Restriction on removal of notices

25. Where a notice has been attached to a vehicle in accordance with the provisions of this Order no person, not being the driver of the vehicle, a police officer in uniform, a Parking Attendant, car park officer or some other person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the keeper of the vehicle.

#### Removal of vehicle

26. 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;
  - (b) 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 it might prescribe from time to time;

(c) the provisions of the Act of 1984 shall apply to the disposal of such vehicles removed by or on behalf of the Council.

27. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

**SECTION 4 – REVOCATIONS**

28. All the traffic regulation orders or parts of traffic regulation orders imposing on-street restrictions relating to disabled parking places as they relate to roads in the Angus area as defined in the Orders made by Angus Council prior to this Order and in so far as inconsistent herewith are hereby revoked.

**IN WITNESS WHEREOF this Order comprising this and the preceding 13 pages including the front sheet together with Schedule 1 (the Plan Index including List of Abbreviations; and Schedule 2 (the On-street Plans and each of them) have been executed for and on behalf of Angus Council as follows:**

**All of the above presented to, subscribed and initialled by me Sheona Craig Hunter, Head of Legal and Democratic Services, Angus Council**

**At Forfar on this Thirteenth day of April Two thousand and seventeen**

.....  
**Sheona Craig Hunter**

**All in the presence of**

.....  
**Alan Cameron Ingram, Senior Solicitor, Angus Council, Orchardbank Business Park, Angus Forfar DD8 1AN**

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

**LIST OF SCHEDULES**

<b>Schedule 1</b>	<b>Plan Index (all plans) including List of Abbreviations</b>
<b>Schedule 2</b>	<b>On-street Plans</b>

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**Sheona Craig Hunter**

**Schedule 1**

**Plan Index all plans**

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**Sheona Craig Hunter**



**Schedule 2**

**On-street Plans**

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**Sheona Craig Hunter**