

ANGUS COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

ANGUS COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING) (ON-STREET PARKING) (DECriminalISED ENFORCEMENT) (No.5) ORDER 2022

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 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.

PART 1

PRELIMINARY

Citation and commencement

1. This Order may be cited as the Angus Council (Prohibition and Restriction of Waiting and Loading) (On-Street Parking) (Decriminalised Enforcement) (No. 5) Order 2022 and shall come into force on 1st October 2022.

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 the List of Abbreviations and Global Legend forming Schedules 1a and 1b to this Order are hereby incorporated into and form part of this Order.
5. The On-Street Plans and each of them titled "Angus Council (Prohibition and Restriction of Waiting and Loading) (On-Street Parking) (Decriminalised Enforcement) (No. 5) Order 2022 On-Street Plans" (the "Plans") forming Schedule 2 to this Order, together with the List of Roads with Permit Schemes by Permit Type forming Schedule 3 to this Order and the List of On-Street Tariffs and Permit Charges Including Means of Payment forming Schedule 4 to this Order are hereby incorporated into and form part of this Order.
6. 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,

“alternative approved method of payment” means any cashless payments, park and phone, payment by debit or credit card facilitated by on site or remote verification by, for example, card reader or mobile phone text or phone call or decrementing card, as may be implemented by the Council from time to time,

"bus" means –

- (i) a motor vehicle constructed or adapted to carry 8 or more passengers (exclusive of the driver),
- (ii) a local bus not so constructed or adapted,

“clearway” means the main carriageway of any of the sides or lengths of roads specified in the Plans where stopping is prohibited during the restricted hours provided that the expression clearway shall not include any lay-by or parking place,

“community care personnel” means persons who are employed by or who are members of an official carers organisation operating through the Council or the National Health Service,

“daily charge” or “charge” means the charge imposed by the Council for parking in a parking place on any one day and for a specified period of time as is identified in the scale of charges specified in Schedule 4 and by notice on site,

"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,

“dispensation certificate” means a certificate issued on or behalf of the Council under the provisions of this Order permitting a specified vehicle to park in specified circumstances in a parking place, where the parking of that vehicle would otherwise be restricted or prohibited,

“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,

“goods” means goods of any kind whether animate or inanimate and includes postal packets,

"goods vehicle" means a vehicle constructed or adapted for use for the conveyance of goods or burden of any description,

“household” means a house or flat which has its own postal address; in the case of sub-divided properties the establishment of an individual address is subject to any appropriate planning consent having been obtained for the sub-division of the property and the paying of separate Council Tax,

“Key” means the key to the abbreviations and global legend set out in in the Plan Index and List of Abbreviations and Global Legend referred to in Schedules 1a and 1b to be read in conjunction with the Plans,

“lay-by” in relation to a main carriageway means any area of a road at the side of the main carriageway but not part of it and marked in accordance with the Traffic Signs Regulations and General Directions 2016 intended for the parking of vehicles,

“light goods vehicle” means a motor vehicle under 1500 kilograms in weight which is constructed or adapted for use for the carriage of goods or burden of any description the overall height of which does not exceed 2.3 metres and the overall length of which does not exceed 5.25 metres and is not drawing a trailer,

“loading area” means any of the sides or lengths of roads specified on the Plans where activities other than loading are prohibited,

"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 road used primarily for through traffic provided that the expression main carriageway shall not include any lay-by,

“motor cycle” has the same meaning as that in section 136 of the Act of 1984,

“no loading hours” means in relation to any no loading road or part of it the hours during which loading and unloading is restricted on the Plans to this Order,

“no loading road” means any of the sides or lengths of roads specified on the Plans where loading is prohibited or restricted,

“no stopping hours” means in relation to any no stopping road the hours during which stopping is restricted on the Plans,

“no stopping road” means any of the sides or lengths of roads specified on the Plans where stopping is prohibited or restricted,

“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,

“Parking Attendant” means a person employed in accordance with Section 63A of the Act of 1984 to carry out the functions therein,

“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 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 device” has the meaning given by section 35(3)(b) and section 51(4) of the Act of 1984;

“parking place” means an area of a road 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,

“passenger vehicle” means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer,

“pay and display ticket machine” means an apparatus of a type approved by the Secretary of State for issuing a ticket indicating the payment of a charge, the date on which the ticket is valid and the time by which the vehicle is required to leave the parking place,

“pay and display ticket” means a parking ticket issued by a pay and display ticket machine relevant to the parking place in which a vehicle has been parked,

“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,

“permit” means any permit, charged for or free, being a resident, business, community care, civic or staff permit or visitor voucher issued by the Council under the provisions of this Order,

“permit holder” means a person to whom a permit has been issued under the provisions of this Order,

“permitted hours” means the periods specified for each parking place during which parking by vehicles of a specific class is permitted as specified on the Plans,

“Plan” or “Plans” means a plan or plans set out in Schedule 2,

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

“prohibited hours” means in relation to any prohibited road the hours during which waiting or loading is prohibited as specified on the Plans,

“prohibited road” means any of the sides or lengths of roads specified on the Plans where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place,

“qualified medical practitioner” means a fully registered person within the meaning of the Medical Act 1983,

“registered carer” means any person employed by the Council or the National Health Service or other agency approved by the Council to provide care to other people in the exercise of its functions under any enactment,

“relevant position” in respect of –

- (a) a disabled person’s badge and parking disc has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000,
- (b) a permit means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the permit is clearly legible from outside the vehicle, and
- (c) a pay and display ticket means exhibited on the windscreen, dashboard or fascia of the vehicle or, where the vehicle does not have a windscreen, dashboard or fascia, in a conspicuous position on the vehicle so that the whole of the information on the front of the ticket is clearly legible from outside the vehicle,

“restricted hours” means in relation to any restricted road the hours during which waiting is restricted or specific activities are restricted as specified on the Plans,

“restricted road” means any of the sides or lengths of roads specified on the Plans where waiting is restricted or specific activities are restricted during the restricted hours provided that the expression “restricted road” shall not include any parking place,

“street trader’s licence” has the same meaning as in section 39(1) of the Civic Government (Scotland) Act 1982,

“taxi” has the same meaning as in section 23(1) of the Civic Government (Scotland) Act 1982,

“taxi rank” means an area of carriageway which is indicated by road markings complying with the Traffic Signs Regulations and General Directions 2016,

“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,

“wait” and “waiting” 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,

“waiver certificate” means a certificate issued by or on behalf of the Council for the purposes of this Order permitting a specified vehicle to wait in specified circumstances on a length or lengths of road where the waiting of that vehicle would otherwise be restricted or prohibited,

“zone” means an area comprising the respective roads specified in the Plans.

7. 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.
8. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted from time to time or as having effect by virtue of any subsequent enactment.
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. 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.
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 un-enforceable, such declaration shall not invalidate the remainder of the Order.

PART 2

PROHIBITION AND RESTRICTION OF WAITING AND LOADING

Prohibition of waiting

12. Save as provided in Articles 18 to 26 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait or park at any time on any prohibited road as specified on the Plans.

Restriction of waiting

13. Save as provided in Articles 18 to 26 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specific class to wait on any restricted road during the restricted hours as specified on the Plans.

Loading areas

14. Save as provided in Articles 18, 19 and 24 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait during the restricted hours in any loading area specified on the Plans unless it is of the specified class and except for the loading or unloading of goods in connection with nearby trade or business premises.
15. Where there is specified in the Plans a maximum period during the restricted hours for which loading or unloading is permitted, no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to wait on any loading area –
 - (a) for longer than is necessary for goods to be loaded onto or unloaded from the vehicle,
 - (b) for a period longer than specified on the Plans, or
 - (c) if a period less than that specified on the Plans as being the period in which the vehicle shall not return has elapsed since a previous period of waiting by the same vehicle on the same side of length of road.

Restriction on loading and unloading

16. Save as provided in Articles 18, 19 and 24 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle or a vehicle of a specified class to stop or wait for the purpose of enabling goods to be loaded to or unloaded from the vehicle on any no loading road during the no loading hours as specified on the Plans.

Restriction on stopping

17. Save as provided in Articles 18, 19 and 24 no person shall, except upon the direction or with the permission of a police officer in uniform, cause or permit any vehicle to stop on any no stopping road or clearway during the no stopping hours as specified on the Plans.

Emergencies

18. Nothing in Articles 12 to 17 shall render it unlawful to cause or permit any emergency service vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas 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 situations.

General exemptions

19. Nothing in Articles 12 to 17 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas 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) building, shop fitting, industrial or demolition operations,
 - (ii) furniture removals to or from a household,
 - (iii) the removal of any obstruction to traffic,
 - (iv) the maintenance, improvement or reconstruction of the said lengths or sides of road, and
 - (v) 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.

Loading and unloading

20. Nothing in Articles 12 to 15 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road or loading areas specified therein for so long as may be necessary to enable goods to be loaded to or unloaded from a vehicle (or goods or merchandise to be delivered or collected).

Board and alight from a vehicle

21. Nothing in Articles 12 to 13 shall render it unlawful to cause or permit any vehicle to wait in any of the roads, lengths of road or on the sides of road specified therein for so long as may be necessary to enable a person to board or alight from the vehicle.

Funerals and weddings

22. Nothing in Articles 12 to 13 shall render it unlawful to cause or permit any vehicle to wait, if it cannot safely and conveniently do so elsewhere, in any of the roads, lengths of road or on the sides of road specified therein if it is an official vehicle being used for funerals (hearse/chief mourners) or weddings (bride/chief attendants).

Parking places

23. Nothing in Articles 12 to 17 shall render it unlawful to cause or permit any vehicle to park upon a designated parking place.

Waiting by vehicle displaying a dispensation or waiver certificate

24. Nothing in Articles 12 to 17 shall prevent any person from causing or permitting a vehicle to wait in any prohibited or restricted road if it is displaying in the relevant position a valid dispensation or waiver certificate issued by the Council and the vehicle is waiting in accordance with the terms and conditions of the said certificate.

Waiting or parking by disabled persons' vehicle

25. Nothing in Articles 12 to 13 shall render it unlawful to cause or permit a disabled person's vehicle, which is not causing an obstruction and which displays in the relevant position a disabled person's badge, to wait or park in a prohibited road or a restricted road specified on the Plans provided that the vehicle immediately before or after the act of waiting or 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).

Taxi ranks

26. Nothing in Articles 12 to 14 shall prevent any person from causing or permitting a taxi to stop / wait in any duly authorised taxi rank during the period of operation specified on the associated road-side signage.
27. No person shall cause or permit any vehicle to stop or wait on a taxi rank during the period of operation specified on the associated road-side signage.

General conditions of waiting

28. No person shall cause or permit any vehicle to wait unless all wheels are on the carriageway and, if conditions dictate that the vehicle should wait parallel to the kerb, so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres.

PART 3

PERMITTED PARKING PLACES

Limited waiting parking places

Designation of limited waiting parking places

29. 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 limited waiting parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
30. No person shall cause or permit any vehicle to park in a limited waiting parking place during the permitted hours unless it is of the specified class.

Classes of vehicles for which limited waiting parking places are designated

31. Subject to the provisions of this Order, limited waiting parking places may be used during the permitted hours for the parking of passenger vehicles, light goods vehicles, motor cycles and vehicles displaying a disabled persons' badge.

Restriction on parking

32. Save as in an emergency, no person shall cause or permit any vehicle to remain in a limited waiting parking place for longer than the maximum period specified for that parking place in the Plans.

No return

33. Where a period within which a vehicle must not be parked again in the limited waiting parking place is specified in the Plans, no person shall permit or cause the vehicle to park again in that parking place until the expiry of that specified period.

Verge and footway parking

34. Where parking partially on the verge or footway is specified on the Plans, nothing shall render it unlawful for any person to cause or permit a vehicle of the class specified to park in a limited waiting parking place partially on the verge or footway.

Designation of pay and display parking places

35. 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 pay and display parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
36. No person shall cause or permit any vehicle to be parked in a pay and display parking place during the permitted hours unless it is of the specified class and there is displayed on that vehicle in the relevant position a pay and display ticket valid for that time and for that parking place.

Classes of vehicles for which pay and display parking places are designated

37. Subject to the provisions of this Order, parking places may be used during the permitted hours for the parking of passenger vehicles, light goods vehicles, motor cycles and vehicles displaying a disabled persons' badge.

Ticket machines to be installed at pay and display parking places

38. The Council will –
- (a) install in such positions at or in the vicinity of a payment parking place as it may think fit such pay and display ticket machines as are required by this Order for the purposes of that parking place, and
 - (b) carry out such other work as is authorised by this Order or is reasonably required for the purposes of the satisfactory operation of a parking place.

Maximum period of parking

39. Subject to the provisions of this Order, no person shall cause or permit any vehicle to be parked in a pay and display parking place –
- (i) beyond the time of expiry of the period for which the charge has been paid, or
 - (ii) for longer than the maximum period specified for that parking place on the Plans or as permitted in accordance with this Order.

No return

40. Subject to the provisions of this Order, where a period within which a vehicle must not be parked again in the pay and display parking place as specified on the Plans, no person shall permit or cause the vehicle to park again in that parking place until the expiry of that specified period.

Payment

41. No person shall cause or permit any vehicle to be parked in a pay and display parking place without arranging for the appropriate charge (if any) to be paid in accordance with the tariff or scale of current charges as specified in Schedule 4.

Means of payment

42. The charge referred to in the preceding Article shall be payable in the manner as specified in Schedule 4 or otherwise as may be permitted by the Council in accordance with the terms of this Order from time to time.
43. The person in charge of a vehicle, upon parking the vehicle in a pay and display parking place, shall immediately –
- (i) purchase a pay and display ticket from a ticket machine situated close to that parking place at the level of charge and for the period required in accordance with the tariff or scale of charges as specified in Schedule 4, or
 - (ii) make arrangements to pay the appropriate fee through an alternative approved method of payment at the level of charge and for the period required in accordance with the tariff or scale charges as specified in Schedule 4.

Display of ticket

44. Save as provided in Article 54, where on payment of the charge a pay and display ticket has been obtained, the person in charge of the vehicle shall –
- (i) display the pay and display ticket issued in the relevant position on the vehicle in respect of which it was issued, and
 - (ii) ensure that the pay and display ticket is displayed during the entire period that the vehicle is parked in the parking place.

Validity of Pay and Display Tickets

45. A pay and display ticket is not transferable from one vehicle to another.
46. A pay and display ticket is valid only until the expiry of the period for which a charge has been paid.
47. A pay and display ticket is valid only in the parking place or zone or street in respect of which it was issued.

Expiry of parking period

48. The expiry of the period for which the charge has been paid shall be when the time shown on the clock of the issuing ticket machine is later than the time exhibited on the pay and display ticket displayed on the vehicle.
49. For the avoidance of doubt, the limit of waiting time applicable to a parking place shall take precedence over the times shown on a pay and display ticket in determining whether or not a contravention has taken place.

No ticket displayed

50. Save as expressly provided in this Order, if at any time while a vehicle is parked in a parking place no pay and display ticket is displayed on that vehicle, it shall be deemed that the charge has not been paid.

Ticket machine out of order

51. If at the time when a vehicle is parked during the permitted hours in a parking place and the nearest ticket machine is out of order, then a pay and display ticket shall be obtained from another parking ticket machine relative to that parking place or zone or street (where provided).

Restriction on removal of tickets

52. Where a ticket has been attached to a vehicle in accordance with the provisions of this Order no person, not being the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.

Exemptions

Alternative approved method of payment

53. Where arrangements to pay the daily charge have been made through an alternative approved method of payment and no pay and display ticket is produced by following the process, the driver of a vehicle shall be exempt from the requirement to display such a ticket.

Pay and display machines out of order

54. If at the time when a vehicle is parked during the permitted hours in a pay and display parking place and all the ticket machines are out of order, the driver of that vehicle shall be exempt from payment of the charge and display of ticket, provided that the maximum period of parking specified for that parking place on the Plans or otherwise still applies.

Permit or voucher

55. The driver of any vehicle displaying in the relevant position a permit or visitor voucher valid for that pay and display parking place shall be exempt from payment of the parking charge, display of ticket and any time limit provided that the vehicle is being used in accordance with the conditions applying to the said permit or voucher.

Dispensation certificate

56. The driver of any vehicle displaying in the relevant position a valid disabled persons badge or valid dispensation certificate shall be exempt from payment of the parking charge, display of ticket and any time limit provided that the vehicle is being used in accordance with the conditions applying to the said badge or certificate.
57. Where a virtual parking permit has been obtained as a permitted alternative to a parking ticket and remains valid, any requirement in this Order for the parking ticket to be displayed on the vehicle to which it relates shall not apply.

Doctor's parking places

Designation of doctor's parking places

58. The parts of roads identified as such on the Plans and in Schedule 3 as doctor's parking spaces are designated to be used subject to the following provisions of this Order as doctor's parking places and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
59. No person shall cause or permit any vehicle to park in a doctor's parking place during the permitted hours unless it is displaying in the relevant position a doctor's permit valid for that vehicle, that time and that parking place.
60. A doctor's parking permit may at the Council's discretion be issued by the Council in such form and subject to such conditions as may be agreed from time to time by the Council.

Permit only parking places

Designation of permit holders only parking places

61. The parking places identified in the Plans and listed in Schedule 3 as permit holders only parking places are hereby designated as being restricted to use during the permitted hours by vehicles displaying a valid residents' permit, visitor parking voucher, business permit, carer permit or essential visitor permit or any other such permit type issued by the Council.
62. Where a virtual parking permit has been obtained as a permitted alternative to a parking permit, dispensation certificate or waiver certificate and remains valid, any requirement in this Order for the permit, dispensation certificate or waiver certificate to be displayed on the vehicle to which it relates shall not apply.

Classes of vehicles for which permits are applicable

63. Subject to the provisions of this Order, permits and visitors vouchers may be issued in respect of classes of vehicles being passenger vehicles, light goods vehicles, motor cycles and disabled persons vehicles.

Permits to be displayed on vehicles

64. Save as expressly provided for in this Order, no person shall cause or permit any vehicle to park in a permit holders only parking place during the periods specified in the Plans and/or listed in Schedule 3 unless there is on display in the relevant position on that vehicle a residents parking permit, visitor parking voucher, business permit, visitor permit or any other such permit type issued by the Council and valid for that parking place.
65. Where a permit has been displayed on a vehicle in accordance with the preceding Article, no person other than the driver of the vehicle shall remove the permit or visitors voucher from the vehicle unless authorised to do so by the driver of the vehicle.

Other parking places

Special classes of vehicles

66. 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 specific classes of vehicles and may be used subject to the provisions of this Order on such days and during such hours as are specified on the Plans.
67. Where parking places are provided for the leaving of specific classes of vehicle with or without charge or time limit, no person shall cause or permit any vehicle to park in that parking place during the periods specified in the Plans unless it is of the class specified, on payment of any charge and –
 - (a) for a period longer than that specified, or

- (b) where a period within which a vehicle must not be parked again in the parking place is specified in the Plans, no person shall permit or cause the vehicle to park again in that parking place until the expiry of that specified period.

General conditions in respect of parking places

Manner of standing in a parking place

68. Unless indicated otherwise by markings on the carriageway, each vehicle parked in a limited waiting, pay and display, disabled person's and permit 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 50 centimetres,
 - (iii) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is parked, and
 - (iv) so that every part of the vehicle is within the limits of the parking place as marked on the carriageway.

Alteration of position of a vehicle in a parking place

69. 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

70. 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

71. 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 road 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 depositary, 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.
72. 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.
73. 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

74. 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.
75. Nothing in the preceding Article shall render it a contravention to cause or permit a vehicle to be parked in a parking place which has been suspended, which displays in the relevant position a valid dispensation certificate or waiver certificate issued by the Council, and the vehicle is parking in accordance with the terms and conditions of the said certificate.

Restrictions on the use of vehicles in a parking place

76. During the permitted hours no person shall use any parking place or any vehicle whilst it is in a parking place –
- (i) to carry out any trade,
 - (ii) in connection with the sale or offering or exposing for sale any goods to any person in or near the parking place, or
 - (iii) in connection with the selling or offering for sale of their skill in handicraft or their services in any other capacity,
- provided that –
- (iv) nothing in this Article shall prevent the sale of goods from a vehicle if there is on display in the vehicle a certificate of Street Trader's Licence issued by the Council and the vehicle is being operated in accordance with any conditions of the said certificate, and
 - (v) nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is a passenger vehicle, a goods vehicle or a motorcycle and the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected and the vehicle does not park for a period exceeding 20 minutes or such longer period as a Parking Attendant or person duly authorised by the Council may approve.

Exemptions to restriction on parking by a vehicle in a parking place

77. Notwithstanding for foregoing provisions of this Order any vehicle may be parked during the permitted hours in any part of a parking place if the use of that part has not been suspended and if –

- (a) the vehicle is parked for so long as may be necessary for the purpose of enabling any person to board or alight from a vehicle or load thereon or unload therefrom their personal luggage,
- (b) the vehicle is parked owing to the driver being prevented from proceeding by circumstances beyond their control or to such parking being necessary in order to avoid an accident,
- (c) the vehicle is being used for fire and rescue, ambulance or police purposes or, not being a passenger vehicle, is being used in the service of a local authority in pursuance of statutory powers or duties provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to park in the place in which it is parked,
- (d) the vehicle is parked for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic,
- (e) the vehicle of the Royal Mail or other universal postal service provider (as defined in section 4(3) and (4) of the Postal Services Act 2000) is parked for the purpose of delivering and/or collecting mail, or
- (f) in any other case the vehicle is parked for the purpose of delivering or collecting goods or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is parked and the vehicle does not park for a period exceeding 20 minutes or for such longer period as a Parking Attendant or person duly authorised by the Council may approve.

Exemptions for vehicles displaying a valid disabled person's badge

78. Notwithstanding the foregoing provisions of this Order any vehicle displaying in the relevant position a valid disabled person's badge may be parked without payment of a daily charge or time limit during the permitted hours in any part of a parking place, other than a parking place identified in the Plans and listed in Schedule 3 as permit holders only parking places, if the use of that part has not been suspended, provided that the vehicle is parked in accordance with the terms and conditions of the said badge.

Exemptions for vehicles displaying a valid dispensation certificate or waiver certificate

79. Notwithstanding the foregoing provisions of this Order any vehicle displaying in the relevant position a valid dispensation certificate or waiver certificate issued by the Council may be parked –
- (i) without payment of a daily charge or time limit during the permitted hours in any part of a parking place if the use of that part has not been suspended, or
 - (ii) in any part of a parking place the use of which has been suspended,
- provided that the vehicle is parked in accordance with the terms and conditions of the said certificate.

Placing of traffic signs, etc.

80. The Council shall –
- (a) place and maintain traffic signs or markings indicating the limits of each parking place,
 - (b) place and maintain traffic signs of a design approved by Transport Scotland indicating that such parking places may be used during the permitted hours 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 parking place.

PART 4

CONDITIONS AS TO PERMITS AND CERTIFICATES

Classes of vehicles for which permits are applicable

81. Subject to the provisions of this Order, permits may be issued to classes of vehicles being passenger vehicles, light goods vehicles, motor cycles and disabled persons vehicles.

Use of permits and vouchers

82. A permit or voucher shall only be valid for use in a parking place on a road within the zone identified on the permit and specified on the Plans and/or listed in Schedule 3.

Entitlement to and application for permits

Residents permits

83. Any resident with a postal address in the roads or parts of road as specified on the Plans and listed in Schedule 3 who is the owner of a vehicle of the class specified may apply to the Council for the issue of a residents permit in respect of that vehicle and / or the issue of visitor vouchers for use by visitors to the resident and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

Residents visitor permit/voucher

84. Any resident with a postal address in the roads or parts of road as specified on the Plans and listed in Schedule 3 who is the owner of a vehicle of the class specified may apply to the Council for the issue of a residents visitor permit / voucher for use by visitors to the resident and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

Business permits

85. Any business user operating from premises with a postal address in the roads or parts of road as specified on the Plans and listed in Schedule 3 who is the operator of a vehicle of the class specified and use of the vehicle is integral to the daily operation of the business may apply to the Council for the issue of a business / essential visitor permit in respect of that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by such form to be supplied.

Evidence in respect of application

86. The Council may at any time require an applicant for a residents, residents visitor permit / voucher or business permit or the holder of a residents, residents visitor or business permit to produce to an officer of the Council or authorised agent such evidence in respect of an application for a permit made to them as they may reasonably require to verify any particulars or information given to them or in respect of any permit issued by them as they may reasonably require for to verify that the permit is valid.

Issue of permits

Residents permits

87. Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant is a resident who is the owner of a vehicle of the class specified and on payment of any fee as specified in Schedule 4 may issue to the applicant a resident's permit for the leaving during the permitted hours in a parking place of the vehicle to which such residents permit relates; provided that if a limit on the number of permits per resident or per household applies in accordance with the scheme details, the limit is not exceeded.

Residents visitor permits / voucher

88. Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee specified in Schedule 4, may issue to the applicant residents visitor permits / vouchers for the parking during the permitted hours in a parking place to which such residents visitor permit / voucher relates of a vehicle to which a permit / voucher relates by the owner of such vehicle; provided that, if a limit on the number of residents visitor permits / voucher per resident or per household applies in accordance with the scheme details, the limit is not exceeded.

Business permits

89. Upon receipt of an application duly made under the provisions of this Order, the Council upon being satisfied that the applicant satisfies the requirements and on receipt of any fee specified in Schedule 4 may issue to the applicant business / essential visitor permits up to the maximum permitted for the leaving during the permitted hours in a parking place of the vehicle to which a permit relates; provided that the Council may impose such conditions on the use of the permit as it considers appropriate and that if a limit on the number of permits applies the limit is not exceeded.

Surrender of permits

90. A permit holder may surrender such permit to the Council or authorised agent at any time and shall surrender such permit to the Council or authorised agent on the occurrence of any one of the surrender events set out in Article 92 below.

Withdrawal of permit

91. The Council or its authorised agent may, by notice in writing served on the permit holder at the address shown by that person on the application for the permit or at any other address believed to be that person's residence or place of business, withdraw a permit if it appears to the Council or authorised agent that any one of the surrender events has occurred and the permit holder shall surrender the permit to the Council or authorised agent within 48 hours of the receipt of the aforementioned notice.

Surrender events

92. Each of the following is a surrender event –
- (i) the permit holder ceasing to be a resident,
 - (ii) the business in respect of which the permit is issued ceasing to trade,
 - (iii) the permit holder ceasing to be the owner of the vehicle in respect of which the resident's permit was issued,
 - (iv) the vehicle in respect of which such permit was issued being adapted or used in such a manner that it is not a vehicle of the class specified,

- (v) the issue of a duplicate permit or visitor permit / voucher by the Council under the provisions of this Order, or
- (vi) the permit being defaced, mutilated or altered.

Validity of permit

93. A permit shall cease to be valid at the expiration of the period specified thereon or on the occurrence of any of the surrender events, whichever is the earlier.
94. Where a permit or voucher is issued to any person and there is a subsequent failure in the payment process for any reason such that no payment is effectively received by the Council, any permit or voucher issued shall cease to be of any effect and the Council shall by notice in writing served on the person to whom such permit or voucher was issued by sending the same to the permit holder at the address shown by that person on the application for the permit, or at any other address believed to be that person's place of abode, require that person to surrender the permit or voucher to the Council within 48 hours of receipt of the aforementioned notice.
95. A permit shall cease to be valid if –
- (i) the details have been altered or defaced,
 - (ii) any additional details required as a condition of the permit are not exhibited, or
 - (iii) the details cannot be easily read from outside the vehicle.

Duplicate permits

96. If a permit or visitor voucher is accidentally mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the permit or visitor voucher has become altered by fading or otherwise, the permit holder shall surrender it to the Council and apply to the Council for the issue of a replacement permit or voucher.
97. If a permit or visitor voucher is lost or destroyed, the permit or voucher holder may apply to the Council for the issue of a duplicate permit or voucher.
98. On application under the provisions of this Order, the Council, being satisfied as to the circumstances as indicated, and on payment of any fee as the Council may from time to time determine, shall issue a replacement or duplicate permit or voucher so marked and upon such issue the original permit or voucher shall become invalid.
99. All the provisions of this Order shall apply to a replacement or duplicate permit to the same extent as they applied to the original permit.

Form of permit

100. A permit shall be in writing and shall include the following particulars –
- (i) the registration mark of the vehicle in respect of which the permit has been issued; provided that in exceptional circumstances at the absolute discretion of the Council the vehicle registration mark may be omitted,
 - (ii) the period during which, subject to the provisions pertaining to surrender or withdrawal, the permit shall remain valid,
 - (iii) an indication that the permit has been issued by the Council, and

- (iv) a code or identification indicating the parking area or zone for which the permit is valid.

Refund of charge paid

101. A permit holder who surrenders a permit to the Council before the permit becomes valid or after the permit becomes valid may be entitled to a refund of a sum determined by reference to any policy agreed from time to time by the Council.

Waiver certificate and/or Dispensation certificate

102. The Council may issue a waiver certificate or a dispensation certificate on receipt of application and may impose charges, terms and conditions as appropriate.
103. A waiver certificate or dispensation certificate may be cancelled at any time at the sole discretion of the Council and shall thereupon immediately cease to be valid. Notification of such cancellation shall be in writing to the holder of the certificate at any address that the Council believes to be that person's address and the certificate shall forthwith be surrendered to the Council.

PART 5

GENERAL

Pedestrian crossings

104. Nothing in the provisions of this Order shall be taken as authorising anything which would be a contravention of any regulations made or having effect as if made under Section 25 of the Act of 1984.

PART 6

CONTRAVENTION AND PENALTY CHARGE

Contravention

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

Indications as evidence

106. 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

107. 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 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

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

109. Nothing in respect of immobilisation or removal of a vehicle shall apply in respect of a vehicle displaying in a relevant position a valid disabled person's badge.

110. 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.

Made at Forfar on 12th September 2022.

(Signed) *A. Barnes*
..... (Witness)
Andrew Barnes
Team Leader – Traffic, Roads & Transportation
Angus Council, Angus House, Orchardbank
Business Park, Forfar DD8 1AN

(Signed) *M. P. Callander*
.....
Marie Pauline Callander
Team Leader – Legal Team 2
and Proper Officer
of Angus Council

**SCHEDULE 1a
PLAN INDEX**

(introduced by Article 4)

Plan Index for Arbroath

**AH-C07 AH-C10 AH-C13 AH-D05 AH-D06 AH-D13
AH-E05 AH-E06 AH-E07 AH-E08 AH-E10 AH-F07
AH-F11 AH-F12 AH-G05 AH-G08 AH-G09**

all as shown located on the Plan Index for Arbroath Location Plan annexed hereto.

Plan Index for Brechin

BN-D04 BN-E03 BN-E05 BN-F02 BN-F03

all as shown located on the Plan Index for Brechin Location Plan annexed hereto.

Plan Index for Carnoustie & Barry

CE-D04 CE-E02 CE-F04

all as shown located on the Plan Index for Carnoustie & East Haven Location Plan annexed hereto.

Plan Index for Easthaven

EN-B03

all as shown located on the Plan Index for Easthaven Location Plan annexed hereto.

Plan Index for Forfar

**FR-D08 FR-E09 FR-E10 FR-E11 FR-E12 FR-F11
FR-F12 FR-G08 FR-G12**

all as shown located on the Plan Index for Forfar Location Plan annexed hereto.

Plan Index for Friockheim

FM-C02

all as shown located on the Plan Index for Friockheim Location Plan annexed hereto.

Plan Index for Kirriemuir

KR-B05 KR-C05 KR-C11 KR-C12

all as shown located on the Plan Index for Kirriemuir Location Plan annexed hereto.

Plan Index for Monifieth

MH-C03 MH-D04 MH-E02

all as shown located on the Plan Index for Monifieth Location Plan annexed hereto.

Plan Index for Montrose

**ME-B05 ME-B06 ME-B07 ME-B08 ME-B12 ME-C08
ME-C11 ME-C12**

all as shown located on the Plan Index for Montrose North & Hillside Location Plan and Montrose South & Ferryden Location Plan annexed hereto.

Plan Index for Newtyle

NE-A01

all as shown located on the Plan Index for Newtyle Location Plan annexed hereto.

ANGUS COUNCIL (PROHIBITION AND RESTRICTION OF WAITING AND LOADING) (ON-STREET PARKING) (DECRIMINALISED ENFORCEMENT) (No. 5) ORDER 2022

SCHEDULE 1b ABBREVIATIONS AND GLOBAL LEGEND

Abbreviations used on plans.

Ave – Avenue	Cl – Close	Cnr – Corner
Cres – Crescent	Gdns – Gardens	L – Little
N – North	Pl – Place	Rd – Road
St – Street	S – South	Ter – Terrace
U - Upper		

Global Legend



No stopping, Mon – Fri, 8.30am – 4.30pm



No waiting at any time



No waiting, Mon – Sat, 8.30am – 5.30pm



Limited waiting 60 mins, no return within 30 mins, Mon – Sat, 8.30am – 5.30pm



Loading only, Mon – Fri, 6.00am - 8.30am



No waiting at any time to be removed



No waiting Mon - Sat 8.30am - 5.30pm to be removed



No stopping, Mon – Fri, 8.30am – 4.30pm to be removed



Limited waiting 60 mins, no return within 30 mins, Mon – Sat, 8.30am – 5.30pm to be removed

SCHEDULE 2
ON-STREET PLANS

(introduced by Article 5)

SCHEDULE 3

LIST OF ROADS WITH PERMIT SCHEMES BY PERMIT TYPE

(introduced by Article 5)

Permit Holders Only Parking Places

<u>PARKING PLACES</u>	<u>PERMIT TYPE</u>	<u>ZONE</u>	<u>PERMITTED HOURS</u>
None at this time	Residents' Permit	DB----	At Any Time

SCHEDULE 4

LIST OF ON-STREET PARKING CHARGES AND PERMIT FEES INCLUDING MEANS OF PAYMENT

(introduced by Article 5)

On-street Parking Charges

Charging Period	Scale of Current Charges	Maximum Duration of Stay	No return within	Display Ticket / Parking Disc / None	Means of Payment
Limited Waiting Monday – Saturday, 8.30am - 5.30pm	Free	60 mins	30 Mins	None	Any means authorised by the Council from time to time

Permit Fees

Type of Permit	Fee	Display Permit / Parking Disc / None	Means of Payment
Residents Permit	Nil	Display Permit	Any means authorised by the Council from time to time
Residents Visitor Permits / Vouchers	Nil	Display permit	Any means authorised by the Council from time to time
Business / Essential Visitor Permit	Nil	Display permit	Any means authorised by the Council from time to time

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ANGUS COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

ANGUS COUNCIL (PROHIBITION AND
RESTRICTION OF WAITING AND LOADING)
(ON-STREET PARKING) (DECRIMINALISED
ENFORCEMENT) (No. 5) ORDER 2022

2022

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Angus Council
Angus House
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