TRAFFIC REGULATION ORDER

ARGYLL AND BUTE COUNCIL
(VARIOUS STREETS, LUSS)
(TRAFFIC MANAGEMENT) ORDER 2023

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PART 1

GENERAL

Argyll and Bute Council in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32, 45, 46, 47, 49 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended, The Road Traffic (Permitted Parking Area and Special Parking Area) (Argyll and Bute Council) Designation Order 2014; The Road Traffic Act 1991, as amended and all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the 1984 Act, and with consent granted by Scottish Ministers under Part II of Schedule 9 of the 1984 Act, hereby make the following Order:-

1. Citation and Commencement

This Order may be cited as the "Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 2023" and shall come into operation on Wednesday the fourteenth day of June Two Thousand and Twenty Three.

2. Provisions

To make provisions in relation to driving and on-street parking within Luss, and revoke Orders as specified in the Articles and Schedule 7 annexed and executed as relative hereto. The Council is satisfied that, for the reasons set out in section 3(2)(a), 3(2)(b), 3(2)(c), 3(2)(d) and 3(2)(e) of the Road Traffic Regulation Act 1984, it is required that section 3(1) of that Act should not apply to the Order.

3. Definitions and Interpretation

(i) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(ii) In this Order the following expressions have the meanings hereby respectively assigned to them:

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the 1991 Act" means the Road Traffic Act 1991;

"business permit" means a permit issued to an entitled business user in accordance with Part 6 of this order;

“Council” means Argyll and Bute Council constituted under the provisions of the Local Government etc (Scotland) Act 1994 and having its Chief Office at Kilmory, Lochgilphead, Argyll, PA31 8RT;

“day” means a period of 24 hours commencing at 0001 hours and ending at 2400 hours and any reference to hours shall be construed as referring to consecutive hours within one day;

“disabled person” means the disabled driver of or a disabled passenger in a motor vehicle, being such a disabled person as is described in Regulation 4 of the Disabled Person (Badges for Motor vehicles) (Scotland) Regulations 2000 as amended;

“disabled person’s badge” has the same meaning as in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 as amended;

“disabled person’s vehicle” means a vehicle lawfully displaying a disabled persons badge;

“driver” means the person driving or having control or charge of the vehicle at any given time and includes in relation to a vehicle waiting in a parking place the person driving at the time it was left in that parking place;

“entitled business user” means a person who occupies premises the postal address of which is within the parish of Luss, such area shown outlined in red on Plan Reference No.1, and which has no off street parking space provided or authorised by any planning consent related to the premises and who is liable for payment of business rates on those premises;

"goods" includes postal packets of any description; and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“goods vehicle” means a vehicle constructed or adapted for the use for the conveyance of goods or burden of any description, but not including a dual purpose vehicle;

“invalid carriage” means a mechanically propelled vehicle the weight of which unladen does not exceed 254 kg and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from some physical defect or disability and is solely used by such a person;

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, having less than four wheels and the weight of which unladen does not exceed 410 kg as defined in Section 136 of the 1984 Act ;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads as defined in Section 136 of the 1984 Act ;

“Nominated vehicle” means a registered vehicle associated with a “permit holder” as qualifying person

“parking attendant” means an individual employed by the local authority to provide for the supervision of parking places within their area and shall also have such other functions in relation to stationary vehicles as may be conferred by or under any other enactment as defined in section 63A of the 1984 Act;

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

“parking place” means an area designated as a parking place by Article 16, Schedule 5 and Schedule 8 of this Order;

“parking permit” means a resident permit or business permit of a type and design issued by the Council in physical or electronic format in accordance with Part 6 of this Order and valid for use in the areas of road detailed in Schedule 3;

“penalty charge notice” means a notice issued by a parking attendant pursuant to the provisions of Section 43 and Section 66 of the 1991 Act;

“permit holder” means a qualifying person to whom a resident permit or a business permit has been issued by the Council.

“**permitted hours”** means the period specified for each parking place during which the waiting by vehicles is permitted as specified within this order.

“**Plan Reference No. 1”** means the drawing titled “Extent of Luss Parish Boundary ” with drawing number LUSSTRO- TM 2021/02 annexed and executed as relative to this order.

“**Qualifying person**” means a resident or business user who meets the eligibility criteria to apply for a parking permit outlined in article 33 for the “restricted parking zone” outlined in schedule 3.

“registered keeper” is the person for the time being registered at the Driving and Vehicle Licensing Agency as the person recorded as keeping the vehicle and is the person named on the Vehicle Registration Certificate;

“relevant position” means:

(a) in the case of a two wheeled motor cycle, in a conspicuous position on the vehicle in front of the driving seat; and

(b) in the case of all other vehicles, facing forwards on the near side of the glass of the windscreen behind the glass or on the dash board to the near side.

(c) in respect of a disabled persons badge means the badge is exhibited in a conspicuous position so that all the particulars are clearly visible from outside the vehicle

“resident” means a person whose principal home is a dwelling situated in the area outlined in red on Plan Reference No.1;

“resident permit” means a parking permit issued to a resident in accordance with Part 6 of this order;

“**restricted parking zone”** refers to all the roads specified in Schedule 3 of this order;

“**restricted road”** means any road specified in Schedule 3;

“return period” means the period following expiry of the maximum parking stay in that parking place during which the driver shall not return the vehicle to the parking place;

"road" has the same meaning as in Section 151 of the Roads (Scotland) Act 1984, and for the avoidance of doubt, a road includes part of a road;

“schedule” means the schedules annexed to this order and which form part of this order;

“service provider” means the company authorised and appointed by the Council to operate, administer and maintain the process for the payment of parking charges on its behalf using the telephone payment parking system;

"**universal service provider**" has the same meaning as in Sections 4(3) and (4) of the Postal Services Act 2000;

“vehicle” means 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;

(iii) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

(iv) For the purposes of this Order a vehicle shall be deemed to wait or stop-

(a) in a restricted road if any point in that road is below the vehicle or its load (if any) and the vehicle is stationary; or

(b) for more than a specified period in the same place in a restricted road if any one point in that road is below the vehicle or its load (if any) throughout a period exceeding the specified period whether or not the vehicle is moved during that period.

PART 2

PROHIBITION OF DRIVING

4. Prohibition of Driving

Save as provided in Article 5 of this Order no person shall cause any vehicle to proceed in any road specified in Schedule 1 to this Order.

5. Exceptions to Prohibitions of Driving

The prohibition in Article 4 of this Order shall not apply to the following vehicles:

(a) Nominated vehicles with a valid permit as outlined in Article 33 and 34

(b) Vehicles being used for or in connection with the conveyance of goods or persons to or from premises situated on any road specified in Schedule 1 to this Order.

(c) invalid carriages or motor vehicles displaying in the relevant position a valid disabled person's badge and are being driven or used by disabled persons.

(d) Vehicles while being used for fire brigade, ambulance, police force or coast guard purposes.

(e) Vehicles, not being passenger vehicles, while 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 duties for the vehicle to proceed in any road specified in Schedule 1 to this Order.

(f) Vehicles being used for or in connection with the removal of furniture to or from any premises adjacent to any road specified in Schedule 1 to this Order.

(g) Vehicles being driven by a medical practitioner attending an emergency or hosting a scheduled surgery at premises situated on any road specified in Schedule 1 to this Order. The Council may, where applicable, require evidence to show there was a genuine emergency.

PART 3

RESTRICTED ROADS ("Restricted Parking Zone")

6. Designation of Restricted Roads

Each length of road specified in Schedule 3 is hereby designated as a restricted road within the "Restricted Parking Zone".

PART 4

PROHIBITION AND RESTRICTION ON WAITING AND LOADING

7. Restriction on waiting and loading of vehicles in roads specified in Schedule 2

Save as provided in Articles 9.3, 10 and 12 no person shall, except upon the direction or with the permission of a parking attendant or police officer in uniform, cause or permit any vehicle to wait at any time on any of the lengths of road specified in Schedule 2 to this Order.

8. Restrictions on waiting of vehicles in roads in specified in Schedule 3 and Schedule 4

(i) Save as provided in Articles 9.1, 10, 11 and 12 no person shall, except upon the direction or with the permission of a parking attendant or police officer in uniform, cause or permit any vehicle to wait at any time on any of the lengths of road specified in Schedule 3 to this Order.

(ii) Save as provided in Articles 9.2, 10, 11 and 12 no person shall, except upon the direction or with the permission of a parking attendant or police officer in uniform, cause or permit any vehicle to wait at any time on any of the lengths of road specified in Schedule 4 to this Order

9. Exemptions from waiting restrictions

9.1 The restrictions imposed by Article 8(i) of this order shall not apply to the following vehicles:-

(i) Vehicles with a valid parking permit displayed in accordance with Article 36.4 of this order.

(ii) Vehicles while being used for fire brigade, ambulance, police force or coast guard purposes.

(iii) Vehicles, not being passenger vehicles, while 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 duties for the vehicle to wait at the place in which it is waiting.

(iv) Invalid carriages or motor vehicles displaying a valid disabled person's badge in the relevant position which are not causing an obstruction and are being driven or used by disabled persons.

(v) Vehicles being driven by a medical practitioner attending an emergency or hosting a scheduled surgery at premises situated on any road specified in Schedule 1 to this Order. The Council may, where applicable, require evidence to show there was a genuine emergency.

9.2 The restrictions imposed by Article 8(ii) of this order shall not apply to the following vehicles:-

(i) Vehicles while being used for fire brigade, ambulance, police force or coast guard purposes.

(ii) Vehicles, not being passenger vehicles, while 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 duties for the vehicle to wait at the place in which it is waiting.

(iii) Invalid carriages or motor vehicles displaying a valid disabled person's badge in the relevant position which are not causing an obstruction and are being driven or used by disabled persons.

(iv) Vehicles being driven by a medical practitioner attending an emergency or hosting a scheduled surgery at premises situated on any road specified in Schedule 1 to this Order. The Council may, where applicable, require evidence to show there was a genuine emergency.

9.3 The restrictions imposed by Article 7 of this order shall not apply to the following vehicles:-

(i) vehicles while being used for fire brigade, ambulance, police force or coast guard purposes;

(ii) vehicles, not being passenger vehicles, while 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 duties for the vehicle to wait at the place in which it is waiting

10 Exception from waiting restrictions

Nothing in Article 7 and Article 8 of this order shall prevent any person from causing or permitting a vehicle to wait on any of the lengths of road specified in Schedule 2 or 3 or 4 of this order for as long as may be necessary**:-**

(a) to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage;

(b) to enable the vehicle, if it cannot conveniently be used for such purposes in any other road not being a restricted road, to be used in connection with any building operation, demolition or excavation in or adjacent to that or any other restricted road, the cleansing or lighting of any restricted road, the removal of any obstruction to traffic in any road, the maintenance, improvement or reconstruction of any restricted road, the laying, erection, alteration or repair in or adjacent to any road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus, or the placing, maintenance or removal of any traffic sign;

(c) when the person in control of the vehicle is required by law to stop or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances beyond his control;

(d) If the vehicle being a vehicle in the service of or employed by a universal service provider is in actual use while postal packets addressed to premises adjacent to that road are being unloaded from the vehicle, or having been unloaded therefrom, are being delivered or while postal packets are being collected from postal boxes or premises adjacent to that road for loading on the vehicle;

(e) if the vehicle is in actual use in connection with a funeral undertaking.

11. Loading or unloading of goods

Nothing in Article 8 shall apply so as to prevent any person from causing or permitting a vehicle to wait in any restricted road specified in Schedule 3 or Schedule 4 while the vehicle is in actual use for the purpose of delivering or collecting goods or merchandise or while loading or unloading the vehicle at premises adjoining the said road: Provided that:-

(a) no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait in any restricted road specified in Schedule 3 or Schedule 4 for a period of more than thirty minutes in the same place; and

(b) no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait in any restricted road specified in Schedule 3 or Schedule 4 if a period of less than sixty minutes has elapsed since the termination of the last period of waiting (if any) of the vehicle outside the same premises.

12. Furniture removal and other exceptional loading or unloading

Nothing in Article 7 and Article 8 shall apply so as to restrict the loading or unloading of a vehicle while the vehicle is in actual use in any road specified in Schedule 2 or Schedule 3 or Schedule 4 in connection with the removal of furniture to or from any premises adjacent to that restricted road from or to another premises..

13. Restrictions of methods of loading or unloading goods

No person in charge of a vehicle delivering or collecting goods or who is engaged in the course of or in connection with the loading or unloading of any goods on or from any such vehicle on any road specified in Schedule 3 or Schedule 4 to this order shall cause or permit any such goods to be deposited on the carriageway except immediately at the rear of the vehicle or allow any goods to remain on the carriageway before the arrival or after the departure of the vehicle.

14. Manner of waiting in a restricted road

The driver of any vehicle waiting in any restricted road specified in Schedule 3 shall, except upon the direction or with the permission of a parking attendant or police officer in uniform so wait:-

(a) that the nearside or offside of the vehicle is adjacent to the edge of the carriageway, and

(b) so that the nearest wheels of the vehicle are not more than 0.3 metres from the edge of the carriageway nearest to the vehicle.

15. Duty to move on

Notwithstanding any exemption or exception contained in this part of the Order, the person in control of any vehicle waiting in any restricted road specified in Schedule 3 shall move the vehicle on the instructions of a Police Officer in uniform or parking attendant whenever such removal is reasonably necessary for the purpose of facilitating the passage of traffic.

PART 5

PARKING PLACES

16. Designation of parking places

Each area on a road which is described in Schedule 5 and as shown on the Plans comprising Schedule 8 to this Order is hereby designated as a parking place.

17. Vehicles for which parking places are designated

Save as provided in Article 24, each parking place described in Schedule 5 may be used, for the leaving of any vehicles that are wholly parked within the marked limits of a parking bay within a designated parking place.

18. Laying out and marking of parking places and parking bays

The limits of each parking place and limits of each parking bay in the parking place shall be indicated on the carriageway in such a manner as the Council may determine by lines or other indications in accordance with Traffic Signs Regulations and General Directions 2016.

19. Extent, capacity and location of parking places

The extent and location of each parking place is described in column 2 of Schedule 5 and the number of parking bays in each parking place shall not exceed the number specified in Column 3 of Schedule 5 to this Order**.**

20. Waiting Limit within parking places

Save as provided in Article 22, no vehicle shall wait in any parking place described in Schedule 5 of this Order for a period exceeding 30 minutes between 08:00 hours and 20:00 hours Monday to Sunday.

21. Interval before a vehicle may again be left in a parking place

No vehicle which has been taken away from a parking place described in Schedule 5 may again be left in that parking place during the 60 minute return period.

22. Exemptions from Waiting Limit within Parking Places

Without prejudice to any other provisions of this Order with respect to vehicles which are left in a parking place in accordance with those provisions, any other vehicle may wait during the permitted hours anywhere in a parking place if:-

(i) the person in control of the vehicle is required by law to stop or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances beyond his control;

(ii) the vehicle is being used for fire brigade, ambulance, police force or coast guard purposes;

(iii) the vehicle, 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 duties or the performance of such duties for the vehicle to wait at the place in which it is waiting;

(iv) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;

(v) the vehicle is in the service of or employed by a universal service provider and is in actual use while postal packets addressed to premises adjacent to that road are being unloaded from the vehicle, or having been unloaded therefrom, are being delivered or while postal packets are being collected from postal boxes or premises adjacent to that road for loading on the vehicle; or

(vi) the vehicle is in actual use in connection with the removal of furniture to or from any premises adjacent to the parking place in which the vehicle is waiting.

23. Manner of standing in parking places

Save as provided in Article 24 of this Order, every vehicle left in a parking place in accordance with the foregoing provisions of this part of this Order shall so stand such that no bay is occupied by more than one vehicle and that every part of the vehicle is within the limits of the parking bay, provided that, where the length of a vehicle precludes compliance with this paragraph, such a vehicle shall be deemed to be within the limits of the parking bay if::

(i) the extreme front portion or, as the case may be, the extreme rear portion of the vehicle is within 300mm of an indication on the carriageway provided under Article 18 of this Order in relation to the parking bay; and

(ii) the vehicle, or part thereof, is entirely within one parking bay and is not to any extent within the limits of any adjoining parking bay.

24. Loading or unloading of goods in parking places

Nothing in Article 17 or Article 23 shall apply so as to prevent any person from causing or permitting a goods vehicle to wait in any parking place specified in Schedule 5 while the vehicle is in actual use for the purpose of delivering or collecting goods or merchandise or while loading or unloading the vehicle at premises adjoining the said road: Provided that:-

(a) no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait in any parking place for a period of more than thirty minutes in the same place; and

(b) no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait if a period of less than sixty minutes has elapsed since the termination of the last period of waiting (if any) of the vehicle outside the same premises.

25. Suspension of parking places

25.1 Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever that person considers such suspension reasonably necessary:

(a) for the purpose of facilitating the movement of traffic or promoting its safety;

(b) in connection with any building operation, demolition or excavation in or adjacent to that or any other restricted road, the cleansing or lighting of any restricted road, the removal of any obstruction to traffic in any road, the maintenance, improvement or reconstruction of any restricted road, the laying, erection, alteration or repair in or adjacent to any road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus, or the placing, maintenance or removal of any traffic sign;

(c) 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;

(d) for the convenience of occupiers of premises adjacent to the parking places at times of weddings and funerals, or on other special occasions;

(e) on any occasion on which it is likely by reason of some special attraction or procession that any street will be thronged or obstructed; or

(f) for any other purpose which the Council may from time to time see fit and which has received their prior approval.

25.2 Any person suspending the use of a parking place or any part thereof in accordance with the provisions of this Article shall thereupon place or cause to be placed in or adjacent to any part of that parking place the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

25.3 Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police emergency purposes to be left or any other vehicle to be so left if that vehicle is left with the

permission of the person suspending the use of the parking place or the part thereof in pursuance of this Article or of a Police Officer in uniform or of a parking attendant.

26. Restrictions of use of parking places

Each parking place is subject to the following restrictions at all times:

(i) No person shall use any vehicle while it is in a parking place in connection with the sale of any article to any person in or near the parking place, or in connection with the selling or offering for sale his/her skill in handicraft, or his/her services in any other capacity other than with the written consent of the Council without prejudice to any planning, health or other statutory requirements and duties which may also require to be met.

(ii) No person shall carry on any business within the limits of the car park without the written consent of the Council.

(iii) No person shall wash, clean or overhaul any vehicle or execute any mechanical or other alterations or repairs to the vehicle while it is in a parking place, except such repairs as may be essential for the purpose of enabling the vehicle to be towed or driven away from the parking place.

(iv) No person shall use any vehicle or trailer as sleeping accommodation while it is parked upon a parking place except where specifically authorised by the Council.

(v) No person shall use the parking place for the purposes of splitting or transferring loads or plant between vehicles or loading or unloading goods in association with a commercial concern.

(vi) No person shall use the parking place for the parking of trailers or caravans separately from their motor vehicles.

27. Alteration of position of vehicle in parking places

Where any vehicle is standing in a parking place in contravention of the provision of Article 23 of this Order, a parking attendant or any other person authorised by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions and may recover any expenses associated with this alteration.

28. Removal of vehicles from parking places

Where a parking attendant or any other person authorised by the Council is of the opinion that any of the provisions contained within this Order have been contravened or not complied with in respect of a vehicle left in a parking place or if a penalty charge has been incurred, they may remove or cause to be

removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle. The Council may then recover all expenses associated with the removal and may retain possession of the vehicle until all monies due to the Council in respect of the vehicle have been duly paid (as determined by Section 102 of the 1984 Act).

29. Movement of vehicles

A parking attendant or any person authorised by the Council may in the case of an emergency, move or cause to be moved, vehicles left in a parking place to any place they think fit.

30. Responsibility of Driver

The person who was driving the vehicle at the time when it was left in the parking place shall be responsible for complying with the provisions of this Order and unless otherwise proved to the contrary, the registered keeper of the vehicle shall be deemed to be the driver of that vehicle.

31. Responsibility of Registered Keeper

The responsibility for payment of any Penalty Charge Notice (PCN) rests with the Registered Keeper of the vehicle as recorded at the Driver and Vehicle Licensing Agency (DVLA).

32. Disclaimer

The Council shall not be held liable for any damage to, loss of, or theft of/or from any vehicle in any parking place. For the avoidance of doubt, any person using the parking places specified in this Order do so at their own risk.

PART 6

PARKING PERMITS

33. Eligibility for a Parking Permit

33.1 Any resident who resides at premises situated within the parish of Luss, such area shown outlined in red on Plan Reference No. 1, is a qualifying person and may apply to the Council for the issue of a maximum of two Resident Permits per household for vehicles in their ownership or control; or one permit for a vehicle in their ownership or control and one permit registered to their address

33.2 Any business user that has a business at premises situated within the Parish of Luss, such area shown outlined in red on Plan Reference No. 1, is a qualifying person and may apply to the Council for the issue of a maximum of

four Business Permits in respect of vehicles required for the operation of the business. Three of those permits may be registered to the business address."

34. Application for a Parking Permit

34.1 Any qualifying person can individually make an application for a Parking Permit on a form issued and obtainable from the Council or via the Council's website. The application must be completed, indicating agreement to the terms and conditions, and submitted with the appropriate payment for the permit as set by the Council. The applicant will have to provide such evidence as is reasonably required to verify any particulars or information given to the Council as part of the permit application.

34.2 On receipt of a properly completed application and fee, where appropriate the Council shall issue to the qualifying person, confirmation (by electronic mail or by letter) that the permit has been granted for their nominated vehicle or address. The permit may be issued in any form as the Council may determine from time to time and the requirements as to the display of the permit (if applicable) within the vehicle will be provided to the qualifying person at the time of issue.

34.3 Where a Parking Permit is issued to any person upon receipt of a cheque or credit/debit card details and the payment is subsequently dishonoured, the Parking Permit shall immediately cease to be valid.

34.4 The Council shall serve notice on the person to whom the Parking Permit was issued at the address shown by the applicant on the application form or at any other address believed to be the applicant's place of abode, requiring that person to surrender the Parking Permit, to the Council within 48 hours of receipt of the notice.

35. Charges for Parking Permits

The charges for a Parking Permit as specified in Schedule 6 of this Order may be amended by the Council giving notice in accordance with section 46A of the 1984 Act.

36. Surrender, withdrawal and validity of a parking permit

36.1 A permit holder may surrender a Parking Permit to the Council at any time.

36.2 The Council may, by notice in writing serve on the permit holder at the address shown by that person on the application form for the permit, or at any other address believed to be that persons residence or place of business, withdraw a permit if it appears to the Council that the permit holder has failed to comply with any of the terms and conditions and on such service the permit will immediately become invalid and of no effect

36.3 The Council may, by notice serve on the Permit Holder at the address shown by that person on the application form or at any other address believed to be

that person's place of abode, withdraw a Parking Permit, if it appears to the Council that:-

(i) the permit holder has ceased to be eligible to hold a Parking Permit under the provisions of Articles 33, 34 and 35 of this Order.

(ii) the details of the Parking Permit have been deliberately altered.

(iii) the permit is displayed in the relevant position on a vehicle which has been abandoned or which is not roadworthy or which is being persistently parked or used in a manner contrary to any provision of this order.

36.4 A Parking Permit issued under the provision of Article 34.2 will be valid only if it is placed on the vehicle or motorcycle in the relevant position

36.5 The Council will not make any refund for the withdrawal of a Parking Permit.

36.6 The Council will refund part of the cost of a Parking Permit which has been surrendered, if not less than one month remains before the expiry date, the amount of refund to be as specified by the Council.

37. Application for and the issue of a duplicate parking permit

The Council will issue a duplicate or replacement Parking Permit in the following circumstances:

(a) If a Parking Permit is mutilated or accidently defaced or the figures or particulars on it have become illegible or the colour of the Parking Permit has faded or altered, the Permit Holder shall surrender it to the Council. If the Parking Permit is accompanied by an application for a replacement Parking Permit, a duplicate Parking Permit shall be issued and the original Parking Permit shall become invalid.

(b) If a Parking Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue of a duplicate. If the Council is satisfied as to the loss or destruction of the Parking Permit, a duplicate will be issued.

(c) If a Permit Holder acquires a replacement vehicle or motorcycle, they may make an application for a Parking Permit for that vehicle or motorcycle on surrender to the Council of an existing Parking Permit relating to another vehicle or motorcycle

(d) The Council will make an administration charge for the issue of a duplicate Parking Permit

PART 7

SUPPLEMENTARY PROVISIONS

38 Contravention of this Order

38.1 If a motor vehicle is parked in contravention of any of the Articles, provisions and requirements of this Order then a contravention shall have occurred and a penalty charge shall be payable in accordance with any penalty charge notice which may then be issued by a Parking Attendant.

38.2 Where a vehicle remains in a position so as to incur a penalty charge on the issue of a penalty charge notice, a further penalty charge notice may be issued on each calendar day thereafter

39. Orders to be Revoked or Amended

The Orders specified in Column 1 of Schedule 7 are hereby revoked or amended as specified within Column 2 of the said Schedule.

Sealed with the Common Seal of Argyll and Bute Council and subscribed for them and on their behalf by David Logan, Head of Legal and Regulatory Support at Lochgilphead on Wednesday the nineteenth day of April Two Thousand and Twenty Three.

Signed.....

Date.....

SCHEDULES

This is Schedule 1 referred to in the foregoing "Argyll and Bute Council (Various Streets, Luss) (Traffic Management) 2023

SCHEDULE 1 Prohibition of Driving		
Roads within Luss		**Section of road on which driving is prohibited**
1	Pier Road	Extending from its junction with the Old A82 Road eastwards to its termination at Luss Pier, a distance of 303 metres or thereby.
2	Church Road	Extending from its junction with Pier Road, south, east and northwards to its junction with the same road at "Cleveland Bank", a distance of 321 metres or thereby
3	School Road	Extending from its junction with the Old A82 Road south-eastwards to its junction with Pier Road, a distance of 140 metres or thereby.
4	Murray Place	Extending from its junction with Pier Road, east and southwards to its termination, a distance of 170 metres or thereby.

This is Schedule 2 referred to in the foregoing "Argyll and Bute Council Various Streets, Luss) (Traffic Management) 2023

SCHEDULE 2 **Prohibition of Waiting and Loading at any time**			
Roads Within Luss		**Section of road designated as having a prohibition of waiting and loading at any time**	**Side of road to which restriction applies**
1	Old A82	From a point 17 metres or thereby southeast of its junction with the A82 Trunk Road, extending in a south easterly direction for a distance of 25 metres or thereby.	East
2	Old A82	From the extended south east kerbline of Luss Camp Site Road extending in a southerly direction to the extended north kerbline of the Car Park Exit Road a distance of 142 metres or thereby.	East
3	Old A82	From the extended south kerbline of the Car Park Exit Road extending in a southerly direction for a distance of 12.5 metres or thereby	East
4	Old A82	From a point 29 metres or thereby south of the extended south kerbline of the Car Park Exit Road extending in a southerly direction for a distance of 10 metres or thereby.	East
5	Old A82	From the extended north kerbline of School Road in a northerly direction for a distance of 8.5 metres or thereby.	East
6	Old A82	From the extended south kerbline of School Road extending in a southerly direction to the extended north kerbline of Pier Road a distance of 107 metres or thereby.	East
7	Old A82	From the extended south kerbline of Pier Road extending in a southerly direction for a distance of 450 metres or thereby.	East
8	Old A82	From a point 17 metres or thereby southeast of its junction with the A82 Trunk Road, extending in a south easterly thence southerly direction to the	West

SCHEDULE 2 Prohibition of Waiting and Loading at any time			
Roads Within Luss		**Section of road designated as having a prohibition of waiting and loading at any time**	**Side of road to which restriction applies**
		extended north kerbline of School Road, a distance of 245 metres or thereby.	
9	Old A82	From the extended south kerbline of School Road, extending in a southerly direction for a distance of 82 metres or thereby	West
10	Old A82	From the extended north facing building line to the extended south facing building line of the Hotel known as the “Loch Lomond Arms”, a distance of 35 metres or thereby.	West
11	Old A82	From a point 24 metres or thereby south of the extended south kerbline of Pier Road, extending in a southerly direction for a distance of 428 metres or thereby	West
12	Church Road	Extending from a point 104 metres south of its western junction with Pier Road, eastwards and northwards to the access to the property known as “Luss Glass Studio”, a distance of 86 metres or thereby.	Both
13	School Road	Extending from its junction with the Old A82 Road north – westwards to its termination, for a distance of 37 metres or thereby	Both

This is Schedule 3 referred to in the foregoing "Argyll and Bute Council (Various Streets, Luss) (Traffic Management) 2023

SCHEDULE 3 **Prohibition of Waiting at any time except vehicles displaying valid permits**			
Roads Within Luss		**Section of road designated as a restricted parking zone**	**Side of road to which restriction applies**
1	Pier Road	Extending from its junction with the Old A82 Road eastwards to its termination at Luss Pier, a distance of 303 metres or thereby.	Both
2	Church Road	Extending from its western junction with Pier Road, southwards for a distance of 104 metres or thereby	Both
3	Church Road	Extending from its eastern junction with Pier Road, southwards to the access to the property known as "Luss Glass House", a distance of 130 metres or thereby.	Both
4	School Road	Extending from its junction with the Old A82 Road south-eastwards to its junction with Pier Road, a distance of 140 metres or thereby.	Both
5	Murray Place	Extending from its junction with Pier Road (including parking areas) east and southwards to its termination, a distance of 170 metres or thereby.	Both

This is Schedule 4 referred to in the foregoing "Argyll and Bute Council (Various Streets, Luss) (Traffic Management) 2023

SCHEDULE 4 **Prohibition of Waiting at any time**			
Roads Within Luss		**Section of road designated "Prohibition of Waiting at any time"**	**Side of road to which restriction applies**
1	Old A82	Extending from its junction with the "Luss Games Field) southwards for a distance of 1263 metres or thereby	Both
2	Old A82	Extending from its junction with the access road to "Low Aldochlay Cottage" southwards for a distance of 114 metres or thereby	Both
3	Old A82	Extending from it junction with the access road to "Low Aldochlay Cottage" southwards for a distance of 53 metres or thereby	West
4	Old A82	From a point 167 metres or thereby south of its junction with the access road to "Low Aldochlay Cottage" southwards for a distance of 1008 metres or thereby	Both
5	Church Road	From a point 29 metres or thereby south-east of its eastern junction with U233 Pier Road, south-easterly for a distance of 12 metres or thereby	South-western

This is Schedule 5 referred to in the foregoing "Argyll and Bute Council (Various Streets, Luss) (Traffic Management) 2023

SCHEDULE 5 **Parking Places - Maximum stay 30 minutes, no return within 1 hour 0800-2000 hours Monday to Sunday**				**Side of road**
Roads Within Luss		**Section of road designated as parking place**	**Maximum number of parking bays**	
1	Old A82	Extending from a point 8.5 metres or thereby north of the extended north kerbline of School Road, in a northerly direction for a distance of 22 metres or thereby.	4	East
2	Old A82	Extending from a point 12.5 metres or thereby south of the extended south kerbline of the Car Park Exit Road, in a southerly direction for a distance of 16.5 metres or thereby.	3	East

This is Schedule 6 referred to in the foregoing "Argyll and Bute Council (Various Streets, Luss) (Traffic Management) 2023

SCHEDULE 6 **Parking Charges**	
(a) Permit Charges	
Parking Permit	**Charges**
Resident Parking Permit	£45 Annual per vehicle (maximum 2 per household)
Business Parking Permit	£45 Annual per vehicle (maximum 4 per business premises)

This is Schedule 7 referred to in the foregoing "Argyll and Bute Council (Various Streets, Luss) (Traffic Management) 2023

SCHEDULE 7 **Orders to be revoked**	
Name of Order	**Extent of Revocation**
The County of Dumbarton – Pier Road, Luss (Street Parking Place) Order 1967	the entire Order
The County of Dumbarton – Pier Road, Luss (Restriction of Waiting) Order 1967	the entire Order
The County of Dumbarton – Luss Village- (restriction of Waiting) Order 1968	the entire Order

This is Schedule 8 referred to in the foregoing "Argyll and Bute Council (Various Streets, Luss) (Traffic Management) 2023

SCHEDULE 8

PLANS

Drawing Number:	Title
LUSSTRO- TM 2021/01	"Layout (indicative)"
LUSSTRO- TM 2021/02	"Plan Reference No 1: Extent of Luss Parish Boundary"