



TRAFFIC REGULATION ORDER

**ARGYLL AND BUTE COUNCIL
(PIER ROAD, DUNOON)
(TRAFFIC MANAGEMENT) ORDER 2018**

**ARGYLL AND BUTE COUNCIL
(PIER ROAD, DUNOON)
(TRAFFIC MANAGEMENT) ORDER 2018**

Argyll and Bute Council in exercise of their powers conferred on it by Sections 1(1), 2(1) to (3), 4, and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, 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, hereby make the following Order:-

Citation and commencement

1. This Order may be cited as the “Argyll and Bute Council (Pier Road, Dunoon) (Traffic Management) Order 2018” and shall come into operation on the ___ day of ___ Two Thousand and ___.

Interpretation

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

In this Order, except where the context otherwise requires, 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;

“**bus**” unless the context otherwise requires means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver).

“**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;

“**driver**” means the person driving or having control or charge of the vehicle at any given time and in particular in relation to a vehicle waiting on a road the person driving at the time it was left in that location;

“**parking attendant**” has the same meaning as in section 63A of the 1984 Act;

“**penalty charge**” has the same meaning as in Section 66 of the 1991 Act;

“**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;

“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 the person named on the Vehicle Registration Certificate. The registered keeper is not necessarily the legal owner of the vehicle or the driver of the vehicle for the time being;

“schedule” means the Schedules 1, 2 and 3 annexed to this Order and which form part of this Order;

“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;

- (b) In so far as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the 1984 Act or by or under any other enactment, then the provisions of this Order shall prevail.

Prohibition of Driving and Restrictions on Waiting and Loading

3. Save as provided in Article 5 and 6 of this Order, no person shall drive or cause or permit to be driven any vehicle on the length of road specified within Schedule 1 of this order.
4. Save as provided in Article 6 of this Order, no person shall cause or permit any vehicle to wait, load or unload at any time on any of the lengths of road specified in Schedule 2 to this Order.
5. The restrictions imposed by Article 3 to this Order shall not apply to a bus.
6. Nothing in Article 3 and 4 of this Order applies to the lengths of road specified in Schedule 1 and 2 of this Order in relation to:
 - (a) a vehicle being used for fire brigade, ambulance, coastguard or police purposes;
 - (b) anything done at the direction of a Police Officer in uniform; or with the permission of a Parking Attendant;
 - (c) any vehicle waiting with the prior written permission of the Council for so long as may be necessary to enable the vehicle, if it cannot be used for such purpose without so waiting, to be used in connection with any building operation or demolition being carried on adjacent thereto, the removal of any obstruction or potential obstruction to traffic, the maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over the road;
 - (d) a vehicle being used in the service of the Council or with the prior written permission of the Council in exercise of statutory powers and duties; or

- (e) a vehicle waiting in any case where the driver of the vehicle:-
- (i) is required by law to stop;
 - (ii) is obliged to do so in order to avoid an accident; or
 - (iii) is prevented from proceeding by circumstances out-with their control and it is not reasonably practicable for them to drive or move the vehicle to a place not within the lengths of road specified in the schedule.

Designation of One Way Operation

7. No person shall drive or cause or permit to be driven any vehicle on the road specified in column 1 of Schedule 3 of this Order otherwise than in the direction specified in column 2 of the said Schedule.

Responsibility of Registered Keeper

8. The responsibility for payment of any penalty charge rests with the registered keeper. If the registered keeper was not the driver at the time when it was left within any of the lengths of road specified in the schedule in contravention of any of the provisions of this Order it remains her/his responsibility to pay the penalty charge.

Contravention of this Order

9. (a) If a 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. A penalty charge notice may then be issued by a parking attendant.
- (b) 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.

Sealed with the Common Seal of Argyll and Bute Council and subscribed for them and on their behalf by Charles Reppke, Head of Governance and Law and a Proper Officer at Lochgilphead on Monday ____ Day of ____ Two Thousand and

Signed.....

Date.....

This is Schedule 1 referred to in the foregoing Order the “Argyll and Bute Council (Pier Road, Dunoon) (Traffic Management) Order 2018”

SCHEDULE 1

**Prohibition of Driving
(Except Buses)**

Length of Road within Dunoon

Pier Road

From a point 29 metres or thereby south-east of its junction with the A815 Cairndow-Strachur-Toward Road at Pier Esplanade, extending in a southerly direction for a distance of 89 metres or thereby.

This is Schedule 2 referred to in the foregoing Order the “Argyll and Bute Council (Pier Road, Dunoon) (Traffic Management) Order 2018”

SCHEDULE 2

No Waiting at Any Time

Length of Road within Dunoon

**Side of road to which
restriction applies**

Pier Road

1. From the extended east kerbline of the A815 Cairndow-Strachur-Toward Road at Pier Esplanade, extending in a south-easterly direction for a distance of 24 metres or thereby. Northeast
2. From a point 34 metres or thereby from the extended east kerbline of the A815 Cairndow-Strachur-Toward Road at Pier Esplanade, extending in a southerly direction for a distance of 78 metres or thereby. West

Authorised Signature _____

This is Schedule 3 referred to in the foregoing Order the “Argyll and Bute Council (Pier Road, Dunoon) (Traffic Management) Order 2018”

SCHEDULE 3

One Way Operation

Length of Road within Dunoon
Column 1

Permitted Direction
of Travel
Column 2

That length of Pier Road, Dunoon (Unclassified No.106), which extends from its north junction with the A815 Cairndow-Strachur-Toward Road at Pier Esplanade to its south junction with the A815 Cairndow-Strachur-Toward Road at Pier Esplanade.

South-easterly,
southerly and north-
westerly.

Authorised Signature _____