

**THE ARGYLL AND BUTE COUNCIL
(VARIOUS STREETS, LUSS)
(TRAFFIC MANAGEMENT) ORDER 201_**

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**THE ARGYLL AND BUTE COUNCIL
(VARIOUS STREETS, LUSS)
(TRAFFIC MANAGEMENT) ORDER 201_**

PART 1

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, 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 201_” and shall come into operation on the ___ day of ___ Two Thousand and ___.

2. Provisions

To make provisions in relation to the on street parking within Luss and revoke Orders as specified in the Articles and Schedule 9 annexed and executed as relative hereto.

3. Interpretation

(1) 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;

“**Council**” means Argyll and Bute Council;

“**charging hours**” means in respect of the parking place, the hours during which a vehicle may only be permitted to wait upon payment of a charge. Charges do not apply on Christmas Day and New Year’s Day;

“**convenience charge**” means a fee payable to the Service Provider in respect of a parking charge paid by means of the Telephone Payment Parking System and indicated on a traffic sign or parking ticket machine associated with the parking place in which the vehicle for which the parking charge has been paid has been left

“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) Regulation 2000;

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

“disabled person’s vehicle” has the same meaning as in Section 142(1) of the 1984 Act as amended;

“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 in a parking place the person driving at the time it was left in that parking place;

“eligible address” means any postal address which is listed in Schedule 8 to this order and therefore indicates that the resident or entitled business user may apply for a parking permit;

“entitled business user” means a person who occupies premises the postal address of which is an eligible address as listed in Schedule 8 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 motor vehicle which is constructed or adapted for use for the carriage of goods or burden of any description, or a trailer so constructed or adapted;

"motor cycle" has the same meaning as in Section 136 of the 1984 Act;

"motor vehicle" has the same meaning as in Section 136 of the 1984 Act;

“operative hours” means the hours within which the parking places and pay and display parking places are operative;

“owner” has the meaning assigned to it by s.82 (2) and (3) of the Road Traffic Act 1991;

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

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

“parking charge” means the amount payable in respect of the period during which a vehicle is parked in a parking place as defined in Article 25 of this Order;

"parking place" means an area on a road designated as a parking place as defined in Article 14 of this order;

"parking permit" means a resident permit or business permit of a type and design issued by the Council in accordance with Part 5 of this Order and valid for use in the areas of road detailed in Schedule 8;

"parking payment machine" means an apparatus designed:

- a) to accept payment of the parking charge, and
- b) to validate the parking ticket for use at the exit barrier, and
- c) to indicate the time externally;

"parking ticket machine" means an apparatus designed:

- a) to accept payment of the parking charge,
- b) to indicate the time externally,
- c) to issue tickets indicating the payment for a charge, the period in respect of which it has been paid, the day and the time at which it was paid and a mark which enables the issuing parking ticket machine to be identified and such other information as the Council may from time to time determine

"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;

"permit holder" means a 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.

"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;

"relevant position" in respect of a parking permit, parking ticket or disabled persons badge means the permit, ticket or badge is exhibited in a conspicuous position as described in Article 27(b);

"resident" means a person whose principal home is a dwelling situated in one of the resident parking zone addresses as specified in Schedule 8 of this Order

"resident permit" means a permit issued to a resident in accordance with Part 5 of this order;

"restricted parking zone" refers to all the roads and parking places within those roads as specified in Schedule 1 of this order;

“restricted road” means any road specified in Schedule 1: provided that the expression “restricted road” shall not include any parking place described in Schedule 2, Schedule 3 or Schedule 5;

“return period” means the period of 60 minutes 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;

“Telephone Payment Parking System” means an electronic system set up and maintained by the service provider whereby:

a) the driver of a vehicle, or other person authorised by the driver on their behalf, uses a telephone to communicate with the service provider, in accordance with the instructions on signs located in the parking place, and make payment of the parking charge and any additional convenience fee in respect of a specified vehicle, a specified parking place and for a specified parking period by use of a debit or credit card; and

b) the service provider, on behalf of the Council, accepts payment of the parking charge by the method referred to in (a) of this definition and records such payment together with the parking period for which payment has been made; the parking place in which the vehicle has been left and the registration mark of the vehicle in respect of which the payment has been made.

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

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

"vehicle" has the same meaning as that assigned to “motor vehicle” in Section 136 of the 1984 Act;

(2) 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.

Sealed with the Common Seal of the Argyll and Bute Council and subscribed for them and on their behalf by Charles Reppke, their Head of Governance and Law at Lochgilphead on Monday the _____ day of _____ Two Thousand and _____.

PART 2

RESTRICTED PARKING ZONE

4. Designation of Restricted Parking Zone

Each length of road specified in Schedule 1 is hereby designated as a restricted road within the Restricted Parking Zone.

PART 3

PROHIBITION AND RESTRICTION ON WAITING AND LOADING

5. Restrictions on waiting of vehicles in roads specified in Schedule 1

Save as provided in Articles 7(a), 8, 9 and 10 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 except if parked within any of the parking bays as specified in Schedule 2, Schedule 3 or Schedule 5 on any of the lengths of road specified in Schedule 1 to this Order.

6. Restrictions on waiting and loading of vehicles in roads specified in Schedule 6

Save as provided in Articles 7(b), 8 and 10 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 6 to this Order.

7. Exemptions from waiting restrictions

(a) The restrictions imposed by Article 5 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; or

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

(iv) vehicles with a valid parking permit displayed in accordance with Article 40 (c) of this order.

(b) The restrictions imposed by Article 6 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

8. Exceptions from waiting restrictions

Nothing in Article 5 and Article 6 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 1 or Schedule 6 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) when the vehicle is being driven by a medical practitioner attending an emergency at premises situated on the road. The Council may require evidence to show there was a genuine emergency;

(e) 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;

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

9. Loading or unloading of goods

Nothing in Article 5 shall apply so as to prevent any person from causing or permitting a vehicle to wait in any restricted road specified in Schedule 1 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 1 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 1 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.

10. Furniture removals and other exceptional loading or unloading

Nothing in Article 5 and Article 6 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 1 or Schedule 6 in connection with the removal of furniture to or from one office, dwelling house or depository adjacent to that restricted road from or to another office, dwelling house or depository.

11. Restrictions on 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 in any parking bay specified in Schedule 2, Schedule 3, or Schedule 4 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.

12. Manner of waiting in a restricted road

The driver of any vehicle waiting in any restricted road specified in Schedule 1 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.

13. Duty to move on

Notwithstanding any exemption or exception contained in this part of the Order, the person in control of any vehicle waiting during the permitted hours in any restricted road specified in Schedule 1 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 4
PARKING PLACES**

14. Designation of parking places

Each area on a road which is described in Schedule 2, Schedule 3, Schedule 4 or Schedule 5 is hereby designated as a parking place.

15. Vehicles for which parking places are designated

Each parking place described in Schedule 2, Schedule 3, Schedule 4 or Schedule 5 may be used, for the leaving of vehicles that are wholly parked within the marked limits of the parking place.

16. Designation of disabled parking places

Each area on a road which is described in Schedule 5 is hereby designated as a disabled parking place.

The parking places designated in Schedule 5 shall only be used for the leaving of disabled persons vehicles displaying a disabled person's badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970.

17. Waiting limit within parking places

Save as provided in Article 18, no vehicle shall wait in any parking place described in Schedule 2, Schedule 3, and Schedule 4 of this Order for a period exceeding the times indicated within these Schedules between 08:00 hours and 20:00 hours Monday to Sunday.

18. Exemptions from waiting and waiting limit within parking places

(a) The restrictions imposed by Article 17 of this order shall not apply to the vehicles with a valid parking permit displayed in accordance with Article 40 (c) to this order.

(b) Without prejudice to the foregoing 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 vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle or to load thereon or unload there from his personal luggage; or

ii) 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;

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

(iv) 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; or

(v) 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;

(vi) 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;

(vii) the vehicle is in actual use in connection with the removal of furniture to or from one office, dwelling house or depository adjacent to the parking place in which the vehicle is waiting.

19. Extent, capacity and location of parking places

The extent and location of each parking place is described in column 2 of Schedule 2, Schedule 3, Schedule 4 or Schedule 5 and the assumed maximum capacity of each of those parking places is specified in column 3 of the relevant Schedule.

The number of parking bays in each parking place shall not exceed the number specified in Column 3 of Schedule 2, Schedule 3, Schedule 4 or Schedule 5 to this Order.

20. Marking on the carriageway 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.

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 2, Schedule 3 or Schedule 4 may again be left in that parking place during the return period.

22. Manner of standing in parking places

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:

- (1) 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 20 of this Order in relation to the parking bay; and
- (2) 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.

23. Suspension of parking places

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.

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.

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.

24. Restriction of use of vehicles in parking places

No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of that person's skill or services, unless in connection with a charitable event and having received the prior permission of the Council. Provided that nothing in this Article shall prevent the sale of goods from a vehicle if the goods are immediately delivered at or taken in premises adjacent to the vehicle from which the sale is affected.

25. Amount of Charges at Parking Places

The charge for a vehicle left in any parking place listed in Schedule 2 of this Order shall be in accordance with the tariffs listed in Schedule 7 of this Order. Such a charge shall hereinafter be referred to as the "parking charge". Without prejudice to the foregoing generality the parking charge may be varied from time to time by virtue of a notice in accordance with "The Local Authorities' Variation of Charges at Off-Street and Designated Parking Places (Notices Procedure) (Scotland) Regulations 1997".

Any vehicle which displays in the relevant position a disabled persons badge issued by a local authority in exercise of its powers under Section 21(1) of the Chronically Sick and Disabled Persons Act 1970 and The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and is left in a parking place, shall be exempt from any such charges specified in this Order.

26. Method of Payment of Parking Charge

In relation to any particular parking place the Council may from time to time determine the method of payment of the parking charge and such method of payment shall be in accordance with the provisions of Articles 27 of this Order.

The parking ticket shall not be transferable from one vehicle to another or from one parking place to any other parking place.

27. Pay and Display

The parking charge as specified in Article 25 shall where applicable be payable on the leaving of a permitted vehicle in the parking place during the operational hours by:

- (a) the payment at a parking ticket machine associated with the parking bay in which the vehicle is left by:-
 - i) cash payment, or
 - ii) a credit card or debit card of a type accepted by the parking ticket machine, or
 - iii) parking card or other method of payment adopted by the Council for the payment of parking charges,
 - iv) making a telephone phone payment.
- (b) In respect to Article 27 (a) the parking ticket issued by the parking ticket machine shall then be displayed on the vehicle:
 - i) in the case of a two wheeled motor cycle, in a conspicuous position on the vehicle in front of the driving seat, or
 - ii) 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) The parking ticket shall be so displayed on the vehicle that the time shown on the front is clearly visible to a person standing beside the vehicle.
- (d) In respect of Article 27 (a)(iv) an indication that payment has been made using the Telephone Payment Parking System for a vehicle left in a parking place and the parking period for which payment has been made shall appear on a hand held device.
- (e) The parking time purchased using the Telephone Payment System shall not be transferable from one vehicle to another or from one parking place to any other parking place.

28. Installation of Parking Ticket Machine

There shall be a parking ticket machine or machines in or in the vicinity of every parking place operated by the method described in Article 27 of this Order. It shall be the duty of the driver of the vehicle to input into the machine such information as may be required by the machine prior to issue of the ticket.

29. Indications by Parking Ticket Machine Tickets (Applicable in those parking places operated by the method detailed in Article 27 above)

- (a) Payment of the parking charge for a vehicle left in a parking place shall be indicated by the issue from a parking ticket machine associated with the parking place in which the vehicle was left, of a numbered ticket having a mark which enables the issuing parking ticket machine to be identified, indicating what charge has been paid and either:
 - i) the day and time of the payment, or
 - ii) the day and time of expiry of the validity of the ticket

The ticket shall be displayed on the vehicle in the manner specified in Article 27 of this Order.

- (b) Where the ticket indicates the day and time of expiry of the ticket, the expiry of the period for which the parking charge has been paid shall be indicated when the time shown on the clock on the said parking ticket machine is later than the time shown on the ticket.
- (c) Where the ticket indicates the day and time of payment, the expiry of the period for which the parking charge has been paid shall be indicated when the time shown on the clock on the said parking ticket machine is later having regard to the time shown on the ticket, than the expiry of the period authorised for parking.

30. Alteration of Position of Vehicle in Parking Places

Where any vehicle is standing in a parking place in contravention of the provision of Article 22 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.

31. 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, he 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).

32. 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 he thinks fit.

33. Power to Dispose of Abandoned Vehicles

- (a) The Council may, in respect of a vehicle which has been removed from a parking place in pursuance of Article 31 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry with the DVLA to ascertain the name and address of the owner of the vehicle.

- (b) The Council shall be deemed not to have made reasonable enquiry to ascertain the name and address of the owner of any vehicle to which this Article applies unless they have taken, in relation to that vehicle, such steps as or may be prescribed by Sections 11 to 16 of the Removal and Disposal of Vehicle Regulations, by any sub-section of Section 3 or 4 or 5 of the Refuse Disposal (Amenity) Act, 1978 and Section 101 or 102 of the 1984 Act.

34. 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.

35. Responsibility of Registered Keeper

The responsibility for payment of any parking charge and any Penalty Charge Notice (PCN) rests with the Registered Keeper of the vehicle as recorded at the Driver and Vehicle Licensing Agency (DVLA). If the keeper was not the driver at the time of the offence it remains her/his responsibility to pay the PCN and any recompense from the driver should be obtained by the keeper.

36. 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 5

PARKING PERMITS

37. Eligibility for a Parking Permit

- (a) Any resident who resides on a qualifying street as specified in Schedule 8 and is the owner of a motor vehicle or has access to a company vehicle may apply to the Council for the issue of one Resident Permit per household for a vehicle in their ownership or control.
- (b) Any entitled business user that has a business on a qualifying street as specified in Schedule 8 may apply to the Council for the issue of one Business Permit in respect of a vehicle required for the operation of the business.

38. Application for a Parking Permit

- (a) Application for a Parking Permit will be made on a form issued and obtainable from the Council. The form must be completed and returned accompanied by a payment for the charge set by the Council and by such documentary evidence of entitlement in respect of an application for a Parking Permit made to them as the Council may reasonably request to verify any particulars of information given to them.
- (b) On receipt of a properly completed application and fee, where appropriate the Council shall issue to the appropriate applicant a Parking Permit provided that the applicant qualifies for the Parking Permit.
- (c) 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.
- (d) 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.

39. Charges for Parking Permits

The charges for a Parking Permit as specified in Schedule 7 of this Order, may be amended by the Council giving notice in accordance with section 46A of the 1984 Act.

40. Surrender, Withdrawal and Validity of a Parking Permit

- (a) A permit holder may surrender a Parking Permit to the Council at any time.
- (b) 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 37,38 and 39 of this Order.
- (ii) the details of the Parking Permit have been deliberately altered.
- (iii) the permit is displayed 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.
- (c) A Parking Permit will be valid only if displayed on the vehicle or motorcycle to which the Parking Permit relates in the relevant position.
- (d) The Council will not make any refund for the withdrawal of a Parking Permit.
- (e) 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.

41. 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 accidentally 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 new vehicle or motorcycle, the Permit Holder shall surrender the original Parking Permit to the Council and make an application for a new Parking Permit and the original Parking Permit shall become invalid.
- (d) The Council will make an administration charge for the issue of a duplicate Parking Permit.

42. Parking Places where parking charges apply

A vehicle may be left in a parking bay without payment of the relevant parking charge if a valid Parking Permit issued by the Council is displayed in a relevant position.

PART 6

SUPPLEMENTARY PROVISIONS

43. Contravention of this Order

- (a) 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 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.

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SCHEDULES

This is Schedule 1 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 1

Restricted Parking Zone – (Prohibition of waiting at any time except parked within parking bay)

Roads within Luss	Section of road designated as a restricted road within a restricted parking zone
1. Pier Road	Extending from its junction with the Old A82 Road to its termination at Luss Pier, a distance of 300 metres or thereby.
2. Church Road	Extending from its junction with Pier Road 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 Pier Road to its junction with Murray Place, a distance of 90 metres or thereby.

This is Schedule 2 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 2

**Parking Places - Maximum stay 4 hours, no return within 1 hour
0800-2000 hours Monday to Sunday**

	Roads within Luss	Section of road designated as parking place	Maximum number of parking bays
1.	Pier Road	Extending from a point 15 metres or thereby east of the extended east kerbline of the Old A82 Road, in an easterly direction for a distance of 70 metres or thereby.	14

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This is Schedule 3 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 3

**Parking Places - Maximum stay 2 hours no return within 1 hour
0800-2000 hours Monday to Sunday**

Roads within Luss		Section of road designated as parking place	Maximum number of parking bays
1.	Church Road	Extending from a point 15.6 metres or thereby south of the extended south kerbline of Pier Road, in a southerly direction for a distance of 5.5 metres or thereby.	1
2.	Church Road	Extending from a point 58.6 metres or thereby south of the extended south kerbline of Pier Road, in a southerly direction for a distance of 49 metres or thereby.	9

This is Schedule 4 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 4

**Parking Places - Maximum stay 30 minutes, no return within 1 hour
0800-2000 hours Monday to Sunday**

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
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

This is Schedule 5 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 5

Disabled Parking Places

Roads within Luss		Section of road designated as parking place	Maximum number of parking bays
1.	Pier Road	Extending from a point 85 metres or thereby east of the extended east kerbline of the Old A82 Road, in an easterly direction for a distance of 6.6 metres or thereby.	1
2.	Church Road	Extending from a point 9 metres or thereby south of the extended south kerbline of Pier Road, in a southerly direction for a distance of 6.6 metres or thereby.	1
3.	Church Road	Extending from a point 52 metres or thereby south of the extended south kerbline of Pier Road, in a southerly direction for a distance of 6.6 metres or thereby.	1
4.	Church Road	Extending from a point 107.6 metres or thereby south of the extended south kerbline of Pier Road, in a southerly direction for a distance of 6.6 metres or thereby.	1

This is Schedule 6 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 6

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 446 metres or thereby.	East

This is Schedule 6 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 6 continued

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
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 extended north kerbline of School Road, a distance of 245 metres or thereby.	West
9.	Old A82	From the extended south kerbline of School Road, extending in a southerly direction for a distance of 76 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 47 metres or thereby south of the extended south kerbline of Pier Road, extending in a southerly direction for a distance of 205 metres or thereby	West
12.	Old A82	From a point 400 metres or thereby south of the extended south kerbline of Pier Road, extending in a southerly direction for a distance of 43 metres or thereby	West

This is Schedule 7 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 7

Parking Charges

(a) Permit Charges	
Parking Permit	Charges
Resident Parking Permit	£40.00 annual
Business Parking Permit	£40.00 annual
Replacement Permit	£5.00

(b) Parking Charges	
Up to 10 minutes	20 pence
thereafter 20 pence per 10 minutes or part thereof up to the maximum permitted stay, no return within one hour	

(c) Penalty Charge Notice	
	Penalty Charge Notice (Statutory Charge)
If Charge is paid within 14 days	£30
If Charge is paid after 14 days	£60

This is Schedule 8 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 8

List of Streets whose residents/businesses are eligible to obtain parking permits

Roads within Luss		Section of Road
1.	Pier Road	Extending from its junction with the Old A82 Road to its termination at Luss Pier, a distance of 300 metres or thereby.
2.	Church Road	Extending from its junction with Pier Road 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 Pier Road to its junction with Murray Place, a distance of 90 metres or thereby.

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This is Schedule 9 referred to in the foregoing Order the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 201_”

Schedule 9

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

Authorised Signature _____