



TRAFFIC REGULATION ORDER

**ARGYLL AND BUTE COUNCIL
(SINCLAIR STREET, WEST MONTROSE STREET, VICTORIA
ROAD, EAST MUNRO DRIVE/MACLACHLAN ROAD,
HELENSBURGH) (PROHIBITION OF WAITING)
ORDER 2019**

**ARGYLL AND BUTE COUNCIL
(SINCLAIR STREET, WEST MONTROSE STREET, VICTORIA ROAD, EAST
MUNRO DRIVE/MACLACHLAN ROAD, HELENSBURGH) (PROHIBITION OF
WAITING) ORDER 2019**

Argyll and Bute Council in exercise of their powers conferred on it by Sections 1(1), 2(1) to (3), 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 (Sinclair Street, West Montrose Street, Victoria Road, East Munro Drive/Maclachlan Road, Helensburgh) (Prohibition of Waiting) Order 2019” and shall come into operation on the Twenty Second day of March Two Thousand and Nineteen.

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;

“**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;

“**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 on a road the person driving at the time it was left in that location;

"**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;

"**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;

"**postal packet**" means a letter, parcel, packet or other article transmissible by post as defined in section 125 of the Postal Services Act 2000;

"**public service vehicles**" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;

"**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. 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 schedule annexed to this Order and which forms part of this Order;

"**universal service provider**" has the meaning given by section 65(1) of the Postal Services Act 2011;

"**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 and Restriction on Waiting

3. Save as provided in Articles 4, 5 and 6 of this Order 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 the Schedule to this Order.

4. Nothing in Article 3 of this Order shall:
- (a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in those Articles:-
 - (i) for so long as may be necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage;
 - (ii) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road without 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;
 - (iii) if the vehicle is a public service vehicle while waiting at an authorised stopping place or at a terminal or turning point;
 - (iv) if the vehicle waiting is being used for fire and rescue, ambulance, police force or coast guard purposes in an emergency;
 - (v) if the vehicle, not being a passenger vehicle, is being used in the service of the Council in pursuance of their 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;
 - (vi) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or in order to avoid an accident;
 - (vii) If the vehicle is being used by or on behalf of a universal service provider for the purposes of the delivery to or the collection from, premises situated adjacent to the length of road of postal packets;
 - (viii) for the purpose of loading or unloading the vehicle while the vehicle is standing at the kerb and is in actual use in connection with 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;
 - (ix) to enable the vehicle to be used in connection with funeral operations;
 - (b) Notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police

officer in uniform or a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.

5. Nothing in Article 3 of this Order shall apply to any disabled person's vehicle which is not causing an obstruction and which displays a disabled person's badge issued by a local authority in exercise of its powers under Section 21 of the Chronically Sick and Disabled Persons Act 1970, as amended, notwithstanding, the driver of a vehicle waiting shall move the said vehicle on the instruction of a police officer in uniform or a parking attendant in uniform, whenever such moving may be reasonably necessary for the purpose of preventing an obstruction or danger to others.
6. Nothing in Article 3 of this Order shall prevent any person from causing or permitting a vehicle to wait in the length of the road for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that;
 - (a) no vehicle engaged in delivering or collecting goods or being loaded or unloaded shall wait for a longer period than 30 minutes in the same place and no such vehicle shall wait for a longer period than 10 minutes in the same place without goods being loaded onto or unloaded from the vehicle;
 - (b) notwithstanding anything in paragraph (a) of this Article the driver of a vehicle waiting for the purpose of delivering or collecting goods or loading or unloading the vehicle shall move the vehicle on the instruction of a police officer in uniform or a parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction.

Responsibility of Registered Keeper

7. 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 either 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

8.
 - (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 Susan Mair, Legal Services Manager and a Proper Officer at Lochgilphead on Monday the Fourth Day of February Two Thousand and Nineteen.

Signed.....

Date.....

This is the Schedule referred to in the foregoing Order the “Argyll and Bute Council (Sinclair Street, West Montrose Street, Victoria Road, East Munro Drive/Maclachlan Road, Helensburgh) (Prohibition of Waiting) Order 2019”

**SCHEDULE
PROHIBITION OF WAITING AT ANY TIME**

Length of Road in Helensburgh

**Side of road to which
restriction applies**

East Munro Drive/MacLachlan Road

- | | |
|---|-------|
| 1. From the extended east kerbline of Sinclair Street (A818) extending in an easterly direction for a distance of 10 metres or thereby. | North |
| 2. From the extended east kerbline of Sinclair Street (A818) extending in an easterly direction for a distance of 25 metres or thereby. | South |

Sinclair Street (A818)

- | | |
|--|------|
| 1. From a point 35 metres or thereby south of the extended south kerbline of West Montrose Street extending in a northerly direction for a distance of 77 metres or thereby. | Both |
|--|------|

Victoria Road

- | | |
|---|-------|
| 1. From the extended east kerbline of Sinclair Street (A818) extending in an easterly direction for a distance of 25 metres or thereby. | North |
| 2. From the extended east kerbline of Sinclair Street (A818) extending in an easterly direction for a distance of 30 metres or thereby. | South |

West Montrose Street

- | | |
|--|------|
| 1. From the extended west kerbline of Sinclair Street (A818) extending in a westerly direction for a distance of 50 metres or thereby. | Both |
|--|------|

Authorised Signature _____