



TRAFFIC REGULATION ORDER

**ARGYLL AND BUTE COUNCIL
(BUS TURNING CIRCLE, REST AND BE THANKFUL, COWAL)
(TRAFFIC MANAGEMENT) ORDER 2018**

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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 (Bus Turning Circle, Rest and be Thankful, Cowal) (Traffic Management) Order 2018” and shall come into operation on the Eleventh day of June Two Thousand and Eighteen.

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;

“**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;

“**local bus**” unless the context otherwise requires means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver) and is providing a local service which is registered in terms of the The Public Service Vehicles (Registration of Local Services) (Scotland) Regulations 2001 as amended.

“**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 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;

“Schedules” 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 and Restriction on Stopping, Waiting and Loading

3. Save as provided in Article 5 of this Order, no person shall cause or permit any vehicle to stop or wait at any time on the length of road specified within Schedule 1 of this order.
4. Save as provided in Article 5 of this Order, no person shall cause or permit any vehicle to wait or load 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 local bus providing a local service and which is stopped for as long as is reasonably necessary for the purpose of picking up or setting down passengers and their luggage.
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 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

- 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 the Twenty Third Day of April Two Thousand and Eighteen.

Signed.....

Date.....

This is Schedule 1 referred to in the foregoing Order the “Argyll and Bute Council (Bus Turning Circle, Rest and be Thankful, Cowal) (Traffic Management) Order 2018”

SCHEDULE 1
No Stopping except Local Buses at Any Time

Length of Road within Cowal

Side of road to which restriction applies

Bus Turning Circle, Rest and be Thankful

From a point 15 metres or thereby south of the extended southern edge of the carriageway of the B828 Glenmore Road, extending in a southerly direction for a distance of 25 metres or thereby.

East

This is Schedule 2 referred to in the foregoing Order the “Argyll and Bute Council (Bus Turning Circle, Rest and be Thankful, Cowal) (Traffic Management) Order 2018”

SCHEDULE 2
No Waiting No Loading at Any Time

Length of Road within Cowal

Side of road to which restriction applies

Bus Turning Circle, Rest and be Thankful

1. From a point 15 metres or thereby south of the extended southern edge of the carriageway of the B828 Glenmore Road, extending in a northerly direction for a distance of 19 metres or thereby.

East

2. From a point 40 metres or thereby south of the extended southern edge of the carriageway of the B828 Glenmore Road, extending in a southerly, westerly thence southwesterly direction for a distance of 63 metres or thereby.

East, Southeast, South,
and Southeast

3. From the extended southern edge of the carriageway of the B828 Glenmore Road, extending in a southerly, westerly thence northwesterly direction for a distance of 97 metres or thereby.

West, Northwest, North
and Northeast

This is Schedule 3 referred to in the foregoing Order the “Argyll and Bute Council (Bus Turning Circle, Rest and be Thankful, Cowal) (Traffic Management) Order 2018”

SCHEDULE 3
One Way Operation

Length of Road within Cowal
Column 1

That length of road known as the Bus Turning Circle,
Rest and Be Thankful.

Permitted Direction
of Travel
Column 2

Southerly thence
North westerly

Authorised Signature _____