



**Clackmannanshire
Council**

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(ALLOA TOWN CENTRE) (PARKING PLACES) (AMENDMENT NO. 1) ORDER 2014

The Clackmannanshire Council hereinafter referred to as "the Council" in exercise of its powers under Sections 1(1) and (2), 2(1) to (3) and 4(2), 32(1) 45, 46, 49, 53 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 Officer of Police in accordance with Part III of Schedule 9 to the said Act, hereby make the following Order:

PART I

GENERAL

Commencement and Citation

1. This Order may be cited as "The Clackmannanshire Council (Alloa Town Centre) (Parking Places) (Amendment No. 1) Order 2014, and shall come into operation on the 9 May 2014.
2. This Order amends "The Clackmannanshire Council (Alloa Town Centre) (Parking Places) Order 2011 by amending Schedules 3.1 and 33 to that Order, as detailed in the schedules to the Amendment Order.

Interpretation

3. (1) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
 - (2) In this Order except where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them: -
 - (a) "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 Persons (Badges for Motor

Vehicles) (Scotland) Regulations 2000 in respect of whom any Council have issued a disabled person's badge and a valid badge is conspicuously displayed in the manner specified in Article 18 of this Order;

- (b) "disabled person's badge" has the same meaning as in Regulation 2(1) of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;
- (c) "disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge issued, or having effect as if issued under any regulations for the time being in force under Section 21 of the Chronically Sick and Disabled Persons Act 1970 (a);
- (d) "driver" in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;
- (e) "goods" include postal packets of any description; and "delivering" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;
- (f) "goods vehicle" has the same meaning as in Section 192(1) of the Road Traffic Act 1988. "heavy goods vehicle" means a goods vehicle exceeding 7.5 tonnes maximum gross weight;
- (g) "loading bay" means an area on a road designated as a loading area specified in Schedule 33 to this Order;
- (h) "owner", in relation to a vehicle, means the registered owner and/or the person by whom such vehicle is kept or used;
- (i) "parking place" means an area on a road designated as a parking place by this Order;

- (j) “parking ticket” means a ticket issued by a parking ticket machine of a type and design authorised by the Secretary of State; and
 - (k) “prescribed hours” means the hours specified in the Schedules to this Order;
 - (l) “resident” means a person whose usual residence is at premises within the controlled parking zone;
 - (m) “road” has the same meaning as in Section 151 of the Roads (Scotland) Act 1984 and includes any verge or footway;
 - (n) “taxi” has the same meaning as in Section 23 of the Civic Government (Scotland) Act 1982;
 - (o) “traffic warden” means a traffic warden employed by a police authority in pursuance of Section 95 of the Act of 1984;
 - (p) “vehicle” means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether by animal or mechanical power;
- (3) For the purposes of this Order a vehicle shall be deemed to wait or stop:-
- (a) if any point in that road is below the vehicle or its load and the vehicle is stationary;
 - (b) for more than a specified period in the same place if any point in that road is below the vehicle or its load throughout a period exceeding the specified period whether or not the vehicle is moved during that period.
- (4) The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations

made or having effect as if made under the Act of 1984 or by any other enactment.

- (5) Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction or prohibition then the provision of this Order shall prevail.

PART II

CONTROLLED PARKING

Designation of Parking Places on Roads

4. Each of the lengths of a road specified in Schedules 3.1 and 33 inclusive to this Order is authorised to be used, subject to the following provisions of this Order, as a parking place during the prescribed hours on such conditions as are specified.
5. Save as provided in Articles 16 and 17 of this Order no person shall, except upon the direction or with the permission of a Police Officer in uniform or Traffic Warden, cause or permit any vehicle to wait for a period exceeding twenty minutes between the hours of 9.00am and 5.00pm, Monday to Saturday inclusive on the length(s) of road(s) specified in Schedule 3.1 to this Order. Within the prescribed hours, when a vehicle has left a parking place after waiting thereon the driver thereof shall not within forty minutes permit it to wait again upon that parking place.

6. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of a Police Officer in uniform or Traffic Warden, cause or permit any vehicle to wait on a loading bay between the hours of 8.00am and 6.00pm, Monday to Friday inclusive, unless it is being used for the delivery and collection of goods or merchandise or loading and unloading that vehicle at premises adjoining the length(s) of road(s) specified in Schedule 33 to this Order.

7. Save as provided in Article 16 of this Order no person shall, except upon the direction or with the permission of a Police Officer in uniform or Traffic Warden, cause or permit any vehicle to remain in a loading bay specified in Schedule 33 to this Order for a period exceeding 20 minutes within the prescribed hours. When a vehicle has left a loading bay after waiting thereon the driver thereof shall not within one hour permit it to wait again upon that loading bay.

8. Within the prescribed hours, when a vehicle has left a parking place after waiting thereon, the driver thereof shall not, within the period specified in the relevant Schedule, permit it to wait again upon that parking place.

9. When a vehicle is left in a parking place in contravention of any of the provisions contained in Articles 5, 6 and 7 of this Order and subject always to any provisions contained in Sections 99 - 106 of the Road Traffic Regulation Act 1984, a person authorised in that behalf by the Council may remove the vehicle or arrange for it to be removed.

Any person so removing a vehicle may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary.

Provided that when a vehicle is waiting in a parking place in contravention of the provisions of Articles 5, 6 and 7 of this Order, a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with the provisions.

When a person so removes or makes arrangements for the removal of a vehicle, that person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle. The Council may make a charge for such removal and custody as specified in the Regulations made under the Act of 1984 and may, after the period referred to in the said Regulations dispose of the vehicle in the manner prescribed in the Regulations.

10. The Council may:
 - (a) determine the number and situation of parking bays in each parking place;
 - (b) cause the limits of the said lengths of road in the Schedules to be indicated on the carriageway by placing and maintaining thereon appropriate traffic signs;
 - (c) install and maintain on or in the vicinity of each length of road designated in the Schedules appropriate traffic signs or notices indicating that such lengths of road may be used during permitted hours;
 - (d) install and maintain in such positions as they think fit or in the vicinity of the said lengths of road described in the Schedules such parking ticket machines as may be required; and
 - (e) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of the parking.

11. Each parking place may be used, subject to the provisions of this Order, for the leaving during the permitted hours of passenger vehicles, light goods vehicles not exceeding 7.5 tonnes maximum gross weight, invalid carriages and motor cycles.

Manner of Standing in Parking Places

12. Every vehicle left in a parking place designated in Schedules 3.1 and 33 inclusive shall so stand:

- (1) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified as to be in accordance with those provisions;
- (2) in the case of any other parking place:
 - (a) if the parking place is not in a one-way street, that the left or nearside of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (b) if the parking place is in a one-way street, that the left or nearside of the vehicle is adjacent to the left hand edge of the carriageway or that the right off-side of the vehicle is adjacent to the right-hand edge of the carriageway; and
 - (c) that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and that the distance between the said edge and the nearest wheel of the vehicle is not more than 0.3 metres; and
- (3) that every part of the vehicle is within the limits of a parking place provided that where the length of any vehicle being a passenger vehicle, precludes it from standing wholly within the limits of a parking place, such vehicle may so stand in that parking place and shall be deemed to be wholly the limits of a parking place if the extreme front portion or the extreme rear portion, as the case may be, of the vehicle is within 1.0 metre of the limits of that parking place, which is indicated on the carriageway in the manner provided in Article 10(b) of this Order.

Power to Suspend Use of Parking Places

13. (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) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in sub-paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984, traffic sign or parking ticket machine;
 - (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.
- (2) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) 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.

- (3) No person shall cause or permit a vehicle to be left in any part of a parking place during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of paragraph (2) of this Article:

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 paragraph (1) of this Article or of a Police Officer in uniform or of a Traffic Warden.

Restriction of Use of Vehicles at Parking Places

14. The driver of a vehicle using a parking place shall not cause or permit the carrying out of any work of construction, repair or maintenance except such as may be necessary to enable the vehicle to be removed from the parking place.
15. 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 vehicle is one which may be left in a parking place in accordance with Article 11 of this Order and the goods are immediately delivered at or taken in premises adjacent to the vehicle from which the sale is effected.

Restriction of Waiting of Vehicles in Parking Places

16. (1) Nothing in Articles 5, 6 and 7 of this Order shall prevent any person from causing or permitting a vehicle to wait on the lengths of roads referred to in those Articles for so long as may be necessary:
- (a) if the vehicle is in the services of or employed by the Postmaster General and is being used for the purposes of delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953;
 - (b) for so long as may be necessary to enable a person to board or alight from a vehicle;
 - (c) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road to be used in connection with any building operation or demolition, the removal of any obstruction to traffic the maintenance, improvement or reconstruction of any of the lengths of road so referred to or the laying, erection, alteration or repair in or near to the said lengths of road of any sewer or main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in sub-paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984, traffic sign or parking ticket machine;
 - (d) where the vehicle is used for police, fire brigade or ambulance purposes or any vehicle in the service of the local authority in either case being used in pursuance of statutory powers or duties;
 - (e) where the vehicle is being used by a medical practitioner visiting patients on professional calls when such a vehicle bears, in a conspicuous position, the appropriate identification badge;

- (f) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or in order to avoid an accident; and
- (g) the vehicle not being a passenger vehicle is in actual use in connection with the removal of furniture from one office or dwelling house adjacent to the parking place to another or the removal of furniture from such premises to a depository or to such premises from a depository.
- (h) No charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.

17. Nothing in Articles 5, 6 and 7 of this Order shall prevent any person from causing or permitting a disabled person's vehicle to wait without restriction on time of stay on the lengths of roads referred to in those Articles where any disabled person's vehicle is not causing an obstruction and displays in the relevant position a disabled badge issued by the local authority in exercise of the powers under Section 21(1) of the Chronically Sick and Disabled Persons Act 1970(a).

Display of Badge or Permit

18. A Disabled Persons Badge or Permit is displayed on a vehicle in the prescribed manner if -

- (a) the badge or permit is exhibited on the dashboard or fascia of the vehicle;
- or
- (b) where the vehicle is not fitted with a dashboard or fascia, the badge or permit is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.

Parking Ticket Machines to be Installed at Parking Places

19. The Council may;
 - (a) install and maintain in such positions as they think fit or in the vicinity of a parking place such parking ticket machines as may be required; and
 - (b) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of a parking place.

20. The restrictions imposed by the Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulation made or have effect as if made under the Road Traffic Regulation Act 1984 or by or under other enactment.

**DATED THIS TWENTY SECOND DAY OF APRIL,
TWO THOUSAND AND FOURTEEN**

Garry Dallas
Director of Services to Communities

**THE CLACKMANNANSHIRE COUNCIL (ALLOA TOWN CENTRE)
(PARKING PLACES) (AMENDMENT NO. 1) ORDER 2014**

SCHEDULE 3.1

Road in Alloa town centre **Side and section of road on which parking is restricted to twenty minutes, return prohibited within forty minutes between the hours of 9.00am and 5.00pm, Monday to Saturday inclusive.**

Mill Street

On the north-west side thereof:

1. From a point 57 metres or thereby north-east of the east kerbline of High Street in a north-easterly direction for a distance of 16 metres or thereby.

SCHEDULE 33

Road in Alloa town centre **Side and section of road designated for loading and unloading by vehicles only, restricted to a period of twenty minutes, return prohibited within one hour, between the hours of 8.00am and 6.00pm, Monday to Friday inclusive.**

Mill Street

On the north-west side thereof:

3. From a point 54 metres or thereby north east of the east kerbline of High Street in a north easterly direction for a distance of 20 metres or thereby.

**THE CLACKMANNANSHIRE COUNCIL (ALLOA TOWN CENTRE)
(PARKING PLACES) (AMENDMENT NO. 1) ORDER 2014**

Statement of Reasons for Making the Order

The reason for the amendment order is due to layout changes on Mill Street to reduce the taxi rank and add in parking spaces.

Garry Dallas
Director of Services to Communities

Clackmannanshire Council
Greenfield
ALLOA
FK10 2AD

**THE CLACKMANNANSHIRE COUNCIL (ALLOA TOWN CENTRE)
(PARKING PLACES) (AMENDMENT NO. 1) ORDER 2014**

LIST OF SCHEDULES

On-Street Parking

Schedule 3.1 Parking restricted to a maximum period of twenty minutes, return prohibited within forty minutes, between the hours of 9.00am and 5.00pm, Monday to Saturday inclusive.

On- Street Parking for Loading and Unloading of Vehicles

Schedule 33 Loading and unloading of vehicles only, restricted to a maximum period of twenty minutes, return prohibited within one hour, between the hours of 8.00am and 6.00pm, Monday to Friday inclusive.

**THE CLACKMANNANSHIRE COUNCIL (ALLOA TOWN CENTRE) (PARKING PLACES)
(AMENDMENT NO. 1) ORDER 2014**

The Council proposes to make the above Amendment Order under Sections 1(1) and (2), 2(1) to (3), 4(2), 32(1) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 due to layout changes on Mill Street to reduce the taxi rank and add in parking spaces. **Schedule 3.1 - side and section of road on which parking is restricted to twenty minutes, return prohibited within forty minutes between the hours of 9.00 am and 5.00 pm, Monday to Saturday inclusive: Mill Street, Alloa** (On the north-west side thereof: 1. From a point 57 metres or thereby north-east of the east kerbline of High Street in a north-easterly direction for a distance of 16 metres or thereby). **Schedule 33 - side and section of road designated for loading and unloading by vehicles only, restricted to a period of twenty minutes return prohibited within one hour, between the hours of 8.00 am and 6.00 pm, Monday to Friday inclusive: Mill Street, Alloa** (On the north-west side thereof: 3. From a point 37 metres or thereby north-east of the east kerbline of High Street in a north-easterly direction for a distance of 20 metres or thereby). Objectors must state their reasons in writing to Gillian White, Strategy and Customer Services, Greenfield, Alloa, FK10 2AD by 19/03/14. Full details are available on www.clacksweb.org.uk or may be examined at Clackmannanshire Council's Offices, Greenfield, Alloa, FK10 2AD, and any Council Office/Library, during normal office hours between 19/03/14 and 11/04/14.

**THE CLACKMANNANSHIRE COUNCIL (ALLOA TOWN CENTRE) (PARKING PLACES)
(AMENDMENT NO. 1) ORDER 2014**

The Council has made the above Amendment Order under Sections 1(1) and (2), 2(1) to (3), 4(2), 32(1) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 due to layout changes on Mill Street to reduce the taxi rank and add in parking spaces. **Schedule 3.1 - side and section of road on which parking is restricted to twenty minutes, return prohibited within forty minutes between the hours of 9.00 am and 5.00 pm, Monday to Saturday inclusive: Mill Street, Alloa** (On the north-west side thereof: 1. From a point 57 metres or thereby north-east of the east kerbline of High Street in a north-easterly direction for a distance of 16 metres or thereby). **Schedule 33 - side and section of road designated for loading and unloading by vehicles only, restricted to a period of twenty minutes return prohibited within one hour, between the hours of 8.00 am and 6.00 pm, Monday to Friday inclusive: Mill Street, Alloa** (On the north-west side thereof: 3. From a point 37 metres or thereby north-east of the east kerbline of High Street in a north-easterly direction for a distance of 20 metres or thereby). Anyone wishing to question the validity of any of the provisions within this order should write to the Court of session within six weeks of 9 May 2014. Full details are available on www.clacksweb.org.uk or may be examined at Clackmannanshire Council's Offices, Greenfield, Alloa, FK10 2AD, and any Council Office/Library, during normal office hours.

**THE CLACKMANNANSHIRE COUNCIL (ALLOA TOWN CENTRE)
(PARKING PLACES) (AMENDMENT NO. 1) ORDER 2014**

Clackmannanshire Council has made the above named Amendment Order under Sections 1(1) and (2), 2(1) to (3) and 4(2), 32(1) 45, 46, 47, 49, 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended), on 22 April 2014 due to layout changes on Mill Street to reduce the taxi rank and add in parking spaces. The Order is as advertised in the Alloa Advertiser on 19 March 2014.

A copy of the Order, together with a copy of the relative plan, is available at www.clacksweb.org.uk/transport/roadorders/ or may be examined at the Clackmannanshire Council's Offices, Greenfield, Alloa, FK10 2AD or at any council office, library or Community Access Point, during normal office hours free of charge.

Any person wishing to question the validity of the Order or of any provision contained therein on the grounds that it is not within the powers conferred by the aforesaid Act or that any requirement therein has not been complied with, may, within six weeks from 9 May 2014, apply to the Court of Session for this purpose.

Garry Dallas
Director of Services to Communities

Clackmannanshire Council, Greenfield, ALLOA, FK10 2AD

SCHEDULE 3.1

Road in Alloa town centre	Side and section of road on which parking is restricted to twenty minutes, return prohibited within forty minutes between the hours of 9.00am and 5.00pm, Monday to Saturday inclusive.
Mill Street	On the north-west side thereof: 2. From a point 57 metres or thereby north-east of the east kerbline of High Street in a north-easterly direction for a distance of 16 metres or thereby.

SCHEDULE 33

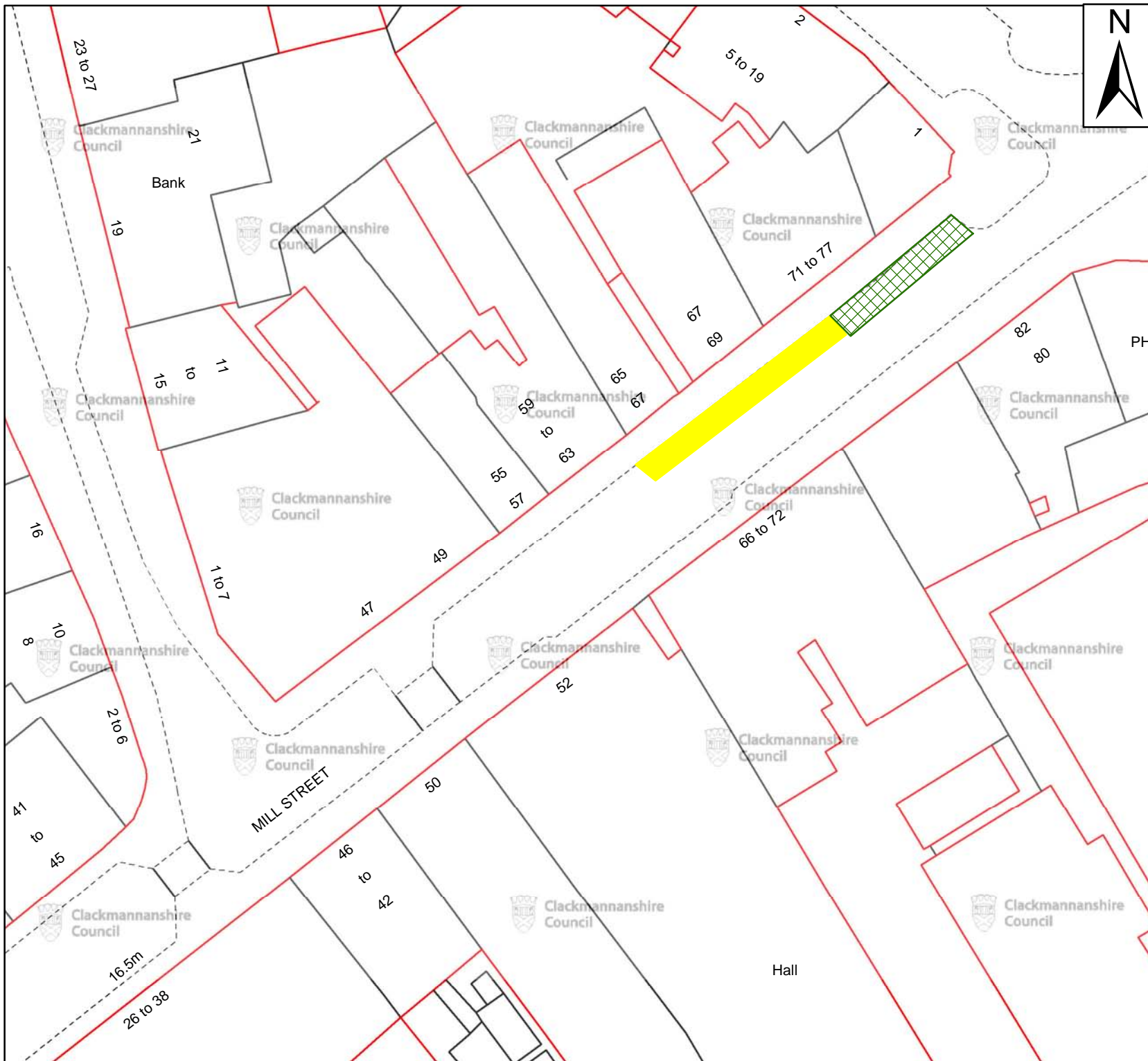
Road in Alloa town centre	Side and section of road designated for loading and unloading by vehicles only, restricted to a period of twenty minutes, return prohibited within one hour, between the hours of 8.00am and 6.00pm, Monday to Friday inclusive.
Mill Street	On the north-west side thereof: 4. From a point 54 metres or thereby north east of the east kerbline of High Street in a north easterly direction for a distance of 20 metres or thereby.


**THE CLACKMANNANSHIRE COUNCIL (ALLOA TOWN CENTRE)
(PARKING PLACES) (AMENDMENT NO. 1) ORDER 2014**


These are the plans referred to in the Clackmannanshire Council (Alloa Town Centre) (Parking Places) (Amendment No. 1) Order 2014 made by Clackmannanshire Council on 22 April 2014.

Garry Dallas
Director of Services to Communities

Clackmannanshire Council
Greenfield
ALLOA
FK10 2AD



 Schedule 3.1 - Side and section of road on which parking is restricted to 20 mins, returned prohibited within 40 mins between the hours of 9.00am and 5.00pm, Mon to Sat inclusive.

 Schedule 33 - Side and section of road designated for loading and unloading by vehicles only, restricted to a period of 20 mins, return prohibited within 60 mins, between the hours of 8.00am and 6.00pm, Mon to Fri inclusive.

DRG13-102A
 The Clackmannanshire Council
 (Alloa Town Centre)(Parking Places)
 Amendment No.1 Order 2013

Scale : NTS
 Paper Size : A4

Date : August 2013

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