



**THE CLACKMANNANSHIRE COUNCIL (BROOK STREET, ALVA)  
(RESTRICTED PARKING ZONE) ORDER 2020**

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:

1. This Order may be cited as "The Clackmannanshire Council (Brook Street, Alva) (Restricted Parking Zone) Order 2020, and shall come into operation on the 4 November 2020.
2. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. In this Order except where the context otherwise requires the following expressions have the meaning hereby respectively assigned to them: -
  - (a) "Restricted Parking Zone" or "RPZ" is an area in which all the streets are subject to waiting restrictions other than the lengths of road where parking places are designated, whether these parking places bear road markings or not;
  - (b) "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 as amended 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 15(2) of this Order;
  - (c) "disabled person's badge" has the same meaning as in Regulation 2(1) of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;

- (d) "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);
- (e) "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;
- (f) "parking place" means an area on a road designated as a parking place by this Order;
- (g) "parking attendant" means a person authorised by, or on behalf of the Council to supervise any parking space;
- (h) "prescribed hours" means the hours specified in the Schedules to this Order;
- (i) "road" has the same meaning as in Section 151 of the Roads (Scotland) Act 1984 and includes any verge or footway;
- (j) "traffic warden" means a traffic warden employed by a police authority in pursuance of Section 95 of the Road Traffic Regulation Act 1984;
- (k) "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;

4. 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.
- 5. 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 Road Traffic Regulation Act 1984 or by any other enactment.
- 6. 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 Road Traffic Regulation Act 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.
- 7. Save as provided in Articles 8, 9, and 10 of this Order no person shall, except upon the direction or with the permission of a Police Constable in uniform, Traffic Warden or Parking Attendant, cause or permit any vehicle to stop, load or unload at any time, on any lengths of road specified in the Schedule to this Order.
- 8. Nothing in Article 7 of this Order shall prevent any person from causing or permitting a vehicle to stop in any road specified in this Order:
  - (a) If the vehicle in the service of or employed by the Postmaster General 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 the vehicle, if it cannot 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 subparagraph 1(1) of Schedule 2 to the Telecommunications Act 1984;

- (c) 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 power or duties;
  - (d) 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;
  - (e) Where the person in control of the vehicle is required by law to stop.
9. Nothing in Article 7 of this Order shall prevent any person from causing a pedal cycle not propelled by mechanical power to wait in any of the said roads.
10. Nothing in Article 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 to enable a vehicle displaying a disabled badge being driven by or carrying a disabled person to uplift or set down that disabled person at premises located on the prohibited roads during the prescribed hours.

**DATED THIS SIXTEENTH DAY OF OCTOBER, TWO THOUSAND AND TWENTY**

**Pete Leonard  
STRATEGIC DIRECTOR (PLACE)**

**THE CLACKMANNANSHIRE COUNCIL (BROOK STREET, ALVA)  
(RESTRICTED PARKING ZONE) ORDER 2020**

<b>Schedule</b>	
<b>List of Roads in Alva</b>	<b>Side and section of road on which waiting, loading and unloading is prohibited at any time.</b>
Brook Street	Both Sides: From a point 13 metres or thereby south of its junction with Henry Street, for a distance of 120 metres or thereby.

**THE CLACKMANNANSHIRE COUNCIL (BROOK STREET, ALVA)  
(RESTRICTED PARKING ZONE) ORDER 2020**

**Statement of Reasons for Making the Order**

The Order is required to create a “School Street’ outside the main entrance to Alva Primary School thereby creating a safer pedestrian environment and encouraging active travel to school.

**Pete Leonard  
STRATEGIC DIRECTOR (PLACE)**

Clackmannanshire Council  
Kilncraigs  
ALLOA  
FK10 1EB

## **THE CLACKMANNANSHIRE COUNCIL (BROOK STREET, ALVA) (RESTRICTED PARKING ZONE) ORDER 2020**

The Council proposes to make the above Order 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) to create a school street outside the main entrance of Alva Primary School thereby creating a safer pedestrian environment and encouraging active travel to school.

**Schedule – Side and section of road on which waiting, loading and unloading is prohibited at any time: Brook Street, Alva** (On both sides from a point 13 metres or thereby south of its junction with Henry Street, for a distance of 120 metres or thereby). Full details are available on [www.clacks.gov.uk](http://www.clacks.gov.uk), where objectors must state their reasons for objection by 14/08/20.

## **THE CLACKMANNANSHIRE COUNCIL (BROOK STREET, ALVA) (RESTRICTED PARKING ZONE) ORDER 2020**

The Council has made the above Order 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) to facilitate the safety of children and parents on the journey to and from Clackmannan Primary School and Nursery School. **Schedule – Side and section of road on which waiting, loading and unloading is prohibited at any time: Brook Street, Alva** (On both sides from a point 13 metres or thereby south of its junction with Henry Street, for a distance of 120 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 16/10/20. Full details together with the schedule and plans are available on [www.clacks.gov.uk](http://www.clacks.gov.uk).

**THE CLACKMANNANSHIRE COUNCIL (BROOK STREET, ALVA)  
(RESTRICTED PARKING ZONE) ORDER 2020**

Clackmannanshire Council has made the above named Order 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 on 16 October 2020.

The Order is as advertised in the Alloa Advertiser on 22 July 2020 which will create a 'School Street' outside the main entrance to Alva Primary School thereby creating safer pedestrian environment and encouraging active travel to school. A copy of the Order, together with a copy of the relative plan, is available on [www.clacks.gov.uk](http://www.clacks.gov.uk).

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 16 October 2020 apply to the Court of Session for this purpose.

**Pete Leonard  
STRATEGIC DIRECTOR (PLACE)**

<b>Schedule</b>	
<b>List of Roads in Alva</b>	<b>Side and section of road on which waiting, loading and unloading is prohibited at any time.</b>
Brook Street	Both Sides: From a point 13 metres or thereby south of its junction with Henry Street, for a distance of 120 metres or thereby.

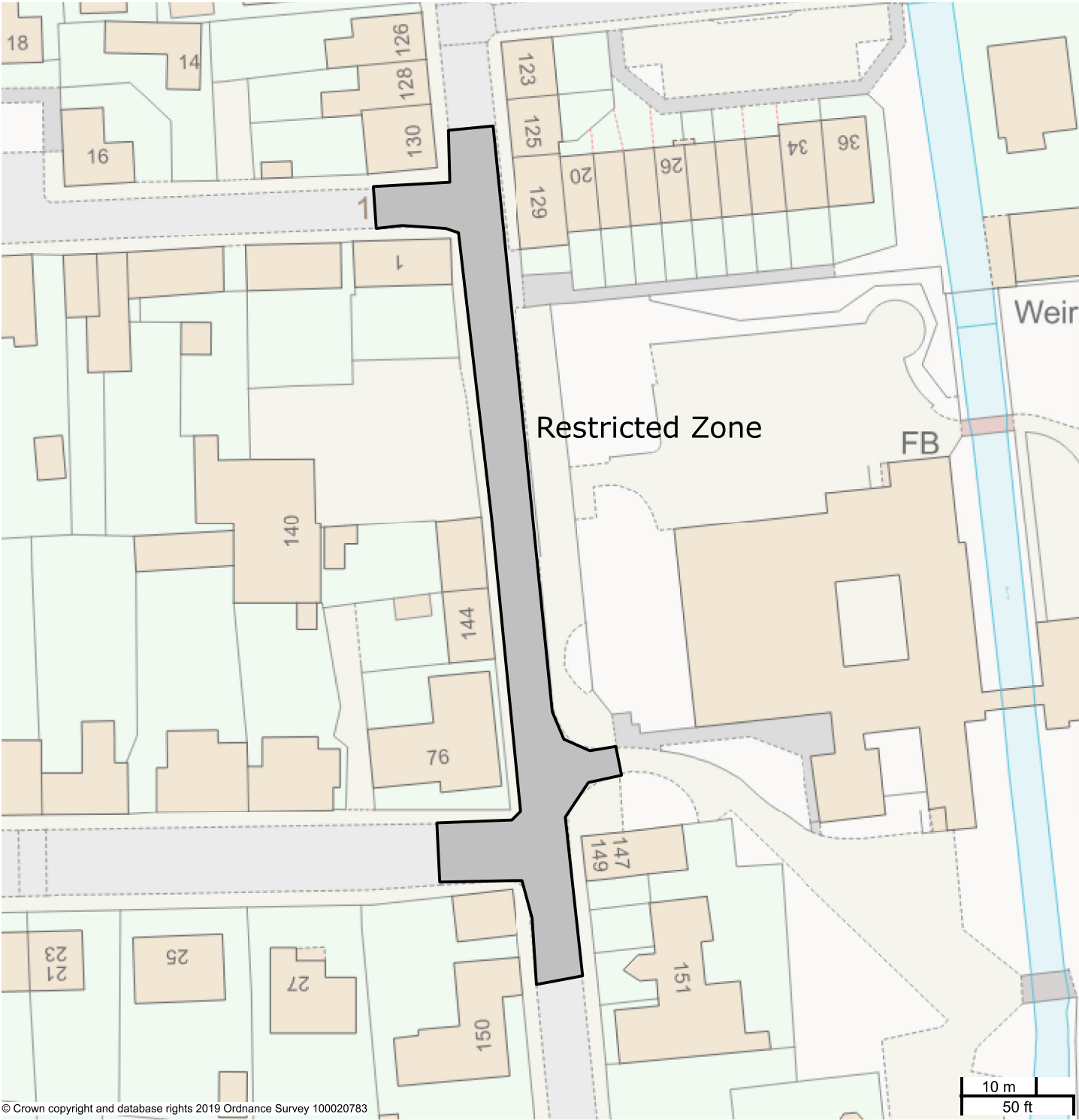


**THE CLACKMANNANSHIRE COUNCIL (BROOK STREET, ALVA)  
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This is the plan referred to in The Clackmannanshire Council (Brook Street, Alva) (Restricted Parking Zone) Order 2020 made by Clackmannanshire Council on 16 October 2020.

**Pete Leonard  
STRATEGIC DIRECTOR (PLACE)**

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Kilncraigs  
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Brook Street, Alva - Restricted Zone