

**PERTH AND KINROSS COUNCIL
(ABERNETHY TRAFFIC MANAGEMENT) ORDER 2021 (01/21)**

On 19/1/21 the Council made the above Order under the Road Traffic Regulation Act 1984 which comes into effect on 23/1/21. The proposed Order and its effect were advertised in the Courier on 3/12/20. In line with the requirements of the Coronavirus (Scotland) Act 2020, full details may be examined on the Perth and Kinross Council website (<https://www.pkc.gov.uk/tro>) and on the Tell Me Scotland website (www.tellmesotland.gov.uk/notices) from 22/1/21 to 5/3/21. Anyone wishing to question any aspect of the validity of, or of any of the provisions of, this Order should write to the Court of Session within 6 weeks of 22/1/21.

**PERTH AND KINROSS COUNCIL
ROAD TRAFFIC REGULATION ACT 1984**

**PERTH AND KINROSS COUNCIL (ABERNETHY TRAFFIC MANAGEMENT)
ORDER 2021 (01/21)**

Perth and Kinross Council in exercise of the powers conferred on them by Sections 1, 2, 3, 4 of Part I, Sections 32, 35, 44, 45, 46, 49 and 53 of Part IV and Schedules 9 and 10 of the Road Traffic Regulation Act 1984 (which Act of 1984 is hereinafter referred to as "the Act") and of all other powers enabling them in that behalf and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

**PART I
GENERAL PROVISIONS**

Commencement and Citation

1. This Order may be cited as the "Perth and Kinross Council (Abernethy Traffic Management) Order 2021" and shall come into operation on the Twenty-third day of January Two thousand and twenty-one.

Interpretation

2. (i) In this Order except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them:-

"**caravan**" means a vehicle designed or adapted for human habitation;

"**Chief Constable**" means the Chief Constable of Police Scotland;

"**Council**" means the Perth and Kinross Council;

"**disabled person**" means a disabled person of a description prescribed by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000; (as amended 2011)

"**disabled person's badge**" has the meaning assigned to it by Regulation 11 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000; (as amended 2011)

"**disabled person's vehicle**" means a motor vehicle which is displaying a disabled persons badge in accordance with Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000; (as amended 2011)

"**disabled persons' parking place**" means an area of a road designated solely for the parking of disabled persons vehicles as may be indicated in the Schedule;

"**driver**" in relation to a vehicle left in a parking place means the person driving the vehicle at the time it was left in the parking place;

"**goods**" includes postal packets of any description and in so far as a bank is concerned cash or other valuables or valuable securities and "**delivering**" and "**collecting**" in relation to any goods includes checking the goods for the purpose of their delivery and collection and loading the goods on to or unloading the goods from a vehicle;

"**goods vehicle**" means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted;

"**local service**" has the meaning applied to it by Section 2 of the Transport Act 1985;

"**motor vehicle**" means a mechanically propelled vehicle intended or adapted for use on roads;

"parking place" means an area on a road designated as a parking place by Article 3 of this Order, the limits of which are indicated by means of markings in accordance with diagram 1032 or 1033 of Schedule 6 to the Traffic Signs Regulations and General Directions 2016;

"parking space" means a bay in a parking place provided for the leaving of one vehicle, the limits of which are indicated by means of markings in accordance with diagram 1032 or 1033 of Schedule 6 to the Traffic Signs Regulations and General Directions 2016;

"passenger vehicle" means a motor vehicle constructed solely for the carriage of passengers and their effects and adapted to carry not more than fifteen persons inclusive of the driver and not drawing a trailer as defined in Section 136 of the Act or a caravan and includes an invalid carriage and a motor cycle (but not a solo motor cycle) as defined in the said section of the Act;

"penalty charge notice" has the meaning assigned to it by Section 66 of the Road Traffic Act 1991;

"post office letter box" includes any pillar box, wall box or any other box or receptacle provided by the permission or under the authority of the Postmaster General for the purpose of receiving postal packets for transmission by or under the authority of the Postmaster General;

"postal packet" means a letter, postcard, reply postcard, newspaper, printed packet, sample packet or parcel, and every packet or article transmissible by post and includes a telegram;

"public service bus" means a public service vehicle being used on a registered local service within the meaning of the Transport Act 1985 or a public service vehicle operating under contract to Perth and Kinross Council;

"public service vehicle" has the meaning applied to it by Section 1 of the Public Passenger Vehicles Act 1981;

"relevant position" means, in the case of a vehicle fitted with a front windscreen, immediately behind and on the near side of the windscreen with the obverse side of the permit facing forwards, and in the case of a vehicle not fitted with a front windscreen, on the front or near side of the vehicle in a conspicuous position;

"Schedule" means the schedule to this Order;

"side" when used to describe a length of road means that part of the road (including any verge or footway) ex adverso the centre line of the carriageway, in which is laid down appropriate markings in accordance with diagrams 1017 or 1018.1 of the Traffic Signs Regulations and General Directions 2016;

"small goods vehicles" means a motor vehicle which is constructed or adapted to carry or haul goods and the maximum gross weight of which does not exceed 3.5 tonnes;

"small trailer" means a vehicle which is drawn by a motor vehicle and has an unladen weight not exceeding 1525 kilograms;

"small vehicle" means passenger vehicles, small good vehicles and small trailers all as defined herein;

"solo motor cycle" means a mechanically propelled vehicle not being an invalid carriage with not more than two wheels, and the weight of which unladen does not exceed 410 kilograms;

"taxi" has the meaning applied to it by Section 23 of the Civic Government (Scotland) Act 1982 and **"licensed"** in relation to a taxi means operating under a taxi licence as described in Section 10 of the said Act of 1982;

"ticket" means a ticket or tickets issued by a ticket issuing machine relating to any parking place designated in this Order;

"ticket issuing machine" means apparatus designed to indicate the time by a clock and to issue numbered tickets each of which will indicate the payment of a charge, and either (a) the period in respect of which it has been paid and the date and time at which the charge was paid, or (b) the date and expiry time of the period in respect of which it has been paid, together with the identification mark of the machine from which the ticket has been issued;

"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 Act;

"trailer" means a vehicle drawn by a motor vehicle;

"vehicle" means a vehicle of any description and includes a bicycle being cycled or a machine or implement of any kind drawn or propelled along roads, whether by animal or mechanical power.

- (ii) Any reference in this Order to any enactment, Regulation, Direction or Order shall be construed as a reference to that enactment, Regulation, Direction or Order as amended by any subsequent enactment, Regulation, Direction or Order.

PART II AUTHORISATION AND USE OF PARKING PLACES

Designation of Parking Places

3. (1) Subject to the provisions of this Order each length of road which is described in the Schedule is designated as a parking place for such classes of vehicles, small goods vehicles or solo motor cycles all as defined in Article 2(i) of this Order and as such will be available as such for twenty four hours per day on all days of the week: PROVIDED ALWAYS that any area designated in terms hereof shall not be available as specified herein during such time as it is appointed a stance for taxis in terms of Section 19 of the Civic Government (Scotland) Act 1982.
- (2) Where, within a parking place, there is a sign or a road marking which indicates that a parking space is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that parking space unless it is a disabled person's vehicle.

Situation or Parking Spaces

4. The situation of parking spaces in each parking place shall be as may be determined by the Council and shall be at all times indicated and marked within each parking place in accordance with the provisions of the Traffic Signs Regulations and General Directions 2016.

Position in which Vehicles may Wait

5. Every vehicle left in a parking place shall so stand:-
- (i) in such manner that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheels and the vehicle is not more than 0.3 metres;
 - (ii) in the manner specified in the Schedule;
 - (iii) that every part of the vehicle is within the limits of the parking space.

Alteration of Position of Vehicle in Parking Place

6. Where any vehicle is standing in a parking place in contravention of the provisions of the immediately preceding Article, 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 those provisions.

Removal of Vehicle from Parking Place

7. Where a person duly authorised in that behalf by the Council is of the opinion that any of the provisions contained in Articles 5, 10, 11 and 12 of this Order have been contravened or not complied within respect of a vehicle left in a parking place, they may remove it from the parking

place or cause it to be removed and when it is so removed, shall provide for the safe custody of the vehicle.

Manner of Removing Vehicle

8. A person duly authorised in that behalf by the Council may remove a vehicle or alter its position by virtue of the immediately preceding Article by towing or driving the vehicle or in such other manner as they may think necessary and may take such measures in relation to the vehicle as they may think necessary to enable them to remove it or alter its position as the case may be.

Movement of Vehicle in Parking Places in Emergencies

9. A person duly authorised in that behalf by the Council may move or cause to be moved, in case of emergency, to any place they think fit, any vehicle left in a parking place.

Power to Suspend Use of Parking Places

10. (1) A person duly authorised in that behalf by the Council may suspend the use of a parking place or any part thereof whenever and for not longer than twenty four hours:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety or any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
 - (b) for the purpose of any road works, building operations, demolition or excavation or for the construction, maintenance, repair or removal of any sewer or of any main pipe, cable, or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus, traffic sign or ticket issuing machine within or near the parking place, or if the vehicle is waiting only for so long as is necessary to enable it to be used in connection with the posting or removing of advertising material in the form of posters on or from, in premises adjacent to the parking place in which the vehicle is waiting, or for the maintenance, improvement or reconstruction of the parking place;
 - (c) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or removals of furniture or other special occasions;
 - (d) for the provision of special parking facilities at times of exhibitions or conferences or other special occasions.
- (2) A person duly authorised in that behalf by the Council may suspend for not longer than twenty four hours the use of a parking place or any part thereof whenever they consider such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a parking place or any parts thereof in accordance with the provisions of paragraph (1) or (2) above shall place or cause to be placed in or adjacent to that parking place or the relevant part or parts thereof a traffic sign or traffic signs indicating that waiting is prohibited.
- (4) 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 the immediately preceding paragraph; PROVIDED that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for the fire brigade, ambulance or police purposes 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 part thereof in pursuance of paragraph (1) above.

Restriction of Use of Vehicles in Parking Place.

11. No person shall use a vehicle or permit a vehicle to stand in a parking place at any time:-
- (a) in connection with the sale of the vehicle;
 - (b) in connection with the sale of any article except where the goods are immediately delivered or taken into premises adjacent to the vehicle from which the sale is effected;
 - (c) in connection with the selling or offering for hire of skills or services;
 - (d) for the purpose of being cleaned or washed;
 - (e) in order that repairs may be carried out thereto except for the purpose of effecting its immediate removal; or

- (f) with its engine running.

Exemptions for Vehicles Waiting in Parking Places

12. (1) 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 vehicle may wait at any time anywhere on the carriageway in a parking place, other than a parking place or part of a parking place the use of which has been suspended, if:-
- (a) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - (b) the vehicle is a vehicle used for the fire brigade purposes or an ambulance, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police force, in either case being used in pursuance of statutory powers or duties;
 - (c) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic; or
 - (d) the vehicle, not being a passenger vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 10(1)(b) of this Order and it cannot conveniently be used for such purpose in any other place.
- (2) 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.
- (3) Except as provided in the foregoing provisions of this Article, the driver of a vehicle shall not cause or permit the vehicle to wait in a parking place.
- (4) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act of 1984.

Manner of Waiting of Specially Exempted Vehicles in Parking Places

13. A person causing or permitting the vehicle to wait in a parking place by virtue of the provision of sub-paragraph (d) of paragraph (1) of the immediately preceding Article shall take all such steps as are necessary to ensure:-
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that parking place are specified in the Schedule the vehicle shall so stand:-
 - (e) unless the length of vehicle precludes compliance with this sub-paragraph, as to be in accordance with those provisions and so that every part of the vehicle is within the limits of the parking place; or
 - (ii) if the length of the vehicle does preclude compliance with the immediate preceding sub-paragraph, that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheels of the vehicle is not more than 0.3 metres; and in the case of any other parking space, that the longitudinal axis of the vehicle is parallel to the edge of the carriageway nearest to the vehicle and the distance between the said edge and the nearest wheels of the vehicle is not more than 0.3 metres.

PART III PROHIBITIONS AND RESTRICTIONS

Waiting

14. Save as provided in Articles 16 and 17 of this Order no person shall, except upon the direction or with the permission of a person duly authorised in that behalf by the Council, cause or permit any vehicle to wait at any time in any lengths of road specified in Part I of the Schedule.

Disabled Persons' Parking Places

15. With the exception of those provisions contained in Article 12(1) (a), (b), (c) and (d) of this Order, no person shall, except upon the direction or with the permission of a person duly authorised in that behalf by the Council, cause or permit any vehicle other than a disabled person's vehicle to wait at any time in any length of road specified in the Schedule.

PART V EXEMPTIONS

From Waiting Prohibitions and Restrictions

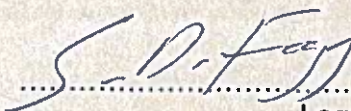
Personal Access, Statutory Undertakings, Funerals

16. Nothing in Article 14 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road specified in Part I of the Schedule:-
- (a) 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, demolition or excavation, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so specified, or the laying, erection, alteration or repair in or near to any of the said lengths of road so specified of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunication apparatus as defined in sub-paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984;
 - (b) to enable the vehicle to be used for Police, Fire Brigade or Ambulance purposes or to enable any vehicle in the service of a local authority to be used in pursuance of statutory powers and duties;
 - (c) to enable a vehicle in the service of a funeral undertaker to be used in connection with a funeral.

Doctors, Disabled persons, Taxis, Accidents, etc.

17. Nothing in Article 14 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road specified in Part I of the Schedule:-
- (a) not causing an obstruction and is left by the driver thereof who is a general medical practitioner or a nurse/midwife, and on which is displayed in the relevant position a badge recognised by the Council, while visiting patients on professional calls or, in the case of a general medical practitioner, near their surgery premises while they are being used for consulting purposes;
 - (b) a disabled person's vehicle which is not causing an obstruction and which is displaying in the relevant position a disabled person's badge issued by any local authority in exercise of its powers under Section 21(1) of the Chronically Sick and Disabled Person's Act 1970;
 - (c) waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident.

SIGNED and the COMMON SEAL of the COUNCIL hereto AFFIXED at PERTH on the NINETEENTH day of JANUARY TWO THOUSAND AND TWENTY-ONE


.....
Legal Manager



SCHEDULE

PART I NO WAITING AT ANY TIME

1. MAIN STREET

North Side thereof for a distance of 5 metres or thereby eastwards from the intersection of the kerbline thereof with the east kerbline of School Wynd.

2. SCHOOL WYND

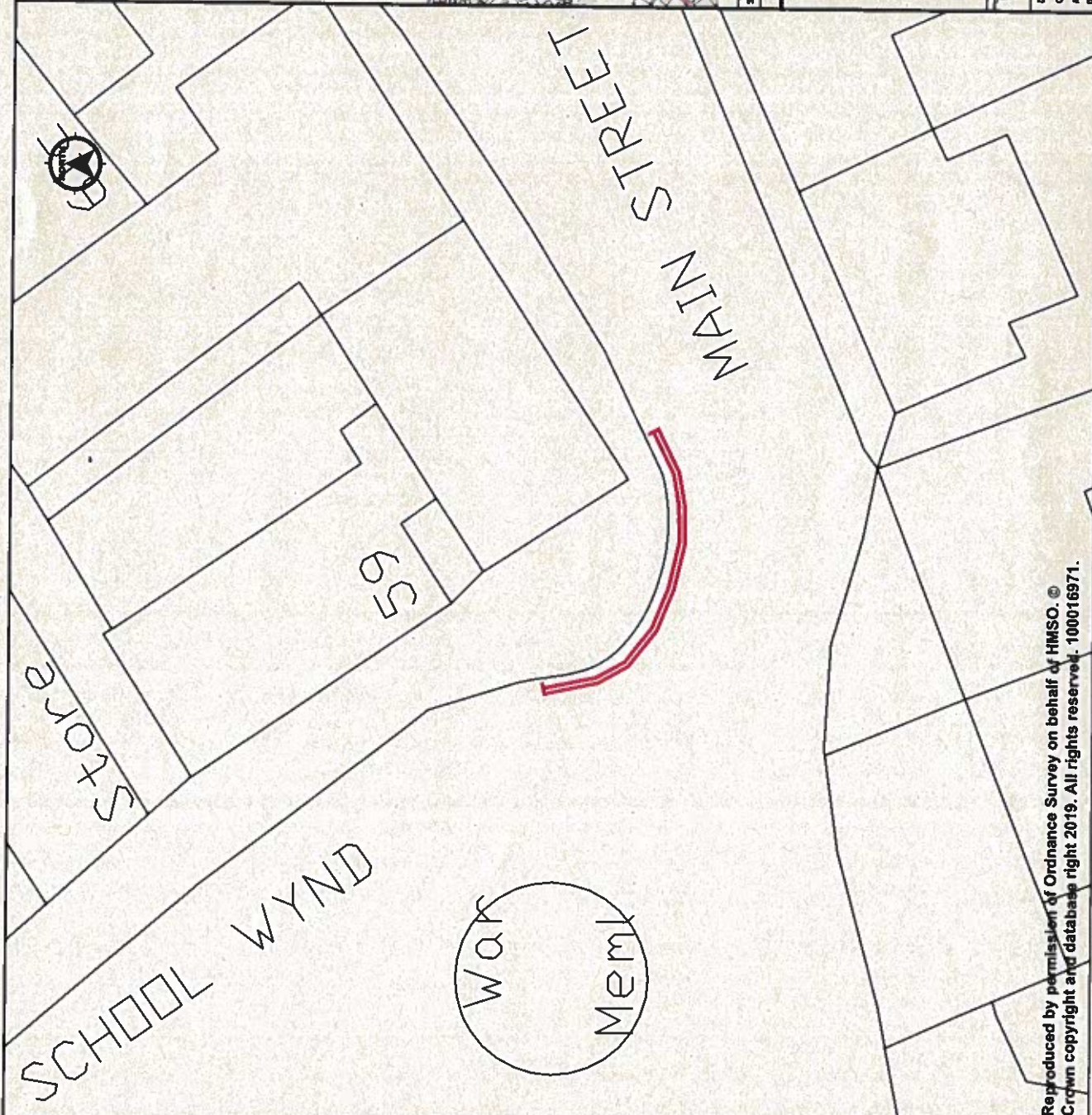
East Side thereof for a distance of 10 metres or thereby northwards from the intersection of the kerbline thereof with the north kerbline of Main Street.

S.D.F. 39

COUNCIL REASONS

The Council wishes to install No Waiting at Any Time waiting restrictions at Main Street and School Wynd, Abernethy to alleviate indiscriminate parking and improve the safety for pedestrians, cyclists and all road users.

S.A.F. 39



Legend



Proposed No Waiting At Any Time Restriction

5.0.19



Date	By	How

AMENDMENTS

PERTH & KINROSS COUNCIL
 Perth and Kinross Council
 (Abernethy Traffic Management)
 Order 2021

The Environment Service
 Director: B Renton BA Hons

Drawn by: JG/MS/1
 Checked by: M/DG
 Approved by: S/M/MS/MS
 Date: 10/06/2020

Drawing Scale: NTS
 Project Code: ATH 20XX
 Drawing No: Plan-1

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