ABERDEEN CITY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

THE ABERDEEN CITY COUNCIL (DISABLED PERSONS' PARKING PLACES IN ABERDEEN CITY) (REGULATORY PARKING PLACES) (PALMERSTON ROAD) ORDER 202_

Aberdeen City Council, in exercise of its powers under the Road Traffic Regulation Act 1984 (hereinafter referred to as "The 1984 Act"); its duties under the Disabled Persons' Parking Places (Scotland) Act 2009; and in exercise of 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, and having complied with the requirements of The Local Authorities' Traffic Orders (Procedure) (Scotland) Regulations 1999, hereby makes the following order: -

Citation

1. This order may be cited as "(Disabled Persons' Parking Places in Aberdeen City) (Regulatory Parking Places) (Palmerston Road) Order 202_" and shall come into operation on __ ____ 202_.

Definitions in relation to subsequent Articles

2. In the following Articles hereto, except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them: -

"Article" means an article of this Order;

"city warden" means a person employed by the roads authority as a city warden in pursuance of section 63A of the Road Traffic Regulation Act 1984, as amended by the Road Traffic Act 1991;

"Council" means Aberdeen City Council;

"disabled person" has the same meaning as in The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000;

"disabled person's badge" means: -

(i) a badge issued under section 21 of the Chronically Sick and Disabled Persons Act 1970;
(ii) a badge issued under a provision of the law of Northern Ireland corresponding to that section; or
(iii) a badge issued, corresponding to that section, by a State that is a member or an associate of the European Conference of Ministers of Transport

"disabled person's vehicle" has the same meaning as in S142 (1) of the 1984 Act;

"driver" in relation to a vehicle waiting in a disabled parking place means the person driving the vehicle as the time it was left in such a parking place;

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"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used, and "owned" shall be constructed accordingly;

"parking space" means a space provided for the leaving of a vehicle in a disabled parking place;

"Schedule" means the Schedule to this order;

"traffic sign" means a sign of any size, colour, and type prescribed or authorised under, or having effect as thought prescribed or authorised under Part V of the 1984 Act;

"vehicle" means a motor vehicle;

"off-street parking place" means a parking place on land which does not form part of a road;

"disabled parking place" means a length of road, or an area within an off-street parking place, for the leaving at any time such disabled persons vehicle which have been or are to be driven by a disabled person or have been or are to be used for carrying disabled persons as passengers;

Designation of disabled parking places

3. Each length of road in Aberdeen specified in the schedule hereto is designated as a disabled parking place only. No person shall cause or permit any vehicle to wait in such a parking space at any time without displaying a valid disabled person's badge in accordance with Article 12.

Vehicles for which disabled parking places are designated

4. Each disabled parking place described in the first and second schedules may be used, subject to the provisions of this Order, for the leaving at any time such disabled persons' vehicles which have been or are to be driven by a disabled person or have been or are to be used for carrying disabled persons as passengers and which display a disabled person's badge in accordance with Article 12.

Placing of traffic signs, etc

5. The Council shall: -
   (a) cause the limits of each disabled parking place and of each parking space to be indicated by appropriate traffic signs or road markings;

   (b) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of each disabled parking place.

Removal of vehicle from a disabled parking place

6. When a vehicle is left in any parking space in contravention of any of the provisions of this order, a person authorised in that behalf, by or on behalf of the Council, may remove, or arrange to have removed, the said vehicle from the

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parking space. The Council may, by written notice, require the owner of such vehicle to remove the vehicle from a parking space, or from any place to which it has been removed for safe custody.

Movement of vehicle in disabled parking place in emergency

7. Where necessary and reasonable, a police constable in uniform, or any person duly authorised by the Council, may move (or cause to be moved) any vehicle left in a parking space.

Manner of moving vehicles

8. Any person removing any vehicle by virtue of Article 7 and Article 8 may do so by towing or driving or moving it in such other manner as they may think necessary to enable them to remove it, provided that in the event of any vehicle being removed from any parking space, such person shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

Power to suspend use of disabled parking places

9. (a) Any person duly authorised by the Council may suspend the use of a disabled parking place or any part thereof whenever he considers such suspension reasonably necessary: -
    (i) for the purpose of facilitating the movement of traffic or promoting its safety;
    (ii) for the purpose of any building operation, demolition or excavation in or adjacent to the disabled parking place, the maintenance, improvement or reconstruction of the highway or the cleansing of gullies in or adjacent to the disabled parking place, the laying, erection, alteration, removal or repair in or adjacent to the disabled parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line, traffic sign or parking meter;
    (iii) for the convenience of occupiers of premises adjacent to the disabled 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;
    (iv) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
    (v) for the convenience of occupiers of premises adjacent to the disabled parking place at times of funerals or on other special occasions.

    (b) A city warden may suspend for not longer than twenty-four hours the use of a disabled parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.

    (c) Any person or a police constable suspending the use of a disabled parking place or any part thereof in accordance with the provisions of paragraph (a) or paragraph (b) of this Article shall thereupon place or cause to be placed in or adjacent to that or any part of that disabled parking place the use of which is suspended, a traffic sign or signs indicating that the use of that

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disabled parking place or that part thereof is suspended and that waiting by vehicles is prohibited.

(d) No person shall cause or permit a vehicle to wait in any disabled parking place or part thereof during such period as there is in or adjacent to that disabled parking place or part thereof a traffic sign placed in pursuance of paragraph (c) 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 purposes to wait in that disabled parking place or that part thereof during such period referred to in this paragraph, or any other vehicle so to wait if that vehicle is waiting with the permission of the person suspending the use of the disabled parking place or part thereof in pursuance of paragraph (a) of this Article.

Restrictions on waiting by vehicles in disabled parking places

10. (a) Without prejudice to the foregoing provisions of this Order with respect to vehicles which are left in a disabled parking place in accordance with those provisions, any other vehicle may wait during the permitted hours anywhere in a disabled parking place, other than a disabled parking place or part of a disabled parking place the use of which has been suspended, if: -
    (i) the vehicle is waiting for a period not exceeding two minutes, or such longer period as a city warden may approve, to enable a person to board or alight from the vehicle; or
    (ii) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident; or
    (iii) the vehicle is being used for fire brigade, or ambulance, or police purposes; or
    (iv) 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
    (v) 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 the purpose of any building operation, demolition or excavation in or adjacent to the disabled parking place, the maintenance, improvement or reconstruction of the disabled parking place or the laying, erection, alteration, removal or repair in or adjacent to the disabled parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water of electricity or of any telegraphic line, or the placing, maintenance or removal of any traffic sign or parking meter; or
    (vi) the vehicle, not being a passenger vehicle, is in actual use in connection with the removal of furniture to or from one office or dwelling house adjacent to the disabled parking place from or to another office or dwelling house or a depository; or
    (vii) the vehicle is in actual use in connection with a funeral undertaking.

(b) Except as provided in the foregoing provisions of this order, the driver or person in charge of a vehicle shall not cause or permit the vehicle to wait in a disabled parking place during the permitted hours.

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Display of Disabled Person's Badge

11. (a) At all times during which a vehicle is left in a disabled parking place in accordance with Articles 4 and 5, the driver thereof shall display or cause to be displayed a valid disabled person's badge in the following manner: -
    (i) the badge is exhibited on the dashboard or facia of the vehicle; or
    (ii) where the vehicle is not fitted with a dashboard or facia, the badge is exhibited in a conspicuous position on the vehicle.

    (b) The disabled person's badge referred to in this Article shall be so attached to or displayed on the vehicle that the particulars recorded on the permit are clearly visible to a person standing at the front or the nearside of the vehicle.

Amendment

12. Upon the coming into effect of this order, in the third schedule of "The Aberdeen City Council (Palmerston Area, Aberdeen) (Traffic Management) Order 2015", with reference to Palmerston Road, delete –

    "North side, from a point 178 metres west of its junction with Market Street, westwards for a distance of 5 metres."

Given by Aberdeen City Council on this _____ day in _____, in the year Two Thousand and Twenty-_____.

……..
Roads Manager

……..
Witness

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Schedule

(On-Street Disabled Persons' Parking Place)

Palmerston Road

North side, from a point 178 metres or thereby west of its junction with Market Street, westwards for a distance of 6.6 metres or thereby.

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Roads Manager

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Witness

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