

North Lanarkshire Council
Constarry Road and Barbegs Crescent, Croy
Proposed (Waiting and Loading Restrictions) Order

The North Lanarkshire Council, in exercise of the powers conferred on them by Section 1(1), 2(1) to (3), 4, 32, 35, 99, 101, 102 and 124 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") and 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 Act, hereby make the following Order.

1. This Order may be cited as "The North Lanarkshire Council (Constarry Road and Barbegs Crescent, Croy) (Waiting and Loading Restrictions) Order 202*" and shall come into operation on ****, Two thousand and ****.

2. In this Order the following expressions have the meanings hereby assigned to them:-

"Blue badge" means the same as "disabled person's badge" below;

"bus" means a motor vehicle constructed or adapted to carry 8 or more passengers (exclusive of the driver);

"Council" means North Lanarkshire Council;

"Disabled person's badge" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as amended;

"Dual purpose vehicle" has the same meaning as in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 2000, as amended;

"goods vehicle" means a vehicle constructed or adapted for the use for the conveyance of goods or burden of any description, but not including a dual-purpose vehicle;

"Local bus services" has the same meaning as "local services" as defined in the Transport Act 1985;

"owner" in relation to a vehicle, means the person by whom such vehicle is kept and used. In determining who the owner at any time it shall be presumed that the owner was the person named in the vehicle registration document as the registered keeper of the vehicle or the person who has use of such vehicle and who is entitled to use such vehicle though they were the registered keeper thereof;

"Parking attendant" means a person employed in accordance with Section 63A of the Road Traffic Regulation 1984 Act to carry out the functions therein;

"Parking bay" means a space in a parking place which is provided for the leaving of a vehicle;

"Parking place" means an area on a road designated as a parking place in the Articles to this Order;

"Penalty charge" has the same meaning as in Section 82(1) of the Road Traffic Act 1991;

“Penalty Charge Notice” means a notice issued or served by a parking attendant pursuant to the provisions of Section 66 of the Road Traffic Act 1991;

“Private hire” *means a hire car other than a taxi* as in Section 23(1) of the Civic Government (Scotland) Act 1982;

“taxi” has the same meaning as in Section 23(1) of the Civic Government (Scotland) Act 1982;

“Universal service provider” has the same meaning as in the Postal Services Act 2000, and

“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;

3. Save as provided in Articles 5, 6 & 7 of this Order no person shall, except upon the direction or with the permission of a police constable, or parking attendant, in uniform, cause or permit any vehicle to wait in any of the lengths of road, and during such times and days, as specified in Schedules I & II.
4. Save as provided in Articles 5, 6 & 7 of this Order no person shall, except upon the direction or with the permission of a police constable, or parking attendant, in uniform, cause or permit any vehicle to wait at any time in any of the lengths of road specified in Schedules III.
5. Nothing in Articles 3 & 4 of this Order shall apply to: (a) any vehicle while being used for fire and rescue, ambulance or police purposes, if the observance of any restriction in these articles would likely to hinder the use of the vehicle for such purposes; (b) any vehicle, not being a passenger vehicle, while being used in the service of the Council in pursuance of statutory powers or duties, if it cannot conveniently be used for such purposes in any other length of road; (c) any public service vehicle while waiting at any authorised stopping place; (d) any vehicle, if it cannot conveniently be used for such purposes in any other length of road, while being used in connection with any building operation, demolition or excavation, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the road, or the laying erection, alteration, removal or repair in or near the road of any sewer or main, pipe or apparatus for the supply of gas, water or electricity, or any apparatus comprised in any electronic communications network; (e) any liveried vehicle in the service of, or employed by, a universal service provider and in actual use in a length of road while postal packets: (i) addressed to premises adjacent to the length of road are being unloaded from the vehicle or, having being unloaded, are being delivered to those premises, or (ii) are being collected from postal boxes or premises adjacent to the length of road for loading on to the vehicle or are being so loaded, and (f) any security vehicle in actual use in a length of road while currency or other valuables: (i) are being unloaded from the vehicle for delivery to premises adjacent to the length of road or, having been unloaded, are being so delivered or (ii) are being collected from premises adjacent to the length of road for loading on to the vehicle or, having been collected, are being so loaded.
6. Nothing in Articles 3 & 4 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of lengths of road specified in Schedules I, II & III for as long as may be necessary: (a) to enable a person to board or alight a vehicle; (b) if the vehicle is in actual use in connection with the removal of furniture to or from any residential or commercial premises adjacent to the road in question and (c) if the vehicle is in actual use in connection with a funeral undertaking.

7. Nothing in Article 3 & 4 of this Order shall apply to any vehicle waiting in any lengths of road specified in Schedule I, & II which is not causing an obstruction, and on which is displayed, in the relevant position, a valid disabled person's badge.
8. If a vehicle is left on any of the roads specified in Schedules I, II, & III without complying with the requirements of this Order, a contravention shall have occurred, and a penalty charge shall be payable. A Penalty Charge Notice showing the information required by the appropriate legislation may then be issued by a parking attendant in accordance with the requirements of the legislation or any subsequent applicable legislation or the vehicle may be removed from the location. The particulars given in the Penalty Charge Notice attached to a vehicle shall be treated as evidence in any proceedings relating to failure to pay such penalty charge. Where a Penalty Charge Notice has been attached to a vehicle no person, not being the driver of the vehicle, a parking attendant in uniform, or some other person duly authorised by the Council, shall remove the notice from the vehicle unless authorised to do so by the owner of the vehicle.

Given under the Seal of the North Lanarkshire Council and subscribed for them and on their behalf by Rachel Blair, Chief Officer (Legal and Democratic), at Motherwell on ***, the *** day of ***, Two thousand and twenty-***.

SCHEDULE I

NO WAITING MONDAY TO FRIDAY 8AM TO 6PM

Length(s) of Road in the region of North Lanarkshire

Side of road to which
restriction applies

Barbegs Crescent

From the south kerbline of Constarry Road B802, generally southwards for a distance of 46 metres, or thereby, including the access into the first car park on the west.

Both

From a point 46 metres or thereby south of the south kerbline of Constarry Road B802, north-westwards for a distance of 64 metres, or thereby.

South

From a point 46 metres or thereby south of the south kerbline of Constarry Road B802, north-westwards for a distance of 71 metres, or thereby.

North

From a point 92 metres or thereby southwards then northwest wards of the south kerbline of Constarry Road B802, South-westwards for a distance of 40 metres, or thereby.

East

From a point 92 metres or thereby southwards then northwest wards of the south kerbline of Constarry Road B802, South-westwards for a distance of 11 metres, or thereby.

West

From a point 122 metres or thereby southwards then northwest wards then south westwards of the south kerbline of Constarry Road B802, South-westwards for a distance of 10 metres, or thereby.

West

Constarry Road B802

From a point 457 metres, or thereby, northwest from the extended north kerb line of Strath Brennig Road, northwest wards for a distance of 180 metres or thereby

Both

Croyhill Road

From the north kerbline of Constarry Road B802 northwards for a distance of 10 metres or thereby

Both

SCHEDULE II

NO WAITING MONDAY TO FRIDAY 8:30AM TO 9:30AM AND 2:30PM TO 3:30PM

Length(s) of Road in the region of North Lanarkshire

Side of road to which
restriction applies

Constarry Road (Service Road)

From the east kerbline of Barbegs Crescent, southeast wards, for a
distance of 97 metres, or thereby.

Both

SCHEDULE III

NO WAITING NO LOADING AT ANY TIME

Length(s) of Road in the region of North Lanarkshire

Side of road to which
restriction applies

Constarry Road (Service Road)

From a point 97 metre, or thereby, southeast from the east kerblineline of
Barbegs Crescent, southeast wards for a distance of 26 metres, or
thereby.

Both