

North Lanarkshire Council

Auchenkilns, Cumbernauld

(Waiting and Loading Restrictions) Order 2018

The North Lanarkshire Council, in exercise of the powers conferred on them by Section 1(1), 2(1) to (3) 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, hereby make the following Order.

1. This Order may be cited as “The North Lanarkshire Council (Auchenkilns, Cumbernauld) (Waiting and Loading Restrictions) Order 2018” and shall come into operation on Monday, the fourth day of June, Two thousand and eighteen.
2. In this Order the following expressions have the meanings hereby assigned to them:-
 - “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;
 - “parking attendant” means a person employed in accordance with Section 63A of the Road Traffic Regulation 1984 Act to carry out the functions therein;
 - “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;
3. Save as provided in Articles 4 & 5 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 Schedule I.
4. Nothing in Article 3 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;
 - 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.
5. Nothing in Article 3 shall prevent any person from causing or permitting a vehicle to wait in any of lengths of road specified in Schedule I 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;
 - c) if the vehicle is in actual use in connection with a funeral undertaking.
6. If a vehicle is left on any of the roads specified in Schedule I 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 Archie Aitken, Head of Business for Legal and Democratic Solutions, at Motherwell on Monday, the twenty-first day of May, Two thousand and eighteen.

SCHEDULE I

NO WAITING AND NO LOADING AT ANY TIME

Length(s) of Road in the Region of North Lanarkshire	Side of Road to which Restriction applies
Auchenkilns Park, Cumbernauld	
From the junction with B8048, south eastwards for a distance of 29 metres or thereby.	West
From the junction with B8048, south eastwards for a distance of 130 metres or thereby.	East
Un-named Road to 31 Auchenkilns Holdings, Cumbernauld	
From the junction with B8048, southwards for a distance of 15 metres or thereby.	West
From a point 99 metres southeast of the extended line of the southern kerb of B8048, southwards for a distance of 10 metres or thereby.	West
From a point 136 metres south east of the extended line of the southern kerb of B8048, southwards to its termination, a distance of 23 metres or thereby.	West
From the junction with B8048, south eastwards for a distance of 163 metres or thereby.	East