

**THE EAST LOTHIAN COUNCIL
(NORTH BERWICK)
(OFF STREET PARKING PLACES)
ORDER No: 1**

TO XXX/XX

EAST LOTHIAN COUNCIL in exercise of their powers under Sections 32, 33, 34, 35 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“1984 Act”), subsequently amended or varied and of all other enabling powers and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following Order:

1 Citation and Commencement

- 1.1 This Order may be cited as "The East Lothian Council, North Berwick, (Off Street Parking Places) Order No 1" and shall come into operation on the XX day of XXXX 2024.

2 Definitions

- 2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

“caravan” means any structure designed or adapted for human habitation which is being capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer.

"car park" means any off street parking area in which there are displayed surface markings or other directions to indicate the position in which any vehicle should be parked;

“charging point” means a device designed for the charging of an electric vehicle or vehicles, where said device has been provided by the Council and is associated with an electric vehicle charging bay;

"driver" in relation to a vehicle, means the person authorised by the owner to drive the said vehicle and, for the avoidance of doubt, includes the owner of the vehicle;

“Disabled Persons Badge” means a badge and its use as set out in Part 3 of The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.

“electronic payment system” means a system to facilitate and monitor the payment of parking charges using telephone or internet enabled devices via communication with the provider authorised and appointed by the Council to operate, administer and maintain the process for the payment of the parking charge, in accordance with the instructions indicated on signs located at or in the vicinity of each parking place;

“electric vehicle” means a vehicle which is capable of being wholly or partially propelled by electrical power and where said power is derived from an electrical storage battery which can be charged from an electrical source external to the vehicle;

“electric vehicle charging bay” means any part of a road or car park that has been designated for the leaving of electric vehicles for the purpose of charging said vehicles under the provisions of the East Lothian Council (Electric Vehicles Charging Bays) Order 2019 (TO-007/19);

“Invalid Carriage” has the same meaning as in Section 136 of the 1984 Act

“hand held device” means a hand held computer or other electronic apparatus used by a parking attendant which is programmed to interface with the electronic payment system;

"local authority" means a council constituted under Section 2 of the Local Government etc. (Scotland) Act 1994;

"local roads authority" means the roads authority for East Lothian, and the term “roads authority” shall have the same meaning as in Section 121A of the 1984 Act;

“map based schedule” means a combination of map tiles and map schedule legends identified in Schedule 2 of this Order, which depict and identify the type and governing provisions of restrictions imposed or parking places designated by this Order, the map based schedule being annexed hereto;

“map schedule legend” means the key or keys shown on the map based schedule which, when used in conjunction with a map tile, identifies the type of restriction imposed or the type of parking places designated by this Order;

“map tile” means an individual map with a specific tile reference and map tile reference, being part of the map based schedule;

"map tile label", where shown on a map tile in relation to a pay and display parking place, or a waiting, loading or stopping restriction, means a label which indicates the type of parking place, or a waiting, loading or stopping restriction and if appropriate, other applying conditions;

"motor car" has the same meaning as in Section 136 of the 1984 Act;

“motor caravan” has the same meaning as in Section of The Motor Vehicles (Type Approval) (Great Britain) Regulations 1984

"motor cycle" has the same meaning as in Section 136 of the 1984 Act;

"owner", in relation to a vehicle, means the registered keeper of the vehicle;

"parking charge" means the charge payable by any person leaving a vehicle in a pay and display parking place during the permitted hours in accordance with Articles 6 (pay and display parking) of this Order;

"parking meter" has the same meaning as in Section 46(2) of the 1984 Act;

"passenger vehicle" has the same meaning as is given to the expression in Regulation (3)(2) of the Road Vehicles (Construction and Use) Regulations 1986;

“pay and display parking place” means a parking place within an off-street car park identified as a pay and display parking place in Schedule 1, the map based schedule and/or depicted in a map

tile Schedule 2;

“Penalty Charge Notice” or “PCN” is a penalty for contravention of parking regulations and this Order;

“permitted hours” means the hours of 8.30 a.m. and 6.00 p.m. on Monday to Saturday inclusive and 1.00 p.m. to 6.00 p.m on Sunday;

"qualifying vehicle" means a motor car, motor cycle with a side-car attached thereto or invalid carriage which in each case:

“this Order” means this East Lothian Council (Various Roads – North Berwick) (Off Street Parking Places), Order No: 1;

"ticket" means a ticket issued by a parking meter installed at a pay and display parking place

“trailer” has the same meaning as in Section 136 of the 1984 Act;

“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; and

2.2 Interpretation

- (a) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (a) Unless the context otherwise requires, a reference in this Order:
 - (1) to a Schedule or Schedules is a reference to a Schedule or Schedules to this Order;
 - (2) to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order; and
 - (3) to a numbered paragraph is a reference to the paragraph bearing that number in the Article in which the reference occurs.
- (b) The restrictions, prohibitions and requirements imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the 1984 Act as amended as aforesaid or by or under any other enactment.
- (c) For the avoidance of doubt, the Council does not accept responsibility for any inaccuracies contained in the Ordnance Survey data relied upon to create the map based schedule.
- (d) All words importing the singular also include the plural and vice versa where the context requires.
- (e) All signs, carriageway markings etc. shall comply with the Traffic Signs Regulations and General Directions 2016.

PART 1 – VARIATIONS

3. **Revocations**

3.1 The following Orders are hereby revoked in their entirety:

- (a) East Lothian Council (Glebe Car Park, North Berwick) (Limited Waiting) Order 2022 (TO – 515/22); and
- (b) East Lothian Council (Kirk Ports Car Park, North Berwick) (Limited Waiting) Order 2022 (TO – 514/22)

PART 2 – CAR PARK

4.1 Designation of pay and display parking places

Each part of a car park listed in Schedule 1, identified on the map based schedule by way of a map tile label and the map schedule legend, as a pay and display parking place; is hereby designated as a pay and display parking place.

4.2 Use of designated pay and display parking places

In accordance with the provisions of this Order:

- (a) Each pay and display parking place shall only be used during the permitted hours for the leaving of:
 - (1) qualifying vehicles displaying a ticket in accordance with Article 5.4 and in accordance with the minimum and maximum lengths of stay as stated in either this Order the map schedule legend or a map tile label relating to that pay and display parking place;
 - or
 - (1) a qualifying vehicle displaying a valid disabled person's badge.

4.3 Restriction on use of vehicles in pay and display parking places

- (a) No person shall use any vehicle while it is left in a pay and display parking place in connection with the selling or offering for sale of goods or services in any capacity: provided that nothing in this Article shall prevent the sale of goods from a vehicle if the vehicle is one to which the provisions of Article 4.4(a)(4) of this Order apply.
- (b) The driver of a vehicle using a pay and display parking place shall not cause or permit the carrying out of any work of construction or repair to any vehicle except such as may be necessary to enable the vehicle to be removed from the pay and display parking place.
- (c) No person shall distribute or a fix or cause to distribute or affixed to any vehicle left in a pay and display parking place any literature or leaflet of any nature unless the prior written consent of East Lothian Council has been given.
- (d) No Caravan, Trailer or motor caravan shall use a pay and display parking place unless the prior written consent of East Lothian Council has been given.
- (e) No person shall use any part of a pay and display parking place or any vehicle left in a pay and display parking place:-
 - a. For sleeping or camping purposes
 - b. For cooking purposes
 - c. For the purpose of washing any vehicle other than is reasonably necessary to enable that vehicle to leave the car park.

4.4 Exceptions from restriction of waiting by vehicles in a pay and display parking places

- (a) The following vehicles are excepted from the requirements under Article 4.2 and may wait during the permitted hours, other than in a pay and display parking place the use of which has been suspended, if:
 - (1) the vehicle is being used for fire and rescue, ambulance, or police purposes;
 - (2) the vehicle, not being a motor car, is being used in the service of a local authority in pursuance of statutory powers or duties: Provided that in all the circumstances it is reasonably necessary in the exercise of such powers or in the performance of such duties for the vehicle to wait at the place in which it is waiting;
 - (3) the vehicle, not being a passenger vehicle, and where the said vehicle is integral to the work being undertaken, is waiting only for so long as may be reasonably necessary to enable it to be used for the purpose of:

- (i) the maintenance, improvement or reconstruction of the pay and display parking place; or
- (ii) the placing, maintenance or removal of any traffic sign or parking meter;
- (iii) provided that, in all cases, the vehicle or vehicles are in actual use in connection with the work being undertaken,
- (4) the vehicle is waiting if goods are being sold or offered for sale from the vehicle by a person who is licensed by the Council to sell goods from a stationary vehicle situated in the place;
- (5) a motorcycle with no side-car attached thereto.

5.5 Manner of standing in pay and display parking places

Waiting and parking within the limit of car park is only permitted for motor cars within a marked pay and display parking place.

Every vehicle waiting in a pay and display parking place, in accordance with Article 4.4 of this Order shall where reasonable practical stand so that every part of the vehicle is within the limits of that pay and display parking place;

5.6 Power to suspend use of a pay and display parking places

- (a) Any person duly authorised by the Executive Director of Place of the Council may suspend the use of any pay and display parking place or any part thereof whenever it is considered that such suspension is reasonably necessary:
 - (1) for the purpose of:
 - (i) any building operation, demolition or excavation in or adjacent to the pay and display parking place;
 - (ii) the maintenance or cleansing of gullies in or adjacent to the pay and display parking place;
 - (iii) the placing, maintenance or removal of any traffic sign or parking meter;
 - (2) for the convenience of occupiers of premises adjacent to the place on the 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;
 - (3) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (4) for the convenience of occupiers of premises adjacent to the pay and display parking place at times of funerals or on other special occasions.
- (b) Any person suspending the use of a pay and display parking place or any part thereof in accordance with the provisions of paragraph (a) of this Article, shall place or cause to be placed, in or adjacent to that or any part of that pay and display parking place which is suspended, a traffic sign or signs indicating that waiting by vehicles is prohibited.
- (c) On any suspension of the use of a pay and display parking place or part of a pay and display parking place in accordance with the provisions of paragraph (a) of this Article any person duly authorised by the Council may temporarily remove, or cause to be removed, any parking meter relating to such pay and display parking place or part thereof and any post or other support to which such parking meter is fitted and shall thereupon place or cause to be placed in or adjacent to that pay and display parking place or part thereof a traffic sign indicating that waiting by vehicles is prohibited.
- (d) No person shall cause or permit a vehicle to wait:
 - (1) in a pay and display parking place or part thereof during such period as there is on the parking meter relating to that pay and display parking place a notice indicating that the use of the pay and display parking place or part thereof is suspended; or
 - (2) in any pay and display parking place or part thereof during such period as there is in or

adjacent to that pay and display parking place or part thereof a traffic sign placed in pursuance of paragraphs (b) or (c) of this Article provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire and rescue, ambulance or police purposes to wait in that part of the pay and display parking place during such period referred to in this paragraph, or to any other vehicle so waiting if that vehicle is waiting with the permission of any person duly authorised by the Executive Director of Place of East Lothian Council.

5. Pay and display parking places

5.1 Amount of parking charge at pay and display parking places specified in Schedule 1 Part 2

- (a) There will be a parking charge in accordance with Schedule 1 Part 2 for a vehicle left during the permitted hours in any pay and display parking place with the exception of:
- (1) a qualifying vehicle displaying a valid disabled person's badge;
 - (2) a motorcycle with no side-car attached thereto; or
 - (3) there is evidence on a hand-held device that a valid permit has been granted for that vehicle.

5.2 Payment of parking charge in respect of pay and display

- (a) Subject to the provisions of this Order, the parking charge for a vehicle left during the permitted hours in a pay and display parking place shall be payable on the leaving of the vehicle either by:
- (1) the insertion in the parking meter associated with the pay and display parking place in which the vehicle is left of a coin or coins of the denominations listed on the associated parking meter as valid for use in that pay and display parking place;
 - (2) the driver using the electronic payment system to register such payment, or
 - (3) any other means of payment as may be authorised by the Council and indicated by instructions displayed on the associated parking meter.

5.3 Indications of payment of charges at pay and display parking places as evidence

- (a) Without prejudice to the provisions of Article 6.3, if at any time while a qualifying vehicle is left, during the permitted hours, in a pay and display parking place, the parking charge shall be deemed to have been paid, if:
- (1) a valid ticket is displayed on the vehicle in accordance with the provisions of Article 5.4; or
 - (2) an indication appears on a hand-held device that the parking charge has been paid in respect of that vehicle, provided that:
 - (i) the registration mark of that vehicle exactly matches the registration mark held on the electronic payment system; and
 - (ii) the electronic payment system and the information shown on the hand-held device confirm that the parking charge has been paid for that vehicle and for the location in which that vehicle has been left.
- (b) The date and time recorded on:
- (1) the electronic payment system for a vehicle left in a pay and display parking place, , and where the registration mark of the vehicle exactly matches the details on the electronic payment system; or
 - (2) on a ticket displayed on a vehicle left in a pay and display parking place, shall be presumed, unless the contrary is proved, to be the date and time in respect of which the parking charge was paid.
- (c) The expiry of the period of a parking charge:
- (1) paid by means of coins inserted in a parking meter shall be indicated by the time indicated on a ticket displayed on the vehicle for which the charge has been paid; or

- (2) paid by means of electronic payment shall be indicated within the electronic payment system and linked to the particular vehicle for which the charge has been paid.

5.4 Display of evidence of payment for vehicles in pay and display parking place

- (a) Upon payment of the parking charge as referred to in Article 5.1:
 - (1) by means of coins inserted in a parking meter, the driver of the vehicle shall display or cause to be displayed on the vehicle while it is left in the pay and display parking place the ticket as issued by the parking meter relating to that pay and display parking place:
 - (i) where the vehicle is fitted with a front windscreen extending across the vehicle to the nearside, on the nearside of the inside surface of such windscreen; or
 - (ii) where the vehicle is not fitted with a front windscreen, in a conspicuous position on the nearside of the vehicle,
 - (2) by means of the electronic payment system, an indication that payment of the parking charge has been made shall appear on a hand held device and within the electronic payment system.
- (b) The ticket referred to in this Article shall be so displayed that the day and time recorded on the front thereof are clearly visible to a person standing at the front or the nearside of the vehicle.

5.5 Additional payment

Additional payment may be made:

- (a) by means of coins inserted into a parking meter when the original payment was made in that way, or
- (b) by means of the electronic payment system provided that the original payment was made in that way,

provided that the maximum length of stay as specified in Schedule 1 Part 2, the map schedule legend or a map tile label for the relevant pay and display parking place or electric vehicle parking bay, is not exceeded.

5.6 Interval before a vehicle may again be left in a pay and display parking place

Subject to Article 5.7, no vehicle which has been taken away from a pay and display parking place, or electric vehicle parking place during the permitted hours, after payment of the parking charge has been made and expired, shall again be left in that pay and display parking place or electric vehicle parking place during the permitted hours until the expiry of 90 minutes from the time it was taken away from the said parking place.

5.7 Exemptions from restrictions on the use of pay and display parking places

- (a) The minimum and maximum lengths of stay as specified in Schedule 1 Part 2, the map schedule legend or a map tile label relating to a pay and display parking place shall not apply to any of the following vehicles whilst waiting during the permitted hours in the said pay and display parking place:
 - (1) a motorcycle with no side-car attached thereto; or
 - (2) there is evidence on a hand-held device that a valid permit has been granted for that vehicle.

5.8 Amount of parking charge and maximum stay at electric vehicle charging bay

A number of pay and display parking places are also electrical vehicle charging bays. In addition to the provisions relating to pay and display parking places under Articles 5.1 to 5.7, an electric vehicle charging bay shall only be used by an electric vehicle connected to and actively drawing an electric charge from a charging point placed in relation to and directly adjacent to that charging place. In such circumstances, the provisions of the East Lothian Council (Electric Vehicle Charging Bays) Order 2019 shall apply.

5.9 Indications of entitlement of a vehicle to be left in an electric vehicle-charging bay

The Council may gather such evidence as is necessary to ascertain whether a vehicle left in an electric vehicle charging bay:

- (a) is an electric vehicle and is connected to and actively drawing an electric charge from a charging point placed in relation to and directly adjacent to that charging place;
- (b) has exceeded the maximum length of stay for that charging place as specified in either the map schedule legend or a map tile label; or
- (c) has not complied with the requirements of Article 5.6.

6 GENERAL

6.1 Installation of parking meters, placing of traffic signs, etc.

The Council shall place and maintain such traffic signs as are required to give effect to the provisions of this Order and, without prejudice to the generality of the foregoing, shall:

- (a) install and maintain in such positions as they think fit in the vicinity of a pay and display parking place such parking meters as may be required for the purposes of this Order;
- (b) cause the limits of each pay and display parking place and, as the case may be, any parking bay to be indicated on the road by placing and maintaining thereon appropriate traffic signs;
- (c) place and maintain in the vicinity of each pay and display parking place appropriate traffic signs indicating that such pay and display parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 4.2; and
- (d) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of any pay and display parking place or loading place.

6.2 Restrictions on the removal of tickets and permits

When a ticket has been displayed on a vehicle in accordance with Article 5.4 no person, not being the driver of the vehicle, shall remove the said ticket or permit from the vehicle unless authorised to do so by the driver.

6.3 Exemptions from charges

- (a) If, at the time when a vehicle is first left in a pay and display parking place, during the permitted hours, any parking meter relating to that pay and display parking place:
 - (1) bears a notice, placed by either a parking attendant or by any person duly authorised by the Council, indicating that the parking meter relating to that pay and display parking place is out of order, or
 - (2) is found to be out of order,

the vehicle shall be exempt from the parking charge, provided that all reasonable endeavors have been made to pay the parking charge at the nearest available working parking meter and the vehicle is left no longer than the maximum length of stay permitted within that pay and display parking place. If the vehicle is left for longer than the maximum length of stay permitted within that pay and display parking place the parking charge shall be deemed to have been incurred and paid at the time when the vehicle was first left in the pay and display parking place and all the provisions of this Order shall apply accordingly.

- (b) Without prejudice to the generality of this Article, a vehicle to which this Article applies shall stand in the associated pay and display parking place in accordance with the provisions of Article 4.5.

6.4 Penalty Charge Notice

- (a) A Penalty Charge Notice, as permitted by the Road Traffic Act 1991, shall be payable in respect of a vehicle left in a pay and display parking place in breach of this Order, and for the avoidance of doubt includes a breach of article 4.2, 4.3, 4.5, 5.1, 5.2, 5.3, 5.4, 5.6, 5.8.
- (b) The amount of the Penalty Charge Notice shall be £100, discounted to £50 if paid within 14 days; this shall increase to £150 if the Council issues a charge certificate in relation to the Penalty Charge.
- (c) A Penalty Charge Notice shall be attached to the vehicle, or handed to the owner or person who appears to be in charge of the vehicle, incurring the Penalty Charge Notice.
- (d) Where a penalty charge notice has been attached to a vehicle in accordance with this Article 6 hereof, no person, other than the owner or person who appears to be in charge of the vehicle, or a person duly authorised by the Council, shall remove the penalty charge notice from the vehicle unless authorised to do so by the owner or person who appears to be in charge of the vehicle. Any person who removes a penalty charge notice without the proper authority shall be guilty of an offence in terms of the Road Traffic Act 1991.

GIVEN UNDER THE SEAL of EAST LoTHIAN COUNCIL this XXX day of XXXX 2024.

Authorised Signatory
East Lothian Council
John Muir House
Haddington
EH41 3HA

SCHEDULE 1

PART 1

Map No.	Location of Pay and Display Parking Place	Class of Vehicle	No of bays
1	Kirk Ports Car Park – Law Road	Motor Car, Invalid Carriage and Motorcycle	Disabled person badge - 3 bays Motor Car - 19 bays
2	Glebe Car Park – St Andrews Street	Motor Car, Invalid Carriage and Motorcycle	Disabled person badge - 4 bays Electric vehicle charging - 2 bays Motor Car 71 bays
3	Imperial Car Park – Quality Street	Motor Car, Invalid Carriage and Motorcycle	Disabled person badge 2 bays Electric vehicle charging - 4 bays Motor Car - 64 bays
4	The Lodge Car Park – East Road	Motor Car, Invalid Carriage and Motorcycle	Disabled person badge - 1 bays Motor Car - 20 bays
5	Castle Hill – Tantallone Terrace	Motor Car, Invalid Carriage and Motorcycle	Motor Car - 20 bays (bays not marked)

Schedule 1

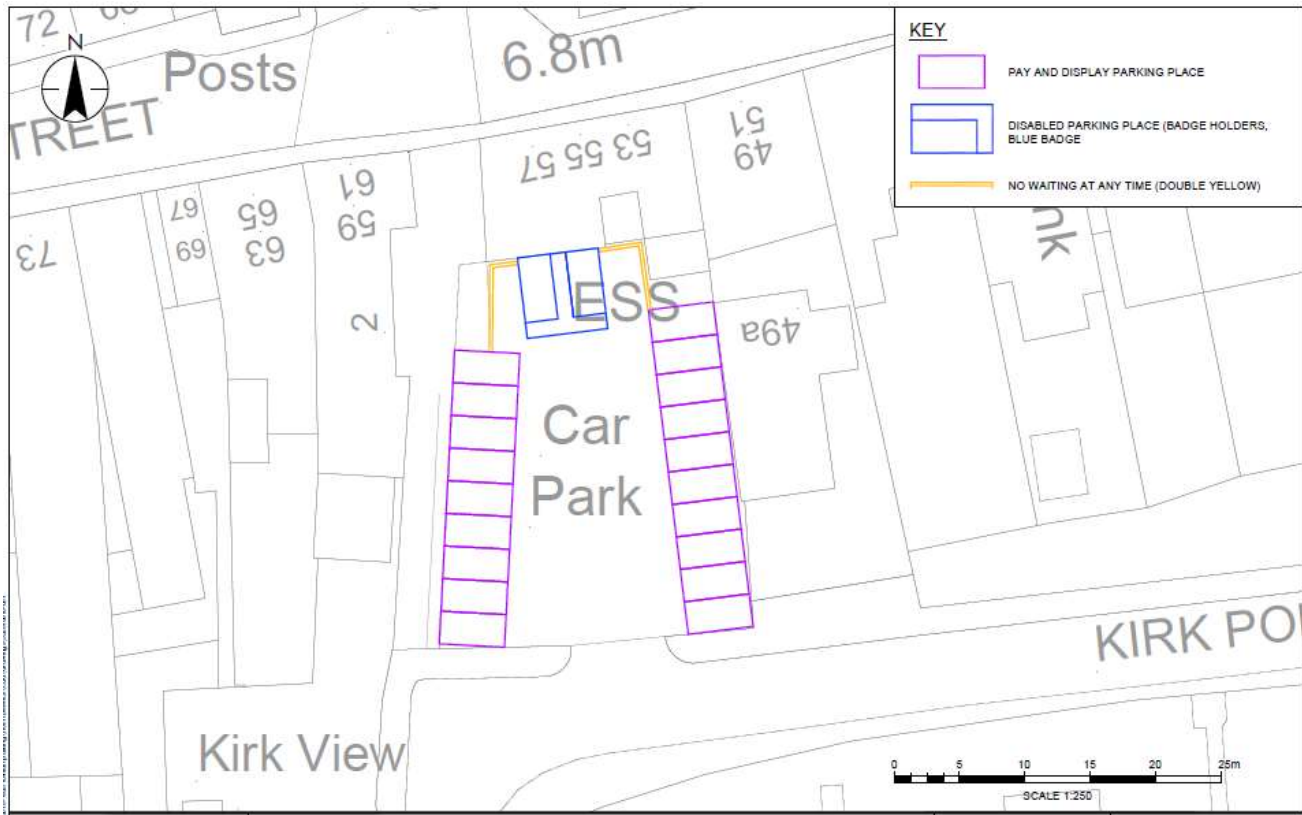
PART 2

Location of Parking	Permitted Hours (Charging Hours)	Scale of Charges	Maximum Stay	No Return within	Disabled Persons Badge Holder (Blue Badge)
Kirk Ports Car Park – Law Road	Monday to Saturday from 8.30am to 6.00pm and Sunday 1.00pm to 6.00pm	Up to 45 minutes £0.00 Up to 75 minutes £1.00 Up to 90 minutes £2.00 Maximum stay 90 minutes	90 minutes	90 minutes	No charge No Maximum length of stay
Glebe Car Park – St Andrews Street	Monday to Saturday from 8.30am to 6.00pm and Sunday 1.00pm to 6.00pm	Up to 30 minutes £0.50 and £0.50 for each 30 minutes thereafter up to a maximum of 5 hours.	Pay and display parking place - 5 Hours Electric Vehicle charging bay Journey bay – 45 minutes Destination bay – 4 hours	90 minutes	No charge No Maximum length of stay
Imperial Car Park – Quality Street	Monday to Saturday from 8.30am to 6.00pm and Sunday 1.00pm to 6.00pm	Up to 30 minutes £0.50 and £0.50 for each 30 minutes thereafter up to a maximum of 5 hours.	Pay and display parking place - 5 Hours Electric Vehicle charging bay Journey bay – 45 minutes Destination bay – 4 hours	90 minutes	No charge No Maximum length of stay
The Lodge Car Park – East Road	Monday to Saturday from 8.30am to 6.00pm and Sunday 1.00pm to 6.00pm	Up to 30 minutes £0.50 and £0.50 for each 30 minutes thereafter up to a maximum of 5 hours.	5 hours	90 minutes	No charge No Maximum length of stay
Castle Hill - Tantallon Terrace	Monday to Saturday from 8.30am to 6.00pm and Sunday 1.00pm to 6.00pm	Up to 30 minutes £0.50 and £0.50 for each 30 minutes thereafter up to a maximum of 5 hours.	23 hours	8 hours	No charge No Maximum length of stay

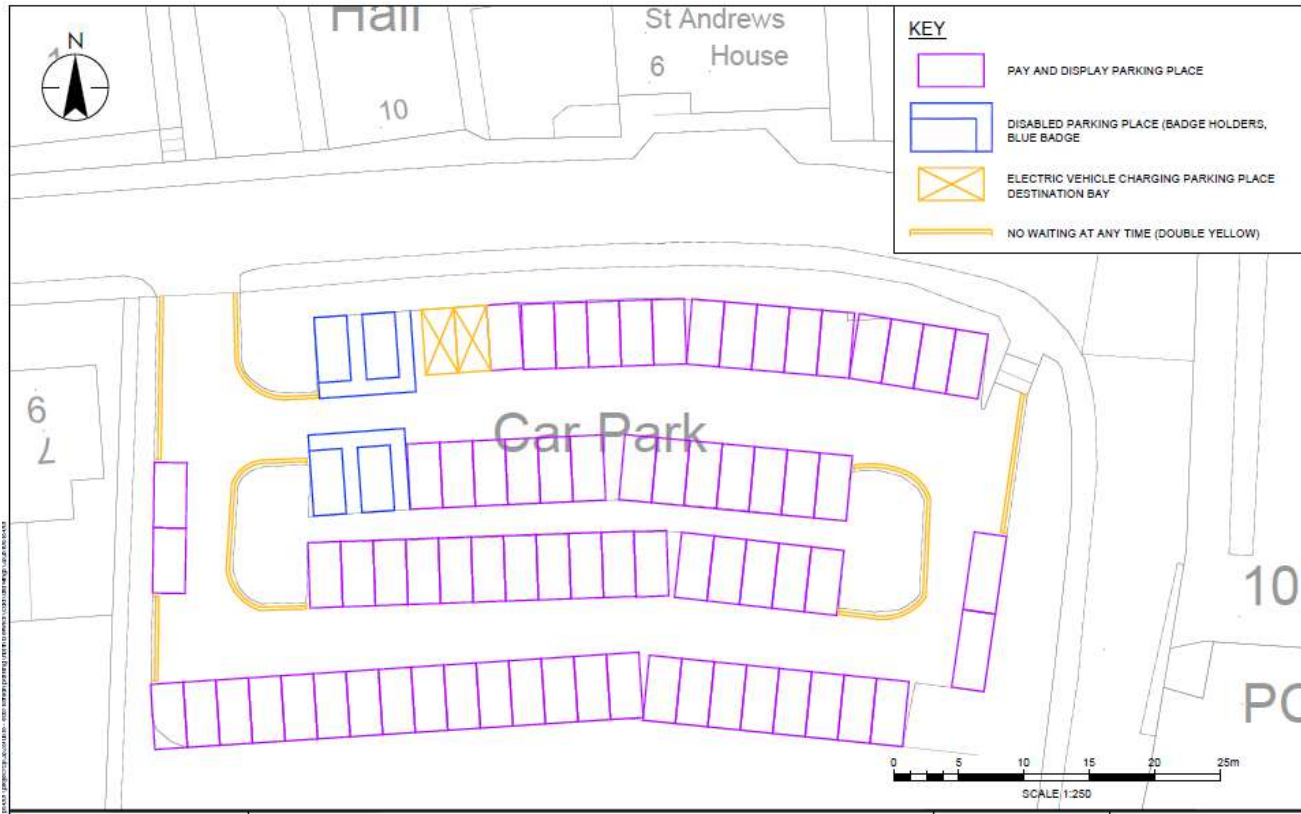
SCHEDULE 2

MAP BASED SCHEDULE

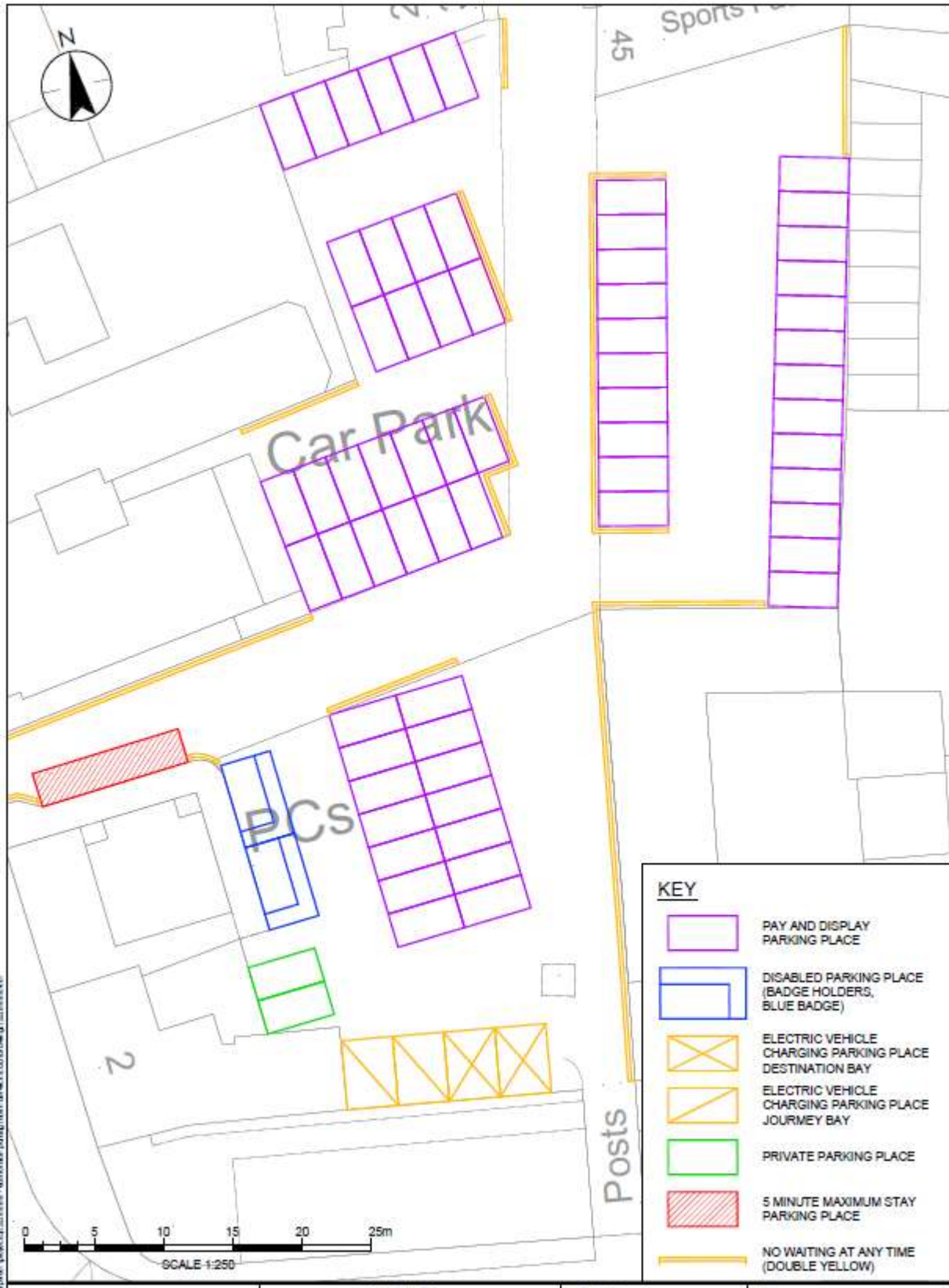
Kirk Ports Car Park – Law Road



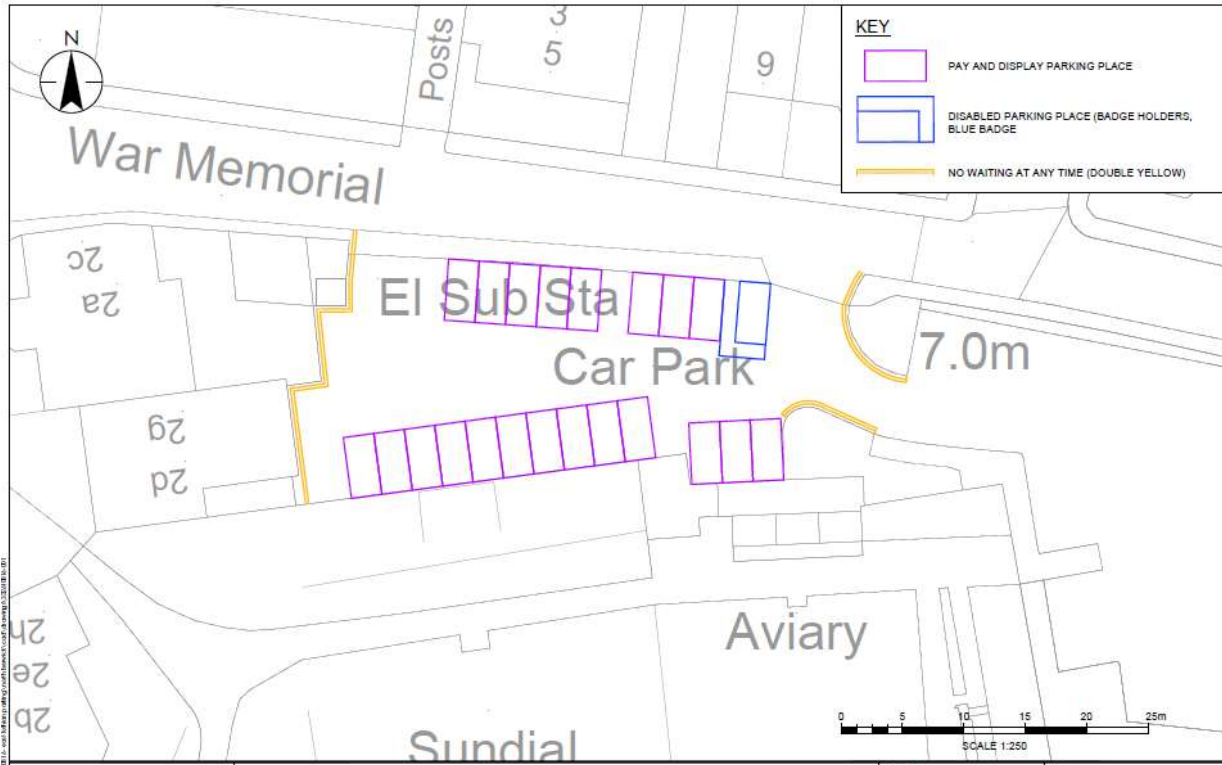
Glebe Car Park – St Andrews Street



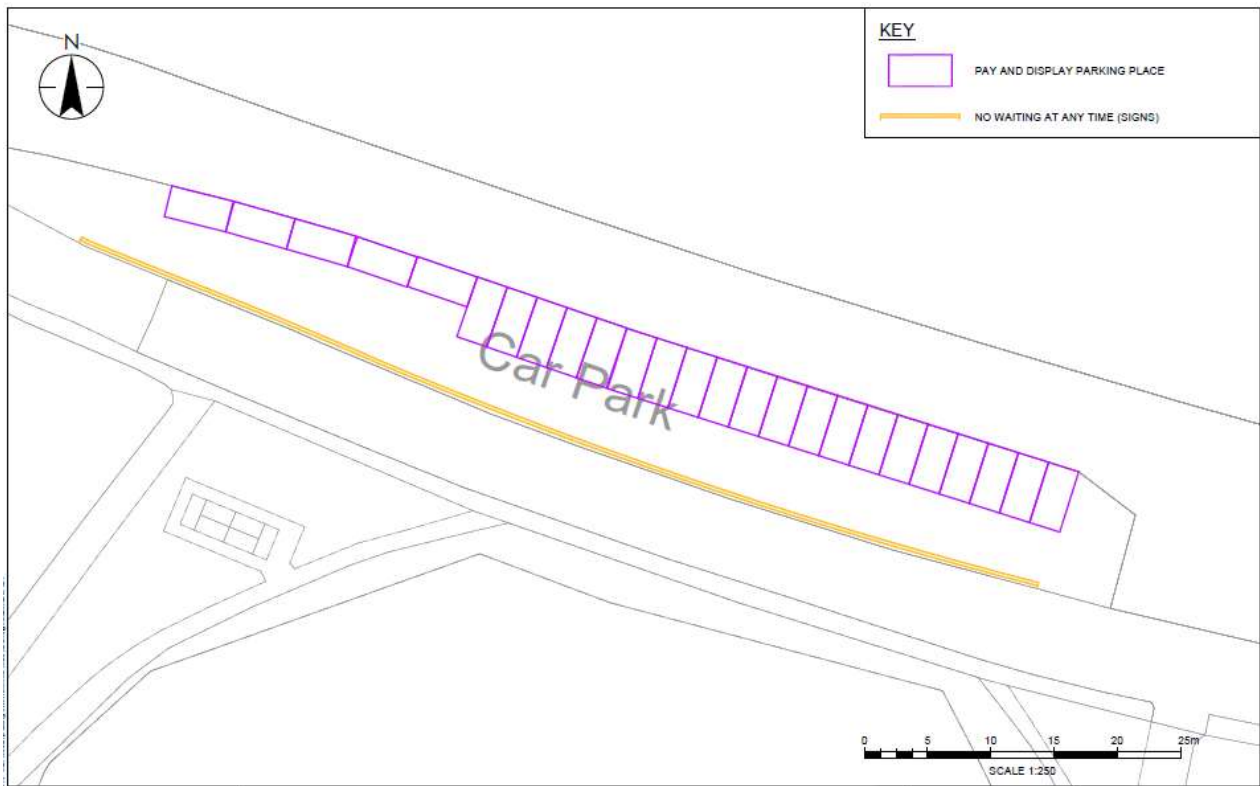
Imperial Car Park – Quality Street



The Lodge Car Park – East Road



Castle Hill - Tantallon Terrace



ORDER XXX/2322

**EAST LoTHIAN COUNCIL
ROAD TRAFFIC REGULATION ACT 1984**

2024

Subjects: North Berwick Off Street Parking Places Order
No: 1

**EAST LoTHIAN COUNCIL
JOHN MUIR HOUSE
HADDINGTON**