

**THE EAST LOTHIAN COUNCIL
(NORTH BERWICK)
(COMMUNITY CENTRE & LIBRARY PARKING PLACES)
ORDER No: 3**

TO XXX/XX

EAST LOTHIAN COUNCIL (the “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, (Community Centre & Library Parking Places) Order No 3" 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:

“authorised vehicle” means a vehicle which has been registered with the Council parking services with details of the vehicle registration number to park in a defined car park for an agreed duration;

“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 and monitor the length of stay in a car park 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 and the monitoring of the length of stay within car parks, in accordance with the instructions indicated on signs located at or in the vicinity of the entrance to the car park with the provision of parking places, for removal of doubt this also applies when the scale of charges indicates that there is “no charge”;

“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 2 of The Motor Vehicles (Type Approval) (Great Britain) Regulations 1979;

"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 parking place during the permitted hours in accordance with Articles 4 (parking places) 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;

"parking place" means a parking place within an off-street car park identified as parking place in Schedule 1, the map based schedule and/or depicted in a map tile Schedule 3;

"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 (North Berwick) (Community Centre & Museum Parking Place Order Off Street Parking Places), Order No: 3;

"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; 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.

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 – CAR PARK

3.1 Designation of 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 parking place; is hereby designated as a parking place.

3.2 Use of designated parking places

In accordance with the provisions of this Order:

- (a) Each parking place shall only be used during the permitted hours for the leaving of:
 - (1) qualifying vehicles 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.

3.3 Restriction on use of vehicles in parking places

- (a) No person shall use any vehicle while it is left in a 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 3.4(a)(4) of this Order apply.
- (b) The driver of a vehicle using a 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 parking place any literature or leaflet of any nature unless the prior written consent of the Council has been given.
- (d) No Caravan, Trailer or motor caravan shall use a parking place unless the prior written consent of the Council has been given.
- (e) No person shall use any part of a parking place or any vehicle left in a 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.

3.4 Exceptions from restriction of waiting by vehicles in a parking places

- (a) The following vehicles are excepted from the requirements under Article 3.2 and may wait during the permitted hours other than in a 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.

3.5 Manner of standing in parking places

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

Every vehicle waiting in a parking place, in accordance with Article 3.4 of this Order shall where reasonable practical stand so that every part of the vehicle is within the limits of that parking place.

3.6 Power to suspend use of a parking places

- (a) Any person duly authorised by the Executive Director of Place of the Council may suspend the use of any 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 parking place;
 - (ii) the maintenance or cleansing of gullies in or adjacent to the 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 the car park will be thronged or obstructed; or
 - (4) for the convenience of occupiers of premises adjacent to the parking place at times of events or on other special occasions.
- (b) Any person suspending the use of a 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 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 parking place or part of a 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 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 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 parking place or part thereof during such period as there is on the parking place relating to that parking place a notice indicating that the use of the parking place or part thereof is suspended; or
 - (2) in any parking place or part thereof during such period as there is in or adjacent to that 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 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 the Council.

4 Parking places

4.1 Amount of parking charge at 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 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 that a valid exemption has been granted for that vehicle.

4.2 Payment of parking charge in respect of parking places

- (a) Subject to the provisions of this Order, the parking charge for a vehicle left during the permitted hours in a parking place shall be payable on the leaving of the vehicle either by:
- (1) the driver using the electronic payment system to register such payment and authorised stay; or
 - (2) any other means of payment as may be authorised by the Council and indicated by instructions displayed on the associated parking meter.

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

- (a) Without prejudice to the provisions of Article 5.3, if at any time while a qualifying vehicle is left, during the permitted hours, in a parking place, the parking charge shall be deemed to have been paid, if:
- (1) 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.
 - (2) The date and time recorded on the electronic payment system for a vehicle left in a parking place, and where the registration mark of the vehicle exactly matches the details on the electronic payment system; or
 - (3) The expiry of the period of a parking charge 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.

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

- (1) Upon payment of the parking charge as referred to in Article 4.7 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.

4.5 Interval before a vehicle may again be left in a parking place

Subject to Article 4.6, no vehicle which has been taken away from a parking place, during the permitted hours, shall again be left in that parking place during the permitted hours until the expiry of 2 hours from the time it was taken away from the said parking place.

4.6 Exemptions from restrictions on the use of 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 parking place shall not apply to any of the following vehicles whilst waiting during the permitted hours in the said parking place:
 - (1) a motorcycle with no side-car attached thereto; or
 - (2) there is evidence on a hand-held device that a valid exemption has been granted for that vehicle.

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

A number of parking places are designated as electrical vehicle charging bays. In addition to the provisions relating to parking places under Articles 4.1 to 4.6, 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.

4.8 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 4.5.

5 General

5.1 Installation of parking meters, registration plate recording equipment, placing of traffic signs, etc.

The Council shall place and maintain such traffic signs and enforcement equipment 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 parking place such parking meters as may be required for the purposes of this Order;
- (b) cause the limits of each parking place and, as the case may be, any parking bay to be indicated on the surface by placing and maintaining thereon appropriate traffic signs;
- (c) place and maintain in the vicinity of parking place appropriate traffic signs indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles specified in Article 3.2; and
- (d) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of any parking place.

5.2 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 parking place in breach of this Order, and for the avoidance of doubt includes a breach of articles 3.2, 3.3, 3.5, 4.1, 4.2, 4.3, 4.4, 4.6, 4.8.
- (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 issued by post to the registered keeper of the vehicle, 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 9 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 Parking Place | Class of Vehicle | No of bays |
|----------------|--------------------------------------|--|---|
| 1 | Library Car Park – School Road | Motor Car, Invalid Carriage and Motorcycle | Disabled person badge 2 bays, Staff Parking 3 bays, Motor Car 21 bays |
| 2 | Community Centre Car Park – Law Road | Motor Car, Invalid Carriage and Motorcycle | Disabled person badge 2 bays, Electric vehicle charging 2 bays, Motor Car 27 bays |

Schedule 1

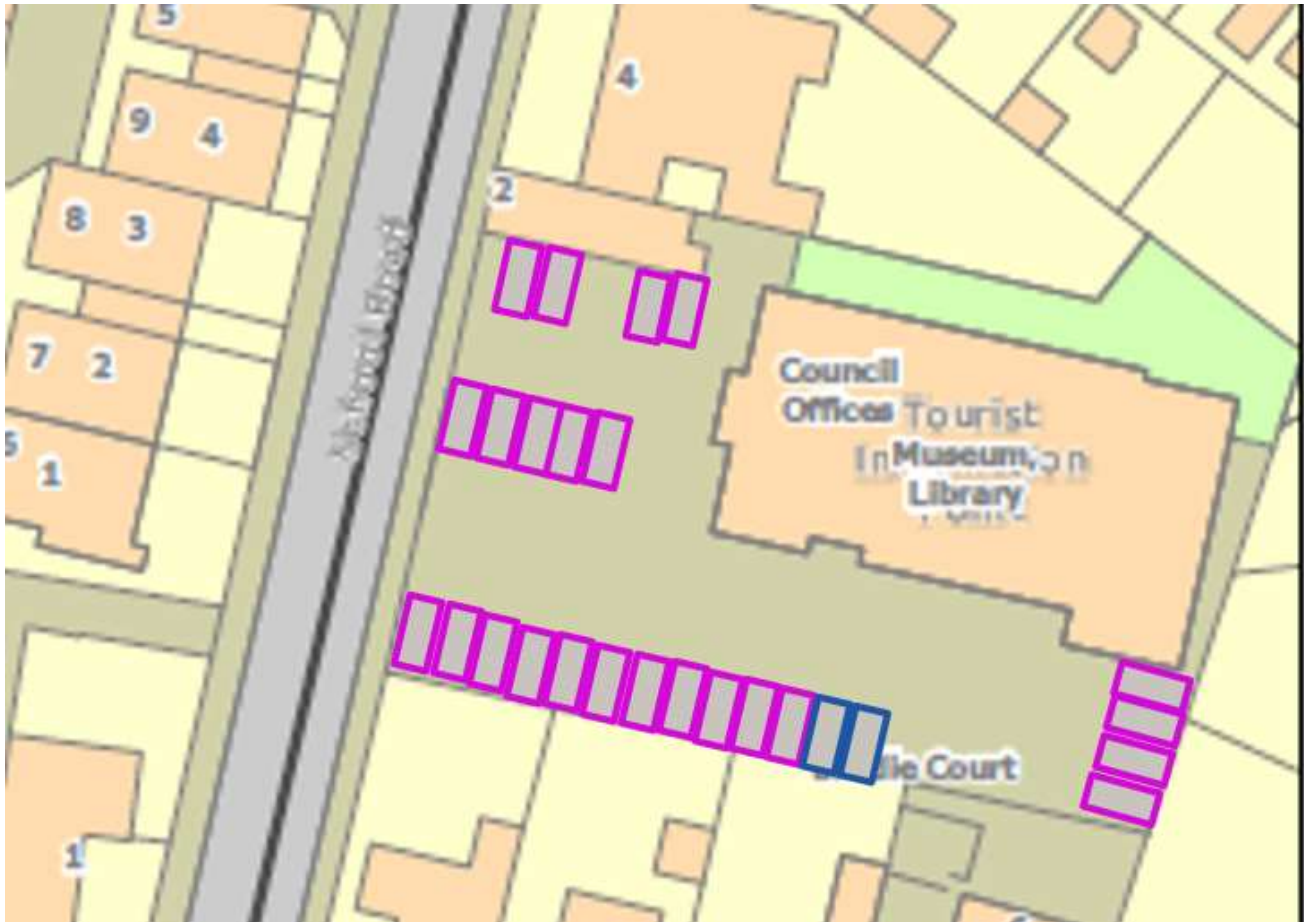
PART 2

| Location of Parking | Permitted Hours (Charging Hours) | Scale of Charges | Maximum Stay | No Return within | Disabled Persons Badge Holder (Blue Badge) |
|--------------------------------------|--|-------------------------|---------------------------------------|-------------------------|---|
| Library Car Park – School Road | Friday to Wednesday Saturday from 8.30am to 5.00pm and Thursday 8.30am to 7.00pm | No charge | 2 hours except authorised vehicles | 2 hours | No charge Maximum length of stay 2 hours |
| Community Centre Car Park – Law Road | All week 8.30am – 6.00pm | No charge | 15 minutes except authorised vehicles | 2 hours | No charge Maximum length of stay 2 hours |

SCHEDULE 2

MAP BASED SCHEDULE

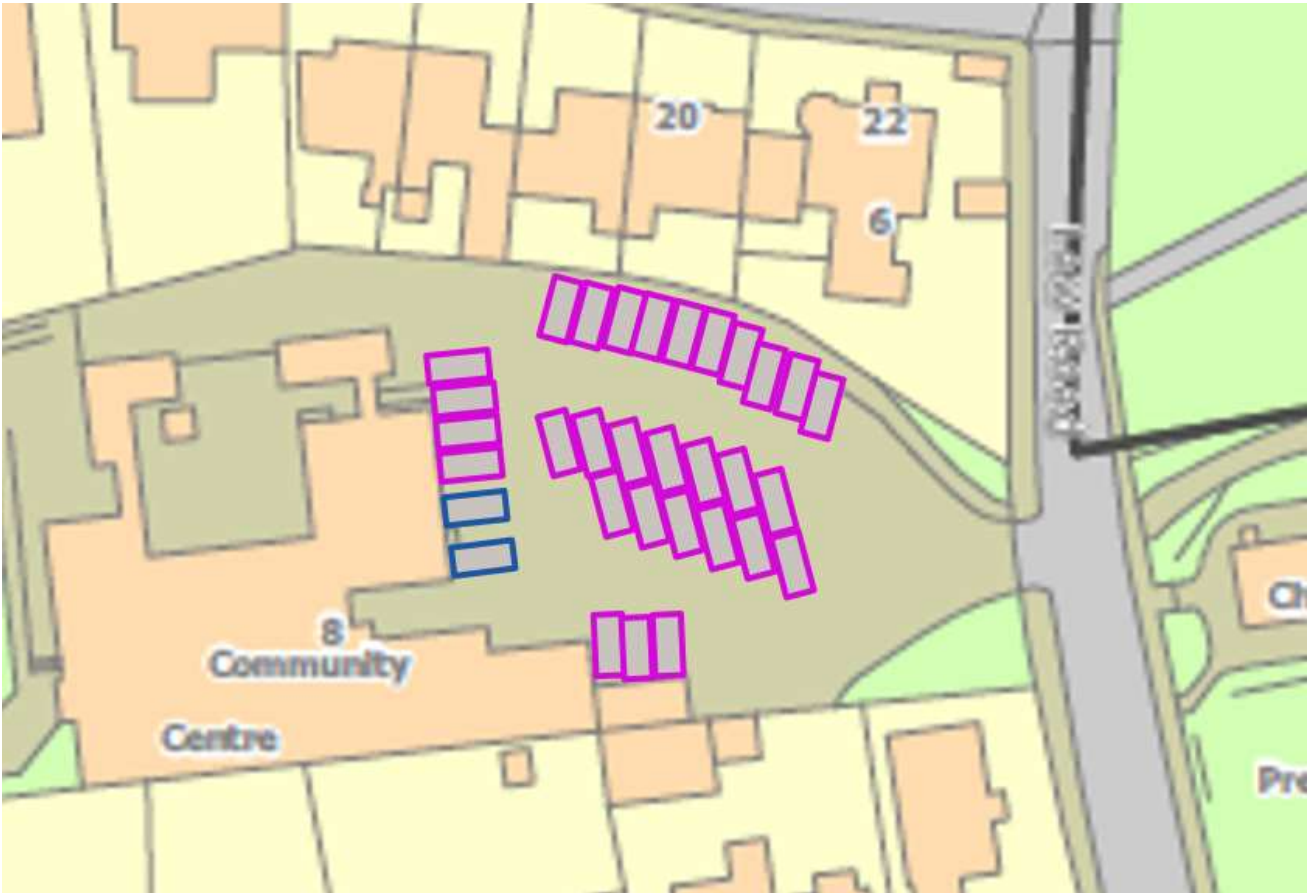
Map No. 1 Museum Car Park – School Road



 Disabled Badge Holder Bay

 Parking Bay

Map No.2 Community Centre Car Park Law Road



 Disabled Badge Holder Bay

 Parking Bay

ORDER XXX/2322

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

2024

Subjects: (North Berwick) (Community Centre &
Library Parking Places) Order No: 3

**EAST LOTHIAN COUNCIL
JOHN MUIR HOUSE
HADDINGTON**

