

East Lothian Council (Electric Vehicle Parking Places) Order 2017

TO – 256 / 17

East Lothian Council in exercise of the powers conferred on them by Sections 1(1), 2(1) to (3), 32 (1), 35 (1), 49, 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and of all other enabling powers and after consultation with the Traffic Commissioner and the Chief Constable of Police Scotland in accordance with Part III and V of Schedule 9 to the 1984 Act hereby make the following Order.

Citation

1. This Order may be cited as the “East Lothian Council (Electric Vehicle Parking Places) Order 2017” and shall come into effect on the XX day of XXXX Two Thousand and Seventeen.
2. The restriction imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under the 1984 Act or by or under any other enactment.

Interpretation

3. In this Order except where the context otherwise requires the following expressions shall have the meanings hereby assigned to them: -

“**Chief Constable**” means Chief Constable of Police Scotland.

“**Council**” means East Lothian Council

“**Electric Vehicle**” means an automobile that is powered entirely or partially by electricity and is capable of being charged from an external source

“**Electric Vehicle Parking Place**” means an area on a road designated as a parking place by Article 3(b) of this Order, the limits of which are indicated by means of markings in accordance with diagram 1028.3, 1028.4, 1032 or 1033 of Schedule 6 to the Traffic Signs Regulations and General Directions 2016

“**Electric Vehicle Charging Point**” means a purpose built apparatus designed specifically for the charging of an Electric Vehicle

“**Period**” means maximum period or length of time for which a person is permitted to leave a vehicle in an Electric Vehicle 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 though prescribed or authorised under section 64 of the 1984 Act

“**Parking Attendant**” has the same meaning as in Section 63A of the 1984 Act

Authorisation and Use

4. Subject to the provisions of this Order each area of road specified in Part I of the Schedule is authorised to be used and is hereinafter referred to as a parking place for Electric Vehicles as defined in Article 3 of this Order and as such will be available for 24 hours per day on all days of the week.

Situation of Parking Places

5. The situation of Electric Vehicle Parking Places shall be as determined by the Council

Placing of Traffic Signs, Electric Vehicle Charging Points, etc.

6. The Council shall: -
 - (a) cause the limits of each parking place to be indicated by the appropriate traffic signs and/or road markings;
 - (b) place and maintain on or in the vicinity of each parking place appropriate traffic signs or notices indicating that such Electric Vehicle parking place may be used for the leaving only of an Electric Vehicle, or the restrictions under which a Non-Electric Vehicle can use the facilities;
 - (c) install in such position at or in the vicinity of a parking place as they may think fit, such Electric Vehicle Charging Points as are required by this Order for the purposes of that parking place; and
 - (d) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of each parking place

Permitted Classes and Maximum Waiting Periods

7. Subject to Article 17 of this Order, no person shall cause or permit a vehicle to wait **for a period of longer than 15 minutes** in an Electric Vehicle Parking Place **unless** it is of a class specified in Article 4 of this Order and the Electric Vehicle is connected by a charging lead to an Electric Vehicle Charging Point
8. Subject to Article 17 of this Order, no person shall cause or permit a vehicle to wait in an Electric Vehicle parking place for a period longer than 4 hours.

Interval before Electric Vehicle may be again be left

9. No Electric Vehicle which has been taken away from an parking place after waiting thereon shall, until the expiration of one hour from the time it was taken away, again be left in that parking place.

Position which vehicle may wait

10. Every vehicle left in a parking place shall wait entirely within the limits of a parking place

Alteration of Position of Vehicle in a Parking Place

11. Where a vehicle is standing in an Electric Vehicle parking place in contravention of the provisions of Article 9 a Parking Attendant or Police Constable in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of Vehicle from an Electric Vehicle Parking Place

12. Where a Parking Attendant or a Police Constable in uniform is of the opinion that any of the provisions contained in Articles 4, 7, 8, 9, 10, 15 and 16 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place they may remove the vehicle from the parking place or cause it to be removed and where it is so removed shall provide for the safe custody of the vehicle.

Movement of Vehicle in Parking Place in Emergency

13. A Parking Attendant or Police Constable in uniform may move or cause to be moved, in case of emergency to any place they think fit, any vehicle left in a parking place.

Manner of Moving Vehicle

14. Any person removing or altering the position of a vehicle by virtue of Articles 11, 12 or 13 may do so by towing or driving the vehicle or in such other manner as he may think necessary to enable him to remove it or alter its position, as the case may be.

Power to Suspend Use of Parking Place

15. (a) A Parking Attendant or Police Constable in uniform may suspend the use of a parking place or any part thereof whenever and for such period as he may consider reasonably necessary: -
- (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any road works, building operations, demolition or excavation or for the construction, maintenance, repair or removal of any sewer or any main, pipe, cable or apparatus, traffic sign or Electric Vehicle Charging Point within or adjacent to the parking place.
 - (iii) for the provision of special parking facilities at times of exhibitions or conferences or other special occasions
- (b) Any person suspending the use of a parking place or any part or parts thereof in accordance with the provisions of paragraph (1) above shall place or cause to be placed in or adjacent to that parking place or the relevant part or parts thereof a traffic sign or traffic signs indicating that waiting is prohibited
- (c) No person shall cause or permit a vehicle to be left in any part of a parking place during such period as there is in or adjacent to that part of the parking place a traffic sign placed in pursuance of the immediately preceding paragraph: 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 or any other vehicle to be left if that vehicle is left with the permission of that person suspending the use of the parking place or part thereof in pursuance of paragraph (1) above.

Restriction of Use of Vehicles in Parking Place

16. No person shall use a vehicle or permit a vehicle to stand in a parking place: -
- (a) In connection with the sale of the vehicle;
 - (b) In connection with the sale of any article from the vehicle except where the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected, or
 - (c) In connection with the selling or offering for hire of skill or services;

Exemptions for Vehicles waiting in Parking Places

17. Notwithstanding the restriction imposed by Article 7 of this Order, any person may cause a vehicle to wait at any time anywhere in a parking place, other than a parking place or part of a parking place the use of which has been suspended, if: -
- (a) the vehicle is waiting due to the driver being prevented from proceeding by circumstances beyond his control or such waiting being necessary in order to avoid an accident;
 - (b) the vehicle is a vehicle used for fire brigade purposes or an ambulance or a vehicle in the service of the local authority or a vehicle in the service of a police force provided that the vehicle is being used in pursuance of statutory powers or duties;

- (c) 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;
- (d) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used: -
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any road works, building operations, demolition or excavation or excavation for the construction, maintenance, repair or removal of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or for any telecommunication apparatus, traffic sign within or adjacent to the parking place

18. Given under the seal of East Lothian Council this XX day of XXXX Two Thousand and Seventeen.

Authorised Signatory
East Lothian Council
John Muir House
Haddington

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SCHEDULE

PART I –

ELECTRIC VEHICLE PARKING PLACES	
Location	No. of spaces
John Muir House Car Park, Haddington - from a point 1 metre or thereby north of the south east corner of 10 Hilton Court northwards for a distance of 5 metres or thereby	2
Randall House Car Park, Macmerry – from a point 14.4m or thereby westwards then southwards of the west kerbline of Countess Crescent southwards for a distance of 3.5 metres or thereby	2
Penston House, Macmerry – From a point 29.9 metres northwards and westwards from the north kerbline of 3 East Road westwards for a distance of 3.7 metres or thereby	2
Humbie Hub, Humbie	

ORDER 256/17

EAST LOTHIAN COUNCIL
ROAD TRAFFIC REGULATION ACT 1984

2017

Subjects:

Electric Vehicle Parking Places

EAST LOTHIAN COUNCIL
JOHN MUIR HOUSE
HADDINGTON

