

THE ORKNEY ISLANDS COUNCIL
(OFF-STREET PARKING PLACES) ORDER 2017

The Orkney Islands Council in exercise of its powers under section 35 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the 1984 Act") and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the 1984 Act, hereby makes the following Order:-

PART I

GENERAL

Citation and Commencement

- 1 This Order may be cited as The Orkney Islands Council (off street parking places) Order 2017 and shall come into operation on the XXX day of XXX Two Thousand and Seventeen.

Interpretation

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

“1984 Act” means The Road Traffic Regulation Act 1984;

"agricultural vehicle" means a vehicle which is constructed or adapted for use for the purpose of agriculture, horticulture or forestry and which is primarily used for one or more of those purposes:

"Article" means an Article of this Order;

"bus" means any motor vehicle which is constructed or adapted to carry more than eight seated passengers in addition to the driver;

"caravan" means any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent ;

“campervan” means a self-propelled vehicle that provides both transport and sleeping accommodation.

"car park attendant" means a person authorised by or on behalf of the Council to supervise any off-street car park;

"charging hours" means the period between 9 a.m. and 5 p.m. on any day except Sundays, Christmas Day and Boxing Day, and the First and Second days of January in each year;

"Council" means the Orkney Islands Council;

"cycle parking place" means any part of a parking place authorised for use as a parking place for motor cycles not having a sidecar attached thereto;

"disabled person's badge" means a badge issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge;

"disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge, as defined herein, either (a) by exhibiting it on the dashboard or fascia of the vehicle; or (b) where the vehicle is not fitted with a dashboard or fascia, by exhibiting the badge in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle;

"driver", in relation to a vehicle left in a parking place, means the person driving the vehicle at the time it was left in the parking place;

"electric bus" means any bus as herein defined which is propelled entirely or partially by electricity and is capable of being charged from an external source;

"electric vehicle" means any vehicle as herein defined which is propelled entirely or partially by electricity and is capable of being charged from an external source;

"electric vehicle charging point" means an installation adjacent to an electric vehicle parking bay for the purpose of recharging the batteries of electric vehicles by the way of connecting leads;

"electric vehicle parking bay" means an area of the car park provided solely for recharging the battery of an electric vehicle by means of an electric vehicle charging point and defined as such by means of a sign, surface marking or other indication;

"electronic communication apparatus" means

(a) any apparatus which is designed or adapted for use in connection with provision of an electronic communications network;

(b) any apparatus that is designed or adapted for a use which consists of or includes the sending or

receiving of communications or other signals that are transmitted by means of an electronic communications network;

(c) any line;

(d) any conduit, structure, pole or other thing in, on, by or from which any electronic communications apparatus is or may be installed, supported, carried or suspended;

In this section, apparatus includes any equipment, machinery or device and any wire or cable and the casing or coating for any wire or cable

"engineering plant" means (a) movable plant or equipment being a motor vehicle or trailer specially designed and constructed for the special purposes of engineering operations, and which cannot, owing to the requirements of those purposes, comply with all the requirements of these Regulations and which is not constructed primarily to carry a load other than a load being either excavated materials raised from the ground by apparatus on the motor vehicle or trailer or materials which the vehicle or trailer is specially designed to treat while carried thereon; or

(b) a mobile crane which does not comply in all respects with the requirements of the Road Vehicle (Construction and Use) Regulations 1986.

"excess charge" means a charge incurred in terms of Article 14 of this Order;

"goods" includes postal packets of any description; and "delivering" and "collecting" in relation to any goods including checking the goods for the purpose of their delivery or collection and loading the goods on to or unloading the goods from a vehicle;

"goods vehicle" means a motor vehicle or trailer which is constructed or adapted for use for the carriage or haulage of goods or burden of any description, whether in the course of trade or not;

"heavy goods vehicle" means any goods vehicle which has an operating weight exceeding 7.5 tonnes;

"industrial vehicle" means a mechanically propelled vehicle which is designed and used primarily for work off roads, or for work on roads in connection only with road construction or maintenance;

"initial charge" means any sum payable by any person leaving a vehicle in any parking place specified in Part A of Schedule 1 during charging hours in accordance with the provisions of Article 12 of this Order;

"initial period" means the period or length of time for which the appropriate initial charge has been paid and during which a person is accordingly permitted to leave a vehicle in a parking place;

"invalid carriage" means a mechanically propelled vehicle of which the weight unladen does not exceed 254 kilograms and which is specially designed and constructed, and not merely adapted, for the use of a

person suffering from some physical default or disability and is used solely by such a person.

"loading area" means any area forming part of a parking place and set apart for use as a place where vehicles may be driven and parked for the sole purpose of being loaded or unloaded in connection with a trade or business carried on in premises adjoining the parking place;

"motor cycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than 4 wheels, of which the weight unladen does not exceed 410 kilograms;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"owner", in relation to a vehicle, means the person by whom such vehicle is kept and for the purpose of determining, in the course of any proceedings brought by virtue of section 35A of the 1984 Act, who was the owner of a vehicle at any particular time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994;

"parking attendant" means an employee of a local authority who issues tickets for parking violations;

"parking bay" means any area of a parking place (other than a cycle parking place) which is provided for the leaving of one vehicle and indicated by markings on the surface of the parking place;

"parking place" or "car park" means any area of land including accesses and exits designated as parking places by Article 3 of this Order;

"parking ticket machine" means an apparatus designed to indicate the time by a clock and to issue a ticket indicating the payment of an initial charge, the day and time at which the initial period expires and the identification mark of the machine from which the ticket was issued;

"passenger vehicle" means a motor vehicle (other than a bus, caravan, motor cycle, invalid carriage or disabled person's vehicle) constructed solely for the carriage of persons and their effects and which is not drawing a trailer;

"Plan" means the plan annexed and executed as relative to this Order;

"public works vehicle" means a mechanically propelled vehicle which is specially designed for use on a road by or on behalf of any statutory undertaking, highway authority, local authority, water authority, the Post Office, British Telecommunications plc or any police force for the purpose of works which such undertaking authority or other body has a duty or a power to carry out, but excluding the carriage of persons other than crew or of goods other than goods needed for the works in respect of which the vehicle is being used;

“Schedule 1” means schedule 1 annexed and executed as relative to this Order;

“Schedule 2” means schedule 2 annexed and executed as relative to this Order;

“taxi” means a hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on their behalf) and its driver for a journey beginning there and then. “Licenced” in relation to a taxi or taxi driver means operating under a taxi or, as the case may be a taxi driver’s licence as described in sections 10 and 13 of the Civic Government (Scotland) Act 1982 (the 1982 Act);

“ticket” means a ticket issued by a parking ticket machine installed at a parking place in respect of payment of the initial charge at the parking place;

"trailer" means a vehicle drawn by a motor vehicle;

"tricycle" includes a cycle which is not a motor vehicle and has three or more wheels;

"vehicle" means any vehicle, whether or not it is in a fit state for use on roads, and includes chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by, and anything attached to, such a vehicle; and

"works trailer" means a trailer designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works.

“works truck” means a motor vehicle (other than a straddle carrier) designed for use in private premises and used on a road only in delivering goods from or to such premises to or from a vehicle on a road in the immediate neighbourhood, or in passing from one part of any such premises to another or to other private premises in the immediate neighbourhood or in connection with road works while at or in the immediate neighbourhood of the site of such works.

- (b) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (c) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II

Application of Order to Parking Places

- 3 The provisions of this Order shall apply to the areas of land specified by name in Schedule 1 to this Order and shown outlined in red on the plans annexed and executed as relative to this Order.

Number and Situation of Parking Bays

- 4 The number and situation of parking bays in the parking place shall be as may be determined by the Council and parking bays may be designated for such specific use as may be determined by the Council.

Limit of Parking Bays

- 5 The limits of any parking bay in the parking place shall be indicated in such a manner as the Council may determine by lines, studs or other markings.

Vehicles for which the Parking Places are Designated

- 6 (a) Each parking place may be used subject to the provisions of this Order for the leaving of such vehicles as are private passenger vehicles, motor cycles, tricycles, disabled person's vehicles, invalid carriages and goods vehicles which are not heavy goods vehicles, provided any vehicle left in a parking place is not drawing a trailer.
- (b) Agricultural vehicles, engineering plant, industrial vehicles, works trailers and works trucks shall be prohibited from using the parking place at any time.
- (c) Goods vehicles which are not heavy goods vehicles will be permitted to use any roadways and any loading areas in the parking place for delivering goods to or collecting goods from businesses and commercial premises adjoining the parking place. Such vehicles may remain in the parking place only while being actively loaded or unloaded and provided they do not prevent access to or egress from any parking bay. If such vehicles are to remain in a parking place for any period longer than is necessary for loading or unloading goods, they must be left in a parking bay and must display a valid ticket in accordance with Article 12 of this Order.
- (d) Subject to the provisions of Article 8 (g), buses and taxis will not be permitted to use the parking bays at any time (except as provided for herein in relation to buses) but will be permitted to use any roadways and any loading areas in a parking place but that only for so long as is necessary for delivering

passengers to or collecting passengers from business or commercial premises adjoining or adjacent to the parking place and provided they do not prevent access to or egress from any parking bay. Buses will be permitted to use only those parking bays designated for their exclusive use at Great Western Road (South) car park and Ferry Terminal (Stromness) car park.

- (e) Subject to the provisions of Article 8 (l), caravans and camper vans will not be permitted to use the parking bays at any time except those designated caravan and campervan bays at Great Western Road (South) Car Park.
- (f) Subject to the provisions of Article 8 (g) heavy goods vehicles will not be permitted to use the parking bays at any time except those designated heavy goods vehicle parking bays at Great Western Road (South) Car Park. Heavy goods vehicles will also be permitted to use the road in the Ferry Terminal car park leading from Ferry Road to the Ferry terminal building at the North Pier (Stromness) and any loading areas in the parking place but that only so long as is necessary to deliver goods to or collect goods from the said ferry terminal building.

Use of Parking Places

- 7 (a) The driver of a vehicle shall not permit that vehicle to wait in the parking place unless the vehicle has a valid licence issued in accordance with the provisions of section 1 of the Vehicle Excise and Registration Act 1994 and unless there is in relation to the use of the vehicle by the driver such a policy of insurance as complies with the requirements of Part VI of the Road Traffic Act 1988.
- (b) No person shall, without the prior written permission of the Council, use any part of the parking place or any vehicle while it is in a parking place in connection with the sale or distribution of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services.
- (c) No person shall, without the prior written permission of the Council, use any part of the parking place for the purposes of selling vehicles or displaying vehicles for sale.
- (d) No person shall use any part of a parking place or any vehicle left in a parking place -
 - (i) for sleeping or camping or cooking; save as provided in article 8 (l) of this Order, or
 - (ii) for the purpose of servicing, repairing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to be moved from the parking place.
- (e) No person shall leave a broken down vehicle in a parking place.

- (f) No person shall in a parking place -
- (i) erect or cause or permit to be erected any tent, booth, stand, building or other structure without the prior written permission of the Council;
 - (ii) light or cause or permit to be lit any fire;
 - (iii) play games;
 - (iv) throw down, drop or otherwise deposit in, into or from the parking place any litter, or leave anything whatsoever so as to cause the defacement by litter of the parking place.
- (g) The Council does not accept any liability for death or personal injury or loss suffered by any person within any parking place or for loss of or damage to a vehicle left in or otherwise using a parking place or moved in or removed from a parking place in terms of Article 9 of this Order, or any article, equipment or goods left in or upon such vehicle.

Manner of Standing in the Parking Places

- 8
- (a) Every vehicle left in a parking place, except a motor cycle left in a cycle parking place and save as provided in Articles 6(c), 6(d) and 19 (b), (c) or (f) of this Order, shall so stand that every part of the vehicle is within the limits of a parking bay and no vehicle shall be left in a parking place other than within the limits of a parking bay.
 - (b) The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
 - (c) The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place and then only if necessary in the interests of road safety.
 - (d) No person shall in a parking place wantonly shout or otherwise make any other loud noise to the disturbance or annoyance of other persons within the parking place or occupiers of premises in the neighbourhood.
 - (e) No vehicle, other than a motor cycle, shall be left in the location specified in a parking place as a cycle parking place.
 - (f) No vehicle, other than a disabled person's vehicle or invalid carriage, shall be left in any parking bay

designated for the use of disabled persons.

- (g) No vehicle, other than a bus or heavy goods vehicle, shall be left in any parking bay designated for the use of buses or heavy goods vehicles.
- (h) No vehicle other than an electric vehicle which is connected via a connecting lead to an electric vehicle charging point and is being charged shall be left in any electric vehicle parking bay.
- (i) An electric vehicle shall only be left in an electric vehicle parking bay for the period required to charge the battery of the vehicle, up to a maximum stay of 3 hours.
- (j) The Council may issue permits to regulate parking in any parking place. No vehicle shall be left in any parking bay designated for the use of permit holders unless a valid permit issued by the Council's Chief Executive is conspicuously displayed with the obverse side facing forward on the nearside of the inside surface of the front windscreen or, if the vehicle is not fitted with a front windscreen, on the nearside of the vehicle.
- (k) No electric vehicle shall use an electric vehicle charging point to which an electric bus is already connected and is being charged via one of the charging point's connecting leads.
- (l) No vehicle other than a caravan or camper van, shall be left in any parking bay designated for the use of caravans and camper vans. Caravans and camper vans will be permitted to use designated bays up to a maximum period of twenty four hours.

Alteration of Position of Vehicle in a Parking Place or Removal of Vehicles from a Parking Place

- 9 (a) Where any vehicle is standing in a parking place in contravention of the provisions of Article 8(a) of this Order, a police constable in uniform or a car park attendant or any person duly authorised by the Council may move the vehicle or cause it to be moved to a position which shall comply with those provisions.
- (b) Where a police constable in uniform or a car park attendant or any person duly authorised by the Council is of the opinion that a vehicle has been left in a parking place in contravention of or non-compliance with the provisions of this Order, he may remove the vehicle, or cause it to be removed from the parking place.
- (c) In case of emergency, a police constable in uniform or a car park attendant or any person duly authorised by the Council may move or cause to be moved to any place he thinks fit a vehicle left in a parking place.
- (d) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (a) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraphs (b) or (c) of this

Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.

- (e) Any person removing or arranging for the removal of a vehicle by virtue of paragraphs (b) or (c) of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

Driving within Parking Place

- 10 (a) No person shall cause or permit any vehicle to enter a parking place otherwise than by an entrance or leave a parking place otherwise than by an exit, where so indicated.
- (b) No person shall drive or cause or permit to be driven any vehicle on any of the roadways within a parking place otherwise than in the direction indicated by signs or markings or on any of the roadways within a parking place specified in Schedule 2 to this Order otherwise than in the directions specified in Schedule 2.
- (c) Save as provided in Article 6(c), (d) and Article 19 (b), (c) and (f), no person shall drive any vehicle in a parking place for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place PROVIDED ALWAYS that nothing in this paragraph shall prevent any person from driving any vehicle in a parking place for the purpose of taking access to premises or ground adjoining or abutting on the parking place to which vehicular access is not available from any public road and in compliance with the terms of a written agreement between the Council and the occupier of such adjoining or abutting premises or ground under section 34 of the 1984 Act.

Power to Suspend Parking Places

- 11 (a) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary (i) for the purpose of facilitating the movement of traffic or promoting its safety; or (ii) for the purpose of any building operation, demolition or excavation adjacent to the parking place, or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunication apparatus, or of any traffic sign or parking ticket machine.
- (b) On any suspension of the use of a parking bay in a parking place in accordance with the provisions of the last paragraph any person duly authorised by the Council shall use suitable means to indicate that the use of the parking bay or parking place is suspended.

PART III

CHARGES

Initial Charge

- 12 (a) Subject to the provisions of Articles 6, 18 and 19 of this Order, an initial charge shall be payable in respect of any vehicle left in a parking bay within the area of any Pay and Display Short Stay parking place or Pay and Display Long Stay parking place specified in Part A of Schedule 1 during charging hours.
- (b) (i) The initial charge for a vehicle left in any Pay and Display Short Stay parking place during charging hours shall, subject as hereinafter provided, be free for a period not exceeding one hour or one pound sterling and twenty pence for a period not exceeding two hours or two pound sterling and fifty pence for a period not exceeding three hours.
- (ii) The initial charge for a vehicle left in any Pay and Display Long Stay parking place during charging hours shall, subject as hereinafter provided, be one pound sterling for a period not exceeding four hours or one pound sterling and fifty pence for a period not exceeding eight hours.
- (iii) The charges of one pound sterling or one pound sterling and twenty pence or one pound sterling and fifty pence or two pound sterling and fifty pence apply in each case to an individual ticket purchased for, and valid for, a single stay in an individual parking bay in one or more of the parking places specified in this Order but subject always to the provisions of Article 7 of this Order. Each charge shall apply to a ticket expiring at the end of the time limit (either one hour or two hours or three hours or four hours or eight hours), and the vehicle must be removed from the parking place at the expiry of the ticket. The expression "time limit" refers to the expiry of either one hour or two hours or three hours or four hours or eight hours, measured in terms of a period, or periods, of charging hours and not including any length of time outwith charging hours.
- (c) The initial charge shall be payable on leaving the vehicle in a parking bay by insertion of one or more Coins or bank notes of the appropriate denomination or the appropriate credit or debit cards in a Parking ticket machine situated in the parking place in which the vehicle is first left, and evidence of the payment shall be the issue of a ticket by the parking ticket machine in terms of this Order and the exhibition of that ticket in accordance with the provisions of this Article.
- (d) The ticket referred to in paragraph (c) of this Article shall be exhibited on the vehicle –

- (i) in the case of a two-wheeled motor cycle having a sidecar attached thereto, in a conspicuous position on the nearside of the vehicle in front of the driving seat;
- (ii) in the case of all other vehicles –
 - (a) where the vehicle is fitted with a front glass windscreen extending across the vehicle to the nearside, facing forwards on the glass of such windscreen immediately behind the glass;
 - (b) where the vehicle is not fitted with a front glass windscreen as specified in the preceding sub-paragraph, on the nearside of the vehicle facing towards the nearside of the road and not less than seventy six centimetres and not more than two metres above the surface of the carriageway in the immediate vicinity, in such a manner that the figures or particulars on the ticket are clearly visible.
- (e) A ticket, while exhibited on the vehicle, shall be so placed that the time shown on the front of the said Ticket is clearly visible to a person standing at the nearside of the vehicle.
- (f) No person shall knowingly exhibit on any vehicle any ticket which has been altered, defaced, mutilated, added to or upon which the figures or particulars have become illegible.
- (g) Not more than one ticket shall be exhibited on any vehicle as stated in paragraph (b) of this Article. On the expiry of the ticket, the vehicle shall be removed from the parking place and no person shall exhibit on that vehicle any other ticket for a stay in that parking place for a further period of time immediately following the expiry of the time limit shown on the first ticket.
- (h) No person shall exhibit on any vehicle a ticket which has previously been exhibited on another vehicle.
- (i) When a ticket is exhibited in pursuance of this Order on a vehicle waiting in a parking place, the time indicated by the ticket showing the termination of that period shall be treated as evidence that the vehicle has been waiting in the parking place for the permitted period up to the time shown on the ticket in any proceedings for an offence under this Order.

Initial Period

13 The initial period for which a vehicle may be left in any parking place during charging hours shall be one of the periods specified in paragraph (b) of Article 12 of this Order. No person shall leave a vehicle in any parking place during charging hours for any period in excess of the initial period (one hour or two hours or three hours or four hours or Eight hours) for which payment was made by an initial charge.

Excess Charges

- 14 If a vehicle is left in a parking place at any time in contravention of the provisions of this order, an excess charge of thirty pounds sterling shall be payable.

Manner of Payment of Charges

- 15 (a) An excess charge incurred under the provisions of Article 14 of this Order shall be paid to the Council at the office of the Director of Finance, Council Offices, School Place, Kirkwall, Orkney, or such other office as may be specified by the Council not later than 4 p.m. on the twenty first day following the day on which the charge was incurred;

Provided that, if the said twenty first day falls upon a day on which the said office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4 p.m. on the first full day thereafter on which the said office is open.

- (b) If an excess charge which has been incurred under the provisions of Article 14 of this Order shall remain unpaid at 4 p.m. on the forty second day following the day on which the charge was incurred, an additional excess charge of fifteen pounds sterling shall be payable.
- (c) In the event of non-compliance with the provisions of paragraphs (a) and (b) of this Article, the person responsible for the purposes of section 35A (1) of the 1984 Act shall be the owner of the vehicle in respect of which the charge was payable.

Notice of Charge

- 16 In the case of a vehicle in respect of which a charge may have become payable in terms of Article 14 of this Order, it shall be the duty of a car park attendant to attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-

- (a) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
- (b) the provision of this Order which has been contravened, and the time at which the parking attendant first noticed (i) that the initial charge had not been paid or (ii) that, the initial charge having been paid, the ticket obtained from the parking ticket machine had not been exhibited on the vehicle in accordance with the provisions of Article 12 of this Order or (iii) that the vehicle had been left in the parking place for longer than the period (one hour or two hours or four hours or eight hours) for which payment of the initial charge had been made or (iv) that the vehicle had been left in the parking place in contravention of some other provision of this Order.

- (c) the name of the parking place;
- (d) if any ticket exhibited on the vehicle has been issued by a parking ticket machine situated in another parking place, the name of that parking place;
- (e) a statement that the said charge is required to be paid and the amount of that charge;
- (f) the manner in which and the time within which the said charge should be paid;
- (g) a statement that it is an offence under the 1984 Act to fail duly to pay the charge; and
- (h) a statement that failure to pay the said charge in the manner and within the time specified in the said notice will result in the Council requiring payment of an additional excess charge of fifteen pounds sterling.

Restriction on Removal of Notices and Tickets

- 17 (a) When a ticket has been exhibited on a vehicle in accordance with the provisions of Article 12 of this Order no person, other than the driver of the vehicle, shall remove the ticket from the vehicle unless authorised to do so by the driver.
- (b) Where a notice has been attached to a vehicle in accordance with the provisions of Article 16 of this Order, no person other than a police constable in uniform, a car park attendant, the driver of the vehicle or a person authorised by the driver in that respect shall remove the notice from the vehicle.

Parking Permits

- 18 (a) A vehicle which has been left in a parking bay designated for the use of permit holders and on which there is displayed in accordance with the provisions of Article 8(j) of this Order a valid parking permit issued by the Council's Chief Executive shall be exempt from the payment of any initial charge under Article 12, but otherwise all the provisions of this Order shall apply.
- (b) Vehicles displaying a permit in accordance with clause 18 (a) and 18 (e) shall not be permitted to park during office hours in any parking bay designed for the sole use of visitors to the Council Offices.
- (c) A parking permit shall be issued in respect of a single vehicle to the owner or keeper of that vehicle and not more than one permit shall be issued to any household or business.
- (d) The Council's Chief Executive shall be entitled to require exhibition of any appropriate documentation

in connection with the administration of the permit system.

- (e) Only vehicles on which there is displayed in accordance with the provisions of Article 8 (j) of this Order a valid parking permit issued by the Council's Chief Executive shall be permitted to park during office hours in the parking bays designated for the sole use of permit holders (or specific class thereof) and indicated by signs or markings at Council Offices car park and King Street car park, Kirkwall.
- (f) Any vehicle parking in any parking bay designated for the sole use of holders of permits issued under any agreement between the Council and NHS Orkney, and displaying a permit under and in accordance with the terms of any such agreement, shall be exempt from the provisions of this Order.

Exemptions from Charges and Time Limits

19

- (a) If, at the time when a vehicle is left in the parking place during charging hours, there is no parking ticket machine at the parking place or there is on all the parking ticket machines at the car park a notice place by a person duly authorised by the Council indicating that the parking ticket machines are out of order or not in use, that vehicle shall be exempt from payment of an initial charge under Article 12 of this Order provided that the vehicle (i) is not left in the pay and display parking place after any of the machines is rectified for a period exceeding the maximum stay duration displayed on the signage in the car park and (ii) has not within the initial period previously been left in another parking place, and all the provisions of this Order shall apply accordingly.
- (b) A vehicle used for fire brigade purposes, an ambulance or a vehicle in the service of a police force, in each case actually being used in pursuance of statutory powers or duties, shall be exempt from the provisions of this Order.
- (c) A vehicle (other than a bus or passenger vehicle) in the service of a local authority or statutory undertaker, in each case actually being used in pursuance of statutory powers and duties, shall be exempt from the provisions of this Order provided a valid parking permit issued by the Council's Chief Executive is displayed conspicuously on the vehicle with the obverse side facing forward on the nearside of the inside surface of the front windscreen or, if the vehicle is not fitted with a front windscreen, on the nearside of the vehicle.
- (d) A disabled person's vehicle left in the parking place during charging hours shall be exempt from payment of an initial charge under Article 12 of this Order.
- (e) A vehicle which is left in a parking bay designed for permit holders shall be exempt from payment of an initial charge under Article 12 of this Order as provided for by Article 18 of this Order.
- (f) A goods vehicle, bus or taxi using any roadway or any loading area in the parking place for delivering goods or passengers to or collecting goods or passengers from businesses and commercial premises adjoining the

parking place in accordance with Article 6 shall be exempt from payment of an initial charge under Article 12 of this Order, but otherwise all the provisions of the Order shall apply.

- (g) A vehicle displaying a valid permit and parked in a parking bay designated for the sole use of permit holders in accordance with clause 18(a) above shall be exempt from the provisions of clause 21 of this Order, but otherwise all the provisions of this Order shall apply.
- (h) A motor cycle which is left in a cycle parking place during charging hours shall be exempt from payment of an initial charge under Article 13 of this Order, but otherwise all the provisions of this Order shall apply.

Parking Ticket Machines, Traffic Signs, etc

20 The Council may –

- (a) install and maintain in such positions as it thinks fit in or in the vicinity of the parking place such parking ticket machines as may be required;
- (b) cause the limits of any parking place to be indicated on the carriageway by placing and maintaining thereon appropriate traffic signs; and
- (c) place and maintain on or in the vicinity of the parking place appropriate traffic signs or notices indicating that the parking place may be used for the leaving only of vehicles of a specified class or classes; and
- (d) carry out such other work as is reasonably required for the purposes of this Order and the satisfactory operation of the parking place.

Maximum Period of Waiting

21 Subject to the provisions of Articles 18 and 19 of this Order, no vehicle may be left in any cycling parking place or in any parking bay during charging hours for a single stay exceeding the maximum stay duration displayed on the signage at each car park.

Revocation

22

- (a) The Orkney Islands Council (Ferry Road Car Park, Stromness) (Off-Street Parking Places) Order 1993, which came into operation on the First Day of November Nineteen Hundred and Ninety Three, is hereby revoked.
- (b) The Orkney Islands Council (Off-Street Parking Places) (Kirkwall No1) Order 2008, which came into operation on the First Day of March Two Thousand and Eight, is hereby revoked.
- (c) The Orkney Islands Council (East Kirk Car Park, Kirkwall) (Off-Street Parking Places) Order 2008, which came into operation on the First Day of May Two Thousand and Eight, is hereby revoked.
- (d) The Orkney Islands Council (King Street Car Park, Kirkwall) (Off-Street Parking Places) Order 2008,

which came into operation on the First Day of May Two Thousand and Eight, is hereby revoked.

- (e) The Orkney Islands Council (Council Offices Car Parks, Kirkwall) (Off-Street Parking Places) Order 2008, which came into operation on the First Day of May Two Thousand and Eight, is hereby revoked.
- (f) The Orkney Islands Council (Ferry Inn Car Park, Stromness) (Off-Street Parking Places) Order 2008, which came into operation on the First Day of March Two Thousand and Eight, is hereby revoked.
- (g) The Orkney Islands Council (Off-Street Parking Places) (Kirkwall) Order 2009, which came into operation on the First Day of October Two Thousand and Nine, is hereby revoked.
- (h) The Orkney Islands Council (Off-Street Parking Places) (Kirkwall) Order 2010, which came into operation on the First Day of March Two Thousand and Ten, is hereby revoked.
- (i) The Orkney Islands Council (Ferry Terminal Car Park, Stromness) (Off-Street Parking Places) Order 2011, which came into operation on the Thirteenth Day of January Two Thousand and Eleven, is hereby revoked.
- (j) The Orkney Islands Council (Off-Street Parking Places (Ferry Road, Stromness) Order 2012, which came into operation on the First Day of September Two Thousand and Twelve, is hereby revoked.
- (k) The Orkney Islands Council (Great Western Road (South) Car Park (Kirkwall) Order 2014, which came into operation on the First Day of March Two Thousand and Fourteen, is hereby revoked.
- (l) The Orkney Islands Council (Off-Street Parking Places) (Electric Vehicle Charging Points) (Amendment No.1) Order 2016, which came into operation on the First Day of February Two Thousand and Sixteen, is hereby revoked.
- (m) The Orkney Islands Council (Off-Street Parking Places) (Various Long Stay Car Parks) Order 2016, which came into operation on the First Day of February Two Thousand and Sixteen.

Given under the seal of Orkney Islands Council on this day of Two thousand and

Chief Executive

SCHEDULE 1 Part A (Short Stay Pay and Display)

Designated Parking Place	Description
Albert Street Car Park	Area of land in Kirkwall situated to rear of Harbour Street, Bridge Street, Albert Street, Mounthoolie Lane, Mounthoolie Place and Junction Road, including the triangular area situated between Junction Road and Number 3 and 5 Junction Road, and the lanes leading to Bridge Street, as shown delineated in red on Plan 1 annexed and executed as relative of this order.
Castle Street Car Park	Area of land in Kirkwall bounded on the northwest by Junction Road, on the northeast partly by the shop premises at Number 17/19 Junction Road, partly by shop premises at Numbers 49/51 Albert Street, and partly by an open area of ground between numbers 17/19 Junction Road and Numbers 49/51 Albert Street; on the southeast by the rear of the properties known as Numbers 53 to 69 Albert Street and Number 1 Broad Street; and on the southwest partly by Castle Street and partly by the property known as The Castle Garage, Castle Street; as shown delineated in red on Plan 8 annexed and executed as relative to this Order.
Ferry Inn Car Park	Area of land in Stromness bounded on the east side by Ferry Road; on the west side by Ferry Inn; on the north side by Julia's Café & Bistro; and on the south side by the Warehouse Building; as shown delineated in red on Plan 15 annexed and executed as relative to this Order.
Gunns Close Car Park	Area of land in Kirkwall bounded on the north partly by property belonging to the Salvation Army Trustee Company and partly by property belonging to Orkney Islands Council; on the east by the properties known as Numbers 51 to 59 Victoria Street, on the south by the lane known as Gunns Close; and on the west by Junction Road; as shown delineated in red on Plan 23 annexed and executed as relative to this Order.
St Magnus Lane Car Park	Area of land in Kirkwall bounded on the northwest by Junction Road; on the northeast by St Magnus Lane; on the Southeast by Kirkwall Town Hall and Community Centre; and on the southwest partly by property belonging to J & W Tait Limited, partly by a private access road and partly by property belonging to Orkney Islands Council; as shown delineated in red on Plan 34 annexed and executed as relative to this Order.

Chief Executive

SCHEDULE 1 Part A (Long Stay Pay and Display)

Designated Parking Place	Description
Burgh Road Car park	Area of land in Kirkwall bounded from north to south by Burgh Road, Kirkwall, on the southwest partly by property belonging to Highlands and Islands Fire Board and partly by property belonging to Police Scotland, and bounded on the northwest by property belonging to Police Scotland; as shown delineated in red on Plan 3 annexed and executed as relative to this Order.
Great Western Road (North) Car Park	Area of land in Kirkwall bounded on the southwest side by Burgh Road, Kirkwall, on the southeast side by Great Western Road; and on the north northeast side by property formerly known as Scarthcentre; as shown delineated in red on Plan 21 annexed and executed as relative to this Order.
Ferry Terminal Car Park	Area of land in Stromness bounded on the westnorthwest by Ferry Road; on the northnortheast and eastnortheast by the marshalling area for vehicles about to be driven on board a vessel, at the north Ferry Terminal at the North Pier and by the roadway leading from the said marshalling area and to such a vessel on the eastsoutheast by the Ferry Terminal Building at the North Pier; and on the southsouthwest by footway separating the said area of land from the north basin of Stromness Harbour.

SCHEDULE 1 Part B (Non Fee Paying Car Parks)

Designated Parking Place	Description
Ayre Houses Car Park	Area of land in Kirkwall situated to the east of Burgh Road, Kirkwall adjacent to Ayre Houses, as shown delineated in red on Plan 2 annexed and executed as relative to this Order.
Burray Community Centre Car Park, Burray	Area of land in Burray situated to the east Village Road, Burray opposite the Burray Community Centre, as shown delineated in red on Plan 4 annexed and executed as relative to the Order.
Car Park to North East of Council Offices	Area of land in Kirkwall situated to the rear of Council Offices, School Place, including the rectangular area situated adjacent to Willowdene, Willow Road, as shown delineated in red on Plan 5 annexed and executed as relative to this Order.
Car Park at 6/8 Broad Street	Area of land in Kirkwall bounded on the northwest by Broad Street; on the northeast by Numbers 6 and 8 Broad Street; on the southeast by the kirkyard adjoining St Magnus Cathedral; and on the southwest by the Kirk Green; as shown delineated in red on Plan 6 annexed and executed as relative to this Order.
Car Park at 9 King Street	Area of land in Kirkwall bounded on the northeast by property known as The Haven, King Street; on the eastsoutheast by King Street; on the southwest partly by property at 11a King Street and partly by land belonging to the Governor and Company of the Bank of Scotland and situated to the rear of Numbers 56 and 56A Albert Street; as shown delineated in red on Plan 7 annexed and executed as relative to this Order.
Church Road Car Park, St Margaret's Hope	Area of land in St Margaret's Hope situated to the south of Thorfinn Place, St Margaret's Hope adjacent to Church Road, St Margaret's Hope as shown delineated in red on Plan 9 annexed and executed as relative to this Order.
Clay Loan Car Park, Kirkwall	Area of land in Kirkwall situated to the south of Clay Loan, Kirkwall located between Main Street and Manse Lane, as shown delineated in red on Plan 10 annexed and executed as relative to this Order.
The Crafty Car Park, Kirkwall	Area of land in Kirkwall situated to the south of Pickaquoy Road, Kirkwall adjacent to the Scout Hall, as shown delineated in red on Plan 11 annexed and executed as relative to the Order.

<p>Craigie Crescent Car Park, Kirkwall</p>	<p>Area of land in Kirkwall situated to the northeast of Craigie Crescent, Kirkwall at its junction with Warrenfield Crescent, as shown delineated in red on Plan 12 annexed and executed as relative to this Order.</p>
<p>Dounby Primary School Car Park, Dounby</p>	<p>Area of land in Dounby situated to the northeast of the A986, Dounby adjacent to Dounby Primary School, as shown delineated in red on Plan 13 annexed and executed as relative to this Order.</p>
<p>East Church Car Park</p>	<p>Area of land in Kirkwall bounded on the northeast by the exit road from the car park for Council employees next to the Council Offices, School Place; on the southeast by Thoms Street; on the southwest by School Place; and on the northwest by the former East Church building; as shown delineated in red on Plan 14 annexed and executed as relative to this Order.</p>
<p>Ferry Road (West) Long Stay Car Park, Stromness</p>	<p>Area of land in Stromness bounded on the east by Ferry Road; on the south by Numbers 38 and 40 John Street; on the west and north west partly by property belonging to the Council and partly by Numbers 2, 4 and 6 North End Road; and on the north by property belonging to the Council. Ferry Road, Stromness; as shown delineated in red on Plan 16 annexed and executed as relative to this Order.</p>
<p>Ferry Road (East) Long Stay Car Park, Stromness</p>	<p>Area of land in Stromness bounded on or towards the northwest by Ferry Road, Stromness and on or towards the southeast by Stromness Harbour basin, as shown delineated in red on Plan 17 annexed and executed as relative to this Order.</p>
<p>Ferry Road (North) Long Stay Car Park, Stromness</p>	<p>Area of land in Stromness bounded on the east by Ferry Road; on the north at a point 30m from the boundary of the Co op car park; on the west by properties on John Street from Hamnavoe Guest house to property number 22; and on the south by the public convenience building, as shown delineated in red on Plan 18 annexed and executed as relative to this Order.</p>
<p>Firth Community Centre Car Park, Finstown</p>	<p>Area of land in Finstown situated to the east of Acre Lea, Finstown adjacent to Firth Community Centre, as shown delineated in red on Plan 20 annexed and executed as relative to this Order.</p>
<p>Great Western Road (South) Car Park</p>	<p>Area of Land in Kirkwall bounded on the southwest side by Pickaquoy Road, Kirkwall, on the southeast side by Great Western Road, and on the north northeast side partly by the property formerly known as Powerbowl and partly by property owned by Scottish & Southern Energy, as shown delineated in red on the Plan 22 annexed and executed as relative to this Order.</p>

Holm Road Car Park, Kirkwall	Area of land in Kirkwall situated to the west of Bignold Park Road, Kirkwall at its junction with Holm Road, as shown delineated in red on Plan 24 annexed and executed as relative to this Order.
King Street Car Park	Area of land in Kirkwall bounded on the northeast partly by property at 10 King Street occupied by NHS Orkney, and partly by property at Number 8 King Street; on the southeast by the Council employees' car park situated to the northeast of the Council Offices, School Place; and on the southwest, west and northwest partly by an area of ground off School Place adjacent to the Council Offices and partly by King Street; as shown delineated in red on Plan 25 annexed and executed as relative to this Order.
Maitland Place Car Park, Finstown	Area of land situated to the northeast of the A965, Finstown opposite Firth Cemetery, as shown delineated in red on Plan 26 annexed and executed as relative to the Order.
The Meadows (North) Car Park, Kirkwall	Area of land situated to the southeast of The Meadows, Kirkwall opposite Kirkwall Grammar School, as shown delineated in red on Plan 27 annexed and executed as relative to the Order.
The Meadows (South) Car Park, Kirkwall	Area of land in Kirkwall situated to the northwest of The Meadows, Kirkwall opposite the junction of The Meadows with Marwick Drive, Kirkwall as shown delineated in red on Plan 28 annexed and executed as relative to the Order.
Muddisdale Car Park, Kirkwall	Area of land in Kirkwall situated to the south of Muddisdale Road, Kirkwall adjacent to Glaitness Primary School, as shown delineated in red on Plan 29 annexed and executed as relative to the Order.
Old Academy Car Park, Stromness	Area of land in Stromness situated to the southeast of Back Road, Stromness adjacent to the Old Academy, as shown delineated in red on Plan 30 annexed and executed as relative to this Order.
Quoybanks Crescent Car Park, Kirkwall	Area of land in Kirkwall situated to the east of Quoybanks Crescent, Kirkwall at its junction with Summerdale Drive, Kirkwall as shown delineated in red on Plan 31 annexed and executed as relative to the Order.
St Catherine's Place Car Park, Kirkwall	Area of land in Kirkwall situated to the west of St Catherine's Place, Kirkwall opposite its junction with Cromwell Road, Kirkwall as shown delineated in red on Plan 32 annexed and executed as relative to the Order.
Stromness Academy Car Park, Stromness	Area of land in Stromness situated to the west of Garson Road, Stromness adjacent to Stromness Academy, as shown delineated in red on Plan 33 annexed and executed as

<p>St Olaf's Wynd Car Park</p>	<p>relative to this Order.</p> <p>Area of land in Kirkwall bounded on the north by St Olaf's Wynd; on the east by Bridge Street Lane; on the south by Bridge Street Wynd; and on the west by the properties known as Number 6 Bridge Street Wynd and Numbers 26, 28 and 32 Bridge Street; as shown delineated in red on Plan 35 annexed and executed as relative to this Order.</p>
<p>Waterfront (East) Car Park</p>	<p>Area of land in Kirkwall situated to the north of Shore Street, Kirkwall bounded on the southwest by the exit road from Kirkwall pier; on the southeast by the Shore Street roundabout and on the northeast by the roadway providing access to the Kirkwall marina, as shown delineated in red on Plan 36 annexed and executed as relative to this Order.</p>
<p>Waterfront (West) Car Park</p>	<p>Area of land in Kirkwall situated to the north of Ayre Road, Kirkwall adjacent to the Shapinsay slipway, as shown delineated in red on Plan 37 annexed and executed as relative to this Order.</p>

Chief Executive

SCHEDULE 2

Designated Parking Place	Roadway and Direction of One Way Traffic
Albert Street Car Park	<p>The roadway through the Albert Street Car Park from a point twenty nine metres or thereby cast of its junction with Junction Road, Kirkwall, firstly in an eastnortheasterly direction for a distance of forty six metres or thereby, thereafter in a southeasterly direction for a distance of thirty five metres or thereby, thereafter in a westsouthwesterly direction for a distance of thirty nine metres or thereby, thereafter in a northnorthwesterly direction for a distance of thirty one metres or thereby, and finally either in a northwesterly direction for a distance of seven metres or thereby to the point of commencement or in a northnortheasterly direction for a distance of nine metres or thereby to a point seven metres or thereby eastnortheast of the point of commencement.</p>
Castle Street Car Park	<p>The Roadway through the Castle Street Car Park from its junction with Junction Road, Kirkwall, firstly in a southeasterly direction for a distance of fifty three metres or thereby and thereafter in a southwesterly direction for a distance of fifty five metres or thereby to its junction with Castle Street, Kirkwall.</p>
Car Park to the North East of Council Offices	<p>The private road leading through the car park from a point at the southeastmost corner of the property at 8 King Street, Kirkwall, firstly in a southsouthwesterly direction and thereafter generally in a southsoutheasterly direction to a point at the north side of the exit from the East Church Car Park, Kirkwall, a distance of one hundred and forty three metres or thereby as required by The Orkney Islands Council (Road off Mill Street, Kirkwall) (One Way Traffic) Order 1998, which came into operation on the First day of January Nineteen Hundred and Ninety Nine.</p>

Chief Executive