



TRAFFIC REGULATION ORDER

**ARGYLL AND BUTE COUNCIL
(VARIOUS STREETS, LUSS)
(TRAFFIC MANAGEMENT) ORDER 2023**

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(VARIOUS STREETS, LUSS)
(TRAFFIC MANAGEMENT) ORDER 2023**

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**ARGYLL AND BUTE COUNCIL
(VARIOUS STREETS, LUSS)
(TRAFFIC MANAGEMENT) ORDER 2023**

**PART 1
GENERAL**

Argyll and Bute Council in exercise of their powers under Sections 1(1), 2(1) to (3), 4(2), 32, 45, 46, 47, 49 and 53 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, as amended, The Road Traffic (Permitted Parking Area and Special Parking Area) (Argyll and Bute Council) Designation Order 2014; The Road Traffic Act 1991, as amended and all other enabling powers and after consultation with the Chief Constable of Police Scotland in accordance with Part III of Schedule 9 to the 1984 Act, and with consent granted by Scottish Ministers under Part II of Schedule 9 of the 1984 Act, hereby make the following Order:-

1. Citation and Commencement

This Order may be cited as the “Argyll and Bute Council (Various Streets, Luss) (Traffic Management) Order 2023” and shall come into operation on Wednesday the fourteenth day of June Two Thousand and Twenty Three.

2. Provisions

To make provisions in relation to driving and on-street parking within Luss, and revoke Orders as specified in the Articles and Schedule 7 annexed and executed as relative hereto. The Council is satisfied that, for the reasons set out in section 3(2)(a), 3(2)(b), 3(2)(c), 3(2)(d) and 3(2)(e) of the Road Traffic Regulation Act 1984, it is required that section 3(1) of that Act should not apply to the Order.

3. Definitions and Interpretation

- (i) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (ii) In this Order the following expressions have the meanings hereby respectively assigned to them:

“**the 1984 Act**” means the Road Traffic Regulation Act 1984;

“**the 1991 Act**” means the Road Traffic Act 1991;

“**business permit**” means a permit issued to an entitled business user in accordance with Part 6 of this order;

“Council” means Argyll and Bute Council constituted under the provisions of

“Nominated vehicle” means a registered vehicle associated with a “permit holder” as qualifying person

“parking attendant” means an individual employed by the local authority to provide for the supervision of parking places within their area and shall also have such other functions in relation to stationary vehicles as may be conferred by or under any other enactment as defined in section 63A of the 1984 Act;

“parking bay” means a marked space in a parking place which is provided for the parking of a vehicle;

“parking place” means an area designated as a parking place by Article 16, Schedule 5 and Schedule 8 of this Order;

“parking permit” means a resident permit or business permit

- (c) in respect of a disabled persons badge means the badge is exhibited in a conspicuous position so that all the particulars are clearly visible from outside the vehicle

“resident” means a person whose principal home is a dwelling situated in the area outlined in red on Plan Reference No.1;

“resident permit” means a parking permit issued to a resident in accordance with Part 6 of this order;

“restricted parking zone” refers to all the roads specified in Schedule 3 of this order;

“restricted road” means any road specified in Schedule 3;

“return period” means the period following expiry of the maximum parking stay in that parking place during which the driver shall not return the vehicle to the parking place;

“road” has the same meaning as in Section 151 of the Roads (Scotland) Act 1984, and for the avoidance of doubt, a road includes part of a road;

“schedule” means the schedule (i) (h) -3 () -3 (e) (c) -1*4 (9822) Td(t)-34 (i)i1 (s)-1 (or)--3 (u)5 (r)-3

PART 2

PROHIBITION OF DRIVING

- (iii) Vehicles, not being passenger vehicles, while 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 duties for the vehicle to wait at the place in which it is waiting.
- (iv) Invalid carriages or motor vehicles displaying a valid disabled person's badge in the relevant position which are not causing an obstruction and are being driven or used by disabled persons.
- (v) Vehicles being driven by a medical practitioner attending an emergency or hosting a scheduled surgery at premises situated on any road specified in Schedule 1 to this Order. The Council may, where applicable, require evidence to show there was a genuine emergency.

9.2 The restrictions imposed by Article 8(ii) of this order shall not apply to the following vehicles:-

- (i) Vehicles while being used for fire brigade, ambulance, police force or coast guard purposes.
- (ii) Vehicles, not being passenger vehicles, while 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 duties for the vehicle to wait at the place in which it is waiting.
- (iii) Invalid carriages or motor vehicles displaying a valid disabled person's badge in the relevant position which are not causing an obstruction and are being driven or used by disabled persons.
- (iv) Vehicles being driven by a medical practitioner attending an emergency or hosting a scheduled surgery at premises situated on any road specified in Schedule 1 to this Order. The Council may, where applicable, require evidence to show there was a genuine emergency.

9.3 The restrictions imposed by Article 7 of this order shall not apply to the following vehicles:-

- (i) vehicles while being used for fire brigade, ambulance, police force or coast guard purposes;
- (ii) vehicles, not being passenger vehicles, while 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 duties for the vehicle to wait at the place in which it is waiting

10 Exception from waiting restrictions

Nothing in Article 7 and Article 8 of this order shall prevent any person from causing or permitting a vehicle to wait on any of the lengths of road specified in Schedule 2 or 3 or 4 of this order for as long as may be necessary:-

- (a) to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage;
- (b) to enable the vehicle, if it cannot conveniently be used for such purposes in any other road not being a restricted road, to be used in connection with any building operation, demolition or excavation in or adjacent to that or any other restricted road, the cleansing or lighting of any restricted road, the removal of any obstruction to traffic in any road, the maintenance, improvement or reconstruction of any restricted road, the laying, erection, alteration or repair in or adjacent to any road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus, or the placing, maintenance or removal of any traffic sign;
- (c) when the person in control of the vehicle is required by law to stop or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances beyond his control;
- (d) If the vehicle being a vehicle in the service of or employed by a universal service provider is in actual use while postal packets addressed to premises adjacent to that road are being unloaded from the vehicle, or having been unloaded therefrom, are being delivered or while postal packets are being collected from postal boxes or premises adjacent to that road for loading on the vehicle;
- (e) if the vehicle is in actual use in connection with a funeral undertaking.

11. Loading or unloading of goods

Nothing in Article 8 shall apply so as to prevent any person from causing or permitting a vehicle to wait in any restricted road specified in Schedule 2 or 3 or 4 of this order for as long as may be necessary:-

- (b) no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait in any restricted road specified in Schedule 3 or Schedule 4 if a period of less than sixty minutes has elapsed since the termination of the last period of waiting (if any) of the vehicle outside the same premises.

12. Furniture removal and other exceptional loading or unloading

Nothing in Article 7 and Article 8 shall apply so as to restrict the loading or unloading of a vehicle while the vehicle is in actual use in any road specified in Schedule 2 or Schedule 3 or Schedule 4 in connection with the removal of furniture to or from any premises adjacent to that restricted road from or to another premises..

13. Restrictions of methods of loading or unloading goods

No person in charge of a vehicle delivering or collecting goods or who is engaged in the course of or in connection with the loading or unloading of any goods on or from any such vehicle on any road specified in Schedule 3 or Schedule 4 to this order shall cause or permit any such goods to be deposited on the carriageway except immediately at the rear of the vehicle or allow any goods to remain on the carriageway before the arrival or after the departure of the vehicle.

14. Manner of waiting in a restricted road

The driver of any vehicle waiting in any restricted road specified in Schedule 3 shall, except upon the direction or with the permission of a parking attendant or police officer in uniform so wait:-

- (a) that the nearside or offside of the vehicle is adjacent to the edge of the carriageway, and
- (b) so that the nearest wheels of the vehicle are not more than 0.3 metres from the edge of the carriageway nearest to the vehicle.

15. Duty to move on

Notwithstanding any exemption or exception contained in this part of the Order, the person in control of any vehicle waiting in any restricted road specified in Schedule 3 shall move the vehicle on the instructions of a Police Officer in uniform or parking attendant whenever such removal is reasonably necessary for the purpose of facilitating the passage of traffic.

- (i) the person in control of the vehicle is required by law to stop or is obliged to do so in order to avoid an accident or is prevented from proceeding by circumstances beyond his control;
- (ii) the vehicle is being used for fire brigade, ambulance, police force or coast guard purposes;
- (iii) the vehicle, not being a passenger vehicle, 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 duties or the performance of such duties for the vehicle to wait at the place in which it is waiting;
- (iv) the vehicle is waiting for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (v) the vehicle is in the service of or employed by a universal service provider and is in actual use while postal packets addressed to premises adjacent to that road are being unloaded from the vehicle, or having been unloaded therefrom, are being delivered or while postal packets are being collected from postal boxes or premises adjacent to that road for loading on the vehicle; or
- (vi) the vehicle is in actual use in connection with the removal of furniture to or from any premises adjacent to the parking place in which the vehicle is waiting.

23. Manner of standing in parking places

Save as provided in Article 24 of this Order, every vehicle left in a parking place in accordance with the foregoing provisions of this part of this Order shall so stand such that no bay is occupied by more than one vehicle and that every part of the vehicle is within the limits of the parking bay, provided that, where the length of a vehicle precludes compliance with this paragraph, such a vehicle shall be deemed to be within the limits of the parking bay if:

- (i) the extreme front portion or, as the case may be, the extreme rear portion of the vehicle is within 300mm of an indication on the carriageway provided under Article 18 of this Order in relation to the parking bay; and
- (ii) the vehicle, or part thereof, is entirely within one parking bay and is not to any extent within the limits of any adjoining parking bay.

24. Loading or unloading of goods in parking places

Nothing in Article 17 or Article 23 shall apply so as to prevent any person from causing or permitting a goods vehicle to wait in any parking place specified in Schedule 5 while the vehicle is in actual use for the purpose of delivering or collecting goods or merchandise or while loading or unloading the vehicle at premises adjoining the said road: Provided that:-

- (a) no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait in any parking place for a period of more than thirty minutes in the same place; and
- (b) no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait if a period of less than sixty minutes has elapsed since the termination of the last period of waiting (if any) of the vehicle outside the same premises.

25. Suspension of parking places

25.1 Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever that person considers such suspension reasonably necessary:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) in connection with any building operation, demolition or excavation in or adjacent to that or any other restricted road, the cleansing or lighting of any restricted road, the removal of any obstruction to traffic in any road, the maintenance, improvement or reconstruction of any restricted road, the laying, erection, alteration or repair in or adjacent to any road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus, or the placing, maintenance or removal of any traffic sign;
- (c) for the convenience of occupiers of premises adjacent to the parking place on any 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;
- (d) for the convenience of occupiers of premises adjacent to the parking places at times of weddings and funerals, or on other special occasions;
- (e) on any occasion on which it is likely by reason of some special attraction or procession that any street will be thronged or obstructed; or
- (f) for any other purpose which the Council may from time to time see fit and which has received their prior approval.

25.2 Any person suspending the use of a parking place or any part thereof in accordance with the provisions of this Article shall thereupon place or cause to be placed in or adjacent to any part of that parking place the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.

25.3 Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police emergency purposes to be left or any other vehicle to be so left if that vehicle is left with the

permission of the person suspending the use of the parking place or the part thereof in pursuance of this Article or of a Police Officer in uniform or of a parking attendant.

26. Restrictions of use of parking places

Each parking place is subject to the following restrictions at all times:

- (i) No person shall use any vehicle while it is in a parking place in connection with the sale of any article to any person in or near the parking place, or in connection with the selling or offering for sale his/her skill in handicraft, or his/her services in any other capacity other than with the written consent of the Council without prejudice to any planning, health or other statutory requirements and duties which may also require to be met.
- (ii) No person shall carry on any business within the limits of the car park without the written consent of the Council.
- (iii)

removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle. The Council may then recover all expenses associated with the removal and may retain possession of the vehicle until all monies due to the Council in respect of the vehicle have been duly paid (as determined by Section 102 of the 1984 Act).

29. Movement of vehicles

A parking attendant or any person authorised by the Council may in the case of an emergency, move or cause to be moved, vehicles left in a parking place to any place they think fit.

30. Responsibility of Driver

The person who was driving the vehicle at the time when it was left in the parking place shall be responsible for complying with the provisions of this Order and unless otherwise proved to the contrary, the registered keeper of the vehicle shall be deemed to be the driver of that vehicle.

31. Responsibility of Registered Keeper

The responsibility for payment of any Penalty Charge Notice (PCN) rests with the Registered Keeper of the vehicle as recorded at the Driver and Vehicle Licensing Agency (DVLA).

32. Disclaimer

The Council shall not be held liable for any damage to, loss of, or theft of/or from any vehicle in any parking place. For the avoidance of doubt, any person using the parking places specified in this Order do so at their own risk.

PART 6

PARKING PERMITS

33. Eligibility for a Parking Permit

33.1 Any resident who resides at premises situated within the parish of Luss, such area shown outlined in red on Plan Reference No. 1, is a qualifying person and may apply to the Council for the issue of a maximum of two Resident Permits per household for vehicles in their ownership or control; or one permit for a vehicle in their ownership or control and one permit registered to their address

33.2 Any business user that has a business at premises situated within the Parish of Luss, such area shown outlined in red on Plan Reference No. 1, is a qualifying person and may apply to the Council for the issue of a maximum of

four Business Permits in respect of vehicles required for the operation of the business. Three of those permits may be registered to the business address.”

34. Application for a Parking Permit

- 34.1 Any qualifying person can individually make an application for a Parking Permit on a form issued and obtainable from the Council or via the Council’s website. The application must be completed, indicating agreement to the terms and conditions, and submitted with the appropriate payment for the permit as set by the Council. The applicant will have to provide such evidence as is reasonably required to verify any particulars or information given to the Council as part of the permit application.

- 34.2 On receipt of a properly completed application and fee, where appropriate the Council shall issue to the qualifying person, confirmation (by electronic mail or by letter) that the permit has been granted for their nominated vehicle or address. The permit may be issued in any form as the Council may determine

PART 7
SUPPLEMENTARY PROVISIONS

38 **Contravention of this Order**

38.1 If a motor vehicle is parked in contravention of any of the Articles, provisions and requirements of this Order then a contravention shall have occurred and a penalty charge shall be payable in accordance with any penalty charge notice which may then be issued by a Parking Attendant.

38.2 Where a vehicle remains in a position so as to incur a penalty charge on the issue of a penalty charge notice, a further penalty charge notice may be issued on each calendar day thereafter

39. Orders to be Revoked or Amended

The Orders specified in Column 1 of Schedule 7 are hereby revoked or amended as specified within Column 2 of the said Schedule.

Sealed with the Common Seal of Argyll and Bute Council and subscribed for them and

SCHEDULE 2

Prohibition of Waiting and Loading at any time

Roads Within Luss		Section of road designated as having a prohibition of waiting and loading at any time	Side of road to which restriction applies
		extended north kerbline of School Road, a distance of 245 metres or thereby.	
9	Old A82	From the extended south kerbline of School Road, extending in a southerly direction for a distance of 82 metres or thereby	West
10	Old A82	From the extended north facing building line to the extended south facing building line of the Hotel known as the "Loch Lomond Arms", a distance of 35 metres or thereby.	West
11	Old A82	From a point 24 metres or thereby south of the extended south kerbline of Pier Road, extending in a southerly direction for a distance of 428 metres or thereby	West
12	Church Road	Extending from a point 104 metres south of its western junction with Pier Road, eastwards and northwards to the access to the property known as "Luss Glass Studio", a distance of 86 metres or thereby.	Both
13	School Road	Extending from its junction with the Old A82 Road north – westwards to its termination, for a distance of 37 metres or thereby	Both



**This is Schedule 5 referred to in the foregoing “Argyll and Bute Council
(Various Streets, Luss) (Traffic Management) 2023**

SCHEDULE 5				Side of road
Parking Places - Maximum stay 30 minutes, no return within 1 hour 0800-2000 hours Monday to Sunday				
Roads Within Luss		Section of road designated as parking place	Maximum number of parking bays	
1	Old A82	Extending from a point 8.5 metres or thereby north of the extended north kerbline of School Road, in a northerly direction for a distance of 22 metres or thereby.	4	East

**This is Schedule 7 referred to in the foregoing “Argyll and Bute Council
(Various Streets, Luss) (Traffic Management) 2023**

SCHEDULE 7	
Orders to be revoked	
Name of Order	Extent of Revocation
The County of Dumbarton – Pier Road, Luss (Street Parking Place) Order 1967	the entire Order
The County of Dumbarton – Pier Road, Luss (Restriction of Waiting) Order 1967	the entire Order
The County of Dumbarton – Luss Village- (restriction of Waiting) Order 1968	the entire Order

**This is Schedule 8 referred to in the foregoing “Argyll and Bute Council
(Various Streets, Luss) (Traffic Management) 2023**

SCHEDULE 8

PLANS

Drawing Number:	Title
LUSSTRO- TM 2021/01	“Layout (indicative)”
LUSSTRO- TM 2021/02	“Plan Reference No 1: Extent of Luss Parish Boundary”