



ORKNEY
ISLANDS COUNCIL

**The Orkney Islands Council
(Disabled On-Street Parking Places)
Order 2024**

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Enactment

Orkney Islands Council in exercise of its powers under section 45 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 1

Citation and Commencement

1. This Order may be cited as The Orkney Islands Council (Disabled On-Street Parking Places) Order 2024 and shall come into operation on the [] day of [] Two Thousand and Twenty [].

Interpretation

2. (a) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:
 - “**disabled person’s badge**” means:
 - i) a badge issued under Section 21 of the Chronically Sick and Disabled Persons Act 1970;
 - ii) a badge issued under a provision of the law of Northern Ireland corresponding to that section.
 - “**disabled person’s vehicle**” means a vehicle lawfully displaying, in the manner prescribed by Regulation 12 of the Disabled Person’s (Badges for Motor Vehicles) (Scotland) Regulations 2000, a disabled person’s badge;
 - “**emergency service vehicle**” means a vehicle being used by the Police, Fire Brigade or Ambulance Services;
 - “**parking place**” means the areas on roads designated as parking places for the leaving of disabled persons’ vehicles within the Schedule of this Order;
 - “**parking space**” means a space in a parking place which is provided for the leaving of a disabled person’s vehicle;
 - “**permitted vehicle**” means such vehicles as are displaying a valid disabled person’s badge.
- (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) Any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- (d) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Part 2

Designation of a disabled person's parking place

1. Each area on a road described in the Schedule to this Order is hereby designated as a disabled person's parking place.

Vehicles for which the use of parking places is permitted

2. Each parking place designated in this Order may only be used for the leaving of disabled person's vehicles displaying a valid disabled person's badge.

Delineation of parking spaces within a disabled person's parking place

3. The limits of each parking place designated in this Order and the limits of each parking space in a parking place shall be indicated on the carriageway in such a manner as the local authority may determine by signs, carriageway markings or other indications in accordance with the Traffic Signs Regulations and General Directions 2016.

Manner of standing in parking places

4. Subject to Article 5, the manner of standing of a permitted vehicle in a parking place shall be:
 - (a) as specified in column 4 of the Schedule, opposite the description of the parking place in column 3 of the said Schedule and
 - (b) such that no parking space is occupied by more than one vehicle and that every part of the vehicle is within the limits of a parking space.

Alteration of position of a vehicle in a disabled person's parking place

5. Where any vehicle is standing in a disabled person's parking place in contravention of the provisions of Article 4, a Police Constable in uniform, or a Traffic Warden may move the vehicle or cause it to be moved to a position which shall comply with these provisions.

Removal of a vehicle from a disabled person's parking place

6. Where a Police Constable in uniform or a Traffic Warden is of the opinion that any of the provisions contained in Articles 2 and 4 have been contravened or have not been complied with in respect of a vehicle left in a disabled person's parking place designated by this Order, he or she may remove the vehicle, or cause the vehicle to be removed, from the parking place and, where it is so removed, shall provide for the safe custody of the vehicle.

Movement of a vehicle in a disabled person's parking place in an emergency

7. A Police Constable in uniform or a Traffic Warden may move, or cause to be moved, in case of an emergency to any place they think fit, any vehicle left in a disabled person's parking place.

Power to suspend a disabled person's parking place

8. Save as provided in Article 9:
- (a) Any person duly authorised by the Council may suspend the use of a disabled person's parking place or any part thereof whenever such suspension is considered reasonably necessary:
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any building operation or demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place, or the laying erection, alteration, removal 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 telecommunications apparatus, traffic sign or parking meter;
 - (iii) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (iv) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (v) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions.
 - (b) A Police Constable in uniform may suspend the use of a disabled persons parking place or part thereof whenever such suspension is considered reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
 - (c) Any person suspending the use of a disabled person's parking place or any part thereof in accordance with paragraphs (a) or (b) 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 in accordance with Traffic Signs Regulations and General Directions 2016 indicating that waiting by vehicles is prohibited;
 - (d) No person shall cause or permit a vehicle to be left in a parking space during

such period as there is in or adjacent to that space a traffic sign placed in pursuance of paragraph (c) of this Article;

Exception to the suspension of a disabled person's parking place

9. Nothing in Article 8 shall prevent any person from causing or permitting a vehicle to be used in any suspended disabled person's parking place, or part thereof, as long as:
- (a) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - (b) 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;
 - (c) the vehicle is being used in connection with any building operation or demolition, the maintenance, improvement or reconstruction of any part of the road in which the disabled person's parking place referred to is located, or the laying, erection alteration or repair in or near to the said parking place, of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunications apparatus, and the vehicle cannot conveniently be used for such purpose in any other road;
 - (d) the vehicle is in the service of or employed by the Post Office and is waiting in the disabled person's parking place while postal packets addressed to premises adjacent thereto are being unloaded from the vehicle or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
 - (e) the vehicle is in actual use in connection with 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;
- provided that in paragraphs (a) and (b) of this Article, the vehicle is left with the permission of the person suspending the use of the parking place or part thereof, a Police Constable in uniform or a Traffic Warden; or
- (f) the vehicle is an emergency service vehicle being used in pursuance of statutory powers and duties.

Power to dispose of abandoned vehicles

10. Subject to Article 11, the Council may as respects a vehicle which has been removed from a disabled person's parking place in pursuance of Article 6, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle after having made reasonable enquiry to ascertain the name and address of the owner of the vehicle and to inform the owner of their intention.

11. The Council will be deemed to have made reasonable enquiry to ascertain the name and address of the owner of any vehicle to which Article 10 applies provided that they have taken such steps in relation to that vehicle that may be prescribed by any Regulations for the time being in force under Section 99 of the Road Traffic Regulation Act 1984, for authorising the Council to sell or otherwise dispose of the vehicle if it had been left on a road and if it appeared to the Council that it had been abandoned.

Given under the seal of Orkney Islands Council on the [] day of [] Two Thousand and Twenty [].

Gavin Rattray Mitchell
Head of Legal and Governance

Schedule

Town.	Road.	Area Designated as Disabled Persons Parking Place.	Manner of Standing.
Kirkwall.	10 Victoria Street.	The parking bay in that part of the on-street parking place to the northwest corner of number 42 Broad Street as shown coloured red on Plan 1 annexed and executed as relative hereto.	Perpendicular to wall.
Kirkwall.	Warrenfield Drive.	The parking bay in that part of the on-street parking place to the south of number 12 King Haakon Street as shown coloured red on Plan 2 annexed and executed as relative hereto.	Perpendicular to wall.
Kirkwall.	Manse Road.	The parking bay in that part of the on-street parking place directly opposite the access to number 10 Manse Road as shown coloured red on Plan 3 annexed and executed as relative hereto.	Parallel to wall.

Kirkwall.	Meadowbank.	The parking bay in that part of the on-street parking place to the north of number 6 Meadowbank as shown coloured red on Plan 4 annexed and executed as relative hereto.	Perpendicular to wall.
Holm.	Graeme Park.	The parking bay in that part of the on-street parking place to the east of number 2 Graeme Park as shown coloured red on Plan 5 annexed and executed as relative hereto.	Perpendicular to wall.
Stromness.	Alfred Street.	The parking bay in that part of the on-street parking place to the northwest corner of number 29 Alfred Street as shown coloured red on Plan 6 annexed and executed as relative hereto.	Parallel to wall.
Flotta.	Burnside.	The parking bay in that part of the on-street parking place to the east of number 17 Burnside as shown coloured red on Plan 7 annexed and executed as relative hereto.	Perpendicular to wall.

Gavin Rattray Mitchell
Head of Legal and Governance