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## THE HIGHLAND COUNCIL (DORNOCH VILLAGE) (WAITING RESTRICTION) (EXPERIMENTAL) ORDER 2023

The Highland Council in exercise of their powers under Sections 1(1) and (2), 2(1) to 2(3), 3, and 4(1) to 4(3) of the Road Traffic Regulation Act 1984 as amended (which Act as so amended is hereinafter referred to as “the 1984 Act”), and of all the other enabling powers and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the 1984 Act hereby make the following order:-

1. This Order may be cited as ‘The Highland Council (Dornoch Village) (Waiting Restriction) (Experimental) Order 2023’ and shall come into effect at 00:01 hrs on 1<sup>st</sup> xxx 2023 and remain in effect for a maximum period of 18 months.
2. The maps annexed and signed as relative to this Order and listed in the schedule annexed and signed as relative to this Order, which maps (“the Maps”) depict the prohibitions, restrictions and parking places imposed or designated by this Order and, in conjunction with the key depicted on each map, identify the type of each particular prohibition, restriction or parking place and certain of its governing provisions are hereby incorporated into this Order.
3. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them: -

“disabled person’s badge” has the same meaning as in the Disabled Person (Badges for Motor Vehicles)(Scotland) Regulations 2000;

“parking enforcement officer” has the same meaning as “parking attendant” in section 63A of the Road Traffic Regulation Act 1984;

“vehicle” unless the context otherwise requires, means a vehicle of any description, and includes a machine or implement of any kind drawn or propelled along roads, whether or not by mechanical power;

“park” “parking” and “parked” refer to the stopping of a vehicle and it remaining at rest for some time whether or not the driver is still in the vehicle and a vehicle shall be deemed to be parked for any period in the same parking place if any part of it is below the vehicle or the vehicle’s load (if any) whether or not the vehicle is moved during that period;

“parking place” means an area of a road designated by this Order for the parking of vehicles;

“prohibited road” means any of the lengths of road specified on the Maps where waiting is prohibited provided that the expression “prohibited road” shall not include any parking place;

“wait” and “waiting” refer to the stopping of a vehicle and it remains at rest for some time whether or not the driver is still in the vehicle; Wait and waiting apply as for “park” and “parked”

“Parking Enforcement Officer” has the same meaning as “parking attendant” in section 63A of the 1984 Act

“permit” means a resident’s permit of a type and design issued by The Highland Council.

“permit holder” means a person to whom a valid permit has been issued by The Highland Council.

“Permit Holders Only” Permits are available from The Highland for a vehicle of a specific class and for a specific parking place subject to conditions determined by The Highland Council; a parking permit is only valid in the parking place(s) in respect of which it was issued, for the vehicle in respect of which it was issued and up to the

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date of expiry shown on the parking permit; the driver shall abide by the terms stipulated by The Highland Council for the use of the parking permit.

4. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
5. While this Order is in force, no person shall, except under the direction or with the permission of a police officer in uniform or a parking enforcement officer in uniform, cause or permit any vehicle to wait or park at any time on any prohibited road as specified on the Maps.
6. (i) The parts of roads identified as such on the Maps in Schedule 1 to this order are hereby designated to be used subject to the following provisions of this Order as parking places for disabled badge holders only and may be used subject to the provisions of this Order;
  - (ii) No person shall cause or permit any vehicle to remain in a parking place for disabled badge holders only unless there is displayed on that vehicle in the manner prescribed in terms of the Disabled Person (Badges for Motor Vehicles)(Scotland) Regulations 2000 a valid disabled person's badge provided that the vehicle immediately before or after the act of parking has been or is about to be driven or used by the person to whom the badge has been issued or, as the case may be, used for the carrying of disabled person(s) as passenger(s);
  - (iii) Save in an emergency, no person shall cause or permit any vehicle to remain in a parking place for disabled badge holders only for longer than the maximum period specified for that parking place in the Maps;
  - (iv) Where as indicated on the Maps there is a maximum period specified for that parking place for disabled badge holders only, the driver of a vehicle shall upon leaving the vehicle in the parking place, display in the manner prescribed in terms of the Disabled Person (Badges for Motor Vehicles)(Scotland) Regulations 2000 a disabled person's badge and shall remove that vehicle from the said parking place within the maximum time specified.
  - (v) Where a period within which a vehicle must not be parked again in the parking place for disabled badge holders only is specified in the Maps, no person shall permit or cause the vehicle to park again in that parking place until the expiry of that specified period.
7. (i) Unless indicated otherwise by markings on the carriageway, each vehicle parked in a limited waiting parking place or a parking place for disabled badge holders or a parking place marked as "Permit Holder Only" only in accordance with Articles 6,7 and 8 of this Order shall stand (a) so that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway, (b) so that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 50 centimetres, (c) so that no part of the vehicle obstructs any vehicular means of ingress to or egress from premises adjacent to the side of the road on which the vehicle is parked, and (d) so that every part of the vehicle is within the limits of the parking place if marked on the carriageway;
  - (ii) Where any vehicle is standing in a parking place in contravention of the provisions of subparagraph (i) of this Article 7, a parking enforcement officer in uniform or person duly authorised by The Highland Council or police officer in uniform may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.
  - (iii) A parking enforcement officer in uniform or a police officer in uniform may move or cause to be moved or remove or cause to be removed, in case of emergency, to any

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place he/she thinks fit, any vehicle in a parking place and shall provide for the safe custody of the vehicle.

8. No prohibition or restriction imposed by this Order applies to a vehicle being used in an emergency for ambulance, coastguard, fire brigade or police purposes.

These presents consisting of 3 pages and the schedule and the Maps annexed are sealed with the Common Seal of The Highland Council and subscribed for them and on their behalf in terms of the Local Government etc. (Scotland) Act 1994 at Dingwall on the \_\_\_\_ day of June Two Thousand and Twenty-one by Shona Ann Pottinger, Solicitor and Proper Officer, Council Offices, High Street, Dingwall.

..... Proper Officer

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This is the Schedule 1 referred to in the foregoing order entitled “The Highland Council (C1218 Marine Terrace, Rosemarkie)(Temporary Prohibition of Waiting and One Way) Order 2022”

## Schedule 1

### LIST OF MAPS (BY MAP NUMBER)

MH355  
MH356  
MI355  
MI356

MI357  
MJ356  
MJ357

### MAPS

..... Proper Officer