DUNDEE CITY COUNCIL

ROAD TRAFFIC REGULATION ACT 1984

DUNDEE CITY COUNCIL (DENS PARK AND TANNADICE PARK AREA, DUNDEE) (EVENTS RELATED TRAFFIC MANAGEMENT SCHEME) ORDER 2023

Dundee City Council in exercise of the powers conferred on them by Sections 1(1), 2(1) to (3), 4(1) and (2), 32 and 121A and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (which Act of 1984 is hereinafter referred to as "the said Act") and of all other powers enabling them in that behalf and after consultation with Police Scotland in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-:-

PARTI

GENERAL PROVISIONS

Commencement and Citation

 This Order may be cited as "Dundee City Council (Dens Park and Tannadice Park Area, Dundee) (Events Related Traffic Management Scheme) Order 2022" and shall come into operation on the Twenty Ninth day of May Two Thousand and Twenty Three.

Interpretation

- (i) In this Order except where the context otherwise requires, the following expressions shall have the meanings hereby assigned to them: -
 - "Coach Parking Bays" means the lengths of road shown shaded black on Plan No. 5 and the limits of the Coach Parking Bays shall be indicated on the carriageway in accordance with The Traffic Signs Regulations and General Directions 2016, or as specially authorised by The Scottish Ministers.
 - "Closed Road" means a road subject to a prohibition of driving restriction in accordance with Articles 7 and 8 and being one of the roads depicted on Plan No. 2;
 - "Council" means the Dundee City Council;
 - "Dens Park" means Kilmac Stadium, home of Dundee Football Club, Sandeman Street, Dundee, DD3 7JY;
 - "Disabled Bays" means lengths of road marked in blue on Plan No. 3 and the limits of the Disabled Bays shall be indicated on the carriageway in accordance with The Traffic Signs Regulations and General Directions 2016, or as specially authorised by The Scottish Ministers.
 - "disabled person" means a disabled person of a description prescribed by Regulation 5 of the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
 - "disabled person's badge" has the meaning assigned to it by Regulation 4 of the Disabled Persons (Badges for Motor Vehicles) Regulations 2000;
 - "disabled person's vehicle" means a motor vehicle which: -
 - (a) is driven by a disabled person, or

- (b) is used by an institution (as defined in the said Regulations of 2000) for carrying disabled persons as passengers, or $\frac{1}{2}$
- (c) is otherwise used for carrying disabled persons as passengers and is either: -
 - (i) a vehicle which is constructed or adapted for the carriage of not more than twelve passengers (exclusive of the driver) and is not a public service vehicle (as defined in Section 1 of the Public Passenger Vehicles Act 1981), or
 - (ii) a dual-purpose vehicle as defined in Regulation 3(2) of the Road Vehicles (Construction and Use) Regulations 1986,

and is, in each case, a vehicle which, immediately before or after any period of waiting allowed by virtue of a provision of a kind required by Regulation 4 of the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 1971 be included in an Order under the Act of 1984, has been or is to be driven by a disabled person or, as the case may be, has been or is to be used for carrying disabled persons as passengers;

"owner" means for the purposes of this Order the person by whom a vehicle is kept and for the purpose of determining in the course of any proceedings brought by virtue of Section 66 and Schedule 6 of the Road Traffic Act 1991, 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 Place" means either a Coach Parking Bay or a Disabled Bay;

"parking attendant" has the same meaning as in Section 63A of the Act;

"Plan No. 1" means the plan marked "No 1" and annexed and executed as relative hereto;

"Plan No. 2" means the plan marked "No 2" and annexed and executed as relative hereto;

"Plan No. 3" means the plan marked "No 3" and annexed and executed as relative hereto;

"Plan No. 4" means the plan marked "No 4" and annexed and executed as relative hereto;

"Plan No. 5" means the plan marked "No 5" and annexed and executed as relative hereto;

"post office letter box" includes any pillar box, wall box, or other box or receptacle provided by the permission or under the authority of Royal Mail for the purpose of receiving postal packets for transmission by or under the authority of Royal Mail;

"postal packet" means a letter, postcard, reply postcard, newspaper, printed packet, sample packet, or parcel, and every packet or article transmissible by post, and includes a telegram;

"Residential Exemption" means an exemption from the restrictions in Articles 3, 7 and 8 of this Order granted by the Council, in respect of those vehicles registered with the Council in accordance Articles 25, 26, 27 and 28 of this Order;

"Residential Exemption Qualification Zone" means the area within the City of Dundee shown hatched pink on Plan1;

"Restricted Parking Zone" means the lengths of road within the City of Dundee shown coloured green on Plan No 1;

"Relevant Event" means any sporting, social or entertainment event to be held at either Dens Park or Tannadice Park, including those periods prior to, during and following the event, which have been identified by the Council as requiring traffic management and the

date and duration of all such Relevant Events shall be indicated on the Zone Entrance Signs;

"Schedule" means the Schedule to this Order:

"Supporters Coach" means a bus or coach being used to transport members of the public to the Relevant Event

"taxi" has the meaning applied to it by Section 23 of the Civic Government (Scotland) Act 1982 and "licensed" in relation to a taxi means operating under a taxi licence as described in Section 10 of the said Act of 1982;

"Tannadice Park" means home of Dundee United Football Club, Tannadice Street, Dundee DD3 7JW;

"traffic sign" means a sign of any size, colour and type, prescribed or authorised under or having effect as though prescribed or authorised under Section 64 of the Act;

"vehicle" means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether by animal or mechanical power.

"Zone Entrance Sign" means a traffic sign in accordance with Schedule 5, Part 2 of the Traffic Signs Regulations and General Directions 2016 to be placed at the entry points to the Restricted Parking Zone and which indicate the dates and duration of a Relevant Event.

(ii) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

PART II

PROHIBITION OF WAITING AND LOADING

3. Save as provided in Articles 4, 5 and 6 during a Relevant Event no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle to wait or load within any of the lengths of roads shown coloured green on Plan No. 1.

PART III

EXEMPTIONS FROM PROHIBITION OF WAITING AND LOADING

- 4. Nothing in Article 3 shall prevent any person from causing or permitting a vehicle to wait or load in the lengths of roads referred to in that Article (other than the road shown coloured pink on Plan No 4):-
 - (a) if the vehicle is being used in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in sub paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984;
 - (b) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident or is required by law to stop;
 - (c) if the vehicle is a vehicle used for fire brigade purposes or an ambulance or a vehicle in the service of the local authority or a vehicle in the service of a police force provided that the vehicle is being used in pursuance of statutory powers or duties;

- (d) if the vehicle is left by the driver thereof who is a general medical practitioner or a nurse/midwife or a practising veterinary surgeon and on which is displayed in the relevant position a badge recognised by Police Scotland, while visiting patients on professional calls or, in the case of a general medical practitioner or a practising veterinary surgeon, near his surgery premises while they are being used for consulting purposes;
- (e) if the vehicle is being used to enable a vehicle (being a vehicle in the service of the Post Office) to deliver postal packets to premises adjacent to that length of road or to collect postal packets from premises or post office letter boxes adjacent to that length of road;
- (f) or to enable a vehicle in the service of a funeral undertaker to be used in connection with a funeral.
- 5. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing or permitting a vehicle to wait or load in the lengths of roads referred to in that Article (other than the road shown coloured pink on Plan No 4):-
 - (a) if the Council has registered the vehicle as exempt in accordance with Article 27 of this Order;
 - (b) if the vehicle is a Supporters Coach and is waiting in a Coach Parking Bay;
 - (c) if the vehicle is a disabled person's vehicle and is waiting or loading within a Disabled Bay
 - (d) or if the vehicle is a licensed taxi and is waiting to allow a passenger to board or alight from the vehicle.
- 6. Nothing in Article 3 of this Order shall apply so as to prevent any person from causing or permitting a vehicle to wait or load in the lengths of road shown coloured pink on Plan No 4:-
 - (a) except upon the direction or with the permission of a Police Officer in uniform, or
 - (b) if the vehicle is a vehicle used for fire brigade purposes or an ambulance or a vehicle in the service of the local authority or a vehicle in the service of a police force provided that the vehicle is being used in pursuance of statutory powers or duties.

PART IV

PROHIBITION OF DRIVING

- Save as provided in Articles 9 and 10, during a Relevant Event at Dens Park, no person shall, except upon the direction or with the permission of a Police Officer in uniform, drive or cause or permit to be driven any vehicle in or upon those lengths of roads shown coloured blue or pink on Plan No. 2 and which have been closed by the Council in connection with a Relevant Event which closure is indicated by a traffic sign in accordance with Schedule 13, Part 9 of the Traffic Signs Regulations and General Directions 2016.
- 8. Save as provided in Articles 9 and 10, during a Relevant Event at Tannadice Park, no person shall, except upon the direction or with the permission of a Police Officer in uniform, drive or cause or permit to be driven any vehicle in or upon those lengths of roads shown coloured orange or pink on Plan No. 2 and which have been closed by the Council in connection with a Relevant Event which closure is indicated by a traffic sign in accordance with Schedule 13, Part 9 of the Traffic Signs Regulations and General Directions 2016.

PART V

EXEMPTIONS FROM PROHIBITION OF DRIVING

- 9. Nothing in Articles 7 and 8 of this Order shall apply so as to prevent any person from driving or causing or permitting to be driven any vehicle to in or upon the lengths of road referred to in those Articles if the vehicle is being used: -
 - (a) in connection with any building operation or demolition in or adjacent to that length of road, the removal of any obstruction to traffic in that length of road, the maintenance, improvement or reconstruction of that length of road, or the laying, erection, alteration or repair in or adjacent to that length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in sub paragraph 1(1) of Schedule 2 to the Telecommunications Act 1984;
 - (b) for Police, Fire Brigade or Ambulance purposes or in the service of a local authority in pursuance of statutory powers and duties;
 - (c) by a general medical practitioner or a nurse/midwife or a practising veterinary surgeon and on which is displayed in the relevant position a badge recognised by Police Scotland, while visiting patients on professional calls or, in the case of a general medical practitioner or a practising veterinary surgeon, near his surgery premises while they are being used for consulting purposes;
 - (d) to enable a vehicle (being a vehicle in the service of the Post Office) to deliver postal packets to premises adjacent to that length of road or to collect postal packets from premises or post office letter boxes adjacent to that length of road, or
 - (e) is in the service of a funeral undertaker and being used in connection with a funeral.
- 10. Nothing in Articles 7 and 8 of this Order shall apply so as to prevent any person from driving or causing or permitting any vehicle to be driven in or upon the lengths of a Closed Road referred to in those Articles

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- (a) if the vehicle is a Supporters Coach and is being driven upon a Closed Road to access a Coach Parking Bay;
- (b) if the vehicle is a disabled person's vehicle and is being driven upon a Closed Road to access a Disabled Bay; or

(d)

PART VI

RELEVANT EVENT - DISABLED BAYS

During a Relevant Event, the Disabled Bays shall only be used for leaving such disabled persons' vehicles which have been or are to be driven by a disabled person or have been or are to be used for carrying disabled persons as passengers and which display a disabled person's badge in accordance with Article 12 of this Order.

- 12. At all times during which a vehicle is left in a Disabled Bay in accordance with Article 11 the driver thereof shall display or cause to be displayed a valid disabled person's badge in the following manner: -
 - (i) where the vehicle is fitted with a front windscreen extending across the vehicle to the nearside on the nearside of the inside surface of the windscreen; or
 - (ii) where the vehicle is not fitted with the front windscreen referred to in subparagraph (a) above, on the nearside of the front of the vehicle and not less than 70 centimetres and not more than 230 centimetres above the surface of the carriageway in the immediate vicinity.

The permit referred to in this Article shall be so attached to or displayed on the vehicle that the particulars recorded on the permit are clearly visible to a person standing at the front or the nearside of the vehicle.

- 13. Nothing in Article 11 of this Order shall apply: -
 - (a) to a vehicle being used for Police, Fire Brigade or Ambulance emergency purposes or in the service of a Local Authority and being used in pursuance of statutory powers and duties; or
 - (b) to a vehicle waiting in any case where the person in control of the vehicle: -
 - (i) is required by law to stop;
 - (ii) is waiting upon the direction or with the permission of a Police Officer in uniform;
 - (ii) is obliged to do so in order to avoid an accident; or
 - (iii) is prevented from proceeding by circumstances outside his control and it is not reasonably practicable for him to drive or move the vehicle to a place not within the said prohibited area.

PART VII

COACH PARKING

- 14. Save as provided in Article 15 of this Order, during a Relevant Event, no person shall, except upon the direction or with the permission of a Police Officer in uniform, cause or permit any vehicle other than a Supporters Coach, to wait in the Coach Parking Bays.
- 15. Nothing in Article 14 of this Order shall apply: -
 - (a) to a vehicle being used for Police, Fire Brigade or Ambulance emergency purposes or in the service of a Local Authority and being used in pursuance of statutory powers and duties; or
 - (b) to a vehicle waiting in any case where the person in control of the vehicle: -
 - (i) is required by law to stop;
 - (ii) is obliged to do so in order to avoid an accident; or
 - (iii) is prevented from proceeding by circumstances outside his control and it is not reasonably practicable for him to drive or move the vehicle to a place not within the said prohibited area.

PART VIII

GENERAL PROVISIONS

- The following provisions apply during a Relevant Event.
- 17. Where there is a sign or road marking which indicates that a Parking Place is available only for a disabled person's vehicle, the driver of a vehicle shall not permit it to wait in that Parking Place unless it is a disabled person's vehicle.
- 18. Every vehicle left in a Parking Place shall wait wholly within the limits of a Parking Place and parallel to the kerb. The Limits of the Parking Places shall be indicated on the carriageway in accordance with The Traffic Signs Regulations and General Directions 2016, or as specially authorised by The Scottish Ministers.
- 19. Where any vehicle is standing in a Parking Place in contravention of the provisions of the immediately preceding Article a person authorised in that behalf by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with these provisions.
- 20. Where a person authorised by the Council is of the opinion that any of the provisions contained in Articles 3, 11, and 14 of this Order have been contravened or not complied with in respect of a vehicle left in a Parking Place they may remove the vehicle or cause it to be removed and where it is so removed shall provide for the safe custody of the vehicle.
- 21. A Police Officer in uniform or a person authorised in that behalf by the Council may move or cause to be moved in case of emergency to any place they think fit any vehicle left in a Parking Place.
- 22. (1) A Police Officer in uniform, a parking attendant or any person duly authorised in that behalf by the Council may suspend the use of a Parking Place or any part thereof whenever and for such period as he may consider reasonably necessary: -
 - (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any road works, building operations, demolition or excavation or for the construction, maintenance, repair or removal of any sewer or any main, pipe, cable or apparatus, traffic sign or ticket parking meter within or adjacent to the Parking Place or for the maintenance, improvement or reconstruction of the Parking Place or if the vehicle is waiting only for so long as necessary to be able to be used in connection with the posting or removing of advertising material in the form of posters on or from, or cleaning windows or chimneys in premises adjacent to the Parking Place in which the vehicle is waiting;
 - (c) for the convenience of occupiers of premises adjacent to the Parking Place at times of weddings or funerals or removals of furniture or other special occasions;
 - (d) for the provision of special parking facilities at times of exhibitions or conferences or other special occasions.
 - (2) Any person suspending the use of a Parking Place or any part or parts thereof in accordance with the provisions of paragraph (1) above shall place or cause to be placed in or adjacent to that Parking Place or the relevant part or parts thereof a traffic sign or traffic signs indicating that waiting is prohibited.
 - (3) No person shall cause or permit a vehicle to be left in any part of a Parking Place during such period as there is in or adjacent to that part of the Parking Place a traffic sign placed in pursuance of the immediately preceding paragraph: PROVIDED that nothing in this

paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any other vehicle to be left if that vehicle is left with the permission of that person suspending the use of the Parking Place or part thereof in pursuance of paragraph (1) above.

- No person shall use a vehicle or permit a vehicle to stand in a Parking Place -
 - (a) in connection with the sale of the vehicle;
 - in connection with the sale of any article from the vehicle except where the goods are immediately delivered at or taken into premises adjacent to the vehicle from which the sale is effected;
 - (c) in connection with the selling or offering for hire of skill or services;
 - in order that repairs may be carried out thereto except for the purpose of effecting its immediate removal, or
 - (e) for the purpose of being cleaned or washed.
- 24. Notwithstanding the restriction imposed by Articles 11 and 14 of this Order, any person may cause a vehicle to wait at any time anywhere in a Parking Place, other than a Parking Place or part of a Parking Place the use of which has been suspended, if: -
 - (a) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
 - (b) the vehicle is waiting only for so long as may be reasonably necessary to enable it to be used: -
 - (i) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (ii) for the purpose of any road works, building operations, demolition or excavation or for the construction, maintenance, repair or removal of any sewer or of any main, pipe, cable or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus, traffic sign or ticket issuing machine within or adjacent to the Parking Place, or if the vehicle is waiting only for so long as is necessary to enable it to be used in connection with the posting or removing of advertising material in the form of posters on or from, or cleaning windows or chimneys in premises adjacent to the Parking Place in which the vehicle is waiting;
 - (c) the vehicle, not being a passenger 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;
 - (d) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any Regulations made or having effect as if made under Section 25 of the Act.

PART IX

RESIDENTIAL EXEMPTIONS

25. (i) A person who is a resident of an address which is within the Residential Exemption Qualification Zone, and who owns or leases a vehicle or has possession of a vehicle through their employment, may apply to the Council for a Residential Exemption for that vehicle and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by that form.

- (ii) Any other person who owns or leases a vehicle or has possession of a vehicle through their employment may apply to the Council for the issue of a Residential Exemption for that vehicle on the grounds that there are exceptional circumstances that would justify issuing a Residential Exemption and any such application shall be made on a form issued by and obtainable from the Council and shall include the particulars and information required by that form.
- 26. The Council may require a person seeking a Residential Exemption in terms of Article 25 to produce to an officer of the Council such evidence in respect of the application as they may require to verify any particulars or information given to them which may include evidence of residency in the form of Council Tax documentation and evidence of vehicle ownership in the form of a Vehicle Registration document (V5 Form). Where a person seeking a Residential Exemption in terms of Article 25 for a vehicle which is a company car or a lease vehicle, either a signed letter from the relevant company confirming the applicant's sole use of the vehicle or in respect of a lease vehicle, a signed agreement between the leasing company and the applicant may require to be produced.
- 27. The Council, upon being satisfied that the that the person making a request under Article 25
 - (a) is a resident of an address which is within the Residential Exemption Qualification Zone and owns or leases a vehicle or has possession of a vehicle through their employment, in accordance with Article 25 (i); or
 - (b) owns or leases a vehicle or has possession of a vehicle through their employment and has demonstrated that there are exceptional circumstances as required by Article 25 (ii),
 - may, at their discretion grant, a Residential Exemption in respect of that vehicle.
- 28. If a person with a vehicle which benefits from a Residential Exemption ceases to be a resident of an address within the Residential Exemption Qualification Zone, that person will require to notify the Council that they are no longer a resident within 14 days of the change of residence and the Council will remove their vehicle from the register of vehicles with Residential Exemptions.
- 29. If the exceptional circumstances that justified the granting of a Residential Exemption in accordance with Article 25 (ii) no longer exist, then the person with the vehicle which benefitted from the said Residential Exemption will require to notify the Council of the change in circumstances within 14 days of the date of that change and the Council will remove their vehicle from the register of vehicles with Residential Exemptions.
- 30. If a person with a vehicle which benefits from a Residential Exemption no longer owns, leases or has use of that vehicle by way of their employment, that person will require to notify the Council of that within 14 days of ceasing to own, lease or use the vehicle and the Council will remove that vehicle from the register of vehicles with Residential Exemptions.
- 31. If a person with a vehicle which benefits from a Residential Exemption, replaces that vehicle then a new request for that vehicle to be added to the register of vehicles that have been granted a Residential Exemption must be submitted to the Council in accordance with Article 25 of this Order.

Part X

- The Order specified in the Schedule hereto is further varied and shall henceforth have effect 32. subject to the amendments thereto specified and described in the said Schedule.
- The Dundee City Council (Dens Park and Tannadice Park Area, Dundee) (Major Events Traffic 33. Control) Order 2007 is to be revoked when this Order comes into effect.

SIGNED at DUNDEE on the TWENTY NINTH day of MAY, TWO THOUSAND AND TWENTY THREE

Hills Legal Manager

SCHEDULE

Dundee City Council (North Central Area, Dundee) (Waiting and Loading Restrictions) Order 2012 In the Schedule

In Part VI

Before Item 1. Hilltown Terrace, add and insert:

1A. Dens Road

Northeast side thereof for a distance of 140 metres or thereby southeastwards from the intersection of the extended kerbline thereof with the extended east kerbline of Provost Road;

Signage City Development Department Dundee City Council
(Dens Pork & Tannadice Park)
(Events Related Traftic Management Scheme)
Order 2018 ENDS 0016 Zone Proposed Eail signage Entrance/Exit 118-11-08 City Development Department. Director Mile Colloway 9th September 11.30 am - 3.30 pm Restricted No loading parking **ZONE** Football **Events Next Match** Dry No Zone A COLORADO DA CAMBOLIA DE COLORADO DE COLO 多中中中中央 Proposed Longith of Road to Become No Welling/No Londing daring event days of Dans Pers/Terresides Pers. Approximate Localism of Best to Bosk Zone Enley/Est Signage. edend









