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## SCOTTISH STATUTORY INSTRUMENTS

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2010 No. 423

### ROAD TRAFFIC

The A86 Trunk Road (Manse Road Junction, Kingussie) (Prohibition of Waiting) Order 2010

*Made*

*26th November 2010*

*Coming into force*

*10th December 2010*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1(1), 2(1) and 2(2) of the Road Traffic Regulation Act 1984(a), and of all other powers enabling them to do so.

They have complied with Part II of the Secretary of State's Traffic Orders (Procedure)(Scotland) Regulations 1987(b).

#### Citation and Commencement

1. This Order may be cited as the A86 Trunk Road (Manse Road Junction, Kingussie) (Prohibition of Waiting) Order 2010 and comes into force on 10th December 2010.

#### Interpretation

2. In this Order:

“Council” means Highland Council;

“disabled person's badge” has the meaning given in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(c)

“disabled person's vehicle”, means a vehicle displaying a disabled person's badge in the manner prescribed by Regulation 12 of the Disabled Persons (Badge for Motor Vehicles) (Scotland) Regulations 2000.

“public service vehicle”, has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(d)

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(a) 1984 c.27; sections 1 and 2 were amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraphs 17 and 18 respectively. Section 1 was further amended by the Environment Act 1995 (c.25) Schedule 22, paragraph 36(1) and by the Transport (Scotland) Act 2001 (asp 2), Schedule 2, paragraph 3. The Scottish Ministers are the traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (c.27) (inserted by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 70 and amended by the Scotland Act 1998 (Consequential Modifications) Order 2001 (S.I. 2001/1400) as read with section 151 (1) of the Roads (Scotland) Act 1984 (c.54). The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(b) S.I. 1987/2244

(c) S.S.I. 2000/59 which was amended by the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2002 (SSI 2002/451), Regulation 2.

(d) 1981 c.14; sections 1(3) and 1(5) have been repealed in part by the Transport Act 1985 (c.67), Schedule 8

### **Prohibition of use of vehicles**

3. Subject to Articles 4, 5, 6, 7, and 8 of this Order, no person shall use, or cause or permit the use of, any vehicle to wait at any time on the length of road specified in the Schedule.

### **Permission or Direction of Police Constable**

4. No provision of this Order shall apply to anything done with the permission or upon the direction of a police constable in uniform.

### **Exemption for certain purposes**

5. Nothing in Article 3 shall prevent a public service vehicle providing a local service as defined in section 2 of the Transport Act 1985(a) from stopping on the length of road specified in the Schedule for the purpose of taking up and setting down passengers.

6. Nothing in Article 3 shall apply to any disabled person's vehicle which is not causing an obstruction and which displays a disabled person's badge issued by a local authority in exercise of its powers under section 21 of the Chronically Sick and Disabled Persons Act 1970(b).

7. Nothing in Article 3 shall prevent any goods vehicle to wait for as long as may be necessary to enable goods to be loaded on to or unloaded from the vehicle on the length of road specified in the Schedule.

8. Nothing in Article 3 shall prevent any person from causing or permitting any vehicle to wait on the length of road specified in the Schedule: -

- a. for as long as may be necessary to enable a person to board or alight from the vehicle, or, to load thereon or unload there from their personal luggage;
- b. for as long as may be necessary to enable the vehicle, if it cannot conveniently be used for any of the purposes hereinafter described on any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the said lengths of road so specified or the laying, erection, alteration or repair on or near to any of the said lengths of road, of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line as defined in the Telecommunications Act 1984(c);

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(a) 1985 c.67

(b) 1970 c.44; section 21(1)(b) was amended by the Road Traffic Regulation Act 1984 (c.27) Schedule 13, paragraph 11(a).

(c) 1984 c.12 which was amended by the Advanced Television Services Regulations 1996 (S.I. 1996/3151), Regulation 8.

- c. to enable the vehicle, if it cannot conveniently be used for such purposes on any other road, to be used in pursuance of statutory powers and duties and in particular, but not without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade and ambulance purposes;
- d. if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their his control or to such waiting being necessary in order to avoid an accident;
- e. if the vehicle is being used for the purpose of collecting postal packets or delivering postal packets as defined in section 87 of the Post Office Act 1953(a);
- f. for the purposes of loading or unloading the vehicle while the vehicle is standing at the kerb and 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;
- g. to enable the vehicle to be used in connection with wedding and funeral operations.



G EDMOND

A member of the staff of the Scottish Ministers

Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF  
26th November 2010

SCHEDULE

**NO WAITING AT ANY TIME**

That length of the A86 Spean Bridge - Kingussie Trunk Road from a point 3 metres or thereby northeast of the extended southwest gable of 106 High Street, Kingussie north-eastwards to a point 6 metres or thereby northeast of the extended southwest gable of 110 High Street, Kingussie, a distance of 38 metres or thereby.

PRESS NOTICE

**THE A86 TRUNK ROAD (MANSE ROAD JUNCTION, KINGUSSIE)  
(PROHIBITION OF WAITING) ORDER 2010**

THE SCOTTISH MINISTERS give notice that on 26th November 2010 they made the above Order under sections 1(1), 2(1) and 2(2) of the Road Traffic Regulation Act 1984.

The effect of the Order is as described in the Notice in the Edinburgh Gazette Issue No. 26787, and the Aberdeen Press & Journal dated 14th May 2010. The Order comes into force on 10th December 2010..

A copy of the Order as made and relevant plan, may be examined free of charge during normal business hours from 3rd December 2010 to 21st January 2011 at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, GLASGOW, G4 0HF and Highland Council Service Point, Council Offices, Ruthven Road, Kingussie, PH21 1EJ.

Any person wishing to question the validity of the Order or any provisions on the grounds that it is not within the powers of the relevant regulations made there under has not been complied with may, within 6 weeks from the date on which the Order was made, make application for that purpose to the Court of Session.

A copy of the Order and this Notice will be available on the Transport Scotland website at [www.transportscotland.gov.uk/road/road-and-traffic-orders/traffic-orders](http://www.transportscotland.gov.uk/road/road-and-traffic-orders/traffic-orders)



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**Legend -**

No waiting at any time

