

It is certified that the instrument known as the The A76 Trunk Road (Mauchline) (Prohibition of Waiting, Loading and Unloading) Order 2009 is a local instrument.

A handwritten signature in black ink that reads "Graham Edmond". The script is cursive and fluid, with the first letters of each name being capitalized and prominent.

G EDMOND

A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
7th April 2009

2009 No. 146

ROAD TRAFFIC

The A76 Trunk Road (Mauchline)
(Prohibition of Waiting, Loading and Unloading) Order 2009

Made 7th April 2009

Coming into force 16th April 2009

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1(1), 2(1), 2(2) and 124(1)(d) of the Road Traffic Regulation Act 1984(a), and all other powers enabling them to do so.

In accordance with section 1(1) they consider it expedient to make the order to avoid danger to persons or other traffic using the lengths of road specified in the Schedule to this Order or for preventing the likelihood of any such danger arising.

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 A76 Trunk Road (Mauchline) (Prohibition of Waiting, Loading and Unloading) Order 2009 and comes into force on 16th April 2009.

Interpretation

2. In this Order-

- (a) "Council" means East Ayrshire Council(c);
- (b) "disabled person's badge" has the meaning given in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(d);

(a) 1984 c.27; sections 1 and 2 were amended by the New Roads and Street Works Act 1991 (c.22), section 168(1) and Schedule 8, paragraphs 17 and 18 respectively. Section 1 was further amended by the Environment Act 1995 (c.25), section 120 and 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) A council constituted under the Local Government etc. (Scotland) Act 1994 (c.39).

(d) S.S.I. 2000/59.

(c) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(a); and

(d) “taxi” has the meaning given in section 23(1) of the Civic Government (Scotland) Act 1982(b).

Prohibition of use of vehicles

3. Subject to Articles 5 and 6, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait—

(a) at any time on any of the lengths of road specified in Part 1 of the Schedule; or

(b) between the hours of 0800 hours and 1800 hours on any day except Sunday in the length of the road specified in Part 2 of the Schedule—

(i) for a period of more than 30 minutes; or

(ii) for any period, if a period of less than 30 minutes has elapsed since the termination of the last period of waiting (if any) of the vehicle.

4. Subject to Article 6 no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait, load or unload at any time on any of the lengths of road specified in Part 3 of the Schedule.

Exemptions for certain purposes

5. Article 3 shall not apply—

(a) to a vehicle waiting for as long as may be necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom that person’s personal luggage;

(a) 1981 c.14; sections 1(3) and 1(5) have been repealed in part by the Transport Act 1985 (c.67), section 139(3) and Schedule 8.

(b) 1982 c.45.

(b) to a vehicle waiting for as long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of road so referred to, or the laying, erection, alteration or repair in or near to any of the lengths of 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 as defined in the Telecommunications Act 1984(a);

(c) to a 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) to a vehicle 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;

(e) to a vehicle being used for the purpose of collecting or delivering postal packets as defined in section 125 of the Postal Services Act 2000(b);

(f) for the purpose of loading or unloading a 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 dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;

(g) to a vehicle being used in connection with a funeral

(h) to a licensed taxi waiting in a taxi stance during any period for which that stance has been designated by the Council under section 19 of the Civic Government (Scotland) Act 1982;

(a) 1984 c.12; Schedule 2 as amended by the Communications Act 2003 (c.21), Schedule 3.

(b) 2000 c.26.

(i) so as to prevent a public service vehicle providing a local service as defined in section 2 of the Transport Act 1985(a) from stopping on the road for the purpose of taking up and setting down passengers; or

(j) to a vehicle which is not causing an obstruction and which displays a disabled person's badge as prescribed by Regulation 12 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.

General Exemptions

6. Articles 3 and 4 shall not apply to a vehicle while being used in an emergency for fire brigade, ambulance or police purposes.

Revocation

7. The Trunk Roads (Route A76) (Mauchline) (Prohibition of Waiting) Order 1983(b) is revoked.



G EDMOND

A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
7th April 2009

(a) 1985 c.67.
(b) S.I. 1983/1222.

SCHEDULE

In this Schedule:

“the Plan” means the Plan numbered UM/NSW/D/0/1/21 and entitled “The A76 Trunk Road (Mauchline) (Prohibition of Waiting, Loading and Unloading) Order 2009” signed with reference to this Order and deposited at the offices of Transport Scotland, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

Article 3

PART 1

NO WAITING AT ANY TIME

On the following lengths of the north-east side of the A76 Dumfries - Kilmarnock Trunk Road in Mauchline:

1. From a point 10 metres or thereby from the extended northeast kerbline of Jean Armour Drive, northwestwards for a distance of 35 metres or thereby, from points 6 to 5 on the Plan.
2. From a point 5 metres or thereby southeast of the extended north building line of No. 42 Kilmarnock Road, south-eastwards for a distance of 110 metres or thereby, to a point 6 metres or thereby northwest of the extended north building line of No. 20 Kilmarnock Road, from points 11 to 12 on the Plan.
3. From a point 4.5 metres or thereby southeast of the extended southeast kerbline of Burnside Road, south-eastwards for a distance of 78 metres or thereby, and which includes a designated loading bay, from points 16 to 17 on the attached Plan.
4. From a point 12 metres or thereby southeast of the extended southeast kerbline of High Street southeastwards for a distance of 72 metres or thereby, to a point 11 metres or thereby north from the extended northeast kerbline of Mansefield Road from points 20 to 21 on the Plan.

On the following lengths of the south-west side of the A76 Dumfries - Kilmarnock Trunk Road in Mauchline:

1. From a point 3 metres or thereby northwest of the extended northwest kerbline of No. 28 Cumnock Road, northwestwards for a distance of 26 metres or thereby, from points 40 to 41 on the Plan.
2. From a point 3 metres or thereby northwest of the extended northwest kerbline of Grove Park, northwestwards for a distance of 21 metres or thereby, from points 45 to 46 on the Plan.
3. From the extended northwest kerbline of Cowgate (south) northwestwards to a point 31 metres or thereby northwest of the said extended northwest kerbline, from points 48 to 49 on the Plan.
4. From the extended northwest kerbline of Cowgate (north) northwestwards to a point 67 metres or thereby northwest of the said extended northwest kerbline, from points 50 to 51 on the Plan.
5. From a point 22 metres or thereby southeast of the extended southwest kerbline of the Community Centre service road southeastwards for a distance of 30 metres or thereby, to a point 1 metre or thereby southeast of the extended north building line of No. 27 Kilmarnock Road, from points 62 to 61 on the Plan.
6. From a point 5 metres or thereby southeast of the extended north building line of No. 44/46 Kilmarnock Road, northwestwards for a distance of 32 metres or thereby, to a point 37 metres or thereby, southeast of its extended north building line of No. 44/46 Kilmarnock Road from points 66 to 67 on the Plan.

Article 3

PART 2

WAITING LIMITED TO 30 MINUTES NO RETURN WITHIN 30 MINUTES
BETWEEN THE HOURS OF 08:00 HOURS AND 18:00 HOURS MONDAY TO
SATURDAY

On the following length of the south-west side of the A76 Dumfries - Kilmarnock Trunk Road in Mauchline:

From a point 39 metres or thereby southeast of the extended southwest kerbline of Knowe, southeastwards for a distance of 25 metres or thereby, to a point 62 metres or thereby, southeast of the extended southwest kerbline of Knowe from points 57 to 56 on the Plan.

PART 3

NO WAITING AND NO LOADING OR UNLOADING AT ANY TIME

On the following lengths of the north-east side of the A76 Dumfries - Kilmarnock Trunk Road in Mauchline:

1. From the extended northeast kerbline of Beechwood Road, northwestwards for a distance of 19 metres or thereby, from points 2 to 1 on the Plan.
2. From the extended southeast kerbline of Beechwood Road, southeastwards for a distance of 11 metres or thereby, from points 3 to 4 on the Plan.
3. From the extended northeast kerbline of Jean Armour Drive, northwestwards for a distance of 7 metres or thereby, from points 8 to 7 on the Plan.
4. From the extended southeast kerbline of Jean Armour Drive, southeastwards for a distance of 6 metres or thereby, from points 9 to 10 on the Plan.
5. From the extended northeast kerbline of Burnside Road, northwestwards for a distance of 9 metres or thereby, from points 14 to 13 on the Plan.
6. From the extended southeast kerbline of Burnside Road, southeastwards for a distance of 5 metres or thereby, from points 15 to 16 on the Plan.
7. From the extended northeast kerbline of High Street, northwestwards for a distance of 7 metres or thereby, from points 18 to 17 on the Plan.
8. From the extended southeast kerbline of High Street, southeastwards for a distance of 12 metres or thereby, from points 19 to 20 on the Plan.
9. From the extended northeast kerbline of Mansefield Road, northwestwards for a distance of 11 metres or thereby, from points 22 to 21 on the Plan.
10. From the extended southeast kerbline of Mansefield Road, southeastwards for a distance of 7 metres or thereby, from points 23 to 24 on the Plan.
11. From the extended northeast kerbline of Glebe Avenue, northwestwards for a distance of 10 metres or thereby, from points 26 to 25 on the Plan.
12. From the extended southeast kerbline of Glebe Avenue, southeastwards for a distance of 8 metres or thereby, from points 27 to 28 on the Plan.

13. From the extended northeast kerbline of Catrine Road (south), northwestwards for a distance of 8 metres or thereby, from points 30 to 29 on the Plan.
14. From the extended southeast kerbline of Catrine Road (south), southeastwards for a distance of 9 metres or thereby, from points 31 to 32 on the Plan.

On the following lengths of the south-west side of the A76 Dumfries - Kilmarnock Trunk Road in Mauchline:

1. From the extended southwest kerbline of Station Road, southeastwards for a distance of 11 metres or thereby, from points 34 to 33 on the Plan.
2. From the extended northwest kerbline of Station Road, northwestwards for a distance of 11 metres or thereby, from points 35 to 36 on the Plan.
3. From the extended southwest kerbline of the access road north of No. 30 Cumnock Road, southeastwards for a distance of 5 metres or thereby, from points 38 to 37 on the Plan.
4. From the extended northwest kerbline of the access road south of No. 28 Cumnock Road, northwestwards for a distance of 4 metres or thereby, from points 39 to 40 on the Plan.
5. From the extended southwest kerbline of Grove Park, southeastwards for a distance of 10 metres or thereby, from points 43 to 42 on the Plan.
6. From the extended northwest kerbline of Grove Park, northwestwards for a distance of 5 metres or thereby, from points 44 to 45 on the Plan.
7. From the extended southwest kerbline of Cowgate (south), southeastwards for a distance of 6 metres or thereby, from points 47 to 46 on the Plan.
8. From the extended southwest kerbline of Loudoun Street, southeastwards for a distance of 12 metres or thereby, from points 52 to 51 on the Plan.
9. From the extended northwest kerbline of Loudoun Street, northwestwards for a distance of 8 metres or thereby, from points 53 to 54 on the Plan.
10. From the extended northwest kerbline of Castle Street, northwestwards for a distance of 37 metres or thereby, from points 55 to 56 on the Plan.
11. From the extended southwest kerbline of Knowe, southeastwards for a distance of 39 metres or thereby, from points 58 to 57 on the Plan.

12. From the extended northwest kerblines of Knowe, northwestwards for a distance of 23 metres or thereby, from points 59 to 60 on the Plan.
13. From the extended southwest kerblines of the Community Centre service road, south-eastwards for a distance of 21 metres or thereby, from points 63 to 62 on the Plan.
14. From the extended northwest kerblines of the Community Centre service road, north-westwards for a distance of 34 metres or thereby, from points 64 to 65 on the Plan.

PRESS NOTICE

THE A76 TRUNK ROAD (MAUCHLINE) (PROHIBITION OF WAITING, LOADING AND UNLOADING) ORDER 2009

THE SCOTTISH MINISTERS give notice that on 7th April 2009 they made the above Order under sections 1(1), 2(1), 2(2) and 124(1)(d) of the Road Traffic Regulation Act 1984.

The effect of the Order is as described in Notice 1501/65 in the Edinburgh Gazette number 26514 and the Daily Record dated 26th August 2008, the Cumnock Chronicle and Ayrshire Post dated 27th August 2008. The Order comes into force on 16th April 2009.

A copy of the Order as made, together with the relevant plan and a copy of the existing Order which being revoked, may be inspected free of charge during normal business hours from 14th April 2009 to 26th May 2009 at the offices of Transport Scotland, Trunk Roads Network Management Directorate, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF, Amey Inter Urban Division, Highfield Business Park, St Quivox, Ayr, KA6 5HQ; Mauchline Community Library, 2 The Cross, Mauchline, KA5 5DA and Mauchline Local Council Office, 2 The Cross, Mauchline, East Ayrshire, KA5 5DA.

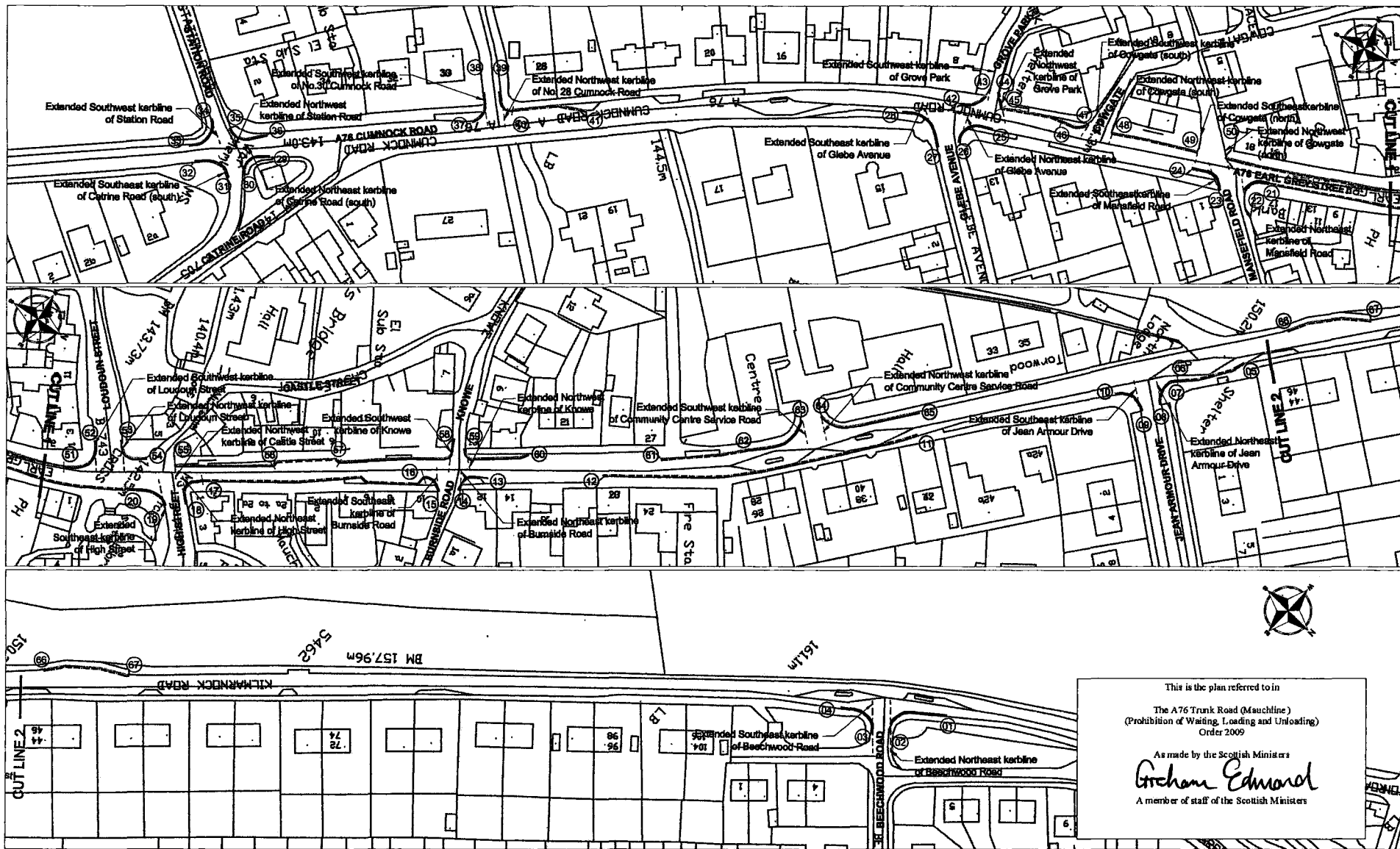
Any person wishing to question the validity of the Order or any of its provisions on the grounds that it is not within the powers of the relevant regulations made thereunder has not been complied with may, within 6 weeks from the date on which the Order was made, make application for that purpose to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



G EDMOND

A member of the staff of the Scottish Ministers

Transport Scotland
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This is the plan referred to in
The A76 Trunk Road (Mauchline)
(Prohibition of Waiting, Loading and Unloading)
Order 2009

As made by the Scottish Ministers

Graham Edmond
A member of staff of the Scottish Ministers



An agency of the Scottish Government

The A76 Trunk Road (Mauchline) (Prohibition of Waiting, Loading and Unloading,) Order 2009

KEY

- NO WAITING AT ANY TIME.
- NO WAITING AT ANY TIME AND NO LOADING/UNLOADING AT ANY TIME.
- - - WAITING TIME LIMITED TO 30 MINUTES
NO RETURN WITHIN 30 MINUTES
BETWEEN THE HOURS OF 8AM AND
6PM MONDAY TO SATURDAY.



SCALE 1:1250

Plan no: UM/NSW/D/0/1/21

R: TRR/3/5/22 ⑥

STATUTORY INSTRUMENTS

1983 No 1222.

ROAD TRAFFIC

The Trunk Roads (Route A76) (Mauchline) (Prohibition of Waiting) Order 1983

Made 4th August 1983

Coming into Operation 22nd August 1983

In exercise of the powers conferred on him by section 1(1) as read with section 1(2) and section 84 D(1) of the Road Traffic Regulation Act 1967(a) and of all other powers enabling him in that behalf, and having complied with Part II of the Secretary of State's Traffic Orders (Procedure) (Scotland) Regulations 1973(b), the Secretary of State hereby makes the following order:-

1. This order may be cited as The Trunk Roads (Route A76) (Mauchline) (Prohibition of Waiting) Order 1983 and shall come into operation on 22nd August 1983.

2. Subject to the terms of articles 4 and 5 of this order, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait at any time on that side of any of the lengths of road specified in Schedule 1 to this order.

3. Subject to the terms of articles 4 and 5 of this order, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to wait between the hours of 8.00 am and 6.00 pm on any day, except Sunday, on that side of the length of road specified in Schedule 2 to this order:-

- a. for a period longer than 30 minutes, or
- b. if a period of 30 minutes has elapsed since the termination during the said hours on any day, except Sunday of the last period of permitted waiting by that vehicle on the same side of road as one referred to in this article.

4. Nothing in articles 2 and 3 of this order shall prevent any person from causing or permitting any vehicle to wait on that side of any of the lengths of road specified as aforesaid for as long as may be necessary:-

- a. to enable a person to board or alight from the vehicle, or
- b. to enable goods to be loaded on to or unloaded from the vehicle, or
- c. 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 on, the removal of any obstruction to traffic from, or the maintenance, improvement or reconstruction of any of the 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 section 2 of the Telegraph Act 1878(c).

(a) 1967c.76; section 1(1) was amended by section 126(1)(a)-(c) and Schedule 14 part VI paragraphs 1 and 2 to the Transport Act 1968 (c.73); section 1(2) was substituted by Schedule 7 paragraph 9(1) to the Local Government Planning and Land Act 1980 (c.65).

5. Nothing in articles 2 and 3 of this order shall apply to any disabled person's vehicle which is not causing an obstruction and which displays in the relevant position a disabled person's badge, issued by a local authority in exercise of its powers under section 21(1) of the Chronically Sick and Disabled Persons Act 1970(a).

6. The Trunk Roads (Mauchline) (Prohibition of Waiting) Order 1973(b) is hereby revoked.

Given under the Seal of the Secretary of State for Scotland.



Assistant Secretary

Scottish Development Department
New St Andrew's House
Edinburgh

4th August 1983

SCHEDULE 1

The following lengths of the Dumfries-Kilmarnock Trunk Road (Route A76) known as New Road, thereafter Earl Grey Street and thereafter Cumnock Road at Mauchline in Strathclyde Region:-

1. on the northeast side of the said trunk road from a point 18 metres or thereby northwest of the northwest kerbline of Burnside Road south-eastwards to a point 12 metres or thereby southeast of the southeast kerbline of Mansfield Road, but excluding the mouths of Burnside Road, High Street and Mansfield Road.
2. On the southwest side of the said trunk road from a point 12 metres or thereby northwest of the northwest kerbline of the Knowe south-eastwards to a point 46 metres or thereby southeast of the southeast kerbline of the Knowe but excluding the mouth of the Knowe.
3. On the southwest side of the said trunk road from a point 47 metres or thereby northwest of the northwest kerbline of Loudoun Street southeastwards to a point 42 metres or thereby southeast of the southeastmost kerbline of the Cowgate, but excluding the mouths of Loudoun Street and northern and southern branches of the Cowgate.

SCHEDULE 2

That length of the southwest side of the Dumfries-Kilmarnock Trunk Road (Route A76) known as Kilmarnock Road from a point 46 metres or thereby southeast of the southeast kerbline of the Knowe southeastwards for a distance of 22 metres or thereby.