

It is certified that the instrument known as The A737/A738 Trunk Road (New Street and Townend Street, Dalry) (Prohibition of Waiting, Prohibition of Loading and Unloading, Prohibition of Specified Turns, and Waiting Restrictions) Order 2009 is a local instrument.

A handwritten signature in black ink, reading "Graham Edmond". The signature is written in a cursive style with a large, stylized 'G' and 'E'.

G EDMOND

A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
Glasgow
G4 0HF
4th March 2009

2009 No.25

ROAD TRAFFIC

The A737/A738 Trunk Road (New Street and Townend Street, Dalry) (Prohibition of Waiting, Prohibition of Loading and Unloading, Prohibition of Specified Turns and Waiting Restrictions) Order 2009

Made 4th March 2009

Coming into force 11th March 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 A737/A738 Trunk Road (New Street and Townend Street, Dalry) (Prohibition of Waiting, Prohibition of Loading and Unloading, Prohibition of Specified Turns and Waiting Restrictions) Order 2009 and comes into force on 11th March 2009.

Interpretation

2. In this Order—

- (a) “disabled person’s badge” has the meaning given in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000(c); and
- (b) “public service vehicle” has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(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) S.S.I. 2000/59.

(d) 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.

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—

(a) cause or permit any vehicle to wait, load or unload at any time on any of the lengths of road specified in Part 1 of the Schedule; or

(b) cause or permit any vehicle to wait between the hours of 0900 hours and 1800 hours on any day except Sunday in the length of the road specified in Part 4 of the Schedule—

(i) for a period of more than one hour; or

(ii) for any period, if a period of less than one hour 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 use, cause or permit the use of, any vehicle on the length of road specified in Part 2 of the Schedule so as to make any turns specified in Part 3 of the Schedule.

Exemption 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 luggage;

(b) to a 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;

(d) if a vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond the driver's 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) to a vehicle being used for the purpose 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 a vehicle to be used in connection with funeral operations;

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

(b) 2000 c.26; to which no relevant amendments apply.

(h) 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

(i) to any 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.

Exemption for emergency vehicles

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

Variations

7. The Strathclyde Regional Council (Dalry Town Centre) (Waiting Restrictions and Revocation) Order 1978 is varied as follows.

- (a) In Schedule I under the heading—
 - (i) "New Street, Dalry" omit paragraphs (a), (d) and (e).
 - (ii) "Aitken Street, Dalry" omit paragraph (b).
 - (iii) "Townend Street, Dalry" omit paragraphs (a) and (b).
- (b) In Schedule II under the heading—
 - (i) "New Street, Dalry" omit paragraph (b).



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4th March 2009

(a) 1985 c.67; to which no relevant amendments apply.

SCHEDULE

In this Schedule:

“the Plan” means the Plan numbered A737/MP and entitled “The A737/A738 Trunk Road (New Street and Townend Street, Dalry) (Prohibition Waiting, Prohibition of Loading and Unloading, Prohibition of Specified Turns and Waiting Restrictions) Order 2009 ” signed with reference to this Order and deposited at the offices of Transport Scotland, Trunk Roads Network Management Directorate, 58 Port Dundas Road, Glasgow, G4 0HF.

“New Street East” means the part of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road at Dalry Town Centre between the junction of Townend Street and New Street and the junction of New Street and Smith Street.

“New Street West” means the carriageway between The Cross at Dalry Town Centre and the junction of Townend Street and New Street.

Article 3

PART 1

NO WAITING AND NO LOADING AND UNLOADING AT ANY TIME

1. On the following length of the north side of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road at Dalry Town Centre:

From a point 9 metres or thereby west of the intersection of the extended west kerbline of Smith Street and the extended north kerbline of New Street, to a point at the extended east building line of house number 40 on New Street, a distance of 132 metres or thereby, from point A to point B as shown on the Plan.

2. On the following lengths of the south side of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road at Dalry Town Centre:

From the intersection of the extended southeast kerbline of Townend Street and the east kerbline of Aitken Street generally northwards then south-eastwards to a point 7 metres or thereby south east of the extended west building line of house number 52 on New Street, a distance of 40 metres or thereby, from point C to point D as shown on the Plan.

From a point 5 metres or thereby from the intersection of the extended east kerbline of Garnock Street and the extended south kerbline of New Street to the extended east kerbline of Garnock Street, from point E to point F as shown on the Plan.

From a point 5 metres or thereby from the intersection of the extended west kerbline of Garnock Street and the extended south kerbline of New Street to the extended west kerbline of Garnock Street, from point G to point H as shown on the Plan.

3. On the following lengths of the west side of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road at Dalry Town Centre:

From a point at the extended south west building line of house number 15 on Townend Street to a point 12 metres or thereby southwest from the intersection of the extended west kerblines of Townend Street and the extended south kerblines of Roche Way, a distance of 30 metres or thereby, from point I to point J on the Plan.

From a point 5 metres or thereby northeast of the intersection of the extended north kerblines of Roche Way and the extended west kerblines of Townend Street to a point 2 metres or thereby south of the extended southwest kerblines of New Street West, a distance of 76 metres or thereby, from point K to point L as shown on the Plan.

4. On the following length of the east side of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road at Dalry Town Centre:

From a point 5 metres or thereby south west of the intersection point of the extended west kerblines of Aitken Street and the extended east kerblines of Townend Street, to a point at the extended south west building line of house number 15 on Townend Street, a distance of 126 metres or thereby, from point M to point N as shown on the Plan.

Article 4

PART 2

PROHIBITION OF SPECIFIED TURNS

1. That length of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road from Townend Street from a point at the extended north east building line of number 3 Townend Street in a northerly direction to the intersection of the extended west kerblines of Townend Street and the north kerblines of New Street, a distance of 44 metres or thereby.

PART 3

1. All left turns from that length of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road from Townend Street to New Street West.
2. All right turns from that length of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road from the New Street East onto New Street West.

PART 4

WAITING RESTRICTIONS

1. Waiting limited to one hour, 0900 hours to 1800 hours Monday to Saturday, on the following length of the A737/A738 St James Interchange – Kilwinning – Hawkhill Trunk Road at Dalry Town Centre:

From a point 7 metres or thereby south east of the extended north west building line of house number 52 on New Street to a point 5 metres or thereby north west of the intersection of the extended west kerbline of Garnock Street and the extended south kerbline of New Street, a distance of 50 metres or thereby, from point D to point G as shown on the Plan.

PRESS NOTICE

THE A737/A738 TRUNK ROAD (NEW STREET AND TOWNEND STREET, DALRY) (PROHIBITION OF WAITING, PROHIBITION OF LOADING AND UNLOADING, PROHIBITION OF SPECIFIED TURNS AND WAITING RESTRICTIONS) ORDER 2009

THE SCOTTISH MINISTERS give notice that on 4th March 2009 they made the above Order under sections 1(1) and 2(1) and 2(2) and 124(1)(d) of the Road Traffic Regulation Act 1984.

The effect of the Order is as described in Notice 1501/66 in the Edinburgh Gazette number 26514 and the Daily Record dated 26th August 2008, the Ayrshire Post dated 27th August 2008 and the Ayrshire Weekly on 29th August 2008. The Order comes into force on 11th March 2009.

A copy of the Order as made, together with the relevant plan and a copy of the existing Order which is being revoked, may be inspected free of charge during normal business hours from 10th March 2009 to 21st April 2009 at the offices of Transport Scotland, Trunk Roads Network Management Directorate, Buchanan House, 58 Port Dundas Road, Glasgow G4 0HF, North Ayrshire Council, Dalry/Beith Area Office, 2 Townend Street, Dalry, KA24 4AA and Amey Infrastructure Services, Westway Depot, Block J, Unit 5, Porterfield Road, Renfrew, PA4 8DJ.

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

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copy.

THE STRATHCLYDE REGIONAL COUNCIL (DALRY TOWN CENTRE)(WAITING RESTRICTIONS AND
REVOCATION) ORDER 1978

The Strathclyde Regional Council in exercise of the powers conferred on them by sections 1(1), (2), (3) and 3(C) and 84D(1) of the Road Traffic Regulation Act 1967, as amended by Part IX of the Transport Act 1968, section 133 of and Schedule 14 to the Local Government (Scotland) Act 1973 and section 24(2) of and Schedule 6 to the Road Traffic Act 1974 (which said Act of 1967 as so amended is hereinafter referred to as "the Act of 1967") and of all other powers enabling them in that behalf, and after consultation with the Chief Constable of Strathclyde Police in accordance with section 84C(1) of the Act of 1967, hereby make the following order:-

1. This order may be cited as "The Strathclyde Regional Council (Dalry Town Centre)(Waiting Restrictions and Revocation) Order 1978" and shall come into operation on the Eleventh day of December, Nineteen hundred and seventy eight.
2. The Interpretation Act 1889 shall apply for the interpretation of this order as it applies for the interpretation of an Act of Parliament.
3. In this order the following expression shall have the meaning hereby assigned to it
"the restricted road" means the lengths of roads specified in Schedules I and II to this order.

4./

4. Save as provided in Articles 6 and 7 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 in any of the lengths of roads specified in Schedule I to this order.
5. Save as provided in Articles 6 and 7 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 9.00 a.m. and 6.00 p.m. on any day except Sunday in any of the lengths of the roads specified in Schedule II to this order:-
 - (a) for a longer period than one hour; or
 - (b) if a period of less than one hour has elapsed since the termination during the said hours of the last period of waiting (if any) of the vehicle in any of the said lengths of the roads.
6. Nothing in Articles 4 and 5 of this order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of the roads referred to in those Articles:-
 - (a) for so long as may be necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom his personal luggage;
 - (b) for so 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, /

demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the length of the road so referred to, or the laying, erection, alteration or repair in or near to the said length of the 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 Telegraph Act 1878;

- (c) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers and duties and in particular, but without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade or ambulance purposes;
- (d) 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;
- (e) if the vehicle is in the service of or employed by the Post Office and is waiting in the restricted road while postal packets addressed to premises adjacent to that road 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 to that road;
- (f) for the purpose 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 funeral operations; or
- (h)/

(h) if the vehicle is not causing an obstruction and is a vehicle driven by a severely disabled person or a person carrying a severely disabled passenger and has been left in the restricted road by a person to whom an appropriate authority have issued a disabled driver's badge or a disabled passenger's badge and that badge is displayed on the vehicle.

7. (a) Nothing in Articles 4 and 5 of this order shall prevent any person from causing or permitting a vehicle to wait in the restricted road for so long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than (a) thirty minutes in the same place in the lengths of the roads specified in Schedule I to this order and (b) one hour in the same place in the lengths of the roads specified in Schedule II to this order; and
- (b) notwithstanding anything in paragraph (a) of this Article, the driver of a vehicle waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same on the instruction of a police constable in uniform whenever such moving may be reasonably necessary for the purpose of preventing obstruction.

8. The order specified in Schedule III to this order is hereby revoked to the extent specified in relation thereto in that Schedule.

Sealed with the common seal of the Strathclyde Regional Council and subscribed for them and on their behalf by Jean Brownlie and James David Cannell, two of their members, and John Ferguson Anderson their Assistant Director of Administration, all at Glasgow, on the Twenty-Third day of November, Nineteen hundred and seventy eight.

Jean Brownlie
James David Cannell
John F. Anderson

SCHEDULE I

No waiting at any time

	<u>LENGTH OF ROAD IN THE REGION OF STRATHCLYDE</u>	<u>SIDE OF ROAD TO WHICH RESTRICTION APPLIES</u>
	<u>North Street, Dalry</u>	
A	From the east kerbline of Roche Way to The Cross	Both
	<u>Main Street, Dalry</u>	
B	Its entire length	Both
	<u>Courthill Street, Dalry</u>	
C	From the extended northeast kerbline of The Cross north- eastwards for a distance of 20 metres	Both
	<u>The Cross, Dalry</u>	
D	(a) The entire northwest frontage	Northwest
E	(b) From the southeast kerbline of Courthill Street southeastwards for a distance of 3 metres	Northeast
F	(c) From the extended southeast kerbline of The Cross north- westwards for a distance of 12 metres	Northeast
G	(d) From the southwest kerbline of New Street southwestwards for a distance of 5 metres	Southeast
H	(e) From the extended northwest kerbline of The Cross south- eastwards for a distance of 21 metres	24m. Southwest
	<u>New Street, Dalry</u>	
I	(a) From the extended southeast kerbline of The Cross to the west kerbline of Smith Street	90m. Northeast and North
J	(b) From the southeast kerbline of The Cross southeastwards for a distance of 10 metres	10m. Southwest
	(c)/	

Amey

SCHEDULE I (Cont'd)LENGTH OF ROAD IN THE
REGION OF STRATHCLYDESIDE OF ROAD TO WHICH
RESTRICTION APPLIESNew Street, Dalry (Cont'd)

- | | | |
|---|---|-----------|
| K | (c) From the northwest kerbline of Townend Street northwestwards for a distance of 20 metres | Southwest |
| L | (d) From the extended east kerbline of Aitken Street southeastwards for a distance of 30 metres | Southwest |
| M | (e) From a point 5 metres west of the west kerbline of Garnock Street to a point 5 metres east of the east kerbline of Garnock Street | Southwest |

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Townend Street, Dalry

From the extended west kerbline of Aitken Street southwestwards for a distance of 20 metres

Both

Amey

Aitken Street, Dalry

From the extended southwest kerbline of New Street to a point 15 metres south of the extended southeast kerbline of Townend Street

Both

Garnock Street, Dalry

- | | | |
|---|---|------|
| O | From the south kerbline of New Street southwards for a distance of 5 metres | Both |
|---|---|------|

James Street, Dalry

- | | | |
|---|--|------|
| P | From the west kerbline of North Street and Roche Way westwards for a distance of 30 metres | Both |
|---|--|------|

SCHEDULE II

Waiting limited to one hour, 9.00 a.m. - 6.00 p.m., Monday to Saturday

LENGTH OF ROAD IN THE
REGION OF STRATHOLYDE

SIDE OF ROAD TO WHICH
RESTRICTION APPLIES

The Cross, Dalry

- | | | |
|---|--|-----------|
| A | (a) From a point 3 metres southeast of the southeast kerbline of Courthill Street to a point 12 metres northeast of the extended southeast kerbline of The Cross | Northeast |
| B | (b) From a point 5 metres southwest of the southwest kerbline of New Street southwestwards for a distance of 10 metres | Southeast |
| C | (c) From a point 21 metres southeast of the extended northwest kerbline of The Cross southeastwards for a distance of 15 metres | Southwest |

New Street, Dalry

- | | | |
|---|---|-----------|
| D | (a) From a point 10 metres southeast of the southeast kerbline of The Cross to a point 20 metres northwest of the northwest kerbline of Townsend Street | Southwest |
| E | (b) From a point 30 metres southeast of the extended east kerbline of Aitken Street to a point 5 metres west of the west kerbline of Garnock Street | Southwest |

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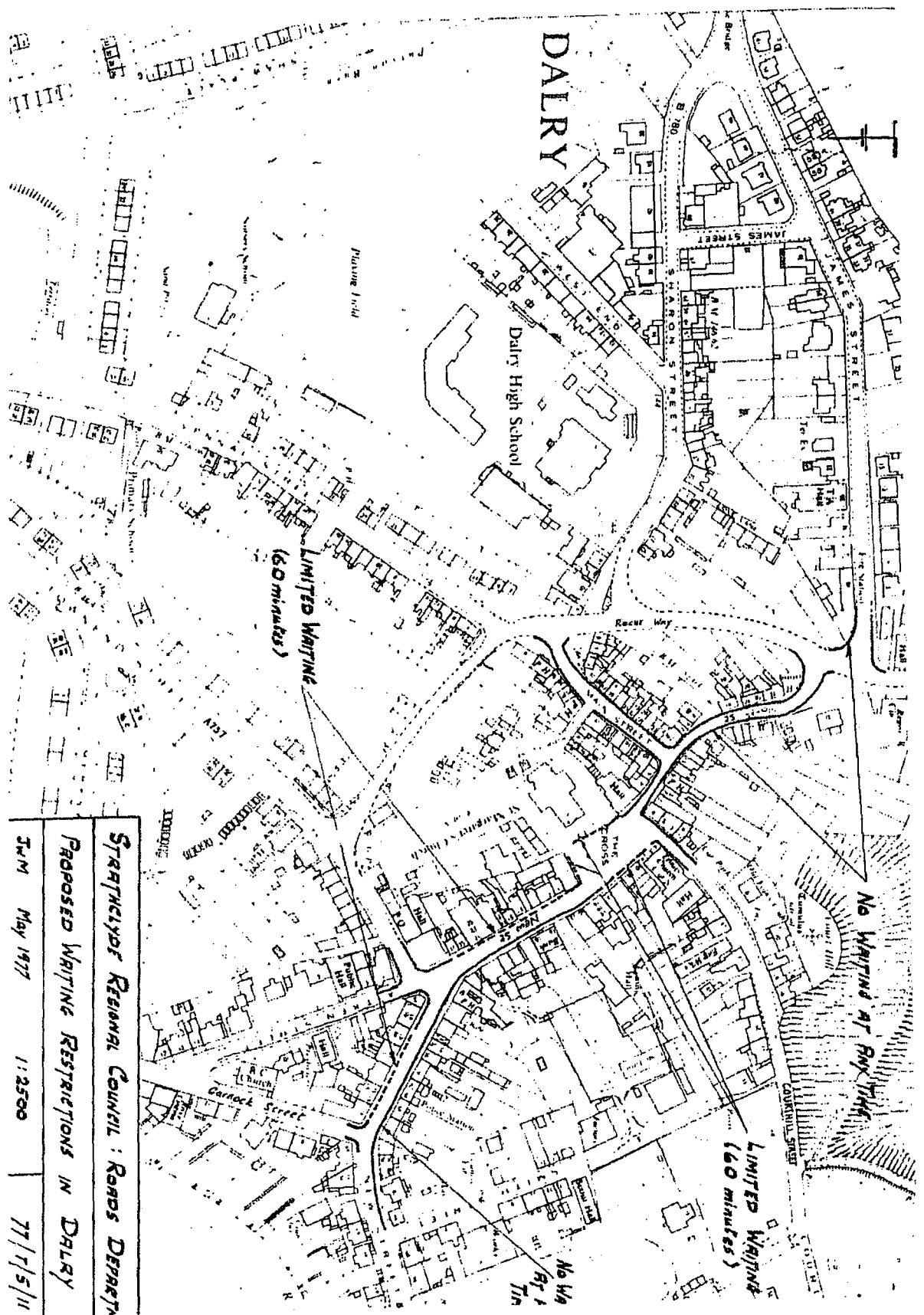
SCHEDULE III

NAME OF ORDER

EXTENT OF REVOCATION

The Ayr County Council (Street Parking Places) Order 1972

In Schedules I and II all reference to The Cross, Dalry.



Strathclyde Regional Council: Roads Department
PROPOSED WAITING RESTRICTIONS IN DALRY
 JUN May 1977 11.2500 77/7/5/11