

SCOTTISH STATUTORY INSTRUMENTS

2006 No. 160

ROAD TRAFFIC

The A77 Trunk Road (Maybole) (Prohibition of Waiting and Loading/Unloading) Order 2006

Made 17th March 2006
Coming into force 7th April 2006

The Scottish Ministers, in exercise of the powers conferred by sections 1(1) and 124(1)(d), as read with sections 2(1) and 2(2) of the Road Traffic Regulation Act 1984(a), and of all other powers enabling them in that behalf, and having complied with Part II of the Secretary of State's Traffic Orders (Procedure) (Scotland) Regulations 1987(b), hereby make the following Order:

Citation and Commencement

1. This Order may be cited as the A77 Trunk Road (Maybole) (Prohibition of Waiting and Loading/Unloading) Order 2006 and shall come into force on 7th April 2006.

Interpretation

2. In this Order the following expressions have the meanings hereby assigned to them:-

"Council" means South Ayrshire Council;

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

"public service vehicle" has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(d);

"taxi" has the meaning given in section 23(1) of the Civic Government (Scotland) Act 1982(e);

(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, and modified by the Tramcars and Trolley Vehicles (Modification of Enactments) Regulations 1992 (S.I. 1992/1217), Regulations 3(1)(a) and 5 as read with Regulation 11 thereof. 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 2000 (S.S.I. 2000/170), Regulation 3 and the Disabled Persons (Badges for Motor Vehicles) (Scotland) Amendment Regulations 2002 (S.S.I. 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.

(e)1982 c.45.

Prohibition of use of vehicles

3. 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 the lengths of road specified in Part 1 of the Schedule to this Order.

4. 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 9am and 6pm, Monday to Saturday inclusive, on the lengths of road specified in Part 2 of the Schedule to this Order, for longer than a single continuous period of 2 hours, or to return and wait again within 1 hour of the expiry of the last period of waiting.

5. 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 to this Order.

Exemptions for certain purposes

6. Nothing in Articles 3 and 4 of this Order shall:-

(a) prevent any person from causing or permitting any vehicle to wait on any of the lengths of road specified in Parts 1 and 2 of the Schedule to this Order:-

(i) 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 his personal luggage;

(ii) 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 telecommunications apparatus as defined in the Telecommunications Act 1984(a).

(iii) 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;

(iv) 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;

(v) if the vehicle is in the service of or employed by the Post Office and is waiting while postal packets addressed to premises adjacent thereto 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 thereto;

(vi) 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 dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository or;

(vii) to enable the vehicle to be used in connection with funeral operations.

(b) apply 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).

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

(d) apply 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(c) waiting on the length of road specified in Parts 1 and 2 of the Schedule to this Order.

7. Nothing in Article 3, 4 or 5 of this Order shall apply to emergency service vehicles.

Revocation of previous Order

8. The following Order is revoked:-

The Trunk Roads (Maybole) (Restriction of Waiting) Order 1974(d)



J G BARTON

A member of the staff of the Scottish Ministers

Transport Scotland
Victoria Quay
Edinburgh
17th March 2006

(a) 1982 c.45.

(b) 1985 c.67.

(c) S.S.I. 2000/59; the meaning of "disabled person's badge" in Regulation 2 thereof was amended for the purpose of Regulation 12 by S.S.I. 2000/170, Regulation 3 and S.S.I. 2002/451, Regulation 2.

(d) S.I. 1974/1174

This is the Schedule referred to in the foregoing the A77 Trunk Road (Maybole) (Prohibition of Waiting and Loading/Unloading) Order 2006.

SCHEDULE

In this Schedule the following expression shall have the following meaning:

“the Plan” means the Plan numbered UM/NSW/D/O/1/11 and entitled “The A77 Trunk Road (Maybole) (Prohibition of Waiting and Loading/Unloading) Order 2006” signed with reference to this Order and deposited at the offices of Transport Scotland, Trunk Roads Network Management Directorate, Victoria Quay, Edinburgh, EH6 6QQ.

PART 1

NO WAITING AT ANY TIME

1. On the following length of the north side of the A77 Glasgow – Stranraer Trunk Road in Maybole:

From the extended east building line of No. 48 Cassillis Road, eastwards for a distance of 60 metres or thereby, from point “b” to “c” on the Plan.

2. On the following length of the south side of the A77 Glasgow – Stranraer Trunk Road in Maybole:

(a) From the extended west building line of No. 47 Cassillis Road, westwards for a distance of 23 metres or thereby, from point “d” to “e” on the Plan.

(b) From a point 11 metres or thereby west of the extended west building line of No. 23 Cassillis Road, eastwards for a distance of 105 metres or thereby, from point “g” to “h” on the Plan.

Article 3

PART 2

WAITING LIMITED TO A SINGLE CONTINUOUS PERIOD OF 2 HOURS AND NO RETURN AND WAIT AGAIN WITHIN 1 HOUR OF THE EXPIRY OF THE LAST PERIOD OF WAITING BETWEEN THE HOURS OF 9AM AND 6PM MONDAY TO SATURDAY

On the following length of the south side of the A77 Glasgow – Stranraer Trunk Road in Maybole:

From the extended west building line of No. 47 Cassillis Road, eastwards for a distance of 25 metres or thereby, from point “e” to “f” on the Plan.

Article 4

PART 3

NO WAITING AND NO LOADING/UNLOADING AT ANY TIME

1. On the following length of the north side of the A77 Glasgow – Stranraer Trunk Road in Maybole:

From the extended east building line of No. 48 Cassillis Road, westwards and northwards to the extended north building line of No. 50 Cassillis Road, a distance of 25 metres or thereby, from point “a” to “b” on the Plan.

2. On the following length of the south side of the A77 Glasgow – Stranraer Trunk Road in Maybole:

From the extended east building line of No. 41 Cassillis Road, eastwards for a distance of 38 metres or thereby, from point “f” to “g” on the Plan.

Article 5

PRESS NOTICE

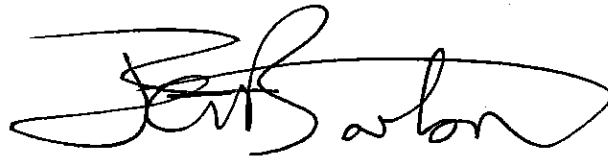
THE A77 TRUNK ROAD (MAYBOLE) (PROHIBITION OF WAITING AND
LOADING/UNLOADING) ORDER 2006

THE SCOTTISH MINISTERS hereby give notice that on 17th March 2006 they made the above Order under sections 1(1) and 124(1)(d), as read with sections 2(1) and 2(2) of the Road Traffic Regulation Act 1984.

The effect of the Order is as described in Notice 1501/80 in the Edinburgh Gazette (Number 25857) dated 17th June 2005 and in the Ayrshire Post dated 15th June 2005. The Order comes into force on 7th April 2006.

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 until 28th April 2006 during normal working hours at the offices of Transport Scotland, Trunk Road Network Management Directorate, Victoria Quay, Edinburgh, EH6 6QQ; and Amey Infrastructure Services, Highfield Business Park, St Quivox, Ayr, Ayrshire, KA6 5HQ.

Any person wishing to question the validity of the Order or any of its provisions on the ground that it is not within the powers of the relevant enabling Act or that a requirement of any such enabling Act or of any 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.



J G BARTON

A member of the staff of the Scottish Ministers

Transport Scotland
Victoria Quay
Edinburgh
EH6 6QQ