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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 91**

**ROAD TRAFFIC**

The A9 Trunk Road (Scrabster) (Prohibition of Waiting) Order 2008

<i>Made</i>	<i>20<sup>th</sup> February 2008</i>
<i>Coming into force</i>	<i>10<sup>th</sup> March 2008</i>

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 A9 Trunk Road (Scrabster) (Prohibition of Waiting) Order 2008 and shall come into force on 10<sup>th</sup> March 2008.

**Interpretation**

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

“Council” means Highland Council;

“disabled person's badge”, has the meaning given in Regulation 2 of the Disabled Persons (Badge 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);

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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, 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.45).

(b) S.I. 1987/2244.

(c) S.S.I. 2000/59, as amended by S.S.I. 2000/170, 2002/451 and 2007/162.

(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. Subject to Articles 4 and 5 of this Order, no person shall cause, or permit the waiting of, any vehicle on the lengths of road specified in any of the parts of the Schedule to this Order, when such prohibition is identified as applying to any part or parts of the said lengths of road by means of traffic signs as prescribed by the Traffic Signs Regulations and General Directions 2002(a).

4. Save as provided in Articles 6 and 7 below, 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 any of the lengths of road specified in Part 1 of the Schedule to this Order.

5. Save as provided in Articles 6 and 7 of this Order, no person shall, except upon the direction or with permission of a police constable in uniform, cause or permit any vehicle to wait between the hours of 8am and 6pm, Monday to Saturday inclusive, on the lengths of road specified in Part 2 of the Schedule to this Order:-

- (a) for a period longer than 2 hours; 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.

## **Exemptions for certain purposes**

6. Nothing in Articles 4 and 5 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 Part 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 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(b).

any (iii) to enable the vehicle, if it cannot conveniently be used for such purpose on 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;

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(a) S.I. 2002/3113.

(b) 1984 c.12. The advanced Television Services Regulations 1996 (S.I. 1996/3151), regulation 8 modified the application of the Telecommunications Act 1984.

(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 service or employment 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 dwelling-house 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, or to apply a vehicle while being used in an emergency for fire brigade, coastguard, ambulance or police purposes.

7. Nothing in Articles 4 and 5 of this Order shall:

(a) 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 lengths of road specified in Parts 1 and 2 of the Schedule to this Order;

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

(i) no vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait for a longer period than 30 minutes in the same place and no such vehicle shall wait for a longer period than 10 minutes in the same place without goods being loaded onto or unloaded from the vehicle;

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(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.

(ii) notwithstanding anything in paragraph (b)(i) of this Article the driver 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 an obstruction.

### **Revocation of Previous Order**

8. The following Order is revoked:-

The Trunk Roads (Route A882) (Scrabster) (Prohibition of Waiting) Order 1982(a).

J G BARTON

A member of staff of the Scottish Ministers

Transport Scotland  
Buchanan House  
58 Port Dundas Road  
Glasgow  
G4 0HF  
20<sup>th</sup> February 2008

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(a) S.I. 1982/646.

This is the Schedule referred to in the foregoing A9 Trunk Road (Scrabster) (Prohibition of Waiting) Order 2008 .

## **SCHEDULE**

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

“the Plan” means the Plan numbered UM/NNW/D/O/1/4 and entitled the “The A9 Trunk Road (Scrabster) (Prohibition of Waiting) Order 2007 “ signed with reference to this Order and deposited at the offices of Transport Scotland, Trunk Roads Network Management Directorate, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

Article 4

### **PART 1**

#### **NO WAITING AT ANY TIME**

1. On the following length of the northwest side of the A9 Edinburgh-Stirling-Thurso Trunk Road in Scrabster:

From a point 123 metres or thereby east of the extended east gable of Harbour House, westwards for a distance of 300 metres or thereby to a point 177 metres or thereby east of the extended east gable of Harbour House and marked “1” on the plan.

2. On the following lengths of the southeast side of the A9 Edinburgh-Stirling-Thurso Trunk Road in Scrabster:

a. From a point 120 metres or thereby east of the extended east gable of Harbour House, westwards for a distance of 130 metres or thereby to a point 10 metres or thereby east of the extended east gable of Harbour House and marked “2” on the Plan.

b. From a point 84 metres or thereby west of the extended east gable of Harbour House, westwards for a distance of 96 metres or thereby to a point 180 metres or thereby west of the extended east gable of Harbour House and marked “3” on the Plan.

Article 5

## **PART 2**

### **WAITING LIMITED TO 2 HOURS NO RETURN WITHIN 1 HOUR BETWEEN THE HOURS OF 8AM AND 6PM MONDAY TO SATURDAY**

On the following length of the southeast side of the A9 Edinburgh-Stirling-Thurso Trunk Road in Scrabster:

From a point 10 metres or thereby west of the extended east gable of Harbour House, westwards for a distance of 74 metres or thereby to a point 84 metres or thereby west of the extended east gable of Harbour House and marked "4" on the Plan.