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SCHEDULE

ABERDEEN HARBOUR

Provisional Order relating to road traffic offences on harbour roads and the application to those roads of certain provisions of the Traffic Acts.

“WHEREAS—

- (1) The port and harbour of Aberdeen is vested in and administered by the Aberdeen Harbour Board pursuant to the provisions of the Aberdeen Harbour Orders 1960 to 1990:
- (2) It is expedient that the Board be enabled to regulate motor vehicle traffic on harbour roads and on other places within the harbour limits and, for that purpose, to apply within those limits certain provisions of the Traffic Acts:
- (3) The purposes of this Order cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore, in pursuance of the powers contained in the said Act of 1936, the Secretary of State orders as follows:—

Short and collective titles

- 1 (1) This Order may be cited as the Aberdeen Harbour Order 1992.
- (2) The Aberdeen Harbour Orders 1960 to 1990 and this Order may be cited together as the Aberdeen Harbour Orders 1960 to 1992.

Interpretation

- 2 In this Order, except where the context otherwise requires—
 - “the Board” means the Aberdeen Harbour Board;
 - “harbour road” means any road, pier, wharf, quay, bridge, cargo handling area or other work or any land which is—
 - (a) vested in, or the property of, the Board;
 - (b) situated within the area shown coloured red on a plan signed by Gavin Douglas, Q.C., Senior Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936, copies of which plan shall, within one month after the commencement of this Order, be deposited as follows, that is to say, one at the principal office of the Board, one at the office of the Secretary of State in Edinburgh, one at the Department of Transport, one at the office of the Chief Constable of Grampian Police in Aberdeen and one at the office of the Chief Executive of Grampian Regional Council in Aberdeen; and
 - (c) accessible to motor vehicles;
 - “motor vehicle” has the same meaning as in the Road Traffic Act 1988;
 - “the Road Traffic Acts” and “the Traffic Acts” have the same meanings as in the Road Traffic Act 1988.

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Road traffic offences on harbour roads

- 3 (1) (a) The Traffic Acts shall have effect as if, in the provisions thereof hereinafter mentioned, the expression “road” included a harbour road and any person who commits an offence under any of those provisions as extended by this section shall be liable to be dealt with in all respects as if the offence had been committed under those provisions on a road as defined by section 151 of the Roads (Scotland) Act 1984, and all the provisions of the Traffic Acts, so far as applicable, shall apply accordingly.
- (b) Where any such provision confers power to make regulations the reference to that provision includes a reference to any regulations thereunder from time to time in force.

- (2) The provisions referred to in subsection (1) above are—

The Road Traffic Regulation Act 1984—

- section 1 (Traffic regulation orders outside Greater London);
- section 2 (What a traffic regulation order may provide);
- section 3 (Restrictions on traffic regulation orders);
- section 4 (Provisions supplementary to ss. 2 and 3);
- section 5 (Contravention of traffic regulation order);
- section 64 (General provisions as to traffic signs);
- section 65 (Powers and duties of highway authorities as to placing of traffic signs);
- section 67 (Emergencies and temporary obstructions);
- section 68 (Placing of traffic signs in connection with exercise of other powers);
- section 89 (Speeding offences generally);
- section 98 (Prosecution for offences and maximum penalties on conviction);
- Schedule 9 (Special Provisions as to certain Orders)—
- Part III (Procedure as to certain orders);
- Part IV (Variation or revocation of certain orders);
- Part VI (Validity of certain orders):

The Road Traffic Act 1988—

- section 1 (Causing death by reckless driving);
- section 2 (Reckless driving);
- section 3 (Careless, and inconsiderate, driving);
- section 4 (Driving, or being in charge, when under influence of drink or drugs);
- section 5 (Driving or being in charge of a motor vehicle with alcohol concentration above prescribed limit);
- section 6 (Breath tests);
- section 7 (Provision of specimens for analysis);
- section 8 (Choice of specimens of breath);
- section 11 (Interpretation of sections 4 to 10);
- section 14 (Seat belts: adults);
- section 15 (1) and (2) (Restriction on carrying children not wearing seat belts in motor vehicles);
- section 16 (Wearing of protective headgear);

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- section 22 (Leaving vehicles in dangerous positions);
 - section 24 (Restriction of carriage of persons on bicycles);
 - section 25 (Tampering with motor vehicles);
 - section 26 (Holding or getting on to vehicle in order to be towed or carried);
 - section 28 (Reckless cycling);
 - section 29 (Careless, and inconsiderate, cycling);
 - section 30 (Cycling when under influence of drink or drugs);
 - section 35 (Drivers to comply with traffic directions);
 - section 36 (Drivers to comply with traffic signs);
 - section 37 (Directions to pedestrians);
 - section 41 (Regulation of construction, weight, equipment and use of vehicles);
 - section 47 (Obligatory test certificates);
 - section 67 (Testing of condition of vehicles on roads);
 - section 81 (Regulation of brakes, bells etc., on pedal cycles);
 - section 87 (Drivers of motor vehicles to have driving licences);
 - section 103 (Obtaining licence, or driving, while disqualified);
 - section 110 (Drivers of heavy goods vehicles to be licensed);
 - section 111 (Licensing authority, and applications, for HGV drivers' licences);
 - section 112 (Grant of HGV drivers' licences);
 - section 113 (Duration of HGV drivers' licences);
 - section 114 (Disqualification on revocation of HGV drivers' licence);
 - section 143 (Users of motor vehicles to be insured or secured against third-party risks);
 - section 144 (Exceptions from requirement of third-party insurance or security);
 - section 163 (Power of police to stop vehicles);
 - section 164 (Power of constables to require production of driving licence and in certain cases statement of date of birth);
 - section 165 (Power of constables to obtain names and addresses of drivers and others, and to require production of evidence of insurance or security and test certificates);
 - section 170 (Duty of driver to stop, report accident and give information or documents);
 - section 171 (Duty of owner of motor vehicle to give information verifying compliance with requirement of compulsory insurance or security);
 - section 172 (Duty to give information as to identity of driver, etc., in certain cases);
 - section 178 (Taking motor vehicle without authority, etc.).
- (3) (a) This subsection applies to a motor vehicle of any class other than one falling within section 86 (6) of the Road Traffic Regulation Act 1984.
- (b) It shall not be lawful to drive a motor vehicle to which this subsection applies—
- (i) on a harbour road (not being a designated harbour road) at a speed exceeding 30 miles per hour; or
 - (ii) on a designated harbour road at a speed exceeding 15 miles per hour;

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and a contravention or alleged contravention of this subsection shall be treated for all purposes as though it were a contravention or alleged contravention of section 89 of the Road Traffic Regulation Act 1984.

- (c) The Board may designate a harbour road for the purposes of paragraph (b) (ii) above by passing a resolution to that effect and that designation shall come into operation 28 days after notice of the resolution has been served on the Chief Constable of Grampian Police and published in the Edinburgh Gazette and in a local newspaper circulating in the area of the Board; and the expression “designated harbour road” shall be construed accordingly.
- (4) For the purposes of the Traffic Acts as extended and applied by this section, the expressions “local authority”, “local roads authority” and “roads authority” mean the Board in relation to any harbour road.”