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SCOTTISH STATUTORY INSTRUMENTS

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**2008 No. 114**

**ROAD TRAFFIC**

The A96 Trunk Road (West Road, Elgin) (Prohibition of Waiting) Order 2008

*Made* 7<sup>th</sup> March 2008

*Coming into force* 21<sup>st</sup> March 2008

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

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 A96 Trunk Road (West Road, Elgin) (Prohibition of Waiting) Order 2008 and shall come into force on 21<sup>st</sup> March 2008.

**Interpretation**

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

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

**Prohibition of use of vehicles**

3. Save as provided in Article 4 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 length of roads specified in the Schedule.

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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), 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 (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.

## Exemption for certain purposes

4. Nothing in Article 3 of this Order shall:-

(a) prevent any person from causing or permitting any vehicle to wait on the length of road specified in the Schedule:

(i) for as long as may be necessary to enable a person to board or alight from the vehicle to load thereon or unload therefrom his or her personal luggage;

(ii) for as long as may be necessary to enable, if it cannot conveniently be used for such purposes 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 laying, erection, alteration or repair in or near to any 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<sup>(a)</sup>;

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

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

(viii) to enable the vehicle to be used in connection with a wedding.

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<sup>(a)</sup>1984 c.12. The Advanced Television Services Regulations 1996 (S.I. 1996/3151), Regulation 8 modified the application of the Telecommunications Act 1984.

(b) 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 waiting on the length of road specified in the Schedule to this Order;

(c) prevent any person from causing or permitting a vehicle to wait on the length of the road referred to in those Articles and specified in the Schedule 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;

(ii) notwithstanding anything in paragraph (c)(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.

J G BARTON

A member of staff of the Scottish Ministers

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

## SCHEDULE

On the following lengths of the A96 Aberdeen – Inverness Trunk Road known as West Road, Elgin :-

On the north side of West Road from its junction with Old Mills Road westwards to a point 20 metres or thereby west of the extended west kerbline of Sheriffmill Road a distance of 563 metres or thereby.

On the south side of West Road from its junction with Pluscarden Road westwards to a point 20 metres or thereby west of the extended west kerbline of Sheriffmill Road a distance of 570 metres or thereby.