
SCOTTISH STATUTORY INSTRUMENTS

2009 No. 95

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(d) 1981 c.14; sections 1(3) and 1(5) have been repealed in part by the Transport Act 1985 (c.67), section 139(3) and Schedule 8.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;

(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.

(g) to enable a vehicle to be used in connection with funeral operations;

(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).

G EDMOND

A member of the staff of the Scottish Ministers

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GLASGOW
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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 kerblines of Smith Street and the extended north kerblines 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 kerblines of Townend Street and the east kerblines 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 kerblines of Garnock Street and the extended south kerblines of New Street to the extended east kerblines 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 kerblines of Garnock Street and the extended south kerblines of New Street to the extended west kerblines 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 kerblines of Garnock Street and the extended south kerblines of New Street, a distance of 50 metres or thereby, from point D to point G as shown on the Plan.