
SCOTTISH STATUTORY INSTRUMENTS

2010 No. 293

ROAD TRAFFIC

The A77 Trunk Road (Vicarton Street, Girvan) (Prohibition of Waiting, Loading and Unloading) Order 2010

Made

3rd August 2010

Coming into force

16th August 2010

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.

In accordance with section 1(1) of that Act, they consider it expedient to do so for avoiding danger to persons or other traffic using the A77 Trunk Road (Vicarton Street), Girvan.

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 A77 Trunk Road (Vicarton Street, Girvan) (Prohibition of Waiting, Loading and Unloading) Order 2010 and comes into force on 16th August 2010.

Prohibition of use of vehicles

2. Subject to articles 3 and 4, no persons shall use, or cause or permit the use of, any vehicle to wait, load or unload at any time on the length of road specified in the Schedule.

Permission or direction of Police Constable

3. No provision of this Order shall apply to anything done with the permission or upon the direction of a police constable in uniform.

(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. 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 S.I. 2001/1400) as read with section 151(1) of the Roads (Scotland) Act 1984 (c.54) (amended by the Local Government etc. (Scotland) Act 1994, Schedule 13, paragraph 135 and S.I. 2001/1400). 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

Exemption for certain purposes

4. No provision of this Order shall:

(a) prevent any person from causing or permitting any vehicle to wait, load or unload 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, 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, 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 paragraph 1(1) of Schedule 2 to 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 as defined in section 87 of the Post Office Act 1953**(b)** 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 purposes 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 wedding and funeral operations.

(b) apply to a licensed taxi, as defined by section 23(1) of the Civic Government (Scotland) Act 1982**(c)**, waiting in a taxi stance during any period for which that stance has been designated by South Ayrshire Council**(c)** under section 19 of the Civic Government (Scotland) Act 1982**(d)**.

(a) 1984 c.12. The definition of "electronic communications apparatus" was inserted by paragraph 2(2) of Schedule 3 to the Communications Act 2003 (c.21).

(b) 1953 c.36

(c) A council constituted under the Local Government etc. (Scotland) Act 1994 (c.39).

(d) 1982 c.45

(c) prevent a public service vehicle, as defined by section 1 of the Public Passenger Vehicles Act 1981(**a**), 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.

G EDMOND

A member of the staff of the Scottish Ministers

Transport Scotland
Buchanan House
58 Port Dundas Road
GLASGOW
G4 0HF
3rd August 2010

(a) 1981 c.14. Section 1 was relevantly amended by Transport Act 1985 (c.52), section 139(3) and Schedule 8 and Road Traffic Act 1988 (c.52), section 187(3).

(b) 1985 c.67

SCHEDULE

Article 2

In this schedule:

The “Plan” means Plan number 06/SW/1101/056/003E entitled “The A77 Trunk Road (Vicarton Street, Girvan) (Prohibition of Waiting, Loading and Unloading) Order 2010” signed with reference to this Order and deposited at the offices of Transport Scotland, Trunk Roads Network Management and Maintenance Division, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF.

NO WAITING AND NO LOADING/UNLOADING AT ANY TIME

On the following length of the north side of the M77/A77 Glasgow – Stranraer Trunk Road in Vicarton Street, Girvan:

1. From a point “A” 19 metres or thereby east of the extended east kerbline of Montgomerie Street, eastwards for a distance of 8 metres or thereby, to a point B on the Plan.
2. From a point “D” 107 metres or thereby east of the extended east kerbline of Montgomerie Street, westwards for a distance of 52 metres or thereby, to a point C on the Plan.