

2011 No. 335

ROAD TRAFFIC

**The A82 Trunk Road (Fort William) (Prohibition of Waiting)
Order 2011**

Made

13th September 2011

Coming into force

26th September 2011

The Scottish Ministers make the following Order in exercise of the powers conferred by section 1(1), 2(1) and (2) and 124(1)(d) of, and paragraph 27 of Part IV to Schedule 9 to, 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 make the Order for avoiding danger to persons or other traffic using the road or any other road or for preventing the likelihood of any such danger arising.

Citation and Commencement

1. This Order may be cited as the A82 Trunk Road (Fort William) (Prohibition of Waiting) Order 2011 and comes into force on 26th September 2011.

Interpretation

2. In this Order—

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

“public service vehicle”, has the meaning given in section 1 of the Public Passenger Vehicles Act 1981(c);

“taxi”, has the meaning given in section 23(1) of the Civic Government (Scotland) Act 1982(d).

(a) 1984 c.27; sections 1(1) and 2(1) were amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 17 and 18 respectively. Section 1(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 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) and S.I. 2005/849.

(b) S.S.I. 2000/59, relevantly amended by S.S.I. 2000/170 and S.S.I. 2002/451.

(c) 1981 c.14.

(d) 1982 c.45.

Prohibition of waiting

3.No person shall cause or permit any vehicle to wait—

- (a) at any time on the lengths of road specified in Part 1 of the Schedule;
- (b) between 0800 hours and 1800 hours from Monday to Saturday, both days inclusive, on the lengths of road specified in Part 2 of the Schedule;
- (c) between 0800 hours and 1800 hours from Monday to Saturday, both days inclusive, beginning on 1st May and ending on 30th September each year on the length of road specified in Part 3 of the Schedule;
- (d) on the length of road specified in Part 4 of the Schedule—
 - (i) for a period longer than 2 hours between 0800 hours and 1800 hours from Monday to Saturday, both days inclusive; or
 - (ii) if a period of less than 1 hours has elapsed since the termination of the last period that the vehicle was waiting.

Permission or Direction of Police Constable

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

Exemptions for certain purposes

5.—(1) Article 3 (a) - (c) shall not—

- (a) apply so as to prevent a public service vehicle providing a local service as defined in section 2 of the Transport Act 1985^(a) from waiting on the road for the purpose of taking up and setting down passengers on the lengths of road specified in Parts 1 to 3 of the Schedule; or
- (b) prevent any goods vehicle waiting between 0800 hours and 1800 hours from Monday to Saturday, both days inclusive, for as long as may be necessary to enable goods to be loaded on to or unloaded from the vehicle on the lengths of road specified in Parts 1 to 3 of the Schedule.

(2) Article 3 shall not prevent any person from causing or permitting any vehicle to wait on the lengths of road specified in the Schedule—

- (a) for as long as may be necessary to enable a person to board or alight from the vehicle or to load or unload his personal luggage from the vehicle;
- (b) for as long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose on any other road, to be used in connection 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 in the Schedule, or the laying, erection, alteration or repair on or near to any of the said lengths of road, of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraphic line as defined in the Telecommunications Act 1984^(b);
- (c) 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 without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade and ambulance purposes;
- (d) if the vehicle is waiting owing to the driver being prevented from proceedings by circumstances beyond his control or if such waiting is necessary to avoid an accident;

(a) 1985 c.67.

(b) 1984 c.12; relevantly amended by the Communications Act 2003 (c.21) and S.I. 1996/3151.

- (e) if the vehicle is in service or employment by the Post Office and is waiting while postal packets as defined in section 125 of the Postal Services Act 2000^(a) addressed to premises adjacent thereto are being unloaded from the vehicle or having been unloaded are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
- (f) for the purposes of loading or unloading the vehicle while the vehicle is standing at the kerb and is in 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
- (g) to enable the vehicle to be used in connection with wedding and funeral operations.

Exemption for disabled person's vehicles

6. Article 3 shall not apply to any disabled person's vehicle which is not causing an obstruction and which displays a disabled person's badge.

Revocation of Previous Orders

7. The following Orders are revoked—

- (a) The Trunk Roads (Route A82) (Fort William) (Prohibition of Waiting) Order 1983^(b); and
- (b) The Highland Regional Council (Trunk Roads – Fort William) (Waiting Restrictions) Order 1989.

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13th September 2011

(a) 2000 c.26; relevantly amended by S.I. 2002/3050.
(b) S.I. 1983/1657.

SCHEDULE

Article 3

PART 1

NO WAITING AT ANY TIME

1. Belford Road (Northeast / Northwest side)—

From a point 4 metres or thereby northeast of the extended western kerbline of Ben Nevis Visitor Centre, Nevis Bridge, Fort William north-westwards, then south-westwards then north-westwards to a point opposite the extended southwest boundary wall of the Presbytery House of St Mary's Church, Belford Road, Fort William, a distance of 680 metres or thereby.

2. Belford Road (Southeast / Southwest side)—

- (a) From a point opposite the extended western kerbline of Ben Nevis Visitor Centre, Nevis Bridge, Fort William north-westwards then south-westwards to a point opposite the extended northeast gable of 11 Inverlochry Place, Fort William, a distance of 215 metres or thereby.
- (b) From a point 6 metres or thereby northeast of the extended southwest gable of St Mary's Church Belford Road, Fort William, south-westwards to a point opposite the extended southwest boundary wall of the Presbytery House of St Mary's Church, Belford Road, Fort William, a distance of 47 metres or thereby.

PART 2

NO WAITING BETWEEN 0800 HOURS AND 1800 HOURS

MONDAY TO SATURDAY

1. Achintore Road (Northwest side)—

From a point opposite the extended southwest gable of the property known as 'Balestrand', Achintore Road, Fort William north-eastwards to a point opposite the extended northwest kerbline of Fort William Relief Road, a distance of 537 metres or thereby.

2. Achintore Road (Southeast side)—

From a point opposite the extended southwest gable of the property known as 'Balestrand', Achintore Road, Fort William north-eastwards to a point opposite the extended northwest boundary wall of the property known as 'The Lime Tree', Achintore Road, Fort William, a distance of 538 metres or thereby.

PART 3
NO WAITING BETWEEN 0800 HOURS AND 1800 HOURS
MONDAY TO SATURDAY
1ST MAY TO 30TH SEPTEMBER

Belford Road (Southeast side)—

From a point opposite the extended northeast gable of 11 Inverlochy Place, Fort William south-westwards to a point opposite the extended northeast gable of St Mary's Church, Belford Road, Fort William, a distance of 371 metres or thereby.

PART 4
WAITING LIMITED TO 2 HOURS
NO RETURN WITHIN 1 HOUR
BETWEEN 0800 HOURS AND 1800 HOURS MONDAY TO SATURDAY

Belford Road (Southeast side)—

From a point opposite the extended northeast gable of St Mary's Church, Belford Road, Fort William to a point 6 metres or thereby northeast of the extended southwest gable of St Mary's Church, Belford Road, Fort William, a distance of 38 metres or thereby.