

**2014 No. 378**

**ROAD TRAFFIC**

**The A90 Trunk Road (Cortes) (Prohibition of Waiting) Order  
2014**

*Made* - - - - *16th December 2014*

*Coming into force* - - *30th December 2014*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1(1) and 2(1) and (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 make this Order to prevent the use of the road by vehicular traffic of a kind which, and its use by vehicular traffic in a manner which, is unsuitable having regard to the existing character of adjoining property and to preserve the amenities of the area through which the road runs.

They have complied with Parts II and III of the Secretary of State's Traffic Order (Procedure) (Scotland) Regulations 1987(b).

**Citation and commencement**

1. This Order may be cited as the A90 Trunk Road (Cortes) (Prohibition of Waiting) Order 2014 and comes into force on 30th December 2014.

**Prohibition of use of vehicles**

2. Subject to articles 3 and 4, no person shall use, or cause or permit any heavy commercial vehicle, as defined in section 138 of the Road Traffic Regulation Act 1984(c), to wait between the hours of 9pm and 8am on the length of road specified in the Schedule to this Order.

**Permission or direction of Police Constable**

3. Nothing in article 2 applies to anything done with the permission or upon the direction of a police constable in uniform.

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(a) 1984 c.27; section 1(1) was amended by the New Roads and Street Works Act 1991 (c.22) ("the 1991 Act"), Schedule 8, paragraph 17(2) and the Environment Act 1995 (c.25), Schedule 22, paragraph 36(1), sections 2(1) and (2) were amended by the 1991 Act, Schedule 8, paragraph 18. The Scottish Ministers are the traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (inserted by the 1991 Act, 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) (as amended by S.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.

(c) 1984 c.27. Section 138(2) was amended by the Road Traffic (Consequential Provisions) Act 1988, c.54, section 4 and Schedule 3, paragraph 25(8).

## Exemption for certain purposes

### 4. Nothing in article 2 shall apply—

- (a) for as long as may be necessary to enable goods to be loaded on to or unloaded from the vehicle;
- (b) for as long as may be necessary to enable the vehicle, if it cannot conveniently be used for any of the purposes hereinafter described 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 the length of road specified in the Schedule or the laying, erection, alteration or repair on or near the length of road so specified, 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) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his or her control or to such waiting being necessary in order to avoid an accident;
- (d) if the vehicle is being used for the purpose of collecting postal packets or delivering postal packets as defined in section 125 of the Postal Services Act 2000(b);
- (e) to vehicles being used in an emergency for fire brigade, coastguard, ambulance or police purposes.

*GRAHAM EDMOND*

A member of the staff of the Scottish Ministers

Buchanan House  
Glasgow  
16th December 2014

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(a) 1984 c.12; Schedule 2, paragraph 1 (inserted by the Communications Act 2003, c.21, Schedule 3, paragraph 2(1)).  
(b) 2000 c.26.

## SCHEDULE

Article 2

### SPECIFIED LENGTH OF ROAD

That length of the M90/A90 Edinburgh - Fraserburgh Trunk Road being the lay-by adjacent to the carriageway of the road from a point 600 metres or thereby north of the point where the A90 diverges at the junction with the A952 to a point 740 metres or thereby north of the point where the A90 diverges at the junction with the A952, a distance of 150 metres or thereby.