

2018 No. 119

ROAD TRAFFIC

The A90/A9000 Trunk Road (Forth Road Bridge) (Prohibitions on Use and Stopping) Order 2018

Made - - - - *10th April 2018*

Coming into force - - *24th April 2018*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 1(1)(c) and 2(1), (2) and (3), 84, and 124(1)(d) of, and paragraph 27 of schedule 9 of, the Road Traffic Regulation Act 1984(a), section 5(3) of the Forth Road Bridge Act 2013(b) and all other powers enabling them to do so.

In accordance with section 1(1)(c) of the Road Traffic Regulation Act 1984, they consider it expedient to make this Order for facilitating the passage on the road or any other road of any class of traffic (including pedestrians).

Citation and commencement

1. This Order may be cited as the A90/A9000 Trunk Road (Forth Road Bridge) (Prohibitions on Use and Stopping) Order 2018 and comes into force on 24th April 2018.

Interpretation

2. In this Order—

“A90” means that part of the M90/A90 Edinburgh – Fraserburgh Trunk Road from Dalmeny to South Queensferry;

“A9000” means the A9000 Dalmeny - Inverkeithing Trunk Road;

“bridge” means that part of the A9000 known as the Forth Road Bridge from a point north of the bridge at Ordnance Survey grid reference NT 312585 680782 to a point south of the bridge at Ordnance Survey grid reference NT312468 678252, a distance of 2530 metres or thereby;

“bridge operator” means the person appointed by the bridge authority for the bridge to manage and maintain the bridge;

(a) 1984 c.27. Section 1(1) was relevantly amended by the New Roads and Street Works Act 1991 (c.22) (“the 1991 Act”), schedule 8, paragraph 17, section 2(1) and (2) were amended by the 1991 Act, schedule 8, paragraph 18 and section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), schedule 1. Section 84(1) was substituted by the Road Traffic Act 1991 (c.40), section 45(2). Section 124 and paragraph 27 of schedule 9 contain amendments not relevant to this Order. 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). The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

(b) 2013 asp 8.

“carriageway” means that part of the road which is provided for the regular passage of vehicular motor traffic along the road;

“certified direct access instructor” has the same meaning as in regulation 64(2) of the Motor Vehicles (Driving Licences) Regulations 1999(a);

“cycle track” means that part of the road which is provided for the regular passage of pedal cycles along the road;

“footway” means that part of the road which is provided for the regular passage of pedestrians along the road;

“pedal cycle” means a cycle whose motive power is provided solely by the legs of its rider or riders or which complies with requirements specified in Regulation 4 of the Electrically Assisted Pedal Cycles Regulations 1983(b);

“pedestrian” means the class of traffic set out in Class IX of the classes of traffic for the purposes of special roads in schedule 3 of the Road (Scotland) Act 1984(c);

“provisional licence” means a licence of the type described in section 97(2) and (3) of the Road Traffic Act 1988(d);

“roads” means the lengths of road described in the schedule of this Order.

Prohibition on use of road

3.—(1) No person may use, or permit the use of, any vehicle on the lengths of carriageway of the lengths of road described in Part 1 of the schedule.

(2) No person may use, or permit the use of, a pedal cycle on any part of the lengths of road described in Part 2 of the schedule, except on the cycle track.

(3) No pedestrian may use any part of the lengths of road described in Part 2 of the schedule, except the footway.

Restriction on Stopping

4.—(1) No vehicle may stop or remain at rest on any part of the carriageway of the bridge.

(2) Paragraph 1 does not apply where it is necessary for a vehicle which is being driven on the carriageway to be stopped—

- (a) because of a breakdown or mechanical defect or lack of fuel, oil or water, required for the vehicle; or
- (b) because of any accident, illness or other emergency; or
- (c) to permit any person carried in or on the vehicle to recover or move any object which has fallen on the road; or
- (d) to permit any person carried in or on the vehicle to give help which is required by any other person in any of the circumstances specified in the provisions of this paragraph.

(3) Nothing in this article precludes a vehicle from stopping or remaining at rest on the carriageway while it is prevented from proceeding along the carriageway by the presence of any other vehicle or any person or object.

Exemptions for vehicles

5.—(1) No prohibition imposed by article 3(1) of this Order applies to:—

(a) S.I. 1999/2864.

(b) S.I. 1983/1168.

(c) 1984 c.54.

(d) 1988 c.52. Section 97(3) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22) section 6(2)(b) and schedule 6, S.I. 1996/1974 schedule 1 paragraph 6(3)(b), S.I. 1998/1420 regulation 6(3) and S.I. 2012/977 schedule 1 paragraph 2(3).

- (a) a bus within the meaning given by section 1 of the Public Passenger Vehicles Act 1981(a);
- (b) a taxi or a private hire car within the meaning given by section 23 of the Civic Government (Scotland) Act 1982(b);
- (c) a motor bicycle with an engine cylinder capacity equal to or less than 125 cubic centimetres;
- (d) a motor bicycle with an engine cylinder capacity greater than 125 cubic centimetres where that vehicle is being driven by the holder of an appropriate provisional licence under the supervision of a certified direct access instructor;
- (e) a motor bicycle with an engine cylinder capacity greater than 125 cubic centimetres where that vehicle is being driven by a certified direct access instructor supervising the driving of a vehicle as described in sub-paragraph (d);
- (f) an agricultural vehicle with or without a trailer (not being a vehicle within Class I or II of the classes of traffic for the purposes of special roads as set out in schedule 3 of the Roads (Scotland) Act 1984) within the meaning in section 3 of the Road Vehicles (Construction and Use) Regulations 1986(c), as amended;
- (g) a vehicle being used in an emergency or responding to an emergency for fire brigade, coastguard, ambulance or police purposes;
- (h) a vehicle being used for carrying out any maintenance, inspection, clearance, cleaning, repair, alteration or improvement of any part of the roads, the bridge structure or any other length of road managed and maintained by the bridge operators;
- (i) a vehicle being used for the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works, apparatus in, on, under or over any part of the roads, the bridge structure or any other length of road managed and maintained by the bridge operator;
- (j) a vehicle being used in the investigation of an accident or incident which has occurred on or near the roads or bridge structure;
- (k) a vehicle being used in connection with a breakdown or mechanical defect or lack of fuel, oil or water, required for a vehicle, including in connection with the recovery and removal of that vehicle; or
- (l) a vehicle being used in accordance with any direction given by a constable in uniform or in accordance with the indication given by a traffic sign;

provided that all such exempt vehicles must be fitted with pneumatic tyres and not fitted with metal tyres, revolving runners, deflated tyres or tyres fitted with metal studs or spikes.

(2) Any vehicle which would otherwise be exempt in accordance with paragraph 1 but does not conform with the Road Vehicles (Construction and Use) Regulations 1986 will not be exempt unless the roads authority has issued written consent to that vehicle using the road prior to the use of the road by that vehicle.

Exemptions for pedestrians and cyclists

6. No prohibition imposed by article 3(2) or (3) of this Order applies to any person being present on or using any part of the roads—

- (a) in accordance with any direction given by a constable in uniform or in accordance with the indication given by a traffic sign;
- (b) where, in accordance with the permission given by a constable or the roads authority, they do so for the purpose of investigating any accident or incident which has occurred on or near the roads or bridge structure;

(a) 1981 c.14.
 (b) 1982 c.45.
 (c) S.I. 1986/1078.

- (c) where it is necessary for that person to do so to avoid or prevent an accident or to obtain or give help required as a result of an accident or emergency, and they do so in such manner as to cause as little danger and inconvenience as possible to other traffic on the roads;
- (d) where they do so in the exercise of their duty as a constable or as a member of a fire brigade or of an ambulance service;
- (e) where it is necessary for them to do so to carry out in an efficient manner—
 - (i) the maintenance, inspection, repair, cleaning, clearance, alteration or improvement of any part of the roads or bridge structure, or
 - (ii) the removal of any vehicle from any part of the roads, or
 - (iii) the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over any part of the roads or bridge structure; or
- (f) where it is necessary for them to do so in connection with any inspection, survey, investigation or census which is carried out in accordance with any authority granted by the Scottish Ministers.

Revocation

7.—(1) Any byelaw made under the Forth Estuary Transport Authority Order 2002(a), or which continued to have effect by virtue of that Order, is revoked.

(2) The City of Edinburgh Council and The Forth Estuary Transport Authority (A90 Slip Roads at Echline Roundabout, Queensferry) (Bus Priority Lanes) Traffic Regulation Order 2008(b) is revoked.

W S MINTO

A member of the staff of the Scottish Ministers

Buchanan House,
Glasgow
10th April 2018

(a) S.S.I. 2002/178.

(b) Made on behalf of The City of Edinburgh Council and The Forth Estuary Transport Authority on 23rd September 2008.

SCHEDULE

Article 3

PART 1

SPECIFIED LENGTHS OF ROAD WITH RESTRICTED USE BY PERMITTED VEHICLES

1. That length of the southbound carriageway of the A9000 from its commencement at a point 145 metres or thereby south of the roundabout at Ferrytoll Junction to its junction with the A90 at Dalmeny at a point 300 metres or thereby west of the point where the A90 crosses Standingstane Road, Dalmeny, a distance of 5735 metres or thereby.
2. That length of the A9000 being the southbound off-slip road at Echline Junction, a distance of 259 metres or thereby.
3. That length of the A9000 being the southbound on-slip road at Echline Junction, a distance of 228 metres or thereby.
4. That length of the A90 being the westbound off-slip road from its junction with the westbound carriageway of the A90 to its junction with the B800 Kirkliston to South Queensferry Road, a distance of 750 metres or thereby.
5. That length of the A9000 being the northbound on-slip road at Echline Junction, a distance of 241 metres or thereby.
6. That length of the northbound carriageway of the A9000 from the point where the northbound on-slip road joins the carriageway at Echline Junction to a point 30 metres or thereby south of its junction with the roundabout at Ferrytoll Junction, a distance of 4070 metres or thereby.
7. That length of the A90 being the furthestmost left hand lane of the eastbound carriageway from a point 300 metres or thereby west of the point where the A90 crosses Standingstane Road, Dalmeny to a point 320 metres or thereby east of the point where the A90 crosses Standingstane Road, Dalmeny, a distance of 620 metres or thereby

PART 2

SPECIFIED LENGTHS OF ROAD WITH RESTRICTED USE BY PEDESTRIANS AND CYCLISTS

8. The southbound carriageway of the A9000 being the bridge.
9. The southbound carriageway of the A9000 from the bridge to its junction with the A90 at Dalmeny at a point 300 metres or thereby west of the point where the A90 crosses Standingstane Road, Dalmeny, a distance of 2330 metres or thereby.
10. That length of the A9000 being the southbound on-slip road at Echline Junction from a point 15 metres or thereby from its junction with the roundabout at Echline Junction to its junction with the southbound carriageway of the A9000, a distance of 213 metres or thereby.
11. That length of the A90 being the westbound off-slip road from its junction with the westbound carriageway of the A90 to its junction with the B800 Kirkliston to South Queensferry Road, a distance of 750 metres or thereby.
12. The northbound carriageway of the A9000 being the bridge.