SCOTTISH STATUTORY INSTRUMENTS

2009 No. 149

ROAD TRAFFIC

The A7 Trunk Road (Hawick) (Prohibition of Waiting and Loading) Order 2009

Made	*17th April 2009*
Coming into force	*27th April 2009*

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 of 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 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 A7 Trunk Road (Hawick) (Prohibition of Waiting and Loading) Order 2009 and comes into force on 27th April 2009.

Prohibition of use of Vehicles

2. Subject to article 3, no person shall cause or permit any vehicle to wait, load or unload, at any time on any of the lengths of road specified in the Schedule to this order except upon the direction or with the permission 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), 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) (as inserted by the New Roads and Street works Act 1991 (c.22), Schedule 8, paragraph 70 which was 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.

Exemption for Certain Purposes

3.—(1) Article 2 shall not apply—

(a) for as long as may be necessary to enable a person to board or alight from the vehicle;

(b) for as long as may be necessary to enable a vehicle, if it cannot conveniently be used for such purpose in any other road, from being 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 said lengths of road or the laying, erection, alteration or repair in 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 electronic communications apparatus as defined in the Telecommunications Act 1984(**a**);

(c) for as long as may be necessary 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 without prejudice to the generality of the foregoing, to enable the vehicle to be used in an emergency for fire brigade, coast guard, ambulance or police purposes;

(d) to a vehicle 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) 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;

(f) 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 dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;

(g) so as to prevent a public service vehicle providing a local service as defined in section 2 of the Transport Act 1985(**c**), from waiting at an authorised stopping place or at a terminal or timing point;

(h) 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(**d**).

(a) 1984 c.12; Schedule 2 was amended by the Electronic Communications Act 2003 (c.21), Schedule 3.
(b) 2000 c.26, to which no relevant amendments apply.
(c) 1985 c.67, to which no relevant amendments apply.
(d) S.S.I. 2000/59.

G EDMOND
A member of the staff of the Scottish Ministers

Transport Scotland,
Buchanan House
58 Port Dundas Road
Glasgow
G4 0HF
17th April 2009

Article 2

SCHEDULE

On the following length of the north side of the A7 Galashiels – Carlisle Trunk Road:-

From a point 22 metres or thereby west of No.2 Buccleuch Street, westwards for a distance of 14 metres or thereby.

On the following length of the south side of the A7 Galashiels – Carlisle Trunk Road:-

From a point 22 metres or thereby west of No. 2 Buccleuch Street, westwards for a distance of 40 metres or thereby.