STATUTORY INSTRUMENTS

1964 No. 1002 (S. 69)

ROAD TRAFFIC

SPECIAL ROADS

The Motorways Traffic (Scotland) Regulations 1964

Made - - - -	30*th June* 1964
Laid before Parliament	10*th July* 1964
Coming into Operation	11*th July* 1964

In exercise of the powers conferred on me by section 37 of the Road Traffic Act 1960(a) and of all other powers enabling me in that behalf and after consultation with representative organisations in accordance with the provisions of section 260(2) of that Act, I hereby make the following regulations :—

Commencement and citation

1. These regulations may be cited as the Motorways Traffic (Scotland) Regulations 1964 and shall come into operation on 11th July 1964.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

(*a*) " carriageway " means that part of a motorway which is constructed with a surface suitable for the regular passage of vehicular motor traffic along the motorway and is distinguishable from the other parts of the motorway by the fact that on each side that part of the motorway either consists of a marginal strip or is contiguous to a raised kerb, but the said expression does not include any part of a central reservation ;

(*b*) " central reservation " means that part of a motorway which separates two carriageways running along that motorway parallel or approximately parallel to each other and which is contiguous on one side to one of those carriageways and on the other side to the other of those carriageways ;

(*c*) " excluded traffic " means traffic which is not traffic of Classes I or II ;

(*d*) " marginal strip " means a continuous narrow strip of the surface of a carriageway which is at the side of that carriageway and is distinguishable from the rest of that surface by having a colour which is different from the colour of the rest of that surface ;

(*e*) " the Secretary of State " means the Secretary of State for Scotland ;

(*f*) " motorway " means any road or part of a road to which these regulations apply by virtue of regulation 3 ;

(a) 8 & 9 Eliz. 2. c. 16. (b) 52 & 53 Vict. c. 63.

(*g*) " traffic sign " has the meaning assigned thereto by section 51(1) of the Road Traffic Act 1960 ;

(*h*) " verge " means any part of a motorway which is not a carriageway or a central reservation.

(3) A vehicle shall be treated for the purposes of any provision of these regulations as being on any part of a motorway specified in that provision if any part of the vehicle (whether it is at rest or not) is on the part of the motorway so specified.

(4) Any provision of these regulations containing any prohibition or restriction relating to the driving, moving or stopping of a vehicle, or to its remaining at rest, shall be construed as a provision that no person shall use a motorway by driving, moving or stopping the vehicle or by causing or permitting it to be driven or moved, or to stop or remain at rest, in contravention of that prohibition or restriction.

(5) In these regulations references to numbered classes of traffic are references to the classes of traffic of those numbers set out in Schedule 2 to the Special Roads Act 1949(a), or, as for the time being varied or amended by virtue of any order made by the Secretary of State under section 2 of that Act.

The Motorways

3. These regulations apply to every special road or part of a special road provided in pursuance of a scheme made or confirmed by the Secretary of State under section 1 of the Special Roads Act 1949, being a road or, as the case may be, a part of a road which (save as otherwise provided by or under regulations made under section 37 of the Road Traffic Act 1960) can only be used by traffic of Classes I or II :

Provided that these regulations shall not apply to any part of any such road until such date as may be declared in accordance with section 37(5) of the Road Traffic Act 1960, to be the date on which it is open for use as a special road.

Vehicles to be driven on the carriageways only

4. Subject to the following provisions of these regulations, no vehicle shall be driven on any part of a motorway which is not a carriageway.

Direction of driving

5.—(1) Where there is a traffic sign indicating that there is no entry to a carriageway at a particular place, no vehicle shall be driven or moved on to that carriageway at that place.

(2) Where there is a traffic sign indicating that there is no left or right turn into a carriageway at a particular place, no vehicle shall be so driven or moved as to cause it to turn to the left or (as the case may be) to the right into that carriageway at that place.

(3) Every vehicle on a length of carriageway which is contiguous to a central reservation shall be driven in such a direction only that that reservation is at all times on the right-hand or off side of the vehicle.

(4) Where traffic signs are so placed that there is a length of carriageway (being a length which is not contiguous to a central reservation) which can be entered at one end only by vehicles driven in conformity with paragraph (1) of this regulation, every vehicle on that length of carriageway shall be driven in such a direction only as to cause it to proceed away from that end of that length of carriageway towards the other end thereof.

(a) 12, 13 & 14 Geo. 6. c. 32.

(5) Without prejudice to the foregoing provisions of this regulation, no vehicle which—

(*a*) is on a length of carriageway on which vehicles are required by any of the foregoing provisions of this regulation to be driven in one direction only and is proceeding in or facing that direction, or

(*b*) is on any other length of carriageway and is proceeding in or facing one direction,

shall be driven or moved so as to cause it to turn and proceed in or face the opposite direction.

Restrictions on stopping

6.—(1) Subject to the following provisions of this regulation, no vehicle shall stop or remain at rest on a carriageway.

(2) Where it is necessary for a vehicle which is being driven on a carriageway to be stopped while it is on a motorway—

(*a*) by reason of a breakdown or mechanical defect or lack of fuel, oil or water required for the vehicle ; or

(*b*) by reason 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 a motorway ; 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 foregoing provisions of this paragraph,

the vehicle shall, as soon and in so far as is reasonably practicable, be driven or moved off the carriageway on to, and may stop and remain at rest on, the verge which lies on the left-hand or near side of that vehicle while it is proceeding along that carriageway in accordance with the provisions of regulation 5.

(3) A vehicle which is at rest on a verge in any of the circumstances specified in paragraph (2) of this regulation—

(*a*) shall so far as is reasonably practicable be allowed to remain at rest on that verge in such a position only that no part of it or of the load carried thereby shall obstruct or be a cause of danger to vehicles using the carriageway, and

(*b*) shall not remain at rest on that verge for longer than is necessary in those circumstances.

(4) Nothing in the foregoing provisions of this regulation shall preclude a vehicle from stopping or remaining at rest on a carriageway while it is prevented from proceeding along that carriageway by the presence of any other vehicle or any person or object.

Restrictions on reversing

7. No vehicle on a carriageway shall be driven or moved backwards except in so far as it is necessary to back the vehicle to enable it to proceed forwards along the carriageway or to be connected to any other vehicle.

Restrictions on use of verges

8. No vehicle shall be driven or moved or stop or remain at rest on any verge except in accordance with regulation 6(2) and (3).

Vehicles not to use the central reservation

9. No vehicle shall be driven or moved or stop or remain at rest on a central reservation.

Vehicles not to be driven by learner drivers

10. No motor vehicle shall be driven on a motorway by a person who is authorised to drive that vehicle on a road by virtue only of his being the holder of a provisional licence granted to him under section 102(1) of the Road Traffic Act 1960 :

Provided that this regulation shall not apply to a vehicle which is being driven on a motorway by a person authorised as aforesaid if that person has, since the date of coming into force of the said provisional licence, passed a test prescribed under section 99(2) of the said Act of 1960, sufficient to entitle him to be granted under that Act a licence, other than a provisional licence, authorising him to drive that vehicle on a road.

Restrictions affecting persons on foot on a motorway

11. No person shall at any time while on foot go or remain on any part of a motorway other than a verge except in so far as it is necessary for him to do so to get to a verge or to secure compliance with any of these regulations or to recover or move any object which has fallen on a motorway or to give help which is required by any other person in any of the circumstances specified in regulation 6(2).

Restrictions affecting animals carried in vehicles

12. The person in charge of any animal which is carried by a vehicle using a motorway shall, so far as is practicable, secure that—

(*a*) the animal shall not be removed from or permitted to leave the vehicle while the vehicle is on the motorway, and

(*b*) if it escapes from, or it is necessary for it to be removed from, or permitted to leave, the vehicle—

(i) it shall not go or remain on any part of a motorway other than a verge, and

(ii) it shall whilst it is not on or in the vehicle be held on a lead or otherwise kept under proper control.

Use of motorway by excluded traffic

13.—(1) Excluded traffic is hereby authorised to use a motorway on the occasions or in the emergencies and to the extent specified in the following provisions of this paragraph, that is to say—

(*a*) traffic of Classes III or IV may use a motorway for the maintenance, repair, cleaning or clearance of any part of a motorway or for 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 motorway ;

(*b*) pedestrians may use a motorway—

(i) when it is necessary for them to do so as a result of an accident or emergency or of a vehicle being at rest on a motorway in any of the circumstances specified in regulation 6(2), or

(ii) in any of the circumstances specified in regulation 14(1)(*b*), (*d*), (*e*) or (*f*).

(2) Without prejudice to the foregoing provisions of this regulation, the Secretary of State may authorise the use of a motorway by any excluded traffic on occasion or in emergency or for the purpose of enabling such traffic to cross a motorway or to secure access to premises abutting on or adjacent to a motorway.

(3) Without prejudice to the foregoing provisions of this regulation, where by reason of any emergency the use of any road (not being a motorway) by any excluded traffic is rendered impossible or unsuitable the Chief

Constable of the police area in which a motorway or any part of a motorway is situated, or any officer of or above the rank of superintendent authorised in that behalf by that Chief Constable, may—

(*a*) authorise any excluded traffic to use that motorway or that part of a motorway as an alternative road for the period during which the use of the other road by such traffic continues to be impossible or unsuitable, and

(*b*) relax any prohibition or restriction imposed by these regulations in so far as he considers it necessary to do so in connection with the use of that motorway or that part of a motorway by excluded traffic in pursuance of any such authorisation as aforesaid.

Exceptions and relaxations

14.—(1) Nothing in the foregoing provisions of these regulations shall preclude any person from using a motorway otherwise than in accordance with those provisions in any of the following circumstances, that is to say—

(*a*) where he does so in accordance with any direction or permission given by a constable in uniform or with the indication given by a traffic sign ;

(*b*) where he does so in accordance with any permission given by a constable and for the purpose of investigating any accident which has occurred on or near a motorway ;

(*c*) where—

(i) it is necessary for him to do so to avoid or prevent an accident or to obtain or give help required as the result of an accident or emergency, and

(ii) he does so in such manner as to cause as little danger or inconvenience as possible to other traffic on a motorway ;

(*d*) where he does so in the exercise of his duty as a constable or as a member of a fire brigade or of an ambulance service ;

(*e*) where it is necessary for him to do so to carry out in an efficient manner—

(i) the maintenance, repair, cleaning, clearance, alteration or improvement of any part of a motorway, or

(ii) the removal of any vehicle from any part of a motorway, 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 a motorway ; or

(*f*) where it is necessary for him to do so in connection with any inspection, survey, investigation or census which relates to a motorway or any part thereof and which is carried out in accordance with any general or special authority granted by the Secretary of State.

(2) Without prejudice to the foregoing provisions of these regulations, the Secretary of State may relax any prohibition or restriction imposed by these regulations.

Michael Noble,
One of Her Majesty's Principal Secretaries of State.

St. Andrew's House,
Edinburgh, 1.
30th June 1964.

EXPLANATORY NOTE

(This Note is not part of the regulations, but is intended to indicate their general purport.)

These regulations provide for the regulation of traffic using special roads (described in the regulations as "motorways") provided under the Special Roads Act 1949, in cases where such roads can be used only by traffic of Classes I and II specified in Schedule 2 to the Special Roads Act 1949, as varied by any orders for the time being having effect which vary the composition of these classes of traffic. The regulations apply only to roads which are in Scotland.

The regulations provide that except in certain specified cases—

(*a*) vehicles are to be driven on the carriageways only (regulation 4);

(*b*) one way driving is to be observed by vehicles using carriageways which are contiguous to a central reservation and by vehicles using lengths of carriageway which are not so contiguous in cases where traffic signs are so placed that vehicles can enter those lengths of carriageway at one end only (regulation 5);

(*c*) vehicles are not to stop on the carriageways (regulation 6(1));

(*d*) vehicles on the carriageways are not to reverse (regulation 7);

(*e*) vehicles may use the verges only to the extent permitted by regulation 6(2) and (3) (regulation 8);

(*f*) vehicles are not to be driven or to remain at rest on central reservations (regulation 9);

(*g*) vehicles are not to be driven on motorways by learner-drivers (regulation 10);

(*h*) persons on foot on a motorway are not to be on the carriageways or on central reservations (regulation 11);

(*i*) animals carried in a vehicle are as far as practicable to be kept in the vehicle or, if they are not in the vehicle, are not to go or remain on any part of a motorway other than a verge and are to be kept under proper control (regulation 12).

Regulation 13 provides that certain classes of traffic not ordinarily authorised to use motorways may use a motorway as specified in paragraph (1) and also makes provision for enabling such traffic to be authorised to use a motorway as specified in paragraphs (2) and (3).

Regulation 14 provides for certain general exceptions from the provisions of the regulations and authorises the Secretary of State to relax any prohibition or restriction imposed thereby.