

THE CITY OF EDINBURGH COUNCIL (WEST CROSSCAUSEWAY,
EDINBURGH) (PROHIBITION AND RESTRICTION OF MOTOR VEHICLES)
TRAFFIC REGULATION ORDER 201- (TRO/16/44)

The City of Edinburgh Council in exercise of their powers under section 1(1) and 2(1) to (4) of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 as amended by the Roads (Scotland) Act 1984 (which Act as so amended is hereinafter referred to as “the 1984 Act”), and of all other enabling powers and after consultation with the Chief Constable in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following order:-

PART I

GENERAL

Citation and Commencement

1. This Order may be cited as “The City of Edinburgh Council (West Crosscauseway, Edinburgh) (Prohibition and Restriction of Motor Vehicles) Traffic Regulation Order 201-” and shall come into operation on the ---- day of ---- Two thousand and ----.

Interpretation

2. (1) The restrictions imposed by this order shall be in addition and not in derogation of any restriction or requirement imposed by any regulations made under the 1984 Act or by any other enactment.

(2) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

“Article” means an article of this Order;

“Chief Constable” means the Chief Constable for the Police Authority of Police Scotland;

“Council” means the City of Edinburgh Council;

“Director of Place” means the Director of Place of the local authority for the City of Edinburgh Council area.

“driver” in relation to a motor vehicle waiting in any of the areas of road described in the First Schedule hereto means the person driving the motor vehicle at the time it was left in such an area of road;

“goods” includes postal packet of any description; and “delivering” and “collecting” in relation to any goods include checking the goods for the purpose of their delivery or collection;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“parking attendant” has the same meaning as in section 63A of the Road Traffic Regulation Act 1984.

“prohibited hours” means the period specified in the First Schedule hereto;

“restricted hours” means the period specified in the First Schedule hereto;

“restricted road” means any one of the lengths of West Crosscauseway described in the First Schedule hereto;

“Schedule” means a schedule to this Order;

“telecommunications apparatus” has the same meaning as in section 4 of and Schedule 2 to the Telecommunication Act 1984;

“traffic sign” means a sign of any size, colour, and type prescribed or authorised under, or having effect as though prescribed or authorised under, section 64 of the 1984 Act;

- (3) For the purposes of this Order a motor vehicle shall be deemed to wait –
- (a) in a restricted road if any point in that road is below the motor vehicle or its load (if any) and the motor vehicle is stationary; or
 - (b) for more than the specified period in the same place in a restricted road if any one point in that road is below the motor vehicle or its load (if any) throughout a period exceeding the specified period whether or not the motor vehicle is moved during that period.

Restriction of vehicular access

3. The Council are satisfied that, for the preventing the likelihood of danger arising to persons or other traffic using a restricted road, it is requisite that section 3(1) of the 1984 Act should not apply to this Order.

PART II

RESTRICTIONS ON ENTRY INTO OR WAITING IN WEST CROSSCAUSEWAY DURING THE PROHIBITED HOURS

Use of restricted road during prohibited hours

4. Save as proved in Articles 5, 6 and 11 no person shall –
 - (a) except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to enter or proceed on any restricted road during the prohibited hours.
 - (b) except upon the direction or with the permission of a parking attendant cause or permit any motor vehicle to wait, load or unload in or on any restricted road during the prohibited hours.

Exemptions from restrictions on entering, proceeding or waiting, loading and unloading

5. The restrictions imposed by Article 4 shall not apply to a motor vehicle while being used for fire brigade, ambulance or police purposes.

Exceptions from restrictions on entering, proceeding or waiting, loading and unloading

6. Nothing in Article 4 shall prevent any person from causing or permitting a motor vehicle to enter, proceed or wait in or on any restricted road during the prohibited hours for so long as may be necessary –
 - (a) to enable the motor vehicle, if it cannot conveniently be used for such purpose in any other road or outwith the prohibited hours, to be used in connection with any building operation, demolition or excavation in or adjacent to that restricted road, the cleansing or lighting of that restricted road, the removal of any obstruction to traffic in that restricted road, the maintenance, improvement or reconstruction of that restricted road or street furniture therein or thereon, the laying, erection, alteration or repair in or adjacent to that restricted road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or the pacing, maintenance or removal of any traffic sign; or
 - (b) if the motor vehicle is in actual use in connection with a funeral undertaking; or

(c) if the motor vehicle is in actual use in connection with conveying a bride to or from a wedding service taking part in the adjacent church, if notice is given twenty-four hours in advance to the Director of Place, his consent (either generally or specifically) is obtained and such reasonable conditions as he may impose are complied with; or

(d) to enable a vehicle displaying a disabled badge, being driven by or carrying a disabled person to uplift or set down passengers or to wait at the adjacent church located on the prohibited road, during the prohibited hours on Sundays only.

PART III

RESTRICTIONS ON ENTRY INTO AND WAITING, AND THE LOADING AND UNLOADING OF VEHICLES, IN WEST CROSSCAUSEWAY DURING THE RESTRICTED HOURS

Use of restricted road during the restricted hours

7. Save as provided in Article 8, 9, 10 and 11 no person shall –
 - (a) except upon the direction or with the permission of a police constable in uniform cause or permit any motor vehicle to enter or proceed on any restricted road during the restricted hours.
 - (b) except upon the direction or with the permission of a parking attendant cause or permit any motor vehicle to wait in or on any restricted road during the restricted hours.

Exemptions from restriction on entering, proceeding or waiting

8. The restrictions imposed by Article 7 shall not apply to the following motor vehicles:-
 - (a) a motor vehicle while being used for fire brigade, ambulance or police purposes;
 - (b) a motor vehicle, not being a passenger vehicle, while being used in the service of a local authority in pursuance of statutory powers or duties: Provided that in all the circumstances it is reasonably necessary in the exercise of such powers or duties or the performance of such duties for the vehicle so to enter, proceed or wait; and

Exemptions from restriction on entering, proceeding or waiting

9. Nothing in Article 7 shall prevent any person from causing or permitting a motor vehicle to enter, proceed or wait in or on any restricted road during the restricted hours for so long as may be necessary –

(a) for the sole purpose of enabling a person to board or alight from the motor vehicle in that restricted road or to load thereon or unload thereon in that restricted road his personal luggage; Provided that said boarding or alighting and loading or unloading is directly referable to premises situated on that said restricted road.

(b) to enable the motor vehicle, if it cannot conveniently be used for such purposes in any other road to be used in connection with any building operation, demolition or excavation in or adjacent to that restricted road, the cleansing or lighting of that restricted road, the maintenance, improvement or reconstruction of that restricted road or street furniture therein or thereon, the laying, erection, alteration or repair in or adjacent to that restricted road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or the placing, maintenance or removal of any traffic sign;

(c) if the motor vehicle is being used by a medical practitioner visiting patients on professional calls or by a uniformed nurse/midwife making professional domiciliary visits where the patients being called upon reside in premises situated on that restricted road provided that the vehicle bears a badge/card approved by the Council conspicuously displayed on the motor vehicle;

(d) if the motor vehicle, being a motor vehicle in the service of or employed by the Post Office is waiting while postal packets addressed to premises situated on that restricted road are being unloaded from the motor vehicle or, having been unloaded therefrom are being delivered, or while postal packets are being collected from postal boxes or premises situated on that road for loading onto the motor vehicle; or

(e) if the motor vehicle is in actual use in connection with a funeral undertaking.

(f) if the motor vehicle is in actual use in connection with conveying a bride to or from a wedding service taking part in the adjacent church.

Loading or unloading goods

10. Nothing in Article 7 shall apply so as to prevent any person from causing or permitting a motor vehicle to enter, proceed or wait in or on any restricted road during the restricted hours while the motor vehicle is in actual use for the purpose of delivering or collecting goods or merchandise or while loading or unloading the motor vehicle at premises situated on that restricted road: Provided that no motor vehicle engaged in delivering or collected goods or merchandise or being loaded or unloaded shall wait during the restricted hours in any such restricted road for a period of more than thirty minutes in the same place or if a period of less than thirty minutes has elapsed since the termination of the last period of waiting (if any) of the motor vehicle outside the same premises.

Furniture removals and other exceptional loading and unloading

11. (1) Nothing in Article 7 shall apply so as to restrict during the restricted hours the entry into, progression along or waiting on a restricted road and the loading or unloading thereon of a motor vehicle while the motor vehicle is in actual use in that restricted road in connection with the removal of furniture to or from one office, dwellinghouse or depository situated on said restricted road from or to another office, dwellinghouse or depository.
- (2) Without prejudice to the foregoing paragraph of this Article nothing in this Order shall apply so as to restrict entry into, progression along or waiting on a restricted road and the loading or unloading thereon of a motor vehicle during the prohibited or restricted hours while the motor vehicle is in actual use in that restricted road in connection with the collection or delivery of goods from or to premises situated on that restricted road if the goods cannot reasonably be loaded or unloaded outwith the prohibited hours or within the time allowed during the restricted house in relation to that restricted road, if notice is given twenty-four hours in advance to the Director of Place, his consent (either generally or specifically) is obtained and such reasonable conditions as he may impose are complied with.

Restrictions on methods of loading and unloading motor vehicles

12. No person in charge of a motor vehicle delivering or collecting goods who is engaged in the course of or in connection with the loading or unloading of any goods on or from any such motor vehicle in any restricted road shall cause or permit any such goods to be deposited on the carriageway except immediately at the rear of the motor vehicle or allow any goods to remain on the carriageway before the arrival or after the departure of the motor vehicle.

Duty to move on

13. Notwithstanding any exemption or exception contained in this Order, the person in control of any motor vehicle waiting during the restricted hours or the prohibited hours in any restricted road shall move the motor vehicle on the instructions of a parking attendant or a police constable in uniform whenever such removal is reasonably necessary for the purpose of a facilitating the passage of traffic (including foot passengers).

PART IV

LENGTH RESTRICTION

14. Save as provided in Article 15 of this Order no person shall except upon the direction or with the permission of a police constable in uniform, drive or cause or permit to be driven any vehicle, the length of which, inclusive of any load on the vehicle, exceeds 7.9 metres, on the length of road specified in Second Schedule to this Order.

- 15 to enable the motor vehicle, if it cannot conveniently be used for such purposes in any other road to be used in connection with any building operation, demolition or excavation in or adjacent to that restricted road, the cleansing or lighting of that restricted road, the maintenance, improvement or reconstruction of that restricted road or street furniture therein or thereon, the laying, erection, alteration or repair in or adjacent to that restricted road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or the placing, maintenance or removal of any traffic sign;

PART IV

AMENDMENT AND REVOCATION OF ORDERS

16. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Corporation of Edinburgh (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) Order 1973 shall have effect subject to the variations thereto specified in the Third Schedule.
17. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the City of Edinburgh Council (A7, North Bridge to South Clerk Street, Edinburgh) (Traffic Regulation; Restrictions on Waiting, Loading and Unloading and Parking Places) Order 2004 shall have effect subject to the variations thereto specified in the Fourth Schedule.

Given under the Seal of The City of Edinburgh Council this ---- day of ---- Two thousand and -----.

witness

Executive Director of Place

FIRST SCHEDULE

AREAS OF ROAD IN EDINBURGH

For the purposes of the application of this Order to the areas of road specified in this Schedule the expressions –

“prohibited hours” means the whole period of 24 hours of every day, Mondays to Sundays inclusive, except the period between 10.30 am and 1.00 pm on Sundays;

“restricted hours” means the period between 10.30 am and 1.00 pm on Sundays;

West Crosscauseway –

That part of West Crosscauseway which extends from a point 12 metres or thereby west of the extended west kerblines of Quarry Close westwards to the end of the cul-de-sac.

SECOND SCHEDULE

LENGTH RESTRICTION

Length of Road

West Crosscauseway - from the extended east kerblines of Nicolson Street and St Patrick Street westwards to the end of the cul-de-sac.

THIRD SCHEDULE

AMENDMENTS TO THE 1973 ORDER

The Corporation of Edinburgh (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, and Parking Places) Order 1973 shall have effect as if:-

1. In Schedule 2

in Part I (Central Zone) –

in Item 19 Buccleuch Street –

East side

(a) for all the words there were substituted the words “from the extended south-east building line of West Crosscauseway for a distance of 55 metres or thereby southwards”.

West side

(a) for all the words there were substituted the words “from the extended south-east building line of West Crosscauseway southwards to the north kerblines of Buccleuch Place”.

(f) all the words were deleted”.

in Item 30 Chapel Street –

North-east side

for all the words there were inserted the words “from the south-east kerbline of West Nicolson Street south-eastwards to the extended south-east building line of West Crosscauseway”.

South-west side

(b) for all the words there were inserted the words “from the south-east kerbline of Windmill Street south-eastwards to the extended south-east building line of West Crosscauseway”.

in Item 181 West Crosscauseway – for all the words there were inserted the words “Not allocated”.

2. In Schedule 3

in Item 32 West Crosscauseway for all the words in the second and third columns there were substituted the words “Not allocated”.

in Item 33 West Crosscauseway for all the words in the second and third columns there were substituted the words “Not allocated”.

3. In Schedule 3A

in Part I (Central Zone) –

in Sub-Section 1D : Zone 3

after Item 98 Pleasance – there were inserted the words;

“Quarry Close (cul-de-sac) –

X from the north kerbline of West Crosscauseway for a distance of 15 metres or thereby northwards.”

in Item 124 West Crosscauseway – for all the words there were substituted the words “124 West Crosscauseway (cul-de-sac) X From its junction with Nicolson Street and St Patrick Street westwards to the end of the cul-de-sac.”.

4. In Schedule 5

in Part I (Central Zone) –

in Sub-Section 1D : Zone 3

in No 177A West Crosscauseway – for all the words in column 2 there were substituted the words “Not allocated” and the word “4” in column 3 was deleted;

FOURTH SCHEDULE

AMENDMENTS TO THE 2004 ORDER

The City of Edinburgh Council (A7, North Bridge to South Clerk Street, Edinburgh) (Traffic Regulation; Restrictions on Waiting, Loading and Unloading and Parking Places) Order 2004 shall have effect as if:-

In Schedule 2

item 14 West Crosscauseway for all the words there were substituted the words "Not allocated".