

2018 No. 365

ROAD TRAFFIC

**The A956 Trunk Road (Aberdeen Western Peripheral Route)
(Cleanhill to Charleston) (Temporary Prohibitions and
Restrictions) Order 2018**

Made - - - - 26th November 2018

Coming into force - - 30th November 2018

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(1) to (3), 4(1) and 14(1)(b) and (4) of the Road Traffic Regulation Act 1984(a) and all other powers enabling them to do so.

In accordance with section 14(1)(b) of that Act, they are satisfied that the traffic on the lengths of road specified in the schedule should be restricted because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to works.

In accordance with section 14(3) of that Act, they have had regard to the existence of alternative routes suitable for the traffic which will be affected by this Order.

Citation, commencement and cessation

1. This Order may be cited as the A956 Trunk Road (Aberdeen Western Peripheral Route) (Cleanhill to Charleston) (Temporary Prohibitions and Restrictions) Order 2018, comes into force 30 November 2018 and ceases to have effect on 30 June 2019.

Interpretation

2. In this Order—

“A956 Trunk Road” means the length of the road constructed under the A956 (Aberdeen Western Peripheral Route) Trunk Road Order 2010(b) at Charleston,

“AWPR” means the lengths of the road constructed under the A956 (Aberdeen Western Peripheral Route) Special Road Scheme 2010(c) between Cleanhill and Charleston,

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

(a) 1984 c.27; section 2(1) and (2) were amended by the New Roads and Street Works Act 1991 (c.22) (“the 1991 Act”) schedule 8, paragraph 18 and section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), schedule 1. 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) (relevantly amended by 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.S.I. 2010/84.

(c) S.S.I. 2010/83.

“central reservation” means that part of the road which separates the carriageway to be used by vehicles travelling in one direction from the carriageway to be used by vehicles travelling in the opposite direction,

“emergency layby” means a part of the road which is designed to take the weight of a vehicle, is adjacent to and situated on the left hand side of the carriageway when facing in the direction in which vehicles may be driven in accordance with article 5, and which is marked with a traffic sign of the type described in as blank diagram 1 in Part 1, and item 9 (stopping prohibited in a layby except in emergency) of the sign table in Part 3, of schedule 4 of TSRGD 2016,

“the road” means the A956 - Aberdeen Western Peripheral Route Trunk Road,

“TSRGD 2016” means the Traffic Signs Regulations and General Directions 2016(a),

“verge” means any part of the road which is not a carriageway, an emergency layby or a central reservation.

Application of articles 4 to 10

3. The prohibitions and restrictions in articles 4 to 10 apply only to the lengths of the AWPR specified in Part 1 of the schedule.

Prohibition on use of road

4.—(1) No person may on any part of the AWPR use, or permit the use of, the classes of traffic specified in schedule 3 of the Roads (Scotland) Act 1984(b), other than classes I and II.

(2) No pedestrian may use any part of the AWPR.

Direction of driving

5.—(1) Where on any part of the AWPR 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 a vehicle may only be driven or moved on that length of carriageway such that it proceeds away from the point of entry of that length of carriageway towards the other end.

(2) No vehicle may be driven or moved on a length of carriageway of the AWPR which is contiguous to a central reservation such that a central reservation is on the left-hand side of the vehicle.

(3) No vehicle may be driven or moved so as to cause it to turn and proceed in or face the opposite direction where the vehicle is on—

(a) a length of carriageway of the AWPR on which vehicles are required in terms of this article to be driven in one direction only and is proceeding in or facing that direction, or

(b) any other length of carriageway of the AWPR and is proceeding in or facing one direction.

Prohibition on use of the central reservation or verge

6. No vehicle may be driven, moved, stopped or remain at rest on a central reservation or verge on any part of the AWPR.

Restriction on stopping

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

(a) S.I. 2016/362.

(b) 1984 c.54.

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

- (a) because of a breakdown or mechanical defect or lack of fuel, oil or water, required for the vehicle,
- (b) because of any accident, illness or other emergency,
- (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) A vehicle to which paragraph (2) applies must, as soon and insofar as is reasonably practicable and safe, be driven or moved off the carriageway of the AWPR on to, and may stop and remain at rest in, an emergency layby.

(4) A vehicle—

- (a) which is at rest in an emergency layby may, so far as is reasonably practicable, be allowed to remain at rest there in such a position only that no part of the vehicle or of any load it carries may obstruct or be a cause of danger to vehicles using the carriageway, and
- (b) may not remain at rest in an emergency layby for longer than is necessary in the circumstances or for the purposes specified in paragraph (2).

(5) Nothing in this article prohibits a vehicle from being stopped or remaining at rest on the carriageway of the AWPR while it is prevented from proceeding along the carriageway by the presence of any other vehicle, person or object.

Restriction on reversing

8. No vehicle may be driven or moved backwards on any part of the AWPR except to the extent that it is necessary to drive or move the vehicle backwards to enable it to proceed forwards or to be connected to any other vehicle.

Restriction on the use of emergency laybys

9. No vehicle may be driven, moved, stop, or remain at rest in an emergency layby on the AWPR, except in accordance with article 7(3) and (4).

Restrictions affecting animals carried in vehicles

10.—(1) A person in charge of an animal which is carried by a vehicle must not, so far as is practicable while the vehicle is on any part of the AWPR—

- (a) remove the animal from the vehicle, or
- (b) permit the animal to leave the vehicle.

(2) If an animal escapes from, or it is necessary for it to be removed from, or to be permitted to leave, a vehicle on the AWPR, any person in charge of that animal must not, so far as is practicable—

- (a) permit the animal to go onto or remain on any part of the AWPR other than an emergency layby or a verge, and
- (b) permit the animal not to be held on a lead or otherwise kept under control while on any part of the AWPR.

Exemptions for vehicles, pedestrians or cyclists

- 11.**—(1) Articles 4 to 10 do not apply to—
- (a) a vehicle being used in an emergency for fire and rescue, ambulance, police or coastguard purposes,
 - (b) a vehicle being used for carrying out any maintenance, inspection, clearance, cleaning, repair, alteration or improvement of any part of the road,
 - (c) 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 road,
 - (d) a vehicle being used in the investigation of an accident or incident which has occurred on or near the road,
 - (e) 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
 - (f) 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.
- (2) Article 4 does not apply to any person being present on or using any part of the AWPR—
- (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 road,
 - (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 road,
 - (d) where they do so in the exercise of their duty as a constable or as a member of a fire and rescue service, of an ambulance service, or the coastguard,
 - (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 road,
 - (ii) the removal of any vehicle from any part of the road, 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 road,
 - (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.

Speed restrictions

12.—(1) No person may use, or permit the use of, any vehicle on a length of the AWPR, or of the A956 Trunk Road, specified in Part 2 of the schedule at a speed exceeding 40 miles per hour when that restriction is identified as applying to that length of the AWPR, or of the A956 Trunk Road, by means of a traffic sign of the type described in item 1 (diagram 670 – maximum speed limit in mph) of the sign table in Part 2 of schedule 10 of TSRGD 2016^(a).

(a) S.I. 2016/362.

(2) Paragraph (1) does not apply to—

- (a) vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011^(a) when used in accordance with regulation 3(5) of those Regulations, or
- (b) vehicles being used in an emergency for coastguard purposes.

D LAIRD

A member of the staff of the Scottish Ministers

Buchanan House,
Glasgow
26th November 2018

^(a) S.I. 2011/935.

SCHEDULE

Articles 3 and 12

PART 1

SPECIFIED LENGTHS OF ROAD

1. That length of the AWPR being the eastbound carriageway from its junction with the circulatory carriageway of Cleanhill Roundabout to a point 212 metres or thereby east of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge, a distance of 6.56 kilometres or thereby.

2. That length of the AWPR being the westbound carriageway from a point 212 metres or thereby east of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge to its junction with the circulatory carriageway of Cleanhill Roundabout, a distance of 6.56 kilometres or thereby.

PART 2

SPECIFIED LENGTHS OF ROAD

3. That length of the AWPR at Charleston Junction from a point 212 metres or thereby east of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge, in a generally south-westerly direction for a distance of 400 metres or thereby.

4. That length of the A956 Trunk Road from a point 45 metres or thereby west of its intersection with the Charleston Junction northbound on slip, in a generally easterly direction for a distance of 210 metres or thereby.