SCOTTISH STATUTORY INSTRUMENTS

2007 No. SSI/2007/477

ROAD TRAFFIC

The M876 Special Road (Upper Forth Crossing at Kincardine) (Temporary Prohibition of Traffic, Temporary Prohibition of Overtaking and Temporary Speed Restriction) (No. 2) Order 2007

Made	12th October *2007*
Coming into force	22nd October *2007*

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

In accordance with section 14(1) of that Act, they are satisfied that the traffic on the lengths of road specified in the Schedule should be restricted or prohibited because works are being or are proposed to be executed on or near those lengths of road.

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 M876 Special Road (Upper Forth Crossing at Kincardine) (Temporary Prohibition of Traffic, Temporary Prohibition of Overtaking and Temporary Speed Restriction) (No. 2) Order 2007, shall come into force at 0001 hours on 22 October 2007 and shall cease to have effect at midnight on 4 December 2008.

Temporary prohibition on use of a road

2. Subject to Article 5, no person shall use, or permit the use of, any vehicle on the lengths of road specified in the Schedule when a prohibition is identified as applying to a part or parts of the lengths of road by means of traffic signs prescribed by the Traffic Signs Regulations and General Directions 2002(**b**).

(a) 1984 c.27; section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1. Section 2 was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 18. The Scottish Ministers are the traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (inserted by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 70 and 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. 2002/3113.

Temporary prohibition on overtaking

3. (1) Subject to paragraph (2) of this Article, no person shall use, or permit the use of, any vehicle in such a way that it overtakes any other moving vehicle on the lengths of road specified in the Schedule when a prohibition is identified as applying to a part or parts of the lengths of road by means of a traffic sign prescribed in Diagram 632 of the Traffic Signs Regulations and General Directions 2002.

(2) Nothing in paragraph (1) of this Article shall prohibit any person from using, or permitting the use of, any vehicle in such a way that it overtakes a cycle, motor cycle, tricycle or any other vehicle not being a motor vehicle in accordance with section 140 of the Road Traffic Regulation Act 1984(**a**).

Temporary speed restriction

4. No person shall use, or permit the use of, any vehicle on the lengths of road specified in the Schedule at a speed exceeding 40mph when identified as applying to a part or parts of the length of road by means of a traffic sign prescribed in Diagram 670 of the Traffic Signs Regulations and General Directions 2002.

Exemption for emergency and works vehicles

5. Nothing in Article 2 of this Order shall apply to a vehicle being used in an emergency for fire brigade, ambulance, police or coastguard purposes or a vehicle while being used for carrying out the works.

A McLAUGHLIN
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12 October 2007

(a) 1984 c.27; section 140 was amended by Road Traffic (Consequential Provisions) Act 1988 (c.54), Schedule 3, paragraph 25(9).

SCHEDULE

1. That length of the M876 Dennyloanhead–Gartarry Roundabout Trunk Road from a point 1900 metres or thereby west of the new Bowtrees Interchange in a generally easterly direction to the new Bowtrees Interchange, a distance of 1900 metres or thereby.

2. That length of the M876 Dennyloanhead–Gartarry Roundabout Trunk Road from the new Bowtrees Interchange in a generally westerly direction to a point 1000 metres or thereby west of the Bowtrees Interchange, a distance of 1000 metres or thereby.

3. That length of the M876 Dennyloanhead–Gartarry Roundabout Trunk Road from the new Bowtrees Interchange in a generally easterly direction to a point 600 metres or thereby east of the Bowtrees Interchange, a distance of 600 metres or thereby.

4. That length of the M876 Dennyloanhead–Gartarry Roundabout Trunk Road from a point 600 metres or thereby east of the new Bowtrees Interchange in a generally westerly direction to the new Bowtrees Interchange, a distance of 600 metres or thereby.