SCOTTISH STATUTORY INSTRUMENTS

2009 No. 364

ROAD TRAFFIC

The A96 Trunk Road (Fochabers to Mosstodloch Bypass) (Temporary Prohibition of Traffic, Temporary Prohibition of Overtaking, Temporary Prohibition of Waiting and Loading and Temporary Speed Restriction) Order 2009

Made	*21st October 2009*
Coming into force	*31st October 2009*

The Scottish Ministers make the following order, in exercise of the powers conferred by sections 14(1) and (4), 2(1) and (2) and 4(1) of the Road Traffic Regulation Act 1984(**a**) and 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 length of road specified in the Schedule should be restricted or prohibited because works are being or are proposed to be executed on or near that length of road.

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

In accordance with section 15(2) of that Act, they are satisfied that the execution of the works in question will take longer than eighteen months.

Citation, commencement and cessation

1. This Order may be cited as the A96 Trunk Road (Fochabers to Mosstodloch Bypass) (Temporary Prohibition of Traffic, Temporary Prohibition of Overtaking, Temporary Prohibition of Waiting and Loading and Temporary Speed Restriction) Order 2009 and comes into force on 31st October 2009.

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 any part or parts of the lengths of road by means of traffic signs prescribed in Diagram 7010.1 and 7105 of the Traffic Signs Regulations 2002(**b**).

(a)1984 c.27; section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), Schedule 1 and section 2 was amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 18. The Scottish Ministers are the roads authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (inserted by the New Roads and Street Works Act 1991, 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), 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 any part or parts of the lengths of road by means of a traffic sign prescribed in Diagram 632 of the Traffic Signs Regulations 2002.

(2) Nothing in paragraph (1) 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 prohibition of waiting and loading

4. Subject to articles 6 and 7 no person shall cause or permit any vehicle to wait, load and unload at any time on the lengths of road specified in the Schedule, when such prohibition is identified as applying to any part or parts of the lengths of road by means of traffic signs prescribed in Diagram 636 and 636.1 as prescribed by the Traffic Signs Regulations 2002(**b**).

Temporary speed restriction

5. No person shall use, or permit the use of, any vehicle on the lengths of road specified in the Schedule at a speed exceeding 30mph when identified as applying to any part or parts of the lengths of road by means of a traffic sign prescribed in Diagram 670 of the Traffic Signs Regulations 2002.

Permission or direction of Police Constable

6. No provision of this Order shall apply to anything done with the permission or upon the direction of a police constable in uniform.

Exemption for emergency and works vehicles

7. No provision 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
A member of the staff of the Scottish Ministers

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21st October 2009

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

SCHEDULE

1. That length of road on the A96 Aberdeen – Inverness Trunk Road from a point 800 metres west of its junction with the access road to Cowfords Farm in an easterly direction to a point 200 metres west of its junction with the B9015 Rothes Road, a distance of 1600 metres or thereby.

2. That length of road on the A96 Aberdeen – Inverness Trunk Road from a point 1100 metres north west of its junction with the B9104 Spey Bay Road in a south easterly direction to its junction with the B9104 Spey Bay Road, a distance of 1100 metres or thereby.

3. That length of road on the A96 Aberdeen – Inverness Trunk Road from a point 250 metres south of its junction with the A98 Fochabers – Fraserburgh Road in a southerly direction to a point 750 metres south of its junction with the access road to Burnside Caravan Park, a distance of 1000 metres or thereby.