

**THE EAST LOTHIAN COUNCIL
(VARIOUS ROADS – TRANENT)
(PROHIBITION & RESTRICTION ON WAITING, LOADING &
UNLOADING ETC),
VARIATION ORDER No: 3**

TO 104/23

The EAST LOTHIAN COUNCIL in exercise of their powers under Sections 1(1) and 2(1) to (3) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984, subsequently amended or varied 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:-

1 Citation and Commencement

1. This Order may be cited as the "The East Lothian Council, (Various Roads – Tranent), (Prohibition & Restriction on Waiting, Loading & Unloading Etc) Variation Order No.3 and shall come into operation on the 6th day of August 2023.
2. 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,:-
 - (a) The Lothian Regional Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) Order 1977
 - (b) The Lothian Regional Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) (Variation No 1) Order 1986
 - (c) East Lothian Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) (Variation No 2) Order 1997 TO/0016
 - (d) East Lothian Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) (Variation No. 3) Order 2005 TO/05/05
 - (e) East Lothian Council (Elphinstone Road, Tranent) (Prohibition and Restriction on Waiting, Loading and Unloading Traffic Regulation) Order 2008 TO/08/10
 - (f) East Lothian Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) (Variation No. 4) Order 2013 TO/084/13

2 Interpretation

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

"boxed areas" means the lengths of road specified in Schedule 10 to this Order, being lengths of road which are marked by either of the traffic markings specified in diagrams 1043 or 1044 in Schedule 6 to the Traffic Signs Regulations and General Directions 2016;

"bus stop" means an area of carriageway delineated by markings specified in Schedule 6 of the Traffic Signs Regulations and General Directions 2016

"carriageway" means an area of road over which all vehicles have a right of passage;

"Chief Constable" means the Chief Constable of Police Scotland;

“coach” has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986, subsequently amended or varied;

“Council” means The East Lothian Council;

“disabled person” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as subsequently amended or varied;

“disabled persons’ badge” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000, as subsequently amended or varied;

“disabled persons’ vehicle” means a vehicle lawfully displaying a disabled persons’ badge in the relevant position;

“emergency service vehicles” means a vehicle being used by the police, fire brigade or ambulance services”

“goods vehicle” has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986, as subsequently amended or varied;

“local service” has the same meaning as in Section 2 of the Transport Act 1985;

“m” means the distance measure of ‘metre’;

“manner of parking” means the way in which a vehicle is parked at the edge of a carriageway;

“parking attendant” has the same meaning as in Section 63A of the 1984 Act;

“parking bay” means a space in a parking place which is provided for the leaving of a vehicle;

“permitted hours” means any period not exceeding the stipulated time in the specified time periods shown in each schedule, between the hours of 8.30 a.m. and 5.30 p.m. Monday to Saturday inclusive.

“permitted hours – North Berwick” means any period not exceeding ninety minutes in any three hours between the hours of 8.30 a.m. and 5.30 p.m. Monday to Sunday inclusive.

“public service vehicle” has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;

“relevant position” has the same meaning as in Regulation 3 of the Local Authorities Traffic Orders (Exemptions for Disabled Person’s) (Scotland) Regulations 2002 as subsequently varied or amended;

“restricted or prohibited hours” means any period during which the restrictions or prohibitions imposed by relevant Articles of the Order apply;

“road” includes part of a road;

“School Zig-Zag marking” has the same meaning as the appropriate sign within the Traffic Signs & General Directions General Directions 2016;

“Schedule” means a Schedule to this Order;

“street trader’s licence” means a licence of that name issued under the powers contained in the Civic Government (Scotland) Act 1982, as subsequently varied or amended;

“taxi” has the same meaning as in Section 23(1) of the Civic Government (Scotland) Act 1982, as subsequently varied or amended;

“taxi stance” has the same meaning as in Section 19 of the Civic Government (Scotland) Act 1982, as subsequently varied or amended;

“telecommunication apparatus” has the same meaning as in the Telecommunications 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;

“universal postal service provider” has the same meaning as in Part 3 of the Postal Services Act 2011;

“universal postal service” shall be construed in accordance with Part 3 of the Postal Services Act 2011 as subsequently varied or amended;

“vehicle” unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind, drawn or propelled along roads whether or not by mechanical power

Note:

The restrictions, prohibitions and requirements imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provision of this Order is without prejudice to the provisions of any other enactment

All words importing the singular also include the plural and vice versa where the context requires.

All signs, carriageway markings etc. shall comply with the Traffic Signs Regulations and General Directions 2016.

3 Prohibition of Waiting, Loading and Unloading in lengths of road specified in Schedule 1

Save as provided in Articles 26, 27, 29, 30, 31, 32, 33 & 34 of this Order, no person shall, except upon the direction or permission of a police constable in uniform, or a parking attendant in uniform, cause or permit any vehicle to wait, load or unload at any time in any of the lengths of road specified in Schedule 1 and shown on the accompanying maps.

4 Prohibition of Waiting in lengths of road specified in Schedule 2

Save as provided in Articles 26, 27, 29, 30, 31, 32, 33, 34 & 35 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform, or a parking attendant in uniform, cause or permit any vehicle to wait at any time, in any of the lengths of road specified in Schedule 2 and shown on the accompanying maps.

5 Restriction of Waiting in lengths of road specified in Schedule 3a

Save as provided in Articles 26, 27, 29, 30, 31, 32, 33, 34 & 35 of this Order, no person shall, except upon the direction or with the permission of a police constable in uniform, or a parking attendant in uniform, cause or permit any vehicle to wait between the hours of 8.30am and 5.30pm on Mondays to Saturdays inclusive in any of the lengths of road specified in Schedule 3a and shown on the accompanying maps.

12 Restriction of Waiting in lengths of road specified in Schedules 4d

Save as provided in Articles 26, 27, 29, 30, 31, 32, 33, 34 & 35 of this Order, no person shall, except upon the direction or with the permission of a police constable in uniform, or a parking attendant in uniform, cause or permit any vehicle to wait for more than 90 minutes with no return within 90 minutes between the hours of 8.30am and 5.30pm on Mondays to Saturdays inclusive in any of the lengths of road specified in Schedule 4d and as shown on the accompanying maps.

25a Areas specified as Taxi Stances

No person shall, except upon the direction or with the permission of a police constable in uniform, or a parking attendant in uniform, cause or permit a Vehicle to park or wait in a Parking Bay which has been designated by the Local Authority as a Taxi Stance for the exclusive use of Taxis during the hours of operation as a Taxi Stance unless the vehicle is a Taxi

26 Exceptions for Public Holidays

The following days of the year will be exempt from enforcement activity and no PCN's will be issued. Christmas Day, Boxing Day* and New Year's Day. *Boxing Day holiday will carry over to the 27th should the 26th fall on a Sunday.

27 Exceptions from Waiting Restrictions – Emergency and Local Authority vehicles

Nothing in Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23, 24 & 25a of this Order shall apply to the following vehicles:-

- (a) vehicles being used for fire and rescue, ambulance or police service purposes; or

- (b) vehicles, not being passenger vehicles, while being used in the service of the local roads 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 to wait or stop at the place in which it is either waiting or stopped.

28 Exceptions from Waiting Restrictions - General operations

Nothing in Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 23 24 & 25a shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in those Articles for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purposes in any other road, to be used in connection with any:

- (a) building operation; or
- (b) demolition; or
- (c) laying, erection, alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus; or
- (d) excavation; or
- (e) any telecommunication apparatus; or
- (f) the placing, maintenance or removal of any traffic sign.

29 Exceptions from Waiting Restrictions - Disabled Persons' Vehicles

Nothing in Articles 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, & 18 of this Order shall apply to disabled person's vehicles which are not causing an obstruction and which are being driven or used by disabled persons whilst displaying a valid disabled person's badge.

30 Exceptions from Waiting Restrictions - Funeral Vehicles

Nothing in Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 23, 24 & 25a of this Order shall apply to designated undertakers vehicles (i.e. a hearse) in connection with an actual funeral undertaking.

31 Exceptions from Waiting Restrictions - General

Nothing in Articles 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, & 24 of this Order shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in those Articles for so long as may be necessary to enable a person to board, or alight from a vehicle, or to load thereon or unload there from his personal luggage provided that no vehicle shall wait in any such road for longer than 5 minutes or such longer period as a police constable in uniform, or a parking attendant may approve.

The vehicle is waiting owing to the driver being:

- (a) obliged to stop in order to avoid an accident; or
- (b) prevented from proceeding by any circumstances beyond their control, where the said circumstances relates directly to the movement, or otherwise, of traffic on the road.

32 Exceptions from Waiting Restrictions - Loading and Unloading of Goods

Nothing in Articles 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 & 17 of this Order shall prevent

any person from causing or permitting a vehicle to wait in any of the lengths of roads specified:

(a) for as long as may be necessary for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjoining that road provided that no vehicle engaged in delivering or collecting goods or merchandise or loading or unloading shall wait:

- (i) for a longer period than thirty minutes in the same place; and
- (ii) no vehicle shall wait for longer than a period of 5 minutes in the same place without goods being loaded into or unloaded from the vehicle;

(b) notwithstanding anything in paragraph (a) of this Article the driver of a vehicle for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle shall move the same on the instruction of a police constable in uniform or a parking attendant in uniform whenever such moving may be reasonably necessary for the purpose of preventing an obstruction.

33 Exceptions from Waiting Restrictions – Post Office Vehicles

Nothing in Articles 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15 & 16 of this Order shall prevent any person from causing or permitting any vehicle being a liveried vehicle, is in the service of, or is being employed by, a universal service provider or registered delivery companies and is in actual use while postal packets:

- (a) addressed to premises adjacent to that road are being unloaded from the vehicle; or
- (b) addressed to premises adjacent to that road having been unloaded from the said vehicle, are being delivered, or
- (c) are being collected from postal boxes or premises adjacent to that road for loading on to the vehicle: or
- (d) are being loaded on to the vehicle.

34 Exception for Security Vehicles

If the vehicle is in the service of, or is being employed by, a security company and is in the actual use while currency or other valuable:

- (a) are being unloaded from the vehicle; or
- (b) having been unloaded from the said vehicle are being delivered; or
- (c) are being collected from the premises adjacent to that road for loading onto the vehicle; or
- (d) having been collected from the said premises, are being loaded onto the vehicle.

35 Exceptions – Boxed Junctions

The provisions of Article 27 of this Order shall not apply:-

- (1) in respect of a vehicle being used for police, fire brigade or ambulance purposes;
- (2) to anything done on the direction or with the permission of a police constable in uniform or a parking attendant in uniform;
- (3) so as to render it unlawful to cause or permit the whole, or any part of a vehicle to remain stationary within any boxed areas while waiting to complete a right-turn for so long as

the vehicle is prevented from completing that turn by reason of the presence of other stationary vehicles, waiting in or near any of those areas to complete a right-turn; or

(4) so as to render it unlawful to cause or permit the whole, or any part of a vehicle to remain stationary in any of the boxed areas if when the whole or any part of the vehicle entered those areas the person so causing or permitting has reason to believe that he would immediately be able to cause or permit the vehicle to be driven out of any of those areas.

36 Manner of Waiting

(a) The driver of any vehicle waiting in any of the lengths of road specified in Schedules 3a, 3b, 3c, 3d and 4a, 4b, 4c, 4d, 4e, 4f and 5a, 5b, 5c, 5d and 6a, 6b and 7 shall, except upon the direction of a parking attendant, so wait -

(1) in the case of taxis and public service vehicles waiting at duly authorised taxi stances or bus stops respectively:-

- (i) so that the left or nearside of the vehicle is parallel to the edge of the carriageway, and
- (ii) so that the nearest wheels of the vehicle are not more than 0.3m from the edge of the carriageway nearest to the vehicle.

(2) in the case of all other vehicles:-

- (i) so that the left or nearside of the vehicle is parallel to the edge of the carriageway, and
- (ii) so that the nearest wheels of the vehicle are not more than 0.3m from the edge of the carriageway nearest to the vehicle.

(b) The driver of any vehicle waiting in any of the lengths of road specified in Schedule 4d shall, except upon the direction of a parking attendant, so wait -

- (i) so that the left or nearside of the vehicle is at 45° to the edge of the carriageway, and
- (ii) so that the nearest wheels of the vehicle are not more than 0.3m from the edge of the carriageway nearest to the vehicle.

37 Duty to Move On

Notwithstanding any exception contained in this Order, the person in control of any vehicle loading/unloading or waiting during the restricted or prohibited hours in any of the lengths of road specified in Schedules 1, 2, 3a, 3b, 3c, 3d, 4a, 4b, 4c, 4d, 4e, 4f, 5a, 5b, 5c, 5d, 6a, 6b, 7, 8, 9, 10, 11a and 11b shall move the vehicle on the instructions of a police constable in uniform, or a parking attendant in uniform, whenever such removal is required.

38 Use of Vehicle

No person shall use a vehicle while it is in a parking place, in connection with the sale of any article to persons in or near the parking place, or in connection with the selling or offering for hire of his skill or services, unless they hold a street trader's licence in respect of such sale or hire or unless parking restrictions have been suspended by the Council and an appropriate permit issued in respect of the activities.

39 Revocation of Previous Orders

The following Orders are hereby revoked in their entirety:-

- (a) The Lothian Regional Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) Order 1977
- (b) The Lothian Regional Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) (Variation No 1) Order 1986
- (c) East Lothian Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) (Variation No 2) Order 1997 TO/0016
- (d) East Lothian Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) (Variation No. 3) Order 2005 TO/05/05
- (e) East Lothian Council (Elphinstone Road, Tranent) (Prohibition and Restriction on Waiting, Loading and Unloading Traffic Regulation) Order 2008 TO/08/10
- (f) East Lothian Council (Various Streets, Tranent) (Prohibition and Restriction on Waiting and Loading) (Variation No. 4) Order 2013 TO/084/13

GIVEN UNDER THE SEAL of EAST LOTHIAN COUNCIL this 6th day of August 2023.

Authorised Signatory
East Lothian Council
John Muir House
Haddington
EH41 3HA

ORDER 104/23

**EAST LoTHIAN COUNCIL
ROAD TRAFFIC REGULATION ACT 1984**

2023

Subjects: Tranent Variation Order No.3

**EAST LoTHIAN COUNCIL
JOHN MuIR HOUSE
HADDINGTON**

