

EAST LoTHIAN COUNCIL
(VARIOUS ROADS – MUSSELBURGH AND WALLYFORD)
(PROHIBITION & RESTRICTION ON WAITING, LOADING &
UNLOADING ETC),
VARIATION NO.2 ORDER

TO 328/20

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 – Musselburgh and Wallyford), (Prohibition & Restriction on Waiting, Loading & Unloading Etc) Variation No.2 Order and shall come into operation on the 16th day of July 2021
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, Musselburgh) Traffic Regulation Order 1976
 - (b) East Lothian Council (The A1 On/Off Slip Roads Leading to and Including Queen Margaret University Drive, Musselburgh) (Prohibition and Restriction on Waiting, Loading and Unloading, Etc) Traffic Regulation Order 2007 (TO/07/16)
 - (c) East Lothian Council (Various Roads, Musselburgh) Prohibition and Restriction on Waiting, Loading and Unloading, Etc) Traffic Regulation Order 2007 TO/07/12
 - (d) East Lothian Council (The A1 On/Off Slip Roads Leading to and Including Queen Margaret University Drive, Musselburgh) (Prohibition and Restriction on Waiting, Loading and Unloading, Etc) Traffic Regulation Order 2007 (TO/07/16)
 - (e) East Lothian Council (The Loan and Wallyford Station Road, Wallyford) (Prohibition of Waiting, Loading and Unloading and disabled Parking) Order 2013 TO/077/13
 - (f) East Lothian Council (Stoneybank Crescent, Musselburgh) (Prohibition of Waiting) Order 2013 TO/13/075
 - (g) East Lothian Council (Various Roads, Musselburgh) (Prohibition and Restriction on Waiting and Loading and Unloading Etc) (Variation No. 1) Order 2013 TO/13/90
 - (h) East Lothian (Inveresk Village Road, Musselburgh) (Prohibition of Waiting, Loading and Unloading) Order 2013 TO/13/079
 - (i) East Lothian Council (Queen Margaret University, Musselburgh) (Prohibition and Restriction on Waiting, Loading and Unloading) (Variation No. 1) Order 2013 TO/13/082
 - (j) East Lothian Council (Various Roads– Musselburgh and Wallyford) (Prohibition of Waiting, Loading and Unloading etc), Variation No 1 Order;

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

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.

18 Lengths of road and parking areas specified as disabled parking places with waiting limited to 90 minutes in any 3 hour period in Schedule 5d

Save as provided in Articles 27, 28, 30 & 31 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 other than a disabled person's vehicle whilst properly displaying a valid disabled persons badge, to wait for longer than 90 minutes in any 3 hour period on Monday to Saturdays inclusive in any length of road in Dunbar and Haddington only, as specified in Schedule 5d and as shown on the accompanying maps.

24 Areas specified as roads adjacent to schools in Schedule 11

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 8.00am to 9.30am and 2.30pm – 4.30pm Mondays to Thursdays and between 8.00am and 1.30pm on Fridays and cause or permit any vehicle to load between the hours of 8.00am – 9.30am and 2.30pm and 4.30pm and between the hours of 8am and 1.30pm on Fridays and as shown on the accompanying maps.

25 Areas specified as School Keep Clear Markings

Save as provided in Articles 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 8.00am to 9.30am and 2.30pm – 4.30pm Mondays to Thursdays and between 8.00am and 1.30pm on Fridays and cause or permit any vehicle to load between the hours of 8.00am – 9.30am and 2.30pm and 4.30pm and between the hours of 8am and 1.30pm on Fridays and as shown on the accompanying maps.

25b Areas Specified as Car Club Bays in Schedule 13

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 Car Club Parking Bay which has been designated by the Local Authority as a Car Club Bay for the exclusive use of Car Club Vehicles during the hours of operation unless the vehicle is a clearly marked Car Club Vehicle.

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, 25b & 25c 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, 25b & 25c 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, 25b & 25c 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.

GIVEN UNDER THE SEAL of EAST LoTHIAN COUNCIL this day of **16th day of July 2021**

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

TO - 328/20

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

2020

Subjects: Musselburgh & Wallyford Variation
No.2 Order

**EAST LOTHIAN COUNCIL
JOHN MUIR HOUSE
HADDINGTON**

