

THE CITY OF EDINBURGH COUNCIL

THE CITY OF EDINBURGH COUNCIL (GRASSMARKET, EDINBURGH) (PROHIBITION AND RESTRICTION OF MOTOR VEHICLES) TRAFFIC REGULATION ORDER 2008

- TRO/07/14B

The City of Edinburgh Council in exercise of their powers under Sections 1(1), 2(1) to 2(3) and 4(2) of the Road Traffic Regulation Act 1984 as amended by the Roads (Scotland) Act 1984, (which Act as so amended is hereinafter referred to as "the 1984 Act"), 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

This Order may be cited as "The City of Edinburgh Council (Grassmarket, Edinburgh) (Prohibition and Restriction of Motor Vehicles) Traffic Regulation Order 2008" and shall come into operation on the Twenty-second day of September Two Thousand and eight.

2. Interpretation

- (1) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made under the 1984 Act or by or under any other enactment.
- (2) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"Article" means an article of this Order;

"Chief Constable" means the Chief Constable for the Lothian and Borders police area;

"Council" means The City of Edinburgh Council;

"disabled persons' bus" means a vehicle constructed or adapted to carry two or more disabled persons, excluding the driver of the vehicle;

"driver" in relation to a vehicle waiting in a Loading and Unloading place means the person driving the vehicle at the time it was left in such a parking place;

"goods" includes postal packets of any description; and "delivery" and "collecting" in relation to any goods include checking the goods for the purpose of their delivery or collection;

"motor vehicle" means a mechanically propelled vehicle intended or adapted for use on roads;

"prohibited hours" means the period specified in the Schedule to this Order;

"restricted hours" means the period specified in the Schedule to this Order;

"restricted road" means the length of road described in the Schedule to this Order;

"Schedule" means the Schedule to this Order;

"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 and includes any line or mark on a road for conveying warnings, information, requirements, restrictions or prohibitions;

"universal service provider" has the same meaning as that assigned to that phrase by Sections 4(3) and 4(4) of the Postal Services Act 2000; and

"vehicle" means a motor vehicle.

(3) For the purposes of this Order a motor vehicle shall be deemed to wait:

- (a) in the restricted road if any point in that road is below the motor vehicle or its load (if any) and the motor vehicle is stationary; or
- (b) for more than a specified period in the same place in the restricted road if any one point in that road is below the motor vehicle or its load (if any) throughout a period exceeding the specified period whether or not the motor vehicle is moved during that period.

3. Restriction of Vehicular Access

The Council are satisfied that, for preventing the likelihood of danger arising to persons or other traffic using the restricted road, it is requisite that Section 3(1) of the 1984 Act should not apply to this Order.

RESTRICTIONS ON ENTRY INTO OR WAITING IN GRASSMARKET DURING THE PROHIBITED HOURS

4. Use of Restricted Road During Prohibited Hours

Save as provided in Articles 5, 6 and 11 no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to enter, proceed in or wait in or on the restricted road during the prohibited hours.

5. Exemptions from Restriction on Entering, Proceeding or Waiting

The restrictions imposed by Article 4 shall not apply to the following motor vehicles:

- (a) a motor vehicle while being used for fire and rescue, ambulance or police purposes; or
- (b) a motor vehicle, not being a passenger vehicle, while being used in the service of a local 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 motor vehicle so to enter, proceed or wait; or
- (c) a vehicle or trailer waiting whilst goods are being sold or offered for sale by a person who is licensed by the Council to sell goods from a stationary vehicle or trailer on an approved pitch, and which is waiting for such purpose on the said pitch or is being driven to or away from the said pitch.

6. Exceptions from Restriction on Entering, Proceeding or Waiting

Nothing in Article 4 shall prevent any person from causing or permitting a motor vehicle to enter proceed or wait in or on the restricted road during the prohibited hours for so long as may be necessary:

- (a) to enable the motor vehicle, if it cannot conveniently be used for such purpose in any other road or outwith the prohibited hours, to be used in connection with any building operation, demolition or excavation in or adjacent to the restricted road, the cleansing or lighting of the restricted road, the removal of any obstruction to traffic road, the maintenance, improvement or reconstruction of the restricted road or street furniture therein or thereon, the laying, erection alteration or repair in or adjacent to the restricted road of any sewer or of any main, pipe telecommunication apparatus or the placing, maintenance or removal of any traffic sign; or
- (b) if the motor vehicle is in actual use in connection with a funeral undertaking; or
- (c) to enable a disabled persons' bus to uplift or set down passengers at premises located on the restricted road.

RESTRICTION ON ENTRY INTO AND WAITING, AND THE LOADING AND UNLOADING OF VEHICLES, IN GRASSMARKET DURING THE RESTRICTED HOURS

7. Use of Restricted Road During Restricted Hours

Save as provided in Articles 8, 9, 10 and 11 no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to enter, proceed in wait in or on the restricted road during the restricted hours.

8. Exemptions from Restrictions on Entering, Proceeding or Waiting

The restrictions imposed by Article 7 shall not apply to the following motor vehicles:-

- (a) a motor vehicle while being used for fire brigade, ambulance or police purposes; or
- (b) a motor vehicle, not being a passenger vehicle, while being used in the service of a local 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 motor vehicle so to enter, proceed or wait.
- (c) a vehicle or trailer waiting whilst goods are being sold or offered for sale by a person who is licensed by the Council to sell goods from a stationary vehicle or trailer on an approved pitch, and which is waiting for such purpose on the said pitch or is being driven to or away from the said pitch.

9. Exceptions from Restrictions on Entering, Proceeding or Waiting

Nothing in Article 7 shall prevent any person from causing or permitting a motor vehicle to enter proceed or wait in or on the restricted road during the restricted hours for so long as may be necessary:

- (a) for the sole purpose of enabling a person to board or alight from the motor vehicle in the restricted road or to load thereon or unload therefrom his personal luggage: provided that said boarding or alighting and loading or unloading is directly referable to premises situated on the restricted road; or

- (b) to enable the motor vehicle, if it cannot conveniently be used for such purpose in any other road or outwith the prohibited hours, to be used in connection with any building operation, demolition or excavation in or adjacent to the restricted road, the cleansing or lighting of the restricted road, the removal of any obstruction to traffic road, the maintenance, improvement or reconstruction of the restricted road or street furniture therein or thereon, the laying, erection alteration or repair in or adjacent to the restricted road of any sewer or of any main, pipe telecommunication apparatus or the placing, maintenance or removal of any traffic sign; or
- (c) if the motor vehicle is being used by a medical practitioner visiting patients on professional calls or by uniformed nurse/midwife making professional domiciliary visits where the patients being called upon reside in premises situated on the restricted road, provided that the vehicle bears a badge/card approved by the Council conspicuously displayed on the motor vehicle; or
- (d) if the motor vehicle is in actual use in connection with a funeral undertaking; or
- (e) if the motor vehicle, is a motor vehicle in the service of or employed by a universal service provider, is waiting while postal packets addressed to premises situated on the restricted road are being unloaded from the motor vehicle or, having been unloaded therefrom are being delivered, or while postal packets are being collected from postal boxes or premises situated on that road for loading on to the motor vehicle; or
- (f) to enable a disabled persons' bus to uplift or set down passengers at premises located on the restricted road.

10. Loading or Unloading of Goods

Nothing in Article 7 shall apply so as to prevent any person from causing or permitting a motor vehicle to enter, proceed or wait in or on the restricted road during the restricted hours while the motor vehicle is in actual use for the purpose of delivering or collecting goods or merchandise or while loading or unloading the motor vehicle at premises situated on the restricted road: provided that no motor vehicle engaged in delivering or collecting goods or merchandise or being loaded or unloaded shall wait during the restricted hours in the restricted road for a period of more than thirty minutes in the same place or if a period of less than thirty minutes has elapsed since the termination of the last period of waiting (if any) of the motor vehicle outside the same premises.

GENERAL

11. Furniture Removals and Any Other Exceptional Loading and Unloading

- (1) Nothing in Articles 4 and 7 shall apply so as to restrict during the restricted hours the entry into, progression along or waiting on the restricted road and the loading and unloading thereon of a motor vehicle while the motor vehicle is in actual use in the restricted road in connection with the removal of furniture to or from one office, dwellinghouse or depository situated on the restricted road from or to another office, dwellinghouse or depository.

- (2) Without prejudice to the foregoing paragraph of this Article nothing in this Order shall apply so as to restrict the entry into, progression along or waiting on the restricted road and the loading and unloading thereon of a motor vehicle during the prohibited or the restricted hours while the motor vehicle is in actual use in the restricted road in connection with the collection or delivery of goods from or to premises situated on the restricted road if the goods cannot reasonably be loaded or unloaded outwith the prohibited hours or within the time allowed during the restricted hours in relation to the restricted road, if notice is given twenty-four hours in advance to the Chief Constable, his consent (either generally or specifically) is obtained and such reasonable conditions as he may impose are complied with.

12. Restriction on Methods or Loading or Unloading Motor Vehicles

No person in charge of a motor vehicle delivering or collecting goods or is engaged in the course of or in connection with the loading or unloading of any goods on or any such motor vehicle in the restricted road shall cause or permit any such goods to be deposited on the carriageway except immediately at the rear of the motor vehicle or allow any goods to remain on the carriageway before the arrival or after the departure of the motor vehicle.

13. Duty to Move On

Notwithstanding any exemption or exception contained in this Order, the person in control of any motor vehicle waiting during the restricted hours or the prohibited hours in the restricted road shall move the motor vehicle on the instructions of a police constable in uniform whenever such removal is reasonably necessary for the purpose of facilitating the passage of traffic (including foot passengers).

Executed by The City of Edinburgh Council this Sixteenth day of September Two Thousand and eight.

(witness)

Council Solicitor

SCHEDULE

LENGTH OF ROAD IN EDINBURGH

For the purpose of the application of this Order to the lengths of road specified in this Schedule the expressions –

“prohibited hours” means the period between 12:00 am (noon) and 0630 am the following day on Mondays to Sundays inclusive;

“restricted hours” means the period between 06.30 am and 12.00 am (noon) on Mondays to Sundays inclusive;

“m” means metre.

Grassmarket

That part of Grassmarket (north leg), which extends from the extended west kerbline of West Bow westwards to the extended east kerbline of Grassmarket (west leg).