

**2019 No. 115**

**ROAD TRAFFIC**

**The A737 (The Den, Dalry) (Temporary Prohibitions of Traffic  
and Overtaking and Temporary 40 mph Speed Restriction)  
Order 2019**

*Made* - - - - *22nd March 2019*

*Coming into force* - - *1st April 2019*

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

In accordance with section 14(1)(a) 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, 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 A737 (The Den, Dalry) (Temporary Prohibitions of Traffic and Overtaking and Temporary 40 mph Speed Restriction) Order 2019, comes into force on 1st April 2019 and ceases to have effect on 31st March 2020.

**Prohibition on use of a road**

2. No person may use, or permit the use of, any vehicle on the length of road, or part or parts of the length of road, specified in the schedule when a prohibition is identified as applying to that length of road, or a part or parts of that length of road, by means of a traffic sign of the type described in item 8 (diagram 7105 – position of barrier to mark length of road closed or to guide traffic past an obstruction) of the sign table in Part 6 of schedule 13 of the Traffic Signs Regulations and General Directions 2016(b).

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(a) 1984 c.27; section 2(1) and (2) was amended by the New Roads and Street Works Act 1991 (c.22), schedule 8, paragraph 18 and section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and schedule 1. 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, schedule 8, paragraph 70 and amended by S.I. 2001/1400) as read with section 151(1) of the Roads (Scotland) Act 1984 (c.54) (relevantly amended by S.I. 2001/1400). 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. 2016/362.

### **Prohibition on overtaking**

3.—(1) No person may use, or permit the use of, any vehicle in such a way that it overtakes any other moving vehicle on the length of road, or a part or parts of the length of road, specified in the schedule when a prohibition is identified as applying to that length of road, or a part or parts of that length of road, by means of a traffic sign of the type described in item 5 (diagram 632 – no overtaking) of the sign table in Part 2 of schedule 3 of the Traffic Signs Regulations and General Directions 2016.

(2) “Other moving vehicle” does not include 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).

### **Speed restriction**

4. No person may use, or permit the use of, any vehicle on the length of road, or a part or parts of the length of road, specified in the schedule at a speed exceeding 40 miles per hour when a restriction is identified as applying to that length of road, or a part or parts of that length of road, by means of a traffic sign of the type described in item 1 (diagram 670 – maximum speed limit in mph) of the sign table in Part 2 of schedule 10 of the Traffic Signs Regulations and General Directions 2016.

### **Exemptions**

5. No prohibition imposed by this Order applies to—

- (a) a vehicle being used in an emergency for fire brigade, ambulance, police or coastguard purposes; or
- (b) a vehicle while being used for carrying out the works.

6. No speed restriction imposed by this Order applies to—

- (a) vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(b) when used in accordance with regulation 3(5) of those Regulations; or
- (b) vehicles being used in an emergency for coastguard purposes.

*G DYET*

A member of the staff of the Scottish Ministers

Buchanan House,  
Glasgow  
22nd March 2019

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(a) Section 140 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), schedule 3, paragraph 25(9).  
(b) S.I. 2011/935.

## SCHEDULE

Article 2, 3 and 4

### SPECIFIED LENGTH OF ROAD

That length of the A737 /A738 St James Interchange – Kilwinning – Hawkhill Trunk Road from a point 180 metres east of where it meets the entrance to the private property known as Hareshaw Farm, Dalry to the point where it meets the unclassified ZU11, a distance of 2.5 kilometres or thereby.