
SCOTTISH STATUTORY INSTRUMENTS

2019 No. 167

ROAD TRAFFIC

**The A956 Trunk Road (Aberdeen Western
Peripheral Route) (Cleanhill to Charleston)
(Prohibitions and Restrictions) Regulations 2019**

<i>Made</i>	- - - -	<i>15th May 2019</i>
<i>Laid before the Scottish Parliament</i>	- - - -	<i>17th May 2019</i>
<i>Coming into force</i>	- -	<i>30th June 2019</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 17(2), (3) and (3ZA) of the Road Traffic Regulation Act 1984(1) and all other powers enabling them to do so.

In accordance with section 134(8)(2) of that Act they have consulted with such representative organisations as they think fit.

Citation and commencement

1. These Regulations may be cited as the A956 Trunk Road (Aberdeen Western Peripheral Route) (Cleanhill to Charleston) (Prohibitions and Restrictions) Regulations 2019 and come into force on 30 June 2019.

Interpretation

2. In these Regulations—

“AWPR” means, unless the context otherwise requires, the lengths of carriageway specified in Part 1 of the schedule and includes any central reservations, emergency laybys and verges,

“carriageway” means a part of a road which is provided for the regular passage of vehicular motor traffic, including slip roads,

“central reservation” means a part of a road which separates the carriageway to be used by vehicles travelling in one direction from the carriageway to be used by vehicles travelling in the opposite direction,

(1) 1984 c.27. Section 17(2) was amended by the New Roads and Street Works Act 1991 (c.22), schedule 8, paragraph 28, by the Road Traffic Act 1991 (c.40), schedule 4, paragraph 25 and schedule 8, paragraph 1, and by the Scotland Act 2012 (c.11), section 21(3). Section 17(3ZA) was inserted by the Scotland Act 2012 (c.11), section 21(4).

(2) Section 134(8) was inserted by the Scotland Act 2016 (c.11) schedule 2, Part 1, paragraph 12(5).

“constable” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012⁽³⁾,

“emergency layby” means a part of a road which is designed to take the weight of a vehicle, is adjacent to and situated on the left hand side of the carriageway when facing in the direction in which vehicles may be driven in accordance with regulation 3, and which is marked with traffic signs of the type described as blank diagram 1 in Part 1, and item 9 (stopping prohibited in a layby except in emergency) of the sign table in Part 3 of schedule 4 of the Traffic Signs Regulations and General Directions 2016⁽⁴⁾,

“excluded traffic” means traffic which is not traffic of classes I or II of the classes of traffic specified in schedule 3 of the Roads (Scotland) Act 1984⁽⁵⁾,

“verge” means any part of a road which is not a carriageway, an emergency layby or a central reservation.

Direction of driving

3.—(1) On any length of the carriageway of the AWPR which—

- (a) is not adjacent to a central reservation, and
- (b) can be entered at one end only,

a person may drive or move a vehicle only from the point of entry of that length of carriageway towards the other end.

(2) On any length of the carriageway of the AWPR that is adjacent to a central reservation a person must not drive or move a vehicle such that the central reservation is on the left-hand side of the vehicle.

(3) A person must not drive or move a vehicle on any length of the AWPR so as to cause it to turn and proceed in or face the opposite direction.

Prohibition on use of the central reservation or verge

4. A person must not drive, move or stop a vehicle, or allow it to remain at rest, on a central reservation or verge on any length of the AWPR.

Restriction on stopping

5.—(1) A person must not stop a vehicle, or allow it to remain at rest, on any length of the carriageway of the AWPR.

(2) Paragraph (1) does not apply where it is necessary for a person to stop a vehicle on the carriageway—

- (a) because of a breakdown or mechanical defect or lack of fuel, oil or water, required for the vehicle,
- (b) because of any accident, illness or other emergency,
- (c) to permit any person carried in or on the vehicle to recover or move any object which has fallen on the road, or
- (d) to permit any person carried in or on the vehicle to give help which is required by any other person in any of the circumstances specified in the provisions of this paragraph.

(3) 2012 asp 8.

(4) S.I. 2016/362, to which there are amendments not relevant to these Regulations.

(5) 1984 c.54.

(3) As soon as it is reasonably practicable and safe to do so, a person who has stopped a vehicle in accordance with paragraph (2) must drive or move that vehicle on to an emergency layby.

(4) A person must not allow a vehicle or its load which is at rest in an emergency layby—

(a) to obstruct or be a cause of danger to vehicles using the carriageway, or

(b) to remain at rest for longer than is necessary in the circumstances or for the purposes specified in paragraph (2).

(5) This regulation does not prohibit a vehicle from being stopped, or allowed to remain at rest, on the carriageway while it is prevented from proceeding along the carriageway by the presence of any other vehicle, person or object.

Restriction on reversing

6. A person must not drive or move a vehicle backwards on any length of the AWPR except to the extent that it is necessary to enable that vehicle to proceed forwards or to be connected to any other vehicle.

Restriction on the use of emergency laybys

7. A person must not drive, move or stop a vehicle, or allow it to remain at rest, in an emergency layby on any length of the AWPR, except in accordance with regulation 5(3) and (4).

Restrictions affecting animals carried in vehicles

8.—(1) A person in charge of an animal which is carried in a vehicle must not, so far as is practicable while the vehicle is on any length of the AWPR—

(a) remove the animal from the vehicle, or

(b) permit the animal to leave the vehicle.

(2) If an animal escapes from, or it is necessary for it to be removed from, or to be permitted to leave a vehicle on any length of the AWPR, any person in charge of that animal must not, so far as is practicable—

(a) permit the animal to go onto or remain on any length of the AWPR other than an emergency layby or a verge, and

(b) permit the animal not to be held on a lead or otherwise kept under control while on any length of the AWPR.

Use of road by excluded traffic

9.—(1) Pedestrians may use the AWPR when it is necessary for them to do so—

(a) as a result of an accident or emergency or as a result of a vehicle that is stopped on the AWPR in any of the circumstances specified in regulation 5(2), or

(b) in any other circumstances specified in regulation 10(1)(a), (c), (e), or (f).

(2) Classes III and IV of the classes of traffic specified in schedule 3 of the Roads (Scotland) Act 1984 may use any length of the AWPR for the maintenance, repair, cleaning or clearance of any part of the AWPR or for the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over any part of the AWPR.

(3) The Scottish Ministers may authorise the use of excluded traffic by any person on any length of the AWPR—

(a) in an emergency,

- (b) for the purpose of enabling that traffic to cross the AWPR,
 - (c) to secure access to premises abutting on or adjacent to the AWPR,
 - (d) when they otherwise consider it necessary or appropriate to do so.
- (4) Where in an emergency the use of any road other than a length of the AWPR by excluded traffic is impossible or unsuitable the chief constable of the Police Service of Scotland or any constable of, or above, the rank of superintendent authorised by the chief constable may—
- (a) authorise the use of excluded traffic by any person on any part of the AWPR for the period during which use of the other road by such traffic continues to be impossible or unsuitable,
 - (b) relax any prohibition or restriction imposed by regulations 3 to 8 so far as is necessary.

Exceptions and relaxations

10.—(1) Regulations 3 to 8 do not apply to any person being present on or using any length of the AWPR, by vehicle or otherwise—

- (a) for the purposes of—
 - (i) the exercise of their duty as a constable,
 - (ii) the exercise of the functions of the Scottish Ambulance Service Board under article 4(1)(a) of the Scottish Ambulance Service Board Order 1999(6),
 - (iii) providing a response to an emergency at the request of the Scottish Ambulance Service Board,
 - (iv) the Scottish Fire and Rescue Service,
 - (v) Her Majesty’s Coastguard in an emergency,
 - (vi) the exercise of the functions of the National Crime Agency,
- (b) in accordance with any direction given by a constable in uniform or in accordance with the indication given by a traffic sign,
- (c) where, in accordance with any permission given by a constable or the traffic authority, they do so for the purpose of investigating any accident or incident which has occurred on or near the AWPR,
- (d) where it is necessary for that person to do so to—
 - (i) avoid or prevent an accident, or
 - (ii) obtain or give help required as a result of an accident or emergency or as a result of a vehicle that is stopped in any of the circumstances specified in regulation 5(2),
 and they do so in such manner as to cause as little danger and inconvenience as possible to other traffic on the AWPR,
- (e) where it is necessary for them to do so to carry out in an efficient manner—
 - (i) the maintenance, inspection, repair, cleaning, clearance, alteration or improvement of any part of the AWPR,
 - (ii) the recovery and removal of any vehicle from any length of the AWPR, or
 - (iii) the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over any part of the AWPR, or
- (f) where it is necessary for them to do so in connection with any inspection, survey, investigation or census which is carried out in accordance with any authority granted by the Scottish Ministers.

(2) Regulation 7 does not apply to any person being present on or using any emergency layby on the AWPR, by vehicle or otherwise, in the exercise of their duties as a member of police staff.

(3) The Scottish Ministers may relax any prohibition or restriction imposed by these Regulations.

(4) In paragraph (2), “police staff” has the meaning given by section 99(1) of the Police and Fire Reform (Scotland) Act 2012.

Speed limits

11.—(1) A person may not drive any motor vehicle at a speed exceeding—

- (a) 70 miles per hour on the lengths of the AWPR specified in Part 2 of the schedule, and
- (b) 40 miles per hour on the lengths of the AWPR specified in Part 3 of the schedule.

(2) Paragraph (1) does not apply to any person using any—

- (a) vehicle falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(7) when used in accordance with regulation 3(5) of those Regulations, or
- (b) vehicle for the purposes of Her Majesty’s Coastguard in an emergency.

St Andrew’s House, Edinburgh
15th May 2019

MICHAEL MATHESON
A member of the Scottish Government

SCHEDULE

Regulations 2 and 11

In this schedule “the road” means the A956 – Aberdeen Western Peripheral Trunk Road.

PART 1

SPECIFIED LENGTHS OF ROAD CONSTITUTING THE AWPR

1. That length of the road being the eastbound carriageway from its junction with the circulatory carriageway of the Cleanhill Roundabout to a point 212 metres or thereby east of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge, a distance of 6.56 kilometres or thereby.
2. That length of the road being the westbound carriageway from a point 212 metres or thereby east of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge to its junction with the circulatory carriageway of Cleanhill Roundabout, a distance of 6.56 kilometres or thereby.

PART 2

SPECIFIED LENGTHS OF ROAD – 70 MPH SPEED RESTRICTION

3. That length of the road being the eastbound carriageway from its junction with the circulatory carriageway of the Cleanhill Roundabout to a point 188 metres or thereby south-west of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge, a distance of 6.16 kilometres or thereby.
4. That length of the road being the westbound carriageway from a point 188 metres or thereby south-west of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge to its junction with the circulatory carriageway of Cleanhill Roundabout, a distance of 6.16 kilometres or thereby.

PART 3

SPECIFIED LENGTHS OF ROAD – 40 MPH SPEED RESTRICTION

5. That length of the road being the eastbound carriageway at Charleston Junction from a point 188 metres or thereby south-west of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge, in a generally north-easterly direction for a distance of 400 metres or thereby.
6. That length of the road being the westbound carriageway at Charleston Junction from a point 212 metres or thereby east of the centreline of the C5K Schoolhill to Lochton to Nigg Road Overbridge, in a generally south-westerly direction for a distance of 400 metres or thereby.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the regulation of traffic using that part of the A956 - Aberdeen Western Peripheral Route Trunk Road being the special road section of the A956 known as the Aberdeen Western Peripheral Route (“AWPR”).

The Regulations provide that except in the circumstances referred to in regulation 10—

- a) vehicles using the carriageways must observe one-way driving (regulation 3),
- b) vehicles are prohibited from being on the central reservations or verges (regulation 4),
- c) vehicles are not to stop on the carriageways (regulation 5),
- d) reversing is prohibited (regulation 6),
- e) emergency laybys are not to be used by vehicles (regulation 7),
- f) animals carried in a vehicle are as far as practicable to be kept in the vehicle or, if they are not in the vehicle, are not to go or remain on the AWPR other than in an emergency layby or on a verge and are to be kept under proper control (regulation 8).

Regulation 9 provides that certain classes of traffic not ordinarily authorised to use the AWPR may do so in the circumstances specified in the Regulation.

Regulation 10 provides for certain general exceptions from the provisions of the Regulations and authorises the Scottish Ministers to relax any prohibition or restriction imposed by the Regulations.

Regulation 11 makes provision for a 70 mph speed limit or a 40 mph speed limit on the sections of the AWPR which are described in Parts 2 and 3 of the schedule, respectively.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.