

2019 No. 2

ROAD TRAFFIC

**The A82 Trunk Road (Tyndrum To South Ballachulish)
(Temporary Rural Clearway) Order 2019**

Made - - - - - *11th January 2019*

Coming into force - - - - - *29th January 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)(b) 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)(b) of that Act, they are satisfied that the traffic on the length of road specified in the schedule should be restricted or prohibited because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to works.

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 A82 Trunk Road (Tyndrum To South Ballachulish) (Temporary Rural Clearway) Order 2019, comes into force on 29 January 2019 and ceases to have effect on 20 January 2020.

Restriction on use of vehicles

2. Subject to Article 3, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to stop at any time on the length of road specified in the schedule.

Exemptions

3. No restriction imposed by this Order applies to—

- (a) a vehicle stopping in any case where the person in control of the vehicle,—
 - (i) is required by law to stop,
 - (ii) is obliged to stop in order to avoid an accident, or

(a) 1984 c.27; section 2(1) and (2) were amended by the New Roads and Street Works Act 1991 (c.22) (“the 1991 Act”), schedule 8, paragraph 18 and section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), schedule 1. The Scottish Ministers are the traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (inserted by the 1991 Act, 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).

- (iii) is prevented from proceeding by circumstances outwith their control and it is not reasonably practicable for them to drive or move the vehicle to a place not on a carriageway,
- (b) a vehicle being used in an emergency for fire brigade, ambulance, police or coastguard purposes,
- (c) a vehicle being used for the purpose of delivering letters, parcels, packets or other articles transmissible by post to premises situated on or adjacent to the length of road specified in the schedule,
- (d) a vehicle being used by or on behalf of a local authority for the purpose of the collection of household refuse from premises situated on or adjacent to the length of road specified in the schedule,
- (e) a public service vehicle as defined by section 1 of the Public Passenger Vehicles Act 1981(a) providing a local service as defined in section 2 of the Transport Act 1985(b),
- (f) a taxi or private hire car as defined by section 23(1) of the Civic Government (Scotland) Act 1982(c) stopping for the purpose of taking up or setting down passengers, or
- (g) a vehicle stopping for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for any of the purposes hereinafter described without stopping on a carriageway, to be used in connection with—
 - (i) any building operation or demolition being carried out adjacent to the length of road specified in the schedule,
 - (ii) the removal of any obstruction or potential obstruction to traffic on the length of road specified in the schedule,
 - (iii) the maintenance, improvement or reconstruction of the length of road specified in the schedule, or
 - (iv) the laying, erection, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under, over or adjacent to the length of road specified in the schedule.

S P DAVIES

A member of the staff of the Scottish Ministers

Buchanan House,
Glasgow
11th January 2019

(a) 1981 c.14; sections 1(3) and 1(5) have been repealed in part by the Transport Act 1985 (c.67), Schedule 8.
 (b) To which no relevant amendments apply.
 (c) To which no relevant amendments apply.

SCHEDULE

Articles 2 and 3

SPECIFIED LENGTH OF ROAD

That length of the A82 Dalnottar – Inverness Trunk Road from its junction with the A85 Tyndrum – Oban Trunk Road north of Tyndrum, in a generally north westwards direction to a point at its junction with the A828 Connel – South Ballachulish Trunk Road at South Ballachulish, a distance of 52.7 kilometres or thereby.