

**THE CITY OF EDINBURGH COUNCIL**

**THE CITY OF EDINBURGH COUNCIL (VARIOUS STREETS, LEITH) (PROHIBITION OF MOTOR VEHICLES AND BUS PRIORITY MEASURES) TRAFFIC REGULATION ORDER 202\_ - TRO/21/22A**

The City of Edinburgh Council in exercise of their powers under Sections 1(1), 2(1) to 2(3) and 4(2) of, and Part IV of Schedule 9 to, 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. This Order may be cited as "The City of Edinburgh Council (Various Streets, Leith) (Prohibition of Motor Vehicles and Bus Priority Measures) Traffic Regulation Order 202\_" and shall come into force on the ---- day of ---- Two thousand and ----.

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;

"bus lane" has the same meaning as in Section 44(4) of the Transport (Scotland) Act 2001;

"Chief Constable" means the Chief Constable of the Police Authority for Police Scotland;

"local authority" means a council constituted under Section 2 of the Local Government etc (Scotland) Act 1994;

"local service" has the meaning assigned to that phrase by Section 2 of the Transport Act 1985;

"motor cycle" has the same meaning as in Section 136 of the 1984 Act;

"motor vehicle" has the same meaning as in Section 136 of the 1984 Act;

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed or adapted solely for the carriage of not more than twelve passengers (exclusive of the driver) and their effects and not drawing a trailer;

"pedal cycle" shall have the meaning assigned to that phrase by section 151 of the Roads (Scotland) Act 1984;

"public service vehicle" has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981, and, for the purposes of this Order, applies where the said vehicle or vehicles are being operated as a Local Service, as defined in the said Act;

"road" has the same meaning as in Section 151 of the Roads (Scotland) act 1984 and, for the avoidance of doubt, for the purposes of this order, includes part of a road;

"Schedule" means a Schedule to this Order;

"taxi" has the meaning assigned to that phrase by Section 23 of the Civic Government (Scotland) Act 1982;

"telecommunication apparatus" has the same meaning as assigned to that phrase by Section 4 of and Schedule 2 to the Telecommunication 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 and includes any line or mark on a road for conveying warnings, information, requirements, restrictions or prohibitions; and

"vehicle" means either a motor vehicle or a motor cycle, in either case with or without a trailer.

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

3. 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 or having effect as if made under the 1984 Act or by or under any other enactment.

### **Prohibition of Motor Vehicles**

4. Save as provided in Article 5 of this Order, no person shall cause or permit any motor vehicle to enter into or proceed or wait in or in any part of any length of road described in Schedule 1 to this Order.
5. Nothing in Article 4 shall apply to a motor vehicle:
  - (a) being used in an emergency for fire brigade, ambulance or police purposes;
  - (b) 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 and duties or the performance of such duties for the motor vehicle so to enter, proceed or wait;
  - (c) while being used in connection with any building operation, demolition or excavation in or adjacent to the length of road specified in the Schedule to this order; the cleaning or lighting of that road; the maintenance, improvement or reconstruction of that road or street furniture therein or thereon; the laying, erection alteration or repair in or adjacent to that road of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus; or the placing, maintenance or renewal of any traffic sign.

### **Bus Lanes**

6. For the purposes of this Order a vehicle shall be deemed to be in, or as the case may be, to be proceeding in a bus lane described in Schedule 2 to this Order if any part of said bus lane is below the vehicle or its load.

7. Save as provided in Article 8, no person shall cause or permit any vehicle to be in, or to enter or proceed in a bus lane described in Schedule 2; provided that nothing in this Article shall apply to any vehicle being in, entering or proceeding in a bus lane where the person in control of the vehicle:
- a) is required by law to do so; or
  - b) is obliged to be in, or to enter or proceed in a bus lane in order to avoid an accident, or a parked vehicle; or
  - c) prevented by circumstances outwith his control from avoiding being in, or entering or proceeding other than in the bus lane, and as soon as possible causes the vehicle to leave the bus lane.
8. Nothing in Article 7 shall apply to:
- a) a public service vehicle engaged in the provision of a local service;
  - b) a vehicle being used, in an emergency, for fire brigade, ambulance or police purposes if it is reasonably necessary for that vehicle to be in, or to enter or proceed in a bus lane described in Schedule 2;
  - c) a vehicle being used in connection with the removal of any obstruction in a bus lane described in Schedule 2;
  - d) enable a vehicle in actual use or materially necessary for such purposes, provided that the said vehicle cannot conveniently be used for the same purpose either in any other road not being a bus lane, to be used in or adjacent to that or any other bus lane in connection with any:
    - (i) building operation; or
    - (ii) demolition; or
    - (iii) 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
    - (iv) excavation,provided that, in the case of any of the operations described in sub-paragraphs (iii) and (iv) above, the said operation or operations are to be conducted within the extents of the road.
  - e) enable a vehicle in actual use or materially necessary for such purposes, provided that the said vehicle cannot conveniently be used for the same purpose either in any other road not being a bus lane, to be used in connection with any:
    - (i) cleansing or lighting of any bus lane; or
    - (ii) removal of any obstruction to traffic on any bus lane; or
    - (iii) maintenance or improvement or reconstruction of any bus lane; or
    - (iv) placing, maintenance or removal of any traffic sign or parking meter on any bus lane.provided that in the circumstances described that it is reasonably necessary for the vehicle to be in, or to enter or proceed in the bus lane.

- f) a vehicle, not being a passenger vehicle, while being used in the service of a local authority in pursuance of statutory powers and duties; provided that in all the circumstances it is reasonably necessary in the exercise of such powers and duties for the vehicle to be in, or to enter or proceed in a bus lane described in Schedule 2;
  - g) a vehicle being used while postal packets are being delivered to or collected from premises adjacent to the bus lane, provided that in the circumstances described that it is reasonably necessary for the vehicle to be in, or to enter or proceed in the bus lane
  - h) a pedal cycle; or
  - i) a taxi.
9. The Council's Executive Director of Place or any person authorised by him may, after consultation with the Chief Constable, suspend the operation of a bus lane or part thereof and the restriction imposed by Articles 7 & 8-of this Order on vehicles being in, or entering or proceeding in a bus lane or part thereof, whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or in the interests of road safety.
10. Nothing in this Order shall apply to anything done with the permission of or at the direction of a police constable in uniform.

Executed by The City of Edinburgh Council this ----day of ---- Two thousand and ----.

(witness)

signed on behalf of Executive Director of Place

**SCHEDULE 1****Prohibition of Motor Vehicles**

<b>Name of Road</b>	<b>Description of roads</b>
Yardheads	All that part of the carriageway of Yardheads from the extended west kerb line of Henderson Street, in a westerly direction for a distance of 11.6 metres or thereby.
Parliament Street	All that part of the carriageway of Parliament Street from the extended north-west kerb line of Henderson Street, in a north-westerly direction for a distance of 11.1 metres or thereby.
Coalhill	All that part of the carriageway of Coalhill from a point 47.5 metres or thereby east of from the extended east kerbline of Parliament Street, in an easterly direction for a distance of 20.7 metres or thereby.
Sandport Place	All that part of the carriageway of Sandport Place from a point 7.9 metres or thereby north-west of the extended north-west kerb line of Henderson Street, in a north-westerly direction for a distance of 76.1metres or thereby.
Burgess Street	All that part of the carriageway of Burgess Street from the extended south-east kerb line of Shore, in a south-easterly direction for a distance of 20.1 metres or thereby.
Coburg Street	All that part of the carriageway of Coburg Street from the extended west kerb line of Dock Street, in a westerly direction for a distance of 12.7 metres or thereby.

**SCHEDULE 2**

**12 noon to 6am**

**Bus Lanes**

<b>Length of Road</b>	<b>Description of Section of Road Containing Bus Lane</b>
Shore	All that part of the south-east side of the carriageway of Shore from the extended south-west kerbline of Broad Wynd in a south-westerly direction for a distance of 77.2 metres or thereby, to the extended north-east kerbline of Shore Place.