

THE CITY OF EDINBURGH COUNCIL

THE CITY OF EDINBURGH COUNCIL (SCIENNES ROAD) (RESTRICTIONS ON VEHICLE MOVEMENT, SCHOOL STREETS AND RESTRICTIONS ON WAITING, LOADING AND UNLOADING, AND PARKING PLACES) (VARIATION NO _) ORDER 202_ TRO/23/30

The City of Edinburgh Council in exercise of their powers under Sections 1(1), 2(1) to 2(3), 4(2) of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 as amended (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 (Sciennes Road) (Restrictions on Vehicle Movement, School Streets and Restrictions on Waiting, Loading and Unloading, and Parking Places) (Variation No _) Order 202_" and shall come into operation on the ---- day of ---- Two thousand and twenty- ----- .
2. 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.
3. In this Order, except where the context otherwise requires, the follow expressions have the meanings hereby respectively assigned to them:

"Article" means an Article of this Order;

"Chief Constable" means the Chief Constable of the Police Scotland area;

"Executive Director of Place" means the Executive Director of Place of the local authority;

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

"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;

"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;

"telecommunication apparatus" has the same meaning as assigned to that phrase by Section 4 of and Schedule 2 to the Telecommunication Act 1984; and

“the 2018 Order” means The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, Stopping and Parking Places) Designation and Traffic Regulation Order 2018.

"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.

4. 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

5. Save as provided in Article 6, no person shall cause or permit any motor vehicle to enter, proceed or wait in or on any part of the lengths or areas of road described in the Schedule of this Order.
6. Nothing in Article 5 shall apply to a motor vehicle:
 - (a) being used 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.

SCHOOL STREETS

7. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, The City of Edinburgh Council (Schools Streets, Edinburgh) (Prohibition of Motor Vehicles) Traffic Regulation Order 2017, shall have the effect as if: -

In Schedule School Streets.

In Section 5,

In column 2 for the words “From extended east kerbline of Sylvan Place eastwards to the extended west kerbline of Tantallon Place.” there were substituted the words:-

“(1) From the west kerbline of Livingstone Place westwards for a distance of 39 metres or thereby.

(2) From the east kerbline of Sylvan Place eastwards for a distance of 120 metres or thereby.”

WAITING, LOADING AND UNLOADING, AND PARKING PLACES

8. Designation of parking places and loading places and application of the 2018 Order thereto.
 - a) Each area on a road identified in a map tile as a parking place or loading place and, where applicable, by way of either a map tile label or the map schedule legend, or both, as an area marked out and signed for the use therein of specified classes of vehicles following the conditions specified in the 2018 Order in relation to that type of parking place or loading place, is designated as a parking place or, as the case may be, a loading place.
 - b) Unless otherwise so identified, a parking place or a loading place shall be bounded on one side of its length by the edge of the carriageway and be an area marked either by a traffic sign or by another method of indicating the extent of a parking place or loading place as specified in the Traffic Signs Regulations and General Directions 2016.
 - c) The provisions of the 2018 Order (other than Articles 3-1 and 7-1) shall apply to an area designated as a parking place by this Order as if in those provisions any reference to:
 - (i) a parking place included a reference to an area designated as a parking place by this Order, and
 - (ii) a loading place included a reference to an area designated as a loading place by this Order.
9. Loading prohibition and/or waiting restrictions applicable in prohibited or restricted roads.

Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the 2018 Order shall have effect as though any loading prohibition and/or waiting restriction identified in a map tile and, where applicable, by way of either a map tile label or the map schedule legend, or both, and marked out and signed as a loading prohibition and/or waiting restriction shall be construed as though it were a prohibited road and/or a restricted road referred to in the 2018 Order.

10. Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, The City of Edinburgh Council (Traffic Regulation; Restrictions on Waiting, Loading and Unloading, Stopping and Parking Places) Designation and Traffic Regulation Order 2018, shall have the effect as if, in Schedule 2 to that Order: -

1) the version number listed for the following map tiles will increase by one whole number:

1810	1811
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Executed by The City of Edinburgh Council this ----- day of ----- Two thousand and twenty- ----- .

(witness) signed on behalf of Executive Director of Place

SCHEDULE: PROHIBITION OF MOTOR VEHICLES

Lengths of Road in Edinburgh from which Motor Vehicles are Prohibited

Sciennes Road, From a point 44 metres or thereby west of the centre line of its junction with Livingstone Place, westwards to a point 124 metres or thereby east of the centre line of its junction with Sylvan Place.