

THE CITY OF EDINBURGH COUNCIL

THE CITY OF EDINBURGH COUNCIL (TRAFFIC REGULATION; ARBORETUM PLACE, RESTRICTIONS ON WAITING: NORTH AREA) (NO. 2) EXPERIMENTAL TRAFFIC ORDER 2024 - TRO/23/23A

The City of Edinburgh Council in exercise of their powers under sections 9 and 10 of the Road Traffic Regulation Act 1984 as amended (which Act as so amended is hereinafter referred to as "the 1984 Act"), Part IV of Schedule 9 to 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:

Citation, commencement and expiry

1. This Order may be cited as "The City of Edinburgh Council (Traffic Regulation; Arboretum Place, Restrictions on Waiting: North Area) (No. 2) Experimental Traffic Order 2024", shall come into force on the Fifteenth day of July Two thousand and twenty-four, and shall expire on the Fourteenth day of January Two thousand and twenty-six.

Interpretation

2. (1) In this Order, except where the context otherwise requires, the follow expressions have the meanings hereby respectively assigned to them:
 - (a) "chief constable" means the Chief Constable for the Police Scotland area;
 - "electronic communications network" has the same meaning as in section 32 of the Communications Act 2003;
 - "funeral vehicle" means a hearse carrying a deceased person and any other such vehicle forming part of a funeral procession for the purpose of transporting mourners to/from a funeral service;
 - "goods vehicle" means a motor vehicle or trailer constructed or adapted for use for the carriage or haulage of goods or burden of any description;
 - "healthcare worker" means such persons as having been identified by NHS Lothian or qualifying medical practices as being a GP, doctor, registered nurse or any other nominated medical persons carrying out domiciliary visits to patients residing within the restricted road;
 - "invalid carriage" has the same meaning as in Section 136 of the 1984 Act;
 - "local authority" means The City of Edinburgh Council;
 - "motor vehicle" has the same meaning as in Section 136(1) of the 1984 Act;
 - "parking attendant" has the same meaning as in Section 63A of the 1984 Act;
 - "pedal cycle" has the same meaning as in section 151 of the Roads (Scotland) Act 1984;
 - "postal packets" has the same meanings as in Part 3 of the Postal Services Act 2011;
 - "prohibited hours" means, in relation to any restricted road, the period or periods where said road is subject to a waiting and/or loading prohibition, as specified in Column 3 of Schedule 1;
 - "restricted hours" means, in relation to a restricted road, the period or periods

during which vehicles may not wait, and are as specified in column 3 of Schedule 1, in relation to the lengths of roads specified in column 1 of said Schedule;

"restricted road" means any road identified in the Schedule as having restricted hours applying to that road;

"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;

"taxi" has the same meaning as in Section 23 of the Civic Government (Scotland) Act 1982;

"traffic sign" means a sign of any size, type and colour prescribed and authorised under, or having effect as though prescribed or authorised under section 64 of the 1984 Act;

"universal service provider" has the same meanings as in Part 3 of the Postal Services Act 2011

"vehicle" has the same meaning as "motor vehicle"; and

"waste services vehicle" means a liveried vehicle specifically designed or adapted to collect and/or transport household or business waste, including recyclable materials.

- (b) References in this Order to a disabled person, to a disabled person's badge, to a disabled person's vehicle and to a vehicle displaying a disabled person's badge in the relevant position shall be construed in accordance with the 1984 Act, The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002.
- (c) Unless the context otherwise requires, a reference in this Order:
 - i) to a Schedule is a reference to a Schedule to this Order;
 - ii) to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order;
 - iii) to a numbered paragraph is a reference to the paragraph bearing that number in the Article in which the reference occurs.
- (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) Under section 10(1)(a) of the 1984 Act, this Order provides for the suspension or modification, while it is in force, of any provision previously made by or under any enactment, as if it were made by this Order.
- (4) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

Restrictions of waiting and loading or unloading applicable to restricted roads

- 3. Save as provided in Articles 4(1), (2), (3), (4), (5), (6), (7) and (8) of this Order, no person shall, except upon the direction or with the permission of a parking attendant, cause or permit any vehicle to wait during the restricted hours in any restricted road.

Exceptions and exemptions from restriction of waiting

4. (1) The restrictions imposed by Article 3 of this Order shall not apply to the following vehicles:
 - (a) vehicles while being used for fire and rescue, ambulance or police force purposes;
 - (b) vehicles, not being passenger vehicles, while being used in the service of the local roads authority in pursuance of statutory powers or duties: provided that in all the circumstances it is reasonably necessary in the exercise of such powers or duties or the performance of such duties for the vehicle to wait at the place in which it is waiting;
- (2) Article 3 shall not apply to taxis while:
 - (a) waiting upon a duly authorised taxi stance; and
 - (b) the driver is within the vehicle; and
 - (c) the vehicle is available for immediate hire.
- (3) Article 3(1) shall not apply to the following vehicles:
 - (a) invalid carriages or motor vehicles which are being driven or used by disabled persons and which conspicuously display, so as to be clearly visible from the front of the vehicle, a valid disabled person's badge;
 - (b) vehicles waiting while goods are being sold or offered for sale by a person who is licensed by the Council to sell goods from a stationary vehicle on an approved pitch and which is waiting for such purpose on a pitch;provided that no vehicle shall wait, by virtue of this paragraph on any restricted road during the prohibited hours;
- (4) Nothing in Article 3 shall prevent any person from causing or permitting a vehicle to wait in any of the lengths of restricted road for so long as may be necessary during the restricted hours or the prohibited hours, as the case may be:
 - (a) to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage: provided that no vehicle shall so wait in any restricted road during the prohibited hours for longer than two minutes;
 - (b) when the person in control of the vehicle is:
 - (i) required by law to stop; or
 - (ii) is obliged to stop in order to avoid an accident; or
 - (iii) is prevented from proceeding by any circumstances beyond their control, where the said circumstance relates directly to the movement, or otherwise, of traffic on the road;
 - (c) if the vehicle is in actual use in connection with a funeral undertaking;
 - (d) if the vehicle is in the service of, or is being employed by, a security company and is in actual use while currency or other valuables:
 - (i) are being unloaded from the vehicle; or
 - (ii) having been unloaded from the said vehicle, are being delivered; or
 - (iii) are being collected from premises adjacent to that road for loading onto the vehicle; or

- (iv) having been collected from the said premises, are being loaded onto the vehicle.
- (5) Nothing in Article 3 shall prevent any person from causing or permitting a vehicle to wait in a restricted road, for so long as may be necessary during the restricted hours or the prohibited hours, as the case may be:
- (a) to 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 restricted road or outwith the restricted hours, to be used in or adjacent to that or any other restricted road 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 network; 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.
 - (b) to 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 restricted road or outwith the restricted hours, to be used in connection with any:
 - (i) cleansing or lighting of any restricted street; or
 - (ii) removal of any obstruction to traffic on any restricted road; or
 - (iii) maintenance or improvement or reconstruction of any restricted road; or
 - (iv) placing, maintenance or removal of any traffic sign or parking meter on any restricted road
 - (c) if the vehicle, being a liveried vehicle, is in the service of, or is being employed by, a universal service provider and is in actual use while postal packets:
 - (i) addressed to premises adjacent to that road are being unloaded from the vehicle; or
 - (ii) addressed to premises adjacent to that road having been unloaded from the said vehicle, are being delivered; or
 - (iii) are being collected from postal boxes or premises adjacent to that road for loading onto the vehicle: or
 - (iv) are being loaded onto the vehicle.
- (6) Nothing in Article 3 shall prevent any person from causing or permitting a vehicle to wait in any restricted road, during the restricted hours when the vehicle is being used by a healthcare workers' permit holder when, in the course of their employment, the said permit holder is visiting patients in premises situated on any restricted road and the vehicle bears a healthcare workers' permit displayed at the front or nearside of the vehicle and so as to be clearly visible from the front or nearside: provided that:

- (a) no such vehicle shall, where applicable, wait by virtue of this paragraph in a restricted road during the prohibited hours;
- (b) no such vehicle shall wait by virtue of this paragraph in any restricted road for a period longer than two hours.

Loading or unloading of goods

- (7) The restrictions imposed by Article 3 shall not apply so as to prevent any person from causing or permitting a vehicle to wait during the restricted hours in any restricted road while the vehicle is in actual use for the purpose of delivering or collecting goods or while loading or unloading the vehicle at premises adjoining the said road: provided that, during the restricted hours:
 - (a) no such vehicle so engaged shall wait for a period of more than thirty minutes in the same place; and
 - (b) no such vehicle so engaged shall return to the same place, unless a period of more than thirty minutes has elapsed since the termination, during the restricted hours, of the previous waiting period.

Furniture removals and other exceptional loading or unloading

- (8)
 - (a) Subject to the provisions of paragraphs (b), (c) and (d) of this Article, nothing in Article 3 shall apply so as to restrict the loading or unloading of a vehicle while the vehicle is in actual use, in any restricted road, in connection with the removal of furniture to or from one office, dwelling house or depository adjacent to that restricted road from or to another office, dwelling house or depository.
 - (b) Paragraph (a) of this Article shall not apply to a vehicle:
 - (i) waiting during the prohibited hours in any restricted road; or
 - (ii) waiting between the hours of 6 a.m. and midnight in any length of restricted road or part thereof described in Schedule 1 whereby waiting, loading and unloading by vehicles is restricted at any time.
 - (c) Paragraph (b) of this Article shall not apply where:
 - (i) notice is given twenty-four hours in advance to the Executive Director of Place; and
 - (ii) their consent, either generally or specifically, has been obtained; and
 - (iii) such reasonable conditions he may impose are complied with.
 - (d) Without prejudice to the foregoing paragraphs, nothing in this Part of this Order shall apply so as to restrict the loading or unloading of a vehicle while the vehicle is in actual use in any restricted road in connection with the collection or delivery of goods from or to premises in or adjacent to that road if the goods cannot reasonably be loaded or unloaded outwith the restricted hours or the prohibited hours, where applicable, or within the time (if any) allowed in relation to that road, provided that:
 - (i) notice is given twenty-four hours in advance to the Executive Director of Place; and
 - (ii) their consent, either generally or specifically has been obtained; and
 - (iii) such reasonable conditions as he may impose are complied with.

Power to modify or suspend this Order

5. In pursuance of Section 10(2) of the 1984 Act, the City of Edinburgh Council's Executive Director of Place or an officer of the Council to whom power has been duly delegated, may, if it appears to them or that person essential in the interests of the expeditious, convenient and safe movement of traffic, or for preserving or improving the amenities of the area through which any road affected by this Order runs, after consultation with the Chief Constable, modify or suspend this Order or any provision thereof, save that no modification shall make an addition.

Revocation or amendment of Orders

6. "The City of Edinburgh Council (Traffic Regulation; Arboretum Place, Restrictions on Waiting: North Area) (No. 1) Experimental Traffic Order 2024", shall cease to have effect for the purposes of this Order on the operative date but without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before that date. The operative date shall be the date on which the provisions of this Order come into force.

Executed by The City of Edinburgh Council this Third day of July Two thousand and twenty-four.



(witness)



Signed on behalf of Executive Director of Place

SCHEDULE 1
RESTRICTION OF WAITING

<i>(1)</i> <i>Road in Edinburgh</i>	<i>(2)</i> <i>Length of Road</i>	<i>(3)</i> <i>Restricted Hours</i>
Arboretum Place	East side, from a point 183 metres or thereby south of the extended southern kerbline of Inverleith Place, southwards to a point 163 metres or thereby north of the extended northern kerbline of Inverleith Terrace;	At any time
Arboretum Place	West side, from the northern extent of the crescent-shaped kerb edge, southwards to a point 13 metres or thereby west of the southern extent of the crescent-shaped kerb edge;	At any time
Arboretum Place	West side, from a point 165 metres or thereby north of the extended northern kerbline of Inverleith Terrace, northwards for a distance of 20 metres or thereby and then westwards for a distance of 3.5 metres or thereby;	At any time