

THE EAST DUNBARTONSHIRE COUNCIL
(BEARSDEN AND MILNGAVIE SCHOOLS)

(WAITING AND LOADING, AND NO STOPPING) ORDER 20XX

The East Dunbartonshire Council in exercise of the powers conferred on them by sections 1(1), 2(1) to (3) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (“the Act”) and of all other enabling powers and after consultation with the Chief Constable of the Police Service of Scotland in accordance with Part III of Schedule 9 to the Act hereby make the following Order.

1. This Order may be cited as “The East Dunbartonshire Council (Bearsden And Milngavie Schools) (Waiting And Loading, And No Stopping) Order 20XX and shall come into operation on XXXXX.

2. In this Order the following expressions have the meanings hereby assigned to them:-

“**vehicle**” unless the context otherwise requires, means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether or not by mechanical power;

“**taxi**” has the same meaning as in Section 23(1) of the Civic Government (Scotland) Act 1982;

“**disabled person’s badge**” has the same meaning as in the Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002;

“**emergency services vehicle**” means a vehicle being used by the Police, Fire Brigade or Ambulance Services;

“**local authority**” means a Council constituted by Section 2 of the Local Government etc (Scotland) Act 1994;

“**Council**” means the East Dunbartonshire Council incorporated under the Local Government etc (Scotland) Act 1994;

3. Save as provided in Article 4 of this Order no person shall, except upon the direction or with permission of a police constable in uniform or traffic warden in uniform cause or permit any vehicle to stop between the hours of 8:30 am and 4:30 pm, Monday to Friday inclusive in the lengths of road specified in Schedule 1 to this Order.

4. Nothing in Article 3 shall apply:-

(a) so as to prevent any vehicle waiting in the said lengths of roads for so long as may be necessary to enable the vehicle, if it cannot be used for such purpose without so waiting, to be used in connection with any

building operation or demolition being carried on adjacent thereto, the removal of any obstruction or potential obstruction to traffic, the maintenance, testing, alteration, repair or removal of any structure, works, or apparatus in, on, under or over the road;

- (b) to an emergency services vehicle;
 - (c) to a vehicle being used in the service of the local authority or with the permission of the local authority in exercise of statutory powers and duties if it is necessary for the vehicle while being so used to wait in the said lengths of road;
 - (d) to a vehicle waiting in any case where the person in control of the vehicle:-
 - (i) is required by law to stop;
 - (ii) is obliged to do so in order to avoid an accident;
 - (iii) is prevented from proceeding by circumstances outwith his control and it is not reasonably practicable for him to drive or move the vehicle to a place not within the said lengths of roads.
5. Save as provided in Article 7 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or a traffic warden in uniform cause or permit any vehicle to wait at any time in the lengths of roads specified in Schedule 2 to this Order.
6. Save as provided in Article 7 of this Order no person shall, except upon the direction or with the permission of a police constable in uniform or a traffic warden in uniform, cause or permit any vehicle to wait between the hours of 8:30 am and 9:30 am, and between the hours of 2:30 pm and 4:30 pm, Monday to Friday inclusive, in any of the lengths of road specified in Schedule 3 to this Order.
7. Nothing in Article 5 and 6 of this Order shall :-
- (a) prevent any person from causing or permitting a vehicle to wait in any of the lengths of road referred to in that Article:-
 - (i) for so long as may be necessary to enable a person to board or alight from the vehicle or to load thereon or unload therefrom their personal luggage;
 - (ii) for so long as may be necessary to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of any of the lengths of roads so referred to, or the laying, erection, alteration or repair in or near to any of the said lengths of roads, of any sewer or of any main, pipe or apparatus for the supply of gas,

water or electricity, or of any telecommunications apparatus as defined in the Telecommunications Act 1984;

- (iii) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in pursuance of statutory powers and duties and in particular, but without prejudice to the generality of the foregoing, to enable the vehicle to be used in connection with police, fire brigade and ambulance purposes;
 - (iv) if the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond their control or to such waiting being necessary in order to avoid an accident;
 - (v) if the vehicle is waiting in any of the lengths of roads while postal packets addressed to premises adjacent thereto are being unloaded from the vehicle or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or posting boxes adjacent thereto;
 - (vi) for the purpose of loading or unloading the vehicle while the vehicle is standing at the kerb and is in actual use in connection with the removal of furniture from one office or dwelling house to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (vii) to enable the vehicle to be used in connection with wedding and funeral operations.
- (b) apply to a licenced taxi waiting in a taxi stance during any period for which that stance has been designated by the Council under the Civic Government (Scotland) Act 1982 as amended.

IN WITNESS WHEREOF these presents consisting of this page together with the 3 Schedules are executed as follows :-

Subscribed for and on behalf of THE EAST DUNBARTONSHIRE COUNCIL By _____ Karen Donnelly Chief Solicitor and Monitoring Officer _____ Place of Signing _____ Date of signing	_____ Witness Signature _____ Witness Name _____ Address _____
--	--

