

**2011 No. 316**

**ROAD TRAFFIC**

**The A96 Trunk Road (Mosstodloch Bypass) (Temporary Prohibition of Traffic, Temporary Prohibition of Overtaking, Temporary Prohibition of Waiting, Loading and Unloading and Temporary Speed Restriction) Order 2011**

*Made*

*29th August 2011*

*Coming into force*

*12th September 2011*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(1) and (2), 4(1) and 14(1)(a) 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)(a) of that Act, they are satisfied that the traffic on the length of road specified in the Schedule should be restricted because works are being or are proposed to be executed on or near that length of road.

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 A96 Trunk Road (Mosstodloch Bypass) (Temporary Prohibition of Traffic, Temporary Prohibition of Overtaking, Temporary Prohibition of Waiting, Loading and Unloading and Temporary Speed Restriction) Order 2011, comes into force on 12th September 2011 and ceases to have effect at 0001 hours on 10th February 2012.

**Temporary prohibition on use of a road**

2. No person shall use, or permit the use of, any vehicle on the length of road specified in the Schedule when a prohibition is identified as applying to any part or parts of that length of road by means of one or more of the traffic signs prescribed in Diagram 7010.1 and 7105 of the Traffic Signs Regulations 2002(b).

**Temporary prohibition on overtaking**

3.–(1) No person shall use, or permit the use of, any vehicle in such a way that it overtakes any other moving vehicle on the length of road specified in the Schedule when a prohibition is identified as applying to any part or parts of that length of road by means of a traffic sign

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(a) 1984 c.27; section 2(1) and (2) were amended by the New Roads and Street Works Act 1991 (c.22), Schedule 8, paragraph 18 and section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), section 1(1) and Schedule 1. The Scottish Ministers are the traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (inserted by the New Roads and Street Works Act 1991, 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). The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46) and S.I. 1999/1750.

(b) Part 1 of S.I. 2002/3113.

prescribed in Diagram 632 of the Traffic Signs Regulations 2002.

(2) "Other moving vehicle" does not include a cycle, motor cycle, tricycle or any other vehicle not being a motor vehicle in accordance with section 140 of the Road Traffic Regulation Act 1984(a).

### **Temporary prohibition of waiting, loading and unloading**

4. No person shall cause or permit any vehicle to wait, load or unload at any time on the length of road specified in the Schedule, when a prohibition is identified as applying to any part or parts of that length of road by means of the traffic signs prescribed in Diagram 636 and 636.1 of the Traffic Signs Regulations 2002.

### **Temporary speed restriction**

5. No person shall drive any vehicle on the length of road specified in the Schedule at a speed exceeding 30mph when a restriction is identified as applying to any part or parts of that length of road by means of a traffic sign prescribed in Diagram 670 of the Traffic Signs Regulations 2002.

### **Exemptions**

6. No prohibition imposed by this Order applies to vehicles being used in an emergency for fire brigade, ambulance, police or coastguard purposes or any vehicle while being used for carrying out the works, or to anything done with the permission or upon the direction of a police constable in uniform.

7. No speed restriction imposed by this Order applies to vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011(b) when used in accordance with regulation 3(5) of those Regulations.

*A McLAUGHLIN*

A member of the staff of the Scottish Ministers

Transport Scotland  
Buchanan House  
Glasgow  
29th August 2011

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(a) Section 140 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), Schedule 3, paragraph 25(9).  
(b) S.I. 2011/935.

## **SCHEDULE**

Articles 2, 3, 4 and 5

That length of the Mosstodloch Bypass Trunk Road from the new Cowford Roundabout on the A96 Aberdeen to Inverness Trunk Road to the new Coul Brae Roundabout on the A96 Aberdeen to Inverness Trunk Road, a distance of 1800 metres or thereby.