

**2017 No. 331**

**ROAD TRAFFIC**

**The A737 Dalry Bypass (Temporary Prohibitions of Traffic and Overtaking, Temporary 40mph Speed Restriction, Temporary Prohibition of Waiting, Loading and Unloading) Order 2017**

*Made* - - - - *5th October 2017*

*Coming into force* - - *7th October 2017*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(1) and (2), 4(1), 14(1)(a), and (4) and 15(2) 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 lengths of road specified in the schedule should be restricted or prohibited because works are being or are proposed to be executed on or near those lengths 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.

In accordance with section 15(2) of that Act, they are satisfied that the execution of the works will take longer than eighteen months and they will revoke this Order as soon as the works are completed.

**Citation and commencement**

1. This Order may be cited as the A737 Dalry Bypass (Temporary Prohibitions of Traffic and Overtaking, Temporary 40mph Speed Restriction, Temporary Prohibition of Waiting, Loading and Unloading) Order 2017 and comes into force on 7th October 2017.

**Prohibition on use of a road**

2. No person may use, or permit the use of, any vehicle on a length of road, or part or parts of a length of road, specified in the schedule when a prohibition is identified as applying to that length of road, or a part or parts of that length of road, by means of a traffic sign of the type described in item 8 (diagram 7105 – position of barrier to mark length of road closed or to guide traffic past an

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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) (relevantly amended by S.I. 2001/1400). The functions of the Secretary of State were transferred to the Scottish Ministers by section 53 of the Scotland Act 1998 (c.46).

obstruction) of the sign table in Part 6 of schedule 13 of the Traffic Signs Regulations and General Directions 2016(a).

### **Prohibition on overtaking**

**3.**—(1) No person may use, or permit the use of, any vehicle in such a way that it overtakes any other moving vehicle on a length of road, or a part or parts of a length of road, specified in the schedule when a prohibition is identified as applying to that length of road, or a part or parts of that length of road, by means of a traffic sign of the type described in item 5 (diagram 632 – no overtaking) of the sign table in Part 2 of schedule 3 of the Traffic Signs Regulations and General Directions 2016.

(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(b).

### **Speed restriction**

**4.** No person may use, or permit the use of, any vehicle on a length of road, or a part or parts of a length of road, specified in the schedule at a speed exceeding forty miles per hour when a restriction is identified as applying to that length of road, or a part or parts of that length of road, by means of a traffic sign of the type described in item 1 (diagram 670 – maximum speed limit in mph) of the sign table in Part 2 of schedule 10 of the Traffic Signs Regulations and General Directions 2016.

### **Prohibition on waiting, loading and unloading**

**5.** No person may use, or permit the use of, any vehicle to wait, load or unload on the length of road, or a part or parts of the length of road, specified in the schedule when a prohibition is identified as applying to that length of road, or a part or parts of that length of road, by means of one or both of the traffic signs of the types described in item 19 (diagrams 636 – temporary prohibition of waiting except for loading and unloading) and item 20 (diagram 636.1 – temporary prohibition of loading and unloading) of the sign table in Part 6 of schedule 13 of the Traffic Signs Regulations and General Directions 2016.

### **Exemptions**

**6.** No prohibition imposed by this Order applies to—

- (a) a vehicle being used in an emergency for fire brigade, ambulance, police or coastguard purposes; or
- (b) a vehicle while being used for carrying out the works.

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(a) S.I. 2016/323.

(b) Section 140 was amended by the Road Traffic (Consequential Provisions) Act 1988 (c.54), schedule 3, paragraph 25(9).

7. No speed restriction imposed by this Order applies to—

- (a) vehicles falling within regulation 3(4) of the Road Traffic Exemptions (Special Forces) (Variation and Amendment) Regulations 2011<sup>(a)</sup> when used in accordance with regulation 3(5) of those Regulations; or
- (b) vehicles being used in an emergency for coastguard purposes.

*DOMINIC MURPHY*

A member of the staff of the Scottish Ministers

Buchanan House,  
Glasgow  
5th October 2017

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<sup>(a)</sup> S.I. 2011/935.

## SCHEDULE

Articles 2, 3, 4 and 5

### SPECIFIED LENGTHS OF ROAD

1. That length of A737/A738 St James Interchange - Kilwinning - Hawkhill Trunk Road being the eastbound and westbound carriageways from a point 120 metres south of the junction with the B714 southwards to a point 340 metres south of where it meets the entrance to the private property known as Wilsons Auctions, a distance of 1.2 kilometres or thereby.

2. That length of the A737/A738 St James Interchange - Kilwinning - Hawkhill Trunk Road being the eastbound and westbound carriageways from a point 60 metres east of the junction with Courthill Street eastwards to a point 180 metres east of where it meets the entrance to the private property known as Hareshaw Farm, a distance of 2.9 kilometres or thereby.