

**2017 No. 404**

**ROAD TRAFFIC**

**The A90/A9000 Trunk Roads (Forth Road Bridge, and  
Queensferry Crossing and Forth Road Bridge Approach Roads)  
(Temporary Prohibitions on Use and Stopping, Bus Lane and  
Speed Restrictions) Order 2017**

*Made* - - - - - *21st November 2017*

*Coming into force* - - - - - *28th November 2017*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(1), (2) and (3), 4(1) and 14(1)(b) and (4) and 124(1)(d) of, and paragraph 27 of schedule 9 of, the Road Traffic Regulation Act 1984(a) and all other powers enabling them to do so.

In accordance with section 14(1)(b) of that Act, they are satisfied that the traffic on the length of road specified in the schedule should be restricted because of the likelihood of danger to the public, or of serious damage to the road, which is not attributable to works.

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 A90/A9000 Trunk Roads (Forth Road Bridge, and Queensferry Crossing and Forth Road Bridge Approach Roads) (Temporary Prohibitions on Use and Stopping, Bus Lane and Speed Restrictions) Order 2017, comes into force on 28th November and ceases to have effect on 31st December 2018.

**Interpretation**

2. In this Order—

“A90” means that part of the M90/A90 Edinburgh – Fraserburgh Trunk Road at Ferrytoll Junction and from Dalmeny to South Queensferry;

“A9000” means the A9000 Dalmeny - Inverkeithing Trunk Road formerly part of the A90;

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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) (“the 1991 Act”), schedule 8, paragraph 18 and section 14 was substituted by the Road Traffic (Temporary Restrictions) Act 1991 (c.26), schedule 1. Section 124 and paragraph 27 of schedule 9 contain amendments not relevant to this Order. The Scottish Ministers are the traffic authority by virtue of section 121A of the Road Traffic Regulation Act 1984 (inserted by the 1991 Act, 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).

“bridge” means that part of the A9000 known as the Forth Road Bridge from a point north of the bridge at Ordnance Survey grid reference NT 312585 680782 to a point south of the bridge at Ordnance Survey grid reference NT312468 678252, a distance of 2530 metres or thereby;

“bridge operator” means the person appointed by the bridge authority for the bridge to manage and maintain the bridge;

“carriageway” means that part of the road which is provided for the regular passage of vehicular motor traffic along the road;

“certified direct access instructor” has the meaning in regulation 64(2) of the Motor Vehicles (Driving Licences) Regulations 1999(a);

“cycle track” means that part of the road which is provided for the regular passage of pedal cycles along the road;

“footway” means that part of the road which is provided for the regular passage of pedestrians along the road;

“M90” means that part of the M90/A90 Edinburgh – Fraserburgh Trunk Road from Ferrytoll Junction to Queensferry Junction;

“pedal cycle” means a cycle whose motive power is provided solely by the legs of its rider or riders or which complies with requirements specified in Regulation 4 of the Electrically Assisted Pedal Cycles Regulations 1983(b);

“pedestrian” means the class of traffic set out in Class IX of the classes of traffic for the purposes of special roads in schedule 3 of the Road (Scotland) Act 1984(c);

“provisional licence” means a licence of the type described in section 97(2) and (3) of the Road Traffic Act 1988(d);

“roads” means the lengths of road described in the schedules of this Order.

### **Prohibition on use of road by vehicles**

**3.—**(1) No person may use, or permit the use of, any vehicle on the lengths of carriageway of the lengths of road described in Part 1 of schedule 1 of this Order.

(2) No prohibition imposed by paragraph(1) applies to:—

- (a) a bus within the meaning given by section 1 of the Public Passenger Vehicles Act 1981(e);
- (b) a taxi or a private hire car within the meaning given by section 23 of the Civic Government (Scotland) Act 1982(f);
- (c) a motor bicycle with an engine cylinder capacity equal to or less than 125 cubic centimetres;
- (d) a motor bicycle with an engine cylinder capacity greater than 125 cubic centimetres where that vehicle is being driven by the holder of an appropriate provisional licence under the supervision of a certified direct access instructor;
- (e) a motor bicycle with an engine cylinder capacity greater than 125 cubic centimetres where that vehicle is being driven by a certified direct access instructor supervising the driving of a vehicle as described in sub-paragraph (d);
- (f) an agricultural vehicle with or without a trailer (not being a vehicle within Class I or II of the classes of traffic for the purposes of special roads as set out in schedule 3 of the Roads

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(a) S.I. 1999/2864.

(b) S.I. 1983/1168.

(c) 1984 c.54.

(d) 1988 c.52. Section 97(3) was amended by the Road Traffic (Driver Licensing and Information Systems) Act 1989 (c.22) section 6(2)(b) and schedule 6, S.I. 1996/1974 schedule 1 paragraph 6(3)(b), S.I. 1998/1420 regulation 6(3) and S.I. 2012/977 schedule 1 paragraph 2(3).

(e) 1981 c.14.

(f) 1982 c.45.

(Scotland) Act 1984) within the meaning in section 3 of the Road Vehicles (Construction and Use) Regulations 1986<sup>(a)</sup>, as amended;

- (g) a vehicle being used in an emergency or responding to an emergency for fire brigade, coastguard, ambulance or police purposes;
- (h) a vehicle being used for carrying out any maintenance, inspection, clearance, cleaning, repair, alteration or improvement of any part of the roads, the bridge structure or any other length of road managed and maintained by the bridge operators;
- (i) a vehicle being used for the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works, apparatus in, on, under or over any part of the roads, the bridge structure or any other length of road managed and maintained by the bridge operator;
- (j) a vehicle being used in the investigation of an accident or incident which has occurred on or near the roads or bridge structure;
- (k) a vehicle being used in connection with a breakdown or mechanical defect or lack of fuel, oil or water, required for a vehicle, including in connection with the recovery and removal of that vehicle; or
- (l) a vehicle being used in accordance with any direction given by a constable in uniform or in accordance with the indication given by a traffic sign,

provided that all such exempt vehicles must be fitted with pneumatic tyres and not fitted with metal tyres, revolving runners, deflated tyres or tyres fitted with metal studs or spikes.

(3) Any vehicle which would otherwise be exempt in accordance with paragraph 2 but does not conform with the Road Vehicles (Construction and Use) Regulations 1986 will not be exempt unless the roads authority has issued written consent to that vehicle using the road prior to the use of the road by that vehicle.

**4.—**(1) No person shall use, or permit the use of, any vehicle on the lengths of road specified in Part 2 of schedule 1.

(2) No prohibition imposed by paragraph (1) applies to—

- (a) a bus within the meaning given by section 1 of the Public Passenger Vehicles Act 1981;
- (b) a pedal cycle;
- (c) a vehicle being used in an emergency or responding to an emergency for fire brigade, coastguard, ambulance or police purposes;
- (d) a vehicle being used for carrying out any maintenance, inspection, clearance, cleaning, repair, alteration or improvement of any part of that road; or
- (e) a vehicle being used for the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works, apparatus in, on, under or over any part of that road.

(3) No person shall use, or permit the use of, any vehicle on the length of road specified in Part 3 of schedule 1.

(4) No prohibition imposed by paragraph (3) applies to—

- (a) a bus within the meaning given by section 1 of the Public Passenger Vehicles Act 1981;
- (b) a taxi or private hire car within the meaning given by section 23 of the Civic Government (Scotland) Act 1982;
- (c) a pedal cycle;
- (d) a vehicle being used in an emergency or responding to an emergency for fire brigade, coastguard, ambulance or police purposes;
- (e) a vehicle being used for carrying out any maintenance, inspection, clearance, cleaning, repair, alteration or improvement of any part of that road; or

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(a) S.I. 1986/1078.

- (f) a vehicle being used for the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works, apparatus in, on, under or over any part of that road.

### **Prohibition on use of road by pedestrians and cyclists**

5.—(1) No person may use, or permit the use of, a pedal cycle on any part of the lengths of road described in schedule 2, except on the cycle track.

(2) No pedestrian may use any part of the lengths of road described in schedule 2, except the footway.

(3) No prohibition imposed by paragraph (1) or (2) applies to any person being present on or using any part of the roads—

- (a) in accordance with any direction given by a constable in uniform or in accordance with the indication given by a traffic sign;
- (b) where, in accordance with the permission given by a constable or the roads authority, they do so for the purpose of investigating any accident or incident which has occurred on or near the roads or bridge structure;
- (c) where it is necessary for that person to do so to avoid or prevent an accident or to obtain or give help required as a result of an accident or emergency, and they do so in such manner as to cause as little danger and inconvenience as possible to other traffic on the roads;
- (d) where they do so in the exercise of their duty as a constable or as a member of a fire brigade or of an ambulance service;
- (e) where it is necessary for them to do so to carry out in an efficient manner—
  - (i) the maintenance, inspection, repair, cleaning, clearance, alteration or improvement of any part of the roads or bridge structure, or
  - (ii) the removal of any vehicle from any part of the roads, or
  - (iii) the erection, laying, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over any part of the roads or bridge structure; or
- (f) where it is necessary for them to do so in connection with any inspection, survey, investigation or census which is carried out in accordance with any authority granted by the Scottish Ministers.

### **Restriction on Stopping**

6.—(1) No vehicle may stop or remain at rest on any part of the lengths of road specified in schedule 3.

(2) Paragraph 1 does not apply where it is necessary for a vehicle which is being driven on the carriageway to be stopped—

- (a) because of a breakdown or mechanical defect or lack of fuel, oil or water, required for the vehicle; or
- (b) because of any accident, illness or other emergency; or
- (c) to permit any person carried in or on the vehicle to recover or move any object which has fallen on the road; or
- (d) to permit any person carried in or on the vehicle to give help which is required by any other person in any of the circumstances specified in the provisions of this paragraph.

(3) Nothing in this article precludes a vehicle from stopping or remaining at rest on the carriageway while it is prevented from proceeding along the carriageway by the presence of any other vehicle or any person or object.

### **Bus lane**

7.—(1) No person shall use, or permit the use of, any vehicle other than a bus to enter, proceed, or wait within the length of road specified in schedule 4.

(2) For the purposes of paragraph (1) “bus” means a motor vehicle constructed or adapted to carry more than 23 seated passengers (exclusive of the driver).

(3) No prohibition imposed by paragraph (1) applies to—

- (a) any vehicle being used in an emergency for fire brigade, coastguard, ambulance or police purposes;
- (b) any vehicle being used in connection with the removal of any obstruction, or in connection with authorised works to or in that length of road; or
- (c) any vehicle being used in connection with the maintenance, inspection, repair, cleaning, clearance, alteration or improvement of that length of road.

### **Speed restriction**

8.—(1) No person may drive any motor vehicle at a speed exceeding 30 miles per hour on the lengths of road specified in Part 1 of schedule 5.

(2) No person may drive any motor vehicle at a speed exceeding 40 miles per hour on the lengths of road specified in Part 2 of schedule 5.

(3) No person may drive any motor vehicle at a speed exceeding 50 miles per hour on the lengths of road specified in Part 3 of schedule 5.

(4) No person may drive any motor vehicle on the lengths of road, or a part or parts of those lengths of road, specified in Part 4 of schedule 5, at a speed exceeding 30 miles per hour or 40 miles per hour, as the case may be, when that particular speed restriction is identified as applying to those lengths of road, or part or parts of those lengths of road, by means of an appropriate 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(a).

### **Exemption**

9. 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(b) when used in accordance with regulation 3(5) of those Regulations; or
- (b) vehicles being used in an emergency for coastguard purposes.

### **Variation**

10. The M90/A90 Trunk Road (Dalmeny to Masterton) (Temporary Prohibitions of Traffic, Pedestrians and Overtaking, Temporary Speed Restrictions and Temporary Bus Lanes) Order 2017(c) is varied in that—

- (a) Articles 9 and 10 and Parts 7 and 8 of the schedule are omitted;

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(a) S.I. 2016/362.  
(b) S.I. 2011/935.  
(c) S.S.I. 2017/266.