

THE MIDLOTHIAN COUNCIL

THE MIDLOTHIAN COUNCIL (SCHOOL STREETS) (PROHIBITION OF MOTOR VEHICLES) TRAFFIC
REGULATION ORDER 2017 - TO/R5.3.8

The Midlothian Council in exercise of their powers under Sections 1(1), 2(1) to 2(3) and 4(2) of, and Part IV of Schedule 9 to, the Road Traffic Regulation Act 1984 as amended, ("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 and Commencement

1. This Order may be cited as "The Midlothian Council (School Streets) (Prohibition of Motor Vehicles) Traffic Regulation Order 2017", and shall come into operation on the Twenty-third day of October Two thousand and seventeen.
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.

Interpretation

3. In this Order:

"Article" means an article of this Order;

"Chief Constable" means the Chief Constable of Police Scotland;

"Council" means Midlothian Council, incorporated under the Local Government etc. (Scotland) Act 1994 as local authority for the Midlothian area;

"driver", in relation to a vehicle, means the person authorised by the owner to drive the said vehicle and, for the avoidance of doubt, includes the owner of the vehicle;

"keeper" means:

- a) the owner of a vehicle; or
- b) a qualifying person identified and authorised by a registered business as being the sole or main user of a vehicle owned or leased by that business;

"motor vehicle" has the same meaning as in Section 136 of the 1984 Act;

"permit" means any permit issued by the Council under the terms of this Order;

"permit holder" means any person to whom a permit has been issued by the Council under the terms of this Order;

"prohibited hours" means the periods specified in column 4 of each Part of the Schedule;

"prohibited road" means a length of road described in column 2 of the Schedule to this Order;

"qualifying person" means:

- a) a person who is resident at premises the postal address of which is in a road described in column 3 of the Schedule; or
- b) any person who owns or leases a business or organisation the postal address of which is in a road described in column 3 of the Schedule; or

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- c) any healthcare worker or carer who requires access, as part of their duties, to premises the postal address of which is in a road described in column 2 of the Schedule; or
- d) any teacher or person working within a school, the postal address of which is in a road described in column 2 of the Schedule, and who is nominated by the Head Teacher as requiring access to or from the school in an emergency situation,

“road” has the same meaning as in Section 151 of the Roads (Scotland) Act 1984 and, for the avoidance of doubt, a road includes part of a road;

“Schedule” means the Schedule to this Order;

“School Streets area” means the prohibited roads described in column 2 of the Schedule;

“School Streets permit”, means a permit issued by the Council under the terms of this Order to a qualifying person;

“School Streets permit holder” means a qualifying person to whom a permit has been issued by the Council under the provisions of Article 10 of this Order;

“School Streets scheme” means the arrangements set out in this Order and any subsequent variations to prohibit certain vehicles at certain times from entering or proceeding along specified streets near schools;

“telecommunication apparatus” has the same meaning as that assigned to that phrase by Section 4 of and Schedule 2 to the Telecommunications Act 1984;

“traffic sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.

- 4. References in this Order to a disabled person or to a disabled person's badge shall be construed in accordance with The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 and The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002.

Prohibition of Driving during Prohibited Hours

- 5. Save as provided in Articles 6, 7 and 8 no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to enter or proceed in a prohibited road during the prohibited hours as indicated by the traffic signs which indicate the start of a School Streets area as specified in the Schedule.
- 6. Article 5 shall not apply to a motor vehicle which displays a School Streets permit for that vehicle issued for the School Streets area in which the vehicle is being driven.
- 7. Article 5 shall not apply to a motor vehicle while being used for fire and rescue, medical emergency or police purposes.
- 8. Article 5 shall not prevent any person from causing or permitting a motor vehicle to enter or proceed in the prohibited road as may be necessary:
 - (a) to enable a vehicle displaying a disabled person's badge, being driven by or carrying a disabled person, to uplift or set down passengers or to wait at premises located on a prohibited road during the prohibited hours; or
 - (b) to enable the vehicle to be used under contract to Midlothian Council to take children to or from a school specified in the Schedule; or
 - (c) (not used); or

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- (d) to enable goods to be delivered or collected; or
- (e) 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 for the motor vehicle to enter or proceed; or
- (f) to enable the vehicle, if it cannot conveniently be used for such purpose in another road or outwith the prohibited hours, to be used in connection with any building operation, demolition or excavation in or adjacent to the prohibited road; the cleansing or lighting of the prohibited road; the removal of any obstruction to road traffic; the maintenance, improvement or reconstruction of the prohibited road or street furniture therein or thereon; the laying, erection alteration or repair in or adjacent to the prohibited road of any sewer or of any main, pipe, or telecommunication apparatus; or the placing, maintenance or removal of any traffic sign.
- (g) to enable tradespeople such as plumbers and gasfitters to gain access to properties in an emergency.
- (h) for such other exceptional purposes as the Council may agree.

Placing of Traffic Signs, etc

9. The Council shall place and maintain such traffic signs as are required to give effect to the provisions of this Order.

Applications for School Streets Permits

10. Any qualifying person who is the keeper of a vehicle may apply to the Council for the issue of a School Streets permit in respect of that vehicle, and any such application shall:
 - (a) be made on a form issued by and obtainable from the Council;
 - (b) include the information or particulars specified on the application form.
11. The Council may at any time require a qualifying person applying for a School Streets permit to provide to an officer of the Council:
 - (a) in respect of a new application for a permit, such evidence as they may reasonably require to verify any particulars or information given to them;
 - (b) in respect of a previously issued permit, such evidence as they may reasonably require to verify that the permit remains valid and/or that the School Streets permit holder remains entitled to the permit.

Issue of School Streets Permits

12. Save as provided in Article 13, on receipt of a valid application the Council shall issue to the qualifying person without charge one School Streets permit allowing access, for the designated vehicle in the prohibited hours, to a specified School Streets area.
13. A qualifying person may apply for separate permits for multiple vehicles registered at the same address. However, should the total numbers of vehicles movements in a School Streets area in the prohibited periods be so great that the purpose of the scheme is jeopardised, the Council reserves the right to limit the number of permits issued to the same address.

Form of School Streets Permits

14. A School Streets permit shall be either:
- (a) in writing with the following particulars:
 - (1) the registration mark of the vehicle in respect of which the permit has been issued;
 - (2) the date, if any, after which the permit shall cease to be valid;
 - (3) an identifying mark indicating that the permit is a School Streets permit eligible for use in a specified School Streets area during the prohibited hours, as described in the Schedule to this Order;
 - (4) an indication that the permit was issued by the Council, or:
 - (b) in any other form as may be determined from time to time by the Council.

Display of School Streets Permits

15. The driver of a School Streets permit holder's vehicle entering or proceeding in a School Streets area during the prohibited hours must, at all times, display a valid School Streets permit at the front or nearside of the vehicle so that it can be clearly seen from outwith the vehicle.
16. When a School Streets permit has been displayed on a vehicle in accordance with Article 15, no person (not being the driver of the vehicle) shall remove the permit from the vehicle unless authorised to do so by the driver.

Cessation of Validity of School Streets Permits

17. A permit issued under the terms of this Order shall cease to be valid if it has been altered, defaced or damaged to the extent that any of the information or details thereon becomes unreadable.

Surrender and Withdrawal of School Streets Permits

18. A School Streets permit holder may surrender their permit to the Council at any time, and must surrender such permit to the Council if:
- (a) the permit holder ceases to reside or conduct business at premises which are eligible for a School Streets permit;
 - (b) the permit holder ceases to be the keeper of the vehicle for which the permit was issued;
 - (c) the permit ceases to be valid by the provisions of Article 17;
 - (d) a duplicate permit has been issued by the Council under the provisions of Article 18 or Article 19;
 - (e) any expiry date shown on the permit has passed;
 - (f) the Council varies the terms of the School Streets scheme such that it is necessary to withdraw existing permits and issue replacements to all or some existing holders.
19. The Council may by notice in writing, delivered in person to the permit holder, or by recorded delivery service to the address shown on the application for the permit or at any other address believed to be that person's place of residence or business, withdraw any permit if it appears to the Council that any of the events set out in Article 18 above has occurred, and
- the permit holder shall surrender such permit to the Council within seven days of the receipt of the aforementioned notice.

Replacement of School Streets Permits

20. If a permit is defaced, or the particulars or figures thereon have become illegible, or the colour of the permit has become altered by fading or otherwise, the permit holder shall surrender the permit to the Council and may request a replacement permit. The Council, upon receipt of the damaged permit shall issue a replacement permit.
21. If a permit is lost or destroyed, the permit holder may apply to the Council for the issue of a replacement permit and the Council, upon being satisfied as to such loss or destruction, may issue a duplicate permit so marked, and upon such issue the lost or destroyed permit shall become invalid.
22. The Council may charge an administrative fee for the issue of a replacement permit.
23. The provisions of this Order shall apply to a replacement permit and an application therefor as if it were the original permit.

Executed by The Midlothian Council this Sixth day of October Two thousand and seventeen.

Alan Turpie
Proper Officer

SCHEDULE

SCHOOL STREETS

For the purpose of the application of this Order to the lengths of road specified in this Schedule:

“prohibited hours” means the period shown in column 4 of this Schedule and indicated by signs at the entrances to the prohibited area.

Part 1: Lasswade Primary School, Pendreich Drive, Bonnyrigg

1	2	3	4
School Streets Area	Prohibited Roads	Properties for which Permits will be issued	Prohibited Hours (School Days Only)
L 1	Pendreich Avenue <i>entire length</i> Pendreich Drive <i>entire length</i> Pendreich Grove <i>entire length</i> Pendreich Terrace <i>entire length</i> Pendreich View <i>entire length</i>	All addresses)) All addresses)) All addresses)) All addresses)) All addresses))	Monday - Thursday 8:15 am - 9:00 am 3:10 pm - 3:55 pm Friday 8:15 am - 9:00 am 12:10 pm - 12:55 pm

