

THE MORAY COUNCIL

MORAY COUNCIL (VARIOUS STREETS – ELGIN CENTRE (SPACES FOR PEOPLE) TEMPORARY ROAD CLOSURE AND PROHIBITION OF WAITING)

ORDER 2020

The MORAY COUNCIL (hereinafter referred to as “the Council”) in exercise of its powers under Sections 14 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act of 1984”) the following Temporary Order:-

PART I GENERAL

Commencement and Citation

1. This Order may be cited as the “Moray Council (Various Streets – Elgin Centre (Spaces For People) Temporary Road Closure And Prohibition Of Waiting) Order 2020” and shall be operational between 6 July 2020 and 25 October 2020.
2. This order temporarily revokes Schedule 2, 4 and 5 of The Moray Council (Elgin Town Centre – Pedestrianisation and Traffic Management) Order 2010 in relation to High Street between North Street and Lossie Wynd, Commerce Street and Batchen Street and replaces them with restrictions as specified in the schedules to this order; and Schedule 21 of The Moray Council (Elgin Town Centre – Waiting Restrictions) Order 2010. Additional temporary restrictions will be implemented in High Street between Northfield Terrace and Glover Street, and in South Street (between Culbard Street and Moss Street), Lossie Wynd and Academy Street to allow for social distancing and space for business activities including queuing.

Interpretation

3. (1) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:-
 - (a) “access exemption permit” shall be a permit issued at the discretion of the Council's Head of Environmental and Commercial Services. This discretion shall only be exercised where it has been clearly demonstrated by someone applying for such a permit that he or she has a particular and distinctive social or commercial need not

otherwise provided for within the terms of this order. That a person lives at or trades from an address in one of the streets where access exemption permits apply, and wishes to have the convenience of parking on a road outside or near to his or her property, shall not constitute grounds for the exercise of the Head's discretion. A person eligible to hold one permit may also be eligible to hold a further permit or permits if the Head of Environmental and Commercial Services thinks fit. The Head shall require sight of any appropriate documentation in connection with the administration of the permit system. If the circumstances according to which any permit has been issued change, it shall be within the Head's discretion to recall that permit or, if necessary, to intimate to the person holding it that it shall no longer be valid and shall no longer signify exemption from the effects of the relevant articles hereto.

- (b) "Chief Constable" means the Chief Constable of the police authority for the Grampian Police area;
- (c) "disabled person" means the disabled driver of or a disabled passenger in a motor vehicle, being such a disabled person as is described in Regulation 4 of The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000 in respect of whom any Council have issued a disabled person's badge and a valid badge is conspicuously displayed in the manner described in the aforementioned regulations; namely:
 - (i) the badge is exhibited on the dashboard or facia of the vehicle; or
 - (ii) where the vehicle is not fitted with a dashboard or facia, the badge is exhibited in a conspicuous position on the vehicle, so that the front of the badge is clearly legible from the outside of the vehicle.
- (d) "disabled person's badge" has the same meaning as in regulation 2(1) of the The Disabled Persons (Badges for Motor Vehicles) (Scotland) Regulations 2000.
- (e) "disabled person's vehicle" means a vehicle lawfully displaying a disabled person's badge issued, or having effect as if issued under any regulations for the time being in force under Section 21 of the Chronically Sick and Disabled Persons Act 1970.

- (f) “driver”, in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place;
- (g) “excursion or tour” carriage has the same meaning as in Section 137 of the Transport Act 1985;
- (h) “express carriage” means a public service vehicle being used in the operation of an express service;
- (i) “goods” include postal packets of any description; and “delivering” and “collecting” in relation to any goods include checking the goods for the purpose of their delivery or collection;
- (j) “goods vehicle” has the same meaning as in Section 192(1) of the Road Traffic Act 1988. “heavy goods vehicle” means a goods vehicle exceeding 7.5 tonnes maximum gross weight;
- (k) “loading” means the loading and unloading of goods or the boarding and alighting of passengers to or from adjacent premises;
- (l) “loading bay” means an area on a road designated as a loading area by this Order;
- (m) “local service” has the same meaning as in Section 2 of the Transport Act 1985; .
- (n) “local service bus” means a public service vehicle being used in the provision of a local service within the meaning of the Transport Act 1985;
- (o) “owner”, in relation to a vehicle, means the registered owner and/or the person by whom such vehicle is kept or used;
- (p) “parking bay” means a space in a parking place which is provided for the leaving of a vehicle;
- (q) “parking place” means an area on a road designated as a parking place by this Order;
- (r) “postal packet” has the same meaning as in the Postal Services Act 2000;
- (s) “prescribed hours” means the hours specified in the Schedules to this Order;
- (t) “public holidays” means the days as designated from time to time by the Council including Christmas Day, Boxing Day, New Year’s Day (or the Monday following when Christmas Day, Boxing Day or New Year’s Day fall on a Sunday), the second day of January (or the Tuesday following when New Year’s Day falls on a Sunday), Good Friday, Easter Monday, and May Day;

- (u) “public service vehicle” has the same meaning as in Section 1 of the Public Passenger Vehicles Act 1981;
 - (v) “road” has the same meaning as in Section 151 of the Roads (Scotland) Act 1984 and includes any verge or footway;
 - (w) “taxi” has the same meaning as in Section 23 of the Civic Government (Scotland) Act 1982 and is licensed under Section 10 of the same act;
 - (x) “traffic warden” means a traffic warden employed by a police authority in pursuance of Section 95 of the Act of 1984;
 - (y) “universal service provider” and “universal postal service” have the same meaning as in the Postal Services Act 2000;
 - (z) “vehicle” means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether by animal or mechanical power;
- (2) For the purpose of this Order a vehicle shall be deemed to wait or stop:-
- (a) if any point in that road is below the vehicle or its load and the vehicle is stationary;
 - (b) for more than a specified period in the same place if any point in that road is below the vehicle or its load throughout a period exceeding the specified period whether or not the vehicle is moved during that period:
- (3) The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Act of 1984 or by any other enactment.
- (4) Insofar as any provision of this Order conflicts with a provision which is contained in an Order made or having effect as if made under the Act of 1984 and which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction or prohibition then the provision of this Order shall prevail.
- (5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

PART II
PEDESTRIANISATION

4. Save as provided in Articles 11, 12, 13 and 14 of this order, or except upon the direction or with the permission of a police constable in uniform or of a traffic warden, no person shall drive, or cause or permit to be driven, or wait or cause to permit to wait any vehicle on the length of road specified in Schedule 1 of this order and shown on the plan annexed and signed as relative hereto.
5. Save as provided in Articles 11, 12, 13, 14 and 15 of this order, or except upon the direction or with the permission of a police constable in uniform or of a traffic warden, no person shall drive, or cause or permit to be driven, any vehicle excluding pedal cycles on any of the lengths of road specified in Schedules 2, 2a and 2b of this order and shown on the plan annexed and signed as relative hereto during the hours specified.
6. Save as provided in Articles 11, 12, 13, 14, 15 and 18 of this order, or except upon the direction or with the permission of a police constable in uniform or of a traffic warden, no person shall drive, or cause or permit to be driven, any vehicle excluding pedal cycles on any of the lengths of road specified in Schedule 2 of this order and shown on the plan annexed and signed as relative hereto during the hours of 4:00pm and 11:00am Monday to Sunday inclusive.
7. Save as provided in Articles 13, 14, 15, 16(c), 17 and 18 of this order, or except upon the direction or with the permission of a police constable in uniform or of a traffic warden, no person shall drive, or cause or permit to be driven, or wait or cause to permit to wait any vehicle on the length of road specified in Schedule 3 of this order and shown on the plan annexed and signed as relative hereto.
8. Save as provided in Articles 13, 14, 15, 16, 17 and 18 of this order, or except upon the direction or with the permission of a police constable in uniform or of a traffic warden, no person shall drive, or cause or permit to be driven, or wait or cause to permit to wait any vehicle on the length of road specified in Schedule 4 of this order and shown on the plan annexed and signed as relative hereto.
9. Save as provided in Articles 13, 14, 15, and 18 of this order, or except upon the direction or with the permission of a police constable in uniform

or of a traffic warden, no person shall drive, or cause or permit to be driven, or wait or cause to permit to wait any vehicle on the length of road specified in Schedule 5 of this order and shown on the plan annexed and signed as relative hereto.

10. Save as provided in Articles 14(a), 14(b) and 16(c) of this order, or except upon the direction or with the permission of a police constable in uniform or of a traffic warden, no person shall drive, or cause or permit to be driven, or wait or cause to permit to wait any vehicle on the length of road specified in Schedule 6 of this order and shown on the plan annexed and signed as relative hereto during the hours of 1:00am and 4:00am Thursday to Sunday inclusive.
11. Nothing in Articles 4, 5 and 6 of this order shall prevent any person from driving, or causing or permitting to be driven, any vehicle on the length of road referred to in that article for so long as may be necessary:-
 - (a) to enable (on any one occasion) a maximum of three vehicles owned by a funeral undertaker, or owner of funeral vehicles, to be used for a purpose connected with a funeral, but only on occasion when the vehicle or vehicles could not be used conveniently for such purpose on any other road; or
 - (b) to enable (on any one occasion) a maximum of two vehicles to be used for a purpose connected with a wedding, but only on occasion when the vehicle or vehicles could not be used conveniently for such purpose on any other road.
12. Nothing in Articles 4, 5 and 6 of this order shall apply to any vehicle specifically designed or adapted for the carriage of money or valuables.
13. Nothing in Articles 4, 5, 6, 7, 8, and 9 of this order shall apply to any use of a pedal cycle.
14. Nothing in Articles 4, 5, 6, 7, 8, and 9, and 10 in respect of (a) and (b), of this Order shall apply to:-
 - (a) any vehicle being used for emergency purposes;
 - (b) any vehicle being used for Fire Brigade, Ambulance or Police purposes;
 - (c) any vehicle, if it cannot conveniently be used for such purpose in any other road, 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, improvement or reconstruction of the road comprising the said

carriageway or the laying, erection, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under or over the road, provided specific permission is first granted by the Council.

- (d) a vehicle being used by a medical practitioner visiting patients on professional calls when such a vehicle bears in a conspicuous position, the appropriate identification badge.
15. Nothing in Articles 5, 6, 7, 8, and 9 of this order shall apply to any vehicle displaying in a conspicuous position on its windscreen an access exemption permit issued in respect of that vehicle to its owner or keeper.
16. Nothing in Articles 7 and 8, and 9 in respect of (c), of this order shall apply to:-
- (a) a vehicle being used as a local service bus;
 - (b) any public service vehicle being used to carry passengers for hire or reward at separate fares, other than one being used in the provision of a local service;
 - (c) any taxi; that is to say, any hire car which is engaged, by arrangements made in a public place between the person to be conveyed in it (or a person acting on his behalf) and its driver for a journey beginning there and then.
17. Nothing in Article 7 and 8 of this order shall apply to any disabled person's vehicle which is not causing an obstruction.
18. Nothing in Articles 6, 7, 8, and 9 of this Order shall prevent any person from driving or causing or permitting to be driven any vehicle which is being used:-
- (a) for the purposes of delivering or collecting postal packets;
 - (b) for the purpose of loading/unloading of goods to/from any of the premises situated on or adjacent to the length of road referred to;
 - (c) by or on behalf of a Local Authority for the purpose of the collection of refuse from premises situated on or adjacent to the length of road referred to;

PART III

WAITING, LOADING, AND UNLOADING OF VEHICLES IN CERTAIN ROADS

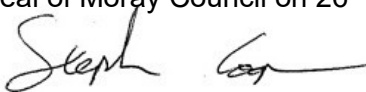
Taxi Ranks

19. Save as provided in Article 20 of this Order, no person shall except upon the direction or with the permission of a police constable in uniform or of a traffic warden cause or permit any vehicle other than a taxi to wait during the periods specified and on sections of road specified in **Schedule 9** to this Order.

Exemptions from Waiting Restrictions

20. Nothing in Article 19 of this Order shall prevent any person from causing or permitting a vehicle to wait in any road specified in **Schedule 9**:-
- (a) 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, demolition or excavation in or adjacent to the said roads, the removal of any obstruction to traffic in the said roads, or the laying, erection, alteration, removal or repair in or adjacent to the said roads, of any sewer or of any main pipe or apparatus for the supply of gas, water and electricity, or of any telecommunication apparatus as defined in sub-paragraph 1(1) of the Schedule 2 to the Telecommunications Act 1984, or traffic sign;
 - (b) if the vehicle is a vehicle used for police, fire and rescue or ambulance purposes or any vehicle in the service of a local authority in either case being used in pursuance of statutory powers or duties;
 - (c) if the vehicle is in the service of a universal service provider in the course of the provision of a universal postal service and is waiting while postal packets 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 to the road;
 - (d) where the person in control of the vehicle is required by law to stop.

Given under the Seal of Moray Council on 26th June 2020



Head of Environmental and Commercial Services

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List of Schedules

Schedule 1	No vehicles at any time
Schedule 2	No motor vehicles permitted Except for loading and unloading of goods outwith 11:00am – 4:00pm
Schedule 2a	No motor vehicles permitted during 11:00am – 4pm
Schedule 2b	No motor vehicles permitted during 11:00am – 2:30pm
Schedule 3	No motor vehicles permitted Except taxis, deliveries and permit holders
Schedule 4	No motor vehicles permitted Except buses, taxis, deliveries and permit holders
Schedule 5	No motor vehicles permitted Except deliveries
Schedule 6	No motor vehicles permitted 1am – 4am Thursday to Sunday Except Taxis
Schedule 7	Driving permitted only in direction stated
Schedule 8	Driving permitted only in direction stated Except for cycles
Taxis Schedule 9	No stopping at any time except for taxis



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Schedule 2

Roads in Elgin

No motor vehicles permitted

Except for loading and unloading outwith 11:00am – 4:00pm

High Street

On that part of High Street between North Street and Commerce Street forming a two lane road along the south side of St Giles Church, excluding the footways along the south side from Batchen Street to Hay's Close and from Hay's Close to Commerce Street.

High Street

From Commerce Street to Lossie Wynd

Batchen Street

From High Street to South Street

Commerce Street

From High Street to South Street

Schedule 2a

Roads in Elgin

No motor vehicles permitted during 11:00am – 4:00pm

High Street

On that part between Northfield Terrace roundabout and North Street

High Street

On that part between Lossie Wynd and Glover Street

Lossie Wynd

On that part between High Street and North Port

Schedule 2a

Roads in Elgin

No motor vehicles permitted during 11:00am – 2:30pm

South Street

On that part between Culbard Street and Commerce Street

Academy Street

On that part between South Street and Francis Place



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Schedule 9

Roads in Elgin

No stopping at any time except for taxis

South Street

On the north side there of

- a) From a point 18 metres or thereby east of the projected eastern kerbline of Batchen Lane (north-south section) in an easterly direction for a distance of 32 metres or thereby

High Street

On the north side there of:

- a) From a point 6m or thereby east of the projected eastern kerbline of Glover Street in an easterly direction, for a distance of 41m or thereby



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Statement of Reasons for Making the Order

The prohibitions for motor vehicles are being introduced to provide an improved environment for social distancing and outdoor meeting space during the recovery phase of the Covid-19 pandemic.