**PERTH AND KINROSS COUNCIL**

**ROADS (SCOTLAND) ACT 1984**

PERTH AND KINROSS COUNCIL (MONCUR ROAD, INCHTURE)

(RE-DETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 20XX

Perth and Kinross Council in exercise of the powers conferred on them by Section 1, 1(1) and 152(2) of the Roads (Scotland) Act 1984 and of all other powers enabling them in that behalf and hereby make the following Order:-

#### PART I

#### GENERAL PROVISIONS

# Commencement and Citation

1. This Order may be cited as the “Perth and Kinross Council (Moncur Road, Inchture) (Re-determination of Means of Exercise of Public Right of Passage) Order 20XX” and shall come into operation on the ……………………... day of ……………….. Two thousand and …...

# Interpretation

1. In this Order except where the context otherwise requires, the following expressions shall have the meaning hereby assigned to them:-

“**Chief Constable**” means the Chief Constable of Police Scotland;

“**Council**” means Perth and Kinross Council;

“**cycle track**” means a way over which the public have a right of way on pedal cycles which are motor vehicles within the meaning of the Roads (Scotland) Act 1984 with or without a right of way on foot;

“**footpath**” means a way not associating with a carriageway over which the public have a right of way on foot only;

“**footway**” means a way of associating with a carriageway over which the public have a right of way on foot only;

“**cycle**” means a bicycle, a tricycle or cycle having four or more wheels, not being in any case a motor vehicle;

“**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;

“**schedule**” means the schedule to this Order.

#### PART II

# Designation

1. The lengths of roads specified in the Schedule to this Order, shall become cycle tracks, the right of passage being exercisable on pedal cycle and foot only.

## PART III

## EXEMPTIONS

# From Driving Prohibition

1. Nothing in Part II 1. hereof shall prevent any person from causing or permitting any vehicle to be driven in any of the lengths of roads specified in the Schedule hereto if the vehicle is any other vehicle being used for Police, Fire Brigade or Ambulance emergency purposes or is a motor vehicle in the service of a Local Authority and is being used in pursuance of statutory powers and duties, including the cleansing, maintenance improvement of the cycle track or its verges or the maintenance or alteration of any structure or other work situated therein.

SIGNED and the COMMON SEAL of the COUNCIL hereto AFFIXED at PERTH on the ……………………….. day of ………………………… TWO THOUSAND AND ………………….

………………………………………….

Head of Legal & Governance Services

**PERTH AND KINROSS COUNCIL (MONCUR ROAD, INCHTURE)**

**(RE-DETERMINATION OF MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE) ORDER 20XX**

**SCHEDULE**

**ROADS OVER WHICH MEANS OF EXERCISE OF PUBLIC RIGHT OF PASSAGE IS TO BE DETERMINED**

1. **Moncur Road, Inchture**

Footway on the southeast side of Moncur Road from a point 70 metres or thereby northeast of the junction with Main Street northeastwards to a point 15 metres or thereby southwest of the junction with Orchard Way, a distance of 180 metres or thereby.

All as the said areas are delineated and sawtooth hatched on the plan annexed to this Order.

**Council Reasons**

In accordance with Council Policy of providing facilities to encourage cycling, a Cycle Route within Inchture is being created. The Redetermination of this section of footway at Moncur Road as a cycle track for use by both pedestrian and cyclists will allow a Cycle Route to be provided.