

2021 No. 200

ROAD TRAFFIC

**The A835 Trunk Road (Ben Wyvis) (Temporary Clearway)
Order 2021**

Made - - - - - *26th April 2021*

Coming into force - - - - - *30th April 2021*

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 2(1) and (2), 4(1) and 14(1)(b) and (4) 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 or prohibited 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 A835 Trunk Road (Ben Wyvis) (Temporary Clearway) Order 2021, comes into force on 30 April 2021 and ceases to have effect on 31 October 2021.

Restriction on use of vehicles

2. Subject to article 3, no person may, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle to stop at any time on the length of road specified in the schedule.

Exemptions

3. No restriction imposed by this Order applies to a person causing or permitting a vehicle to stop—

- (a) in any case where the person in control of the vehicle—
 - (i) is required by law to stop,
 - (ii) is obliged to stop in order to avoid an accident,

(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. 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).

- (iii) is prevented from proceeding by circumstances outwith their control and it is not reasonably practicable for them to drive or move the vehicle,
- (b) when the vehicle is—
 - (i) being used in an emergency for fire brigade, ambulance, police or coastguard purposes,
 - (ii) being used for the purpose of delivering letters, parcels, packets or other articles to premises situated on or adjacent to the length of road specified in the schedule,
 - (iii) being used by or on behalf of a local authority for the purpose of the collection of household refuse from premises situated on or adjacent to the length of road specified in the schedule,
 - (iv) a public service vehicle as defined by section 1 of the Public Passenger Vehicles Act 1981(a) providing a local service as defined in section 2 of the Transport Act 1985(b),
 - (v) a taxi or private hire car as defined by section 23(1) of the Civic Government (Scotland) Act 1982(c) stopping for the purpose of taking up or setting down passengers,
- (c) for so long as may be necessary to enable the vehicle to be used in connection with—
 - (i) any building operation or demolition being carried out adjacent to the length of road specified in the schedule,
 - (ii) the removal of any obstruction or potential obstruction to traffic on the length of road specified in the schedule,
 - (iii) the maintenance, improvement or reconstruction of the length of road specified in the schedule,
 - (iv) the laying, erection, placing, maintenance, testing, alteration, repair or removal of any structure, works or apparatus in, on, under, over or adjacent to the length of road specified in the schedule.

H MCDONALD

A member of the staff of the Scottish Ministers

Buchanan House,
Glasgow
26th April 2021

(a) 1981 c.14; sections 1(3) and 1(5) were amended by the Transport Act 1985 (c.67), Schedule 8.
(b) 1985 c.67.
(c) 1982 c.45.

SCHEDULE

Article 2

SPECIFIED LENGTH OF ROAD

That length of the A835/A893 Tore – Ullapool Trunk Road (Ben Wyvis) being the main carriageway, from a point 1.6 kilometres or thereby south-west of the extended centreline of the unclassified Ben Wyvis National Nature Reserve Car Park access junction to a point 1.6 kilometres or thereby north of the extended centreline of the unclassified Ben Wyvis National Nature Reserve Car Park access junction, a distance of 3.2 kilometres or thereby.