



**(SCHOOL STREETS, CLACKMANNAN)
(PROHIBITION OF MOTOR VEHICLES)
TRAFFIC REGULATION ORDER 2020**

Clackmannanshire Council in exercise of its powers under Sections 1(1), 2(1) to (3), 4(1), 9 and 10(2) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended, (which Act as so amended is hereinafter referred to as “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 makes the following Order:-

CITATION AND INTERPRETATION

1. Citation and Commencement

This Order may be cited as “The Clackmannanshire Council (School Streets, Clackmannan) (Prohibition of Motor Vehicles) Traffic Regulation Order 2020” and shall come into operation on the 10 July 2020.

2. Interpretation

- (1) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament
- (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.
- (3) In this Order, except where the context otherwise requires, the following expressions have the meaning hereby respectively assigned to them:

“Article” means an article of this Order;

“Bus” means a motor vehicle constructed or adapted to more than 8 passengers (exclusive of the driver);

“Chief Constable” means the Chief Constable for the Police Authority of Police Scotland;

“Council” means Clackmannanshire Council incorporated under the Local Government etc. (Scotland) Act 1994 as local authority for the Clackmannanshire area;

“Contractual vehicle” means a bus, or taxi, or private hire car contracted by Clackmannanshire Council to take children to or from a school, specified in the Schedule to this Order;

“Strategic Director” means the Strategic Director of the Council;

“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;

“Goods” means merchandise, produce and corporeal moveable items of a similar nature (excluding money) and “delivering” and “collecting” in relation to any goods includes checking the goods for the purpose of their delivery or collection;

“goods vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of goods of any description;

“healthcare worker” means:

- a) such persons as having been identified by NHS Forth Valley as being a GP, doctor, registered nurse or any other nominated medical persons carrying out domiciliary visits to patients residing with a School Streets area; or

- b) such persons as are GP's, doctors registered nurses employed at qualifying medical practices and carrying out domiciliary visits to patients residing within a School Streets area;

“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;

“local authority” means a council constituted under Section 2 of the Local Government etc. (Scotland) Act 1994;

“motor cycle” has the same meaning as in Section 136 of the 1984 Act;

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

“owner”, in relation to a vehicle, means the registered keeper of the vehicle;

“permit” means any permit issued by the Council under the terms of this Order and, for the avoidance of doubt, refers only to the original document as issued;

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

“private hire car” has the same meaning as in Section 23 of the Civic Government (Scotland) Act 1982;

“prohibited hours” means the period specified in column 3 of the Schedule to this Order;

“prohibited road” means the length of road described in column 2 of the Schedule to this Order;

“qualifying person” means:

- a) a person who is solely or mainly resident at premises the postal address of which is in a road described in column 4 of the Schedule to this Order; or
- b) a medical practitioner with consulting rooms the postal address of which is in such a road described in column 4 of this Order;
- c) any person who owns or leases, on a long-term basis, any residential property the postal address of which is in a road described in column 4 of the Schedule to this Order, where the said property is not the sole or main place of residence and is used as a second home or holiday home; or
- d) any person who owns or leases, on a long-term basis, any business property the postal address of which is in a road described in column 4 of the Schedule to this Order;
- e) any healthcare worker identified by NHS Forth Valley and not provided with a healthcare workers permit, or any carer employed or contracted by Clackmannanshire Council or any carer working with a registered social care provider, who requires access, as part of their duties, to premises the postal address of which is in a road described in column 4 of the Schedule to this Order;
- f) Any teacher or person working within the school and nominated by the Head Teacher, who requires access, in emergency situations, to the school the postal address of which is in a road described in column 4 of the Schedule to this Order;

and for the avoidance of doubt, the qualifying person that has an address, or in the case of sub-section e) above, is visiting an address, or in the case of sub-section f) above, works within a school listed in column 4 of the Schedule to this Order may only use the permit in the prohibited road or roads specified in column 2 of the same Section of the Schedule to this Order.

“School Streets area” means the prohibited roads described in column 2 of each Section of the Schedule to this Order;

“School Streets permit” means any permit issued by the Council under the terms of this Order to a qualifying person and, for the avoidance of doubt, refers only to the original document as issued;

“School Streets permit holder” means a qualifying person to whom a permit has been issued by the Council under the provisions of Article 3-9 of this Order;

“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 a Schedule to this Order;

“street” has the same meaning as a ‘road’ as herein defined;

“taxi” has the same meaning as in Section 23 of the Civic Government (Scotland) Act 1982;

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

“valid application” means an application made in accordance with the prescribed procedure and on the appropriate form for the permit applied for;

“vehicle” means either a motor vehicle or a motor cycle.

- (4) References in this Order to a disabled person, to a disabled person's badge, to a disabled person's vehicle and to a vehicle displaying a disabled person's badge in the relevant position shall be construed in accordance with The Disabled Persons (Badge for Motor Vehicles) (Scotland) Regulations 2000 and The Local Authorities Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002.
- (5) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
- (6) 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 or having effect as if made under the 1984 Act as amended as aforesaid or by under any other enactment.

3. Restriction of Vehicular Access

The Council are satisfied that, for preventing the likelihood of danger arising to persons or other traffic using the restricted road, it is requisite that Section 3(1) of the 1984 Act should not apply to this Order.

RESTRICTIONS ON ENTRY INTO OR WAITING IN A PROHIBITED ROAD DURING THE PROHIBITED HOURS

4. Use of Prohibited Road During the Prohibited Hours Specified in the Schedule to this Order

Save as provided in Articles 5, 6 and 7 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 flashing of the warning lights on the traffic sign that indicate the start of the School Streets area as specified in the Schedule to this Order.

5. Exemptions from Prohibition on Entering or Proceeding

The prohibitions imposed by Article 4 shall not apply to the following motor vehicles:

- (a) a motor vehicle while being used for fire and rescue, ambulance or police purposes; or
- (b) a motor vehicle, not being a passenger vehicle, while being used in the service of a local authority in pursuance of statutory powers or duties: provided that in all the circumstances it is reasonably necessary in the exercise of such power or duties or the performance of such duties for the motor vehicle so to enter or proceed;
- (c) a bus while being used as part of a scheduled bus service
- (d) if the vehicle is in the service of or employed by the Post Office and is waiting or driving in any of the lengths of the roads specified in the Schedule to this order while postal packets addressed to the premises adjacent thereto are being unloaded from the vehicle or having been uploaded from the vehicle or having been unloaded therefrom are being delivered or while postal packets are being collected from premises or pillar boxes adjacent thereto;.
- (e) To enable the vehicle to be used for delivery purposes by registered delivery companies or the discharge of trade or professional services;

6. Exemptions from Prohibition on Entering or Proceeding

Nothing in Article 4 shall prevent any person from causing or permitting a motor vehicle to enter or proceed in the prohibited road during the prohibited hours for so long as may be necessary:

- (a) to enable the vehicle, if it cannot conveniently be used for such purpose in any other road or out with 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 traffic road, 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, telecommunication apparatus or the placing, maintenance or removal of any traffic sign; or
- (b) to enable a vehicle displaying a disabled badge, being driven by or carrying a disabled person to uplift or set down passengers or to wait at premises located on the prohibited road, during the prohibited hours; or
 - (c) where the vehicle is displaying a School Streets permit issued for the School Streets area in which the vehicle is being driven; or
 - (d) to enable the vehicle to be used as a contractual vehicle to uplift or set down a passenger or passengers; or
 - (e) to enable the removal of one or more item of furniture to or from one office, dwelling house or depository situated on the prohibited road from or to another office, dwelling house or depository. Provided notice is given forty-eight hours in advance to the Chief Constable, his consent, either generally or specifically, has been obtained and such reasonable conditions he may impose are complied with; or
 - (f) to allow a funeral undertaking; or
 - (g) to enable the vehicle to be used by a School Streets permit holder when, in the course of their employment, the said School Streets permit holder is visiting patients in premises situated on any prohibited road and the vehicle bears a School Streets permit displayed at the front or nearside of the vehicle and so as to be clearly visible from the front or nearside.

7. Not Used

8. Duty to Move On

Notwithstanding any exemption or exception contained in this Order, the person in control of any motor vehicle waiting during the prohibited hours in the prohibited road shall move the motor vehicle on the instructions of a police constable in uniform whenever such removal is reasonably necessary for the purpose of facilitating the passage of traffic (including foot passengers).

PERMITS SPECIFIC PROVISIONS

9.1 Permits for the Use of Prohibited Roads in the Schedule to this Order

- (a) Any vehicle that displays a valid School Streets permit issued under the terms of this Part of the Order shall be entitled or to enter or proceed in any prohibited road, during the prohibited hours for which the permit has been issued, as described in the Schedule to this Order.

9.2 Applications for School Streets Permits for the Use in Roads Described in the Schedule to this Order

- (a) Any qualifying person who is the keeper of a vehicle may individually apply to the Council for the issue of a School Streets permit in respect of that vehicle, and any such application shall:
 - (1) be made on a form issued by, and obtainable from, the Council;
 - (2) include the information or particulars as specified on the aforementioned form;
 - (3) in the case of a qualifying persons identified by NHS Forth Valley, the application must include a letter from NHS Forth Valley stating that in order to carry out domiciliary visits to patients access is required to a School Streets area;
 - (4) in the case of a qualifying persons employed or contracted by Clackmannanshire Council, the application must include a letter from Clackmannanshire Council, stating that in order to carry out domiciliary visits to patients access is required to a School Streets area;
 - (5) in the case of a qualifying persons nominated by a Head Teacher, the application must include a letter from the school stating that in emergency situations access is required to a School Streets area. Only one permit will be issued to the school the postal address of which is in a road described in column 4 of the Schedule to this Order.

(b) The Council may at any time require a qualifying person, applying for a School Streets permit to an officer of the Council:

(1) in respect of an application for a permit, such evidence as they may reasonably require to verify any particulars or information given to them;

(2) in respect of any previously issued permit, such evidence as they may reasonably require to verify that the permit are valid and/or that the School Streets permit holder remains entitled to the said permit.

9.3 Issue of School Streets Permit for the Use of Prohibited Roads Described in the Schedule to this Order

Except as provided for in this Part of the Order, on receipt of a valid application the Council shall issue to the qualifying person one School Streets permit for the School Streets area in which the qualifying person is:

(a) resident or business owner or leaseholder; or

(b) a healthcare worker identified by NHS Forth Valley, who requires access, as part of their duties, to premises the postal address of which is in a road described in column 4 of the Schedule to this Order; or

(c) a carer employed or contracted by Clackmannanshire Council, who requires access, as part of their duties, to premises the postal address of which is in a road described in column 4 of the Schedule to this Order; or

(d) a teacher or person working within the school and nominated by the Head Teacher, who requires access, in emergency situations, to the school the postal address of which is in a road described in column 4 of the Schedule to this Order.

9.4 Form of School Streets Permit

A School Streets permit shall be either:

- (a) in writing and shall include the following particulars:
 - (1) the registration mark of the vehicle or, as the case may be, vehicles in respect of which the permit has been issued;
 - (2) the period during which, subject to the provisions of Article 10-2 of this Order, the permit shall remain valid;
 - (3) an identifying mark indicating the permit is a School Streets permit eligible for use in the prohibited road during the prohibited hours as described in the Schedule to the Order, in respect of which the use of the permit is valid;
 - (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.

PERMITS: GENERAL PROVISIONS

10.1 Requirement on School Streets Permit Holders to Display Permits on Vehicles Left in the Parking Places Described in the Schedule to this Order

- (a) The driver of a School Streets permit holders' vehicle entering or proceeding in a School Streets area during the prohibited hours must, at all times, display a valid School Streets permit; or
- (b) As described in paragraph (a) of this Article the permit referred to should be displayed at the front or nearside of the vehicle so as to be clearly visible from the front or nearside of the vehicle.

10.2 Cessation of Validity of Permits

Subject to the provisions of Article 10-3, any permit issued under the terms of this Order, shall cease to be valid:

- (a) in the case of a School Streets permit, at the expiry of the period specified thereon (which period shall not exceed a period of eighteen months from the date on which it is issued) or on the occurrence of any

one of the events set out in sub-paragraphs (1), (2), (3) or (4) of paragraph (c) of Article 10-3, whichever is the earlier.

- (b) should the permit be altered, defaced or damaged to the extent that any of the information or details thereon become unreadable.

10.3 Surrender and Withdrawal of Permits

- (a) A School Streets permit holder may surrender any permit to the Council at any time and shall surrender such permit to the Council on the occurrence of any of the events set out in sub-paragraphs (1), (2), (3) or (4) of paragraph (c) of this Article;
- (b) The Council may, by notice in writing delivered to or served on the School Streets permit holder by sending the same, by recorded delivery service, to the School Streets permit holder at the address shown by that person on the application for the permit or any other address believed to be that person's place of residence or business:
 - (1) withdraw any permit if it appears to the Council that any one of the events set out in sub-paragraphs (1) or (2) or paragraph (c) of this article has occurred and the School Streets permit holder shall surrender such permit or permits (as the case may be) to the Council within 48 hours of the receipt of the aforementioned notice;
- (c) The events referred to in the foregoing provisions of this Article are:
 - (1) the School Streets permit holder ceasing to be School Streets personnel;
 - (2) the School Streets permit holder ceasing to be the keeper of the vehicle or, as the case may be, vehicles, for which the permit was issued;
 - (3) the issue of a duplicate permit by the Council under the provisions of Article 10-4;
 - (4) the permit ceasing to be valid pursuant to the provisions of Article 10-2.

10.4 Applications for and Issue of Replacement Permits

- (a) if a permit is mutilated or accidentally defaced or the particulars or figures thereon have become illegible or the colour of the permit has become altered by fading or otherwise, the School Streets permit

holder shall surrender the permit to, and may apply to, the Council for the issue to them of a replacement permit and the Council, upon receipt of the permit, shall issue a replacement permit so marked, and upon such issue the mutilated or defaced permit shall become invalid.

(b) If a permit is lost or destroyed the School Streets permit holder may apply to the Council for the issue to him of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, may issue a duplicate permit so marked, and upon issue the lost or destroyed permit shall become invalid.

(c) The provisions of this Order shall apply to a replacement permit and an application therefore as if it were a permit or, as the case may be, an application therefore.

GENERAL

11.1 Placing of Traffic Signs, etc.

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

11.2 Restrictions on the Removal of Permits

When a permit has been displayed on a vehicle in accordance with Article 10-1, no person, not so being the driver of the vehicle, shall remove the said permit from the vehicle unless authorised to do so by the driver.

**DATED THIS TWENTY THIRD DAY OF JUNE,
TWO THOUSAND AND TWENTY**

Pete Leonard
Strategic Director

**THE CLACKMANNANSHIRE COUNCIL
(SCHOOL STREETS, CLACKMANNAN)
(PROHIBITION OF MOTOR VEHICLES)
TRAFFIC REGULATION ORDER 2020**

SCHEDULE - SCHOOL STREETS			
<p>For the purpose of the application of this Order to the lengths of road specified in this Schedule the expressions –</p> <p>“prohibited hours” means the period shown in column 3 of this Schedule and indicated when the lights are flashing on the signs at the entrance to the prohibited area;</p> <p>“m” means metre.</p>			
1	2	3	4
School Streets Area	Prohibited Roads	Prohibited Hours	List of Roads and Properties where Permits will be issued
PS1.	<p>Clackmannan Primary School</p> <p>Lochies Road (from Port Street to Castle Street)</p>	08:30 to 09:05 and 14:50 to 15:20 Mondays to Fridays	<p>Lochies Road (All addresses including Clackmannan Primary School (one permit only)</p> <p>Garden Terrace (All addresses)</p> <p>Bruce Street (All addresses)</p>

**THE CLACKMANNANSHIRE COUNCIL
(SCHOOL STREETS, CLACKMANNAN)
(PROHIBITION OF MOTOR VEHICLES)
TRAFFIC REGULATION ORDER 2020**

Statement of Reasons for Making the Order

The order is being put in place to make the environment safer at the start and end of the school day.

**Pete Leonard
Strategic Director**

**THE CLACKMANNANSHIRE COUNCIL (SCHOOL STREETS, CLACKMANNAN)
(PROHIBITION OF MOTOR VEHICLES) TRAFFIC REGULATION ORDER 2020**

The Council proposes to make the above order under Sections 1(1), 2(1) to (3), 4(1), 9 and 10(2) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, (as amended) which will put in place a School Streets Order which will prohibit vehicles (excluding permit holders) from entering the prohibited roads at: Clackmannan Primary School: Lochies Road, Clackmannan (from Port Street to Castle Street), during the prohibited hours of 08:30 to 09:05 hours and 14:50 hours to 15:20 hours Mondays to Fridays as indicated by the flashing of the warning lights. The order is required to make the environment safer at the start and end of the school day. Objectors must state their reasons in writing to Gillian White, Legal and Governance, Kilncraigs, Alloa, FK10 1EB by 20/03/20. Full details are available on www.clacks.gov.uk or may be examined at Clackmannanshire Council's Offices, Kilncraigs, Alloa, FK10 1EB, and any Council Office/Library, during normal office hours between 19/02/20 and 20/03/20.

**THE CLACKMANNANSHIRE COUNCIL (SCHOOL STREETS, CLACKMANNAN)
(PROHIBITION OF MOTOR VEHICLES) TRAFFIC REGULATION ORDER 2020**

The Council has made the above Order under Sections 1(1), 2(1) to (3), 4(1), 9 and 10(2) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, (as amended) which will put in place a School Streets Order which will prohibit vehicles (excluding permit holders) from entering the prohibited roads at: Clackmannan Primary School: Lochies Road, Clackmannan (from Port Street to Castle Street), during the prohibited hours of 08:30 to 09:05 hours and 14:50 hours to 15:20 hours Mondays to Fridays as indicated by the flashing of the warning lights. The order is required to make the environment safer at the start and end of the school day. Anyone wishing to question the validity of any of the provisions within this order should write to the Court of Session within six weeks of 23 June 2020. Full details are available on www.clacks.gov.uk

**THE CLACKMANNANSHIRE COUNCIL
(SCHOOL STREETS, CLACKMANNAN)
(PROHIBITION OF MOTOR VEHICLES)
TRAFFIC REGULATION ORDER 2020**

The Clackmannanshire Council has made the above named Order under Sections 1(1), 2(1) to (3), 4(1), 9 and 10(2) and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 on 23 June 2020.

FULL DETAILS of this Order, which will come into operation on 10 July 2020, is as published in the Alloa Advertiser on 19 February 2020, and will designate the sections of roads described in the Schedule as School Streets which is required to make the environment safer at the start and end of the school day. A copy of the Order, together with a copy of the relative plan, is available at www.clacks.gov.uk

Any person wishing to question the validity of the Order or of any provision contained therein on the grounds that it is not within the powers conferred by the aforesaid Act or that if any requirement therein has not been complied with, may, within six weeks from 23 June 2020 apply to the Court of Session for this purpose.

Pete Leonard
Executive Director

Clackmannanshire Council, Kilncraigs, ALLOA, FK10 1EB

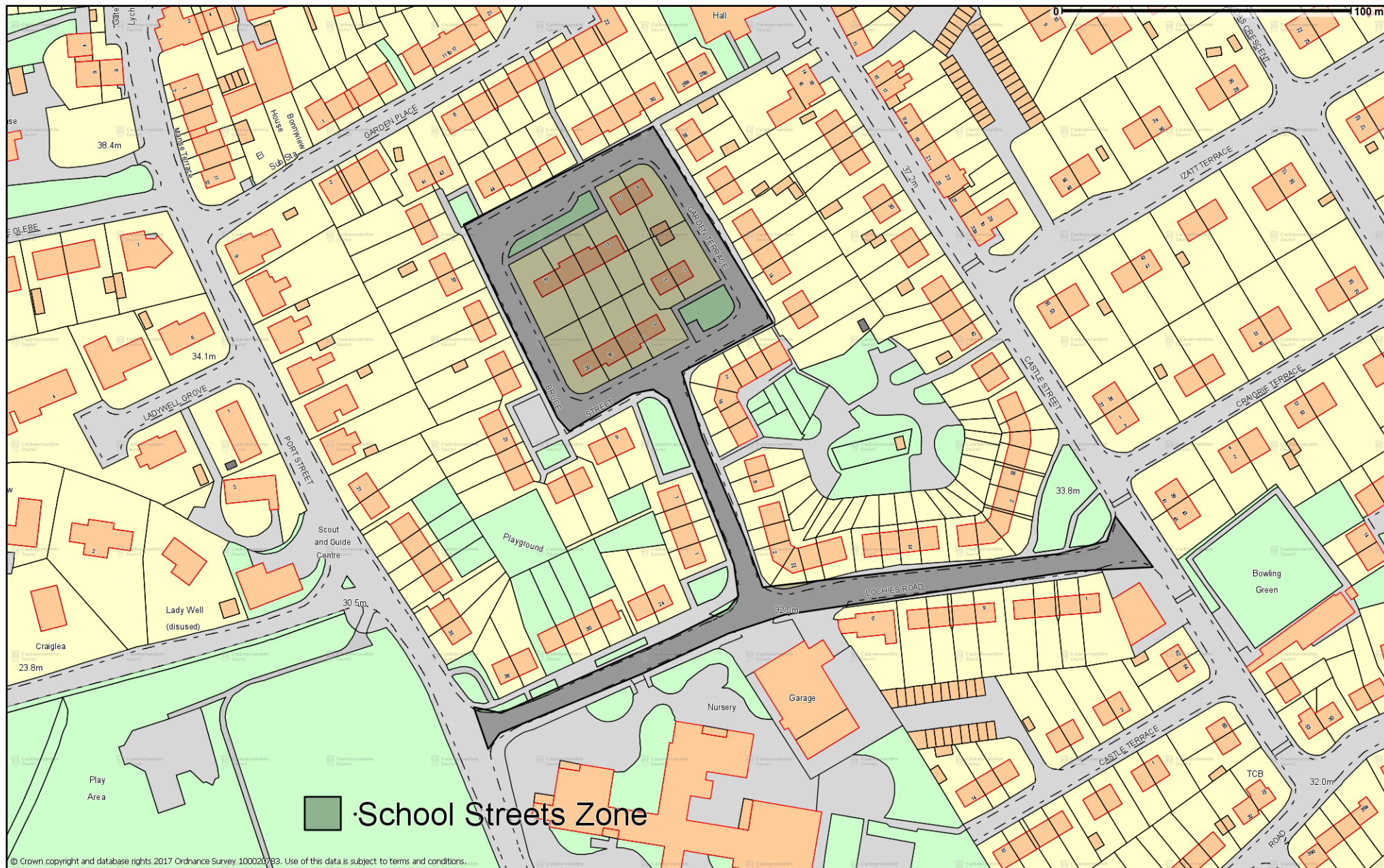
SCHEDULE - SCHOOL STREETS			
For the purpose of the application of this Order to the lengths of road specified in this Schedule the expressions – “prohibited hours” means the period shown in column 3 of this Schedule and indicated when the lights are flashing on the signs at the entrance to the prohibited area; “m” means metre.			
1	2	3	4
School Streets Area	Prohibited Roads	Prohibited Hours	List of Roads and Properties where Permits will be issued
PS1.	Clackmannan Primary School Lochies Road (from Port Street to Castle Street)	08:30 to 09:05 and 14:50 to 15:20 Mondays to Fridays	Lochies Road (All addresses including Clackmannan Primary School (one permit only) Garden Terrace (All addresses) Bruce Street (All addresses)

**THE CLACKMANNANSHIRE COUNCIL
(SCHOOL STREETS, CLACKMANNAN)
(PROHIBITION OF MOTOR VEHICLES)
TRAFFIC REGULATION ORDER 2020**

This is the plan referred to in "The Clackmannanshire Council (School Streets, Lochies Road, Clackmannan) (Prohibition of Motor Vehicles) Traffic Regulation Order 2020", made by Clackmannanshire Council on the 23 June 2020.

Pete Leonard
Strategic Director

Clackmannanshire Council, Kilncraigs, ALLOA, FK10 1EB



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Scale 1:1786



Clackmannann - School Streets Zone



Clackmannannshire Council