

THE FIFE COUNCIL (ST. MARIE'S RC PRIMARY SCHOOL, KIRKCALDY - SCHOOL EXCLUSION ZONE) (PROHIBITION OF MOTOR VEHICLES) EXPERIMENTAL ORDER 2022

On 03/11/22 Fife Council made the above Order under the Road Traffic Regulation Act 1984 to create an experimental school exclusion zone to prohibit motor vehicles from entering a section of MacIndoe Crescent, Kirkcaldy during busy pick-up and drop-off times.

A copy of the Order, which is operational from 28/11/22, and a drawing showing the affected roads may be inspected, without payment of fee, during normal office hours at Fife Council Headquarters, Fife House, North Street, Glenrothes, KY7 5LT and via public access PCs at your closest library. The documents will also be available online at www.fife.gov.uk/notices. Any person wishing to question the validity of the Order or of any provision contained in it on the grounds that it is not within the powers conferred by the Road Traffic Regulation Act 1984, or on the grounds that any requirement of that Act, or of any instrument made under it, has not been complied with in relation to the Order may, within six weeks from 03/11/22, apply to the Court of Session for that purpose.

The Order will be in operation for an experimental period of 18 months. The Council will in due course be considering whether the provisions of the Order should be continued in force indefinitely. Any person may object to the making of the order for the purpose of such indefinite continuation by writing to Traffic Management, Roads & Transportation Service, Bankhead Central, Bankhead Park, Glenrothes, Fife KY7 6GH or by e-mail to traffic.management@fife.gov.uk within a period of 6 months beginning on 28/11/22 or, if the Order is subsequently varied or modified, the latest date on which such variation or modification comes into force.

Any queries regarding the operation of this Order should be directed to Traffic Management, Roads & Transportation Service, Bankhead Central, Bankhead Park, Glenrothes, Fife KY7 6GH or by e-mail to traffic.management@fife.gov.uk.

18/11/2022

**THE FIFE COUNCIL (ST. MARIE'S RC PRIMARY SCHOOL, KIRKCALDY - SCHOOL EXCLUSION ZONE) (PROHIBITION OF MOTOR VEHICLES)
EXPERIMENTAL ORDER 2022**

Statement of Reasons

The Fife Council after consultation with the chief officer of police for the Council's area, consider that a school exclusion zone should be created at the above school by introducing a prohibition of motor vehicles on a section of MacIndoe Crescent, Kirkcaldy during busy pick-up and drop-off times for an experimental period of 18 months.

The Order is being promoted in the interests of improving road safety.

Lindsay Thomson,
Head of Legal and Democratic Services.

Fife House,
North Street,
Glenrothes,
Fife.
KY7 5LT

**THE FIFE COUNCIL (ST. MARIE'S RC PRIMARY SCHOOL, KIRKCALDY –
SCHOOL EXCLUSION ZONE) (PROHIBITION OF MOTOR VEHICLES)
EXPERIMENTAL ORDER 2022**

The Fife Council ("the Council"), in exercise of the powers conferred on them by sections 9 and 10 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of all other enabling powers, and after consultation with the chief officer of police for the Council's area in accordance with Part III of Schedule 9 to the 1984 Act, hereby make the following Order:-

Part 1 - Citation, Commencement and Interpretation

1. This Order may be cited as "The Fife Council (St. Marie's RC Primary School, Kirkcaldy – School Exclusion Zone) (Prohibition of Motor Vehicles) Experimental Order 2022" and shall come into operation on the 28th day of November, 2022 and shall remain in operation for a maximum period of 18 months until 28th day of May, 2024.
2.
 - (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) 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 (Badges for Motor Vehicles) (Scotland) Regulations 2000 and the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (Scotland) Regulations 2002.
 - (3) In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:-

"Article" means an article of this Order;

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

"Fife Demand Responsive Transport vehicle" means a vehicle used for the schemes operated by the Council under the Transport Act 1985 providing wheelchair accessible transport to individuals in the community who have difficulty accessing mainstream public transport;

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

“nearside” in relation to a vehicle, means the left side of the vehicle viewed from the perspective of the driver sitting in the vehicle facing forwards;

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

“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 any premises the postal address of which is listed in column 3 of the Schedule to this Order; or
- (b) a medical practitioner with consulting rooms at any premises the postal address of which is listed in column 3 of the Schedule to this Order; or
- (c) any teacher or person working within the school listed in column 1 of the Schedule to this Order and nominated by the Head Teacher as requiring access to or from the school;

“road” has the same meaning as in section 151 of the Roads (Scotland) Act 1984;

“Schedule” means the schedule to this Order;

“school contract vehicle” means a bus, or taxi, or private hire car contracted by Fife Council to take children to or from the school specified in column 1 of the Schedule to this Order;

“School Exclusion Zone area” means the prohibited road described in column 2 of the Schedule to this Order;

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

“security vehicle” means a liveried vehicle in the service of, or being employed by, a security company; and

“universal service provider” has the same meaning as in section 4 of the Postal Services Act 2000.

Part 2 – Prohibition of Motor Vehicles

3. (1) Save as provided in the following paragraph of this Article no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any motor vehicle to be driven on a prohibited road when so indicated by an appropriate traffic sign, authorised for the purpose by the Scottish Ministers under sections 64 and 65 of the Road Traffic Regulation Act 1984, that indicates the start of the School Exclusion Zone area to which this Order applies.
- (2) The foregoing paragraph of this Article shall not apply:-
- (a) to any motor vehicle displaying a disabled person's badge in the relevant position;
 - (b) to any motor vehicle while being used for fire and rescue, ambulance or police purposes if the observance of that Article would be likely to hinder the use of the motor vehicle for such purposes;
 - (c) to any motor vehicle while being used in the service of the Council in pursuance of statutory powers or duties, if it cannot conveniently be used for such purposes in any other length of road;
 - (d) to any motor vehicle, if it cannot conveniently be used for such purposes in any other length of road, while being used in connection with any building operation, demolition or excavation in or adjacent to the prohibited road, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the road, or the laying, erection, alteration, removal or repair in or near to the road, of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any apparatus comprised in an electronic communications network;
 - (e) to any motor vehicle displaying a valid School Exclusion Zone Permit issued for the School Exclusion Zone area in which the vehicle is being driven;
 - (f) to any school contract vehicle while being used to uplift or set down a passenger or passengers;
 - (g) to any motor vehicle while being used in connection with a funeral undertaking;
 - (h) to any liveried vehicle in the service of, or employed by, a universal service provider and in actual use on the prohibited road while postal packets –
 - (i) addressed to premises adjacent to the prohibited road are being unloaded from the vehicle or, having been unloaded, are being delivered to those premises; or

- (ii) are being collected from postal boxes or premises adjacent to the prohibited road for loading onto the vehicle or are being so loaded;
- (i) to any security vehicle in actual use in a prohibited road while currency or other valuables –
 - (i) are being unloaded from the vehicle for delivery to premises adjacent to the prohibited road or, having been unloaded, are being so delivered; or
 - (ii) are being collected from premises adjacent to the prohibited road for loading onto the vehicle or, having been collected, are being so loaded;
- (j) to enable a Fife Demand Responsive Transport vehicle to be used to obtain access to the prohibited road for the purpose of providing wheelchair accessible transport.

Part 3 – School Exclusion Zone Permits

- 4.
 - (1) The Council may provide by this or any other Order for the exemption of vehicles displaying School Exclusion Zone permits from the restrictions contained in Article 3(1) of this Order.
 - (2) Any person or organisation or qualifying person having a significant need to use the prohibited road specified in the Schedule shall be entitled to apply to the Council for a School Exclusion Zone permit. An applicant will be required to demonstrate that there is a significant need.
- 5.
 - (1) Application for a School Exclusion Zone permit shall be made on a form supplied by the Council for the purpose and shall be submitted to the Council at the address specified on the form.
 - (2) An applicant for a School Exclusion Zone permit shall produce to the Council such evidence as it may reasonably require in order to verify the information given in the application.
 - (3) On being satisfied that an applicant has demonstrated a significant need to use the prohibited road specified in the Schedule, the Council may grant the application and issue a School Exclusion Zone permit which shall be valid for such period as the Council consider appropriate to the applicant's circumstances.

- (4) The Council shall be entitled to refuse to issue a School Exclusion Zone permit to an applicant who has previously been in possession of a School Exclusion Zone permit which has been altered in any way.
 - (5) A School Exclusion Zone permit shall be in such form as the Council may from time to time determine and may include the following particulars -
 - (a) the name of the Council;
 - (b) words signifying that it is a permit relating to a School Exclusion Zone;
 - (c) an identifying number;
 - (d) the expiry date of the permit; and
 - (e) the registration mark of the vehicle or vehicles to which the permit relates.
6.
 - (1) The Council shall maintain a register of all School Exclusion Zone permits issued under this Part of this Order and the terms of such register shall be conclusive as to the validity of any School Exclusion Zone permit.
 - (2) A School Exclusion Zone permit shall be displayed on a vehicle to which it relates at the front or nearside of the vehicle so as to be clearly visible from the front or nearside of the vehicle.
 - (3) Only the display of a valid and original, unaltered School Exclusion Zone permit shall indicate that a vehicle is exempt from the restrictions contained in Article 3(1) of this Order.
7.
 - (1) A School Exclusion Zone permit shall cease to be valid following its expiry date or on the occurrence of any of the following events:-
 - (a) the holder ceasing to have a significant need to use the prohibited road specified in the Schedule;
 - (b) the holder ceasing to be the keeper of any vehicle to which the permit relates;
 - (c) the issue of a duplicate permit by the Council in terms of this Article; and
 - (d) should the permit be altered, defaced or damaged to the extent that any of the information or details thereon has become illegible.
 - (2) The Council may, by notice in writing sent by Recorded Delivery post to the holder of a School Exclusion Zone permit at the address provided on the relevant application form or at any other address believed to be the holder's residence or place of business, intimate cancellation of the permit if it appears to the Council that any of the events specified in the foregoing paragraph has occurred and the holder shall surrender the permit to the Council within 48 hours of receipt of the notice.

- (3) A School Exclusion Zone permit may be surrendered at any time before its expiry by or on behalf of the holder to whom it was issued.
- (4) The Council may at its discretion issue a duplicate of any School Exclusion Zone permit which has become illegible or has been lost or accidentally destroyed. Any request for a duplicate School Exclusion Zone permit must be made in writing by the holder to whom the original was issued who shall supply the Council with such evidence as it may reasonably require in connection with that request.

Part 4 – General

- 8. The Council shall place and maintain such traffic signs as are required to give effect to the provisions of this Order.
- 9. For the avoidance of doubt, anything done with the permission or at the direction of a police constable in uniform shall not constitute a contravention of this Order.
- 10. Drawing Number TRO22_42 showing the lengths of road affected by this Order is annexed and signed as relative hereto.

Dated this 3rd day of November, 2022.

..... Proper Officer of the Council

SCHEDULE

SCHOOL EXCLUSION ZONE AREA

1.	2.	3.
School	Prohibited road	Qualifying Premises
St. Marie's RC Primary School, MacIndoe Crescent, Kirkcaldy	MacIndoe Crescent, Kirkcaldy from Beatty Crescent to the entrance gates of St. Marie's RC Primary School	MacIndoe Crescent - 41-91 odd numbers, 66-108 even numbers; St. Marie's RC Primary School; and Janitors House Beatty Crescent – Nos 91, 93, 95 & 97

..... Proper Officer of the Council

Picture caption: Location plan showing the extent of the restriction.

