

GLOUCESTERSHIRE COUNTY COUNCIL

BUS LANE ORDER 2017

Gloucestershire County Council ("the Council") in exercise of its powers under sections 1(1), 2(1) to (3) and 4(1) and 4(2) to the Road Traffic Regulation Act 1984 ("the 1984 Act"), and of all other enabling powers, makes the following order:-

PART I - GENERAL

CITATION AND COMMENCEMENT

1. This Order is made on the 29th day of December 2017 and shall come into operation on the 15th day of January 2018 and may be cited as the "Gloucestershire County Council Bus Lane Order 2017", hereinafter referred to as "the Bus Lane Order".
2. Any Plans affixed with the common seal of the Council and which create a Bus Lane (as hereinafter defined) are hereby incorporated into this Order, and hereinafter collectively referred to as "the Bus Lane Plans".
3. The Bus Lane Order may be varied by the addition of further bus lane plans, or varied by the revocation of any existing bus lane plans.

INTERPRETATION

4. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order.
5. The Interpretation Act 1978 shall apply for the interpretation of this Order.
6. 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.

DEFINITIONS

7. In this order, except where the context requires otherwise:

- (1) "Authorised Vehicle" means a vehicle authorised by the Council as specified on the Bus Lane Plans;
- (2) "Bus" means
 - a. motor vehicles constructed or adapted to carry more than 8 passengers (exclusive of driver); and
 - b. local buses not so constructed or adapted and includes a tramcar (within the meaning of section 141A of the Road Traffic Regulation Act and a trolley vehicle within the meaning of that section;
- (3) "Bus Lane" means an area of road that may be used only by buses (or a particular description of bus), or only by buses (or a particular description of bus) and some other class or classes of vehicular traffic as provided for in this Order and includes the terms 'bus gate' and 'bus only street';
- (4) "Council" means Gloucestershire County Council or any of its employees, duly appointed servants or agents;
- (5) "Emergency Vehicle" has the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989;
- (6) "Heavy Commercial Vehicle" has the same meaning as in Section 138 of the 1984 Act;
- (7) "Local Bus" means a Public Service Vehicle used in provision of a Local Service not being an excursion or tour;
- (8) "Local Service" has the meaning given in section 2 of the Transport Act 1985;
- (9) "Medical Practitioner" has the same meaning as within the meaning of the Medical Act 1983;
- (10) "Motor Vehicle" has the same meaning as given in Section 136 of the 1984 Act;
- (11) "Motorcycle" has the same meaning as that in Section 136 of the 1984 Act;

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- (12) "Pedal Cycle" means a unicycle, bicycle, tricycle, or cycle having 4 or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act;
- (13) "Permitted Vehicle" means a vehicle specified on the Bus Lane Plans that is permitted to be in a Bus Lane
- (14) "Private Hire Vehicle" has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;
- (15) "Public Service Vehicle" has the meaning given in section 1 of the Public Passenger Vehicles Act 1981;
- (16) "Taxi" means a vehicle licenced under Section 37 of the Town Police Clauses Act 1847

PROHIBITION

The areas of road identified on the Bus Lane Plans are designated as Bus Lanes during the times of operation specified on the Bus Lane Plans.

Subject to Articles 12 and 13, a vehicle other than a Permitted Vehicle as specified on the Bus Lane Plans must not be in a Bus Lane.

Subject to Article 12 a Permitted Vehicle shall not travel in any direction in a Bus Lane other than that specified on the Bus Lane Plans.

11. The Council is satisfied that the provisions of section 3(1) of the 1984 Act shall not have effect because the Order is required:

(a) for avoiding danger to persons or other traffic using the road to which the order relates or any other road;

(b) for preventing the likelihood of any such damage arising; or

(c) for facilitating the passage of vehicular traffic on the road

in accordance with Section 3(2) Parts (a), (b) and (d) of the 1984 Act.

GENERAL EXEMPTIONS

12. Articles 9 and 10 do not apply to a vehicle that is in a Bus Lane under the direction or with the permission of a police constable in uniform or for the purposes of crossing the Bus Lane.
13. Nothing in Article 9 shall render it unlawful for a vehicle to be in a Bus Lane as may be necessary to enable:
- (1) a Motor Vehicle, necessarily required for use in connection with any of the following operations, namely:-
 - (a) the removal of any obstruction to traffic,
 - (b) the maintenance, improvement or reconstruction on the areas of Road or sides of Road, and
 - (c) the laying, erection, alteration or repair in or on land adjacent to the Roads, lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line by a Utility Organisation while attending to their apparatus;
 - (2) a Motor Vehicle in the service of a local authority being necessarily used in connection with highways inspections, waste collection or street cleansing activities;
 - (3) an Emergency Vehicle on official business
 - (4) a Motor Vehicle:
 - (a) being used by a Medical Practitioner attending an emergency, in which cases the Council may require evidence to show that there was a genuine emergency; or
 - (b) being used by naval, military or air force or visiting forces if at the time they are being used or appropriated by such forces.

REVOCATIONS

The following Orders are hereby revoked in full:

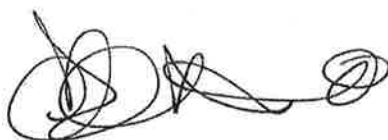
- (1) Gloucestershire County Council (Bus Gate) (Copeland Park to Kingsway, Gloucester) Order 2015
- (2) Gloucestershire County Council (Prohibition of Driving) (Bus Gate) (Valley Gardens, Kingsway, Gloucester) Order 2013
- (3) Gloucestershire County Council (Valley Gardens, Kingsway Development) (Gloucester City) (Bus Gate) Order 2007
- (4) Gloucestershire County Council (Prohibition of Driving) (Bus Gate) (Guan Road, Coopers Edge) Order 2013
- (5) Gloucestershire County Council (Bus Gate) (Middle Mead, Kingshill, Cirencester) Order 2016
- (6) Gloucestershire County Council (Llanthony Road Gloucester) (Prohibition of Driving) (Bus Lane) Order 2012
- (7) Gloucestershire County Council (A40 Gloucester Road, Cheltenham) (Bus Lane) Order 2008
- (8) The City of Gloucester (Brunswick Road) (Prohibition of Driving) Order 1998
- (9) The City of Gloucester (Brunswick Road) (Prohibition of Driving) (Amendment No.1) Order 2000
- (10) Gloucestershire County Council (Prohibition of Through Traffic) (Bristol Road Quedgeley) Order 2010
- (11) The City of Gloucester (Clarence Street) (Traffic Regulation) (Amendment No.1) Order 2000
- (12) Gloucestershire County Council (Prohibition of Driving) (Bristol Road Gloucester) Order 2008
- (13) The City of Gloucester (Northgate Street) (Prohibition of Driving) Order 1983
- (14) The A40 Trunk Road (Lansdown Road, Cheltenham) (Reserved Bus Lane and Prohibition of Waiting) Order 1998
- (15) The City of Gloucester (Cheltenham Road) (Reserved Bus Lane) Order 1999
- (16) The City of Gloucester (Cheltenham Road) (Reserved Bus Lane) (Peak hours) Order 1998

15. The following parts and articles of Orders are hereby revoked:

- (1) The City of Gloucester (Clarence Street) (Traffic Regulation) Order 1998
 - (a) Parts II and III
 - (b) Articles 8(4), 8(5), 8(6) and 8(7)
- (2) The City of Gloucester (Northgate Street) (Traffic Regulation) Order 2006
 - (a) Part VI
- (3) The Borough of Cheltenham (High Street Area) (Traffic Regulation) Order 2005
 - (a) Articles 4 – 6
- (4) Gloucestershire County Council (Cheltenham Town Centre) (Bus Lanes And No Right/Left Turns) Order 2016
 - (a) Articles 5, 8 & 9, Schedule 1.

DATED: 29th day of December 2017

The COMMON SEAL of
GLOUCESTERSHIRE COUNTY COUNCIL
was hereunto affixed
in the presence of



for Head of Legal Services



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