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City of Coventry (Gosford Street) (Bus gate) Order 2014

The Council of the City of Coventry ("the Council"), in exercise of their powers under Sections 1(1), 2(1), (2), (3), 4(2), 124(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") (as amended) and by the virtue of both The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Coventry) Order 2005 (Statutory Instrument 2005/378), made by Order under Section 43 and Schedule 3 of the Road Traffic Act 1991 ("the Act of 1991") and The Bus Lane Contraventions Approved Local Authorities (England) Order 2005 (Statutory Instrument 2005/2755), made by the Secretary of State for Transport pursuant to Section 144 of The Transport Act 2000 ("the Act of 2000") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby make the following Order:-

1. This Order shall come into operation on the 2nd day of January 2015 and may be cited as the "City of Coventry (Gosford Street) (Bus gate) Order 2014"

2. (i) In this Order:-
 - a) a reference to an article followed by a number is a reference to the Article of this order so numbered;

 - b) "Approved Device" means a device of a description specified in an Order made by the Relevant National Authority in line with Section 144 of the Act of 2000 and adhering to The Bus Lane (Approved Devices)(England) Order 2005 (Statutory Instrument 2005/2576)

 - c) "Authorised Officer" means a person employed by the Council to record, detect and act on contraventions to this Order by the means of an Approved Device.

 - d) "Authorised Vehicle" means a licensed private hire vehicle

 - e) "Bus" has the same meaning as in regulation 22 of the Traffic Signs Regulations and General Directions 2002;

 - f) "cause" includes permit and causing shall be construed accordingly;

 - g) "Civil Enforcement Officer" shall have the meaning assigned by section 76 of the Traffic Management Act 2004

 - h) "Date of Service" means the last day of the period of three (3) consecutive working days beginning with the first day of posting. If the notice is not posted on a working day the first working day after the date of posting will be the first day of posting

 - i) "enactment" means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and 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;

- j) "Gosford Gate Bus Gate" means the off-side area of Gosford Street more particularly described in the First Schedule and shown on the Plan indicated by signs as prescribed in the Traffic Signs Regulations and General Directions or otherwise authorized by the Relevant National Authority
- k) "Hackney Carriage" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, Section 6 of the Metropolitan Carriages Act 1869 and any other similar enactment;
- l) "Penalty Charge" and "Reduced Penalty Charge" means a charge set by the Council under the provisions of the Bus Lane Contraventions (penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 (Statutory Instrument 2005/2757)
- m) "PCN" means a Penalty Charge Notice
- n) "Pedal Cycle" has the same meaning as in regulation 4 of the Traffic Signs Regulations and General Directions 2002;
- o) "Plan" means drawing CCC/Gosford Gate Bus Lane 2014 attached to this Order
- p) "Private Hire Vehicle" means a vehicle licensed under Section 48 Local Government (Miscellaneous Provisions) Act 1976 or similar enactment;
- q) "Relevant national Authority" means the Secretary of State in respects of England;
- r) "Traffic Signs Regulations and General Directions" means the Traffic Signs Regulations and General Directions 2002 and any amendment thereto;
- s) "vehicle" means:-
 - i) a mechanically propelled vehicle intended or adapted for use on the road; or
 - ii) a Pedal Cycle in actual use for the purposes of cycling

which for the avoidance of doubt shall include the whole or any part of a vehicle

- (ii) The Interpretation Act 1978 shall apply for interpretation of this order as it applies for the interpretation of an Act of Parliament.
3. The Council will carry out civil enforcement of any contravention of any prohibitions, restrictions or provisions of the Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by the means of an 'Approved Device'.
 4. Where the Council have reason to believe that a Penalty Charge is payable in relation to a vehicle which has contravened this Order the Council will serve a PCN in accordance with The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement)(England) Regulations 2005 (Statutory Instrument 2005/2757): -

- i) on the person appearing to be the owner or keeper of the vehicle or
 - ii) on the person appearing to be the person liable to pay the charge

- 5 If a vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, a charge set by the Council pursuant to Regulations under Section 144(3) of the Act of 2000 and in accordance with guidance given by the Relevant National Authority (the Penalty Charge) is to be paid in the manner described in the notice within 28 days of the Date of Service of the PCN or within 14 days of the Date of Service of the PCN in the case of a reduced penalty charge.

- 6 When the owner, keeper or driver has been identified the Council will issue a PCN in accordance with this Order and send the PCN by post

- 7. Save as provided in Article 8 of this Order, no person shall, except upon the direction or with the permission of a Police Officer in uniform or a Civil Enforcement Officer as defined in the Traffic Management Act 2004 and appointed by the Council cause or permit any vehicle to be in and/or proceed in the length of road described in the First Schedule to this Order (the area known as Gosford Gate Bus Gate).

- 8. Nothing in Article 7 of this Order shall apply to any vehicle listed in the Third Schedule to this Order.

- 9. The orders referred to in the Second Schedule are hereby revoked to the extent detailed therein

- 10. The restrictions, prohibitions and requirements imposed by this Order shall be read and construed as not being in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

FIRST SCHEDULE

The off-side area of Gosford Street travelling in easterly direction from a point seventy five (75) meters south west of its junction with Sky Blue Way to its junction with Far Gosford Street roundabout. As shown on the Plan

SECOND SCHEDULE

<u>Title of Order to be revoked</u>	<u>Extent of revocation</u>
City of Coventry (Gosford Street) (Bus Only Lane) Order 2001	In its entirety

THIRD SCHEDULE

Nothing in Article 7 of this Order shall apply to any:-

- (a) Bus
- (b) Pedal Cycle
- (c) vehicle being used for police, fire or ambulance service purposes in circumstances of an emergency
- (d) vehicle being used for:-
 - (i) the removal of any obstruction to traffic
 - (ii) the maintenance, improvement or reconstruction of the length of road
 - (iii) the laying, erection, alteration or repair of any sewer, main, pipe, apparatus for the supply of gas, water or electricity or any telecommunications apparatus
- (e) local authority, water or sewerage undertaker in pursuance of statutory powers or duties
- (f) any vehicle being used in accordance with an indication given by a traffic sign which has been placed pursuant to Sections 66 and 67 of the Act.
- (g) Hackney Carriage
- (h) Private Hire Vehicle
- (i) Authorised Vehicle

The Common Seal of **THE COUNCIL OF THE CITY OF COVENTRY** was hereunto affixed on the 1st day of January 2015 in the presence of:-



Helen Lynde.
Authorised Signatory

