

BATH AND NORTH EAST SOMERSET COUNCIL

(WELLS ROAD, BATH)

(RESERVED BUS LANE) (8AM TO 10AM) ORDER 2003

The Bath and North East Somerset Council (hereinafter referred to as "the Council") in exercise of its powers under sections 1(1), 2(1) to (3) and 4(1) of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act of 1984") and of all other enabling powers, after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following order:-

1. This order shall come into operation on the 24th February 2003 and may be cited as the Bath and North East Somerset Council (Wells Road, Bath) (Reserved Bus Lane) (8am to 10am) Order 2003.
2. (1) In this order:-

"bus lane" means any area of the carriageway of that length of A367 Wells Road, Bath which extends from a point 50 metres west of the eastern kerbline of Wells Road cul-de-sac in an easterly direction for a distance of 130 metres which is bounded on the northern side by the northern kerb of that road and where that northern kerbline is broken by the junction of that road with another road or an accessway, by the line joining the said northern kerbline on either side of that junction and on the south by a road marking complying with diagram 1049 in Schedule 6 to the Traffic Signs Regulations and General Directions 1994, broken only by the gap opposite the junction of that road on its north eastern side with another road or an accessway, by a crossing for foot passengers marked on the road in accordance with Regulations made under Section 25 of the Act of 1984, or by a street refuge.

"coach" means:

- a) a vehicle, other than a public service vehicle, which is constructed or adapted to carry 12 or more passengers, or
- b) any vehicle, operating as a public service vehicle, which is constructed to carry disabled persons;

"hackney carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847;

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

"pedal cycle" means a bicycle, tricycle or cycle having four or more wheels, not being in any case a motor vehicle;

"private hire vehicle" means a motor vehicle constructed or adapted to seat fewer

than eight passengers other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purposes of carrying passengers but complying with the requirements of the relevant licensing authority in respect of roof top signs; and

"public service vehicle" has the same meaning as in section 1(1)(a) of the Public Passenger Vehicles Act 1981.

- (2) For the purposes of this order a vehicle shall be deemed to wait for more than two minutes in the same place if any one part of the road is below any part of the vehicle or its load (if any) throughout a period exceeding two minutes whether or not the vehicle is moved during that period.
3. Save as provided in Article 4 of this order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle other than a public service vehicle, coach, hackney carriage, pedal cycle, motor cycle or private hire vehicle between the hours of 8.00 a.m. and 10.00 a.m. on any day other than Sunday, Christmas Day, Good Friday or a bank holiday, to enter, proceed or wait in the bus lane otherwise than for the purpose of crossing it.
 4. (1) Nothing in this order shall render it unlawful for any person to cause or permit any vehicle to enter or proceed in any direction in the bus lane so far as such entry or proceeding is reasonably necessary to enable the vehicle to be used for any of the purposes specified in paragraph (2) of this Article, or to wait in the bus lane for so long as may be necessary for any of those purposes.
 - (2) The purposes referred to in paragraph (1) of this Article are:-
 - (i) the removal of any obstruction to traffic;
 - (ii) police, fire brigade or ambulance purposes in an emergency, and
 - (iii) the loading or unloading of any goods or burden at premises adjacent to, or accessible only from the bus lane:

Provided that such loading or unloading can be reasonably carried out only from the bus lane.
 - (3) Nothing in this order shall render it unlawful for any person to cause or permit any vehicle to enter or proceed in a generally easterly direction in the bus lane so far as such entry or proceeding is reasonably necessary to enable the vehicle to be used for any of the purposes specified in paragraph (4) of this Article or (save as provided in that paragraph) to wait in the bus lane for so long as may be necessary for any of those purposes.
 - (4) The purposes referred to in paragraph (3) of this Article are:-

- (i) in the service of any local authority, National Rivers Authority, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties or in connection with the supply of gas or electricity or any telecommunication apparatus as defined in the Telecommunications Act 1984;
- (ii) the avoidance of an accident;
- (iii) the gaining of access to or egress from off-street loading or garaging premises adjacent to or accessible only from the bus lane; and
- (iv) the boarding or alighting of any person;

Provided that such boarding or alighting does not cause the vehicle to wait in the same place for more than two minutes.

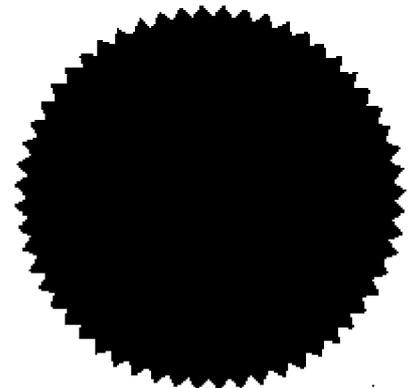
- (5) Nothing in this order shall render it unlawful for any person to cause or permit any ambulance to enter or proceed in the bus lane in the direction specified in paragraph (3) of this Article whilst it is in execution of official duties.

5. In so far as any provision of this order conflicts with any provision of any order made or having effect as if made under the Act of 1984 and which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction or prohibition then that provision of this order shall prevail between the hours of 8.00 a.m. and 10.00 a.m. on any day other than Sunday, Christmas Day, Good Friday or a bank holiday.

Given under the Common Seal of the Bath and North East Somerset Council the 19th day of February 2003.

The COMMON SEAL of the
BATH AND NORTH EAST SOMERSET
COUNCIL.

was hereunto affixed
in the presence of:-



Authorised signatory

AUTHORITY FOR SEALING	
Transportation Sub Committee	
Council resolution	121
Committee minutes	of 1.3.02
Initials	KE