

**CAMBRIDGESHIRE COUNTY COUNCIL
(VARIOUS STREETS, CAMBRIDGE)
(BUS LANES) ORDER 2014**

Cambridgeshire County Council ("the Council") in exercise of its powers under Section 1(1), 2(1) to (3), 4 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), The Transport Act 2000, The Traffic Management Act 2004 and of all other enabling powers and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART 1 GENERAL

Commencement and Citation

1. This Order shall come into operation on the 27th day of October 2014 and may be cited as Cambridgeshire County Council (Various Streets, Cambridge) (Bus Lanes) Order 2014.

PART 2 INTERPRETATION

Definitions

2. In this Order, except where the context otherwise requires, the following expressions have the meaning as hereby respectively assigned to them;

"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 Transport Act 2000 and adhering to The Bus Lane (Approved Devices) (England) Order 2005

"bus" means a motor vehicle constructed or adapted to carry more than eight passengers (exclusive of the driver) and local buses not so constructed or adapted to carry more than eight passengers (exclusive of a driver).

"bus lane" means an area of road which meets the definition given in Section 144(5) of the Transport Act 2000 being that an area of road is or forms part of a bus lane if the order provides that it may be used-

(a) only by buses (or a particular description of bus), or

(b) only by buses (or a particular description of bus) and some other class or classes of vehicular traffic "carriageway" means a way constituting or

comprised in a highway, being a way over which the public have a right of way for the passage of vehicles.

“contravention” means a failure to comply with the prohibitions and restrictions set out in this Order that may result in the issue of a penalty charge notice.

“Council” means the Cambridgeshire County Council.

“driver” means the person driving the vehicle and includes any separate person who acts as a steersman in addition to the driver.

“date of service” means that last day of the period of 3 consecutive dates beginning with the first day of posting. If the notice is not posted on a working day then the first working day after the date of posting will be the first of posting.

“detection date” means the date on which a vehicle was detected as contravening this Order, according to the record produced by an approved device.

“hackney carriage” means a Hackney Carriage licensed under Section 37 of the Town Police Clauses Act 1847

“local bus” means a public service vehicle used in provision of a local service not being an excursion or tour

“local service” has the same meaning given in Section 2 of the transport Act 1985

“pedal cycle” means a unicycle, bicycle, tricycle or cycle having four or more wheels not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as to be treated as not being a motor vehicle for the purposes of the 1984 Act.

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

“offence” means a failure to comply with restrictions set out in this Order that may result in the issue of a fine under any enactment that makes any provision of this Order a criminal offence.

“owner” in relation to a vehicle, means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered with the Vehicle Excise and Registration Act 1994 or the person who has the use of such vehicle in the course of his/her employment and is entitled to use such vehicle as if he/she were the registered keeper.

“pedestrian crossing” means a crossing for foot passengers marked on a road in accordance with Regulations made under Section 25 of the 1984 Act.

“Penalty charge” and “reduced penalty charge” means a charge set by the Council under regulation 4 of The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 (“the 2005 regulations”) and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning from the date of the notice, or in 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice.

“penalty charge notice” or “PCN” means a notice issued by a person authorised to do so by the Council pursuant to the provisions of regulation 8 of the 2005 regulations.

“private hire vehicle” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 2002.

“universal service provider” has the meaning given in the Postal Services Act 2000.

“hours of operation” means the period specified in Schedule 1 during which a designated bus lane restriction applies.

“Relevant National Authority” means the Secretary of State in respect of England.

“Relevant Particulars” means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Relevant National Authority under the Vehicle Excise and Registration Act 1994 and in accordance with the Traffic Signs Regulations and General Directions 2002 (as amended)

“road marking” means a traffic sign consisting of a line or mark or legend of the surface on a road 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.

“statutory grounds” means grounds for appeal defined in regulation 9.2 of the 2005 Regulations.

“taxi” means “hackney carriage” or “private hire vehicle”

“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 and in accordance with the Traffic Signs Regulations and General Directions 2002 (as amended)

“vehicle” means a mechanically propelled vehicle, intended or adapted for use on the road.

“working day” means any day other than a Saturday or Sunday or public holiday in England and Wales

3. The restrictions and prohibitions imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order and without prejudice to the provisions of any other enactment.
4. Without prejudice to the generality of the above definition of “bus lane” where the single white line marking the boundary of the bus lane is broken by a gap opposite and adjacent to the junction of a length of road specified in the Schedule with any other road or at a pedestrian crossing or by a street refuge the boundary shall be regarded as continuing unbroken.
5. In this Order a reference to an adjacent part of the road is a reference to an area that is not within the bus lane but is a part of the carriageway on the length of road which comprises the bus lane.

PART 3 PROHIBITIONS

Bus Lane

6. Save as provided in Part 4 of this Order no person shall cause or permit any vehicle except for a bus, pedal cycle or taxi to be in the lengths of roads specified as a bus lanes in Schedule 1 during the hours of operation specified.

PART 4 CONDITIONS AND EXEMPTIONS

Conditions and Exemptions

7. Nothing in Part 3 of this Order shall apply to a vehicle from being in the length of roads specified in Schedule 1 lane providing the vehicle is under the direction or with the permission of a police constable in uniform.

8. Article 6 does not apply to a vehicle in any length of road specified in Schedules 1 if it is necessary for the vehicle:
 - (a) to be used for ambulance, fire brigade or police purposes;
 - (b) to remove an obstruction;
 - (c) to avoid an accident;
 - (d) to collect or remove refuse or waste;
 - (e) to be used for or in connection with:-
 - (i) building, industrial or demolition operations in or on adjacent land or removals from adjacent land or buildings adjacent where the prior written consent of the Council has been received;
 - (ii) the laying, erection, alteration or repair of a sewer, pipe or apparatus for the supply of water, gas, electricity or telecommunications apparatus in or on adjacent land;
 - (iii) the maintenance, improvement or reconstruction of the highway;
 - (f) whilst it is in the service of a universal service provider to deliver or collect postal packets as defined in Section 125(1) of the Postal Services Act 2000 to adjacent premises
9. Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is an Incidence Response Vehicle used by Network Rail in an emergency.
10. Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is used by the Dial-a-Ride Service.
11. Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is a vehicle used in the event of an emergency by the Council's Civil Protection Unit.
12. Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if it is a doctor responding to an emergency call provided that the vehicle is displaying a green flashing light.
13. Article 6 shall not apply to any vehicle in any length of road specified in Schedule 1 as a bus lane only for so long as may be necessary to enable

a person to board or alight from the vehicle and for the loading and unloading of goods where permitted

14. Article 6 shall not apply to any vehicle in any length of road specified in Schedule 1 as a bus lane if necessary for the vehicle to cross the bus lane to enter or leave land or premises adjacent to the bus lane and to gain access to or egress from off-street loading or garaging premises adjacent to or accessible only from the bus lane.

15. Article 6 shall not apply to a vehicle to enter any bus lane specified in Schedule 1 if the vehicle enters the bus lane :

a) from a road which does not comprise the bus lane and forthwith leaves the bus lane through the gap in the single white line situated opposite and adjacent to the junction of that road with the bus lane, or if there is no such gap, at a point opposite that road;

b) from an adjacent part of the road through any gap in the single white line and forthwith enters a road which lies opposite that gap;

PART 5 CONTRAVENTIONS & ENFORCEMENT OF THIS ORDER

Contravention & Enforcement

16. The Council will carry out civil enforcement of any contravention of any prohibitions, restrictions or provisions of this Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by the means of an "approved device".

17. 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 Penalty Charge Notice (PCN) in accordance with The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005

a) on the person appearing to be the owner or keeper or hirer of the vehicle.

18. A PCN shall be served before the end of the period of 28 days beginning with the detection date, and the Council shall continue to be entitled to serve a PCN during a further period of six months, beginning with the detection date, provided that:

- a) The Council has made a request within 14 days of the detection date to the Secretary of State for the supply of Relevant Particulars, and
- b) Those particulars have not been supplied before the date after which the Council would not be entitled to serve a PCN by the virtue of this Order.

19. If the vehicle owner, keeper and driver contravenes any prohibitions or provisions 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 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.

20. 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.

21. Where a police officer in uniform is satisfied that a driver of a vehicle has committed an alleged offence under the provisions of this Order such that liability to a fixed penalty notice arises, a police officer may issue such a notice at the time and date of the alleged offence to any driver of the vehicle, which shall include the particulars listed in Section 52 of the Road Traffic Offenders Act 1988.

22. Where the owner, keeper or driver has been issued a PCN by the Council and it is proven by the owner, keeper or driver that he was also issued a fixed penalty notice or a summons for the same day and time for the same contravention by a police officer, then the Council shall no longer proceed with its PCN or where the PCN was paid will be refunded in full as soon as reasonably practicable.

PART 6 VALIDITY

23. If a Court, the Department for Transport, the Bus Lane/National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid, or unenforceable, such declaration shall not invalidate the remainder of the Order.

PART 7 REVOCATIONS

Revocation of Orders

24. The Orders listed below are hereby revoked in-part with regards to their reference to Bus Lanes:

*THE CITY OF CAMBRIDGE
AREA A (CONSOLIDATION) ORDER 1993
(AMENDMENT NO.49) ORDER 1997*

*THE CITY OF CAMBRIDGE
AREA A (CONSOLIDATION) ORDER 1993
(AMENDMENT NO.52) ORDER 1997*

*THE CITY OF CAMBRIDGE
AREA A (CONSOLIDATION) ORDER 1993
(AMENDMENT NO.60) ORDER 1998*

*THE CITY OF CAMBRIDGE
AREA A (CONSOLIDATION) ORDER 1993
(AMENDMENT NO.72) ORDER 1999*

*THE CITY OF CAMBRIDGE
AREA A (CONSOLIDATION) ORDER 1993
(AMENDMENT NO. 94) ORDER 2000*

*THE CITY OF CAMBRIDGE
AREA C (CONSOLIDATION) ORDER 1993
(AMENDMENT NO.9) ORDER 1997*

*THE CITY OF CAMBRIDGE
AREA D (CONSOLIDATION) ORDER 1993
(AMENDMENT NO.10) ORDER 1997*

*THE CITY OF CAMBRIDGE
AREA D (CONSOLIDATION) ORDER 1993
(AMENDMENT NO.13) ORDER 2000*

*THE CITY OF CAMBRIDGE
AREA D (CONSOLIDATION) ORDER 1993
(AMENDMENT NO. 20A) ORDER 2003*

*THE CITY OF CAMBRIDGE
AREA G (CONSOLIDATION) ORDER 1993
(AMENDMENT NO. 22) ORDER 2000*

*THE CITY OF CAMBRIDGE
AREA G (CONSOLIDATION) ORDER 1993
(AMENDMENT NO. 22A) ORDER 2000*


THE CITY OF CAMBRIDGE

AREA H (CONSOLIDATION) ORDER 1993
(AMENDMENT NO.9) ORDER 2010

THE COUNTY OF CAMBRIDGESHIRE
(MILTON ROAD, CAMBRIDGE)
(BUS/CYCLE LANE, MADATORY CYCLE LANES, DUAL USE CYCLE TRACKS AND
PROHIBITION AND RESTRICTION OF WAITING AND LOADING) ORDER 1995

THE CITY OF CAMBRIDGE
AREA Z (CONSOLIDATION) ORDER 1991
(AMENDMENT NO. 35) ORDER 2005

The COMMON SEAL)
of CAMBRIDEGSHIRE COUNTY COUNCIL)
was hereunto affixed this)
16th day of October 2014)
in the presence of :-


SOLICITOR



885/14

SCHEDULE 1

ROADS AND PARTS OF ROADS ON WHICH ANY VEHICLE OTHER THAN A PEDAL CYCLE, BUS, HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE IS PROHIBITED AT ALL TIMES ON ALL DAYS

ELIZABETH WAY	On the western side of the carriageway from a point 145 metres north of its junction with Newmarket Road northwards to its junction with Cutter Ferry Close
NEWMARKET ROAD	On its north side from a point 65 metres northeast of its junction with River Lane to a point 30 metres northeast of its junction with Garlic Row
NEWMARKET ROAD	On its south side from a point 155 metres west of its junction with Ditton Walk to a point 50 metres northeast of its junction with River Lane
NEWMARKET ROAD	On its south side from its junction with Ditton Lane to a point 75 metres west of the centreline of Meadowlands Road
MILTON ROAD	the southeast side between points 20 metres and 189 metres southwest of its junction with Gilbert Road
MILTON ROAD	the south east side between a point 40 metres north east of its junction with Gilbert Road and a point 45 metres southwest of its junction with Elizabeth Way
MILTON ROAD	the south east side between a point 40 metres north east of its junction with Union Lane and a point 40 metres southwest of its junction with Woodhead Drive

ROADS AND PARTS OF ROADS ON WHICH ANY VEHICLE OTHER THAN A PEDAL CYCLE, BUS, HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE IS PROHIBITED BETWEEN THE HOURS OF 7.00AM AND 7.00PM ON ALL DAYS

HILLS ROAD	On the western side of the carriageway from its junction with the northern boundary of Bateman Street to a point 28 metres southeast of its junction with Union Road
HILLS ROAD	On the western side of the carriageway from its junction with Purbeck Road to its junction with Homerton Street

ROADS AND PARTS OF ROADS ON WHICH ANY VEHICLE OTHER THAN A PEDAL CYCLE, BUS, HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE IS PROHIBITED BETWEEN THE HOURS OF 7.00AM AND 7.00PM, MONDAYS TO SATURDAYS

VICTORIA AVENUE	On the western side of the carriageway from its junction with Jesus Lane for a distance of 478.5 metres in a northerly direction
SHELFORD ROAD	On the southwest side of the carriageway from its junction with Exeter Close to a point 35 metres northwest of the centreline of Cranleigh Close
TRUMPINGTON ROAD	On the east side of the carriageway from a point 29 metres south of the centreline of Newton Road to a point 144 metres north of the centreline of Long Road
MADINGLEY ROAD	On its north side from a point 360 metres east of the centreline of Cambridge Road, Coton for a distance of 355 metres in an easterly direction

CONTRA-FLOW BUS/CYCLE LANE

ROADS AND PARTS OF ROADS ON WHICH ANY VEHICLE OTHER THAN A PEDAL CYCLE, BUS, HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE IS PROHIBITED FOR ALL HOURS ON ALL DAYS

ST. ANDREW'S STREET	On its west side from a point 83 metres south of centreline of its junction with Downing Street to its junction with Emmanuel Street
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