

CENTRAL BEDFORDSHIRE COUNCIL (VENUS AVENUE, BIGGLESWADE)

(BUS GATE) ORDER 2020

CENTRAL BEDFORDSHIRE 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 (hereinafter referred to as "the Act"), The Transport Act 2000, The Traffic Management Act 2004 and all other enabling powers and after consultation with the Chief Officer of Police for the County of Bedfordshire in accordance with Part III of Schedule 9 to the Act hereby makes the following order:

1. This Order shall come into operation on the 27th day of March 2020 and may be cited as "Central Bedfordshire Council (Venus Avenue, Biggleswade) (Bus Gate) Order 2020"

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

"authorised vehicle" means an individual, party or organisation granted authorised user status by Central Bedfordshire Council Traffic Manager.

"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 the driver).

"bus gate" means a length of road as detailed in the Schedules to this Order

"bus lane" means an area of road that may be used only by buses 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"

"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 Central Bedfordshire Council.

"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.

"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 electronically 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 Regulation 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.

"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.

"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 2016 (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

Prohibiton

3. Save as provided in Article 3 of this Order, Subject to Articles 4 and 5, no person shall cause or permit any vehicle except for a local bus, pedal cycle or authorised user to be in the roads or lengths of roads specified as a bus gate in the Schedule to this order during the hours of operation specified.

Exemptions

4. Nothing in Article 3 of this Order shall apply to a vehicle from being in the length of roads specified in the Schedules providing the vehicle is under the direction or with the permission of a police constable in uniform.
5. Article 3 does not apply to a vehicle in any length of road specified in the Schedule of this order if it is necessary for the vehicle:
- (a) to be used for ambulance, fire brigade or police purposes;
 - (b) to be used for or in connection with:-
 - (i) building, industrial, or demolition operations in or on adjacent land or removals from adjacent lane 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;
6. Article 3 does not apply to a vehicle in any length of road specified in the Schedule as a bus lane if the vehicle is used by the Dial-a-Ride Service.
7. Article 3 does not apply to a vehicle in any length of road specified in the Schedule if the vehicle is a vehicle used in the event of an emergency by the Councils Civil Protection Unit.
8. Article 3 does not apply to a vehicle in any length of road specified in the Schedule if it is a doctor responding to an emergency call provided that the vehicle is displaying a green flashing light.

Contraventions and Enforcement

9. 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".
10. 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 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.

11. 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.

12. 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.

13. 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.

14. 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.

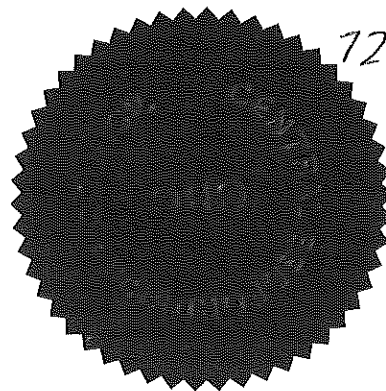
15. Where the owner, keeper or driver has been issued with a PCN by the Council and it is proven by the owner, keeper or driver that he was also issued a fixed penalty notice or a summons for the same day and time for the same contravention by a police officer, then the Council shall no longer proceed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

GIVEN under the Common Seal of the Central Bedfordshire Council
this 27th day of March 2020

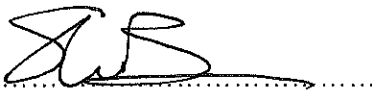
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THE COMMON SEAL of THE
CENTRAL BEDFORDSHIRE COUNCIL
was hereunto affixed in the
presence of:

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Authorised Signatory



CENTRAL BEDFORDSHIRE COUNCIL (VENUS AVENUE, BIGGLESWADE)
(BUS GATE) ORDER 2020

SCHEDULE

Any vehicle other than a Bus, Pedal Cycle, or Authorised vehicle is Prohibited at all times on all days on the
following lengths of road in Biggleswade:-

- a) Venus Avenue, from a point approximately 55 metres north-west of its junction with Baden Powell Way.