

**CHESHIRE WEST AND CHESTER BOROUGH COUNCIL
(ST OSWALD'S WAY TO OULTON PLACE, CHESTER)
(BUS LANE) (EXPERIMENTAL) ORDER 2017**

The Cheshire West and Chester Borough Council ("the Council") in exercise of its powers under sections 9 and 10 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order:-

1. This Order will come into operation on 3rd day of May 2017 and may be cited as the Cheshire West and Chester Borough Council (St Oswald's Way to Oulton Place, Chester) (Bus Lane) (Experimental) Order 2017.

2. In this Order-

"authorised vehicle" means a private hire vehicle;

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

"bus lane" means the length of highway forming the access to the Chester Bus Interchange between the westbound carriageway of St Oswald's Way and Oulton Place (including the short length comprising the bus gate) and which may be used only by buses and other vehicles as provided for in this Order;

"civil enforcement officer" means a person employed by or on behalf of the Council in accordance with Section 76 of the Traffic Management Act 2004;

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

"local service" has the 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 a class as is to be treated as not a motor vehicle for the purposes of the 1984 Act;

"private hire vehicle" means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers and is licensed for that purpose pursuant to the Local Government (Miscellaneous Provisions) Act 1976;

"public service vehicle" has the meaning given in Section 1 of the Public Passenger Vehicles Act 1981; and

"taxi" means a hackney carriage licensed under the Town Police Clauses Act 1847 or under any similar enactment.

3. Save as provided in Article 4, no person shall, except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer, cause or permit a vehicle other than a bus, taxi, pedal cycle or authorised vehicle to be in the bus lane.
4. Nothing in Article 3 shall apply to a vehicle that is in the bus lane if it is necessary for the vehicle:
 - (a) to be used for ambulance, fire brigade or police purposes and whilst performing its statutory duties;
 - (b) to remove an obstruction;
 - (c) to avoid an accident;
 - (d) to be used in the service of a local authority to collect or remove refuse or waste; or
 - (e) to be used in connection with-
 - (i) building, industrial or demolition operations in or on land adjacent to the bus lane if the prior written consent of the Council has been received;
 - (ii) the laying, erection, alteration, repair or cleaning of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus (as defined in Schedule 2 to the Telecommunications Act 1984) kept installed for the purpose of a telecommunications code system or of any other telecommunications apparatus lawfully kept installed in any position; or
 - (iii) the maintenance, improvement or reconstruction of the bus lane.
5. The Council's Senior Manager for Highways and Environmental Services may, after consultation with the Chief Officer of Police, modify or suspend the operation of the Order or any provision of it if it appears to him essential in the interests of the expeditious, convenient and safe movement of traffic or for preserving or improving the amenities of the area through which any road affected by the Order runs.

6. The prohibitions imposed by this Order are in addition to and not in derogation of any restrictions or requirements imposed by any regulations made, or having effect as if made, under the 1984 Act or by or under any other enactment.

The common seal of the
Cheshire West and Chester Borough Council
Was hereunto affixed this 25th day of April 2017
in the presence of:

8168



Authorised Signatory



POWERS OF
OFFICERS