

**CHESHIRE WEST AND CHESTER BOROUGH COUNCIL
(HOUGH GREEN, CHESTER)
(BUS LANE) ORDER 2019**

The Cheshire West and Chester Borough Council ("the Council") in exercise of its powers conferred by Sections 1, 2, 4 and 124 and Part IV of Schedule 9 to 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 October 2019 and may be cited as the Cheshire West and Chester Borough Council (Hough Green, Chester) (Bus Lane) Order 2019.

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 lengths of carriageway on the north side of Hough Green which extend from (i) a point 20 metres east of the eastern boundary of Glan Aber Drive to its junction with Glan Aber Park; (ii) a point 124 metres east of the eastern boundary Redland Close for a distance of 470 metres in an easterly direction; as indicated by traffic signs and road markings which may only be used 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;

"hackney carriage" means a vehicle licenced for the purpose of carrying passengers under the Town Police Clauses Act 1847 or under any similar enactment;

"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;

"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

"solo motor cycle" means a motor cycle without a side car.

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, or for the purposes of crossing the bus lane, cause or permit a vehicle other than a bus, hackney carriage, solo motor 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) which is the service of a universal service provider to deliver or collect postal packets as defined in the Postal Services Act 2000 to a premises adjacent to the bus lane:
 - (c) to remove an obstruction;
 - (d) to avoid an accident;
 - (e) to be used in the service of a local authority to collect or remove refuse or waste; or
 - (f) 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 City of Chester (Hough Green) (Reserved Bus Lane) Order 2000 is hereby revoked.

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 First day of October
in the year Two Thousand and Nineteen
in the presence of:


Authorised Signatory



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