

The Essex County Council (Nayland Road, Colchester) (Bus Lane) Order
2008

Essex County Council in exercise of the powers conferred on that County Council under Sections 1(1), 2(1) to (3), 3(2), 4(1), 4(2), 4(3), and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the Act") and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order may be cited as The Essex County Council (Nayland Road, Colchester) (Bus Lane) Order 2008 and shall come into operation on 18 February 2008.

2. In this Order:-

"bus" has the same meaning as in Regulation 24 of the 2002 Regulations, i.e

- (i) motor vehicles constructed or adapted to carry more than 8 passengers (exclusive of the driver), and
- (ii) local buses not so constructed or adapted;

"bus lane" has the same meaning as in Section 144(4) and (5) of the Transport Act 2000 and means the area of carriageway specified in Schedule 1 to this Order and bounded by a traffic sign;

"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;

"pedal cycle" has the same meaning as in the 2002 Regulations;

"taxi" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847;

"motor cycle" means a mechanically propelled vehicle (not being an invalid carriage) with fewer than four wheels, of which the weight unladen does not exceed 410 kilograms;

"the 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002

3. Save as provided in Article 4 of this Order, no person shall cause or permit any vehicle to be in the bus lane specified in Schedule 1 to this Order at any time.

4. ~~(1) Article 3 does not apply to~~

- ~~(a) a bus~~
- ~~(b) a motor cycle~~
- ~~(c) a pedal cycle~~
- ~~(d) a taxi~~

(e) a vehicle being used for ambulance, fire brigade or police purposes if the observance of any provision of this Order would hinder the use of the vehicle for the purpose for which it is being used on that occasion

(f) a vehicle being used in the service of a local authority for the purpose of collecting refuse from premises adjacent to the bus lane

(2) Article 3 does not apply to a vehicle being used in connection with –

(a) any building operation or demolition

(b) the removal of any obstruction to traffic

(c) the maintenance, improvement or reconstruction of any road

(d) the laying, erection, alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984 in or near any road

(e) the placing, maintenance or removal of any traffic sign

(f) any statutory powers or duties of a local authority

(g) the maintenance, improvement or reconstruction of any railway line adjacent to the bus lane

provided that in all circumstances it is necessary for the vehicle to enter the bus lane

5. (1) A person who causes or permits a vehicle to be in the bus and cycle lane shall not contravene Article 3 if he does so in order to prevent an accident and the vehicle then leaves the bus lane as soon as practicable.

(2) A person who causes a vehicle to be in the bus and cycle lane shall not contravene Article 3 if he does so in order to deliver postal packets to premises adjacent to the bus lane, or collect postal packets from such premises or post office letter boxes adjacent to the bus lane

(3) Article 3 does not apply to anything done with the permission or at the direction of a constable in uniform, or in accordance with any indication given by a traffic sign which has been placed pursuant to section 66 and 67 of the Road Traffic Regulation Act 1984.

6. The Colchester Borough (Northern Approach, Colchester) (Traffic Regulation) Order 2003 is hereby varied to the extent detailed in Schedule 2 to this Order.

7. The Council are satisfied that for facilitating the passage of vehicular traffic on the roads, it is requisite that Section 3(1) of the 1984 Act should not apply in relation to this Order.

~~8. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.~~

Sealed with the Common Seal of the Essex County Council this 7th day of February Two Thousand and Eight.

THE COMMON SEAL OF ESSEX
COUNTY COUNCIL was hereunto
Affixed in the presence of:-

A. J. Moore



Attesting Officer

SCHEDULE 1

Bus Lane

Nayland Road, Colchester

From its junction with the Fords Lane roundabout south-westwards for a distance of 30 metres

SCHEDULE 2

The Colchester Borough (Northern Approach, Colchester) (Traffic Regulation) Order 2003 is varied as follows:-

Article 4.

Delete: Save as provided in Article 5 of this order no person shall, except upon the direction or with the permission of a Police Constable in uniform, cause or permit any vehicle other than a bus or pedal cycle to enter or proceed in the lengths of road specified in Schedule 2 to this Order.

Insert: Save as provided in Article 5 of this Order no person shall, except upon the direction or with the permission of a Police Constable in uniform, cause or permit any vehicle other than a bus or pedal cycle to enter or proceed in the lengths of road specified in Schedule 2 to this Order at any time.

Schedule 2 – Bus and Cycle Lanes

Delete: "Nayland Road – from its junction with the Fords Lane roundabout south-westwards for a distance of 30 metres