

CITY OF COVENTRY (WARWICK ROAD) (BUS GATE)
ORDER 2015

The Council of the City of Coventry ("the Council"), in exercise of their powers under Sections 1(1), 2(1), (2), (3), 4(2), 124(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") (as amended) and by the virtue of both The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Coventry) Order 2005 (Statutory Instrument 2005/378), made by Order under Section 43 and Schedule 3 of the Road Traffic Act 1991 ("the Act of 1991") and The Bus Lane Contraventions Approved Local Authorities (England) Order 2005 (Statutory Instrument 2005/2755), made by the Secretary of State for Transport pursuant to Section 144 of The Transport Act 2000 ("the Act of 2000") 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 make the following Order:-

1. This Order shall come into operation on the 10th day of May 2015 and may be cited as the "City of Coventry (Warwick Road) (Bus Gate) Order 2015"

2. (i) In this Order:-

- a) a reference to an article followed by a number is a reference to the Article of this order so numbered;
- b) "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 Act of 2000 and adhering to The Bus Lane (Approved Devices)(England) Order 2005 (Statutory Instrument 2005/2576);
- c) "Authorised Vehicle" means a licensed Private Hire Vehicle
- d) "Bus" has the same meaning as in regulation 22 of the Traffic Signs Regulations and General Directions 2002;
- e) "Bus Gate" means the length of road described in the First Schedule to this Order and indicated by signs as prescribed in the Traffic Signs Regulations and General Directions or otherwise authorized by the Relevant National Authority;
- f) "Civil Enforcement Officer" shall have the meaning assigned by section 76 of the Traffic Management Act 2004
- g) "Date of Service" means the last day of the period of three (3) consecutive working days beginning with the first day of posting. If the PCN is not posted on a working day the first working day after the date of posting will be the first day of posting
- h) "Enactment" means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment;
- i) "Hackney Carriage" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, Section 6 of the Metropolitan Carriages Act 1869 and any other similar enactment;



- j) "Penalty Charge" and "Reduced Penalty Charge" means a charge set by the Council under the provisions of the Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement (England) Regulations 2005 (Statutory Instrument 2005/2757).
 - k) "Penalty Charge Notice" means a notice issued by a person authorized to do so by the Council pursuant to the Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement (England) Regulations 2005 (Statutory Instrument 2005/2757).
 - l) "PCN" means a Penalty Charge Notice;
 - m) "Pedal Cycle" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2002;
 - n) "Private Hire Vehicle" means a vehicle licensed under Section 48 Local Government (Miscellaneous Provisions) Act 1976 or any similar enactment;
 - o) "Relevant National Authority" means the Secretary of State in respects England;
 - p) "Traffic Signs Regulations and General Directions" means the Traffic Signs Regulations and General Directions 2002 and includes any enactment or re-enactment or amendment thereto;
 - q) "Vehicle" means a mechanically propelled vehicle intended or adapted for use on the Road which for the avoidance of doubt includes the whole or any part of a vehicle.
- (ii) The Interpretation Act 1978 shall apply for interpretation of this order as it applies for the interpretation of an Act of Parliament.
3. 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.
4. 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 PCN in accordance with The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement)(England) Regulations 2005 (Statutory Instrument 2005/2757): -
- i) on the person appearing to be the owner or keeper of the Vehicle or
 - ii) on the person appearing to be the person liable to pay the charge
5. If a Vehicle owner, keeper or driver contravenes any prohibitions or restrictions 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 (the Penalty Charge) 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.
6. 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
7. Save as provided in Article 8 of this Order, no person shall, except upon the direction or with the permission of a Police Officer in uniform or a Civil Enforcement Officer appointed by the Council cause or permit any Vehicle to be in and/or proceed in the Bus Gate described in the First Schedule to this Order.



8. Nothing in Article 7 of this Order shall apply to any Vehicle listed in the Second Schedule to this Order.
9. The restrictions, prohibitions and requirements imposed by this Order shall be read and construed as not being in derogation of any restriction, prohibition or requirement imposed by any other Enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

FIRST SCHEDULE

The southwest bound carriageway of Warwick Road commencing at its junction with Greyfriars Road and continuing to a point twenty metres (20) southwest of that junction.

SECOND SCHEDULE

Nothing in Article 7 of this Order shall apply to a:-

- (a) Bus
- (b) Pedal Cycle
- (c) vehicle being used for police, fire or ambulance service purposes in circumstances of an emergency
- (d) vehicle being used for:-
 - (i) the removal of any obstruction to traffic
 - (ii) the maintenance, improvement or reconstruction of the length of road
 - (iii) the laying, erection, alteration or repair or any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus
 - (iv) the repair, replacement, maintenance or cleaning of any bus stop or shelter
- (e) local authority, water or sewage undertaker in pursuance of statutory powers or duties
- (f) any vehicle being used in accordance with and indication given by a traffic sign which has been placed pursuant to Sections 66 and 67 of the Act.
- (g) Hackney Carriage
- (h) Authorised Vehicle

The Common Seal of **THE COUNCIL OF THE CITY OF COVENTRY** was hereunto affixed on the 30th day of April 2013 in the presence of:-


Authorised Signatory



