

NORTHAMPTONSHIRE COUNTY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984
THE NORTHAMPTONSHIRE COUNTY COUNCIL (WELLINGBOROUGH)
(BUS LANES, BUS GATES AND ONE WAY STREETS) ORDER 2020

The Northamptonshire County Council (hereinafter referred to as “the Council”) in exercise of their powers under Sections 1(1), 2(1) to 3, 4(1) and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 (as amended) (“the Act”) and the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 (as amended) and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

Section 1

COMMENCEMENT, GENERAL AND DEFINITIONS

Citation and Commencement.

1. This Order may be cited as “The Northamptonshire County Council (Wellingborough) (Bus Lanes, Bus Gates and One Way Streets) Order 2020” and shall come into force on 7th September 2020.

Interpretation

2. In this Order except where the context otherwise requires the following expressions shall have the meaning 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 Act of 2000 and adhering to The Bus Lane (Approved Devices) (England) Order 2005.

“bus and “local bus” means a motor vehicle;

- (a) being a vehicle adapted to carry more than eight passengers excluding the driver; or
- (b) being a vehicle not so adapted being used for the provision of a local service in accordance with Section 2 of the Transport Act 1985.

“bus lane” means an area of road which meets the definition given in Section 144(5) of the Transport Act 2000 being an area of road is or forms part of a bus lane if the order provides that it may be used;

- (a) only by buses (or a particular description of a bus), or
- (b) only by buses (or a particular description of a bus) and some other class or classes of vehicular traffic.

“bus only street” and “bus gate” shall have the same meaning as in the Traffic Signs Manual Chapter 3 2019, part 9.1.4: “Bus-only streets and bus gates are lengths of road or parts of a road where access is restricted to buses, although sometimes other

vehicles such as pedal cycles, taxis and trams are also admitted". They have the same effect as a Bus Lane.

"carriageway" means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles.

"cycle" means a pedal cycle not being propelled by mechanical power.

"contraflow bus lane" means a one way road with an area of road which meets the definition of bus lane allowing the passage of vehicles in the prohibited direction.

"contravention" means a failure to comply with restrictions set out in this Order that may result in the issue of a penalty charge notice.

"date of service" means the last day of the period of 3 consecutive working days beginning with the first day of posting. If the notice is not posted on the working day, the first working day after the date of posting will be the first day 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.

"driver" means the person driving the vehicle and includes any separate person who acts as a steersman in addition to the driver.

"emergency service vehicle" means a vehicle operated by the police, fire & rescue service or ambulance service.

"enactment" includes an Act, Order or regulation made under any Act.

"Licensed Hackney Carriage" means a Hackney Carriage licenced under Section 37 of The Town Police Clauses Act 1847.

"motor cycle" and "motor vehicle" have the meaning as in Section 136 of the 1984 Act.

"offence" means failure to comply with the 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.

"one way street" means a highway in which the driving of vehicles otherwise in the direction as indicated in the relevant Order is prohibited.

"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 was at that time registered under 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.

"PCN" means Penalty Charge Notice.

“pedal cycle” means a unicycle, 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 class as it to be treated as not being a motor vehicle for the purposes 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 with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice.

“penalty charge notice (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.

“hours of operation” means the period specified in Column 2 of Section 2 being the period during which a designated bus lane, bus gate or bus only street restriction applies.

“Relevant National Authority” means the Secretary of State in respect to 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.

“road marking” means a traffic sign consisting of a line or mark or legend on the surface of the road of any size, colour or type prescribed or authorised under, or having effect though prescribed or authorised under, Section 64 of the 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.

“taxi” means a Hackney Carriage vehicle licenced under Section 37 of the Town Police Clauses Act 1847.

“undertaker” has the meaning as in section 48 of The New Roads And Street Works Act 1991.

“vehicle” means:-

- (a) a mechanically propelled vehicle, intended or adapted for use on a road;
- (b) a pedal cycle in actual use for the purposes of cycling. See motor vehicle.

3. The restrictions and prohibitions imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other

enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.

4. Any reference to a part number in this Order shall be construed as a reference to the traffic restriction detailed in Section 2 bearing that part number.
5. The locations, roads, and areas of road or lengths of road specified in Column 2 of Schedule 1 & Schedule 2 to this Order shall be subject to the restrictions set out in Column 1 of Schedule 1 & Schedule 2 identified by the part number. To assist in identifying the location of any description a summary of the restriction may be included in the location description in Column 2 of Schedule 1 & 2. Regardless of that summary the restriction shall be defined by the full description of that restriction as identified by the part number contained in Section 2 of this Order.
6. The restrictions imposed on the locations, roads, areas of road or lengths of road specified in Column 2 of Schedule 1 & Schedule 2 to this Order shall be subject to such conditions as may be specified in Column 3 of Schedule 1 & Schedule 2 by a number referring to a condition defined in Article 8 of this Order.
7. Unless otherwise stated all restrictions specified in this Order shall be deemed to apply to the whole of the carriageway as defined by and at the location specified in column 2 of Schedule 1 & Schedule 2 to this Order.

Section 2

BUS LANE TRAFFIC RESTRICTIONS &

COLUMN 1	COLUMN 2
Part 400	<p>BUS GATE – 9am to 4.30pm, Monday to Saturday Save as provided in column 3 in Schedule 1 to this Order, no person shall cause or permit any vehicle except a local bus to enter or be in any lengths of road described in Schedule 1 to this Order.</p>

ONE WAY STREETS

COLUMN 1	COLUMN 2
Part 500	<p>ONE WAY STREET – All vehicles to travel in a south-easterly direction. Save as provided in column 3 in Schedule 1 to this Order, no person except upon the direction or with permission of a police officer in uniform or a traffic warden, shall cause or permit any vehicle to proceed along the lengths of road as specified in Schedule 1 to this Order.</p>

Section 3

CONDITIONS AND EXCLUSIONS

8. Exclusions:-

- I. It shall not be a contravention to cause or permit any vehicle to be in, enter, or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a licenced hackney carriage.
- II. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a cycle.
- III. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is an emergency service vehicle responding to an emergency incident or undertaking its statutory duties where it is reasonably necessary for that vehicle to proceed, or enter the bus lane, or if a doctors vehicle displaying a green flashing light
- IV. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is being used in connection with the removal of an obstruction in the bus lane, bus gate or bus only street.
- V. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a vehicle being used for the public cleansing purposes for or on behalf of the Council.
- VI. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is a vehicle being used in connection with the laying, erection, or repair in or on land adjacent to the said length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic equipment in the Telegraph Act 1878.
- V. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is being used in connection with the maintenance, improvement or reconstruction of the said road.
- VI. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is to be used in the service of a local authority or of a water company in pursuance of statutory powers or duties.

- VII. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is delivering or collecting postal packets as defined in Section 87 of the Post Office Act 1953.
- VIII. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is accessing off-street premises.
- VIII. It shall not be a contravention to cause a permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is obliged to do so in order to avoid an accident, or is prevented by circumstances outside the driver's control.
- X. It shall not be a contravention to cause or permit any vehicle to be in, enter or proceed on any length of road specified in Column 2 of Schedule 1 to this Order provided that the vehicle is being used in connection with any wedding or funeral.

Section 4

CONTRAVENTIONS AND ENFORCEMENT OF RESTRICTIONS IMPOSED BY THIS ORDER.

- 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 "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 a Penalty Charge Notice (PCN) in accordance with the 2005 regulations:-
 - a) on the person appearing to be the owner or keeper of the vehicle or;
 - b) on the person appearing to be the person liable to pay the charge.
- 11. A PCN shall be served before the end of the period of 28 days beginning with the detection date, the Council shall continue to be entitled to serve a PCN during a further period of 6 months, beginning with the detection date, provided that;
 - a) the Council has made a request within 14 days of the Detection Date to the Relevant National Authority 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 a vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, charge set by the Council pursuant to Regulations under Section 144 of the Act of 2000 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.

13. When the owner, keeper or driver has been identified the Council will issue a PCN in accordance with this Order by post.

Section 5

REVOCATIONS

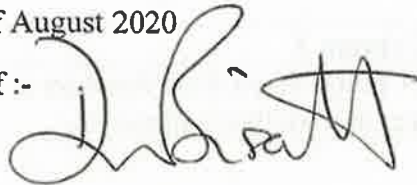
14. The Orders listed in Schedule 3 of this Order are hereby revoked.

THE COMMON SEAL of NORTHAMPTONSHIRE)

COUNTY COUNCIL was hereunto affixed)

on the 27th day of August 2020)

in the presence of :-)



(The Officer appointed for this purpose)



SCHEDULE 1

BUS LANES, BUS GATES, BUS ONLY ROADS

Market Street, Wellingborough

Column 1	Column 2	Column 3
Part 400	From its junction with Church Street/Park Road for a distance of 15 metres in a southerly direction.	8.i-x

SCHEDULE 2

ONE WAY STREETS

Market Street, Wellingborough

Column 1	Column 2	Column 3
Part 500	From its junction with Church Street/Park Road for a distance of 15 metres in a southerly direction.	8.iii

SCHEDULE 3

REVOCATIONS

1. THE "NORTHAMPTONSHIRE COUNTY COUNCIL (MARKET STREET, WELLINGBOROUGH) (PROHIBITION OF DRIVING) ORDER 1999".