

THE COUNCIL OF THE BOROUGH
OF NORTH TYNESIDE
(BUS LANE) (CONSOLIDATION) ORDER 2022

THE COUNCIL OF THE BOROUGH OF NORTH TYNESIDE
(BUS LANE) (CONSOLIDATION)
ORDER 2022

The Council of The Borough of North Tyneside ("the Council") in exercise of its powers under Sections 1 (1), 2 (1) to (3), 4 (1) and (2), 19, and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended, and of all other enabling powers, hereby make the following Order: -

PART I
GENERAL

Commencement and Citation

1. This Order shall come into operation on the 31 May 2022 and may be cited as The Council of the Borough of North Tyneside (Bus Lane) (Consolidation) Order 2022.

Revocation

2. The Orders specified in Schedule 1 to this Order are hereby revoked in full.

Interpretations and Savings

3. (1) In this Order the following expressions have the meanings hereby respectively assigned to them: -

"The Act of 1984" means the Road Traffic Regulation Act 1984 (as amended);

"The Act of 2004" means the Traffic Management Act 2004 (as amended);

"Approved Device" means a device of a description specified in an Order made by the Relevant National Authority in line with the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

"Authorised Person" means an employee of the Council authorised to exercise all or any of the functions of the Council under this Order;

"Authorised Vehicle" means a Private Hire Vehicle or a vehicle which has been authorised by the Council to be in the bus lane;

"Bus" means a motor vehicle constructed or adapted to carry more than eight passengers exclusive of the driver and local buses not so constructed;

"Bus Lane" means an area of road that may be used only by buses (or a particular description of bus), or only by buses (or a particular description of a bus) and other class or classes of vehicular traffic as provided for in this Order and includes the terms **"Bus Gate"** and **"Bus Only Street"**;

"Date of Service" means the last day of the period of 3 consecutive working days beginning with the first day of posting. If a Penalty Charge Notice is not posted on a working day, the first working day after the date of posting will be taken as the first day of posting;

"Enactment" means any enactment, whether public, general or local and includes any Order, Bylaw, 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;

“Local Bus” means a public service vehicle used in 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 4 or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as it is treated as not being a motor vehicle for the purposes of the Act of 1984;

“Penalty Charge” and **“Reduced Penalty Charge”** means a charge set by the Council, under the provisions of the Act of 2004 and the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

“Penalty Charge Notice” means a notice issued by the Council pursuant to the provisions of the Act of 2004 and the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

“Private Hire Vehicle” has the same meaning as in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

“Prohibited Period” in relation to a bus lane means the days and hours specified in Column 3 of Schedule 3, 4 and 5 to this Order, being the period during which the Bus Lane operates;

“Public Service Vehicle” has the meaning given in Section 1 of the Public Passenger Vehicles Act 1981

“Solo Motorcycle” has the same meaning as in Section 136 of the Act of 1984;

“Taxi” means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847; or section 6 of the Metropolitan Public Carriage Act 1869; or under any similar enactment;

“Universal Service Provider” has the same meaning as in the Postal Services Act 2000;

“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 the vehicle.

- (2) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (3) The restrictions, prohibitions and requirements imposed by this Order shall be read and construed as not being in derogation of any restriction, prohibition or requirements 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.
- (4) In so far as any provision of this Order conflicts with any provision which is contained in an Order made or having effect as if made under the Act of 1984, or by or under any other enactment, THEN the provisions of THIS ORDER shall prevail.

Prohibition

Bus Lane

4. Save as provided in Article 7 and 8 of this Order, no person shall cause or permit any vehicle, other than a Bus, Taxi, Solo Motorcycle, Pedal Cycle or Authorised Vehicle to be in a Bus Lane specified in Schedule 3 Column 1 and 2 during the Prohibited Period specified in Schedule 2 Column 3.

Bus Only Street (being a one- or two-way road for use by Buses and prescribed vehicles only)

5. Save as provided in Article 7 and 8 of this Order, no person shall cause or permit any vehicle, other than a Bus, Taxi, Solo Motorcycle, Pedal Cycle or Authorised Vehicle to be in a Bus Only Street specified in Schedule 4 Column 1 and 2 during the Prohibited Period specified in Schedule 3 Column 3.

Bus Gate (being a short section of Bus Only Street)

6. Save as provided in Article 7 and 8 of this Order, no person shall cause or permit any vehicle, other than a Bus, Taxi, Solo Motorcycle, Pedal Cycle or Authorised Vehicle to be in a Bus Gate specified in Schedule 5 Column 1 and 2 during the Prohibited Period specified in Schedule 4 Column 3.

Exemptions

- 7 Articles 4, 5 and 6 do not apply to a vehicle that is in a bus lane under the direction or with the permission of a police officer in uniform or for the purpose of crossing the bus lane.

- 8 Articles 4, 5 and 6 do not apply to a vehicle that is in a bus lane if it is necessary for the vehicle: -

- (1) To be used for ambulance, fire brigade or police purposes whilst performing its statutory duties;
- (2) To remove an obstruction;
- (3) To avoid an accident;
- (4) To be used in connection with: -
 - a. Building, industrial or demolition operations in or on land adjacent to the bus lane or removals from land or buildings adjacent to the bus lane where the prior written consent of the Council has been received;
 - b. The laying, erection, alteration or repair of sewer, pipe, or apparatus for the supply of water, gas, electricity, or telecommunications apparatus in or on land adjacent to the bus lane; or
 - c. The maintenance, improvement, or reconstruction of the bus lane.
- (5) Whilst in the service of a Universal Service Provider to deliver or collect postal packets as defined in Section 125(1) of the Postal Services Act 2000 to premises adjacent to the bus lane;
- (6) A vehicle being used by Nexus or one of its agents in connection with the maintenance of a bus stop or bus shelter located in or on land adjacent to the bus lane.

SCHEDULE 1

REVOCATION IN FULL

1. Council of the Borough of North Tyneside (Bus Lane) (Consolidation) Order 2020.

Contravention and Enforcement

10. (1) 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.
- (2) Where the Council have reason to believe that a Penalty Charge is payable in relation to a vehicle which has contravened any prohibition, restriction or provision of this Order, the Council will serve a Penalty Charge Notice in accordance with the Act of 2004 and the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022: -
- a. on the person appearing to be the owner or keeper or hirer of the vehicle; or
 - b. on the person appearing to be the person liable to pay the charge.
- (3) If the vehicle owner, keeper, or driver contravenes any prohibition, restriction or provision of this Order, the Penalty Charge set by the Council pursuant to the Act of 2004 and the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 is to be paid in the manner prescribed in the Penalty Charge Notice issued.
- (4) Where a police officer in uniform is satisfied that a driver of a vehicle has committed an alleged offence under the provisions of this Order such that liability to a fixed penalty notice arises, a police officer may issue such a notice at the time and date of the alleged offence to any driver of the vehicle, which shall include the particulars listed in Section 52 of the Road Traffic Offenders Act 1988.
- (5) Where the owner, keeper or driver has been issued with a Penalty Charge Notice by the Council and it is proven by the owner, keeper or driver that he was also issued a fixed penalty notice or summons for the same day and time for the same contravention by a police officer, then the Council shall no longer proceed with its Penalty Charge Notice or where the Penalty Charge Notice was paid will be refunded in full as soon as reasonably practicable.

THE COMMON SEAL of THE COUNCIL
OF THE BOROUGH OF NORTH
TYNESIDE was hereunto affixed
this 17th day of May 2022
in the presence of: -



Authorised Signatory

D. RACKSTRAW
Solutor

SCHEDULE 2

BUS LANE

<u>Item No.</u>	<u>Column 1</u> <u>Name of Road</u>	<u>Column 2</u> <u>Length of Restriction</u>	<u>Column 3</u> <u>Prohibited Period</u>
1.	Salters Lane (A189), Benton	(1) The eastern side of the southbound carriageway from a point 65 metres south of its junction with Gosforth Park Way in a southerly direction for a distance of 409 metres; (2) The eastern side of the southbound carriageway from a point 9 metres south of its junction with West Farm Avenue in a southerly direction for a distance of 227 metres (Newcastle City Council Boundary).	All Days All Hours

SCHEDULE 3

BUS ONLY STREET

Item No.	<u>Column 1</u> Name of Road	<u>Column 2</u> Length of Restriction	<u>Column 3</u> Prohibited Period
1.	Balliol Bus Link, Benton being the unnamed road linking the main distributor road within Balliol Business Park to Balliol Business Park to Gosforth Park Way	Westbound and Eastbound carriageways from its junction with the main distributor road within Balliol Business Park in a westerly direction to a point 70 metres east of its junction with Gosforth Park Way.	All Days All Hours
2.	High Flatworth, North Shields	Northbound and Southbound carriageways from its junction with Orion Way, Tyne Tunnel Trading Estate in a northerly direction to its junction with Osprey Drive, Silverlink Retail Park.	All Days All Hours
3	Access Road to Wallsend Bus Station, Wallsend	From its junction with Station Road in a westbound direction.	All Days All Hours

SCHEDULE 4

BUS GATE

<u>Item No.</u>	<u>Column 1</u> <u>Name of Road</u>	<u>Column 2</u> <u>Length of Restriction</u>	<u>Column 3</u> <u>Prohibited Period</u>
1	Nile Street / Railway Terrace, North Shields	Section from the junction of Nile Street / Russell Street in a southerly then westerly direction to the junction of Railway Terrace / Rudyerd Street.	All Days All Hours

