

NOTTINGHAM CITY COUNCIL
ROAD TRAFFIC REGULATION ACT 1984 AND TRANSPORT ACT 2000

NOTTINGHAM CITY COUNCIL (CITY OF NOTTINGHAM) (BUS/TRAM LANES AND GATEWAYS) (NEW ARTICLES/DEFINITIONS) TRAFFIC REGULATION ORDER 2007 (TMP 6644M)

Nottingham City Council ("the Council") in exercise of its powers under Sections 1 (1), 2 (1) to (3), 4 (2), 5 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), and by the virtue of both The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Nottingham) Order 2002 (Statutory Instrument 2012) 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 2755) made by the Secretary of State for Transport pursuant to Section 144 of The Transport Act 2000 ("the Act of 2000") and all other enabling powers, and after consultation with the Chief Constable for the Nottinghamshire Police Authority in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:-

COMMENCEMENT

This Order shall come into force for all purposes on the [#] day of [#] and may be cited as "Nottingham City Council (City of Nottingham) (Bus/Tram Lanes and Gateways) (New Articles/Definitions) Traffic Regulation Order 2007".

ARRANGEMENT OF SECTIONS

Part I of this Order: - Not Allocated.

Sections 1 to 7 inclusive of Part II of this Order: - Not Allocated.

Sections 3 to 9 inclusive of Part III of this Order: - Not Allocated.

GENERAL – provisions applying to all parts of this Order.

DEFINITIONS – applying to all parts of this Order.

PART II

(Movement Control)

Section 8 : Prohibition of Driving (Bus Lane) (Articles 11, 12 and 13)

PART III

(Revocations and Suspensions)

PERMANENT

Section 1 : Permanent Revocation in Part (Article 1)

Section 2 : Permanent Revocation in Whole (Article 2)

GENERAL

- G1. All lengths of road specified in this Order are lengths of road in the City of Nottingham.
- G2. The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any regulations made or having effect as if made under the Act as amended aforesaid or by or under any other enactment.
- G3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- G4. In this Order where the context requires, the masculine includes the feminine and the neuter and vice versa, the singular includes the plural and vice versa.
- G5. In this Order headings are included for ease of reference only and shall not affect the interpretation or construction of the Order.
- G6. 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".
- G7. 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 Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 (Statutory Instrument 2757): -
- 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.
- G8. 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 six 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.

G9. If a vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, a charge set by the City of Nottingham pursuant to Regulations under Section 144 (3) of the Act of 2000 and in accordance with the provisions of Section 74 of the Act of 1991 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.

G10. 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 first class post.

G11. A PCN must state: -

- (a) the registration mark of the vehicle or where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle involved in the alleged contravention;
- (b) the date and time at which the Authorised Officer first noticed that a contravention of this Order had occurred in respect of the date known as the Contravention Date
- (c) the grounds on which the Authorised Officer believes that a Penalty Charge is payable with respect to that vehicle;
- (d) the amount of the Penalty Charge which is payable;
- (e) that the Penalty Charge must be paid before the end of the period of 28 days beginning with the date of service of the PCN;
- (f) that if the penalty charge is paid before the end of the period of 14 days beginning with the Date of Service of the PCN, there shall be reduced by one half;
- (g) that representations may be made on any of the Statutory Grounds of appeal, to the Council against the imposition of the Penalty Charge but that representations made outside the 28 day period may be disregarded;
- (h) what are the Statutory Grounds of appeal;
- (i) the postal address to which representations are to be sent;
- (j) any electronic mail address or FAX number to which representations may be sent as an alternative to the postal address;

- (k) that, if the Penalty Charge is not paid and no representations have been made before the end of the 28 day period from the Date of Service, the Council may increase the Penalty Charge by half and take steps to enforce payment of the charge as so increased;
- (l) the manner in which the penalty charge may be paid;
- (m) that if the representations are rejected by the Council, an appeal may be made on any of the Statutory Grounds to an adjudicator in respect of a Penalty Charge;
- (n) the recipient of the PCN, may by notice in writing to the Council, request that an office be made available during normal office hours as specified on the PCN, for the purpose of viewing by him free of charge and by his representative (if any), the recording of the alleged contravention produced by the Approved Device pursuant to which the PCN was imposed and / or to provide him with still images from that recording as, in the Council's opinion, establish the contravention.
- (o) The date of issue, being the date on which the PCN was produced by the Council;
- (p) the address to which payment of the Penalty Charge must be sent.

G12. 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 the driver of the vehicle, which shall include the particulars listed in Section 52 of The Road Traffic Offenders Act 1988.

G13. Where the owner, keeper or driver has been issued a PCN by the Council and it is proven by the owner, keeper or driver that he was also issued a Fixed Penalty Notice or a Summons for the same day and time for the same contravention by a police officer, then the Council shall no longer proceed with its PCN or where the PCN was paid in accordance with this Order the amount that was paid will be refunded in full as soon as reasonably practicable.

DEFINITIONS

In this Order the following words and phrases (where used) have the meanings ascribed to them as follows:-

D1. "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 2576).

- D2. "Authorised Officer" means a person employed by the Council to record, detect and act on contraventions to this Order by the means of an Approved Device.
- D3. "Bus" includes a tramcar and has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions.
- D4. "Bus Lane" means an area of road forming part or the whole of a bus lane as specified in this Order and bounded by delineating road markings and/or signs as prescribed in the Traffic Signs Regulations and General Directions or otherwise authorised by the Relevant National Authority.
- D5. "Bus Only Street" and "Bus Gate" as defined in the Schedules, has the same effect as if they were a Bus Lane.
- D6. "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.
- D7. "Cycle Lane" means a length of road specified in this Order as a Cycle Lane and bounded by delineating road markings as prescribed under Regulations.
- D8. "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 a working day, the first working day after the date of posting will be the first day of posting.
- D9. "Detection Date" means the date on which a vehicle was detected as contravening this Order, according to the record produced by an approved device.
- D10. "Director" means the Nottingham City Council's Director of City Development.
- D11. "Driver" means an individual authorised to drive a vehicle who has allegedly contravened this Order that may not necessarily be the owner or keeper of that vehicle and therefore, when identified, shall be responsible for payment of the Penalty Charge.
- D12. "Fixed Penalty Notice" has the same meaning as Part III (Section 52) of the Road Traffic Offenders Act 1988.
- D13. "Footway" means a way constituting or comprised in a highway a way (other than a cycle track) over which the public have a right of way for the passage of pedestrians.
- D14. "Junction" means (in the Schedules to this Order) for measurement purposes only: The point where the prolongation of two kerblines intersect (measurements are taken along the line of kerb for the said length of road unless otherwise stated).
- D15. "Motor Cycle" has the same meaning as in Section 136 of the Act.

- D16. "One-Way Street" means a highway in which vehicles are prohibited at all times from proceeding in any other than one direction.
- D17. "Owner" in relation to a vehicle, means the registered keeper of that vehicle namely the person for the time being shown in the register as registered keeper in the Register kept in accordance with Section 21 Vehicle Excise and Registration Act 1994.
- D18. "PCN" means a Penalty Charge Notice.
- D19. "Pedal Cycle" means a cycle (which has the same meaning as that ascribed to it in Section 192 of the Road Traffic Act 1988).
- D20. "Penalty Charge" and "Reduced Penalty Charge" means a charge set by the City of Nottingham under the provisions of Section 74 of the Act of 1991 in accordance with guidance given by the Relevant National Authority which is to be paid in a manner described in the PCN within 28 days of the date of the PCN or 14 days of the date of the PCN in the case of a Reduced Penalty Charge.
- D21. "penalty charge" means either a Penalty Charge or Reduced Penalty Charge.
- D22. "Penalty Charge Notice" means a notice issued by a person authorised to do so by the Council pursuant to the provisions of Section 66 of the Act of 1991
- D23. "Relevant National Authority" means the Secretary of State in respects to England.
- D24. "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.
- D25. "Road" means the area between two highway boundaries excluding any defined footway loading area or lay-by.
- D26. "Road Marking" means a traffic sign consisting of a line or mark or legend on the surface of the road.
- D27. "Statutory Grounds" means a grounds of appeal defined in regulation 9.2 of The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 (Statutory Instrument 2757).
- D28. "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 Act.
- D29. "Traffic Signs Regulations and General Directions" means the Traffic Signs Regulations and General Directions 2002 as amended from time to time.

- D30. "Tramcar" means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels on any railway forming part of the LRT system as defined in section 2 of the Greater Nottingham Light Rapid Transit Act 1994.
- D31. "Tramway" means any railway, or any part of a railway, authorised by the Greater Nottingham Light Rapid Transit Act 1994 and thereby designated as a tramway.
- D32. "Tram Lane, Tramway or Gateway" as defined in the Schedules, has the same effect as if they were a Bus Lane.
- D33. "Vehicle" means:-
- (1) a mechanically propelled vehicle, intended or adapted for use on the road;
 - (2) a pedal cycle in actual use for the purpose of cycling.

Notes:-

In the Schedules to this Order all times and days are inclusive.

In the Schedules to this Order, each length of road specified in Column 2 and itemised by number in Column 1 shall be related only to the specified instructions, times and exemptions (given opposite under Columns 3 and 4, 5) relating to that number.

PART II

PART II, SECTION 8 : PROHIBITION OF DRIVING (BUS LANE)

11. (1) Save as provided in this Article, no person shall, except with the permission of a Police Constable in uniform, cause any vehicle to be in and/or proceed (in any of the lengths of road specified in Column 2 of Schedule 8 to Part II of this Order) during the times specified in Column 4 of that schedule, in
- (i) the direction specified, or
 - (ii) any direction, where no direction is specified, in relation to a length of road specified in Column 2.
- (2) Nothing in Paragraph 11(1) of this Article shall apply to any vehicle, which is of one or more of the categories specified, in Column 3 of Schedule 8 to Part II of this Order, in relation to each road or length of road specified in Column 2 of the said Schedule.
- (3) Nothing in Paragraph 11(1) of this Article shall apply to:-

- (a) a pedal cycle,
- (b) a bus or
- (c) a tramcar;

when it is indicated on the relevant sign and is erected in accordance with The Traffic Signs Regulations and General Directions, in relation to each road or length of road specified in Column 2 of the said Schedule.

- 12. In Column 3 of Schedule 8 to Part II of this Order, the reference letters used have the same meanings as ascribed to them in Appendix A of this Order.
- 13. In Article 12 of Part II of this Order "Authorised Vehicle" means as follows: - Not allocated.

PART III

PART III, SECTION 1 : PERMANENT REVOCATION IN PART

Each Order specified in Schedule 1 to Part III of this Order is hereby revoked insofar as it relates to any lengths of road specified in the other Schedule or Schedules to Part II of this Order.

PART III, SECTION 2 : PERMANENT REVOCATION IN WHOLE

Each Order specified in Schedule 2 to Part III of this Order is hereby revoked.

APPENDIX AND SCHEDULES

Appendix A.

Schedules to Part I of this Order: - Not Allocated.

Schedules 1 to 7 inclusive to Part II of this Order: - Not Allocated.

Schedules 3 to 9 inclusive to Part III of this Order: - Not Allocated.

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APPENDIX A

STANDARD EXEMPTIONS

- "A" Means a vehicle, which is being used to enable persons to board or alight from that vehicle.
- "B1" Means any vehicle which is, if it cannot be used for such purposes in any other length of road, being used in connection with the maintenance, improvement or reconstruction of any of the lengths of road so referred to or the laying, erection, alteration or repair in or near any of the lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus.
- "B2" Means any vehicle, which is, if it cannot be used for such purposes in any other length of road, to be used in connection with the maintenance or other works of any railway level crossing, which crosses the length of road referred to.
- "B3" Means a Royal Mail liveried vehicle engaged in the collection and/or delivery of letters in accordance with the statutory provisions as defined in the Postal Services Act 2000. This paragraph shall not apply during any times specified in Column 5 of Part 1 Schedule 2.
- "B4" Means any vehicle, which is, if it cannot be used for such purposes in any other length of road, being used in connection with the removal of any obstruction to traffic.
- "B5" Means any vehicle, which is, if it cannot be used for such purposes in any other length of road, being used in connection with any building operation or demolition.
- "B6" Means any vehicle, which is being used by Statutory Undertakers for emergency works.
- "C" Means any vehicle, which is, if it cannot be used for such purposes in any other road, being used or is to be used in the service of a Local Authority or Water Authority in pursuance of statutory powers or duties.
- "D1" Means a bus.
- "D2" Means a bus in a bus lane.
- "E1" Means any vehicle being used for Police, Fire Brigade or Ambulance purposes where the restriction would be likely to hinder the use of that vehicle in fulfilling that emergency purpose, and is making use of both visual and/or audible warning devices, and which is taking all reasonable precautions.

- "E2" Means any Police, fire or ambulance vehicle, which is being used for either police, fire or ambulance purposes where the restriction would be likely to hinder the use of that vehicle in fulfilling that purpose, and which is taking all reasonable precautions.
- "E3" Means any vehicle being used for police, fire or ambulance purposes.
- "F1" Means any vehicle which is being used to enable goods to be loaded or unloaded, (during times specified in Column 3 of Part 1 Schedule 2) at premises to which access may only be gained by proceeding in that length of road provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road. This paragraph shall not apply during any times specified in Column 5 of Part 1 Schedule 2.
- "F2" Means any vehicle, which is being used to gain access to off-street garaging.
- "F2a" Means any vehicle, which is being used to gain access from off-street garaging or parking.
- "F3" Means any vehicle being used to take on petrol at a petrol station.
- "G" Means any vehicle which is, if it cannot be used for such purposes in any other length of road, proceeding so as to avoid a legitimate obstruction in connection with the maintenance, improvement or reconstruction of any of the lengths of road so referred to or the laying, erection, alteration or repair in or near any of the lengths of road of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus.
- "H" All Vehicles.
- "I" Means any vehicle in respect of which a current valid Dispensation Permit has been issued by the Director in accordance with the City Council's Policies and established criteria and is being used in accordance with the conditions of issue. This paragraph shall not apply during any times specified in Column 5 of Part 1 Schedule 2.
- "J" Means any vehicle, other than a privately owned vehicle, which is being used as an official vehicle for the purpose of a wedding or funeral at a Church, place of worship, Registry Office or any other venue that holds a Civil Licence provided that where, in relation to a length of road, times are specified in Column 5 of the relevant Schedule, the vehicle does not wait in that length of road during those times.
- "K1" Means any vehicle which is a disabled person's vehicle which displays, in the relevant position, a disabled person's badge and a parking disc (on which the driver or person in charge of the vehicle has marked the time at which the period of waiting began) provided that the vehicle does not wait for a period exceeding 3 hours (not being a period separated by an interval of less than 1 hour from a previous period of waiting by the same vehicle on the same

length of road) provided that where, in relation to the length of road, times are specified in Column 5 (when a Column 5 appears on the Schedule) of the relevant schedule, the vehicle does not waiting in that length of road during those times.

- “K2” Means a disabled person’s vehicle.
- “K3” Means any vehicle which is a disabled person's vehicle which displays, in the relevant position, a disabled person’s badge, provided that where, in relation to a length of road, times are specified in Column 5 of the relevant Schedule, the vehicle does not wait in that length of road during those times.
- "L1" Means a pedal cycle.
- “M” Means a designated civic vehicle, provided that the vehicle does not wait for longer than one hour in that length of road, being the Old Market Square (Area).
- “N1” Means a licensed hackney carriage.
- “N2” Means a licensed hackney carriage waiting in a designated length of road, at a time and location specified in Part I Schedule 3.
- “N3” Means a licensed hackney carriage used to pick up or set down at a place or position defined (in relation to each particular item in the relevant Schedule) in Articles 5(2) and 13(2).
- “O” Not Allocated.
- "P" Means an Authorised Vehicle. Authorised Vehicle has the same meaning ascribed to it (in relation to each particular item in the relevant Schedule) in Article 5 of this Order.
- "Q" Means any vehicle which is being used to gain access to or egress from premises and land adjacent to that road (which access can only be gained by proceeding in the said length of road) provided that when the purposes, for which the aforementioned access has been required, have been completed the vehicle must immediately proceed out of that length of road.
- “R1” Means any vehicle in respect of which a current valid Restricted Access Permit has been issued by the Director in accordance with the City Council’s Policies and established criteria and is being used in accordance with the conditions of issue.
- “R2” Means any vehicle in respect of which a current valid Restricted Access Permit has been issued by the Director in accordance with the City Council’s Policies and established criteria and is being used in accordance with the conditions of issue, which also displays in the relevant position a current valid disabled person’s badge.

- “R3” Means any vehicle in respect of which a current valid Restricted Access Permit has been issued by the Director in accordance with the City Council’s Policies and established criteria and is being used in accordance with the conditions of issue, which is being used to enable goods to be loaded or unloaded provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road.
- “R4” Means any vehicle in respect of which a current Restricted Access Permit has been issued by the Director in accordance with the City Council’s Policies, is a Market Trader and is being used in accordance with the conditions of use which is being used to enable goods to be continuously loaded or unloaded, within the prescribed hours, provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road, being the Market Place.
- “R5” Means any vehicle in respect of which a current Restricted Access Permit has been issued by the Director in accordance with the City Council’s Policies, is a Market Trader or operating an attraction as part of a Special Event and is being used in accordance with the conditions of use which is being used to enable goods to be continuously loaded or unloaded, within the prescribed hours, provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road, being the Old Market Square (Area).
- “R6” Means any vehicle in respect of which a current Restricted Access Permit has been issued by the Director in accordance with the City Council’s Policies, is a Market Trader or operating an attraction as part of a Special Event and is being used in accordance with the conditions of use which is being used as an integral part of a stall or attraction, within the prescribed hours, provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road, being the Old Market Square (Area).
- “S” Means a Goods Vehicle being used for the purpose of loading or unloading in the prohibited length of road provided that when the aforementioned purposes have been completed the vehicle must immediately proceed out of that length of road.
- “T1” Means a Tram Car.
- “T2” Means tram operator vehicles undertaking essential maintenance of the tram system.
- “T3” Means tram operator vehicles undertaking routine maintenance of the tram system.
- “U” Not Allocated.
- “V” Means any vehicle, being a purpose built or specially adapted security vehicle which by distinctive external markings and/or trade signs may be easily identified as a security vehicle, operated by uniformed security

personnel and which is being used for the purposes of delivery or collection of:-

(i) bullion, or

(ii) substantial quantities of money in the form of cash ,or

(iii) high value commodities.

"W1" Means a Private Hire Vehicle.

"W2" Not Allocated.

"W3" Means a licensed hackney carriage used to pick up or set down at a place or position defined (in relation to each particular item in the relevant Schedule) in Articles 5(3) and 13(3).

"X" Means any of the following vehicles: -

(a) a highway cleansing vehicle being used for highway cleansing purposes.

(b) or a gritting vehicle used to carry out its statutory duty.

(c) or an authorised tow away vehicle being used on behalf of the Highway Authority in pursuance of its statutory duty.

"Y" Not Allocated.

"Z1" Means any vehicle which is being used to cross over a "bus lane" in order to gain access to or egress from premises and/or any side road adjacent to that length of road over which the lane passes.

"Z2" Means any vehicle proceeding so as to avoid an accident.

GIVEN under the COMMON SEAL)

of NOTTINGHAM CITY COUNCIL)

was dated this [#] day of [#]2007)

Authorised Signatory

Nottingham City Council (City of Nottingham) (Bus/Tram Lanes and Gateways) (New Articles/Definitions) Traffic Regulation Order 2007 (TMP 6644M)

Environment, Planning and Transportation Board
Dated 14 February 2002
Resolution No: 02/106



**STATEMENT OF REASONS
JOB NO. TMP 6644M**

**NOTTINGHAM CITY COUNCIL (CITY OF NOTTINGHAM) (BUS/TRAM
LANES AND GATEWAYS) (NEW ARTICLES/DEFINITIONS) TRAFFIC
REGULATION ORDER 2007 (TMP 6644M)**

This Order introduces amendments and additions to the Articles, Definitions and Sections within the existing Order, namely "Nottingham City Council (City of Nottingham) (Bus Lanes and Gateways) Traffic Regulation Order 2005".

The reason for these changes is to ensure that the Order conforms to current legislation and procedure to be used by this Authority for the Enforcement of Bus/Tram lanes and Gateways.

These amendments do not affect any restrictions laid down by any existing Order but are intended to clarify the meanings within the Articles and Definitions.