

SOUTH GLOUCESTERSHIRE COUNCIL

(A38 GLOUCESTER ROAD, PATCHWAY) (GREATER BRISTOL BUS NETWORK)
(HEMPTON LANE TO AZTEC WEST) (RESERVED BUS LANE)
(PEAK HOURS) ORDER 2010

The South Gloucestershire District Council (hereinafter referred to as "the Council") in exercise of its powers under sections 1(1), 2(1) to (3) and 4(1) of the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act of 1984") and of all other enabling powers, after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following order:-

1. This order shall come into operation on the 12th April 2010 and may be cited as the South Gloucestershire Council (A38 Gloucester Road, Patchway) (Greater Bristol Bus Network) (Hempton Lane to Aztec West) (Reserved Bus Lane) (Peak Hours) Order 2010.

2. (1) In this Order:-

"bus" means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver) and local bus not so constructed or adapted;

"bus lane" means any area of the carriageway of that length of **A38 GLOUCESTER ROAD**, Patchway which extends from its junction with Hempton Lane in a northerly direction for a distance of 231 metres which is bounded on the west by the western kerbline of that road and, where western kerbline is broken by the junction of that road with another road or an accessway, by the line joining the said western kerbline on either side of that junction and on the east by a road marking complying with diagram 1049 in Schedule 6 of the Traffic Signs Regulations and General Directions 2002, broken only by the gap opposite the junction of that road on its western side with another road or an accessway, by a crossing for foot passengers marked on the road in accordance with Regulations made under section 25 of the Act of 1984, or by a street refuge;

"community bus" means a public service vehicle being used as a community bus service and for which a community bus permit has been issued and not withdrawn;

"dial-a-ride bus" means a vehicle -

- (i) displaying so as to be conspicuous on the outside of the vehicle a logo in a form approved by or with the authority of the Council and containing the words "dial-a-ride"; and
- (ii) constructed or adapted for the carriage of disabled persons and their companions and which is being used to provide a service for the carriage of such persons;

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"hackney carriage" has the same meaning as in Part III of Schedule 1 to the Vehicles Excise and Registration Act 1994 but complying with the requirements of the Council in respect of roof-top signs;

"motor cycle" means a mechanically propelled vehicle, not being an invalid carriage, with less than four wheels and the weight of which unladen does not exceed 410 kilograms with or without a sidecar attached;

"parking attendant" means a person duly authorised by or on behalf of the Council to supervise any parking place in accordance with provisions contained in section 63A of the Act of 1984;

"pedal cycle" means a bicycle, tricycle or cycle having four or more wheels, not being in any case a motor vehicle;

"private hire vehicle" means a vehicle constructed or adapted to seat fewer than nine passengers other than a hackney carriage or public service vehicle which is provided for hire with the services of a driver for the purpose of carrying passengers but complying with the requirements of the relevant licensing authority in respect of roof-top signs;

"school bus" means a vehicle constructed or adapted to carry 12 or more passengers and being used to carry persons to or from school as defined by section 114(1) of the Education Act 1944.

- (2) For the purposes of this order a vehicle shall be deemed to wait for more than two minutes in the same place if any one part of the road is below any part of the vehicle or its load (if any) throughout a period exceeding two minutes whether or not the vehicle is moved during that period.
 - (3) 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.
3. Save as provided in Article 4 of this order no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden or of a parking attendant, cause or permit any vehicle other than a bus, community bus, dial-a-ride bus, hackney carriage, motor cycle, pedal cycle, private hire vehicle or school bus between the hours of 7.30 a.m. and 9.30 a.m. or between the hours of 4.00 p.m. and 7.00 p.m. on any day other than Saturday or Sunday, to enter, proceed or wait in the bus lane otherwise than for the purpose of crossing it.
4.
 - (1) Nothing in this order shall render it unlawful for any person to cause or permit any vehicle to enter or proceed in any direction in the bus lane so far as such entry or proceeding is reasonably necessary to enable the vehicle to be used for any of the purposes specified in paragraph (2) of this Article, or to wait in the bus lane for so long as may be necessary for any of those purposes.

(2) The purposes referred to in paragraph (1) of this Article are:-

- (i) the removal of any obstruction to traffic;
- (ii) police, fire brigade or ambulance purposes; and
- (iii) the loading or unloading of any goods or burden at premises adjacent to, or accessible only from the bus lane:

Provided that such loading or unloading can be reasonably carried out only from the bus lane and that it takes place only whilst no prohibition of loading and unloading in the bus lane by virtue of any other order is in force.

(3) Nothing in this order shall render it unlawful for any person to cause or permit any vehicle to enter or proceed in a northerly direction in the bus lane so far as such entry or proceeding is reasonably necessary to enable the vehicle to be used for any of the purposes specified in paragraph (4) of this Article or (save as provided in that paragraph) to wait in the bus lane for so long as may be necessary for any of those purposes.

(4) The purposes referred to in paragraph (3) of this Article are:-

- (i) in the service of any local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties or in connection with the supply of gas or electricity or any telecommunication apparatus as defined in the Telecommunications Act 1984;
- (ii) the avoidance of an accident;
- (iii) the gaining of access to or egress from off-street loading or garaging premises adjacent to or accessible only from the bus lane;
- (iv) the boarding or alighting of any person;

Provided that such boarding or alighting does not cause the vehicle to wait in the same place for more than two minutes.

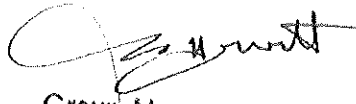
(5) Nothing in this order shall render it unlawful for any person to cause or permit any ambulance to enter or proceed in the bus lane in a northerly direction whilst it is in execution of official duties.

5. In so far as any provision of this order conflicts with any provision of any order made or having effect as if made under the Act of 1984 and which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction or prohibition then that provision of this Order shall prevail.

6. Save as provided in Article 5 the provisions of this order shall be in addition to and not in derogation from the provisions of any regulations made or having effect as if made under the Act of 1984 or by or under any other enactment.

Given under the Common Seal of South Gloucestershire District Council the 17th day February 2010.

THE COMMON SEAL of
SOUTH GLOUCESTERSHIRE
DISTRICT COUNCIL was hereunto
affixed in the presence of:-


Group Manager

