

SOUTH GLOUCESTERSHIRE COUNCIL

(FILTON AVENUE, FILTON) (RESERVED BUS LANE PEAK HOURS) ORDER 2022

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 and Part IV of Schedule 9 to 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 26 April 2022 and may be cited as the South Gloucestershire Council (Filton Avenue, Filton) (Reserved Bus Lane Peak Hours) Order 2022.
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 Filton Avenue (Northern Section), Filton in the District of Northavon which extends from a point in line with the southern kerblin of Conygre Grove to its junction with the northernmost point of the north western side of the triangular island at its junction with the A4174 Station Road which is bounded on the east side by a road marking complying with diagram 1049A in Part 6 of Schedule 9 to the Traffic Signs Regulations and General Directions 2016, which runs parallel with the eastern kerblin of that road and where that eastern kerblin is broken by the junction of that road with another road or an accessway, by the line joining the said eastern kerblin on either side of that junction and on the west by a road marking complying with diagram 1049A in Part 6 of Schedule 9 to the Traffic Signs Regulations and General Directions 2016, broken only by the gap opposite the junction of that road on its eastern 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;

"civil enforcement officer" means a person authorised by the Council to act as a "civil enforcement officer" as defined in section 76 of the Traffic Management Act 2004;

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service vehicle being used as a community bus service and for which a community bus permit has been issued and not withdrawn;

AUTHORITY FOR SEALING

Decision – ECS - Delegated Authority

Scheme No – ECS12/2022

Published on – 16/02/2022

Initials DF

"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;

"disabled person" has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982 as amended by the Disabled Persons (Badges for Motor Vehicles) (Amendment) Regulations 1991;

"electronic communications apparatus" means apparatus comprised in or to be comprised in an electronic communications network as defined in the Communications Act 2003;

"Filton Avenue (Northern Section)" means that length of Filton Avenue (Class 3) which extends from its junction with the A38 road at Filton to its junction with the A4174 Bristol Ring Road;

"hackney carriage" has the same meaning as in section 80 of the Local Government (Miscellaneous Provisions) Act 1976 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;

"police community support officer" has the same meaning as in section 38 of the Police Reform Act 2002;

"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; and

“traffic warden” means a traffic warden employed by a police authority in pursuance of sections 95 and 96 of the Act of 1984 and any powers or functions given to a traffic warden in this order may also be exercised by a police officer in uniform.

- (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 parking attendant or of a civil enforcement officer, or of a traffic warden or of a police community support officer 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 7am and 10am or between the hours of 3pm and 7pm on any day other than a Saturday and 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 southerly 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 electronic communications apparatus as defined in the Communications Act 2003;
 - (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:

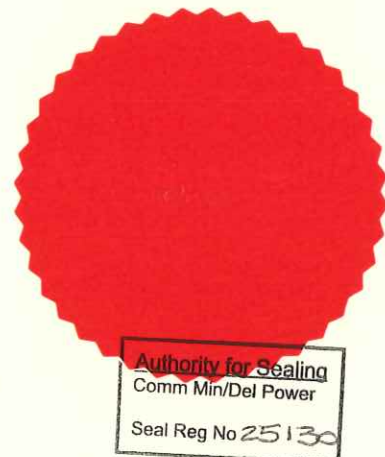
Provided that such boarding or alighting does not cause the vehicle to wait in the same place for more than two minutes.

- (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 the direction specified in relation to that bus lane in paragraph (3) of this Article whilst it is in execution of official duties.
5. The South Gloucestershire Council (Filton Avenue/A4174 Station Road , Filton, District of Northavon) (Reserved Bus Lanes) Order 1996, as varied is hereby revoked, in so far as it relates to "bus lane 1" specified in the Schedule to this order.
6. 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.
7. 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 30th day of March 2022.

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

TreeS.
Solicitor



SCHEDULE

"bus lane 1" means any area of the carriageway of that length of Filton Avenue (Northern Section), Filton in the District of Northavon which extends from a point in line with the southern kerbline of Conygre Grove to its junction with the northernmost point of the north western side of the triangular island at its junction with the A4174 Station Road which is bounded on the east side by a road marking complying with diagram 1049 in Schedule 6 to the Traffic Signs Regulations and General Directions 1994 which runs parallel with the eastern kerbline of that road and where that eastern kerbline is broken by the junction of that road with another road or an accessway, by the line joining the said eastern kerbline on either side of that junction and on the west by a road marking complying with diagram 1049 in Schedule 6 to the Traffic Signs Regulations and General Directions 1994, Broken only by the gap opposite the junction of that road on its eastern side with another road or an access way , 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"

