

**THE SWINDON BOROUGH COUNCIL
(BUS LANES, BUS GATES AND BUS ONLY ROADS) ORDER 2021**

Swindon Borough Council ("the Council") in exercise of its powers under Section 1 (1), 2(1) to (3), 4 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), The Transport Act 2000, The Traffic Management Act 2004 and of all other enabling powers and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART 1

Citation and Commencement

- 1 This Order shall come into operation on the 15th day of November 2021 and may be cited as The Swindon Borough Council (Bus Lanes, Bus Gates and Bus Only Roads) Order 2021.

PART 2

Interpretation

- 2 In this Order the following expressions have the meanings respectively ascribed to them unless the context of their use requires otherwise;

"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 Transport Act 2000 and adhering to The Bus Lane (Approved Devices) (England) Order 2005;

"authorised vehicle" means a private hire vehicle licensed by Swindon Borough Council under Section 48 Local Government (Miscellaneous Provisions) Act 1976 and which clearly displays a plate indicating that they are a Private Hire Vehicle so that they can be clearly identified as being permitted to use a bus lane;

"bus" means a motor vehicle constructed or adapted to carry more than eight passengers (exclusive of the driver) and local buses shall be construed accordingly;

"bus lane" means an area of road that may be used only by buses (or a particular description of bus) and some other class or classes of vehicular

traffic as provided for in this Order and includes the terms 'bus gate' and 'bus only road';

"carriageway" means a way constituting or comprised in a highway, being a way over which the public have a right of way for the passage of vehicles;

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

"Council" means Swindon Borough Council;

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

"date of service" means that last day of the period of 3 consecutive dates beginning with the first day of posting. If the notice is not posted on a working day then 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;

"emergency services vehicle" means a vehicle operated by the Police, Fire & Rescue or Ambulance Services;

"local bus" means a public service vehicle used in provision of a local service not being an excursion or tour;

"local service" has the same meaning given in Section 2 of The Transport Act 1985;

"motorcycle" has the same meaning as in Section 136 of the 1984 Act;

"offence" means a failure to comply with 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;

"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 vehicle was at that time registered with 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;

"pedal cycle" means a unicycle, bicycle, 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 to be treated as not being a motor vehicle for the purposes of the 1984 Act;

"pedestrian crossing" means a crossing for foot passengers marked on a road in accordance with Regulations made under Section 25 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 from the date of the notice, or in 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice;

"penalty charge notice" or "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;

"public service vehicle" has the same meaning given in Section 1 of the Public Passenger Vehicles Act 1981;

"universal service provider" has the meaning given in the Postal Services Act 2000;

"hours of operation" means the period during which a designated bus lane restriction applies;

"Relevant National Authority" means the Secretary of State in respect of 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 and in accordance with the Traffic Signs Regulations and General Directions 2016 (as amended);

"road marking" means a traffic sign consisting of a line or mark or legend on the surface of a road 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;

"statutory grounds" means grounds for appeal defined in regulation 9.2 of the 2005 Regulations;

"taxi" means a hackney carriage licensed by the Council under Section 37 of the Town Police Clauses Act 1847;

"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 and in accordance with the Traffic Signs Regulations and General Directions 2016 (as amended);

"vehicle" means a mechanically propelled vehicle, intended or adapted for use on the road;

"working day" means any day other than a Saturday or Sunday or public holiday in England and Wales.

- 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 Without prejudice to the generality of the above definition of "bus lane" where the single white line marking the boundary of the bus lane is broken by a gap opposite and adjacent to the junction of a length of road specified in the Schedules 1, 2 or 3, with any other road or access way, or at a pedestrian crossing, or by a street refuge the boundary shall nevertheless be regarded as continuing unbroken.
- 5 In this Order a reference to an adjacent part of the road is a reference to an area that is not within the bus lane but is a part of the carriageway on the length of road which comprises the bus lane.

PART 3
Prohibitions

- 6 **Bus Lane**
Save as provided in Part 4 of this Order no person shall cause or permit any vehicle except for a bus to enter or be in the lengths of roads, in the direction of travel and during the hours of operation, specified as bus lanes in Schedule 1 to the Order unless the vehicle is of a type specified in column 5 of Schedule 1.
- 7 **Bus Gates**
Save as provided in Part 4 of the Order no person shall cause or permit a vehicle, except for a bus, to enter or be in the lengths of roads specified as bus gates in Schedule 2 to the Order unless the vehicle is of a type specified in column 5 of Schedule 2.
- 8 **Bus Only Road**
Save as provided in Part 4 of the Order no person shall cause or permit a vehicle, except for a bus, to enter or be in the lengths of road specified in Schedule 3 to the Order at any time unless the vehicle is of a type specified in column 5 of Schedule 3.

PART 4
Conditions and Exemptions

- 9 Nothing in Part 3 of this Order shall apply to a vehicle from being in the length of roads specified in Schedule 1, 2 and 3 as bus lanes, bus gates and bus only roads providing the vehicle is under the direction or with the permission of a police officer in uniform.
- 10 Articles 6, 7 and 8 do not apply to a vehicle in any length of road specified in Schedules 1, 2 and 3 as bus lanes, bus gates and bus only roads, if it is necessary for the vehicle:
- (a) as an emergency vehicle responding to an emergency incident where it is necessary to proceed or enter the bus lane.
 - (b) to remove an obstruction;
 - (c) to avoid an accident;
 - (d) to collect or remove refuse or waste;
 - (e) to be used for or in connection with building, industrial or demolition operations in or on adjacent land or removals from adjacent land or buildings adjacent where the prior written consent of the Council has been received;

- (f) the laying, erection, alteration or repair of a sewer, pipe or apparatus for the supply of water, gas, electricity or telecommunications apparatus in or on adjacent land;
- (g) the maintenance, improvement or reconstruction of the bus lane;
- (h) whilst it is 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 adjacent premises

- 11 Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is an Incidence Response Vehicle used by Network Rail in an emergency.
- 12 Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is used by the Council's Homeline Service, or is an accessible vehicle on hire from Dial A Ride which displays an authorised bus lane user sticker
- 13 Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is a vehicle used in the event of an emergency by the Council's Civil Protection Unit.
- 14 Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if it is a doctor responding to an emergency call provided that the vehicle is displaying a green flashing light.
- 15 Article 6 does not apply to any vehicle specified in any length of roads in Schedule 1, 2 and 3 as bus lanes, bus gates and bus only roads, providing the vehicle is being used for a special event and authorisation for the vehicle or vehicles has been agreed in writing with the Council on the date, time and duration.
- 16 Article 6 does not apply to any vehicle in any length of road specified in Schedule 1 as a bus lane only for so long as may be necessary to enable a person to board or alight from the vehicle and for the loading and unloading of goods.
- 17 Article 6 does not apply to any vehicle in any length of road specified in Schedule 1 as a bus lane if it is necessary for the vehicle to enter or leave land or premises adjacent to the bus lane and to gain access to or egress from off-street loading or garaging premises adjacent to or accessible only from the bus lane.
- 18 Article 6 shall not apply to a vehicle to enter any bus lane specified in Schedule 1 if the vehicle enters the bus lane:

- (a) from a road which does not comprise the bus lane and forthwith leaves the bus lane through the gap in the single white line situated opposite and adjacent to the junction of that road with the bus lane, or if there is no such gap, at a point opposite that road;
- (b) from an adjacent part of the road through any gap in the single white line and forthwith enters a road which lies opposite that gap;

PART 5

Contraventions & Enforcement of Restrictions Imposed by This Order

- 19 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'.
- 20 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 on the person appearing to be the owner, keeper or driver of the vehicle.
- 21 If the vehicle owner, keeper or driver contravenes any prohibitions or provisions of this Order, a charge set by the Council pursuant to Regulations under Section 144 (3) of the Act of 2000 and in accordance with guidance given by the Relevant National Authority 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.
- 22 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 post.
- 23 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.
- 24 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/she

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 the PCN will be refunded in full as soon as is reasonably practicable.

PART 6 **Validity**

- 25 If a Court, the Department for Transport, the Bus Lane/National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid, or unenforceable, such declaration shall not invalidate the remainder of the Order.

PART 7 **Revocation**

- 26 The Orders listed in Schedule 4 are hereby revoked in their entirety.

THE COMMON SEAL of the
SWINDON BOROUGH COUNCIL
was hereunto affixed this
10th day of November 2021
in the presence of:

867124

A handwritten signature in black ink, appearing to be 'B. Patel'.

THE SWINDON BOROUGH COUNCIL
(BUS LANES, BUS GATES AND BUS ONLY ROADS) ORDER 2021

SCHEDULE 1 - LENGTHS OF ROAD RESERVED AS A BUS LANE

Name of Road	Direction of Travel	Length of Bus Lane	Days/Hours of Operation	Permitted Vehicles	Drawing Tile Reference
Fleming Way (West)	West	The nearside lane from a point approximately 43 metres west of the western kerbline of Islington Street to a point approximately 39 metres east of the eastern kerbline of Fleet Street	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 1
Fleming Way (East) 01	East	The nearside lane from a point approximately 64 metres west of the western kerbline of Medgbury Place to a point approximately 217 metres east of that kerbline.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 2
Fleming Way (East) 02	West	The nearside lane from a point approximately 235 metres east of the eastern kerbline of Medgbury Place to a point approximately 65 metres west of that kerbline.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 2

Name of Road	Direction of Travel	Length of Bus Lane	Days/Hours of Operation	Permitted Vehicles	Drawing Tile Reference
Holbrook Way	South West	The nearside lane from a point approximately 41 metres north east of the north eastern kerbline of Bridge Street to a point approximately 132 metres south west of that kerbline.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 1
Faringdon Road	West	The offside lane from a point approximately 11 metres west of the western kerbline of East Street to a point approximately 84 metres west of that kerbline.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 3
A4259 Queens Drive	Northwest	The nearside lane from a point approximately 106 metres south of the southern kerbline of Upham Road to a point approximately 126 metres east of its junction with the Magic Roundabout.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 4
A4311 Cricklade Road 01	South	55 metres north of northern kerbline of the northern arm of Grafton Road to a point approximately 51 metres south of the southern kerbline Okus Grove.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 6 & Plan 7

Name of Road	Direction of Travel	Length of Bus Lane	Days/Hours of Operation	Permitted Vehicles	Drawing Tile Reference
Penhill Drive	East	The nearside lane from a point approximately 40 metres east of the eastern kerbline of Inglesham Road to its junction with Cricklade Road.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 7
A4311 Cirencester Way 01	North	The nearside lane from a point approximately 165 metres south of the southern kerbline of Liddington Street to a point approximately 149 metres south of that junction.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 8
A4311 Cricklade Road 02	North	The nearside lane from a point approximately 120 metres south of the southern kerbline of Liddington Street to a point approximately 87 metres north of the northern kerbline of Chestnut Avenue.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 8
A4311 Cricklade Road 03	North	The nearside lane from its junction with Menham Close to its junction with Cirencester Way.	7 Days a week 24 hours of each day	Motorcycles Pedal Cycles	Plan 8

Name of Road	Direction of Travel	Length of Bus Lane	Days/Hours of Operation	Permitted Vehicles	Drawing Tile Reference
Regent Circus	East	From a point 31.4 metres east of the eastern kerbline of Commercial Road and Regent Circus for a distance of approximately 31 metres to the junction with Princes Street.	7 Days a week 7am to 7pm of each day.	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 9
Princes Street 02	North	The nearside lane from the junction with Regent Circus to a point 131metres north of the northern kerbline of Gordon Road.	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 9
Tewkesbury Way	East	The nearside lane from its junction with Mannington Lane to a point 68 metres west of Mannington Roundabout.	7 Days a week 24 hours of each day	Pedal Cycles	Plan 10
Penzance Drive	North East	The nearside lane from a point approximately 85 metres west of the section of Penzance Drive subject to a bus gate to the Penzance Dr bus gate.	7 Days a week 24 hours of each day	Pedal Cycles	Plan 11
Emlyn Square	South	The nearside lane from its junction with London Street to its junction with Faringdon Road.	7 Days a week 24 hours of each day	None	Plan 3

Name of Road	Direction of Travel	Length of Bus Lane	Days/Hours of Operation	Permitted Vehicles	Drawing Tile Reference
Highworth Road	East	From a point 40 metres north of the property boundary of Tranatore and Rulfcott for a distance of 218 metres in a southerly direction.	7 days a week 7am to 7pm	Motorcycles Pedal Cycles Taxis Authorised Vehicles	Plan 12
B4006 Pipers Way	East	From a point 285metres southwest of the signalised junction of Pipers Way (B4996) with Applebee Road to a point in line with the southern kerbline of the un-named access road on the western side of the same junction.	7 Days a week 24 hours of each day	None	Plan 13

SCHEDULE 2 - LENGTHS OF ROAD RESERVED AS BUS GATES

Name of Road	Direction of Travel	Length of Bus Gate	Hours of operation	Permitted Vehicles	Drawing Tile Reference
Torun Way	Both Directions	From the junction with Casterbridge Road to the junction of White Eagle Road, a distance of approx. 97 metres	7 days a week 24 Hours a day		Plan 14
Mazurek Way	Both Directions	From a point 20 metres west of the service yard access for a distance of approx. 36 metres in a westerly direction.	7 days a week 24 Hours a day	Pedal Cycles	Plan 15

Name of Road	Direction of Travel	Length of Bus Gate	Hours of operation	Permitted Vehicles	Drawing Tile Reference
Ermin Street	Both Directions	From its junction with Hobley Drive to a point 10 metres south east of that junction.	7 days a week 24 Hours a day	Pedal Cycles	Plan 16
Ferndale Road	Both Directions	From a point 45 metres east of its junction with Kitchener Street to a point 60 metres east of that junction.	7 days a week 24 Hours a day	Pedal Cycles	Plan 17
Upham Road	Both Directions	From a point 13 metres west of the junction to Queens Drive Service Road to a point 9 metres west of that junction.	7 days a week 24 hours a day		Plan 5
Polaris Way	Both Directions	From a point 70 metres south west of its junction with Cockleberry Roundabout in a south westerly direction to a point 127 metres east of its junction with North Star Avenue.	7 days a week 24 hours a day		Plan 18
Bristol Street	East	From its junction with Emlyn Square (west) to its junction with Emlyn Square (east)	7 days a week 24 hours a day	Pedal Cycles Taxis	Plan 3
Church Place (East and West Section)	East	Between its junction with Church Place (North and South Section) and a point 28 metres west of that junction.	7 days a week 24 hours a day	Pedal Cycles Taxis	Plan 19
Un-named link road between Chelmsford Road and Eastleaze Road	Both Directions	From its junction with Eastleaze Road to its junction with Chelmsford Road	7 days a week 24 hours a day		Plan 20

Name of Road	Direction of Travel	Length of Bus Gate	Hours of operation	Permitted Vehicles	Drawing Tile Reference
New College Drive	Both Directions	From its junction with Bilborough Drive to its junction with the exit road from New College.	7 days a week 24 hours a day	Pedal Cycles	Plan 21
Un-named Service Road to and from Asda Walmart	Both Directions	From a point 2 metres north of its roundabout junction with Lady Lane called 'Manor Farm' to a point 18 metres north of that point.	7 days a week 24 hours a day	Pedal Cycles	Plan 15
Un-named link road between Marlborough Road & Liden Drive	Both Directions	From its junction with Liden Drive to its junction with Marlborough Road (A4259)	7 days a week 24 hours a day		Plan 22
Marlborough Road (Hospital access road)	West	From its roundabout junction with Waterside Way to its junction with the Marlborough Road (Hospital access road)	7 days a week 24 hours a day		Plan 23
Un-named link road from Great Western Way to Mannington Lane	West	From Great Western Way at a point approximately 50 metres north of the Mannington Roundabout for a distance of 253 metres in a westerly direction	7 days a week 24 hours a day		Plan 10

Name of Road	Direction of Travel	Length of Bus Gate	Hours of operation	Permitted Vehicles	Drawing Tile Reference
Un-named link road from the junction with Mannington Lane to Tewkesbury Way	South East	From its junction with Mannington Lane in a south easterly direction to its junction with Tewkesbury Way.	7 days a week 24 hours a day		Plan 10
Penzance Drive	Both Directions	From the Penzance Bus Lane to the junction with Rodbourne Road.	7 days a week 24 hours a day	Pedal Cycles Taxis	Plan 11
East Wichel Way (01)	Both Directions	Between its junction with Croft Road (A4361) and Cornwood Road	7 days a week 24 Hours a day	Pedal Cycles	Plan 24
East Wichel Way (02)	Both Directions	Between its junction with Foxham Way and Arnhill Road / Barbrook Road	7 days a week 24 Hours a day	Pedal Cycles	Plan 25
Stratton Road	Both Directions	From its junction with Stratton Slip Road (to Swindon Road) to its junction with Greenbridge Retail Park Road.	7 days a week 24 Hours a day	Pedal Cycles	Plan 28
Penzance Drive	South	The eastern link road for a length of 16.5 metres to the junction with Wootton Bassett Road.	7 days a week 24 Hours a day	Taxis	Plan 29
Penzance Drive	North	The centre link road for a length of 20.5 metres from the junction with Wootton Bassett Road.	7 days a week 24 Hours a day		Plan 29

SCHEDULE 3 - LENGTHS OF ROAD RESERVED AS BUS ONLY ROAD

Name of Road	Direction of Travel	Length of Bus Only Road	Hours of Operation	Permitted Vehicles	Drawing Tile Reference
Marlborough Road	Northwest (offside lane)	From a point 90 metres southeast of its junction with the un-named link road to Liden Drive to its junction with that road.	7 days a week 24 hours a day		Plan 22
County Road	South	The offside lane from a point approximately 20 metres south of its junction with Elmina Road to its junction with Manchester Road.	7 Days a week 24 hours of each day	Pedal Cycles Taxis	Plan 26
Fleming Way 01	North	(East of Princes Street) from the westbound carriageway into Corporation Street in a northerly direction.	7 days a week 24 hours a day	Taxis	Plan 27
Fleming Way 02	South	(West of Princes Street) From the eastbound carriageway into Princes Street in a southerly direction.	7 days a week 24 hours a day	Taxis	Plan 27
Princes Street 03	West	(Junction with Fleming Way east) from the southbound carriageway into Fleming Way in a westerly direction.	7 days a week 24 hours a day	Taxis	Plan 27

Name of Road	Direction of Travel	Length of Bus Only Road	Hours of Operation	Permitted Vehicles	Drawing Tile Reference
A4311 Cirencester Way 02	South	The offside lane from a point approximately 85 metres south of its junction with Liddington Street for a distance of approximately 90 metres	7 days a week 24 hours a day		Plan 8
Pipers Way	East	The offside lane from a point 7 metres north west of the centre line of the south access of Wroughton Park and Ride, for a distance of 46 metres in a north westerly direction.	7 Days a week 24 hours of each day		Plan 30
Wootton Bassett Road	West	The offside lane approximately 126 metres west of the junction with Redpost Drive for a distance of 32 metres in a westerly direction.	7 Days a week 24 Hours a day		Plan 29