

**WIGAN BOROUGH COUNCIL**

**THE WIGAN BOROUGH (POTTERY ROAD/ WALLGATE, WIGAN)**

**(BUS LANE) ORDER 2006**

The Wigan Borough Council, in exercise of its powers under Section 1 of the Road Traffic Regulation Act 1984, hereby makes the following Order -

1. This Order may be cited as the Wigan Borough (Pottery Road/ Wallgate, Wigan) (Bus Lane) Order 2006 and will come into operation on 6<sup>th</sup> March 2006.
2. In this Order -

- (1) "bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 1994;

"bus lane" means any area of the carriageway which is bounded on one side by the kerbline of that road and where the kerbline is broken by the junction of that road with another road or an accessway, by the lane adjoining the said kerbline on either side of that junction, and on the other side by a road marking complying with diagram 1049 in the Schedule 6 to the Traffic Signs Regulations and General Directions 1994 (hereinafter referred to as the "white line") broken only by a gap opposite the junction of that road with another road or an accessway, by a crossing for foot passengers on the road in accordance with regulations made under Section 25 of the said Act of 1984, or by a street refuge;

"bus stop area" means any area of carriageway of a specified road, intended for the waiting of buses, which is comprised within and indicated by a road marking complying with diagram 1025.3 in Schedule 2 to the Traffic Signs Regulations and General Directions 1975;

"cycle" has the meaning that it has for the purposes of Section 192(1) of the Road Traffic Act 1988

"disabled person's badge" means either

- (i) in the case of a badge issued before 1<sup>st</sup> April, 2000 a badge in the form prescribed by Regulation 4 of The Disabled Persons (Badges for Motor Vehicles) Regulations 1982; or
- (ii) in the case of a badge issued on or after 1<sup>st</sup> April, 2000 a badge in the form prescribed by Regulation 11 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000; or
- (iii) a replacement badge issued in accordance with Regulation 7 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000

"hackney carriage" has the same meaning as in Section 38 of the Town Police Clauses Act 1847

"parking disc" means a device which

- (a) is 125 millimetres square and coloured blue, if issued on or after 1<sup>st</sup> April 2000 or orange, if issued before that date;
- (b) has been issued by a Local Authority and has not ceased to be valid;  
and
- (c) is capable of showing the quarter-hour period during which a period of waiting has begun

"relevant position" means a device which

- (i) a vehicle displays a disabled person's badge in the relevant position if:-
  - (a) the badge is exhibited on the dashboard or fascia of the vehicle, or
  - (b) where the vehicle is not fitted with a dashboard or fascia the badge is exhibited in a conspicuous position on the vehicle,so that the front of the badge is clearly legible from the outside of the vehicle

- (ii) A vehicle displays a parking disc in the relevant position if:-
  - (a) the disc is exhibited on the dashboard or fascia of the vehicle; or
  - (b) where the vehicle does not have a dashboard or fascia, the disc is exhibited in a conspicuous position on the vehicle;so that, when marked to show the quarter-hour period during which a period of waiting began, that period is clearly legible from the outside of the vehicle

"specified" means specified in the Schedule to this Order

- (2) A reference in this Order to a numbered Article is a reference to the Article having that number in this Order.
  - (3) The Interpretation Act 1978 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
3. No person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Traffic Warden, cause or permit any vehicle, other than a bus, cycle or hackney carriage to proceed westbound in the bus lane on Wallgate, Wigan from its junction with Queen Street to its junction with Pottery Road between the hours of 7.00 am and 7.00 pm on any Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
4. (1) No person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Traffic Warden cause or permit a vehicle other than a bus, cycle or hackney carriage to enter, proceed or to wait in the bus lane otherwise than for the purposes of crossing it.
- (2) It shall not be unlawful for any person to cause or permit any vehicle to enter or proceed in the bus lane if such entry or proceedings is reasonably necessary to enable the vehicle to be used for any of the following purposes:-

- (a) the removal of any obstruction to traffic;
- (b) police, fire brigade or ambulance purposes;
- (c) in the service of any Local Authority or Water Authority in pursuance of statutory powers or duties, or in connection with the supply of gas or electricity or telecommunications apparatus as defined in the Telecommunications Act 1984;
- (d) the avoidance of an accident;
- (e) the gaining of access to or egress from off street loading or garaging premises adjacent to or accessible only for the bus lane;
- (f) subject to the provisions of any other order, loading or unloading at a premises adjacent to or accessible only from the bus lane if such loading or unloading can be reasonably carried out only from the bus lane;
- (g) boarding or alighting from the vehicle if such boarding or alighting does not cause the vehicle to wait in the same place for more than two minutes;
- (h) boarding or alighting of any disabled person from a disabled person's vehicle on which a disabled person's badge is being displayed in the relevant position.

5. The Wigan Borough (Pottery Road, Wigan) (Bus Lane) Order 2003 shall be hereby amended by deleting Article 3 to that Order and inserting the following:-

"no person shall, except upon the direction or with the permission of a Police Constable in uniform or of a Traffic Warden, cause or permit a vehicle, other than a bus, cycle or hackney carriage to proceed in the bus lane on the westbound carriageway of Pottery Road, Wigan from its easterly junction with Wallgate to a point 50 metres east of Melverley Street between the hours of 7.00 am and 7.00 pm on Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

DATED this 9th day of February 2006.

EXECUTED as a DEED by affixing THE COMMON SEAL of WIGAN BOROUGH COUNCIL in the presence of:

Director of Legal and Property Services and Solicitor to the Council



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