

**THE YORK (STATION AVENUE/  
LENDAL BRIDGE/MUSEUM STREET)**

**(LOCAL BUS PRIORITY)**

**(EXPERIMENTAL)**

**TRAFFIC ORDER 2013**

**THE YORK (STATION AVENUE/LENDAL BRIDGE/MUSEUM STREET) (LOCAL  
BUS PRIORITY) (EXPERIMENTAL) TRAFFIC ORDER 2013**

City of York Council, (the Council), in exercise of powers under Sections 9, 10 and Schedule 9 of the Road Traffic Regulation Act 1984 (the Act) and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Schedule 9 of the Act and being satisfied that for avoiding danger or the likelihood of danger arising to persons or other traffic using the roads to which this Order relates where access for a class of vehicle is prohibited for more than eight hours in twenty four it is requisite that Section 3(1)(b) of the Act should not apply to the Order, hereby makes the following Order:

**PART I - GENERAL**

**CITATION**

1. This Order may be cited as The York (Station Avenue/Lendal Bridge/Museum Street) (Local Bus Priority) (Experimental) Traffic Order 2013 and shall come into effect on the 27<sup>th</sup> day of August 2013 and expire on the 26<sup>th</sup> day of February 2015.

**INTERPRETATION**

2. (1) (a) The Interpretation Act 1978 shall apply to this Order as it applies to an Act of Parliament.
  - (b) Where a provision of this Order is in conflict with a provision contained in a previous order the provision of this Order shall prevail.
  - (c) The headings and indices to this Order, other than those headings to the Schedules which are not enclosed in brackets, are included for reference only and do not form part of this Order.
  - (d) Where a Statute, Statutory Instrument, Specification, Regulations or Order is referred to such reference shall include an amendment or replacement thereof.
  - (e) All sums of money mentioned in this Order are inclusive of Value Added Tax.

(2) In this Order:

"**Access Period**" has the same meaning as in Article 3(2) wherever it appears.

"**Approved device**" has the same meaning as in Article 2 of "The Bus Lanes (Approved Devices) (England) Order 2005.

"**Approved local authority**" has the same meaning as in Section 144(3) of the Transport Act 2000.

"**1984 Act**" means the Road Traffic Regulation Act 1984.

"**2000 Act**" means the Transport Act 2000.

"**2004 Act**" means the Traffic Management Act 2004.

"**Article**" means an article of this Order unless otherwise stated and includes reference to any Paragraph of that Article referred to by number or letter.

"**Builder's Skip**" has the same meaning as in Section 139(11), Highways Act 1980.

**"building or industrial operation"** means a function or activity necessitating the use of a stationary or moving vehicle as an integral part of the operation.

**"Bus"** means:

- (a) a Motor Vehicle constructed or adapted to carry more than 8 seated passengers (exclusive of the driver)  
and
- (b) a Local Bus not so constructed or adapted

**"Bus Lane" and "Local Bus Lane"** mean a road, carriageway, part of a road or carriageway within the Civil Enforcement Area defined in Article 2(2) and the said road, carriageway or part of a road or carriageway being a "Bus Lane" or "Local Bus Lane" authorised and operated within the terms of Article 3 and the Second Schedule provided there are in place on or near that lane traffic signs and road markings that accord with the 'Regulations' or accord with an authorisation given by the Secretary of State for Transport indicating the permitted use of that lane as a "Bus Lane" or, where the buses permitted to use that lane are classified as local buses albeit other classes of vehicle may be authorised to use such lane, a "Local Bus Lane".

**"Bus Lane Regulations"** means "The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005".

**"carriageway"** means that part of a road over which the public have a right of way for the passage of Motor Vehicles.

**"Charge Certificate"** has the same meaning as in Regulation 32 of the Bus Lane Regulations.

**"Civil Enforcement Area"** means the area designated by the Secretary of State, in exercise of powers under Paragraphs 1(1) and 2(1) of Schedule 3 to the Road Traffic Act, 1991, as a Permitted Parking Area and as a Special Parking Area under Article 4 of The Road Traffic (Permitted Parking Area and Special Parking Area) (District of York) Order 2000 (Order of 2000) and, by virtue of Article 3 of that Order, comprises the whole of the District of York excluding the following roads:

- (a) the A64 trunk road for the whole of its length in the District including all its on and off slip roads apart from the off slip road at Copmanthorpe leading to Top Lane, Copmanthorpe at Top Lane junction; and
  - (b) the A1237 road for the whole of its length;
- that parking area, on and after the 31<sup>st</sup> day of March 2008, being designated a "Civil Enforcement Area" by virtue of the Order of 2000 being deemed to have been made under Paragraph 8(1) of Part 2 of Schedule 8 to the 2004 Act by virtue of Paragraph 8(4) of that Schedule.

**"Civil Enforcement Officer"** has the same meaning as in Section 76 of the 2004 Act and such officer's appointment, powers, duties and mode of dress shall accord with the said Section 76.

**"Column"** means a column in the Schedule or Part of the Schedule referred to or last referred to.

**"Council"** means City of York Council.

**"Dial a Ride Service"** means a service being operated by or on behalf of City of York Council to convey residents having mobility difficulties between their respective homes and York City Centre, major supermarkets and local shops by means of buses specially equipped to meet the needs in terms of seating/walking aids/wheelchairs for those being conveyed.

**"Disabled Person"** means a disabled person of a description prescribed by Regulation 5 of the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.

**"Disabled Person's Badge"** has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) Regulations 1982.

**"Disabled Person's Vehicle"** has the same meaning as in the Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England and Wales) Regulations 1986.

**"display", "displaying", "displays" or "displayed"** means in relation to:

- (a) a Disabled Person's Badge issued:
  - (i) in the case of a Vehicle fitted with a dashboard or fascia panel, that it is exhibited thereon so that Part I of the badge is legible from outside the Vehicle;
  - or
  - (ii) in the case of a Vehicle not fitted with a dashboard or fascia panel, that it is exhibited in a conspicuous position on the Vehicle so that Part I of the badge is legible from outside the Vehicle;
- (b) a Parking Disc, that it is exhibited on the Vehicle with the side showing the time facing forwards or outwards and immediately behind the windscreen or on the side window nearest the kerb;
- (c) a Permit (other than a Market Access Permit) or ticket obtained under Article 9, that it is exhibited on the front windscreen or on the side window nearest the kerb or in a conspicuous position on the dashboard so that the particulars entered upon it are clearly visible from outside the Vehicle.

**"excursion or tour"** means a service for the carriage of passengers by road at separate fares on which the passengers travel together on a journey with or without breaks, from one or more places to one or more other places and back;

**"Exemption"** means a class of Vehicle or purpose for which a Vehicle may, subject to Article 3, proceed in a road, that Exemption being set out in Column 2 of the First Schedule and identifiable for the purposes of any provision of this Order by the letter or number set against that Exemption in Column 1.

**"goods"** means goods or burden of such weight or bulk that they cannot reasonably be conveyed otherwise than by means of a Vehicle.

**"Hackney Carriage"** has the same meaning as in the Town Police Clauses Act 1847.

**"Head of Network Management"** means an Officer for the time being appointed to that post by the Council.

**"Highway Authority"**, for highways within the District of York except that highway being the 'A64 trunk road', means City of York Council";

**"industrial"** means major repairs or maintenance of buildings and fixed plant.

**"Invalid Carriage"** means a mechanically propelled Vehicle not being a Specialist Vehicle the weight of which unladen does not exceed 254 kgs and which is specially designed and constructed, and not merely adapted, for the use of a person suffering from severe physical defect or disability and which is used solely for such a person.

**"length"** referring to a road means a length of road described in a Schedule.

**"Local Bus"** means a Public Service Vehicle used for the provision of a local service not being an excursion or tour and for the purposes of this Order includes a Long Distance Carrier, a School Person Carrier and, additionally, a Work Person Carrier when displaying a Valid Permit in accordance with Article 6 the Fourth Schedule.

**"local service"** has the same meaning as in the Transport Act 1985.

**"Long Distance Carrier"** means a Bus which is proceeding in a Bus Lane within the City of York and which is being operated to provide a timetabled long distance service for the carriage of passengers at separate fares which is not a local service, excursion or tour. A service shall not be regarded for the purposes of this Order as a long distance service if:

- (i) the conditions set out in Part III of Schedule 1 to the Public Passenger Vehicles Act 1981 are met in respect of the journey made by the Bus in providing the service: or
- (ii) the Bus used in providing the service is so used under a Permit granted under Section 19 of the Transport Act 1985.

Subsections (5) (b), (c) and (6) of Section 1 to the Public Passenger Vehicles Act 1981 shall apply for the purposes of this definition.

**"m"**, when used in conjunction with and to qualify a number means metres.

**"main carriageway"** means a carriageway used primarily by through traffic but excludes a lay-by.

**"marked"** or **"markings"** when used in relation to road markings means a line or marking laid out in accordance with the relevant diagrams in Schedule 6 of the Regulations.

**"maximum gross weight"** has the same meaning as in the Road Vehicles (Construction and Use) Regulations 1986.

**"Medical Practitioner"** means a qualified and practising doctor, nurse or midwife.

**"Medical Requirements"** means use by a medical practitioner when visiting premises on or adjacent to that road or Parking Place in connection with that medical practitioner's duties provided that the Vehicle displays a badge under the British Medical Association's Car Badge Scheme or such badge as is approved by the Council for the purposes of this Order.

**"Mn"** means midnight.

**"Motor Car"**, means a mechanically propelled vehicle, not being a motor cycle or an invalid carriage, which is constructed itself to carry a load or passengers and the weight of which unladen –

- (a) if it is constructed solely for the carriage of passengers and their effects, is adapted to carry not more than seven passengers exclusive of the driver and is fitted with tyres of such type as may be specified in regulations made by the Secretary of State, does not exceed 3050 kilograms,
- (b) if it is constructed or adapted for use for the conveyance of goods or burden of any description, does not exceed 3050 kilograms, or 3500 kilograms if the vehicle carries a container or containers for holding for the purposes of its propulsion any fuel which is wholly gaseous at 17.5 degrees Celsius under a pressure of 1.013 bar or plant and materials for producing such fuel,
- (c) does not exceed 2540 kilograms in a case not falling within sub-paragraph (a) or (b) above.

**"Motor Vehicle"** means, subject to section 20 of the Chronically Sick and Disabled Persons Act 1970 (which makes special provision about invalid carriages, within the meaning of that Act), a mechanically propelled vehicle intended or adapted for use on roads.

**"No", "No's"** when used in conjunction with a figure or combination of figures to identify the address of property or premises, means number.

**"Non-motorised Vehicle"** means a Pedal Cycle which is either stationary or being pushed and a Vehicle which is propelled by the physical effort of a person not carried by it such Vehicle being constructed and not merely adapted to be so propelled.

**"number plate recognition system"** means a device capable of automatically activating apparatus installed to regulate highway usage such device being uniquely and electronically identifiable to a detection system forming part of that apparatus.

**"Officer"** means an officer of the Council duly authorised for any purpose.

**"Owner"** in relation to a Vehicle means the person by whom that Vehicle is kept or used and includes the person or undertaking in whose name the Vehicle is registered as the Keeper with the Department of Transport's Driver and Vehicle Licensing Authority.

**"Paragraph"** means a paragraph or sub-paragraph of the Article in which the word appears.

**"Part"** means a part of the Schedule referred to or last referred to.

**"Pedal Cycle"** means a Vehicle which is not constructed or adapted to be propelled by mechanical power and which is equipped with pedals, including an electrically assisted pedal cycle prescribed for the purposes of Section 189 of the Road Traffic Act 1988 and Section 140 of the Act.

**"Penalty Charge"** means a Penalty Charge set by the Enforcement Authority in accordance with Regulation 4(2) of the Bus Lane Regulations and in accordance with the Secretary of State's Guidance on Bus Lane (including tramway) Enforcement in England outside London 2005 (as amended in 2008) made in exercise of the power conferred by Section 144 of the 2000 Act that charge being a charge appropriate to the contravention as set out in the Third Schedule to this Order and payable in accordance with Regulation 5 of the Bus Lane Regulations.

**"Penalty Charge Notice"** has the meaning given by Regulation 8(1) of the Bus Lane Regulations.

**"Permit"** means a Permit issued under Articles 6 and 7 and the Fourth Schedule and includes a Permit which has become invalid or is used in circumstances in which it is invalid.

**"Permit Holder"** means a person to whom a Permit has been issued until such time as that Permit is surrendered to the Council or expires.

**"prescribed sign"** means a sign which is of a type shown in schedule 21A of the Road Vehicles Lighting Regulations 1989 and complies with the requirements of that Schedule;

**"Public Service Vehicle"** has the same meaning as in the Public Passenger Vehicles Act, 1981.

**"Regulations"** means the Traffic Signs Regulations and General Directions 2002 or any replacement thereof.

**"road"** means any highway and any other road to which the public has access and includes bridges over which a road passes and, when referring to any authorisation, prohibition, restriction or Exemption in a specific road, length of road or side of road as described in the Order, shall be construed as meaning that road or length or side of road.

**"said junction"** and **"said line"** means the junction or line last referred to.

**"Schedule"** means a schedule of this Order unless otherwise stated.

**"school"** has the meaning given by Section 114 of the Education Act 1944.

**"School-person Carrier"** means a Bus which is not being used to provide an excursion or tour and is proceeding in a Bus Lane within the City of York to convey persons:

- (i) to, or to a place within the vicinity of, their school on a day during term time before they have attended the school on that day; or
- (ii) from, or from a place within the vicinity of, their school on a day during term time after they have finished attending school on that day and

in either case, a prescribed sign is fitted to the front of the bus so as to be plainly visible to road users ahead of the bus and a prescribed sign is fitted to the rear of the bus so as to be plainly visible to road users behind the Bus except that the requirement to fit such signs shall not apply where a Bus is on a Bus service of a description specified in paragraph 2 of the Schedule to the Fuel Duty Grant (Eligible Bus Services) Regulations 1985.

**"Security Carrier"** means a Vehicle designed or adapted for the conveyance of bullion, cash consignments and securities.

**"Servicing Period"** has the same meaning as in Article 3(2) wherever it appears.

**"Skip Licence"** means a permission in writing signed by an Officer authorising the deposit of a Builder's Skip on a highway and incorporating conditions as to its delivery, placement or collection in accordance with Section 139(2) of the Highways Act 1980.

**"Solo Motor Cycle"** means a Motor Cycle with not more than two wheels.

**"Specialist Vehicle"** means a Vehicle not being a Pedal Cycle:

- (a) which is propelled by the physical effort of a person carried by it;  
or
- (b) which is an invalid carriage within the meaning of The Use of Invalid Carriages on Highways Regulations 1988 and used within the terms of those regulations.

**"Taxi"**, for the purposes of this Order, means a Hackney Carriage in respect of which a licence has been issued pursuant to the provisions of the Town Police Clauses Acts 1847 and 1889 and any Private Hire Vehicle in respect of which a licence has been issued pursuant to the provisions of the Local Government (Miscellaneous Provisions) Act 1976.

**"traffic sign"** means a sign prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act.

**"Traffic Signs Regulations"** means the Traffic Signs Regulations and General Directions 2002 or any replacement thereof.

**"universal service provider"** has the same meaning as in the Postal Services Act 2000.

**"Valid Permit"** means a Permit which has not become invalid and is not being used in circumstances where it is not valid.

**"vehicle"** means a carriage or conveyance including a caravan or trailer in or on which persons or goods are transported and includes a Motor Vehicle.

**"verge"** means any part of a road which is not a carriageway, footway or lay-by.

**"Work-person Carrier"** means a Bus which is not being used to provide an excursion or tour and is proceeding in a Bus Lane within the City of York to convey persons:

- (i) to, or to a place within the vicinity of, their place of employment on a day when those persons are required to work within the terms of their employment before they have attended the place of employment on that day, or
  - (ii) from, or from a place within the vicinity of, their place of employment on a day when those persons are required to work within the terms of their employment after they have finished attending the place of employment on that day; and,
- in either case, a Bus Lane Permit issued by the Council is displayed on the Bus.

**"Works"** means:

- (a) the removal of an obstruction to traffic;
- (b) a building or industrial operation;
- (c) a demolition or excavation in or adjacent to that road or Parking Place;
- (d) the maintenance, improvement or reconstruction of that or an adjacent road or Parking Place;
- (e) the laying, erection, alteration, removal, repair or maintenance in or adjacent to that road or Parking Place of a road, Traffic Sign, telecommunication apparatus within the meaning of Schedule 2 of the Telecommunications Act 1984, sewer, main, pipe or apparatus for the supply of gas, water or electricity.

## **PART II - DRIVING RESTRICTIONS**

### **LOCAL BUS LANE - ACCESS**

3. (1) Except as provided at paragraph's (3) and (4) a person shall not cause or permit a Vehicle to proceed between 10.30 am and 5 pm on any day in a road set out in Column 1 of Part I of the Second Schedule on the days set out in Column 2 during the periods set out in Column 3 unless that Vehicle:
- (a) comes within an Exemption the designation of which is set out in Column 2 against that road;
  - Or
  - (b) displays a Valid Permit.
- (2) Except as provided at paragraphs (3) and (4) a person shall not cause or permit a vehicle to proceed between 10.30am and 5pm on any day in a road designated a Local Bus Lane in Column 1 of part II of the Second Schedule unless that vehicle:
- (a) comes within an Exemption the designation of which is set out in Column 2 against that road;
  - or
  - (b) displays a Valid Permit.



- (3) Nothing in this Article shall render it unlawful for a person to cause or permit a Specialist Vehicle or Non-motorised Vehicle to cross a carriageway by the most direct route.
- (4) Nothing in this Article shall render it unlawful for a vehicle to proceed on a road when that road forms, or forms part of, an alternative route for vehicles diverted from another road where that vehicle is prohibited from proceeding in that other road within the terms of a Notice or Order under Section 14, 15, 16A or 16B or an Order under Section 21 Town Police Clauses Act 1847.
- (5) “Local Bus” and “Local Bus Lane” are defined in Article 2(2).

### **SUSPENSION OF DRIVING RESTRICTIONS**

5. (1) Subject to paragraph (2) the Council’s Officer having responsibility for the regulation of traffic, may, on any day or part of a day, suspend any prohibition or restriction on vehicles proceeding in any road where it appears to the said Officer that such prohibition or restriction would, if not suspended, cause unnecessary inconvenience to a class or classes of road user on the occasion of any public celebration, ceremony, festival, function, event or other public occasion taking place on or adjacent to that road.
- (2) In suspending any prohibition or restriction under paragraph (1) the Council’s Officer having responsibility for the regulation of traffic shall, not less than 7 days before such suspension comes into effect:
  - (a) publish a ‘Notice of Suspension’ containing particulars as to:
    - (i) the reason for the suspension,
    - (ii) the date and times between which the suspension will be effected,
    - (iii) the nature of the prohibition or restriction being suspended,
    - (iv) the road affected by the suspension, and
  - (b) cause copies of the aforesaid Notice of Suspension to be displayed in a road affected by the suspension and ensure that persons or organisations likely to be affected by that suspension are notified accordingly.

### **PART III – PERMITS**

#### **ISSUE**

6. (1) The Council shall subject to Articles 7, 9(3) and 10 issue Permits of the type set out in Column 1 of the Fourth Schedule to the persons set out in Column 2 and such Permits shall be Valid Permits subject to Paragraph (2) and Article 7 when displayed:
  - (i) if the Permit is issued in respect of a particular vehicle, on that vehicle;
  - (ii) otherwise on a vehicle of a class permitted by Article 3;
- (2) A Permit shall be in writing and shall include such particulars and be of such design as the Council may from time to time consider desirable;
- (3) “Permit” is defined in Article 2(2).

#### **APPLICATIONS**

7. (1) A person entitled to a Permit under Article 6 and the Fourth Schedule may apply to the Council for the issue of a Permit and such application shall be made in such form and include such particulars and information as may be required by the Council.
- (2) The Council may at any time require an applicant for a Permit to produce to an Officer such evidence in respect of an application for a Permit as may reasonably be required to verify any particulars or information given and, pending receipt of such information and approval or rejection of the application, may issue a Temporary Permit of such nature

and duration as the Officer shall consider fit and such Temporary Permit is, subject to Article 8, a Valid Permit until it is withdrawn or expires.

- (3) The Council, upon being satisfied that the applicant is a person entitled to a Permit shall, subject to Paragraph (4) and Article 9 (3) issue to the applicant a Permit which shall be valid for such period as the Council may determine.
- (4) The Council has no obligation to issue a Permit until the charge specified in Column 2 of the Fifth Schedule has been paid.
- (5) The Council may at any time require the holder of a Permit issued under Article 6 to produce such evidence as may reasonably be required to determine that person's entitlement to hold a Permit.

### **VALIDITY**

8. (1) A Permit shall cease to be valid:
  - (a) if the Permit Holder is no longer qualified under Article 6 and the Second Schedule;
  - (b) if it is issued in respect of a particular vehicle upon the Permit Holder ceasing to be the Owner of that vehicle;
  - (c) upon its expiry;
  - (d) if the applicant fails to provide information requested under Article 7(1) or (2) within a reasonable time and the Council has given notice in accordance with Article 7(2);
  - (e) in the case of a Temporary Permit if the Council rejects the application which forms the basis for the grant of the Temporary Permit;
  - (f) upon service by the Council of a notice under Article 9(2);  
or
  - (g) upon the issue of a duplicate Permit under Article 10.
- (2) A Permit is not valid:
  - (a) where it is issued in respect of a particular Vehicle and the Permit is displayed on another vehicle;
  - (b) when displayed or available under Article 6(2) other than in the circumstances set out in Column 3 of the Fourth Schedule; or
  - (c) if it has not come into effect.

### **WITHDRAWAL**

9. (1) A Permit Holder may surrender a Permit to the Council at any time and shall do so that it is received within 72 hours of the occurrence of any one of the events set out in Article 8(1)(a)(b)(e) or (f) and, unless the Permit has been lost or destroyed, (g);
- (2) The Council may, by notice in writing served on the Permit Holder by sending the same by recorded delivery service or by delivering the same by hand to the Permit Holder at the address shown on the Permit Holder's application for the Permit or at any other address believed to be that person's place of abode, withdraw a Permit and state a

period to be determined by the Council, for the purpose of Paragraph (3), during which the Council shall be under no obligation to issue a further Permit to that Permit Holder if it or any Officer believes that:

- (a) the Permit Holder is no longer qualified under Article 6 and the Fourth Schedule;
- (b) the applicant has failed to provide information requested under Article 7(1) or (2);
- (c) the Permit was issued on the basis of false information;
- (d) the Permit Holder has used or permitted the use of a Permit in circumstances where it was not a Valid Permit;
- or
- (e) the Permit has ceased to be valid

and in such cases the Permit Holder shall return the Permit so that it is received by the Council within 72 hours of the receipt of the aforementioned notice.

- (3) If the Council withdraws a Permit under Paragraph (2)(c) or (d) the Council shall be under no obligation to issue any further Permit to that Permit Holder for such period as may be stated in the notice given in accordance with Paragraph (2).

### **DUPLICATE PERMITS**

- 10. (1) If a Permit is mutilated or defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise, the Permit Holder shall surrender it to the Council and the Council, upon receipt of the Local Bus Lane Permit, shall issue a duplicate Permit marked "Duplicate" upon payment of the charge specified in Column 2 of the Fifth Schedule.
- (2) If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue of a duplicate and the Council upon being satisfied as to the loss or destruction shall, upon payment of the charge specified in Column 2 of the Fifth Schedule issue a duplicate Permit marked "Duplicate".
- (3) The provisions of this Order shall apply to a duplicate Permit and an application therefore as if it were a Permit or an application therefore.

### **PART IV – PENALTY CHARGES**

#### **PENALTY CHARGE AND PAYMENT**

- 11. (1) Subject to Paragraph 2, where a vehicle proceeds in a Local Bus Lane identified in Column 1 of the Second Schedule in contravention of the provisions of this Order insofar as it relates to a vehicle proceeding in that Local Bus Lane, that contravention being enforceable on the basis of a record produced by an approved device by the Enforcement Authority by virtue of Regulation 3 of the Bus Lane Regulations, a Penalty Charge as specified in Column 1 of the Table of the Third Schedule to this Order shall be payable by the owner of that vehicle.
- (2) Where, in the case of a vehicle in respect of which a Penalty Charge is payable under Regulation 3 of the Bus Lane Regulations, a Penalty Charge Notice has been served by or on behalf of the Enforcement Authority in accordance with Regulation 8 of those Regulations then, provided that the Penalty Charge has been paid within 14 days of the service of that Penalty Charge Notice, the Penalty Charge shall be that specified in Column 2 of the Table in the Third Schedule to this Order;

- (3) Where a Penalty Charge Notice has been served in accordance with Paragraph 2 and no representations or payment of that Penalty Charge has been received by or on behalf of the Enforcement Authority within 28 days following service of that Penalty Charge Notice then the Enforcement Authority may serve a Charge Certificate on the owner of the vehicle in accordance with Regulation 8 of the Bus Lane Regulations and at the time of service of that Charge Certificate the Penalty Charge shall be that specified in Column 3 of the Table in the Third Schedule;
- (4) The Penalty Charges referred to at Paragraphs (1), (2) and (3) may be varied in accordance with the scale of charges set out in the Third Schedule, any such variation being determined by procedural provisions of the Bus Lane Regulations and the Secretary of State's Guidance on Bus lane (including tramway) Enforcement in England outside London 2005 (as amended in 2008).

#### **PART V – AMENDMENTS**

12. The York Traffic Management Order 2011 is amended by the deletion of the entries in:

- (a) Columns 1, 2, 3 and 4 of Part II of the First Schedule against the road YORK – “LENDAL BRIDGE” and “MUSEUM STREET” in Column 1 and the substitution to the respective Column of the entries set out in the Sixth Schedule to this Order.
- (b) Column 1, 2 and 3 of Part IV of the First Schedule against the roads YORK - “LENDAL” and “MUSEUM STREET” in Column 1.

#### **APPEALS**

13. Any person aggrieved by:

- (a) the refusal of the Council to issue a Permit;
- (b) the withdrawal of a Permit under Article 9(2);  
or
- (c) any period stated under Article 9(3)  
shall have a right to appeal to a Sub-committee of the Council set up for that purpose which shall have power to confirm any action taken or substitute its own decision in accordance with the provisions of this Order.

#### **PART VI - REVOCATIONS**

#### **REVOCATIONS**

14. A Permit issued under any provision of an Order revoked by this Order shall remain valid for the period for which it was issued but shall be subject to the provisions of this Order.

**FIRST SCHEDULE**

**(DRIVING RESTRICTIONS)**

**(EXEMPTIONS TO DRIVING RESTRICTIONS)**

(Articles 3 and 7)

Column 1  
(Designation)

Column 2  
(Exemption)

1. A Vehicle proceeding upon the direction or with the permission of a police constable in uniform or a traffic warden or proceeding with the permission of the Council's Head of Network Management or a person authorised to grant such permission on behalf of the Council's Head of Network Management.
2. A Vehicle being used for Works or in accordance with the conditions of a Skip Licence.
3. A Vehicle being used in the service of a local authority, water authority or statutory undertaker in the exercise of statutory powers or duties.
4. A Pedal Cycle
5. A marked motor vehicle being used by a universal service provider proceeding between 11am and 4pm for the collection of postal packets in the course of the provision of a universal postal service.
6. A Local Bus.
7. A Vehicle being used for fire brigade, ambulance or police purposes in an emergency.
8. A Taxi.
9. A School-person Carrier.
10. A Work-person Carrier when displaying a Valid Permit issued under Article 6 and the Fourth Schedule.
11. A Long Distance Carrier.
12. A Network Rail Incident Response Vehicle suitably marked and readily identifiable as such responding to an accident or incident within the railway network which has caused the cessation of rail traffic movement in any length of rail track at or in proximity to the location of the said accident or incident.
13. A bus being operated by or on behalf of City of York Council within the terms and conditions of the 'Dial a Ride Service' and within the terms and conditions of a Permit issued under Section 19, Transport Act 1984 in respect of the conveyance of disabled persons and on which is displayed a Disabled Persons Badge.

Column 1

Column 2

(Designation)

(Exemption)

A B or 2	14.	A Vehicle being used for fire brigade, ambulance or police purposes.
	15.	A Vehicle being used: (a) in connection with the delivery or collection of goods to or from premises; Or (b) where necessary, for horticulture or silviculture on or adjacent to that road provided that such Vehicle is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus.
	16.	A Vehicle being used for going on to or coming off land or premises not forming part of the highway and only accessible by proceeding on that road provided that such Vehicle: (i) is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus; or (ii) except for the purpose specified at Column 2 of designation 15 and is not a Heavy Goods Vehicle.
F or G or	17.	A Vehicle being used in connection with Medical Requirements.
F or G or	18.	A Vehicle being used at premises situate on or adjacent to that road in connection with a wedding or funeral provided such Vehicle is not a Heavy Goods Vehicle, is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus.
	19.	A Specialist Vehicle or Non-motorised Vehicle proceeding during a Pedestrian Period
E or	20.	A Vehicle constructed or adapted to carry more than 16 seated passengers excluding the driver: (1) in connection with the conveyance of: (i) persons to or from a theatrical performance at the Theatre Royal in St Leonard's Place. (2) In connection with the conveyance of persons being part of the same group of persons to or from a hotel where those persons have pre-booked residential accommodation and to which that Vehicle cannot gain access without proceeding on that road.
H or	21.	A Vehicle on which is displayed a Disabled Person's Badge which is being used in connection with the conveyance of a Disabled Person to or from premises on or adjacent to that road provided such Vehicle is not a Heavy Goods Vehicle, is not constructed or adapted to carry more than 16 seated passengers excluding the driver and, notwithstanding its seating capacity, it is not a Local Bus.

**SECOND SCHEDULE**

**PART**

(Article 3(1))

Column 1

(Parish and Road)

**EXHIBITION SQUARE  
MUSEUM STREET  
BETWEEN ITS JUNCTIONS  
WITH BLAKE STREET  
AND LENDAL  
ST. LEONARD'S PLACE**

Column 2

(Exemption Applicable)

1 to 21 inclusive  
1 to 21 inclusive

1 to 21 inclusive

**PART II**

**LOCAL BUS LANE**

(Article 3(2))

Column 1

(Parish and Road)

**YORK  
LENDAL BRIDGE/MUSEUM STREET  
BETWEEN THE JUNCTIONS OF LENDAL  
BRIDGE WITH ROUGIER STREET AND  
MUSEUM STREET WITH LENDAL**

A Local Bus Lane comprising the whole length and width of the carriageway.

Column 2

(Exemptions Applicable)

1 to 13 inclusive

**STATION AVENUE**

A Local Bus Lane comprising the north easterly bound traffic lane between its junctions with Station Rise and Lendal Bridge

1 to 13 inclusive

**THIRD SCHEDULE**  
**(PENALTY CHARGE)**

**(Articles 2(2) and 11)**

Penalty Charge for a Local Bus Lane contravention hereinafter referred to as a Penalty Charge is specified in Column (1) of the Table;

The Penalty Charge when paid within 14 days of service of the Penalty Charge Notice in the case of a Penalty Charge imposed on the basis of a record produced by an approved device is that specified in Column (2) of the Table.

The Penalty Charge after a Charge Certificate has been served is that specified in Column 3 of the Table.

**TABLE**

1	2	3
Penalty Charge	Penalty Charge paid within 14 days of service of Penalty Charge Notice	Penalty Charge paid after service of Charge Certificate
£60	£30	£90

**FOURTH SCHEDULE**

**PERMITS**

**(Article 6)**

Column 1

Column 2

Column 3

Type

(Persons Entitled)

(Circumstances where Permit Valid)

**BUS LANE PERMIT**

A person or undertaking operating a Bus as a Work-person Carrier

The Permit is displayed on a Bus proceeding in a Bus Lane or Local Bus Lane within the Council's area of jurisdiction.

**FIFTH SCHEDULE**

**(CHARGES FOR PERMITS)**

**(Article 7 (4))**

Column 1

Column 2

(Permit)

(Charge)

**BUS LANE PERMIT**

No Charge



## SIXTH SCHEDULE

### AMENDMENTS

**(Article 12)**

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>	<u>Column 4</u>
(City, Town or Parish <u>and Roads</u> <b>LENDAL BRIDGE</b>	(Days Applicable inclusive of days <u>named</u> Every day	(Time Periods <u>Applicable</u> ) Mn - 10.30am and 5pm - Mn	(Exemptions <u>Applicable</u> ) E
<b>MUSEUM STREET</b> Between its junctions with Blake Street and Lendal.	Every day	Mn - 10.30am and 5pm - Mn	E
<b>MUSEUM STREET</b> Between its junctions with Lendal and Lendal Bridge	Every day	Mn - 10.30am and 5pm - Mn	E
<b>EXHIBITION SQUARE</b>	Every day	Mn - 10.30am and 5pm - Mn	E
<b>ST. LEONARD'S PLACE</b>	Every day	Mn - 10.30am and 5pm - Mn	E

Dated 7th the day of August 2013

THE COMMON SEAL OF THE  
COUNCIL FOR THE CITY OF  
YORK WAS HERETO AFFIXED  
IN THE PRESENCE OF

ASSISTANT DIRECTOR  
OF GOVERNANCE AND ICT

**CITY OF YORK COUNCIL**  
**NOTICE OF MAKING**  
**THE YORK (STATION AVENUE/LENDAL BRIDGE/MUSEUM STREET) (LOCAL BUS PRIORITY) (EXPERIMENTAL) TRAFFIC ORDER 2013**

Notice is hereby given that on the 7<sup>th</sup> day of August 2013 City of York Council (“the Council”) in exercise of powers under Sections 9, 10 and Schedule 9 of the Road Traffic Regulation Act, 1984 (“the Act”) and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Schedule 9 of the Act, made The York (Station Avenue/Lendal Bridge/Museum Street) (Local Bus Priority) (Experimental) Traffic Order 2013 (“the Order”) which comes into effect on the 27<sup>th</sup> day of August 2013 for an experimental period of 18 months ending on 26 February 2015 and amends the York Traffic Management Order 2011 (or any replacement thereof) by:

1. Designating as ‘Local Bus Lanes’ for the passage of Local Buses, Hackney Carriages, Private Hire Vehicles and Pedal Cycles the following lengths of road in the City of York;
  - a) Lendal Bridge and Museum Street, north easterly and south westerly bound traffic lanes, between the junctions of Lendal Bridge with Rougier Street/Station Avenue and Museum Street with Lendal/Lendal Hill and
  - b) Station Avenue north easterly - bound traffic lane, between its junctions with Station Rise and Lendal Bridge

the said Local Bus Lanes having an operational period from 10.30am to 5pm daily;

2. Amending the traffic regulations in Exhibition Square, in St. Leonard’s Place and in that Length of Museum Street between its junctions with Blake Street and Lendal insofar as the said regulations apply to vehicles proceeding between 10 am and 5 pm daily there being no direct through route from Bootham, Gillygate via Lendal Bridge to Rougier Street and Station Road, except for those vehicles having permitted access by virtue of the ‘Local Bus Lane’ provision outlined at paragraph 1. The amended regulations allow continued access into the aforesaid roads and lengths of road for the delivery or collection of goods or persons to or from premises adjacent thereto and for lawful access into Blake Street and Duncombe Place;
3. Revoking the prohibition on motor vehicles making a right hand turn:
  - a) from Lendal into Museum Street and
  - b) from Museum Street into Library Square.

The council will be considering, in due course, whether the provisions of this Experimental Order should be continued in force indefinitely.

Any person wishing to object to the indefinite continuation of the Order must state their grounds for objection in writing to Richard Wood, Assistant Director (Strategic Planning and Transport), West Offices, Station Rise, York, YO1 6GA, so that the objection is received by no later than the 26<sup>th</sup> day of February 2014.

A copy of the Order, statement of reasons for making it and map showing the lengths of road affected may be inspected at the City of York Council Reception at West Offices, Station Rise, York, YO1 6GA during normal business hours. Any person who wishes to question the

validity of the Order or of any of its provisions on the grounds that it is not within the powers of the Road Traffic Regulation Act 1984 as amended or that a requirement of any regulations thereunder has not been complied with may, within 6 weeks from the commencement date of the Order, make application for that purpose to the High Court.

### **Decriminalised Bus Lane Enforcement**

City of York Council (The Council), being a designated authority under paragraphs 1 (1) and 2 (1) of Schedule 3 of the Road Traffic Act 1991 (Permitted and Special Parking Areas outside London) and an Approved Local Authority for Bus Lane Enforcement by virtue of Section 144 (3) of the Transport Act 2000 (Civil Penalties for Buses/Local Bus Lane contraventions) in accordance with regulations and guidance given by the Secretary of State under Section 144 of that Act, hereby gives notice that the Local Bus Lanes identified at paragraph 1 of the above Notice will be subject to decriminalised enforcement by approved device (camera) and as from 0001 hours on the 27<sup>th</sup> day of August, 2013 the Penalty Charge in respect of any contravention of regulations appertaining to the said Local Bus Lanes, when so enforced, will be £60 such penalty to be reduced to £30 where payment is made within 14 days. The Penalty Charge will be increased to £90 where, in order to secure payment, a 'Charge Certificate' has been served on the vehicle owner following expiry of the statutory period for payment as set out in a 'Notice to Owner'.

Dated the 9th day of August 2013

Richard Wood  
Assistant Director (Strategic Planning and Transport)  
West Offices Station Rise York YO1 6GA  
Email : [highway.regulation@york.gov.uk](mailto:highway.regulation@york.gov.uk)

### **Explanatory Note**

The designated Local Bus Lanes will operate between 10.30am and 5pm daily commencing on 27<sup>th</sup> August 2013 and will be subject to Civil Enforcement (by camera) by or on and behalf of the Council. This Notice sets out the charges that will apply in respect of civil enforcement should the regulations concerning the Local Bus Lanes be contravened. The Civil Enforcement of Penalty Charges accord with the Department for Transport guidelines on Bus Lane enforcement.

The experimental basis of the Order is necessary to allow for the effectiveness of the measures to be assessed over a reasonable period with a view to their adoption on a permanent basis. It also allows for the Order's provisions to be modified during its period of validity should this be deemed necessary.

Overall the provision of Local Bus Lane regulations balance the safety of pedestrians against vehicle usage and the experimental basis of the Order will ensure that the benefits/disbenefits of the extended Pedestrian Period within the central footstreets and associated pedestrian movement between those streets and the Railway Station can be fully assessed with attention being focused on balancing safety against any adverse effects on servicing businesses and vehicular access to 'on' and 'off' - street premises.

**CITY OF YORK COUNCIL**  
**THE YORK (STATION AVENUE/LENDAL/MUSEUM STREET) (LOCAL BUS**  
**PRIORITY) (EXPERIMENTAL)**  
**TRAFFIC ORDER 2013**  
**STATEMENT OF REASONS**

City of York Council, in furtherance of their policy of minimising obstruction and congestion and improving road safety and local amenities whilst at the same time balancing residential and commercial considerations, are satisfied that it is desirable to introduce Local Bus Lanes as set out in the 'Notice of Making' to operate daily between 10.30am and 5pm thereby minimising obstruction to local bus passage without unreasonably prejudicing the servicing of local business premises.

Station Avenue/Lendal Bridge/Museum Street is a common route for many timetabled services and the proposed regulatory control throughout the 10.30am – 5pm period is considered necessary to minimise obstruction/disruption to services/schedules and is consistent with the Pedestrian Period currently in force in the City's central footstreet area.

To enforce by conventional means to achieve the necessary levels of driver discipline would place unreasonably high demands on police resources, hence the arrangement to enforce the Local Bus Lane regulations on a decriminalised basis by means of approved devices (camera number plate recognition).

The experimental basis of the Order is necessary to allow for the effectiveness of the measures to be assessed over a reasonable period with a view to their adoption on a permanent basis. It also allows for the Order's provisions to be modified during its period of validity should this be deemed necessary.

Overall the provision of Local Bus Lane regulations balances the safety of pedestrians against vehicle usage and the experimental basis of the Order will ensure that the benefits/disbenefits of the extended Pedestrian Period in the central foot streets and associated pedestrian movement between those streets and the Railway Station can be fully assessed with attention being focused on balancing safety against any adverse effects on servicing businesses and vehicular access to 'on' and 'off' - street premises.