

**The Essex County Council (Porter Way, Witham, District of Braintree)
(Bus Gate) Order 202***

The Essex County Council (hereinafter referred to as 'The Council') in exercise of its powers under Sections S1(1), 2(1) to (3), 3(2), 4(1) of the Road Traffic Regulation Act 1984 (as amended) (hereinafter referred to as 'the Act'), and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act, hereby make the following Order: -

1. In this Order

"2016 Regulations" means The Traffic Signs Regulations and General Directions 2016.

"bus" means

- (i) Motor vehicles constructed or adapted to carry more than 8 passengers (exclusive of the driver), and
- (ii) Local buses not so constructed or adapted.

"bus gate" has the same meaning as "bus lane" in 2016 Regulations and means the area of carriageway specified in the Schedule to this Order;

"local bus" has the same meaning as in the 2016 Regulations.

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

"motor vehicle" has the same meaning as in Section 136 of the Act.

"taxi" has the same meaning as in the 2016 Regulations.

- 2. Save as provided in Articles 3 and 4 of this Order, no person shall cause any motor vehicles to proceed through the bus gate at any time.
- 3. Nothing in Article 2 of this Order shall apply so as to prevent any person from causing any motor vehicle to proceed through the bus gate if the motor vehicle is a bus, taxi, or motorcycle.
- 4. Nothing in Article 2 of this Order shall apply so as to prevent any person from causing any motor vehicle to proceed through the bus gate if the motor vehicle:-
 - (a) Is being used for fire and rescue, police, or ambulance purposes;
 - (b) Is being used in connection with any of the following operations, namely:-
 - (i) Building and demolition;
 - (ii) The removal of any obstruction to traffic;
 - (iii) The maintenance, winter gritting, improvement, or reconstruction of the bus gate;
 - (iv) The laying, erection, alteration, or repair in or on land adjacent to the bus gate, of any sewer, or any main, pipe or apparatus for the supply of water, gas or electricity, or any telegraphic line; or;
 - (c) Is being used in the service of or contracted to a local authority or water authority in pursuance of statutory powers or duties.

(d) In any case where the person in control of the vehicle is required by law to stop or is obliged to do so to avoid an accident or is prevented from proceeding by circumstances beyond his/her control.

5. The Council are satisfied that to facilitate the passage on the road or any other road of any class of traffic (including pedestrians and cyclists) and thereby preserve and improve the amenities of the area through which the road runs it is requisite that Section 3(1) of the Act should not apply in relation to this Order.
6. This order shall come into operation on ***** and may be cited as The Essex County Council (Porter Way, Witham, District of Braintree) (Bus Gate) Order 202*.
7. The restriction imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.

Sealed with the Common Seal of the Essex County Council this***** day of ***** Two Thousand and Twenty-***

THE COMMON SEAL of the)
ESSEX COUNTY COUNCIL)
Was hereunto affixed in)
The presence of: -)

Schedule

To Implement: A Bus Gate on the following lengths of Porter Way, Witham

Road	Description
Porter Way	From a point approximately 20 metres southwest of give way line at Allectus Way, in a north-easterly direction for a distance of approximately 20 metres. Map Tile: TL805 135 Revision 0 to Revision 1

