

COLCHESTER BOROUGH COUNCIL

The Colchester Borough (Various Roads, Colchester) (Reserved Bus Lane) Order 2000

The Colchester Borough Council ("the Council") pursuant to arrangements made under section 101 of the Local Government Act 1972 with the Essex County Council in exercise of the powers conferred on that County Council under Sections 1(1) and (2), 2(1) and 4 (1) of the Road Traffic Regulation Act 1984 ("the Act") and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:-

1. This Order shall come into operation on 13 November 2000 and may be cited as the Colchester Borough (Various Roads, Colchester) (Reserved Bus Lane) Order 2000.

2. In this Order -

"bus" has the same meaning as in Section 23 (3) of the 1994 Regulations. ie.

- (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.

"taxi" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847;

"licensed private hire vehicle" means a motor vehicle constructed or adapted to seat fewer than eight passengers, other than a taxi or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers (Local Government (Miscellaneous Provisions) Act 1976);

"motor cycle" means a mechanically propelled vehicle (not being an invalid carriageway) with fewer than four wheels, of which the weight unladen does not exceed 410 kilograms;

"the 1985 Act" means the Transport Act 1985;

"the 1994 Regulations" means the Traffic Signs Regulations and General Directions 1994;

"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;

"enactment" includes any subordinate legislation within the meaning of the Interpretation Act 1978;

"pedal cycle" has the same meaning as in the 1994 Regulations;

"pedestrian crossing" means a crossing for foot passengers marked on a road in accordance with regulations made under section 25 of the Road Traffic Regulation 1984; and

Interpretation of references to the bus lane and associated expenses

3. (1) In this Order, the "bus lane" means the areas
- (a) specified in Schedules 1 and 2 to this Order; and
 - (b) bounded by a kerb and a traffic sign consisting of a longitudinal single white line on the same side of the road as that edge (such a white line being referred to in this Order as "the single white line"), or bounded by two kerbs.
- (2) Without prejudice to the generality of paragraph (1) above, where the single white line marking the boundary of the bus lane is broken by a gap opposite and adjacent to the junction of the length of road mentioned in paragraph (1) with any other road or an accessway or at a pedestrian crossing, or by a street refuge the boundary shall nevertheless be regarded as continuing unbroken.
- (3) 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 within the carriageway of the length of road which comprises the bus lane.

Restriction on use of bus lanes

- 4 (1) Save as provided in Articles 5 to 7 of this Order, no person shall cause or permit any vehicle -
- (a) to enter, proceed or wait in the bus lanes specified in Schedule 1 to this order between 8am and 6pm Mondays to Saturdays inclusive.
- 4 (2) Save as provided in Articles 5 to 7 of this Order, no person shall cause or permit any vehicle:-
- (a) to enter, proceed or wait in the bus lanes specified in Schedule 2 to this Order at any time.

Exemptions relating to classes of vehicles being used for certain purposes

5. (1) Article 4 does not apply to -
- (a) a bus;
 - (b) a motor cycle;
 - (c) a pedal cycle;
 - (d) a taxi;
 - (e) a licensed private hire vehicle;
 - (f) a vehicle being used for ambulance, fire brigade or police purposes if the observance of any provision of this Order would hinder the use of the vehicle for the purpose for which it is being used on that occasion;
 - (g) a vehicle being used in the service of a local authority for the purpose of collecting refuse from premises adjacent to the bus lane.
- (2) Article 4 does not apply to a vehicle being used in connection with -
- (a) any building operation or demolition;
 - (b) the removal of any obstruction to traffic;
 - (c) the maintenance, improvement or reconstruction of any road;

- (d) the laying, erection, alteration or repair of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984 in or near any road;
- (e) the placing, maintenance or removal of any traffic sign; or
- (f) any statutory powers or duties of a local authority;
- (g) the maintenance, improvement or reconstruction of any railway line adjacent to the bus lane.

provided that in all circumstances it is necessary for the vehicle to enter the bus lane.

- (3) Article 4 does not apply to any vehicle loading and unloading in accordance with The Colchester Borough (Various Roads, Colchester) (Consolidation of Waiting Restrictions) (Variation No. 5) Order 1999 subject to the provisions contained in The Colchester Borough (Various Streets, Colchester) (Prohibition of Loading and Unloading) Order 1999.

Exemptions relating to crossing and turning traffic

- 6. A person who causes or permits a vehicle to enter the bus lane shall not contravene Article 4 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 a 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;
 - (c) from any vehicular accessway or crossing over the footway adjoining the bus lane and forthwith leaves the bus lane at a point opposite that vehicular accessway or crossing;
 - (d) from an adjacent part of the road at a point opposite any vehicular accessway or crossing over the footway adjoining the bus lane and forthwith enters that vehicular accessway or crossing; or
 - (e) the gaining of access to or egress from off-street loading or garaging premises adjacent to or accessible only from the bus lane.
 - (f) to enable a person to board or alight from the vehicle in one or more places in the bus lane for no longer than a continuous period of two minutes.

Exemptions in other circumstances


- 7. (1) A person who causes or permits a vehicle to enter or proceed in a bus lane shall not contravene Article 4 if he does so in order to prevent an accident and the vehicle then leaves the bus lane as soon as practicable.

- (2) A person who causes a vehicle to enter, proceed or wait in a bus lane does not contravene Article 4 if he does so in order to -
- (a) deliver postal packets to premises adjacent to the bus lane; or
 - (b) collect postal packets from such premises or post office letter boxes adjacent to the bus lane.
- (3) Article 4 of this Order does not apply to anything done -
- (a) with the permission or at the direction of a constable in uniform or a traffic warden, or
 - (b) in accordance with any indication given by a traffic sign which has been placed pursuant to section 66 or 67 of the Road Traffic Regulation Act 1984.
8. The prohibition imposed by this Order is 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 provision of this Order is without prejudice to the provisions of any other enactment.
9. The Orders specified in Column 1 of Schedule 3 to this Order are hereby revoked to the extent specified in Column 2 to that Schedule.

DATED this 30th day of October)
The COMMON SEAL OF COLCHESTER)
BOROUGH COUNCIL was hereunto)
affixed in the presence of:-)


Mayor




Proper Officer

ENTERED IN SEAL REGISTER No 656/00

**Schedule 1 - Areas designated as bus lanes
8am - 6pm Monday to Saturday**

Lengths of road in the Borough of Colchester

North Hill, Colchester - the eastern traffic lane from its junction with Northgate Street southwards to a point 68.6 metres north of its junction with High Street.

Schedule 2 - Areas designated as bus lanes 24 hours daily

Lengths of road in the Borough of Colchester

Hythe Hill, Colchester - the northern carriageway from its junction with the roundabout at the junction with Maudlyn Road eastwards for a distance of 11 metres.

Hythe Station Road, Colchester - the whole width of the carriageway from a point 25 metres east of its junction with Hawkins Road eastwards for a distance of 58 metres.

Maldon Road, Colchester - the western carriageway from its junction with Beaconsfield Avenue northwards to its junction with Southway.

Osborne Street, Colchester - that length of Osborne Street which extends from its junction with Stanwell Street - south eastwards for a distance of 20 metres and which forms the central traffic lane which is bounded on both sides by traffic islands.

St Botolph's Street, Colchester - the eastern carriageway from its junction with Osborne Street southwards to its junction with St Botolph's roundabout.

North Station Road, Colchester - the eastern carriageway from its junction with Essex Hall Roundabout to its junction with the Albert Roundabout.

Middleborough, Colchester - eastern leg -

- the eastern carriageway from its junction with Middleborough North to its junction with St. Peter's Street.
- the western carriageway from its junction with St. Peter's Street northwards for a distance of 15 metres.

Schedule 3

Revocation of Orders

Order to be revoked	Extent of revocation
Column 1	Column 2
The Colchester Borough (Various Roads, Colchester) (Reserved Bus Lane) (Amendment) Order 1999	The entire Order
The Colchester Borough (Various Roads, Colchester) (Reserved Bus Lane) Order 1999	The entire Order