

BATH AND NORTH EAST SOMERSET COUNCIL

(STOTHERT AVENUE, BATH) (BUS LANE)

ORDER 2024

The Bath and North East Somerset Council (hereinafter referred to as "the Council") in exercise of its powers under sections 1(1), 2(1) to (3) and 4(2) of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 as amended (hereinafter referred to as "the Act of 1984"), and of all other enabling powers, after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following Order:-

1. This Order shall come into operation on the ** **** 2024 and may be cited as the Bath and North East Somerset Council (Stothert Avenue, Bath) (Reserved Bus Lane) Order 2024.

2. IN THIS ORDER, except where the context requires otherwise, the following expressions shall have the meanings hereby attributed to them:-

"bus" means a motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver);

"bus lane" means a traffic lane in the roads listed in the Schedule to this Order reserved during specified bus lane hours for buses and other such classes of vehicles as are specified. The extent of the bus lane is conveyed by 'gateway' signing as defined by the Traffic Signs Regulations and General Directions 2016 (as amended);

"community transport vehicle" means a vehicle used for voluntary and community transport within the terms of section 19 and section 22 of the Transport Act 1985;

"doctor" shall mean a legally qualified and registered medical practitioner as defined in Part II and Part III of the Medical Act 1983, as amended;

"emergency services" shall mean the Police, Ambulance Service, Fire Brigade and Coastguard;

"local service" has the same meaning as in section 2 of the Transport Act 1985;

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

"operative times" means 24 hours a day, on any day, as specified in Schedule 1;

“**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 vehicles for the purposes of the Act of 1984”

“**public service vehicle**” is as defined in sections 1 and 82 of the Public Passenger Vehicles Act 1981;

“**taxi**” for the purposes of this Order means a hackney carriage in accordance with Section 38 of the Town Police Clauses Act 1847, Section 4 of the Metropolitan Public Carriage Act 1869, and/or a private hire vehicles in accordance with Section 80 of the Local Government (Miscellaneous Provisions) Act 1976, and shall mean a vehicle which is licensed as a hackney carriage under one or more of those enactments or under any similar enactment;

Bus Lane

3. Save as provided in Article 4 and Article 5 of this Order, no person shall, except upon the direction or with the permission of a Police Constable in uniform or a Civil Enforcement Officer, cause or permit any vehicle, to enter, wait, stop, or proceed in the length of bus lane specified in the Schedule to this Order.
4. Nothing in Article 3 of this Order shall render it unlawful for any community transport vehicle, motorcycle, pedal cycle, public service vehicle, or taxi to enter, wait, stop, or proceed in the lengths of bus lane specified in the Schedule to this Order.
5. Nothing in Article 3 of this Order shall render it unlawful to cause or permit any vehicle to enter, wait, stop, or proceed in the bus lanes referred to in that Article when the vehicle is used in connection with any of the following operations, namely-
 - (a) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in the service of a local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties;
 - (b) the vehicle, if it cannot conveniently be used for such purpose in any other road, to be used in connection with any of the following operations, namely-
 - (i) the removal of any obstruction to traffic;

- (ii) the carrying out of building, industrial, or demolition operations or removals in connection with any business, providing prior written authority from the Highway Authority has been gained;
 - (iii) the maintenance, cleaning, improvement or reconstruction of the road;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunication apparatus as defined in the Telecommunications Act 1984.
- (c) the vehicle to be used in the service of one of the emergency services in the execution of their duties;
 - (d) by a doctor responding to an emergency call, provided that the vehicle is displaying a flashing green light;
 - (e) the collection or removal of refuse or waste;
 - (f) for the purpose of delivering or collecting postal packets as defined in Section 125(1) of the Postal Services Act 2000;
 - (g) for the avoidance of an accident.

6. The following existing Order is hereby revoked in its entirety:

- (a) Bath and North East Somerset Council (Stothert Avenue, Bath) (Prohibition of Entry) Order 2019.

Given under the Common Seal of the Bath and North East Somerset Council the ** day of **** 2024.

THE COMMON SEAL of)
 BATH AND NORTH EAST)
 SOMERSET COUNCIL)
 was hereunto affixed in the)
 presence of:-)

Authorised signatory

SCHEDULE

24 hours a day, every day

Column 1

Stothert Avenue

Both sides, both directions

Column 2

From a point approximately 10m east of its junction with Midland Road, to a point approximately 22m east of its junction with Midland Road