

**CAMBRIDGESHIRE COUNTY COUNCIL
CITY OF CAMBRIDGE (MILL ROAD) (BUS GATE)
EXPERIMENTAL ORDER 2020**

Cambridgeshire County Council (“the Council”) in exercise of its powers under Section 9 and 10 of the Road Traffic Regulation Act 1984 (“the 1984 Act”), and of all other enabling powers and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

PART 1 GENERAL

Commencement and Citation

1. This Order shall come into operation on the 24th of June 2020 for a period not exceeding 18 months and may be cited as “Cambridgeshire County Council City of Cambridge (Mill Road) (Bus Gate) Experimental Order 2020”.

PART 2 INTERPRETATION

Definitions

2. In this Order, except where the context otherwise requires, the following expressions have the meaning as hereby respectively assigned to them;

“approved device” means a device of a description specified in an order made by the Relevant National Authority in line with Section 144 of the Transport Act 2000 and adhering to The Bus Lane (Approved Devices) (England) Order 2005

“authorised vehicle” means an individual, party or organisation granted authorised user status by Cambridgeshire County Councils Traffic Manager.

“bus” means a motor vehicle constructed or adapted to carry more than eight passengers (exclusive of the driver) and local buses not so constructed or adapted to carry more than eight passengers (exclusive of a driver).

“bus gate” means a length of road as detailed in Schedule 1 to this Order

“bus lane” means an area of road indicated by appropriate prescribed traffic signs that may be used only by buses and some other class or classes of vehicular traffic as provided for in this order and includes the term “bus gate”.

“contravention” means a failure to comply with the prohibitions and restrictions set out in this Order that may result in the issue of a penalty charge notice.

“Council” means the Cambridgeshire County Council.

“driver” means the person driving the vehicle and includes any separate person who acts as a steersman in addition to the driver.

“date of service” means that last day of the period of 3 consecutive dates beginning with the first day of posting. If the notice is not posted on a working day then the first working day after the date of posting will be the first of posting.

“detection date” means the date on which a vehicle was detected as contravening this Order, according to the record produced by an approved device.

“local bus” means a public service vehicle used in provision of a local service not being an excursion or tour

“local service” has the same meaning given in Section 2 of the Transport Act 1985

“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 vehicle for the purposes of the 1984 Act.

“offence” means a failure to comply with restrictions set out in this Order that may result in the issue of a fine under any enactment that makes any provision of this Order a criminal offence.

“owner” in relation to a vehicle, means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered with the Vehicle Excise and Registration Act 1994 or the person who has the use of such vehicle in the course of his/her employment and is entitled to use such vehicle as if he/she were the registered keeper.

“Penalty charge” and “reduced penalty charge” means a charge set by the Council under regulation 4 of The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 (“the 2005 regulations”) and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning from the date of the notice, or in 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice.

“penalty charge notice” or “PCN” means a notice issued by a person authorised to do so by the Council pursuant to the provisions of regulation 8 of the 2005 regulations.

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“Relevant National Authority” means the Secretary of State in respect of England.

“Relevant Particulars” means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Relevant National Authority under the Vehicle Excise and Registration Act 1994 and in accordance with the Traffic Signs Regulations and General Directions 2016 (as amended)

“traffic sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the 1984 Act and in accordance with the Traffic Signs Regulations and General Directions 2016 (as amended)

“vehicle” means a mechanically propelled vehicle, intended or adapted for use on the road.

“working day” means any day other than a Saturday or Sunday or public holiday in England and Wales

3. The restrictions and prohibitions imposed by this Order are 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 provisions of this Order and without prejudice to the provisions of any other enactment.

PART 3 PROHIBITIONS

Bus Gate

4. Save as provided in Part 4 of this Order no person shall cause or permit any vehicle except for a local bus, pedal cycle or authorised user to be in the roads or lengths of roads specified as a bus gate in Schedule 1 to this Order.

PART 4 CONDITIONS AND EXEMPTIONS

Conditions and Exemptions

5. Nothing in Part 3 of this Order shall apply to a vehicle from being in the length of roads specified in Schedule 1 providing the vehicle is under the direction or with the permission of a police constable in uniform.

6. Nothing in Part 3 of this Order shall apply to a vehicle in any length of road specified in Schedule 1 if it is necessary for the vehicle to be used for ambulance, fire brigade or police purposes.

PART 5 CONTRAVENTIONS & ENFORCEMENT OF THIS ORDER

Contravention & Enforcement

7. The Council will carry out civil enforcement of any contravention of any prohibitions, restrictions or provisions of this Order by permitting the imposition of a Penalty Charge only on the basis of a record produced by the means of an “approved device”.

8. Where the Council have reason to believe that a Penalty Charge is payable in relation to a vehicle which has contravened this Order the Council will serve a PCN in

accordance with The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005

- a) on the person appearing to be the owner or keeper or hirer of the vehicle.

9. A PCN shall be served before the end of the period of 28 days beginning with the detection date, and the Council shall continue to be entitled to serve a PCN during a further period of six months, beginning with the detection date, provided that:

- a) The Council has made a request within 14 days of the detection date to the Secretary of State for the supply of Relevant Particulars, and
- b) Those particulars have not been supplied before the date after which the Council would not be entitled to serve a PCN by the virtue of this Order.

10. If the vehicle owner, keeper and driver contravenes any prohibitions or provisions of this Order, a charge set by the Council pursuant to Regulations under Section 144 (3) of the Act of 2000 and in accordance with guidance given by the Relevant National Authority is to be paid in the manner described in the notice within 28 days of the date of service of the PCN or within 14 days of the date of service of the PCN in the case of a reduced penalty charge.

11. When the owner, keeper or driver has been identified the Council will issue a PCN in accordance with this Order and send the PCN by post.

12. Where a police officer in uniform is satisfied that a driver of a vehicle has committed an alleged offence under the provisions of this Order such that liability to a fixed penalty notice arises, a police officer may issue such a notice at the time and date of the alleged offence to any driver of the vehicle, which shall include the particulars listed in Section 52 of the Road Traffic Offenders Act 1988.

13. Where the owner, keeper or driver has been issued a PCN by the Council and it is proven by the owner, keeper or driver that he was also issued a fixed penalty notice or a summons for the same day and time for the same contravention by a police officer, then the Council shall no longer proceed with its PCN or where the PCN was paid will be refunded in full as soon as reasonably practicable.

PART 6 VALIDITY

14. If a Court, the Department for Transport, the Bus Lane/National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid, or unenforceable, such declaration shall not invalidate the remainder of the Order.

PART 7 REVOCATIONS

Revocation of Orders

15. The Order listed below is hereby revoked:

Cambridgeshire County Council The City Of Cambridge Area A (Consolidation) Order 1993 (Amendment No.162) Order 2016

COMMON SEAL of CAMBRIDEGSHIRE)
COUNTY COUNCIL was hereunto affixed)
this 17th June 2020)
in the presence of :-)

SCHEDULE 1

ROADS AND PARTS OF ROADS IN THE CITY OF CAMBRIDGE ON WHICH ANY VEHICLE OTHER THAN A LOCAL BUS, PEDAL CYCLE OR AUTHORISED VEHICLE IS PROHIBITED AT ALL TIMES ON ALL DAYS.

Bus Gate

Mill Road	From its junction with Great Eastern Street, in a north-westerly direction for a distance of 177 metres.
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