

**NORTHUMBERLAND COUNTY COUNCIL
(LAVEROCK HALL ROAD BUS LANE) ORDER 2020
(TROM_144)**

Northumberland County Council (hereinafter referred to as “the Council”), in exercise of its powers under Sections 1, 2, 4 and 19 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, as amended (“the Act of 1984”), Section 144 of the Transport Act 2000, Part 2 of Schedule 7 of the Traffic Management Act 2004 (“the Act of 2004”) and of all other enabling powers and after consultation with the Chief Officer of Police, in accordance with Part III of Schedule 9 to the Act of 1984, hereby make the following Order:-

**PART I
GENERAL**

Commencement and Citation

1. This Order shall come into operation on the xxxx day of xxxxxx 2020 and may be cited as “Northumberland County Council (Laverock Hall Road Bus Lane) Order 2020”

Revocation

2. The order known as the C407 Laverock Hall Road Blyth Prohibition of Driving and Revocation Order 2016 (TROM_006) (“2016 Order”) specified in Schedule 1 to this Order is hereby revoked in full.

Interpretations

3. (1) In this Order the following expressions have the meanings 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 Person**” means an employee of the Council authorised to exercise all or any of the functions of the Council under this Order;

“**Authorised Vehicle**” means a vehicle which has been authorised in writing by the Council;

“**Bus Lane**” has the same definition as Section 144(5) of the Transport Act 2000 and means an area of road that may only be used by buses (or a particular description of bus) and some other class or classes of vehicular traffic as provided for in this Order specified in Schedule 2 Columns 3 and 4 during the Prohibited Period specified in Schedule 2 Column 5;

“**Local Bus**” means a Public Service Vehicle used in the 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” has the same meaning as in Part I of the Traffic Signs Regulations and General Directions 2016 as amended;

“Penalty Charge” and **“Reduced Penalty Charge”** means a charge, set by the Council, pursuant to the provisions of Section 77 of the Act of 2004 and regulations there under and in accordance with any guidance given by the Secretary of State, which is to be paid in the manner prescribed in the penalty charge notice;

“Penalty Charge Notice” means a notice issued by a civil enforcement officer or the Council pursuant to the provisions of Section 78 of the Act of 2004 and regulations made thereunder as amended;

“Prohibited Period” in relation to a Bus Lane means the days and hours specified in Column 5 of Schedule 2 to this Order, being the period during which the Bus Lane operates;

“Public Service Vehicle” has the same meaning given in Section 1 of the Public Passenger Vehicles Act 1981;

“Universal Service Provider” has the same meaning as in the Postal Services Act 2000.

- (2) Any reference in this Order to the male gender shall be read as applying equally to the female gender.
- (3) The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulations made or having effect as if made under the Act of 1984, or by or under any other enactment.
- (4) In so far as any provision of this Order conflicts with any provision which is contained in an order made or having effect as if made under the Act of 1984, or by or under any other enactment, THEN the provisions of THIS ORDER shall prevail.

Prohibitions

Bus Lane

4. Save as provided in Article 5 of this Order, no person shall, except upon the direction or with the permission of an Authorised Person or a police officer in uniform, cause or permit any vehicle, other than a Bus, Local Bus, Pedal Cycle or Authorised Vehicle to be in a Bus Lane specified in Schedule 2 Columns 3 and 4 during the Prohibited Period specified in Schedule 2 Column 5.

Exemptions

5. Article 4 does not apply to:-
 - (1) Any vehicle being used for police, fire brigade or ambulance purposes where that vehicle is on operational duty and responding to an emergency call;
 - (2) Any vehicle being used by a member of the special forces and is being driven in response, or for practice in responding, to a national security emergency;

- (3) Any operational vehicle being used in connection with:-
- a. Building or demolition operations in or adjacent land or removal from adjacent land or buildings where the prior written consent of the Council has been received;
 - b. The laying, erection, alteration or repair of sewer pipe or apparatus for the supply of water, gas, electricity or telecommunications apparatus in or on adjacent land; or
 - c. The maintenance, improvement or reconstruction of the highway.
- (4) Any vehicle being used in the service of a Universal Service Provider to deliver or collect postal packets as defined in Section 125(1) of the Postal Services Act 2000 to premises adjacent to the Bus Lane where such delivery or collection cannot be reasonably carried out without being in the Bus Lane;
- (5) A vehicle being used in the service of the Council in pursuance of its statutory duties;

Contravention and Enforcement

6. (1) 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.
6. (2) 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 Penalty Charge Notice in accordance with The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 on the person appearing to be the owner or keeper or hirer of the vehicle.
6. (3) 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.
6. (4) Where the owner, keeper or driver has been issued a Penalty Charge Notice by the Council and it is proven by the owner, keeper or driver that he was also issued a fixed penalty notice or summons for the same day and time for the same contravention by a police officer, then the Council shall no longer proceed with its Penalty Charge Notice or where the Penalty Charge Notice was paid will be refunded in full as soon as reasonably practicable.

SCHEDULE 1

REVOCATION IN FULL

1. Northumberland County Council hereby revoke in full the “C407 Laverock Hall Road Blyth Prohibition of Driving and Revocation Order 2016 (TROM_006)”

SCHEDULE 2

BUS LANE

| 1 | 2 | 3 | 4 | 5 | 6 |
|-----------------|-------------|---------------------------------|--|--------------------------|---|
| Item No. | USRN | Name of Road | Length of Restriction | Prohibited Period | Grid Reference |
| 1 | 03200129 | C407, LAVEROCK HALL ROAD, BLYTH | From a point 10 metres east of its junction with Primrose Gardens to a point 10 metres west of its junction with Benridge Park | All Days All Hours | 429593, 579117 to 429878, 579243 |

GIVEN under the Common Seal of Northumberland County Council this **** day of
***** 2020 in the presence of;-

Duly Authorised Officer.

**ROAD TRAFFIC REGULATION ACT 1984
NORTHUMBERLAND COUNTY COUNCIL
(LAVEROCK HALL ROAD BUS LANE) ORDER 2020
(TROM_144)**

**STATEMENT OF THE COUNCIL'S REASONS FOR
PROPOSING TO MAKE THE ORDER**

The Order is necessary to improve the flow of traffic for public transport and to improve road safety for the surrounding residential area by reducing the amount of general traffic flowing through this location.

More effective enforcement can be carried out along this stretch of road without relying on the Police alone and can be integrated with the Council's existing enforcement systems.