

Dated this 9th day of August 2016

THE BOROUGH COUNCIL OF SANDWELL
(NEW STREET, WEST BROMWICH) (BUS ONLY STREET)
ORDER 2016

**Governance
Sandwell Council House
Freeth Street
Oldbury
West Midlands**

SANDWELL METROPOLITAN BOROUGH COUNCIL

THE BOROUGH COUNCIL OF SANDWELL
(NEW STREET , WEST BROMWICH) (BUS ONLY STREET) ORDER
2016

The Borough Council of Sandwell (hereinafter referred to “the Council”) in exercise of its powers under Section 1 & 2 of the Road Traffic Regulation Act 1984 (“the 1984 Act”) and the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 as amended and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the 1984 Act hereby makes the following Order :-

1. This Order shall come into operation on the 24th August 2016 and may be cited as the Borough Council of Sandwell (New Street, West Bromwich) (Bus Only Street) Order 2016.

2. In this Order :-

“Approved Device” has the same meaning as in the Bus Lanes (Approved Devices) (England) (Order) 2005 (as amended)

“Authorised Person” means an employee or agent of the Council authorised to exercise any of the functions under this Order

“the 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016;

“Bus” has the same meaning as in Schedule 1 of the 2016 Regulations.

“Bus Lane” means any area of road which is or forms part of a road specified in Schedule 1 of this Order, that may only be used by Buses, Taxi’s and Pedal Cycles and has the same meaning as in part 2 of schedule 7 of the Traffic Management Act 2004; and Schedule 1 of the 2016 Regulations .

“Bus Only Street” has the same meaning as Bus Lane

“Motor Vehicle” has the same meaning as in section 136 of the 1984 Act
;

“Pedal Cycle” has the same meaning as in Schedule 1 of the 2016

Regulations ;

“Penalty Charge Notice” has the same meaning as in regulation 8 of the Bus Lane Contraventions (Penalty Charges adjudication and Enforcement) (England) Regulations 2005 (as amended)

“Plan” means the plan attached to this order showing the extent of the Bus Only Street is shown highlighted in blue on the attached drawing no 39030 S/3.

“Taxi” has the same meaning as Hackney Carriage as defined under S38 Town Police Clauses Act 1847

The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

3. Save as provided in Article 4 and 5 of this Order, no person shall cause or permit any Motor vehicle other than a Bus, Taxi and Pedal Cycle to enter or proceed in the Bus Only Street specified in Schedule at any time and shown on the Plan attached to this Order.
4. Nothing in Article 3 of this Order shall apply to any person causing a Motor Vehicle to enter or proceed in the Bus Only Street where :-
 - (a) A motor vehicle where the person in control of the motor vehicle :-
 - (i) the removal of any obstruction to traffic
 - (ii) is required by law to stop ;
 - (iii) is obliged to enter the bus only street to avoid an accident or to avoid injury or damage to property
 - (b) A motor vehicle being used for police, ambulance, fire brigade, local authority or water authority, sewage authority and national rivers authority purposes, when used in pursuance of statutory powers or duties.
 - (c) A motor vehicle to enable it to be used for the purposes of :-
 - (i) any building operation, demolition or excavation ;
 - (ii) the removal of obstruction to traffic ;
 - (iii) the maintenance, improvement or reconstruction of a road ;

- (iv) the laying, erection, alteration, repair or cleaning of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunication system lawfully kept installed in any position ;
- (v) the collection of household refuse from or the cleaning of cesspools at, premises situated on or near the length of road specified in the Schedule to this Order ;
- (vi) the placing, maintenance or removal of any street furniture
- (vii) the placing, maintenance and removal of a traffic sign;
- (viii) undertaking works on the public highway and authorised to be in the Bus Only Street by the Council whilst undertaking specific works

provided that in all the circumstances it is necessary for the motor vehicle to enter the Bus Only Street.

5. Clause 3 of this Order does not apply to a motor vehicle which is required to enter the bus lane at the direction of :-

- (a) a police constable in uniform ;
- (b) An Authorised Person
- (c) to enable the getting or giving of help in consequence of an accident or emergency
- (d) in accordance with any indication given by a traffic sign which has been placed pursuant to Sections 66 or 67 of the Road Traffic Regulation Act 1984 ;

6. 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 Notice on the basis of a record produced by the means of an Approved Device

7. The following traffic regulation order is hereby revoked:-

The Borough Council of Sandwell (New Street, West Bromwich) (Bus Only Street) Order 2014

Given under the Common Seal of the Borough Council of Sandwell

The Common Seal of the

)
 [[ILO: UNCLASSIFIED]]

Borough Council of Sandwell)
was here unto affixed)
this 9th day of August 2016)
in the presence of :-)




LEGAL MANAGER
(Authorised Signatory)

Schedule 1

55638

Section of New Street as shown in blue on attached drawing no 39030 S/3
Section of New Street starting from 51 m from the back of footway with High
Street for a distance of 40m in a North East Direction

