

NORTH YORKSHIRE COUNCIL

NORTH YORKSHIRE COUNCIL (STATION PARADE)

BUS LANE ORDER 2023

North Yorkshire Council (“the Council”) in exercise of its powers under sections 1(1), 2(1) to (3), 4 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the 1984 Act”), the Transport Act 2000 (“the 2000 Act”), the Traffic Management Act 2004 (“the 2004 Act”) and of all other enabling powers, and after consultation with the chief officer of police in accordance with Part III of Schedule 9 of the 1984 Act, makes the following order:-

PART I

GENERAL

1. This Order shall come into operation on the *[insert date of operation]* and may be cited as the “North Yorkshire Council (Station Parade) Bus Lane Order 2023” (hereinafter referred to as “Bus Lane Order 2023”).
2. Any plans affixed with the common seal of the Council and which create a Bus Lane (as hereinafter defined) included in the Schedule to this Bus Lane Order 2023 are hereby incorporated into the Bus Lane Order 2023, and hereinafter collectively referred to as “the Bus Lane Plans”.
3. The Bus Lane Order 2023 may be varied by the addition of new bus lane plans, or varied by the revocation of any existing Bus Lane Plans.

INTERPRETATION

4. Any reference in the Bus Lane Order 2023 to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in the Bus Lane Order 2023.
5. The Interpretation Act 1978 shall apply for the interpretation of the Bus Lane Order 2023.
6. Any reference in the Bus Lane Order 2023 to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.

DEFINITIONS

7. In this Bus Lane Order 2023, except where the context requires otherwise:
 - (1) “Authorised Vehicle” means a vehicle authorised by the Council to be in a Bus Lane as specified on the Bus Lane Plans and in Schedule 1 to this order;
 - (2) “Bus” means
 - a) motor vehicles constructed or adapted to carry more than 8 passengers (exclusive of driver); and
 - b) local buses not so constructed or adapted and includes a tramcar (within the meaning of section 141A of the 1984 Act and a trolley vehicle within the meaning of that section;
 - (3) “Bus Gate” means a short length of Bus Only Street and will be identified as a Bus Lane for the purposes of the Bus Lane Order 2023;
 - (4) “Bus Lane” means an area of road that may be used only by buses (or a particular description of bus), or only by buses (or a particular description of bus) and some other class

or classes of vehicular traffic as provided for in this Order and includes a Bus Gate and Bus Only Street;

(5) "Bus Only Street" means a section of road that will only allow a Bus to pass with any other specified exemptions and will be identified as a Bus Lane for the purposes of the Bus Lane Order 2023;

(6) "Council" means the Council or any of its employees, duly appointed servants or agents;

(7) "Emergency Vehicle" has the same meaning as in Regulation 3(2) of the Road Vehicle Lighting Regulations 1989;

(8) "Heavy Commercial Vehicle" has the same meaning as in Section 138 of the 1984 Act;

(9) "Local Bus" means a Public Service Vehicle used in the provision of a Local Service not being an excursion or tour;

(10) "Local Service" has the meaning given in section 2 of the Transport Act 1985;

(11) "Medical Practitioner" has the same meaning as in the Medical Act 1983;

(12) "Motor Vehicle" has the same meaning as given in Section 136 of the 1984 Act;

(13) "Motorcycle" has the same meaning as that in Section 136 of the 1984 Act;

(14) "Operational Times" means the times specified on the Bus Lane Plans and in Schedule 1 to this order, when the Bus Lane restrictions apply;

(15) "Pedal Cycle" means a unicycle, bicycle, tricycle, or cycle having 4 or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act;

(16) "Permitted Vehicle" means a vehicle specified on the Bus Lane Plans and in Schedule 1 to this order that is permitted to be in a Bus Lane;

(17) "Private Hire Vehicle" has the meaning given in section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

(18) "Public Service Vehicle" has the meaning given in section 1 of the Public Passenger Vehicles Act 1981;

(19) "Taxi" means a vehicle licenced under Section 37 of the Town Police Clauses Act 1847

PROHIBITION

8. The areas of road identified coloured red on the Bus Lane Plans and as stated in Schedule 1 to this order are designated as Bus Lanes during the Operational Times;

9. Save as provided in Articles 12 and 13 below during the Operational Hours no person shall cause or permit any vehicle other than a Permitted Vehicle to be in a Bus Lane;

10. Subject to Article 12 a Permitted Vehicle shall not travel in any direction in a Bus Lane other than that specified on the Bus Lane Plans;

11. The Council is satisfied that the provisions of section 3(1) of the 1984 Act shall not have effect given the Bus Lane Order 2023 is required:

- (a) for avoiding danger to persons or other traffic using the roads to which the order relates or any other roads; and
- (b) for facilitating the passage of vehicular traffic on the road; and
- (c) for preserving or improving the amenities of the area through which the road runs.

GENERAL EXEMPTIONS

12. Articles 9 and 10 do not apply to a vehicle that is in a Bus Lane under the direction or with the permission of a police constable in uniform, a police community support officer in uniform or a civil enforcement officer in uniform or for the purposes of crossing a Bus Lane.

13. Nothing in Article 9 shall render it unlawful for a vehicle to be in a Bus Lane in the following circumstances:

(1) a Motor Vehicle, necessarily required for use in connection with any of the following operations, namely:-

- (a) the removal of any obstruction to traffic,
- (b) the maintenance, improvement or reconstruction on the areas of a road or sides of a road, and
- (c) the laying, erection, alteration or repair in or on land adjacent to the Roads, lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line by a Utility Organisation while attending to their apparatus;

(2) a Motor Vehicle in the service of a local authority being necessarily used in connection with highways inspections, waste collection or street cleansing activities;

(3) an Emergency Vehicle on official business;

(4) a Motor Vehicle:

- (a) being used by a Medical Practitioner attending an emergency, in which cases the Council may require evidence to show that there was a genuine emergency; or
- (b) being used by naval, military or air force or visiting forces if at the time they are being used or appropriated by such forces.
- (c) being used to gain access to land or premises abutting onto or having only access from the side of the road on which the Bus Lane, Bus Gate or Bus Only Street is situated PROVIDED THAT such vehicles shall proceed to gain access to or from such land or premises across the Bus Lane, Bus Gate or Bus Only Street using the shortest practicable route including alleyways.

SCHEDULE 1

PROPOSED BUS AND PEDAL CYCLE LANE WITH FLOW

Item	Part of road authorised for use as bus lane	Permitted Direction	Hours of Operation
1	Station Parade, Harrogate: The east side from a point 16 metres south east of its junction with Bower Road to a point 82 metres south east of its junction with its junction with Bower Road	Southbound	24 hours Operation

THE COMMON SEAL of NORTH)
YORKSHIRE COUNCIL was)
hereunto affixed this day of)
2023 in the presence of:-)

