



## BUS LANE ENFORCEMENT

Guidance on the issue, enforcement and cancellation of Penalty Charge Notices by Swindon Borough Council for Bus Lane contraventions.

Please note that these notes are for guidance only – they do not restrict Swindon Borough Council staff from exercising discretion. Each case will be considered on an individual basis taking all circumstances into account.

## **1. Introduction.**

Bus Lane Enforcement in Swindon Borough Council is now live. If you drive illegally in a bus lane or bus only street then you may be sent a Penalty Charge Notice.

Cameras will recognise vehicles by using automatic number plate recognition technology, with the registration numbers of exempt vehicles logged within the system.

Unauthorised drivers caught either driving or parking in bus lanes, or driving through bus gates, will receive a fixed penalty charge of £60, with a discount to £30 if paid within 14 days or an increase to £90 if not paid within 28 days.

If you receive a Penalty Charge Notice your options will be listed on the Notice itself. Basically you will have a choice of paying the charge or challenging it.

## **2. Pay the Notice**

You have 14 days from the day the notice is served (this is presumed to be two working days from the date of the issue of the notice) to pay at the discounted rate, 50% of the Penalty Charge. If payment is not received by us within that time the chance to pay at the reduced rate will be lost and the full amount will become payable.

Payment will close the Notice and no further correspondence will be sent.

If payment is not received within 28 days it will be increased by 50%. If still not paid the charges will rise and can eventually involve bailiff action and that can increase the initial amount by a great deal.

Please ensure that you always quote the Penalty Charge Notice number in any letters or phone calls with the council.

Details of methods of payment can be found on our website. Please follow this link <http://www.swindon.gov.uk/ts/pcn/Pages/Pay-a-bus-lane-fine.aspx>

### 3. Challenge the Notice

If you receive a bus lane Penalty Charge Notice you should challenge it quickly. Challenges must be in writing either by post or via our website

<http://www.swindon.gov.uk/ts/pcn/Pages/Pay-a-bus-lane-fine.aspx>

You should always quote the Penalty Charge Notice number in any letters or phone calls with the council.

There are a number of statutory grounds which if proved must be accepted by the Council. These are:

#### 1. The alleged bus lane contravention did not occur

For example:

- the signs and lines were wrong
- the vehicle was permitted to be in the bus lane
- the vehicle was not in the bus lane.

#### 2. The penalty exceeded the relevant amount

This means that the council has asked for more than it was entitled to under the relevant Regulations.

#### 3. The police are already taking action

Either:

- the alleged contravention is the subject of criminal proceedings; or
- a Fixed Penalty Notice, as defined by Section 52 of the Road Traffic Offenders Act 1988, has been issued for the same incident.

The appellant is not liable to pay a penalty, because:

#### 4. The appellant did not own the vehicle when the alleged bus lane contravention occurred

For example:

- They never owned it
- They sold it before - or bought it after - the date of the contravention. The appellant should provide information about the transaction, including the new or former owner's name and address, if known.
- Some long-term leasing arrangements have the effect of transferring keepership from the registered keeper to the hirer.

#### 5. The owner is a vehicle hire firm and:

- (i) the vehicle was on hire under a qualifying hiring agreement; and
- (ii) the hirer had signed a statement of liability for any PCN issued during the hire period.

This ground applies only to formal hire agreements where the hirer has signed an agreement accepting liability for penalty charges. The requirements are specific. They are contained in Schedule 2 to the Road Traffic (Owner Liability) Regulations 2000 and Section 66 of the Road Traffic Offenders Act 1988. The appellant should provide the hirer's name and address and a copy of the agreement.

6. The appellant was the hirer of the vehicle at the time but did not enter into an agreement assuming liability for any contraventions

This applies when the PCN has been served on the appellant on the basis that they had the vehicle on hire under an agreement that placed liability for any contravention on them, but there is no such agreement.

7. When the bus lane contravention occurred, the vehicle was kept by a trader

This applies if, although the appellant owned the vehicle at the time, the vehicle was kept by a vehicle dealer, auctioneer, scrap yard, insurer or had been repossessed.

8. When the bus lane contravention occurred, the vehicle had been taken without the appellant's consent

This ground covers stolen vehicles and vehicles used without the owner's consent. It could apply, for example, to a vehicle taken by "joy-riders". It does not generally apply to vehicles in the possession of a garage or borrowed by a relative or friend. If possible, the appellant should supply a Crime Reference Number from the police.

9. In addition the Swindon Borough Council will consider any mitigation put forward. These are not mandatory grounds for cancellation.

**a. Where the vehicle has broken down.**

Ideally the owner should provide an engineer's invoice or statement from the removal organisation. If the driver carried out repairs himself a receipt from the motor shop detailing parts in question should be provided. The vehicle should not be left for an excessive period and its removal is the responsibility of the owner.

**b. Where the driver/passenger is ill.**

The owner should provide a letter from their own or the passenger's doctor either confirming that they have a medical condition that can result in the need for urgent stops or that such an incident is known to have happened on the date and time.

**c. Due to actions of other road users.**

Where the driver is forced into the bus lane to prevent an accident.

**d. Emergency Response.**

When the driver assists during an emergency situation. Documentary evidence will be required.

Further Useful links:

Traffic Penalty Tribunal : <http://www.trafficpenaltytribunal.gov.uk>

Joint Committee for England & Wales for the civil enforcement of Parking and Traffic Regulations : <http://www.patrol-uk.info>