

**THE SWINDON BOROUGH COUNCIL
(BUS LANES, BUS GATES AND BUS ONLY ROADS) ORDER 2019**

Swindon Borough Council ("the Council") in exercise of its powers under Section 1(1), 2(1) to (3), 4 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act"), The Transport Act 2000, The Traffic Management Act 2004 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
Citation and Commencement**

- 1 This Order shall come into operation on the 11th day of March 2019 and may be cited as The Swindon Borough Council (Bus Lanes, Bus Gates and Bus Only Roads) Order 2019.

**PART 2
Interpretation**

- 2 In this Order the following expressions have the meanings respectively ascribed to them unless the context of their use requires otherwise;

"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 a private hire vehicle licensed by Swindon Borough Council under Section 48 Local Government (Miscellaneous Provisions) Act 1976 which clearly displays a plate indicating that they are Private Hire Vehicles so that they can be clearly identified as being permitted to use the existing bus lanes

"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 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 the terms 'bus gate' and "bus only road".

“carriageway” means a way constituting or comprised in a highway, being a way over which the public have a right of way for the passage of vehicles.

“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 Swindon Borough 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.

“emergency services vehicle” means a vehicle operated by the Police, Fire & Rescue or Ambulance Service.

“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.

“motor cycle ” has the meaning as in Section 136 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.

“pedestrian crossing” means a crossing for foot passengers marked on a road in accordance with Regulations made under Section 25 of the 1984 Act.

“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.

“public service vehicle” has the same meaning given in Section 1 of the Public Passenger Vehicles Act 1981

“universal service provider’ has the meaning given in the Postal Services Act 2000.

“hours of operation” means the period during which a designated bus lane restriction applies.

“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 2002 (as amended)

“road marking” means a traffic sign consisting of a line or mark or legend of the surface on a road 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.

“statutory grounds” means grounds for appeal defined in regulation 9.2 of the 2005 Regulations.

“taxi” means a hackney carriage licensed by the Council under Section 37 of the Town Police Clauses Act 1847.

“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 is without prejudice to the provisions of any other enactment.
- 4 Without prejudice to the generality of the above definition of “bus lane” where the single white line marking the boundary of the bus lane is broken by a gap opposite and adjacent to the junction of a length of road specified in the Schedules 1, 2 or 3 with any other road or any accessway or at a pedestrian crossing or by a street refuge the boundary shall nevertheless be regarded as continuing unbroken.
- 5 In this Order a reference to an adjacent part of the road is a reference to an area that is not within the bus lane but is a part of the carriageway on the length of road which comprises the bus lane.

PART 3 Prohibitions

- 6 **Bus Lane**
Save as provided in Part 4 of this Order no person shall cause or permit any vehicle except for a bus to be in the lengths of roads specified as bus lanes in Schedule 1 in direction of travel and during the hours of operation specified unless the vehicle is of a type specified in column 5 of Schedule 1.
- 7 **Bus Gates**
Save as provided in Part 4 of this Order no person shall cause or permit a vehicle except for a bus to enter or be in any lengths of road specified in Schedule 2 to the Order at any time
- 8 **Bus Only Road**
Save as provided in Part 4 of this Order no person shall cause or permit a vehicle except for a bus to be in, on any lengths of road specified in Schedule 3 to the Order at any time.

PART 4
Conditions and Exemptions

- 9 Nothing in Part 3 of this Order shall apply to a vehicle from being in the length of roads specified in Schedule 1, 2 and 3 as bus lanes, bus gates and bus only roads providing the vehicle is under the direction or with the permission of a police constable in uniform.
- 10 Articles 6, 7 and 8 do not apply to a vehicle in any length of road specified in Schedules 1, 2 and 3 as bus lanes, bus gates and bus only roads if it is necessary for the vehicle:
- (a) the vehicle is an emergency vehicle responding to an emergency incident where it is necessary for that vehicle to proceed or enter the bus lane.
 - (b) to remove an obstruction;
 - (c) to avoid an accident;
 - (d) to collect or remove refuse or waste;
 - (e) to be used for or in connection with:-
 - (i) building, industrial or demolition operations in or on adjacent land or removals from adjacent land or buildings adjacent where the prior written consent of the Council has been received;
 - (ii) the laying, erection, alteration or repair of a sewer, pipe or apparatus for the supply of water, gas, electricity or telecommunications apparatus in or on adjacent land;
 - (iii) the maintenance, improvement or reconstruction of the bus lane;
 - (f) whilst it is 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 adjacent premises
- 11 Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is an Incidence Response Vehicle used by Network Rail in an emergency.
- 12 Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is used by the Council's Homeline Service and an accessible vehicle on hire from Dial A Ride which displays an authorised bus lane user sticker
- 13 Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if the vehicle is a vehicle used in the event of an emergency by the Council's Civil Protection Unit.
- 14 Article 6 does not apply to a vehicle in any length of road specified in Schedule 1 as a bus lane if it is a doctor responding to an emergency call provided that the vehicle is displaying a green flashing light.

- 15 Article 6 shall not apply to any vehicle specified in any length of roads in Schedule 1, 2 and 3 as bus lanes, bus gates and bus only roads providing the vehicle is being used for a special event and authorisation for the vehicle or vehicles has been agreed in writing with the Council on the date, time and duration.
- 16 Article 6 shall not apply to any vehicle in any length of road specified in Schedule 1 as a bus lane only for so long as may be necessary to enable a person to board or alight from the vehicle and for the loading and unloading of goods.
- 17 Article 6 shall not apply to any vehicle in any length of road specified in Schedule 1 as a bus lane if necessary for the vehicle to enter or leave land or premises adjacent to the bus lane and to gain access to or egress from off-street loading or garaging premises adjacent to or accessible only from the bus lane.
- 18 Article 6 shall not apply to a vehicle to enter any bus lane specified in Schedule 1 if the vehicle enters the bus lane :
- a) from a road which does not comprise the bus lane and forthwith leaves the bus lane through the gap in the single white line situated opposite and adjacent to the junction of that road with the bus lane, or if there is no such gap, at a point opposite that road;
 - b) from an adjacent part of the road through any gap in the single white line and forthwith enters a road which lies opposite that gap;

PART 5

Contraventions & Enforcement of Restrictions Imposed by This Order

- 19 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'.
- 20 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 (PCN) in accordance with The Bus Lane Contraventions (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 on the person appearing to the owner, keeper and driver of the vehicle.
- 21 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.

22 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.

23 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.

24 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

25 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 Revocation

26 The Orders listed in Schedule 4 are hereby revoked in their entirety.

Given under the Common Seal of Swindon Borough Council

THE COMMON SEAL of the
SWINDON BOROUGH COUNCIL
was hereunto affixed this
27th day of February 2019
in the presence of :-

865606

M. P. Whittell
Principal Solicitor

CERTIFIED TO BE A TRUE
COPY OF THE ORIGINAL

M. P. Whittell
Principal Solicitor

SCHEDULE 1

LENGTHS OF ROAD RESERVED AS A BUS LANE

NAME OF ROAD (column 1)	LENGTH OF BUS LANE (column 2)	DIRECTION OF TRAVEL (column 3)	DAYS/HOURS OF OPERATION (column 4)	PERMITTED VEHICLES (column 5)
Fleming Way (West)	The nearside lane from a point approximately 43 metres west of the western kerbline of Islington Street to a point approximately 39 metres east of the eastern kerbline of Fleet Street	Westbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
Fleming Way (East) 01	The nearside lane from a point approximately 64 metres west of the western kerbline of Medgbury Place to a point approximately 217 metres east of that kerbline.	Eastbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
Fleming Way (East) 02	The nearside lane from a point approximately 235 metres east of the eastern kerbline of Medgebury Place to a point approximately 65 metres west of that kerbline.	Westbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
Princes	The nearside lane from a point	Northbound	7 Days a week	Motorcycles

Street 01	approximately 117 metres south of the northern kerbline of Gordon Road to a point approximately 131 metres north of that kerbline.	Carriageway	7am to 7pm of each day	Pedal Cycles Taxis Authorised Vehicles
Holbrook Way	The nearside lane from a point approximately 41 metres north east of the north eastern kerbline of Bridge Street to a point approximately 132 metres south west of that kerbline.	Westbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
Faringdon Road	The offside lane from a point approximately 11 metres west of the western kerbline of East Street to a point approximately 84 metres west of that kerbline.	Westbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
A4259 Queens Drive	The nearside lane from a point approximately 106 metres south of the southern kerbline of Upham Road to a point approximately 126 metres east of its junction with the Magic Roundabout.	Northwest bound carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
A4311 Cricklade Road 01	The nearside lane from the Copse Park and Ride Car Park exit to a point approximately 159 metres south of the southern kerbline of	Southbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis

	Okus Grove.			Authorised Vehicles
Penhill Drive	The nearside lane from a point approximately 40 metres east of the eastern kerbline of Inglesham Road to its junction with Cricklade Road.	Eastbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
A4311 Cirencester Way 01	The nearside lane from a point approximately 165 metres south of the southern kerbline of Liddington Street to a point approximately 149 metres south of that junction.	Northbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
A4311 Cricklade Road 02	The nearside lane from a point approximately 120 metres south of the southern kerbline of Liddington Street to a point approximately 73 metres north of that kerbline.	Northbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles
Regent Circus	From a point 31.4 metres of the eastern kerbline of Commercial Road and Regent Circus for a distance of approximately 31 metres to the junction with Princes Street.	Eastbound Carriageway	7 Days a week 7am to 7pm of each day.	Motorcycles Pedal Cycles Taxis Authorised Vehicles
Princes Street 02	From its junction with Regent Circus for a distance of 227 metres in a northerly direction.	Northbound Carriageway	7 Days a week 7am to 7pm of each day	Motorcycles Pedal Cycles Taxis Authorised Vehicles

Tewkesbury Way	The nearside lane from its junction with Mannington Lane to a point 68 metres of Mannington Roundabout.	Eastbound Carriageway	7 Days a week 24 hours of each day	Pedal Cycles
Penzance Drive	The nearside lane from a point approximately 85 metres west of the section of Penzance Drive subject to a bus gate.	Eastbound Carriageway	7 Days a week 24 hours of each day	Pedal Cycles
Cricklade Road	The nearside lane from a point approximately 34 metres north of northern kerbline of Poplar Avenue to its junction with Cirencester Way.	Northbound Carriageway	7 Days a week 24 hours of each day	Pedal Cycles Motorcycles
Emlyn Square	The nearside lane from its junction with London Street to its junction with Faringdon Road.	Southbound Carriageway	7 Days a week 24 hours of each day	none
Highworth Road	From a point 40 metres north of the property boundary of Tranatore and Rulfcott for a distance of 218 metres in a southerly direction.	Eastern Carriageway	7 days a week 7am to 7pm	Motorcycles Pedal Cycles Taxis Authorised Vehicles
B4006 Pipers Way	From a point in line with the southern kerbline of the unnamed access road on the western side of the signalised junction with Pipers Way (B4006) and Applebee Road in	Eastbound Carriageway	7 Days a week 24 hours of	None

	a general southerly direction for a distance of 285 metres.		each day	
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SCHEDULE 2

LENGTHS OF ROAD RESERVED AS BUS GATES

Name of Road	Direction of Travel	Length of Bus Gate	Hours of operation	Permitted Vehicles
Torun Way	Both Directions	From the junction with Casterbridge Road to the junction of White Eagle Road for a distance of approx. 97 metres	7 days a week 24 Hours a day	
Mazurek Way	Both Directions	From a point 20 metres west of the service yard access for a distance of approx. 36 metres in a westerly direction.	7 days a week 24 Hours a day	Pedal Cycles
Ermin Street	Both Directions	From its junction with Hobley Drive to a point 10 metres south east of that junction.	7 days a week 24 Hours a day	Pedal Cycles
Ferndale Road	Both Directions	From a point 45 metres east of its junction with Kitchener Street to a point 60 metres east of that junction.	7 days a week 24 Hours a day	Pedal Cycles
Upham Road	Both Directions	From a point 13 metres west of the junction to Queens Drive Service	7 days a week 24 hours a day	

		Road to a point 9 metres west of that junction.		
Polaris Way	Both Directions	From a point 70 metres south west of its junction with Cockleberry Roundabout in a south westerly direction to a point 127 metres east of its junction with North Star Avenue.	7 days a week 24 hours a day	
Bristol Street	Easterly Directions	From its junction with Emlyn Square (west) to its junction with Emlyn Square (east)	7 days a week 24 hours a day	Pedal Cycles
Church Place (East and West Section)	Easterly Direction	Between its junction with Church Place (North and South Section) and a point 28 metres west of that junction.	7 days a week 24 hours a day	
Un-named link road between Chelmsford Road and Eastleaze Road	Both Directions	From its junction with Eastleaze Road to its junction with Chelmsford Road	7 days a week 24 hours a day	
New College Drive	Both Directions	From its junction with Bilborough Drive to its junction with the exit road from New College.	7 days a week 24 hours a day	Pedal Cycles
Un-named Service Road to and from Asda Walmart	Both Directions	From a point 2 metres north of its roundabout junction with Lady Lane	7 days a week 24 hours a day	

Un-named link road between Marlborough Road & Liden Dr	Both Directions	called 'Manor Farm' to a point 18 metres north of that point. From its junction with Liden Drive to its junction with Marlborough Road (A4259)	7 days a week 24 hours a day	
Marlborough Road (Hospital access road)	Western Carriageway	From its junction with Marlborough Road (Hospital access road) roundabout to its junction with the Marlborough Road (Hospital access road)	7 days a week 24 hours a day	
Eastern Link Road joining Penzance Drive and Wootton Bassett Road	South Direction	The whole length	7 days a week 24 hours a day	
Un-named link road from Great Western Way to Mannington Lane	Westerly Direction	From Great Western Way at a point approximately 50 metres north of the Mannington Roundabout for a distance of 253 metres in a westerly direction	7 days a week 24 hours a day	
Un-named link road from the junction with Mannington Lane to Tewkesbury Way	South Easterly Direction	From its junction with Mannington Lane in a south easterly direction to its junction with Tewkesbury Way.	7 days a week 24 hours a day	
Penzance Drive	Both Directions	From the Penzance Drive Bus Lane to its junction	7 days a week 24 hours a day	Pedal Cycles

East Wichel Way (01)	Both Directions	with Rodbourne Road Between its junction with Croft Road (A4361) and Cornwood Road	7 days a week 24 Hours a day	Pedal Cycles
East Wichel Way (02)	Both Directions	Between its junction with Foxham Way and Arnhill Road / Barbrook Road	7 days a week 24 Hours a day	Pedal Cycles
Stratton Road	Both Directions	From its junction with Stratton Slip Road (to Swindon Road) to its junction with Greenbridge Retail Park Road.	7 days a week 24 Hours a day	Pedal Cycles

SCHEDULE 3

LENGTHS OF ROAD RESERVED AS BUS ONLY ROAD

Name of Road	Direction of Travel	Length of Bus Only Road	Hours of Operation
Marlborough Road	Northwest bound (offside carriageway)	From a point 90 metres southeast of its junction with the un-named link road to Liden Drive to its junction with that road.	7 days a week 24 hours a day
County Road	Southbound Carriageway	The offside lane from a point approximately 20 metres south of its junction with Elmina Road to its junction with	7 Days a week 24 hours of each day

		Manchester Road.		
Fleming Way 01	North	(East of Princes Street) from the westbound carriageway into Corporation Street in a northerly direction.	7 days a week 24 hours a day	
Fleming Way 02	South	(West of Princes Street) From the eastbound carriageway into Princes Street in a southerly direction.	7 days a week 24 hours a day	
Princes Street 03	West	(Junction with Fleming Way east) from the southbound carriageway into Fleming Way in a westerly direction.	7 days a week 24 hours a day	
A4311 Cirencester Way 02	South	The offside lane from a point approximately 85 metres south of its junction with Liddington Street for a distance of approximately 90 metres	7 days a week 24 hours a day	
Pipers Way	Eastbound Carriageway	The offside lane from a point 7 metres north west of the centre line of the south access of Wroughton Park and Ride, for a distance of 46 metres in a north westerly direction.	7 Days a week 24 hours of each day	

Pipers Way	Eastbound Carriageway	From a point in line with the southern kerbline of the unnamed access road on the western side of the signalised junction with Pipers Way (B4006) and Applebee Road in a general southerly direction for a distance of 285 metres.	7 Days a week 24 hours of each day
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