

DATED _____ 2024

ROAD TRAFFIC REGULATION ACT 1984

THIS IS A DRAFT IN PROGRESS

THE BOROUGH OF READING (KINGS ROAD) (BUS LANES)

ORDER 202*

Michael Graham Legal and
Democratic Services
Civic Offices
Bridge Street
Reading, RG1 2LU
Legal Ref: 025496

THE BOROUGH OF READING (KINGS ROAD) (BUS LANES)

ORDER 202*

The Reading Borough Council (hereinafter referred to as "The Council"), pursuant to its powers under Sections 1(1),2(1) to (3), 4(1) and Part IV of schedule 9 to The Road Traffic Regulation Act 1984 (The Act of 1984), The Transport Act 2000, The Traffic Management Act 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:

COMMENCEMENT AND CITATION

1. This Order may be cited as The Borough of Reading (Kings Road) (Bus Lanes) Order 202* and shall come into operation on [●]

2. DEFINITIONS AND INTERPRETATION

In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

“Authorised vehicles” means a hackney carriage and private hire vehicles which have been licensed by Reading Borough Council.

“Approved device” means a device of a description specified in an order made by the Secretary of State in line with Section 144 of the Transport Act 2000 and adhering to the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

"Bus" means;

- (i) any motor vehicle constructed or adapted to carry more than 8 passengers (exclusive of the driver); and
- (ii) any local bus;

"Bus Lane" means the lengths of roads specified in the Schedule to this order which are bounded by road markings as prescribed in Schedule 6 and by diagram 1049 of the Traffic Signs Regulations and General Directions 2002.

“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.

“Civil Enforcement Officer” has the same meaning as in section 76 of the Traffic Management Act 2004;

“Date of service” means the last day on the period 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 date after the date of posting will be the first of posting

“driver” means the person driving the vehicle and includes any separate person who acts in as a steersman in addition to the driver;

“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;

“Hackney Carriage” means a vehicle licensed under Section 37 of the Town Police Causes Act 1847, Section 6 of the Metropolitan Carriages Act 1869, or any similar enactment;

“Local Bus” means any of the following, a bus/vehicle operated by ‘ReadiBus’, an emergency service vehicle, any bus operating a patients transport services, or any buses/coaches, which operate within the Borough of Reading; licensed vehicle operating as a school bus;

“Pedal Cycle” means a unicycle, bicycle, tricycle, or cycle having four or more wheels, not being in any case a 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 proposes of the Act of 1984;

“Private Hire Vehicles” means a motor vehicle constructed or adapted to seat fewer than nine passengers, other than a hackney carriage or public service vehicle, which is provided for hire with the services of a driver for the purpose of carrying passengers;

“Police, Fire Service or Ambulance” means any vehicle used for police purposes in emergencies or rescue operations or a vehicle used and or adapted to fight fire and specialised vehicles used for medical purposes;

“The 2002 Regulations” means the Traffic Signs Regulations and General Directions 2002;

“Universal service provider” has the same meanings as in the Postal Services Act 2000.

3. Any reference in this order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or having affect by virtue of any subsequent enactment.
4. Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the numbered Article or Schedule bearing that number in this Order;
5. Words importing the masculine gender shall also include the feminine gender and words in the singular include the plural and vice versa;
6. The prohibitions imposed by this Order shall be in addition to and not in derogation of any restriction, prohibition or requirement imposed by any Regulations or Orders made or having effect as if made under the Act of 1984, or by or under any other enactment.

7. In so far as any provision of this order conflicts with any provision of any order made or having effect as if made under the Act of 1984 and which imposes a restriction or prohibition on waiting by vehicles or grants an exemption from such restriction then that provision of this order shall prevail.
8. If any provision of this Order is held invalid or unenforceable, for any reason by a court of competent jurisdiction such provision shall be severed and the remainder of the provisions of this Order shall continue in full force and effect as if the Order had been executed without the invalid illegal or unenforceable provision.

PROHIBITIONS: BUS LANE

9. Save as provided in Article 9, no person shall, except upon the direction or with the permission of a police constable in uniform, or a Civil Enforcement Officer, use a vehicle or cause or permit any vehicle other than a Bus, to be in a Bus Lane as detailed in the Schedule.

CONDITIONS AND EXEMPTIONS

10. Nothing in Article 8 of this Order shall render it unlawful to cause or permit:
 - a pedal cycle to use or proceed along the Bus Lane; or
 - a Private Hire Vehicle or a motorcycle to use or proceed along the Bus Lane; or
 - an authorised vehicle to use or proceed along the Bus Lane.
11. Nothing in Article 8 of this order shall render it unlawful for any person causing or permitting any vehicle to be in a bus lane by entering or proceeding in the direction/length of road specified in the Schedule so far as it is reasonably necessary to enable the vehicle to be used for any of the purposes set out hereunder of this Article or to wait in the said bus lane for so long as may be necessary for any of those purposes:-
 - a) removal of any vehicle or to effect emergency repairs to a vehicle in the bus lane so as to relieve any obstruction to traffic;
 - b) Police, Fire Service or Ambulance purposes in the exercise of their statutory duties;
 - c) the service of any local authority, the Environment Agency or water undertaker or a sewerage undertaker in pursuance of statutory powers or duties or in connection with the supply of gas or electricity, or any electronic communications systems as defined in the Communications Act 2003;
 - d) in the service of a universal service provider for the purpose of delivering or collecting postal packets as defined in section 125(1) of the Postal Services Act 2000 to premises adjacent to the Bus Lane; and

- e) the vehicle is being used to remove refuse or waste or being used for public road cleansing for or on behalf of the Council if it is reasonably necessary for that vehicle to be in the bus lane.

12. Nothing in Article 8 shall prevent any person causing or permitting any vehicle:-

- (a) To enter or be in a bus lane for any of the purposes set out in paragraphs (i) to (iii) below, by crossing the white line, at a point opposite that person's destination, or a point as close as possible to that point, provided that such entry is absolutely necessary in respect of: -
 - (i) the gaining of access to off-street loading or garaging premises adjacent to or accessible only from the bus lane;
 - (ii) the loading or unloading of any goods or burden at these premises adjacent to or accessible only from the bus lane; provided that such loading or unloading can reasonably be carried out only from the bus lane
 - (iii) the removal of any obstruction to traffic in the bus lane; or
- (b) In the service of any local authority or water authority in pursuance of statutory powers or duties to be in the bus lane;
- (c) which is to be used in connection with the maintenance, improvement or reconstruction of any lengths or road, or the laying, erection, alteration or repair in or near any of the lengths of road of any sewer or main, pipe or apparatus for the supply of gas, water, electricity or telegraph line to be in the bus lane;
- (d) be in a bus lane in accordance with (a) above, to wait therein for the purposes set out in (i), (ii) and (iii);
- (e) be in a bus lane in accordance with (a) above, to leave the bus lane by crossing the white line at a point as close as possible to the point of entry.

CONTRAVENTION AND ENFORCEMENT OF THIS ORDER

Any person or vehicle failing to comply with the provisions of Article 8 of this Order shall be in contravention of it and a penalty charge shall be payable.

13. REVOCATIONS

Borough of Reading (Town Centre) (Bus and Accessible Taxi Lanes) (Experimental) Order 2011, Schedule 3: item 12 Kings Road is hereby revoked.

Borough of Reading (Bus Lanes) (Kings Road) Order 2013 is hereby revoked in its entirety.

THE COMMON SEAL OF)
READING BOROUGH COUNCIL)
was hereunto affixed on the)
day of the presence of:-)

Minute	TMSC Min 11.01.24 Item 37
Originator	PT
Seal No.	
Checked	

Authorised Signatory

SCHEDULE

Prohibition of vehicles except buses, cycles, motorcycles and authorised vehicles only

Road	Length of road
Kings Road, eastbound	From a point 7 metres west of its junction with Forbury Road eastwards to the western kerb line extension of its junction with Forbury Road.
Kings Road, eastbound	The area of carriageway of that length of Kings Road which extends from a point 9m east of the east side of the junction with Forbury Road for a distance of 190m.
Kings Road, eastbound	The area of carriageway of that length of Kings Road which extends from a point 8m east of the east side of the junction with Orts Road to a point 44m west of its junction with Amity Road.