

CITY OF COVENTRY (GREYFRIARS ROAD) (BUS GATE AND REVOCATION) ORDER 2024

The Council of the City of Coventry (hereinafter referred to as "the Council"), which for the avoidance of doubt includes any agent acting on the behalf of, in exercise of their powers under Sections 1(1), 2(1), (2), (3), 4(2), 124(1) and Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act") (as amended) and by the virtue of The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Coventry) Order 2005 (Statutory Instrument 2005 No. 378), made by Order under Section 43 and Schedule 3 of the Road Traffic Act 1991 ("the Act of 1991") and The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022 (Statutory Instrument 2022 No.71) and Traffic Management Act 2004 ("the Act of 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, hereby make the following Order:-

1. This Order shall come into operation on **XXth day of XXX 2024** and may be cited as the "City of Coventry (Greyfriars Road) (Bus Gate and Revocation) Order 2024".

- 2 (i) In this Order:-
 - a) a reference to an article followed by a number is a reference to the Article of this order so numbered;
 - b) the following expressions shall have the meanings assigned to them:-

"approved device" means a device of a description specified in an Order made by the Relevant National Authority in line with the Act of 2004 and adhering to The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022 (Statutory Instrument 2022 No.71);

"authorised vehicle" means a licenced Private Hire Vehicle

"bus" has the same meaning as in Schedule 1 to the 2016 Regulations;

"bus gate" means the length of road described in the First Schedule to this Order and indicated by signs as prescribed in the Traffic Signs Regulations and General Directions or otherwise authorised by the Relevant National Authority;

"cause" includes permit and causing shall be construed accordingly

"Civil Enforcement Officer" shall have the meaning assigned by section 76 of the Traffic Management Act 2004

"date of service" means the last day of the period of three (3) consecutive working days beginning with the first day of posting.

"enactment" means any enactment, whether public general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment and 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 as having effect by virtue of any subsequent enactment;

"hackney carriage" means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847, Section 6 of the Metropolitan Carriages Act 1869 and any other similar enactment;

"issuing authority" means the Council

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022(Statutory Instrument 2022 No.71)

"penalty charge notice" means a notice issued by a person authorized to do so by the Council pursuant to The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022) (Statutory Instrument 2022 No.71).

"PCN" means a Penalty Charge Notice;

"pedal cycle" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"private hire vehicle" means a vehicle licensed under Section 48 Local Government (Miscellaneous Provisions) Act 1976 or any similar enactment;

"Relevant National Authority" means the Secretary of State in respects England;

"road" shall have the same meaning ascribed to it by Section 142 of the Act

"the 2016 Regulations" means the Traffic Signs Regulations and General Directions 2016 and includes any enactment or re-enactment or amendment thereto;

"vehicle" means a mechanically and/or electrically propelled vehicle intended or adapted for use on the Road which for the avoidance of doubt includes the whole or any part of a vehicle.

- (ii) The Interpretation Act 1978 shall apply for interpretation of this order as it applies for the interpretation of an Act of Parliament.
- (iii) Reference to any Statutory Instrument, Act, Regulations or Order referred to in this Order shall be read and construed as the Statutory Instrument, Act, Regulations or Order as amended, varied, reenacted or revoked
3. 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
4. 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 PCN in accordance with The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions)(England) Regulations 2022 (Statutory Instrument 2022 No.71)
 - i) on the person appearing to be the owner or keeper of the Vehicle or
 - ii) on the person appearing to be the person liable to pay the charge
5. If a Vehicle owner, keeper or driver contravenes any prohibitions or restrictions of this Order, a charge set by the Council pursuant to Regulations under the Act of 2004 and

in accordance with guidance given by the Relevant National Authority (the Penalty Charge) is to be paid in the manner described in the notice.

6. 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
7. Save as provided in Article 8 of this Order no person shall except upon the direction or with permission of a Police Officer in uniform or Civil Enforcement Officer as defined by the Traffic Management Act 2004 and appointed by Coventry City Council cause or permit any vehicle to travel through the bus gate or be in and/ or proceed in the length of road described in Schedule 1 to this Order
8. Nothing in Article 7 of this Order shall apply to any vehicle listed in Schedule 2 to this Order.
9. The City of Coventry (Warwick Road) (Bus Gate) Order 2015 is hereby revoked with effect from the date of this Order to the extent as detailed in Schedule 3.
10. The restrictions, prohibitions and requirements imposed by this Order shall be read and construed as not being in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption to the provisions of this Order is without prejudice to the provisions of any other enactment.

SCHEDULE 1

Length of road in Coventry

The full width of that length of Greyfriars Road from its junction with Warwick Road to a point 11m southeast of its junction with Sheriffs Orchard

SCHEDULE 2

Nothing in Article 7 of this order shall apply to a:-

- (a) bus
- (b) pedal cycle
- (c) any vehicle being used for police, fire or ambulance service purposes in circumstances of emergency
- (d) vehicle being used for:-
 - (i) the removal of any obstruction to traffic.
 - (ii) the maintenance, improvement or reconstruction of the length of road
 - (iii) the laying, erection, alteration or repair of any sewer, main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus
- (e) a local authority, water or sewerage undertaker in pursuance of statutory powers or duties.
- (f) any vehicle being used in accordance with any indication given by a traffic sign which has been placed pursuant to section 66 or 67 of the Act
- (g) Hackney Carriage

(h) Authorised Vehicle

SCHEDULE 3

Title of Order	Extent of Revocation
City of Coventry (Warwick Road) (Bus Gate) Order 2015	Whole Order

The Common Seal of THE COUNCIL OF
THE CITY OF COVENTRY was hereunto
Affixed on xx day of xxxxxx 2024 in
the presence of:

Authorised Signatory