

**The Portsmouth City Council (Isambard Brunel Road & Winston Churchill Avenue Roundabout)
(Bus Lane) (No. 206) Order 2022**

The Portsmouth City Council (hereinafter referred to "the Council") in exercise of its powers under Section 1 & 2 and in accordance with Parts III and IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act) of the Road Traffic Regulation Act 1984 ('the 1984 Act'), as amended, and The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulation 2022 and of all other enabling powers, hereby makes the following Order.

This Order shall come into operation on xxxxxx and may be cited as The Portsmouth City Council (Isambard Brunel Road & Winston Churchill Avenue) (Bus Lane) (No. 206) Order 2022

1. In this Order:

"the 2016 Regulations" means the Traffic Signs Regulations and General Directions 2016;

"Approved Device" has the same meaning as in the Bus Lanes (Approved Devices) (England) Order 2005 (as amended);

"Authorised Person" means an employee or agent of the Council authorised to exercise any of the functions under this Order;

"Bus" has the same meaning as in Schedule 1 of the 2016 Regulations;

"Bus Lane" means an area of road which is, or forms part of a road specified in Schedule 1 of this Order, that may only be used by Buses, Taxi's and Pedal Cycles and has the same meaning as in part 2 of Schedule 7 of the Traffic Management Act 2004; and Schedule 1 of the 2016 Regulations;

"Motor Vehicle" has the same meaning as in section 136 of the 1984 Act;

"Pedal Cycle" has the same meaning as in Schedule 1 of the 2016 Regulations;

"Penalty Charge Notice" has the same meaning as in regulation 8 of the Bus Lane Contraventions (Penalty Charges adjudication and Enforcement) (England) Regulations 2005 (as amended);

"Plan" means the plan attached to this Order showing the extent of the Bus Lanes as highlighted on drawing number HW11241-TRO-01

"Taxi" has the same meaning as Hackney Carriage as defined under Section 38 of the Town Police Clauses Act 1847;

The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2. Save as provided in Articles 3, 4 and 5 of this Order, no person shall cause or permit any Motor Vehicle other than a Bus, Taxi or Pedal Cycle to enter or proceed in the Bus Lane specified in Schedule 1 to this Order during the days and hours prescribed in Column 2 of the said Schedule and shown on the Plans attached to this Order.
3. Nothing in Article 2 of this Order shall apply to any person causing a Motor Vehicle to enter or proceed in the Bus Lane where:-
 - (a) Motor Vehicle where the person in control of the Motor Vehicle:-
 - (i) For the removal of any obstruction to traffic
 - (ii) Is required by law to stop
 - (iii) Is obliged to enter the Bus Lane to avoid an accident or to avoid injury or damage to property
 - (b) A Motor Vehicle being used for police, ambulance, fire brigade, local authority or water authority, sewage authority and national rivers authority purposes, when used in pursuance of statutory powers or duties
 - (c) A Motor Vehicle to enable it to be used for the purposes of:-
 - (i) any building operation, demolition or excavation;
 - (ii) the removal of obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of a road;
 - (iv) the laying, erection, alteration, repair or cleaning of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telecommunication system lawfully kept installed in any position;
 - (v) the collection of household refuse from or cleaning of cesspools at, premises situated on or near to the lengths of road specified in the Schedules of this Order;
 - (vi) the placing, maintenance and removal of a traffic sign;
 - (vii) the placing, maintenance and removal of any street furniture;
 - (viii) the undertaking of works on the public highway and authorised to be in the Bus Lane whilst undertaking specific works by the Council

provided that in all of these circumstances it is necessary for the Motor Vehicle to enter the Bus Lane.

4. Nothing in Article 2 of this Order shall apply to a Motor Vehicle which is required to enter the Bus Lane at the direction of:
 - (a) A police constable in uniform;
 - (b) An Authorised Person;
 - (c) To enable the getting or giving of help in consequence of an accident or emergency
 - (d) In accordance with any indication given by a traffic sign which has been placed in pursuance to Section 66 or 67 of the 1984 Act.
5. Nothing in Article 2 of this Order shall apply to a Motor Vehicle to enter the Bus Lane if the Motor Vehicle enters the Bus Lane:-

- (a) From a road which does not compromise 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 the road with the Bus Lane, or if there is not 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 the road which lies opposite that gap;
- (c) From any vehicular access way or crossing over the footway adjoining the Bus Lane and forthwith leaves the Bus Lane at a point opposite that vehicular access way or crossing;
- (d) From an adjacent part of the road at a point opposite any vehicular access way or crossing over the footway adjoining the Bus Lane and forthwith enters that vehicular access way or crossing;
- (e) The gaining of access to or egress from off street loading or garage premises adjacent to or accessible only from the Bus Lane.

REVOCATIONS

THE PORTSMOUTH CITY COUNCIL (CONSOLIDATION) (ON-STREET PARKING PLACES AND RESTRICTIONS ON WAITING AND LOADING) (NO.1) ORDER 2022

SCHEDULE 112 SCHOOL KEEP CLEAR MONDAY TO FRIDAY 8AM - 5PM

Lengths of Roads and Sides of Lengths of Roads

3. ISAMBARD BRUNEL ROAD The east side from a point 22 metres north of its junction with Hyde Park Road, in a northerly direction for a distance of 37 metres

SCHEDULE

Road and lengths of road	Times and days of operation
<p>Isambard Brunel Road The inside lane of the south-eastern side from a point 4 metres south of its projected southern kerbline with Hyde Park Road to its junction with Winston Churchill Avenue Roundabout in a south easterly direction.</p>	<p>At any time on any day</p>
<p>Winston Churchill Avenue roundabout The inside lane of the main carriageway from the eastern side of the northern arm of Isambard Brunel Road in an easterly direction around the roundabout to its junction with the eastern arm of Winston Churchill Avenue.</p>	<p>At any time on any day</p>
<p>Winston Churchill Avenue The inside lane of the eastbound carriageway from its junction with Winston Churchill Avenue Roundabout to a point 42 metres east of that point.</p>	<p>At any time on any day</p>

Given under the Common Seal
of the Portsmouth City Council this day of 2022.

THE COMMON SEAL of THE PORTSMOUTH)
CITY COUNCIL was hereunto affixed in)
pursuance of a resolution of the Council)
passed at a meeting duly convened and held:)

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Authorised Signatory

DRAFT