

The answers to some of the most frequently asked questions relating to Bus Lanes and CCTV Enforcement covering the issue of Penalty Charge Notices and the appeals process.

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General Bus Lane Information

How are bus lanes authorised?

Bus Lanes are created by Traffic Regulation Orders using powers under the Road Traffic Regulation Act 1984. A bus lane is defined in the Traffic Signs Regulations and General Directions 1994 as a traffic lane reserved for buses (and pedal cycles and taxis where indicated by the signs).

How are bus lanes enforced?

Powers were granted for civil enforcement of traffic contraventions by approved local authorities in the Traffic Management Act 2004. Nottingham City Council is an approved local authority under The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 for the purposes of S.144 of the Transport Act 2000 (civil penalties for bus lane contraventions).

The cameras and recording system have been approved under The Bus Lanes (Approved Devices) (England) Order 2005.

What about fines for contraventions of bus lanes?

Section 144 of the Transport Act 2000 provides the necessary powers to enable the Secretary of State by regulation to make provision for the imposition of penalty charges in respect of bus lane contraventions. Nottingham City Council decided to impose a penalty charge of £60 under these powers.

Penalty Charge Notices are issued under the Road Traffic Regulation Act 1984 and S.144 (5) Transport Act 2000.

What does the Highway Code say about bus lanes?

Rule 141 of the Highway Code gives the general rules for bus lanes.

Why have bus lanes?

The benefits of bus lanes are that they:

- Increase bus service reliability,
- Improve bus passenger journey times,

- Encourage use of public transport - This supports an ongoing commitment by Nottingham City Council to increase the use of public transport and reduce traffic pollution and congestion,
- Provide a safer lane for cyclists.

When are bus lanes in operation?

In Nottingham, some bus lanes are in operation on Monday to Friday from 07:30 to 09:30 and from 16:00 to 18:00. Others operate all day. If there are no times stated on the signs, the bus lane is in operation 24 hours a day. Road signs and markings will clearly indicate the start and end of bus lanes and highlight the hours of operation. **All bus lanes in Nottingham are in operation on Bank Holidays.**

What about bus gates and tram gates?

A bus gate is a method of discouraging through traffic in towns and city centres. They are short sections of road blocked off to all traffic except buses and cycles and (in the case of Nottingham), wheelchair accessible taxis. Signing of bus gates is different to that of a more usual bus lane that runs along the side of the carriageway, but as in the case of bus lanes, adheres to the regulations in the Traffic Signs Regulations and General Directions 2002 (TSRGD). Under the Traffic Regulation Orders a bus gate is treated the same as a bus lane.

Similar to a bus gate, a tram gate is a portion of the highway where use is restricted by Traffic Regulation Order to Trams only and is clearly signed in accordance with TSRGD. **All tram gates and bus gates in Nottingham operate for 24 hours a day, including Bank Holidays.**

Contraventions

What is a contravention?

A bus lane contravention is a contravention of any provision of a traffic order relating to use of an area of road that is or forms part of a bus lane. A contravention normally begins where a vehicle breaks and crosses the solid white boundary line between the bus lane and the remainder of the carriageway without good reason during its time of operation (but see below for bus and tram gates). If the vehicle enters a bus lane it should proceed for more than 20 metres (approx 4 continuous car lengths) after so entering.

A bus gate or tram gate is a point restriction, therefore the contravention commences when the vehicle enters the gate.

Who can drive in a bus lane when it is in operation?

Only buses, pedal cyclists and wheelchair accessible taxis can use the bus lane during its hours of operation. The definition of a bus contained in the Traffic Signs Regulations and General Directions 2002 is 'motor vehicles constructed or adapted to carry more than eight passengers (exclusive of the driver)'. Therefore, a bus must have a minimum of 10 seats including the driver.

What is a good reason for driving in a bus lane?

There are a small number of reasons when it is OK to enter a bus lane during the time it is in operation. Among these are;

- when directed to do so by a police officer in uniform;
- to avoid a collision or debris in the road;
- to drop off or pick up a passenger;
- owing to circumstances outside the control of the driver;
- To enter or exit a driveway to a roadside property.

In all cases it is expected that the stay in the bus lane is as brief as possible.

When a vehicle is observed to undertake a vehicle turning right into a side road, by using a bus lane during its time of operation, the Council will treat each case on its merits and try to adopt a common-

sense approach. The driver of such a manoeuvre should ensure that the route back out of the bus lane is clear before undertaking. In most cases the discretionary 20 metres distance will not be exceeded.

Can I park in a bus lane?

Parking is not allowed (even with a blue (disabled) badge) when the bus lanes are in operation.

Penalty Charge Notice & Appeals information

What happens if I am caught driving in a bus lane or parked illegally by the cameras?

You can expect to receive a Penalty Charge Notice addressed to the registered keeper of the vehicle concerned. It will contain details of the alleged contravention, details of the vehicle and three photographs that in the Authority's opinion establish the contravention.

How much do I have to pay?

Although the Penalty Charge is £60, payable by no later than 28 days beginning with the Date of Service of the notice, Nottingham City Council will accept a reduced sum of £30 if it receives payment within 14 days beginning with the Date of Service. Details of how to pay are shown on the front of the Notice.

How can I pay?

The penalty charge can be paid using a credit card either online at www.nottinghamcity.gov.uk/buslanes or over the telephone using 08456 580590; Cash, cheques or debit cards can be used to pay at any Post Office branch; Cash payments are accepted at PayPoint outlets; Cheques and postal orders can be sent by post to the address on the Penalty Charge Notice.

What is the Date of Service?

The Date of Service is defined as "Service of a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting". Working days exclude Saturdays, Sundays, New Year's Day, Christmas Day, Good Friday and any other day which is a Bank Holiday in England & Wales. Nottingham City Council calculates the Date of Service for you and includes it on the Penalty Charge Notice.

Can I view my contravention?

You can view the record of the contravention online at www.nottinghamcity.gov.uk/buslanes . Using the web service you can also pay the penalty charge or make a representation against paying the penalty charge. The Penalty Charge Notice itself should contain three images taken from the digital video recording of the alleged contravention. You can make an appointment to view the full digital video recording of the alleged contravention by writing to Nottingham City Council, Community Protection, Processing & Enforcement Services, P.O. box 10169, Nottingham, NG1 9HS.

I have received a Fixed Penalty Notice from the Police – how come?

Bus Lane offences are not decriminalised and, where civil enforcement of bus lanes applies in an area, contraventions of bus lane orders may continue to be enforced as a criminal offence by the Police. In the event that a Fixed Penalty Notice is issued by the Police for the same offence for which a Penalty Charge Notice is produced, then Nottingham City Council will cancel the Penalty Charge Notice.

What happens to all the money collected by the Council from bus lane fines?

The income from Penalty Charge Notices pays the cost of enforcement. These include the costs of employing the Civil Enforcement Officers, the administration staff involved in collecting the fines, maintenance of signs and lines and other associated costs. Any surplus remaining after deduction of costs has to go towards measures to improve public transport or other highway associated improvements.

Surely there must be a right of appeal against a Penalty Charge notice?

Yes there is a right of appeal. Appeals are referred to in these cases as 'Representations'. The Bus Lane Contraventions (Penalty Charge Adjudication and Enforcement) (England) Regulations 2005 (SI No 2757) sets out six grounds on which you make representations to the Council. These are listed below;

- a) The alleged contravention did not occur,
- b) The penalty exceeded the relevant amount,
- c) The circumstances leading to the issue of the Penalty Charge Notice are subject to criminal proceedings or a Fixed Penalty Notice has been issued,
- d) I was not the owner/keeper of the vehicle at the time of the alleged contravention,
- e) I was not the hirer of the vehicle at the time of the alleged contravention,
- f) I was the registered owner/keeper of the vehicle on the date of the alleged contravention but the vehicle:
 - was on hire to someone else, who had signed a statement taking liability;
 - kept by a motor trader; or
 - was being used without my consentat the time of the alleged incident.

You can make representations online at www.nottinghamcity.gov.uk/buslanes. Using the web service you can also pay the penalty charge.

The Council may consider mitigating circumstances not covered by the 6 grounds above.

Please include full details when submitting your representations. Documentary proof may be required.

Please note the following information relating to representations:-

All representations against a Penalty Charge Notice must either be made by using the web service at www.nottinghamcity.gov.uk/buslanes. or in writing.

1. You can make representations about paying the Penalty Charge within 28 days, beginning with the date of service. If you make unsuccessful representations which have been replied to by the Council within the 14 day period, any remaining discount period will still apply although the **discount period will not be put on hold** during consideration of your representations

Please note; there is no informal challenge against a Penalty Charge Notice issued from CCTV evidence, as the Penalty Charge Notice acts like a 'Notice to Owner' because the Council has applied to the DVLA for keeper details.

2. The City Council will send you a response. It will be either a "Notice of Acceptance of Representations" or a "Notice of Rejection of Representations".
3. If the City Council rejects your representations, you have the right to appeal to an independent adjudication body called the Traffic Penalty Tribunal. The legal grounds for appeal are included under the earlier question "**Surely there must be a right of appeal against a Penalty Charge Notice?**" (a to f). The Council will enclose the appropriate form to enable you to appeal to the Traffic Penalty Tribunal with the "Notice of Rejection of Representations". Again, if the Traffic Penalty Tribunal rejects your appeal, the amount payable will normally be the full £60.

For further information about the Traffic Penalty Tribunal, please visit their website:- www.trafficpenaltytribunal.gov.uk