

Bus Lane Frequently Asked Questions

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

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How are bus lanes authorised?

Bus Lane Orders are made using powers under the Road Traffic Regulation Act 1984. A bus lane is defined in section 144 of the Transport Act 2000 for authorities outside London.

How are bus lanes created?

The City Council creates Traffic Regulation Orders (TROs) using the powers granted to it, as the local Highway Authority. TROs are made to regulate speed, movement and parking of vehicles. Because the Authority has an on-going commitment to increase the use of public transport, bus lanes have been introduced. A legal process must be followed when introducing a TRO.

How are bus lanes enforced?

Powers were granted for civil enforcement of traffic contraventions by approved local authorities in the Traffic Management Act 2004. Leicester 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. Leicester 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?

Sections 120 and 159 of the Highway Code give the general rules for bus lanes.

Why have bus lanes and bus gates?

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 Leicester City Council to increase the use of public transport and reduce traffic pollution,
- Provide a safer lane for cyclists.

A bus gate is a method of discouraging traffic in town and city centres. They are short sections of bus lane where traffic other than buses, taxis (hackney carriages) and cycles are prohibited. Signing of bus gates is different to bus lanes but still adheres to the regulations set out in the Traffic Signs Regulations and General Directions 2002 and 2011.

When are bus lanes in operation?

In Leicester, bus lanes times vary and these will be displayed on the road signs. 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.

Contraventions

What is a contravention?

A bus lane contravention begins where a vehicle breaks and crosses the solid white dividing line between the bus lane and the remainder of the carriageway without good reason during its time of operation.

A bus gate contravention is when an un-authorised vehicle passes the regulatory traffic signs.

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

Only Buses, Taxis(hackney carriages) and pedal cyclists 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 drive in 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; (But this does not apply to driving through bus gates)
- to undertake a vehicle turning right (in this case ensure that the route back out of the bus lane is clear before undertaking);
- 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.

Can I park in a bus lane?

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

Blue badge holder access to Shop Mobility – Charles Street

Access to the Charles Street shop mobility is not permitted through the bus gate at Charles Street / Humberstone Gate. Access is maintained via Belgrave Gate into Charles Street, please see the leaflet and map on the web page.

Penalty Charge Notice & Appeals information

What happens if I am caught driving in a bus lane 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, Leicester City Council will accept a reduced sum of £30 if it receives payment within 14 days of the Date of Service. Details of how to pay are shown on the front of the 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 and Council concessionary days. Leicester City Council calculates the Date of Service for you and includes it in the Penalty Charge Notice.

Can I view my contravention?

The Penalty Charge Notice should contain three images taken from the recording of the alleged contravention. You can make an appointment to view the full digital recording of the alleged contravention by writing to Leicester City Council, Customer Service, B Block New Walk Centre, Welford Place, Leicester LE1 6ZG or via the web at www.leicester.gov.uk/buslanes

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 Leicester City Council will drop 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. 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 consent; at the time of the alleged incident.

The Council may consider mitigating circumstances, although the following reasons will not normally be accepted:

"I was going to turn left at the next junction"

"there were no buses in the bus lane at the time"

"I was only in the lane for a few seconds"

"there is not enough room at the junction to make the left turn"

"I was lost"

"I didn't see the signs".

Please note the following information relating to appeals:-

All appeals against a Penalty Charge Notice must be in writing.

1. You can make representations about paying the Penalty Charge within 28 days, beginning with the date of service. If you make representations, even within 14 days, the discounted rate of 50% will no longer be available as the Notice to Owner has already been issued and the appeal is against the full charge of £60.

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".

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 click here to visit the Traffic Penalty Tribunal website.