

2011 No. 444

ROAD TRAFFIC

The Bus Lanes (Approved Devices) (Scotland) Order 2011

Made - - - - *15th December 2011*

Laid before the Scottish Parliament *19th December 2011*

Coming into force - - *6th February 2012*

The Scottish Ministers make the following Order in exercise of powers conferred by section 44(9) of the Transport (Scotland) Act 2001(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Bus Lanes (Approved Devices) (Scotland) Order 2011 and comes into force on 6th February 2012.

(2) In this Order, “the scheduled requirements” means the requirements set out in the Schedule to this Order.

Approved devices

2.—(1) A device is an approved device for the purposes of section 44 of the Transport (Scotland) Act 2001 (civil penalties for bus lane contraventions) if it meets the scheduled requirements and it is of a type which has been certified by the Scottish Ministers as one which meets those requirements.

(2) The Scottish Ministers must take a type of device as meeting the scheduled requirements if there has been produced to them evidence which satisfies them that it has been found by a competent authority in an EEA State or Turkey to be one which meets the requirements of an EEA standard which requires a level of performance equivalent to that required by the scheduled requirements.

(3) In paragraph (2)—

(a) “EEA standard” means—

- (i) a relevant standard or code of practice of a national standards body or equivalent body of any EEA State or Turkey(b);
- (ii) any relevant international standard recognised for use as a standard by any EEA State or Turkey; or
- (iii) a technical specification or code of practice which, whether mandatory or not, is recognised for use as a standard by a public authority of any EEA State or Turkey; and

(a) 2001 asp 2.

(b) Decision 1/95 of the EC – Turkey Association Council of 22nd December 1995 (O.J. L 35 13.2.95, p.1) on implementing the final phase of the Customs Union provides for the removal of measures having an effect equivalent to quantitative restrictions between the European Union and Turkey.

(b) “EEA State” means a member State, Norway, Iceland or Liechtenstein.

St Andrew’s House,
Edinburgh
15th December 2011

KEITH BROWN
Authorised to sign by the Scottish Ministers

SCHEDULE

Article 1(2)

- 1.—(1) The device must include a camera which is—
 - (a) securely mounted on a vehicle, a building, a post or other structure;
 - (b) mounted in such a position that vehicles in a bus lane or selected area of a bus lane can be surveyed by it;
 - (c) connected by secure data links to a recording system; and
 - (d) capable of producing, in one or more pictures, a legible image or images of the vehicle in relation to which a bus lane contravention was committed which show its registration mark and enough of its location to show the circumstances of the contravention.
- (2) For the purposes of paragraph 1(1)(d), “a bus lane contravention” means a contravention in terms of section 44(3) of the Transport (Scotland) Act 2001 in which a vehicle is involved.
2. The device must include a recording system in which—
 - (a) recordings are made automatically of the output from the camera or cameras surveying the vehicle and the place where a contravention is occurring;
 - (b) there is used a secure and reliable recording method that records at a minimum rate of 5 frames per second;
 - (c) each frame of all captured images is timed (in hours, minutes and seconds), dated and sequentially numbered automatically by means of a visual counter; and
 - (d) where the device does not occupy a fixed location, it records the location from which it is being operated.
3. The device and visual counter must—
 - (a) be synchronised with a suitably independent national standard clock; and
 - (b) be accurate within plus or minus 10 seconds over a 14-day period and re-synchronised to the suitably independent national standard clock at least once during that period.
4. Where the device includes a facility to print a still image, that image when printed must be endorsed with the time and date when the frame was captured and its unique number.
5. Where the device can record spoken words or other data simultaneously with visual images, the device must include a means of verifying that, in any recording produced by it, the sound track is correctly synchronised with the visual image.

EXPLANATORY NOTE

(This note is not part of the Order)

The Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 (S.S.I. 2011/442) provide for the imposition of charges in respect of contraventions of bus lane restrictions. Those Regulations permit the imposition of charges only on the basis of a record produced by an “approved device”. This Order specifies a description of a device which is an approved device. In accordance with article 2 a device is an approved device if it is of a type which has been certified by the Scottish Ministers as meeting the requirements set out in the Schedule.

This Order has been notified in draft to the European Commission in accordance with Directive 98/34/EC of the European Parliament and of the Council (O.J. L204, 21.7.98, p.37) laying down a procedure for the provision of information in the field of technical standards and regulations and of rules on Information Society services as amended by Directive 98/48/EC of the European Parliament and of the Council (O.J. L217, 5.8.98, p.18).

No Business and Regulatory Impact Assessment has been undertaken since the Regulations are concerned with the enforcement of existing traffic restrictions and prohibitions and do not therefore constitute an additional burden on business. The costs incurred by local authorities undertaking enforcement are expected to be defrayed by income from charges.

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