

2010 No.1543

ROAD TRAFFIC

The A46 Trunk Road (M40 Junction 15, Warwickshire) (Bus Lane) Order 2010

Made - - - - 29 March 2010

Coming into force - - 12 April 2010

The Secretary of State for Transport in exercise of the powers conferred by sections 1(1), 2(1) and (2), 4(1) and (2) and 122A of the Road Traffic Regulation Act 1984 (a) and of all other powers enabling him in that behalf, hereby makes the following Order:-

1. This Order may be cited as the A46 Trunk Road (M40 Junction 15, Warwickshire) (Bus Lane) Order 2010 and shall come into force on 12 April 2010.

2. In this Order:

“the trunk road” means the A46 Trunk Road in the District of Warwick in the County of Warwickshire;

“carriageway” means a way consisting of, or comprised in, the trunk road being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles and a surface suitable for the exercise of that right;

“bus” has the meaning given in regulation 22(2) of the Traffic Signs Regulations 2002 (b);

“bus stop area” means that area of carriageway comprised in a road which is intended for the waiting of buses, which is comprised within and indicated by a road marking of the type shown in either diagram 1025.1 or 1025.4 in Schedule 6 to the Traffic Signs Regulations 2002;

“traffic sign” means a sign of the size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, section 64 of the Road Traffic Regulation Act 1984;

“bus lane” means the dedicated length of road adjacent to the nearside lane of the southbound carriageway of the A46, commencing approximately 288 metres south west of the centre point of Sherbourne roundabout and situated between the entry and exit carriageways of the unnamed road which leads to Vicarage Lane and Watery Lane;

(a) 1984 c.27; sections 1(1) and 2(1) and (2) were amended by the New Roads and Street Works Act 1991 (c.22), section 168 and Schedule 8, paragraphs 17(2) and 18(2) and (3), and section 122A was substituted by the New Roads and Street Works Act 1991 (c.22), and section 24.

(b) S.I. 2002/3113

“Sherbourne roundabout” means the roundabout junction of the A46 with the B4463 and the link roads leading to and from Longbridge roundabout;

"water authority" means a water or sewerage undertaker within the meaning of the Water Industry Act 1991 **(a)**,

and any reference in this Order to a numbered article is a reference to the article in this Order which bears that number.

3. Save as provided in articles 5 and 6 below, no person shall cause or permit any vehicle, other than a bus to wait, enter or proceed in the bus lane.

4. Save as provided in articles 5(2) and 6 below, no person shall cause or permit any vehicle, other than a bus to wait at any time in the bus stop area located –

- (a) in the bus lane; and
- (b) adjacent to the northbound carriageway of the A46, 226 metres southwest of its junction with Sherbourne Roundabout.

5. (1) Nothing in article 3 above shall render it unlawful to cause or permit any vehicle to enter the bus lane if it is obliged to do so in order to avoid an accident, provided that the vehicle leaves the bus lane as soon as practicable thereafter.

(2) Nothing in articles 3 and 4 above shall render it unlawful to cause or permit any vehicle to wait in the bus lane or a bus stop area for so long as may be necessary –

- (a) in the service of a local authority or of a water authority in pursuance of their respective statutory powers or duties;
- (b) to enable the vehicle to be used in connection with –
 - (i) any building operation or demolition,
 - (ii) the removal of any obstruction to traffic,
 - (iii) the maintenance, improvement or reconstruction of the trunk road, or
 - (iv) the laying, erection, inspection, maintenance, alteration, repair, renewal or removal in or near the trunk road of any sewer, main, pipe, conduit, wire, cable or other apparatus for the supply of gas, water, electricity or of any telecommunications apparatus as defined in Schedule 2 of the Telecommunications Act 1984 **(b)**;
 - (v) to comply with any direction given by a traffic sign, or
 - (vi) due to circumstances beyond the driver's control.

6. Nothing in articles 3 and 4 shall apply to a vehicle being used for police, ambulance or fire brigade purposes or to anything done at the direction of, or with the permission of a police constable, a traffic warden or a traffic officer in uniform.

7. The prohibitions, restrictions and requirements imposed by this Order are in addition to and not in derogation of any prohibition, restriction or requirement imposed by any other enactment, and any exception to or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment.

Signed by authority of the
Secretary of State for Transport

ADRIAN SLACK
A Team Leader in
WM NDD
Highways Agency

29 March 2010

(a) 1991 c.56.

(b) 1984 c.12.