

BIRMINGHAM CITY COUNCIL
(LANGLEY HALL DRIVE, BERWOOD ROAD, & MALLARD DRIVE)
(PEDESTRIANISED SCHOOL STREETS) (EXPERIMENTAL)
ORDER 2023

Birmingham City Council ("the Council") in exercise of its powers under Sections 9, 10(1) and 10(2) of the Road Traffic Regulation Act 1984 (as amended) ("the Act") and of all other enabling powers and after consulting the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order:

Commencement and citation

1. This Order shall come into operation on the 4th of September Two thousand and twenty three and will remain in force for a maximum period of 18 months. The Order may be cited as the "Birmingham City Council (Langley Hall Drive, Berwood Road & Mallard Drive) (Pedestrianised School Streets) (Experimental) Order 2023".
2. The On-Street Plans titled "Birmingham City Council (Langley Hall Drive, Berwood Road & Mallard Drive) (Pedestrianised School Streets) (Experimental) Order 2023" (referenced LS/SUT/1212, LS/SUT/1213 and LS/SUT/1214 attached hereto) are incorporated into this Order.

Interpretation

3. (1) In this Order:

"Authorised Vehicle" means:

- (a) a Licensed Hire Vehicle booked in advance for the purpose of picking up or setting down passengers to or from premises accessible by vehicle only from roads within the Traffic Regulation Order Boundary; or
- (b) a Licensed Taxi for the purpose of picking up or setting down passengers to or from premises accessible by vehicle only from roads within the Traffic Regulation Order Boundary; or
- (c) a Contractual Vehicle;

"Bus" has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

"Carriageway(s)" and "Footway(s)" have the same meaning as in Section 329 (1) of the Highways Act 1980;

"Contractual Vehicle" means a Bus, or Licensed Taxi or Licenced Hire Vehicle contracted by the Council to take children to or from a school, fronting or adjacent to a Pedestrian and Cycle Zone;

"Council" means the Birmingham City Council as the highway authority or its successors;

"Disabled Person's Vehicle" has the same meaning as in Section 142 of the Act;

"Goods" includes postal packets of any description; and delivering and collecting in relation to any Goods includes checking the Goods for the purpose of their delivery or collection;

“Goods Vehicle” means a motor vehicle which is constructed or adapted for use for the carriage of Goods or burden of any description, and is not drawing a Trailer;

“Healthcare Worker” means:

- (a) any such persons currently identified by an NHS Trust (or any other name that it may subsequently be known) as being a general practitioner, doctor, registered nurse or any other nominated medical persons undertaking domiciliary visits to patients residing within premises accessible by vehicle only from roads within the Traffic Regulation Order Boundary or whose place of employment is accessible by vehicle only from roads within the Traffic Regulation Order Boundary; or
- (b) any such persons as are authorised by the Council to be essential healthcare or family support visitors to patients residing within premises accessible by vehicle only from roads within the Traffic Regulation Order Boundary;

“Licensed Hire Vehicle” has the same meaning as in section 13(3) of the Transport Act 1985;

“Licensed Taxi” has the same meaning as in section 13(3) of the Transport Act 1985;

“On-Street Plans” means the plans titled “Birmingham City Council (Langley Hall Drive, Berwood Road & Mallard Drive) (Pedestrianised School Streets) Experimental) Order 2023” (referenced LS/SUT/1212, LS/SUT/1213 and LS/SUT/1214 attached hereto) incorporated into this Order;

“Passenger Vehicle” means a motor vehicle (other than a Motor Cycle or Invalid Carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than sixteen passengers exclusive of the Driver, and not drawing a Trailer;

“Permit” means a permit issued by the Council for the purposes of this Order that contains an alphanumeric identifier relating to the Pedestrian and Cycle Zone where that Permit can be used in accordance with the Council’s terms and conditions;

“Permit Holder” means a person to whom a Permit or Virtual Permit has been issued under the provisions of this Order;

“Relevant Position” means:

- (a) in the case of a vehicle fitted with a dashboard or facia panel, the Permit is exhibited therein; or
- (b) in the case of a vehicle not fitted with a dashboard or facia panel, the Permit is exhibited on a conspicuous position on the vehicle;

“Road” has the same meaning as in Section 142 (1) of the Act and which is contained within the Traffic Regulation Order Boundary;

“Solo Motor Cycle” has the same meaning as in Schedule 1 of the Traffic Signs Regulations and General Directions 2016;

“Traffic Regulation Order Boundary” and “Pedestrian and Cycle Zone” means the boundary identified as such on the On-Street Plans;

“Traffic Sign” means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under Section 64 of the Act;

“Universal Service Provider” has the same meaning as in Section 4 (3) and (4) of the Postal Services Act 2000;

“Virtual Permit” means a vehicle registration plate, displayed in accordance with the Road Vehicles (Display of Registration Marks) Regulations 2001, authorised and recorded in advance by the Council for use within a specified Pedestrian and Cycle Zone in accordance with the Council’s terms and conditions.

- (2) Except where otherwise stated, any reference in this Order to a numbered Article or Schedule is a reference to the Article or Schedule bearing that number in this Order.
- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (4) The prohibitions and restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirement imposed by any regulation made or having effect as if made under the Act or by or under any other enactment.
- (5) In pursuance of section 10(2) of the Act, the Assistant Director of Transport and Connectivity or a person authorised by the Assistant Director of Transport and Connectivity, if it appears to that person essential (a) in the interests of the expeditious, convenient and safe movement of traffic, or (b) in the interests of the provision of suitable and adequate parking facilities on the Highway, or (c) for the preserving or improving the amenities of the area through which any Road affected by this Order runs, and after consulting with the Chief Officer of Police, may modify or suspend any provision of this Order, save that no modification shall make an addition.
- (6) The prohibitions and restrictions imposed by this Order shall also apply to the Footways, Central Reservations and verges contiguous to the various parts of Road referred to in this Order unless otherwise shown on the On-Street Plans.
- (7) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (8) Each provision of this Order as shown on the On-Street Plans shall only take effect when Traffic Signs have been erected indicating that the provision has come into force.

General exemptions

4. Nothing in this Order shall apply to any vehicle being used in connection with any of the following operations namely:
 - (a) police, fire brigade or ambulance duties;
 - (b) building, demolition operations or essential maintenance;

- (c) the maintenance, improvement, cleansing or reconstruction of the said lengths of road;
- (d) the laying, erection, alteration, removal or repair in or in land adjacent to the said lengths of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus as defined in the Telecommunications Act 1984;
- (e) the service of a local authority, the Environment Agency, a water undertaker or a sewerage undertaker or their agents in pursuance of statutory powers or duties;
- (f) a public procession, festival or similar event provided that the prior written consent of the Highway Authority has been obtained to the said lengths of road being included in the route to be followed;
- (g) a security vehicle being used for the delivery of money or valuables to or collection of money or valuables from premises fronting the said lengths of road;
- (h) for the purpose of delivering or collecting Goods by a Universal Service Provider;
- (i) used by a Healthcare Worker while undertaking Healthcare Worker duties;
- (j) gaining egress from the Pedestrian and Cycle Zone;
- (k) to enable up to a maximum of two vehicles to access any premises accessible by vehicle only from roads within the Traffic Regulation Order Boundary so long as access by these vehicles is reasonably necessary in connection with any wedding or funeral.

Prohibition of Motor Vehicles

5. Where, in relation to any part of a Road shown on the On-Street Plans, a period of 'Pedestrian and Cycle Zone' is indicated, then, subject to the provisions of Articles 5 and 7 no person shall except upon the direction of a police constable in uniform, cause or permit any motor vehicle to enter or proceed in that part of Road during that period.
6. The provisions of Article 6 do not apply to any vehicle:
 - (a) displaying a valid Permit in the Relevant Position and that Permit is so displayed for the whole time that the vehicle remains in the Pedestrian and Cycle Zone and contains an alphanumeric identifier for that zone as indicated in the On-Street Plans and on the Traffic Signs; or
 - (b) displaying a valid Virtual Permit and that Virtual Permit is so displayed for the whole time that the vehicle remains in the Pedestrian and Cycle Zone; or
 - (c) being a Disabled Person's Vehicle; or
 - (d) being an Authorised Vehicle.

Permits

7. If a Permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the Permit has become altered by fading or otherwise, the Permit shall become invalid and the Permit Holder shall surrender it to the Council and the Council upon receipt of the Permit shall issue a duplicate Permit so marked.
8. If a Permit is lost or destroyed, the Permit Holder may apply to the Council for the issue to him of a duplicate Permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate Permit so marked and upon such issue the Permit which it duplicates shall become invalid.
9. The provisions of this Order shall apply to a duplicate Permit and an application therefore as if it were a Permit.
10. The date on which the validity of the duplicate Permit will expire will be the same date as shown on the Permit which it duplicates.
11. The Council may levy a charge for the issue of a duplicate Permit in accordance with its terms and conditions of use.
12. A Permit Holder may surrender a Permit to the Council at any time.
13. A Permit shall cease to be valid on the occurrence of any one of the events set out in Article 16 and the Permit Holder shall surrender the Permit which he holds to the Council within 48 hours of the occurrence of the relevant event.
14. The Council may entirely at its own discretion cancel a Permit and notify the Permit Holder by a notice in writing served on the Permit Holder at the address shown by that person on the application for the Permit or at any other address believed to be that person's place of abode and the Permit Holder shall surrender the Permit to the Council within 48 hours of the receipt of the aforementioned notice.
15. The events referred to in Article 14 are:
 - (a) the Permit Holder ceasing to be the Owner of the vehicle in respect of which the Permit was issued; or
 - (b) the withdrawal of such Permit by the Council under the provisions of Article 15; or
 - (c) the vehicle in respect of which such Permit was issued being adapted or used in such a manner that it is not a Passenger Vehicle, a Goods Vehicle not exceeding 5 tonnes maximum gross weight or a Solo Motor Cycle; or
 - (d) the period of validity of the Permit has expired.

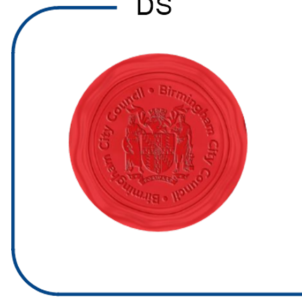
GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 24th day of August
Two thousand and twenty three.

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THE COMMON SEAL OF BIRMINGHAM CITY COUNCIL
Was hereunto affixed to this Deed in the presence of:



DS



DocuSigned by:

karmeshu kalsi

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Authorised Signatory



MARK SHELSWELL
ASSISTANT DIRECTOR
HIGHWAYS AND INFRASTRUCTURE

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SCHEME
BIRMINGHAM CITY COUNCIL
(LANGLEY HALL DRIVE, BERWOOD ROAD,
& MALLARD DRIVE) (PEDESTRIANISED
SCHOOL STREETS) (EXPERIMENTAL) ORDER 2023

DRAWING
Effective Date: 04/09/2023

KEY:
Traffic Regulation Order Boundary.
Only this Traffic Regulation Order's restrictions are shown on this plan.

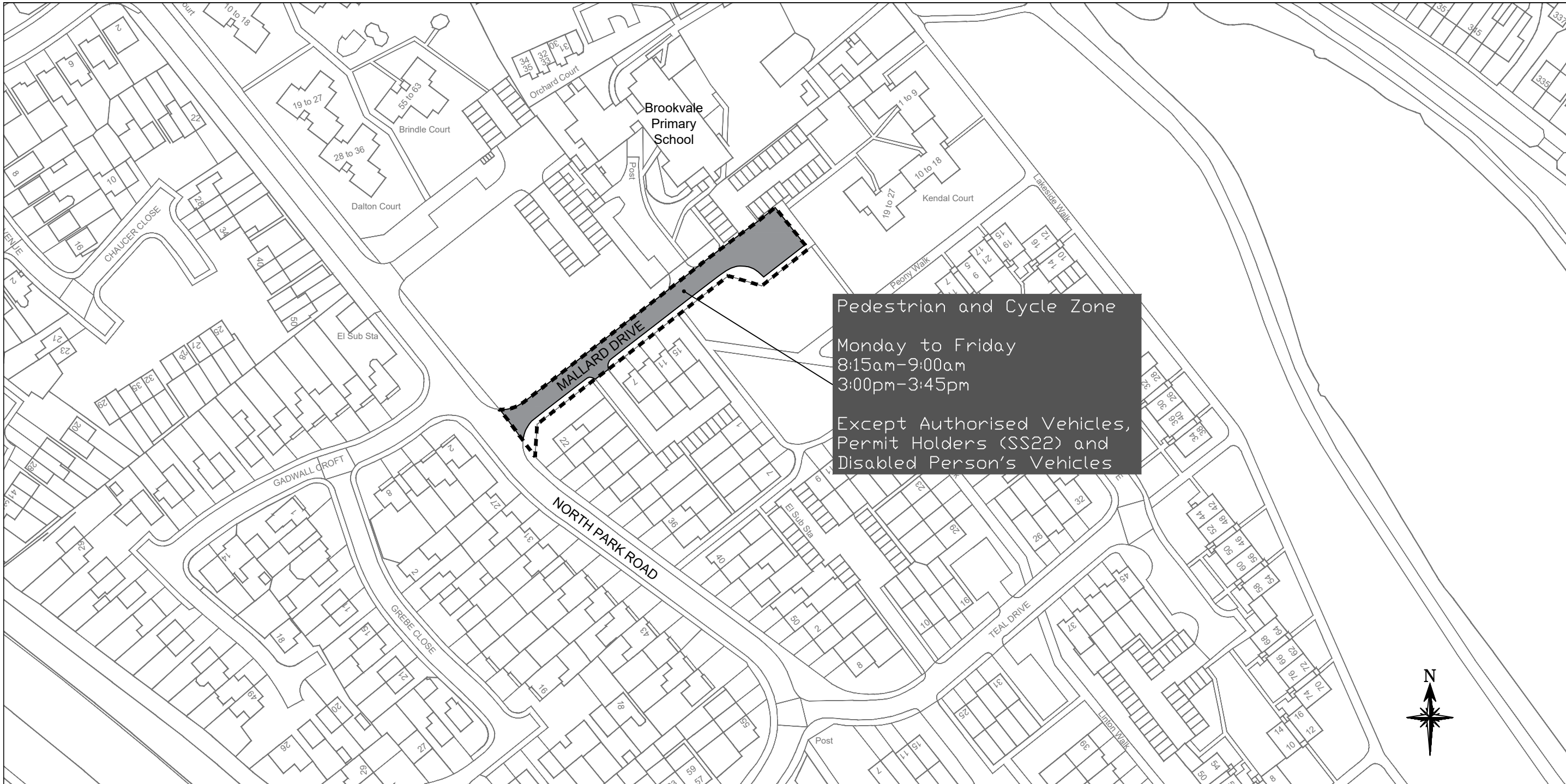
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DocuSigned by:
Karmeshu Kalsi
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Pedestrian and Cycle Zone
 Monday to Friday
 8:15am-9:00am
 3:00pm-3:45pm
 Except Authorised Vehicles,
 Permit Holders (SS22) and
 Disabled Person's Vehicles




MARK SHELSWELL
 ASSISTANT DIRECTOR
 HIGHWAYS AND INFRASTRUCTURE

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