BIRMINGHAM CITY COUNCIL
(A47 JENNENS ROAD & NECHELLS PARKWAY)
(CYCLE LANE) (EXPERIMENTAL)
ORDER 2020

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:

1. **Commencement and citation**

1.1 This Order shall come into force on the 10th day of December Two Thousand and Twenty and will remain in force for a maximum period of 18 months. The Order may be cited as the "Birmingham City Council (A47 Jennens Road & Nechells Parkway) (Cycle Lane) (Experimental) Order 2020".

2. Interpretation

2.1 In this Order, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them:

"Authorised Person" means an employee or agent of the Council authorised to exercise all or any of the functions of the Council under this Order;

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

"Council" means Birmingham City Council or its successors as Highway authority;

"Contraflow Cycle Lane" means a length of carriageway specified as a Contraflow Cycle Lane which is reserved for Pedal Cycles and is signed in accordance with the Traffic Signs Regulations and General Directions 2016 in which Pedal Cycles are authorised by a Traffic Regulation Order to proceed in the opposite direction to other traffic;

"Cycle Lane" means a length of carriageway specified as a Cycle Lane which is reserved for Pedal Cycles and is signed in accordance with the Traffic Signs Regulations and General Directions 2016;

"Cycle Track" has the same meaning as in Section 329(1) of the Highways Act 1980 and is specified as a Cycle Track and is signed in accordance with the Traffic Signs Regulations and General Directions 2016;

"Dispensation Permit" means a permit issued by the Council for the purpose of exempting a specified vehicle from a provision imposed by this Order;

"Electronic Communications Apparatus" has the same meaning as in Schedule 3A to the Digital Economy Act 2017;

"Highway" means all Carriageways, Footways, Central Reservations and verges;

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

“Mechanical Road Cleansing Vehicle” means a vehicle used for the purposes of cleaning the Highway;

"Motor Cycle” has the same meaning as in Section 136 of the Act;

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

“Pedal Cycle Provision” means where the context permits a Cycle Lane, Contraflow Cycle Lane and Cycle Track and shall be indicated by the Council on the carriageway by appropriate traffic signs and or delineation;

"Road" means any length of Highway or any other road to which the public has access, and includes bridges over which a road passes as set out in Section 142(1) of the Act;

“Trailer” has the same meaning as in Section 136 of the Act and includes a trailer any part of which is superimposed on the drawing vehicle;

“Tramcar” means any vehicle (whether or not used for the carriage of passengers) carried on flanged wheels along the rails of a Tramway;

“Tramway” means any railway, or any part of a railway, authorised by the Midland Metro Acts 1989 to 1993 and thereby designated as a tramway;

“Two-Way Cycle Lane” means a length of carriageway specified as a Cycle Lane in Schedule 5 annexed to this Order which is reserved for Pedal Cycles and is signed in accordance with the Traffic Signs Regulations and General Directions 2016 in which Pedal Cycles are authorised by a Traffic Regulation Order to proceed in the same direction and in the opposite direction to other traffic;

2.2 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.

2.3 Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.

2.4 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 provided that where a prohibition or restriction which is imposed, varied or revoked by this Order is in conflict with a prohibition or restriction imposed by a previous Order, then the provision of this Order shall prevail.

2.5 The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

2.6 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.

3. Cycle Lanes

3.1 Save as provided in Article 3.2, no person shall cause or permit any motor vehicle to enter, proceed or wait in the lengths of road specified in Column 1 of the Schedule to this Order between column 2 and column 3 other than for the purpose of crossing it.

3.2 (1) Nothing in Article 3.1 shall render it unlawful for any person to cause or permit any motor vehicle to enter or proceed in the Two-Way Cycle Lane so far as such entry or proceeding is necessary to enable the vehicle to be used for any of the purposes specified in paragraph (2) of this Article, or to wait in the Two-Way Cycle Lane for so long as may be necessary for any of these purposes.

(2) The purposes referred to in paragraph (1) of this Article are:-

i. Police, ambulance or fire brigade purposes;

ii. A vehicle being used in the service of a Local Authority for the purpose of collecting refuse from premises adjacent to the Two-Way Cycle Lane or for exercising any statutory powers or performing and statutory duties in the Two-Way Cycle Lane

iii. To enable the vehicle if it cannot conveniently be used for such purpose in any other Road to be used in connection with any of the following operations, namely:

(1) building, industrial or demolition operations in or adjacent to the Two-Way Cycle Lane;

(2) the removal of any obstruction to traffic;

(3) the maintenance, improvement or reconstruction of the said lengths of Road or sides of Road;

(4) the placing, maintenance or removal of any traffic sign;

(5) the laying, erection, alteration or repair in or on land adjacent to the said lengths of Road or sides of Road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any Electronic Communications Apparatus;

iv. The avoidance of any accident;

v. The loading or unloading of any goods or burden at premises adjacent to, or accessible only from the Two-Way Cycle Lane: provided that such loading or unloading can be reasonably carried out from the Contraflow Cycle Lane and that it takes place only whilst no prohibition of loading and unloading in the Two-Way Cycle Lane by virtue of any other Order is in force;

vi. The gaining of access to or egress from off-street loading or garaging premises adjacent to or accessible only from the Two-Way Cycle Lane.

SCHEDULE

Two-Way Cycle Lanes

Two Way Cycle Lane means a length of carriageway specified as a Cycle Lane which is reserved for Pedal Cycles and is signed in accordance with the Traffic Signs Regulations and General Directions 2016 and in which Pedal Cycles are authorised by Traffic Regulation Order to proceed in the same direction and in the opposite direction to other traffic		
Column 1	**Column 2**	**Column 3**
Location	**From**	**To**
A47 JENNENS ROAD (southbound carriageway)	Park Street	A4540 Dartmouth Middleway
A47 NECHELLS PARKWAY (northbound carriageway)	A4540 Dartmouth Middleway	B4132 Goodrick Way

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 3rd of December Two thousand and Twenty.

THE COMMON SEAL of BIRMINGHAM CITY COUNCIL was hereunto affixed to this deed in the presence of:- }

Authorised Signatory