

**BIRMINGHAM CITY COUNCIL  
(YORK ROAD, KINGS HEATH LTN)  
(PEDESTRIANISED STREET) (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 operation on the 29<sup>th</sup> October Two Thousand and Twenty and may be cited as the “Birmingham City Council (York Road, Kings Heath LTN) (Pedestrianised Street) (Experimental) Order 2020”.
- 1.2 The On-Street Plan titled “Birmingham City Council (York Road, Kings Heath LTN) (Pedestrianised Street) (Experimental) Order 2020” (referenced CA-03216-05\_S1\_003 B attached hereto) is incorporated into this Order.

**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;

“Carriageway(s)” has the same meaning as in Section 329 (1) of the Highways Act 1980 (as amended);

“Footway(s)” has the same meaning as in Section 329 (1) of the Highways Act 1980 (as amended);

“Highway” means all Carriageways, Footways and Verges;

“Motor Vehicle” has the same meaning as in Section 185 of the Road Traffic Act 1988 (as amended);

“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;

“Verge” means any land forming part of a Road that is not a Carriageway or a Footway.

- 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 (as amended) 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. **Prohibition of Motor Vehicles**

- 3.1 Save as provided in Article 3.3, no person shall, except upon the direction or with the permission of a police constable in uniform, or to access properties along the length of road, cause or permit any Motor Vehicle to enter or proceed in the length of Road shown as hatched "Zone A" on the plan marked "Birmingham City Council (York Road, Kings Heath LTN) (Pedestrianised Street) (Experimental) Order 2020" annexed to this Order.
- 3.2 Save as provided in Article 3.3, no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any Motor Vehicle to enter or proceed in the length of Road shown as hatched "Zone B" on the plan marked "Birmingham City Council (York Road, Kings Heath LTN) (Pedestrianised Street) (Experimental) Order 2020" annexed to this Order.
- 3.3 The provisions of Article 3.1 and 3.2 do not apply to any Motor Vehicle being used in connection with any of the purposes specified in (a) to (f) of this Article, provided that the vehicle shall remain in that road for as long as may be reasonably necessary for such purposes and the vehicle is removed from that length of road as soon as practicable following the completion of such purpose, namely;
  - (a) Building, demolition operations or essential maintenance;
  - (b) The maintenance, improvement, cleansing or reconstruction of the said lengths of Road;
  - (c) 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, electricity or of any telecommunications apparatus as defined in Schedule 2 to the Telecommunications Act 1984 (as amended);

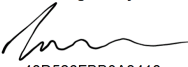
- (d) The service of any local authority, a water authority, a sewerage undertaker or the Environment Agency or their agents in pursuance of statutory powers or duties in connection with its activities at premises situated on or adjacent to the said road;
- (e) Police, fire and rescue or ambulance emergency duties; and
- (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.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 22<sup>nd</sup> of October Two Thousand and Twenty.

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

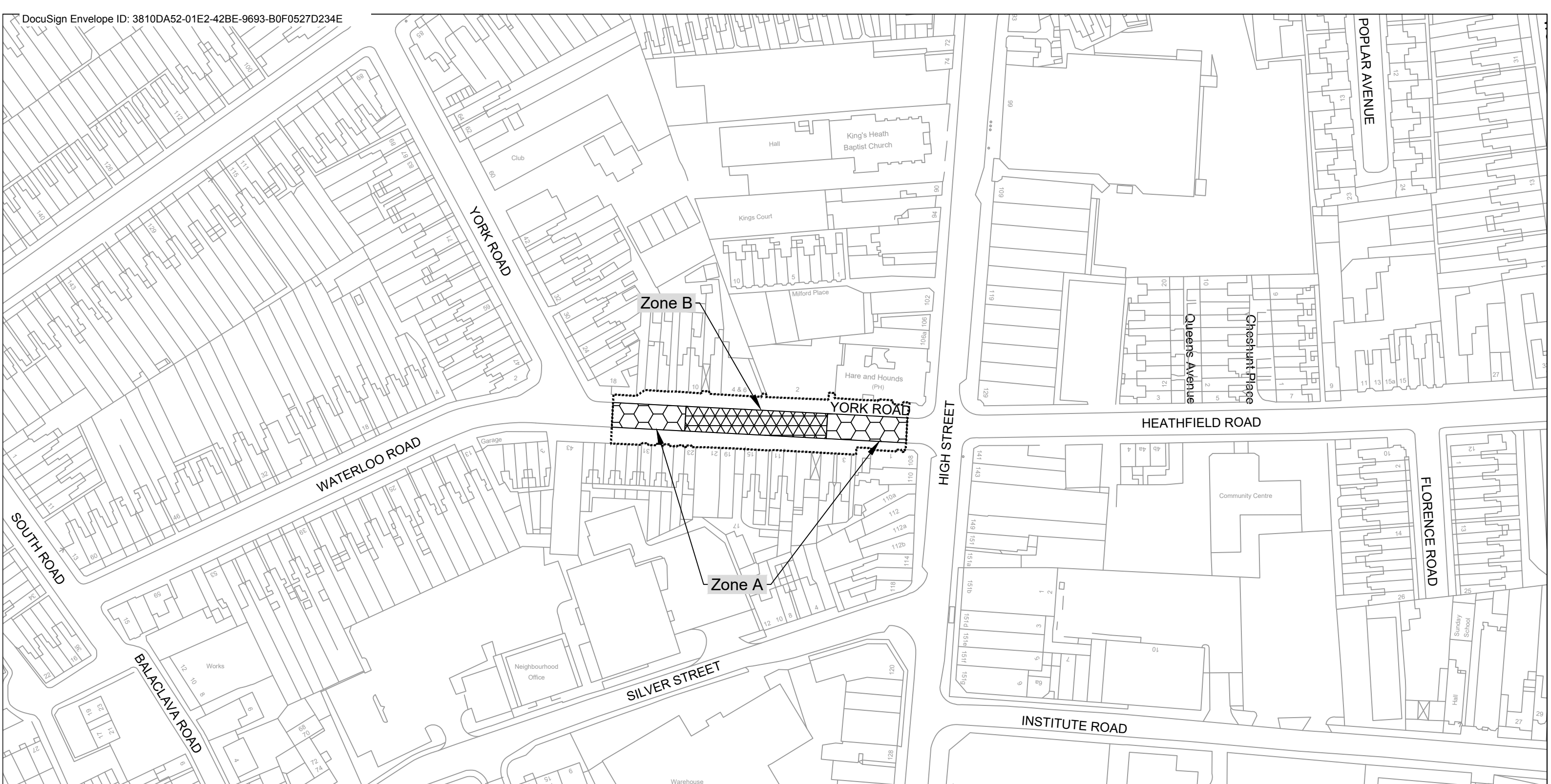


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DocuSigned by:



Authorised Signatory



TRANSPORT AND CONNECTIVITY  
1 LANCASTER CIRCUS, BIRMINGHAM, B4 7DQ



**SCHEME**

**BIRMINGHAM CITY COUNCIL  
(YORK ROAD, KINGS HEATH LTN)  
(PEDESTRIANISED STREET)  
(EXPERIMENTAL) ORDER 2020**

**DRAWING**

Plan reference: CA-03216-05\_S1\_003 B  
Effective date: 22nd October 2020

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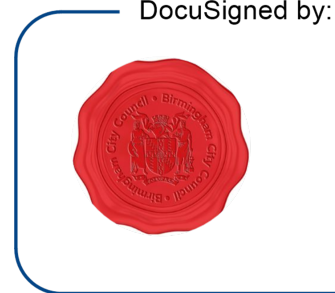
**Key**

- Traffic Regulation Order Boundary. Only this Traffic Regulation Order's restrictions are shown.
- Zone A
- Zone B

DATE	REV	REVISIONS	DRN.	DES.	P.M.
SCALE		STATUS			
1:1250		GENERAL			
P.M.	DESIGNER	DRAWN			
AC	AJT	AJT			
DRAWING NO					REV.
CA-03216-05 S1_003 B					--
A3 SHEET					

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