

BIRMINGHAM CITY COUNCIL
(VARIOUS ROADS, BIRMINGHAM) (PROVISIONS FOR E-SCOOTERS IN CYCLE LANES) (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:

Commencement and citation

1. This Order shall come into operation on the 4th of December 2020 and will remain in force for a maximum period of 18 months. The Order may be cited as "Birmingham City Council (Various Roads, Birmingham) (Provisions For E-Scooters in Cycle Lanes) (Experimental) Order 2020".

Interpretation

2. (1) In this Order:

"Contraflow Cycle Lane" means part of a carriageway specified as a Contraflow Cycle Lane in the Birmingham City Council (Birmingham) (Cycle Lane and Contraflow Cycle Lane) (Consolidation) Order 2019 (as amended) 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;

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

"Cycle Lane" means part of a Road within the Trial Area which is reserved for Pedal Cycles and Electric Scooters being used in a Trial and is signed in accordance with the Traffic Signs Regulations and General Directions 2016 and for the purposes of this Order does not include Contraflow Cycle Lanes;

"Cycle Track" has the same meaning as in schedule one of The Traffic Signs Regulations and General Directions 2016;

"Electric Scooter" has the same meaning as in schedule one of The Traffic Signs Regulations and General Directions 2016;

"On-Street Plan" means the plan titled "Birmingham City Council (Various Roads, Birmingham) (Provisions For E-Scooters in Cycle Lanes) (Experimental) Order 2020" attached hereto and incorporated into this Order;

"Road" has the same meaning as in Section 142(1) of the Act.

"Trial" has the same meaning as in Regulation 2(3) of The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020

"Trial Area" means the area within the boundary identified as such on the On-Street Plans

- (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 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.
- (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) Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended by any subsequent enactment.
- (7) 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.
- (8) Subject to Article 9, the order listed in the Schedule is hereby varied for the duration of this Order, to the extent indicated in the Schedule.
- (9) The variation specified in Article 8 shall take effect in respect of any provision contained in the orders listed in the Schedule only from the time at which the traffic sign indicating the effect of that provision has been obliterated.

Designation of Cycle Lanes

3. Cycle Tracks within the Trial Area are hereby re-designated as Cycle Lanes for the duration of this Order
4. As provided by The Electric Scooter Trials and Traffic Signs (Coronavirus) Regulations and General Directions 2020 Electric Scooters hereby have access to Cycle Lanes on Roads for which the Council is the highway authority provided that such access does not contravene any other act, regulation or order.

SCHEDULE (Article 2(8))

Variation to “Birmingham City Council (Birmingham) (Cycle Lane and Contraflow Cycle Lane) (Consolidation) Order 2019”

In Article 9(2), after item vi the following reference shall be inserted

- vii. The use of an Electric Scooter authorised by the Council and being used as part of a Trial.

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 26th day of November Two thousand and twenty.

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

Authorised Signatory