

BIRMINGHAM CITY COUNCIL
(BIRMINGHAM CITY CENTRE)
(PEDESTRIANISED STREETS) ORDER 2017

Birmingham City Council ("the Council") in exercise of its powers the Road Traffic Regulation Act 1984 ("the Act") and of Part IV of Schedule 9 to 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 1st Day of December 2017 and may be cited as "Birmingham City Council (Birmingham City Centre) (Pedestrianised Streets) Order 2017".

Interpretation

2. (1) In this Order:

"Authorised Vehicle" means a Licensed Hire Vehicle for the purpose of picking up or setting down passengers or any vehicle displaying a valid Permit issued by the Council under the powers contained within this Order;

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

"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;

"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 (Birmingham City Centre) (Pedestrianised Streets) Order 2017" incorporated into this Order, which are recorded as current for the purposes of interpretation of this Order in the Plan Index;

"Owner" has the meaning assigned to it by Section 82(2) and (3) of the Road Traffic Act 1991;

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

"Passenger Transport Executive" means the body currently known as Transport for West Midlands (or any other name that it may subsequently be known by);

"Permit" means a permit issued by the Council for the purposes of this Order;

“Plan Index” means the (sealed) sheet titled as “Birmingham City Council (Birmingham City Centre) (Pedestrianised Streets) Order 2017 Plan Index”, in this Order that records the On-Street Plans that are current for the purposes of interpretation of this Order;

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

“Tramcar Operator Vehicle” means any vehicle authorised by the Passenger Transport Executive that is undertaking essential or routine maintenance on a Tramcar or the 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;

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

- (2) For the purpose of this Order a vehicle shall be regarded as displaying a Permit in the relevant position if:
 - (i) in the case of a vehicle fitted with a dashboard or facia panel, the permit is exhibited therein; or
 - (ii) 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;
- (3) 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.
- (4) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
- (5) 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.
- (6) The Council is satisfied that, for avoiding danger, and preventing the likelihood of danger, arising to persons or other traffic using the roads to which this Order relates, it is requisite that Section 3(1) of the Act shall not apply in relation to this Order.
- (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) The Orders listed in the Schedule are revoked.

General exemptions

3. Save as provided in Article 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) being a vehicle, authorised by the Council, gaining access to and egress from licensed street trading pitches where reasonably necessary and in accordance with the Council's terms and conditions of use.

4. The exemptions identified in Article 3 shall only apply to the following roads if the prior written consent of the Passenger Transport Executive has been obtained (if necessary):
 - (a) roads within Zone N;
 - (b) those lengths of Corporation Street within Zone D;
 - (c) those lengths of Bull Street within Zone D.

Prohibition of Driving

5. Save as provided in Article 6 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone A on the On Street Plans.

6. The provisions of Article 5 do not apply to any vehicle being used in connection with any of the following operations namely:
 - (a) gaining access to or egress from off-street parking or off-street loading/unloading facilities of premises fronting or adjacent to those roads within Zone A;
 - (b) being a Bus or Licensed Taxi;
 - (c) gaining access to or egress from off-street parking or off-street loading/unloading facilities of premises fronting High Street by crossing Zone B(2).
7. Save as provided in Article 8 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone B(1) and Zone B(2) on the On Street Plans.
8. The provisions of Article 7 do not apply to any vehicle being used in connection with any of the following operations namely:
 - (a) gaining access to or egress from off street parking or off street loading/unloading facilities fronting or adjacent to those roads within Zone B(2) when accessed via Zone A;
 - (b) being a Disabled Person's Vehicle, Bus or Licensed Taxi within Zone B(2);
 - (c) being an Authorised Vehicle between 1900 hours and 0600 hours within Zone B(2);
 - (d) requiring access to premises fronting or adjacent to those roads within Zone C for the purpose of loading or unloading between 1800 hours and 1000 hours when accessed via Zone B(2);
 - (e) being a Bus within Zone B(1).
9. Save as provided in Article 10 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone C on the On Street Plans.
10. The provisions of Article 9 do not apply to any vehicle being used in connection with any of the following operations namely:
 - (a) being a Bus requiring access to or egress from the hotel operating from 6 Union Passage, New Street, Birmingham, B2 4RX (currently known as the Britannia Hotel) at any time;
 - (b) requiring access to or egress from premises fronting or adjacent to those roads within Zone C for the purpose of loading or unloading between 1800 hours and 1000 hours.
11. Save as provided in Article 12 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone D on the On Street Plans.

12. The provisions of Article 11 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) gaining access to or egress from off street parking or off street loading/unloading facilities fronting or adjacent to those roads within Zone D;
- (b) gaining access to signed loading bays within Zone D for the purpose of loading and unloading goods;
- (c) egress from Zone C, Zone K or Zone N having legitimately entered said Zones;
- (d) Tramcars;
- (e) Tramcar Operator Vehicles undertaking maintenance on a Tramcar or the Tramway within that zone or an adjacent zone;

13. Save as provided in Article 14 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone E on the On Street Plans.

14. The provisions of Article 13 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) being a Bus or Licensed Taxi;
- (b) gaining access to or egress from off-street parking or off-street loading/unloading facilities of premises fronting or adjacent to those roads within Zone E.

15. Save as provided in Article 16 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone F on the On Street Plans.

16. The provisions of Article 15 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) requiring access to or egress from premises fronting or adjacent to those roads within Zone F for the purpose of loading or unloading between 0700 and 0900 hours and 1700 and 2000 hours.

17. Save as provided in Article 18 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone G on the On Street Plans.

18. The provisions of Article 17 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) gaining access to or egress from premises fronting or adjacent to those roads within Zone G for the purposes of loading and unloading at any time.

19. No person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone H on the On Street Plans.

20. Save as provided in Article 21 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone I(1) and I(2) on the On Street Plans.

21. The provisions of Article 20 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) being a Licensed Taxi within Zone I(2);
- (b) gaining access to or egress from off street parking or off street loading/unloading facilities fronting or adjacent to lengths of road identified as Zone I(2);
- (c) requiring access to or egress from premises fronting or adjacent to those roads within Zone I(2) for the purpose of loading or unloading between 0400 hours and 1100 hours.

22. Save as provided in Article 23 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone J on the On Street Plans.

23. The provisions of Article 22 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) requiring access to or egress from premises fronting or adjacent to those roads within Zone J for the purpose of loading or unloading between 1800 hours and 1000 hours;
- (b) requiring access to or egress from premises situated off the roads or lengths of road within Zone J between 1800 hours and 1000 hours the.

24. Save as provided in Article 25 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone K on the On Street Plans.

25. The provisions of Article 24 do not apply to any vehicle being used in connection with any of the following operations namely;

- (a) requiring access to or egress from premises fronting or adjacent to those roads within Zone K for the purpose of loading or unloading between 1800 hours and 1000 hours the;
- (b) gaining access to or egress from off-street parking or off-street loading/unloading facilities of premises fronting or adjacent to those roads within Zone K;
- (c) egress from Zone D having legitimately entered Zone D.

26. Save as provided in Article 27 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone L on the On Street Plans.

27. The provisions of Article 26 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) requiring access to or egress from premises fronting or adjacent to those roads within Zone L for the purpose of loading or unloading between 1800 hours and 1000 hours;
- (b) egress from Zone K having legitimately entered Zone K.

28. Save as provided in Article 29 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone M on the On Street Plans.

29. The provisions of Article 28 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) requiring access to or egress from premises fronting or adjacent to the roads within Zone M for the purpose of loading or unloading at any time.

30. Save as provided in Article 31 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any vehicle to enter or proceed in the lengths of road identified as Zone N on the On Street Plans.

31. The provisions of Article 30 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) gaining access to or egress from off-street parking or off-street loading/unloading facilities of premises fronting or adjacent to those roads within Zone N;
- (b) gaining access to signed loading bays for the purpose of loading and unloading Goods;
- (c) being a Bus requiring access to or egress from a hotel fronting Zone N or those lengths of New Street within Zone D;
- (d) Tramcars;
- (e) Tramcar Operator Vehicles undertaking maintenance of the Tramway within that zone or adjacent zone;
- (f) being an unriden Pedal Cycle

32. Save as provided in Article 33 no person shall, except upon the direction or with the permission of a police constable in uniform, cause any motor vehicle to enter or proceed in the lengths of road identified as Zone O on the On Street Plans.

33. The provisions of Article 32 do not apply to any vehicle being used in connection with any of the following operations namely:

- (a) gaining access to or egress from off-street parking or off-street loading/unloading facilities of premises fronting or adjacent to those roads within Zone O;
- (b) Tramcars;
- (c) Tramcar Operator Vehicles undertaking maintenance of the Tramway within that zone or adjacent zone;

34. No person shall, except upon the direction or with the permission of a police constable in uniform, cause any vehicle to enter or proceed in the lengths of road identified as Zone P on the On Street Plans.

Schedule (Article 2(8))

Existing Traffic Regulation Orders to be revoked

1. Birmingham City Council (Gloucester Street, City Centre) (Pedestrianised Street) Order 2000;
2. Birmingham City Council (Markets Area Birmingham) (Traffic Regulation) Order 1995;
3. Birmingham City Council (Hurst Street City Centre) (Prohibition of Driving) Order 1994;
4. Birmingham City Council (Birmingham City Centre) (Pedestrianised Streets etc) Order 1991;
5. Birmingham City Council (John Bright Street etc City Centre) (Pedestrianised Streets) Order 1988;
6. The City of Birmingham (City Centre Pedestrianisation) Order 1972

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 30th day of November 2017.

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



Authorised Signatory



134826

BIRMINGHAM CITY COUNCIL (BIRMINGHAM CITY CENTRE) (PEDESTRIANISED STREETS) ORDER 2017 PLAN INDEX

Sealed 30th November 2017

Effective Date 1st December 2017

Plan Ref.	Effective date	Plan revision dates							
		1	2	3	4	5	6	7	8
406286NEN	01/12/2017								
406286NES	01/12/2017								
407286NWN	01/12/2017								
407286NWS	01/12/2017								
407286SWN	01/12/2017								
407287SES	01/12/2017								
407287SWN	01/12/2017								
407287SWS	01/12/2017								

GIVEN under the COMMON SEAL of BIRMINGHAM CITY COUNCIL the 30th day of November Two thousand and Seventeen

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



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Authorised Signatory

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