

Bus Lane Guidance and Information.

The answers to some of the most frequently asked questions relating to Bus Lanes and CCTV Enforcement covering the issue of Penalty Charge Notices and the appeals process.

General Bus Lane Information

How are bus lanes authorised?

Bus Lanes are created by Traffic Regulation Orders using powers under the Road Traffic Regulation Act 1984. A bus lane is defined in the Traffic Signs Regulations and General Directions 1994 as a traffic lane reserved for buses (and pedal cycles and taxis where indicated by the signs).

How are bus lanes enforced?

Powers were granted for civil enforcement of traffic contraventions by approved local authorities in the Traffic Management Act 2004. Birmingham City Council is an approved local authority under The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 for the purposes of S.144 of the Transport Act 2000 (civil penalties for bus lane contraventions).

The cameras and recording system have been approved under The Bus Lanes (Approved Devices) (England) Order 2005.

What about fines for contraventions of bus lanes?

Section 144 of the Transport Act 2000 provides the necessary powers to enable the Secretary of State by regulation to make provision for the imposition of penalty charges in respect of bus lane contraventions. The Penalty Charge is £60 for a Bus Lane Contravention. A discount of 50% applies – the discount rate, or £30 – if the penalty charge is paid by the end of the period of 14 days beginning with the date of service.

Penalty Charge Notices are issued under the Road Traffic Regulation Act 1984 and S.144 (5) Transport Act 2000.

What does the Highway Code say about bus lanes?

Rule 141 of the Highway Code gives the general rules for bus lanes.

Why have bus lanes?

The benefits of bus lanes are that they:

- Increase bus service reliability and therefore;
- Improve bus passenger journey times;

- Encourage use of public transport - this supports an ongoing commitment by Birmingham City Council to increase the use of public transport and reduce traffic pollution and congestion; and
- Provide a safer lane for cyclists.

When are bus lanes in operation?

In Birmingham the operational times will depend on where the bus lane is. These times will be clearly signed. If there are no times stated on the signs, the bus lane is in operation 24 hours a day. Road signs and markings will clearly indicate the start and end of bus lanes and highlight the hours of operation. All bus lanes in Birmingham are in operation on Bank Holidays.

What is the difference between a bus lane and a bus only street/road?

Bus lanes are separate to other lanes for general traffic on the highway, so their boundaries are marked with a solid white line and the words 'bus lane', which appear on the ground along each lane. Signs are in place prior to the start of the bus lane to warn motorists on their approach and enable them to change lanes as appropriate.

A bus only street or road is just that, i.e. a street or road which only buses are permitted to use. They are clearly marked on the ground at the entrance to the street or the road, along with signs showing permitted vehicles (and times of operation if applicable).

Regulations for signing of bus only streets is detailed in the Traffic Signs Regulations and General Directions 2002 (TSRGD).

Contraventions

What is a contravention?

A bus lane contravention is a contravention of any provision of a traffic order relating to use of an area of road that is or forms part of a bus lane. A contravention normally begins where a vehicle breaks and crosses the solid white boundary line between the bus lane and the remainder of the carriageway without good reason during its time of operation.

A bus only street is a point restriction, therefore the contravention commences when the vehicle enters.

Who can drive in a bus lane when it is in operation?

Only buses, coaches and pedal cyclists can use all bus lanes and bus only streets during their hours of operation. The definition of a bus contained in the Traffic Signs Regulations and General Directions 2002 is 'motor vehicles constructed or adapted to carry more than eight passengers (exclusive of the driver)'. Therefore, a bus must have a minimum of 10 seats including the driver.

Permitted vehicles can vary from bus lane to bus lane, so you should check the signs at the start of the lane or bus only street before entering.

In the city centre where bus lane enforcement is being undertaken by the city council, **only buses, coaches and pedal cycles are permitted** to be in all bus lanes and bus only streets. Hackney carriages (black taxi cabs) and motorcycles are permitted in some areas only.

In other parts of the city, bus lanes may be used by buses, coaches, pedal cycles, motor cycles and hackney carriages. **Private Hire Vehicles are not permitted to use any bus lanes in Birmingham.**

Only emergency vehicles (on an emergency call or operational manoeuvre) are exempt from these restrictions.

What is a good reason for driving in a bus lane?

There are a small number of reasons when it is OK to enter a bus lane during the time it is in operation. Among these are;

- when directed to do so by a police officer in uniform;
- to avoid a collision or debris in the road; or
- owing to circumstances outside the control of the driver.

In all cases it is expected that the stay in the bus lane is as brief as possible.

Can I park in a bus lane?

Parking is not allowed (even with a blue (disabled) badge) when the bus lanes are in operation.

Penalty Charge Notice & Appeals information

What happens if I am caught driving in a bus lane or parked illegally by the cameras?

You can expect to receive a Penalty Charge Notice addressed to the registered keeper of the vehicle concerned. It will contain details of the alleged contravention, details of the vehicle and three photographs that in the Authority's opinion establish the contravention.

How much do I have to pay?

Although the Penalty Charge is £60, payable by no later than 28 days beginning with the Date of Service of the notice, Birmingham City Council will accept a reduced sum of £30 if it receives payment within 14 days beginning with the Date of Service. Details of how to pay are shown on the front of the Notice.

How can I pay?

- By telephone – Automated payment line 0121 667 9300 (24 hours / 7 days a week). Credit /debit card payments only. Please have vehicle details and PCN number ready.
- Pay on-line. www.birmingham.gov.uk/info/20109/parking Please have vehicle details and PCN number ready.

- By post using the payment slip below to: Birmingham City Council, Highways, PO Box 77, Birmingham B4 7WA. Allow 2 working days for 1st class post and 5 working days for 2nd class post.
- Cash payments can be made at any Post Office if your documentation has a bar code printed on it. Please note, payments **can not** be made at PayPoint outlets.

Can I pay the charge in instalments?

Payment of the entire applicable charge amount must be received in the stated time frame, to avoid the case status escalating or an increase in the charge balance.

What is the Date of Service?

The Date of Service is defined as “Service of a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting”.

Working days exclude Saturdays, Sundays, New Year’s Day, Christmas Day, Good Friday and any other day which is a Bank Holiday in England and Wales. Birmingham City Council calculates the Date of Service for you and includes it on the Penalty Charge Notice.

Can I view my contravention?

You can view the record of the contravention online at www.birmingham.gov.uk/info/20109/parking.

Using the web service you can also pay the penalty charge or make a representation against paying the penalty charge. The Penalty Charge Notice itself should contain three images taken from the digital video recording of the alleged contravention.

I have received multiple bus lane PCNs on the same day, at the same time or within minutes of each other, is this correct and do I have to pay them all?

Each occasion that a vehicle proceeds along a bus lane or enters and proceeds along a bus only road, constitutes a separate contravention of the restrictions and may result in an individual PCN being served. If the motorist has driven a route which includes a number of bus only roads/lanes on the same journey or has driven along the same bus only roads/lane more than once, this may result in multiple bus lane PCNs being correctly received, each of which remains enforceable.

Please note – If a motorist feels it is unfair that they have received multiple PCNs for the same journey (i.e. where two or more PCNs have the same or similar contravention time), it may be advisable to pay one PCN (taking advantage of the discount amount) and make a representation in respect of the other(s). This enables consideration of a request for discretionary withdrawal, which is only likely to be granted in respect of one PCN, where multiple PCNs have been issued as described above. However, it should be noted that each case is investigated and considered on its individual merits.

I have previously driven frequently through this location without being penalised, why have I now received a PCN?

Bus Lane Enforcement by the Council in the city centre, commenced in July 2013. Prior to this, the enforcement of these restrictions was exclusively the responsibility of the police (as it still remains at locations with bus lane restrictions, outside the city centre).

Does it matter if I have previously never been to Birmingham city centre (I was unfamiliar with the area)?

The bus lane restrictions are used nationwide and the signs in place to notify motorists of the prohibition, appear in the Highway Code (with which all motorists should be familiar). Motorists are expected to comply with the restrictions irrespective of their level familiarity with the local area.

I have received a Fixed Penalty Notice from the Police – how come?

Bus Lane offences are not decriminalised and, where civil enforcement of bus lanes applies in an area, contraventions of bus lane orders may continue to be enforced as a criminal offence by the Police. In the event that a Fixed Penalty Notice is issued by the Police for the same offence for which a Penalty Charge Notice is produced, then Birmingham City Council will cancel the Penalty Charge Notice.

What happens to all the money collected by the Council from bus lane fines?

The income from Penalty Charge Notices pays the cost of enforcement. These include the costs of employing the Civil Enforcement Officers, the administration staff involved in collecting the fines, maintenance of signs and lines and other associated costs. Any surplus remaining after deduction of costs has to go towards measures to improve public transport or other highway associated improvements.

Will I receive points on my driving license?

Motorists will not receive points on their license in connection with Penalty Charges issued by Birmingham City Council, where only the applicable charge amount is payable. Bus Lane restrictions are not decriminalised and in the event that a Fixed Penalty Notice is issued by the Police for this offence, it will also result in a charge to pay only, as it is not an endorsable offense.

Surely there must be a right of appeal against a Penalty Charge notice?

Yes there is a right of appeal. Appeals are referred to in these cases as 'Representations'. The Bus Lane Contraventions (Penalty Charge Adjudication and Enforcement) (England) Regulations 2005 (SI No 2757) sets out six grounds on which you make representations to the Council. These are:

- a) The alleged contravention did not occur,
- b) The penalty exceeded the relevant amount,

- c) The circumstances leading to the issue of the Penalty Charge Notice are subject to criminal proceedings or a Fixed Penalty Notice has been issued,
- d) I was not the owner/keeper of the vehicle at the time of the alleged contravention,
- e) I was not the hirer of the vehicle at the time of the alleged contravention,
- f) I was the registered owner/keeper of the vehicle on the date of the alleged contravention but the vehicle: was on hire to someone else, who had signed a statement taking liability; kept by a motor trader; or was being used without my consent at the time of the alleged incident.

The Council may consider mitigating circumstances, although the following reasons will not normally be accepted:

- *“I was going to turn left at the next junction”*
- *“there were no buses in the bus lane at the time”*
- *“I was only in the lane for a few seconds”*
- *“there is not enough room at the junction to make the left turn”*
- *“I was lost”*
- *“I didn’t see the signs”.*

How do I dispute a PCN by post and make a Representation?

All representations against a PCN by post must be made in writing either by:

- **Post** – to Birmingham City Council, Parking Section, Processing, Highways, PO Box 14438, Birmingham B2 2JD
- **Fax** to 0121 303 7797
- **Online** by visiting www.birmingham.gov.uk/info/20109/parking and clicking on the blue button.

You can make representations against the PCN within 28 days, beginning with the date of service. **If you make representations, even within 14 days, the discounted rate of 50% will no longer be available as the ‘Notice to Owner’ has already been issued and the appeal is against the full charge of £60.**

Please note:- **there is no informal challenge against a Penalty Charge issued from CCTV evidence, as the ‘Notice to Owner’ is included in the Penalty Charge Notice.**

The city council will send you a response. It will be either a ‘Notice of Acceptance of Representations’ or a ‘Notice of Rejection of Representations’.

If the city council rejects your representations, you have the right to appeal to an independent adjudication body call the Traffic Penalty Tribunal. The legal grounds for appeal are included under the earlier question ‘*Surely there must be a right of appeal against a Penalty Charge Notice?*’ (a to f). The Council will enclose the appropriate form and give you the on-line details with the ‘Notice of Rejection of Representations’ to enable you to appeal to the Traffic Penalty Tribunal. Again if the Traffic Penalty Tribunal rejects your appeal, the amount payable will normally be the full £60.

For further information about the Traffic Penalty Tribunal, please visit their website:- www.trafficpenaltytribunal.gov.uk.

How long do I have to make a representation?

You need to make your representation within 28 days beginning with the date of service. A representation made after 28 days may be disregarded.

Can I pay the charge and still make representations to contest it?

Payment should only be made if the matter is not disputed. Consideration will not be given to representations received in respect of a case which has been paid and closed. If you make representations, even within 14 day discount period, the discounted rate of 50% will no longer be available, so if representations are rejected, the full charge of £60 will be required in settlement.

Further Information

Where can I go for further information?

Details of the Council's policy and approach to representations are documented in ["Birmingham City Council – Guidelines for the consideration of Challenges and Representations against Penalty Charge Notices"](#).

Further information about Civil Parking and Bus Lane Enforcement (including PCNs and NTOs) is available online at www.patrol-uk.info or in a leaflet from the Council.