**Bus Lane Enforcement FAQs**

**Newcastle City Council will commence Bus Lane enforcement in the**

**summer of 2015. If you drive illegally in a bus lane; bus gate or bus only**

**street then you may receive a Penalty Charge Notice (PCN).**

**Temporary signage will be displayed at locations in the run-up to the go**

**live date of enforcement so that all motorists are aware enforcement by**

**camera will be starting. Permanent signage will inform motorists that**

**bus lanes are in operation.**

**Bus Lane CCTV Camera Enforcement FAQs**

The answers to some of the most frequently asked questions relating to Bus

Lanes and CCTV Enforcement covering the issue of PCNs and the appeals

process can be found in the following section.

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**Why have bus lanes?**

Bus lanes have the following benefits:

• Increase bus service reliability to timetables;

• Improve bus passenger journey times;

• Encourage use of public transport, which helps reduce traffic pollution

and congestion; and

• Provide a safer lane for cyclists.

**How are bus lanes authorised?**

Bus Lanes are created by Traffic Regulation Orders (TROs) using powers

under the Road Traffic Regulation Act 1984. The TRO for bus lane

enforcement in Newcastle can be found here.

A bus lane is a traffic lane reserved for buses (and pedal cycles, motorcycles,

taxis and authorised vehicles, where indicated by the signs).

**How are bus lanes enforced?**

Bus lanes are enforced by camera with the Notice issued by post.

Powers were granted for civil enforcement of traffic contraventions by

approved local authorities in the Traffic Management Act 2004.

Newcastle City Council is an approved local authority under The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022

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?**

The Penalty Charge is £70 for a Bus Lane Contravention. A discount of 50%

applies and the discounted charge of £35 applies if the penalty charge is paid

by the end of the period of 21 days, beginning with the date of service.

PCNs are issued under the Road Traffic Regulation Act 1984 and S.144 (5) of

the Transport Act 2000 (as amended).

**Does the Highway Code mention bus lanes?**

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

**When are bus lanes in operation?**

The times of operation of bus lanes in Newcastle will be clearly signed. The

majority of bus lanes in Newcastle operate from 7.00am to 7.00pm, 7 days

per week. 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 Newcastle are in

operation on Bank Holidays.

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

Bus lanes are separate and can operate alongside other lanes for general

traffic on the highway. Their boundaries are marked with a solid white line

and the words ‘bus lane’ are painted on the ground in the bus lane.

Signs are in place before you reach the start of the bus lane to inform

motorists on their approach, so they can change lane before entering the bus

lane.

Here is an example of a sign used in Newcastle to inform motorists as they

are approaching a bus lane:

A bus only street or road is a street or road that 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 the signing of bus only streets is detailed in the Traffic Signs

Regulations and General Directions 2002 (TSRGD).

**Contraventions**

**What is a contravention?**

A contravention normally involves a non-permitted vehicle breaking and

crossing 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 the bus only street.

**Who is allowed to drive in a bus lane when it is in operation?**

Vehicles that are permitted can differ between different locations, so you

should check the signs at the start of the lane or bus only street before

entering.

Only buses can use all bus lanes and bus only streets during their hours of

operation. Taxis; motorcycles; pedal cyclists; private hire vehicles or vehicles

which have been authorised in writing by Newcastle City Council can use

certain bus lanes and bus only streets during their hours of operation. The

signage in place will indicate which bus lanes and bus only streets can be

used by which type of vehicle.

Goods vehicles over 7.5 tonnes maximum gross weight are also allowed in

some bus lanes and the signs for these bus lanes will confirm this.

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)’.

Police, fire brigade or ambulance vehicles are permitted in bus lanes or bus

only streets, as long as the vehicle is on operational duty.

**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 an accident; broken down vehicle; emergency services vehicle

or debris; 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.

**PCN & 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 PCN through the post addressed to the

registered keeper of the vehicle. It will contain details of the alleged

contravention, details of the vehicle and photographs that show that the

contravention occurred.

**How much do I have to pay?**

The Penalty Charge is £70, which should be paid no later than 28 days

beginning with the Date of Service of the notice, but Newcastle City Council

will accept a discounted sum of £35 if it receives payment within 21 days

beginning with the Date of Service.

Options for payment are shown on the front of the Notice.

**How can I pay?**

Full instructions on what to do next, how and where to pay, who to contact

and how to appeal are included on the PCN and you should follow the

instructions on the PCN that you receive through the post.

Using our online service - https://buslanepayments.newcastle.gov.uk/live-3scuser/

you can pay for a PCN, find out more information about the

contravention, or appeal. You will need your PCN reference number (that

begins with **LK)** and the Vehicle Registration Number in order to use the

online service.

You can send payment by post to the following address, if you prefer to use

this payment method:

Newcastle Parking Services

PO Box 1381

Northampton

NN4 4FZ

**What is the Date of Service?**

The notice or charge certificate will be posted in a letter sent by first class

post. The Date of Service is classed as 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. Newcastle City Council calculates the Date of Service for you and

includes it on the PCN.

**Can I view my contravention?**

Once bus lane enforcement starts motorists can view the record of their

contravention online at https://buslanepayments.newcastle.gov.uk/live-3scuser/

The web service has options to pay the penalty charge; view images and

footage or make a representation against paying the penalty charge. The

PCN itself should contain images taken from the digital video recording of the

alleged contravention.

**Does it matter if I have previously never been to Newcastle (I was**

**unfamiliar with the area)?**

Bus lane restrictions are used nationwide and there are signs to notify

motorists of the prohibition. The Highway Code also covers bus lane

enforcement and motorists should be familiar with the Highway Code when

driving.

Motorists are expected to comply with the restrictions regardless of where

they come from or whether they have driven through the area previously.

**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 PCN is issued by the Council, then Newcastle City Council

will cancel the PCN.

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

**fines?**

The income from PCNs pays the cost of enforcement. These include the costs

of employing the Civil Enforcement Officers, the Notice Processing staff

involved in collecting the fines and assessing appeals, 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 licence?**

Motorists will not receive points on their licence in connection with PCNs

issued by Newcastle 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 offence.

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

Yes there is a right of appeal by the registered keeper of the vehicle. Appeals

are referred to in these cases as ‘Representations’. The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 sets out 11 grounds on which you make

representations to the Council.

**The specified statutory grounds on which representations may be made:**

□          **The alleged contravention did not occur.**

(Please explain why you believe no contravention took place)

□          **I was never the owner of the vehicle in question/ or**

□          **I had ceased to be its owner before the date on which the alleged contravention occurred** (please also provide the date of the transaction and any other details, and include copies of any documents such as an invoice or bill of sale) **or**

□          **I became its owner after the date on which the alleged contravention occurred.**

(If you bought or sold the vehicle, you **must** give the new or former owner's name and address if you have it. Please also provide the date of the transaction and any other details, and include copies of any documents such as an invoice or bill of sale)

□          **At the time the alleged contravention occurred, the vehicle was in the control of a person who did not have the consent of the owner.** (Tick this box if your vehicle was stolen or taken without your consent. Please provide any supporting information that you may have e.g. any crime reference or insurance claim reference).

□          **We are a vehicle-hire firm and at the time the alleged contravention is said to have been committed the vehicle was hired from us under a hiring agreement and the hirer had signed a statement acknowledging their liability in respect of any penalty charge notice served in respect of any relevant road traffic contravention involving the vehicle during the currency of the hiring agreement.**

(The hiring agreement must be one which qualifies by containing prescribed particulars. You **must** supply the name and address of the hirer. Please also supply a copy of the signed agreement).

□          **The penalty charge exceeded the amount applicable in the circumstances of the case.**

(Tick this box if you think you are being asked to pay more than is required by law and explain why.)

□          **There has been a procedural impropriety on the part of the enforcement authority.**

(Tick this box if you believe that The Council of the City of Newcastle upon Tynehas failed to comply with any requirement imposed by the Traffic Management Act 2004, by the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 or by the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022. Please set out the statutory requirement, time limit or other procedural step with which you believe that the Council has failed to comply.)

□          **The Order which is alleged to have been contravened in relation to the vehicle concerned is invalid.**

(Please explain why you believe that the Order in question is invalid. *Please note that this ground will not apply in respect of a provision in an Order to which Part VI of Schedule* 9 *to the Road Traffic Regulation Act I984 applies.*)

□          **This Notice should not have been served because:**

**(i) the penalty charge has already been paid in full; or**

**(ii) the penalty charge has been paid, reduced by the amount of any discount set in accordance with Schedule 9 to the Traffic Management Act 2004, by the applicable date as specified in paragraph 1(3) of Schedule 3 to the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.** (Please indicate the amount of the payment made and when and how the payment was made and include a copy of any supporting documentary information such as a receipt or bank statement.

**Other grounds**

□          **If there are any other compelling reasons why you consider the Council should cancel the penalty charge notice in the particular circumstances of the case and refund any sum already paid please tick this box and set out those reasons in full in the box on the following page.**

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**The Council may consider mitigating circumstances, although some**

**reasons, such as the following examples will not normally be accepted:**

• “I was going to turn left at the next junction”

• “My Sat Nav equipment directed me in to the bus lane”

• “there were no buses in the bus lane at the time”

• “I was only in the lane for a few seconds”

• “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 and the

options for submitting your appeal will be included on the PCN:

Full instructions on what to do next, how and where to pay, who to contact

and how to appeal are included on the PCN and you should follow the

instructions on the PCN that you receive through the post.

Using our online service - https://buslanepayments.newcastle.gov.uk/live-3scuser/

you can pay for a PCN, find out more information about the

contravention, or appeal. You will need your PCN reference number (that

begins with **LK**) and the Vehicle Registration Number in order to use the

online service.

You can submit a written appeal by post to the following address:

Newcastle Parking Services

PO Box 1381

Northampton

NN4 4FZ

You can make representations against the PCN within 28 days, beginning

with the date of service. **If you make representations within 21 days of the**

**date of service, the discounted rate of 50% will be re-offered to you for**

**21 days from the date of our response if your appeal is rejected.**

The city council will send you a response by first class post. It will be either a

‘Notice of Acceptance of Representations’ or a ‘Notice of Rejection of

Representations’.

If the council rejects your representations, you have the right to appeal to an

independent adjudication body call the Traffic Penalty Tribunal (TPT). 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 TPT rejects your appeal, the amount payable

will normally be the full £70.

For further information about TPT, 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.

**Further Information**

**Where can I go for further information?**

Details of the Council’s policy and approach to representations are

documented in **The Council of the City of Newcastle upon Tyne (“The**

**Council”) Policy for the Consideration of Challenges against Penalty**

**Charge Notices (PCNs) issued for Bus Lane Contraventions**

Further information about Civil Parking and Bus Lane Enforcement (including

PCNs and NTOs) is available online at www.patrol-uk.info.