

CITY COUNCIL OF BRISTOL

(CAVENDISH STREET AND ELMTREE ROAD, SOUTHVILLE WARD, CITY OF BRISTOL) (PROHIBITION OF DRIVING) ORDER 202-

The City Council of Bristol (hereinafter referred to as “the Council”) in exercise of its powers under sections 1(1) and 2(1) to (3) of the Road Traffic Regulation Act 1984, as amended (hereinafter referred to as “the Act of 1984”) and of all other enabling powers, after consultation with the chief officer of police in accordance with Part III of Schedule 9 to the Act of 1984, hereby makes the following order:-

Commencement and Citation

1. This order shall come into operation on _____ and may be cited as the City Council of Bristol (Cavendish Street and Elmtree Road, Southville Ward, City of Bristol) (Prohibition of Driving) Order 202-.

Interpretation

2. (1) In this order:-

“**barrier**” means any barrier, gate, post or bollard and any associated apparatus installed by the Council pursuant to section 92 of the Act of 1984 for the purpose of preventing entry by vehicles to the prohibition of driving roads in plan **SERPS – POD-01** annexed hereto;

“**delivering**” and “**collecting**” in relation to any goods include checking the goods for the purpose of their delivery or collection;

“**electronic communications apparatus**” means apparatus comprised in or to be comprised in an electronic communications network as defined in the Communications Act 2003;

“**enactment**” means any enactment whether public, general or local and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“**goods**” means goods of any kind whether animate or inanimate and includes postal packets of any description;

“**pedal cycle**” means a unicycle, bicycle, tricycle, or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act;

“**police community support officer**” has the same meaning as in section 38 of the Police Reform Act 2002;

“**traffic sign**” has the same meaning as in Section 64 of the Act of 1984; and

“**vehicle**” means any vehicle, whether or not it is in a fit state for use on a road, and includes any chassis or body, with or without wheels, appearing to have formed part of such a vehicle, and any load carried by and anything attached to such a vehicle.

- (2) Any reference in this order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or having effect by virtue of any subsequent enactment.

Prohibition of Driving

3. Save as provided in Article 4 and Article 5 of this order no person shall, except upon the direction or with the permission of a police constable in uniform or a police community support officer, cause or permit any vehicle to enter or proceed between the hours of 7.00 a.m. and 8.00 p.m. on any Sunday any of the lengths of roads identified as **Prohibition of Driving Sunday 7am – 8pm** in plan **SERPS – POD-01** annexed hereto.

Exemptions

4. Nothing in Article 3 of this order shall render it unlawful to cause or permit any vehicle to enter or proceed in the lengths of roads referred to therein if the vehicle is being used:-
- (a) in connection with the carrying out on that length of road of any of the following operations, namely:-
- (i) building, industrial, demolition or excavation operations;
 - (ii) the removal of any obstruction to traffic;
 - (iii) the maintenance, improvement or reconstruction of the said length of road or sides of road;
 - (iv) the laying, erection, alteration or repair in, or in land adjacent to, the said length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any electronic communications apparatus as defined in the Communications Act 2003; or

- (v) the construction, installation, improvement, maintenance, repair or cleaning of any traffic sign, bus stop infrastructure or other street furniture or other object lawfully placed or to be placed on, in or over the said length of road;
 - (b) in the service of a local authority, the Environment Agency, a water undertaker or sewerage undertaker in pursuance of statutory powers or duties; or
 - (c) in order to access any premises situated on or adjacent to the said length of road or sides of road for so long as such waiting by that vehicle is reasonably necessary in connection with any wedding or funeral.
 - 5. Nothing in Article 3 or Article 4 of this order shall apply:-
 - (a) to any vehicle to be used for police, fire and rescue or ambulance services; or
 - (b) to any pedal cycle to be propelled by hand.
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- 6. The Council is satisfied that it is requisite that section 3(1) of the Act of 1984 should not apply for the following reasons:
 - (a) for avoiding danger to persons or other traffic using the road to which the order relates to any other road, or
 - (b) for preventing the likelihood of any such danger arising.
 - 7. The provisions of Article 3 and Article 4 of this order shall apply only during such times and to such extent as shall be indicated by traffic signs and barriers as prescribed by the Traffic Signs Regulations and General Directions 2016, as amended.
 - 8. In so far as any provision of this order conflicts with any provision of any order made or having effect as if made under the Act of 1984 and which imposes a restriction or prohibition on entry or proceeding or waiting by vehicles or grants an exemption from such restriction or prohibition then that provision of this order shall prevail.

Given under the Common Seal of the City Council of Bristol the day of .

The COMMON SEAL of the
CITY COUNCIL OF BRISTOL
was hereunto affixed
in the presence of:-

Director of Legal and Democratic Services