

WOKING TOWN CENTREADVICE NOTE1. INTRODUCTION

Woking Borough Council (WBC) wish to restrict the vehicular use of Woking High Street to buses and vehicles that are accessing businesses and residents.

2. LEGAL BASIS

a. Road Traffic Regulation Act 1984:

- i. S1 – power to make a traffic regulation order. S1(c),(d) or (f) could be used, (f) seems the most appropriate (“preserving or improving the amenities of the area through which the road runs”).
- ii. S2 – a traffic regulation order may prohibit, restrict or regulate the use of a road by vehicular traffic or vehicular traffic of any class specified in the order.
- iii. S5 – it is an offence to contravene a traffic regulation order.
- iv. S9 – power to make an experimental traffic regulation order.
- v. S65 – power to place traffic signs in or near a road (I have advised previously on the relevant sign and do not repeat that advice here).
- vi. S142(3) – defines a class of vehicles or traffic by reference to any characteristics of the vehicles or traffic or to any circumstances whatsoever. See R (Oxfordshire CC) v The Bus Lane Adjudicator [2010] EWCH 894, class of vehicle is not restricted to the type of vehicle but also includes the purpose for which it is to be used.

b. Transport Act 2000:

- i. S144(1) – provides the power to make regulations for the civil enforcement of bus lane contraventions by approved authorities. The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 (SI 2005/2755) designates Surrey County Council as an approved local authority for these purposes and Woking Town Centre is a designated area courtesy of SI 2005/1645.

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- ii. S144(4) – defines a bus lane contravention as a contravention of a traffic regulation order or an experimental traffic regulation order or a temporary traffic restriction order (traffic restriction orders are not relevant for our purposes) as relates to the use of an area of road which is or forms part of a bus lane.
- iii. S144(5) – an area of road that is or forms part of a bus lane is a road or part of a road that a traffic regulation order or an experimental traffic regulation order provides may only be used by buses or buses and some other class or classes of vehicular traffic.

3. ADVICE

- a. Surrey County Council have the power to make a traffic regulation order or an experimental traffic regulation that prohibits the use of the Woking High Street for all vehicular traffic apart from buses and specified classes of vehicles, this will be a bus lane. The specified classes of vehicles can be referenced to the type of vehicle or the purpose the vehicle is using the road, such as access to residential properties or for the servicing or deliveries to the businesses situated on the High Street.
- b. Once that order is made the relevant signs will need to be erected (see my previous advice).
- c. Any contravention of the traffic regulation order or experimental traffic regulation order will be an offence but also (see above) capable of civil enforcement as a bus lane contravention. Enforcement lies with Surrey County Council or, if the current agency agreement that governs parking enforcement Woking is extended to cover civil enforcement of bus lane contraventions, Woking Borough Council.

Tim Johnson
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