STATUTORY INSTRUMENTS

2005 No. 2756

ROAD TRAFFIC

The Bus Lanes (Approved Devices) (England) Order 2005

Made - - - -	*28th September 2005*
Laid before Parliament	*11th October 2005*
Coming into force - -	*1st November 2005*

The Secretary of State for Transport, in exercise of the powers conferred by sections 144(14) and 160(1) of the Transport Act 2000(**a**), hereby makes the following Order:

Citation, commencement and application

1.—(1) This Order may be cited as the Bus Lanes (Approved Devices) (England) Order 2005 and shall come into force on 1st November 2005.

(2) This Order applies only to England.

Approved devices

2. A device is an approved device for the purposes of regulations under section 144 of the Transport Act 2000 (civil penalties for bus lane contraventions) if it is of a type which falls within any of the following descriptions—

(a) subject to article 2, a device which is of a description specified in an order made by the Secretary of State under section 20(9) of the Road Traffic Offenders Act 1988(**b**) (prescribed devices for the purposes of speeding and other offences);

(b) a device certified, by a person authorised in that behalf by the Secretary of State, as meeting the criteria specified in paragraphs 2 to 6 of the Schedule to this Order;

(c) a device that does not meet the criteria referred to in paragraph (b) but which was used before the coming into force of this Order for the purpose of bus lane enforcement under Part II (bus lanes) of the London Local Authorities Act 1996(**c**).

Prescribed devices under section 20(9) of the Road Traffic Offenders Act 1988

3. A device falling within the description specified in article 2(a) is not an approved device unless—

(a) it is of a type approved by the Secretary of State under section 20(4)(a) of the Road Traffic Offenders Act 1988; and

(b) it is so used that any conditions subject to which the approval was given are satisfied.

(**a**) 2000 c. 38. *See* the definitions of "approved device" and "relevant national authority" in section 144(14).
(**b**) 1988 c. 53; section 21 was substituted by the Road Traffic Act 1991 (c. 40) section 23.
(**c**) 1996 c. ix. *See*, in particular, the definition of "prescribed device" in section 3 of the 1996 Act.

Signed by authority of the Secretary of State for Transport

Karen Buck
Parliamentary under Secretary of State,
28th September 2005 Department for Transport

THE SCHEDULE

Article 2(b)

THE SPECIFIED CRITERIA

1. In this Schedule "the equipment" means equipment comprising a device.

2. The equipment includes a camera which is—

(a) securely mounted on a bus or other vehicle or at the roadside or on a building, structure or other erection;

(b) so mounted in a position that will enable vehicles in a bus lane or selected area of bus lane to be surveyed by it;

(c) capable of producing—

(i) a close-up legible image of the registration plate of any vehicle in the bus lane or, as the case may be, the selected area ; and

(ii) a wider angle image of the carriageway such as will enable information to be provided about any circumstances which may have caused the vehicle to be in the bus lane or the selected area; and

(d) connected by secure data links to a recording system.

3. The equipment includes a recording system in which—

(a) recordings are made automatically of the output from the camera or cameras surveying the bus lane or selected area;

(b) recordings are made—

(i) using videotape which records at a minimum rate of 5 frames per second; or

(ii) using a secure digital recording method which records at a minimum of 5 frames per second.

(c) each frame is timed (in hours, minutes and seconds), dated and sequentially numbered automatically, using a visual counter which resets to zero when the recording system is initially activated and increments for each frame;

(d) the location of the bus lane or selected area being surveyed is shown; and

(e) where any part of the equipment is controlled manually, two simultaneous recordings are made of the camera output viewed by the operator.

4. The equipment is—

(a) synchronised with the 'Rugby' atomic clock or another independent national standard clock; and

(b) accurate within plus or minus 10 seconds over a 14-day period and is re-synchronised at least once during that period.

5. Where the equipment includes a facility to print a still image—

(a) of any frame recorded on the videotape; or

(b) from a digital record,

any printed image is endorsed with the time and date when the frame was captured and its unique number.

6. Where the equipment includes a facility for simultaneous voice-over recording, it incorporates a time mark from the clock with which the recording system is synchronised, denoting contemporaneous recording with the vision track.

EXPLANATORY NOTE

(This note is not part of the Order)

The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (S.I. 2005/2757) provide for the imposition of penalty charges in respect of contraventions of bus lane restrictions in England. Those Regulations permit the imposition of penalty charges only on the basis of a record produced by an "approved device". This Order provides that a device which is of a description specified in *article 2* of this order is an approved device in England for the purposes of regulations under section 144, including the Regulations referred to above. *Article 3* provides that a device specified in *article 2(2)(b)* must also be type approved by the Secretary of State and used in compliance with any conditions subject to which the approval was given. *The Schedule* to this order specifies criteria which a device must be certified as meeting if it is to fall within *article 2(b)*.

No Regulatory Impact Assessment has been undertaken since the Regulations are concerned with the enforcement of existing traffic restrictions and prohibitions and do not therefore constitute an additional burden on business. The costs incurred by local authorities undertaking enforcement are expected to be defrayed by penalty charge income.

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