**BUS GATE**

**Do you know what a BUS GATE IS?**

Is this a Legal Bus Lane only?

Have a look at the post below where a driver was accused of a bus lane contravention in a BUS GATE! Have you been caught as well?

 <https://legalbeagles.info/forums/forum/legal-forums/motoring-parking/1450868-definition-of-a-bus-gate-and-the-possible-legal-ramifications>

In Know Your Traffic Signs it shows a Bus Gate on page 37. follow the link below and scroll to page 37.

 [https://assets.publishing.service.gov.uk/media/655dca78046ed4000d8b9de7/know-your-traffic-signs-dft.pdf](%20%20https%3A//assets.publishing.service.gov.uk/media/655dca78046ed4000d8b9de7/know-your-traffic-signs-dft.pdf)

We asked our technical expert who came back with the following reply:

Interesting conundrum and I can see what they are confused.   In Law a Bus Gate is exactly the same as a Bus Lane in terms of legality and prohibitions / exemptions etc.   The only difference is the physical length of it.   I am not completely convinced you can have a “virtual”  line because that would have no length at all - it would normally be a fixed point on the ground accurately defined by a location (GPS, a kerbstone, a sign, marker,  or suchlike).

To establish a Bus Gate, a Local Authority has to have the same Traffic Regulation Order process (advertising / consultation / decisions / etc) as they would if they want to put in a Bus Lane.   Effectively a Bus Gate is a Bus Lane that is about a foot long - which is big enough to mark with road studs or white lines etc.   It can be longer - and the example in the Know Your Traffic Signs book shows a short street with one in.   That is more typical of the genre, but isn’t universally followed by Highway Authorities when installing them.

In Canterbury behind the back of Wincheap there was a Bus Gate established over a short distance (it was about three metres on the ground) and this was enforced by the correct signage, a road narrowing chicane, and a prototype Rising Bollard.   The bollard broke within a week of installation, was repaired several times and failed completely, now just sits in its pit below the road surface doing nothing.   They have perfected the Rising Bollards now in the City Centre pedestrian zone but declined to put one back in the Wincheap area.   Most likely because normal traffic uses this Bus Gate as a rat run and nobody lives anywhere near there - so no complaints and the traffic is removed from Wincheap, where there are lots of complaints.   What a waste of time and money…...

There is also one in Canterbury on the A28 Sturry Road on a side road, where it was enforced by variable signs between the hours of operation only.   So, the sign flipped over to show the restriction between 8.30 and 10am and after that flipped back to being blank.   It applied to a two-metre-wide strip of carriageway in the side road and was designed to help Park and Ride buses jump the queue of traffic on the main road by allowing them to use the estate and prevent everyone else from following them through.   It was subsequently replaced with a proper bus lane along the A28 itself and the gate signs were deactivated - remaining blank - although they are still there and the tarmac is still red.   The sign housings are probably now illegal obstructions in the highway - if someone hits one then there could be a claim!

I wouldn’t worry about the quasi-technical nonsense about DfT Circulars - they have powers to do stuff in those (but have to advertise - in the London Gazette for 30 days!) and much of the secondary legislation (such as Bus Lanes, Waiting Restrictions, etc., etc.) can also be enacted via a legal mechanism called a Statutory Instrument.   These SI’s allow them to do all kinds of stuff, again advertised in the London Gazette and local papers - and bizarrely when I pushed some through for KCC they are deposited on the floor of the House of Commons in hard copy, behind a rope which you have to get special permission to cross and inspect the documents…..   How’s that for Freedom of Information?    They may have changed that (but would most likely need an SI to change how they enact SI's!).    The bulk of the spirit of this secondary legislation is generally reflected in the Highway Code, but not always.   The mistake the man in the post is making is looking in the Highway Code for answers to a detailed technical question.   The Highway Code is very much a basic manual on how to do stuff and is not a legal absolute that covers every eventuality on the roads.   It would be nice if it was, but the way laws are made in this country prevents simple explanations - and if we had a comprehensive manual for the Highway Code it would resemble Encyclopaedia Britannica in length!   As an example, just look at the differences between the Highway Code and Roadcraft - effectively covering a lot of the same ground - but in a dramatically different way.   Don’t even think of looking at the Traffic Signs Regulations and General Directions, and the Highways Act, and the Road Traffic Regulation Act, and the Road Traffic Act.   You will go mad.   These are available in print format from HMSO but are highly technical and legal manuals that will tie you in knots for years on end.

Things like Bus Gates are always political in nature and by looking for logic and common sense in a political arena we are all on a Fool’s Errand of the most frustrating kind.  I would always say just pay the fine, chalk it up to experience and move on.  Life is too short.    But also maddeningly, getting off on a technicality (because the ticket has the wrong logo on it, or the Attendant isn’t wearing his hat if he should) is still something we can all fall back on. The Adjudicators are a legal court of law in their own right and they make case study law up as they go along. Gets even more confusing trying to establish some kind of consistency in the system as a whole.

More and more towns are installing bus gates so be aware and don’t get caught.