

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

Statement of Purpose

This document sets out the grounds specified by regulations on which a PCN issued for Bus Lane Contraventions can be cancelled following representations made by a motorist. Under each specified ground guidance is given on the factors which will influence the Council in deciding whether or not that ground is satisfied.

Guidelines set out in this document provide direction only.

Each case shall be considered on its own merits, taking into account all of the evidence available and the individual circumstances.

MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
1. Where the motorist entered the bus lane during the time it is in operation if evidence confirms:	
<ul style="list-style-type: none"> • That the motorist was directed to do so by a Police officer in uniform; • The vehicle was avoiding an accident; broken down vehicle; emergency services vehicle or debris; • This was to drop off or pick up a passenger from an adjacent property; • To undertake/overtake a vehicle turning right (whilst ensuring that the route back out of the bus lane is clear before undertaking so the free flow of bus lane traffic is not compromised) • This was due to circumstances outside the control of the driver; • To cross a bus lane to reach a loading bay; • To enter or exit a driveway to a roadside property. 	<ul style="list-style-type: none"> • The motorist claims they were directed into the bus lane by satellite navigation (Sat Nav) equipment; • The motorist claims there were no buses in the bus lane at the time; • The motorist was going to turn left at the next junction; • The motorist claims he/she was only in the lane for a matter of seconds; • The motorist claims there is not enough space at the junction to make a left turn; • The motorist claims he/she was lost; • The motorist claims he/she did not see the sign; • The motorist claims he/she was unaware it was a bus lane;

<p>In all these cases it is expected that the stay in the bus lane is as brief as possible.</p>	<ul style="list-style-type: none"> • The motorist claims that he/she was unaware that bus lane enforcement is in place; • In all other circumstances.
<p>MAY ACCEPT REPRESENTATIONS</p>	<p>MAY REJECT REPRESENTATIONS</p>
<p>2. Where the motorist is a blue badge holder/transporting a blue badge holder and have been issued with a PCN for driving or parking in a bus lane:</p>	
<p>In no circumstances related to the use of a blue badge only.</p>	<ul style="list-style-type: none"> • The blue badge does not provide exemption from a moving traffic offence, such as driving in a bus lane; • Parking is not allowed even with a blue badge when the bus lanes are in operation.