



**A Code of Practice for Bolton Council for  
Bus Lane Camera Enforcement  
Using CCTV Equipment**

Approved by ECM on 9<sup>th</sup> December 2019

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## **1. Introduction**

- 1.1 The Transport Act 2000 together with the implementation of Part 6 of the Traffic Management Act 2004 in March 2008 gave local authorities the powers to undertake bus lane enforcement through the use of CCTV cameras. The introduction of enforcement of bus lanes utilising CCTV cameras is just one element of the Council's policy to improve traffic flow, reduce congestion and pollution and improve the safety, efficiency, reliability and punctuality of public transport. The introduction of CCTV enforcement is a tool to assist in the delivery of these aims by reducing the level of contraventions.
- 1.2 An essential and integral part of any CCTV system is a Code of Practice, which sets out the objectives of the system and the rules by which it must be operated. It sets a minimum standard that must be adhered to by all persons and bodies involved in enforcing bus lane traffic regulations using CCTV cameras in Bolton, to ensure public confidence in the scheme.
- 1.3 This Code of Practice is designed to operate within the framework of the relevant pieces of legislation and to complement the Statutory and Operational Guidance produced by the Department for Transport. If there are any contradictions between this document and the relevant legislation or guidance documents, then those will take precedence.

## **2. Key Purpose of the Code of Practice**

- 2.1 This Code of Practice only applies to the use of approved devices and its system for enforcing restrictions and traffic regulation orders (Bus Lane and Bus Gates). This Code of Practice will ensure that issues such as privacy and integrity are properly respected. This Code of Practice also sets out the way in which enforcement of bus lane traffic regulations using CCTV cameras will be conducted. This is to ensure that the use of CCTV to monitor traffic and enforce bus lane contraventions is consistent and in accordance with current best practice.
- 2.2 The use of CCTV in public places must take place in accordance with the advice and guidelines issued by the Department for Transport, Home Office Scientific Development Branch and Information Commissioner's Office. The following documents offer further information and advice for local authorities:
  - BS 7958:2005 Closed circuit television (CCTV) – Management and operation - Code of practice
  - CCTV Code of Practice published by Information Commissioner (July 2000)
- 2.3 Appendix 2 contains local enforcement guidelines and protocols.

### **3. The Legal Framework**

3.1 The operation of CCTV systems will be undertaken with due regard to the following legislation:

- General Data Protection Regulation 2018
- The Data Protection Act 2018.
- The Human Rights Act 1998.
- The Regulation of Investigatory Powers Act 2000.
- The Freedom of Information Act 2000.

3.2 The enforcement of traffic regulations by CCTV cameras (outside of the Greater London Area) is regulated under the following statutory instruments:

- Road Traffic Regulation Act 1984.
- Road Traffic Act 1991.
- Section 144 of the Transport Act 2000.
- The Bus Lanes Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005.
- The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005.
- The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005.
- The Bus Lanes (Approved Devices) (England) Order 2005.
- The Traffic Management Act 2004
- The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
- The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

3.3 These statutory instruments empower the Council to install structures and equipment on or near a highway for the detection of contraventions of Traffic Regulation Orders.

### **4. Responsibility**

4.1 Management responsibility for the operation of the system and observance of this Code of Practice resides with the Council's officers and the Council's appointed enforcement contractor. Details of the Council's management structure, specific roles and responsibilities and training for CCTV enforcement are detailed in Appendix 1.

#### **4. Responsibility**

- 4.2 All personnel permitted to operate the System will be obliged to work to rules of confidentiality. They will be fully instructed in their responsibilities. All staff undertaking enforcement of traffic regulations will have completed appropriate training to their position and will be responsible for working in full accord with this Code of Practice and local procedures. They will be subject to their employer's normal disciplinary procedures and will sign an acknowledgement that they understand this Code of Practice and procedures.

#### **5. Security of Operations**

- 5.1 The CCTV enforcement operations are carried out in a secure and lockable environment only accessible by authorised personnel. All video recordings, witness statements and other records are stored in a secure environment.
- 5.2 Access to CCTV control rooms is strictly monitored and controlled by authorised personnel. Details of all events and visits is recorded in accordance with local operational guidelines. Technical, maintenance and repair work is carried out by authorised personnel under the supervision of a responsible officer of the Council.
- 5.3 To ensure data is processed fairly and lawfully an audit trail of CCTV surveillance and video recording has been established. This audit trail is detailed as part of the operational procedures. This was established before images and data were collected.
- 5.4 All video recordings or still images are held securely, in an unalterable state or storage medium. Details of the methods of protection and security arrangements is recorded in the procedures' manual. The method of 'electronic' protection conforms to the industry standard to ensure the security of the data.
- 5.5 Access to the systems and data storage areas is controlled to prevent tampering or unauthorised viewing. The audit trail (developed as part of the operational procedures) retains records of who has accessed videos or images on the system and when access was made.
- 5.6 Digital images will not be deleted without authority. Any disposable media that are used to record digital images will be physically destroyed (e.g. shredded) once they are no longer required. Any disposal or deletion must be recorded in the audit trail.
- 5.7 With the exception for images and video links posted on Penalty Charge Notices, the release of videos or images will only be made by an authorised officer. The procedure for production, release and destruction of images will be subject to regular audit as outlined in the local procedures.

## **6. Areas Subject to Enforcement**

- 6.1 The areas that are subject to bus lane or bus gate enforcement are defined by Traffic Regulation Orders. A list of current bus lane and bus gate Traffic Regulation Orders has been collated (see Appendix 3) to ensure areas of enforcement are easily understood.
- 6.2 Bolton's CCTV surveillance is either operated manually or automated and specific to areas subject to bus lane or bus gate traffic regulation orders. It will not be used to invade the privacy of any persons in domestic, business or other private premises, buildings or land. When either manually or automatically panning between vehicles all endeavours are made to restrict the field of view to the public highway, the camera shall not hover, zoom or focus on any person or property unless this is incidental and unavoidable and is directly associated with the enforcement of traffic or parking contraventions.
- 6.3 CCTV cameras may be moved to from one bus lane/ bus gate location to another at any time.

## **7. Signs to be Displayed**

- 7.1 Signage, including road markings, has been installed to legally indicate the bus lane and bus gate traffic regulation orders to drivers. These are checked regularly to avoid challenges on the grounds of inadequate, inconsistent or defective signing. A log has been established to record the condition of signs and lines. An inspection of the bus lane enforcement signs and lines will be carried out regularly on enforced bus lanes / gates every month and prior to any camera being relocated to a new enforcement area.
- 7.2 Bus lane camera enforcement signs have also been erected on the approach to the areas to be enforced. The signs do not define the field of view of the cameras but advise that camera enforcement may be taking place. The sign to be displayed on the approach is that prescribed by the Traffic Signs Regulations and General Directions 2016.

## **8. Description of Equipment**

- 8.1 The Traffic Management Act 2004 provides the necessary powers to enable the Council to make provision for the imposition of penalty charges in respect of bus lane and bus gate contraventions, and the payment of such penalty charges.

## **8. Description of Equipment**

- 8.2 The equipment used in carrying out bus lane and bus gate enforcement systems complies with 'The Bus Lanes (Approved Devices) (England) Order 2005' and includes:
- static cameras – permanently sited at a particular location
  - mobile cameras – which can be moved from one site to another, this includes vehicle mounted cameras
  - digital image format
  - hard wired, networked or wireless networked
- 8.3 The CCTV monitoring station for attended systems allows the operator to select and view the output from any one of the available CCTV cameras in the system and provides controls to pan, tilt and zoom that camera as necessary. Each frame on a recording will be timed, dated and sequentially numbered automatically by the system. All media used for recordings regardless of format must be individually numbered for unique identification.
- 8.4 Fixed CCTV cameras are connected to a monitoring station by a secure data link. If a dedicated 'fixed' data link is not used, sufficient precautions are taken to ensure the security of the data being transmitted by means of current industry standard data encryption or security. With vehicle mounted cameras the monitoring station may be attached to or an integral part of the vehicle.
- 8.5 The equipment has a secure link with the authority's enforcement software and includes a facility to print or copy in digital format still images of any frame recorded. Printed or copied images must be endorsed with the exact time and date when the frame was captured and its unique frame number.
- 8.6 There are no definitive performance criteria for video to be legally admissible. It is for the court to decide whether the pictures and footage are acceptable, and this is done on the grounds of relevance to the case, reliability of the evidence, etc. The Council will continuously review whether the resolution, level of compression and number of pictures per second adopted is appropriate.
- 8.7 The equipment is routinely maintained and checked in accordance with the manufacturer's recommendations and instructions. A maintenance record of equipment is kept, this includes records of any tests undertaken.
- 8.8 The equipment is synchronised to the 'MSF signal', formerly known as 'Rugby' atomic clock, or a signal from a recognised similar independent output. The last MSF / Rugby Clock update (time signal by radio wave every minute) is checked on the stop-start frame at the beginning of each period of operation. The stop-start frame is displayed at the beginning and end of each recording. If an automated update has not taken place for over 72hrs the IT support team will be informed so that remedial action can be taken.

## **9. Information to be Captured**

9.1 The Council may utilise either an 'unattended system' or an 'attended system' when carrying out enforcement:

- An unattended system is an automated CCTV system which operates without operator intervention. The system captures potential contraventions to create an evidence pack. The evidence pack is then viewed and verified by a designated Civil Enforcement Officer before a Penalty Charge Notice (PCN) is issued.
- An attended system is operated in real time by a camera operator who views the images from roadside equipment. The operator may be located in a central control room or locally. Contraventions are observed by the operator and PCNs are issued primarily on the operators' observations and supported by the image recordings.

9.2 Automated recording of video footage or digital images of the contravention will be used to identify the following:

- location (or camera reference number)
- date, time in hours and minutes and video frame
- Vehicle Registration Mark (VRM)
- the make, model and colour of the vehicle

9.3 Where bus lane / bus gate contraventions are viewed by CCTV operator:

- The exact time and incremental counter reading must be recorded at the start and finish of each period of surveillance. The operator must obtain the most effective images of a vehicle and its surrounding circumstances.
- The video footage is to be recorded in real time at the time of the observation.
- Contraventions will be identified at the time when they are committed. Pre-recorded video images will not be studied to identify contraventions committed at some earlier time.
- The operator must move cameras with due regard for the privacy of the individual and must ensure that as cameras are panned, zoomed and tilted so that they do not pause on any field of view other than the carriageways and adjacent footways which make up the areas subject to enforcement. Any sensitive protected zones that have been identified must be observed.
- When sufficient evidence has been recorded by the CCTV operator, the contraventions will be logged for review. The method of logging contraventions forms part of the localised operational procedures.
- If a non-traffic or bus lane violation is observed, the matter will be reported to the appropriate enforcement authority.



## **10. Storage of Evidence**

10.1 An audit log shall be maintained to track the movement of all evidential media. The audit links to the Penalty Charge Notice Number which is unique. The evidential material is stored so that it can only be accessed by authorised personnel.

### **10.2 Video Recordings**

When Bus Lane contraventions are captured by either an attended system or an unattended system, the video footage will be downloaded via a secure data link. If a dedicated secure data link is not used, sufficient precautions will be taken to ensure the security of the data being transmitted and this will be in line with current industry standards for data encryption or security.

Fixed CCTV cameras are connected to a monitoring station by a secure data link. If a dedicated secure data link is not used, sufficient precautions will be taken to ensure the security of the data being transmitted and this will be in line with current industry standards for data encryption or security.

On vehicle mounted cameras the monitoring station may be attached to or an integral part of the vehicle.

The unattended system will automatically identify a potential Bus Lane / Gate contravention and capture the required evidence. The unattended system will have the ability to automatically pan, tilt and zoom that camera as necessary to capture all the required information.

The video footage will be of a quality to satisfy an independent adjudicator that the relevant contravention has occurred. Each frame of a recording will be timed, dated and sequentially numbered automatically by the system. All media used for recordings regardless of format must be individually numbered for unique identification.

The video recording is used to review the potential contraventions identified by the operator or the unattended system. Thereafter the recording is stored on a secure server. The video footage along with a number of images will be securely uploaded to the Council's enforcement system. Once this has been actioned, the original file will be deleted from the secure server.

The video recording will only be reviewed for the following purposes:

- to generate still images or on screen prints or photographs
- for viewing by authorised processing staff when considering representations and appeals
- for viewing under strictly controlled conditions as defined in section 10.5

## **10. Storage of Evidence**

- for copying or release to third parties under the circumstances defined in section 10.4
- for monitoring purposes to obtain statistics on the performance of the scheme
- for the purpose of additional monitoring.

The video file will be retained as per the data retention schedule in place.

### **10.3 Still Images**

Each still image is given a unique serial number and is logged and accounted for at all times. A copy of a still image can be supplied to a person who has received a PCN to support that PCN. A still image may be supplied as an alternative to viewing video evidence, No charge will be made for supplying the image.

A still image can be a print onto paper of the picture or in an approved digital format of a single field or frame of the video recording. The prescribed equipment will be used to generate these still images and each image produced will contain its unique frame number and the time (HH MM SS) and date (DD MM YYYY) of the occurrence.

Still images are only generated by an authorised officer and only for the following purposes:

- to support the issue of a PCN
- as evidence for an Appeal
- if the Police, or other organisation approved by the operating Authority, request such an image with detailed written reasons for their request.

Still images are held in secure storage unless released as defined in section 10.4.

### **10.4 Ownership, copying and release of recordings**

Copyright of all recorded material, and stills printed from such material, remains with the Council with the exception of images posted on the Penalty Charge Notice and viewed via the associated secure video link. Recorded material will only be used and accessed for the purposes defined in this Code of Practice. In no circumstances will recorded material (or any copies or still prints generated from it) be released, sold or lent to members of the public, media or other commercial organisations except for the purpose set out below.

All recordings are the property of the Council and will not be copied or released from secure storage without the approval of an authorised officer. A copy of the section of a working video recording or stills, relevant to a particular contravention, will only be released:

## 10. Storage of Evidence

- for viewing by an appellant (or his representative) as part of the appeals procedure as defined by section 8(5)(n) of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005
- to the Bus Lane Adjudication Service (and copied to the appellant)
- to the Police
- to Lawyers acting for appellants in bus lane contravention penalty appeals
- to Lawyers acting for defendants/victims in connection with criminal proceedings
- to a third-party prosecuting authority, such as Customs & Excise or the Health & Safety Executive
- by court order, in connection with civil proceedings
- for disposal

Recordings (or copies of a section of a recording) will only be released over signature to representatives of the above organisations after proof of identity. A detailed record will be kept of the recording (or section of it) that has been released, the reason for its release and to whom it has been released

Any recording released to the Police will be dealt with by the Police as an exhibit and shall not be used for anything other than the purpose specified and identified when released to the Police. The Council will provide the Police with a statement confirming the integrity of the recording, if required for evidential purposes.

An online case manager system will be made available to the appellant and will allow them to view the video footage and still pictures online. To access the footage, the appellant will need to confirm the Penalty Charge Notice number and the vehicle registration mark.

### 10.5 Viewing of video recordings

Viewing of video recordings will only be permitted in the following circumstances:

- to support the issue of a PCN
- as an alternative to releasing a recording to one of the parties nominated above
- as part of internal audit, review or disciplinary procedures
- as part of the training process for staff

Viewing will only take place in a secure viewing area under supervision from authorised personnel.

## **11. Review of Offence and DVLA Search**

- 11.1 After storing the evidence video, the operator will use the contemporaneous record, or tags on the recording, to identify the sections of the working video, which contain possible contraventions. Each contravention will be reviewed on the working recording to decide whether it is a clear and indisputable contravention. The information to be recorded as part of the review are outlined as follows:
- the VRM of the vehicle
  - the vehicle make, model and colour
  - the detection date and time
  - the location of the alleged contravention
  - the appropriate frame number
- 11.2 The information will be used to obtain the name and address of the registered keeper of the detected vehicle. Records of the registered keeper of the vehicle which contravened traffic regulations, will be obtained in accordance with the Driver and Vehicle Licensing Agency enquiry procedures. This evidence will be used to generate a PCN.

## **12. Issue of Penalty Charge Notices (PCNs)**

- 12.1 In accordance with Article 8(5) of 'The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005' a PCN will state:
- the VRM of the vehicle involved in the alleged contravention
  - the detection date and the time at which the alleged contravention occurred
  - the reasons why the authority believe that a penalty charge is payable
  - the amount of the penalty charge
  - that the penalty charge must be paid before the end of the 28-day period
  - that if the penalty charge is paid before the end of the period of 14 days beginning with the date of service of the notice, the penalty charge will be reduced by one half
  - that representations may be made, on any of the statutory grounds of appeal, to the Council against the imposition of the penalty charge but that representations made outside the 28-day period may be disregarded
  - what are the statutory grounds of appeal;
  - the postal address to which representations are to be sent;
  - any electronic mail address or FAX number to which representations may be sent as an alternative to the postal address;
  - that if at the end of the 28-day period
    - i. no representations have been made; and
    - ii. the penalty charge has not been paid, the Council will increase the penalty charge by a half and take steps to enforce payment of the charge as so increased

## **12. Issue of Penalty Charge Notices (PCNs)**

- the manner in which the penalty charge may be paid
- that if the representations are rejected an appeal may be made on any of the statutory grounds of appeal may be made to an adjudicator in respect of a penalty charge; and
- that the recipient may, by notice in writing to the authority, request them:
  - i. to make available at an office of theirs specified by him, free of charge and at a time during normal office hours so specified, for viewing by him and by his representative (if any), the record of the contravention produced by the approved device pursuant to which the penalty charge was imposed; or
  - ii. to provide him, free of charge, with such still images from that record as, in the Council's opinion, establish the contravention.

- 12.2 The Secretary of State recommends that all PCNs should be issued within 14 days of the contravention. A PCN should be sent by first class post and must not be sent by second class post. Any notice served by first class post is deemed to have been served on the second working day after posting unless the contrary is proved. Working Day is defined as any day which is not a Saturday, Sunday, Good Friday, Christmas Day, or a bank holiday in England and Wales. In any case, Penalty Charge Notices must be served within 28 days of the date of contravention unless the owner/keeper details have not been received from the DVLA. The authority has the right to issue within 6 months of the date of contravention.

A PCN will then be mailed to the person appearing to the Council to be the owner of the vehicle or on the person appearing to them to be the person liable to pay the charge.

## **13. Representations**

- 13.1 Formal representations can be made once the Penalty Charge Notice has been issued. The Council will consider the representations and if it does not accept them, it will issue a Notice of Rejection. There is a right of further appeal to the independent Bus Lane Adjudication Service at the Traffic Penalty Tribunal.
- 13.2 Registered owners / keepers of a vehicle who have received a Penalty charge Notice (PCN) are entitled to view that section of the video recording or a still image showing the contravention for which the PCN was issued. Images and secure video link included on PCN will allow the person receiving the notice to view images and footage using the link and their unique PCN Number and VRM,

Viewing of video recordings will be arranged in accordance with local procedures. Viewing of the video evidence will be arranged as soon as

### **13. Representations**

possible after a request has been made by the person in receipt of the PCN.

The viewing area will be secure and designed and laid out so that only those in the viewing room can see the images. A still image or video medium can be supplied at no charge, as an alternative, in a situation where it is not possible to arrange a viewing of video evidence.

### **14. Guidelines for Appeals**

14.1 Details of Bus Lane adjudication are set out in Part 5 of The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. The Bus Lane Adjudication Service has also requested that core information is sent to them by the Council in advance of the commencement of enforcement. This information is included in Appendix 3.

#### **14.2 The Appeal Form**

An appeal form will be enclosed with every Notice of Rejection of Representations issued by the Council. The appeal form will state the date and reference number of the penalty charge notice concerned. The appeal form will allow the appellant or his authorised agent to sign and will provide space for:

- The name and address of the appellant;
- The specification of some other address as being the address to which the appellant wishes documents to be sent to them in connection with the appeal;
- any additional representations on any of the statutory grounds of appeal that the appellant desires to make.

#### **14.3 Evidence**

The following items are required as mandatory evidence by the Bus Lane Adjudication Service within seven days of the receipt of a copy of a notice of appeal:

- A copy of the Penalty Charge Notice
- Copies of the representations made to the authority in respect of the decision to impose the charge; and
- The Notice of Rejection.

It is also recommended that the Council produces:

- The record produced by the approved device - The image must show the context of the contravention and the identification of the target vehicle. All pictures must display the location, date and time of the offence with an accompanying statement that it is a true copy and taken by an approved device. The video recording to be

## **14. Guidelines for Appeals**

supplied to the Adjudicators will be in a type approved by the Bus Lane Adjudication Service.

- A Certificate as to the circumstances in which the record was produced, signed by a person authorised in that behalf by the authority. This certificate could take the form of a declaration that at the time the contravention was observed the monitoring and recording equipment used was of a type approved by the Secretary of State and was in full working order at the time..

- 14.4 The list above is not exhaustive and additional evidence may be requested by the Bus Lane Adjudication Service.

## **15. Availability of the Code of Practice**

- 15.1 Copies of this Code of Practice are freely available to the public. The Council publish the Code of Practice on its website and it is also available from the One Stop Shop, Town Hall, Le Mans Crescent, Bolton.

## **16. Review of the Code of Practice**

- 16.1 The Council will prepare an annual report on the issuing of Penalty Charge Notices, which will be presented to the Department for Transport. These reports will be made available for public inspection either in writing or through the Council's website. The Code of Practice will be reviewed and changed if it is deemed appropriate following this annual report or if requested by the Bus Lane Adjudication Service Joint Committee.

## **Appendix 1**

### **Particulars of Operating Authority**

- 1) Authority responsible for the Scheme:  
Bolton Council
- 2) Local address at which this Code of Practice can be inspected:  
One Stop Shop, Town Hall, Le Mans Crescent, Bolton BL1RU
- 3) Address to which queries and complaints about the scheme should be sent:  
Parking Services, Bolton Council, PO Box 434, Bolton BL1 4FD
- 4) Senior Officers who can authorise copying and release of tapes:  
Assistant Director (Highways and Engineering)  
Operations Performance Manager (Parking Services)  
Senior Customer Services Officer (Parking Services)
- 5) Senior Officers who can authorise access to Control Room, viewing of recordings and release of still images:  
Operations Performance Manager (Parking Services)  
Senior Customer Services Officer (Parking Services)
- 6) Officers responsible for operation of the system and observance of the Code of Practice:  
Operations Performance Manager (Parking Services)  
  
Responsibility for day to day operations  
Senior Customer Services Officer (Parking Services)
- 7) Responsibility for Training and Training Records:  
Operations Performance Manager (Parking Services)



## **Appendix 2**

### **Local Operating Procedures**

- 1) A daily register of all visitors and events will be maintained for the CCTV control room.
- 2) An audit trail or log of all evidential recordings will be maintained. This will record who has accessed the videos or images, the system and when.
- 3) Clear procedures for recording the production, release and destruction of videos and images has been established.
- 4) Details of the method and procedure for electronic protection of evidential material has been documented.
- 5) A list and copies of traffic regulation orders to be enforced has been created (Appendix 3) and will be updated as appropriate.
- 6) A routine log of maintenance checks and repairs for bus lane signing has been established
- 7) A record of Certification documents for “approved” camera enforcement devices has been established.
- 8) A routine log of maintenance checks and repairs for camera enforcement devices, including checks on ‘Rugby’ atomic or independent clock has been established.
- 9) A regular audit on compliance with the Code of Practice and any feedback on recommended changes.

## **Appendix 3**

### **Traffic Regulation Orders Relevant to the Bolton Scheme**

The Bolton (Bus Lanes and Bus Gateways) (Consolidation) Order 2015

The Bolton (Bus Lane and Bus Gateways) (Consolidation) Order 2015  
(Amendment)(No. 8) Order 2019

The Bolton (One Way Traffic), (Prohibition of Right Turn), (Prohibition of Left Turn)  
and (Right Turn Only) (Bolton Transport Interchange, Bolton) (No.21) Order 2017