

LEICESTER CITY COUNCIL

THE LEICESTER (CONSOLIDATION) TRAFFIC REGULATION ORDER 2006 (MISCELLANEOUS AND PAY BY PHONE AMENDMENTS) ORDER 2022 (NO. 321)

Leicester City Council ("the Council") in exercise of its powers under sections 1(1), 2(1) to (3), 4, 45, 46, 47, 48, 49, 51 and 53 of and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984, and of all other enabling powers, and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to that Act, hereby makes the following Order:

1. This Order may be cited as the Leicester (Consolidation) Traffic Regulation Order 2006 (Miscellaneous and Pay by Phone Amendments) Order 2022 (No.321), is included among Orders which may be cited as the Leicester (Consolidation) Traffic Regulation Order 2006 and comes into force on the 31st day of May 2022.
2. In this Order "the Principal Order" means the Leicester (Consolidation) Traffic Regulation Order 2006 as amended.
3. Any document referring to the Principal Order is to be construed as referring to the Principal Order as amended by this Order.
4. The Principal Order is amended as follows—

Miscellaneous Amendments

- (a) In article 2 of section 1 (Interpretation)—
 - (i) insert the following definition in the relevant place—

“civil enforcement officer” means an individual employed by the Council or on behalf of the Council to act as a civil enforcement officer in accordance with section 76 of the Traffic Management Act 2004 Act.”;
 - (ii) in the definition of “bus”, for “the Traffic Signs Regulations and General Directions 2002” substitute “the Traffic Signs Regulations and General Directions 2016”;
 - (iii) for the definition of “Contravention” substitute—

““Contravention” means a failure to comply with a restriction set out in this Order that may result in notification being given of a penalty charge in accordance with regulations made under section 78 of the Traffic Management Act 2004.”;
 - (iv) for the definition of “legally qualified medical practitioner” substitute—

““legally qualified medical practitioner” means a registered medical practitioner who holds a licence to practise.”;
 - (v) omit the definition of “parking attendant”;
 - (vi) omit the definition of “penalty charge”;
 - (vii) omit the definition of “penalty charge notice (pcn)”.
- (b) In section 5 (Designated Parking Place Restrictions)—

- (i) In Part 400 (Designated Pay And Display Parking Place), omit "Failure to display a valid ticket or exceeding the maximum permitted stay shall render the driver liable to a penalty charge as set out in section 9 of this order.";
- (ii) In Part 401 (Designated Pay And Display Parking Place), omit "Failure to display a valid ticket or exceeding the maximum permitted stay shall render the driver liable to a penalty charge as set out in section 9 of this order.";
- (iii) In Part 402 (Designated Pay And Display Parking Place), omit "Failure to display a valid ticket or exceeding the maximum permitted stay shall render the driver liable to a penalty charge as set out in section 9 of this order.";
- (iv) In Part 404 (Designated Pay And Display Parking Place), omit "Failure to display a valid ticket or exceeding the maximum permitted stay shall render the driver liable to a penalty charge as set out in section 9 of this order.";
- (v) In Part 405 (Designated Pay And Display Parking Place), omit "Failure to display a valid ticket or exceeding the maximum permitted stay shall render the driver liable to a penalty charge as set out in section 9 of this order.";
- (vi) In Part 407 (Designated Pay And Display Parking Place), omit "Failure to display a valid ticket or exceeding the maximum permitted stay shall render the driver liable to a penalty charge as set out in section 9 of this order.";
- (vii) In Part 409 (Designated Pay And Display Parking Place), omit "Failure to display a valid ticket or exceeding the maximum permitted stay shall render the driver liable to a penalty charge as set out in section 9 of this order.";
- (viii) In Part 410 (Designated Pay And Display Parking Place), omit "Failure to display a valid ticket or exceeding the maximum permitted stay shall render the driver liable to a penalty charge as set out in section 9 of this order.".
- (c) In section 7 (Conditions and Exclusions), in article 4.i, for "Parking Attendant" substitute "civil enforcement officer".
- (d) In section 8 (Permits), in article 12, for "Parking Attendant" substitute "civil enforcement officer".
- (e) In section 9 (Regulations and Charges for use of Designated Parking Places)—
 - (i) for article 5 substitute—

"5. Where payment is made by using a pay and display machine, the charge shall be payable by the insertion of appropriate coin, coins or other means provided for into the apparatus or device provided.";
 - (ii) in article 6, for "traffic warden, parking attendant" substitute "civil enforcement officer";
 - (iii) in article 7, for "Parking Attendant" substitute "civil enforcement officer".
- (f) Omit section 10 (Contraventions & Enforcement of Restrictions Imposed By This Order).

Pay by Phone Amendments

(h) In article 2 of section 1 (Interpretation)—

(i) insert the following definitions in the relevant places—

“pay by phone” means payment for the use of a designated parking place made to the Council or its agent electronically using a mobile device.”;

“pay by phone parking place” means a parking place specified in column 2 of schedule 1 as defined in column 2 of section 5 of this Order where the driver is required to make a payment by Pay by Phone.”

“Virtual Parking Ticket” means an electronic record of payment of the appropriate charge for using a designated parking place which:

- (i) is issued by the Council or its agent on payment having been made by pay by phone in the manner described on any pay and display machine or information sign related to and located at or near the designated parking place;
- (ii) indicates the time when the period of parking for which the payment was made expires; and
- (iii) indicates that the charge paid and the registration number or other description of the designated parking place correspond with those specified on any pay and display machine or information sign related to and located at or near the designated parking place.”;

“Virtual Permit” means, in relation to a designated parking place, a permit which:

- (i) is issued electronically by the Council or its agent in accordance with any relevant Council procedures;
- (ii) entitles a permit holder to park in the designated parking place;
- (iii) is registered on an account in an electronic database approved by the Council; and
- (iv) contains the information required under section 8 or under rules made under that section to be shown on a permit.”.

(i) For article 1 of section 9 (Regulations and Charges for use of Designated Parking Places) substitute—

“1. The charge to be paid for the use during the permitted hours of any pay & display parking place or pay by phone parking place specified in column 2 of section 5 of this Order shall be as may be determined from time to time by the Council and notified to the public by the publication of a notice of variation under section 46A of the 1984 Act. In the case of a pay & display parking place, the scale of charges at the time being in force will be displayed at the pay and display machine. A copy of the scale of charges for the time being in force is contained in Schedule 3 to this Order.”.

- (j) In article 2 of section 9, at the end, insert "Use of pay by phone may also be permitted at a pay & display parking place as an alternative method of payment. Article 2A of this section shall apply in relation to the use of such a parking place where pay by phone is used as it applies to the use of a pay by phone parking place."
- (k) After article 2 of section 9, insert the following article—
"2A. The driver of a vehicle using a pay by phone parking place during the permitted hours shall, on leaving the vehicle in the parking place, pay the appropriate charge by pay by phone. Once payment is accepted the date of payment, the charge paid, the departure time and the vehicle registration number will be recorded and a Virtual Parking Ticket or Virtual Permit will be issued by the Council or its Agent."
- (l) In article 3 of section 9, at the end insert "Where pay by phone is used, in relation to a Virtual Parking Ticket or a Virtual Permit, the expiry time may be indicated on the electronic mobile device in an SMS message or by an App provided by the Council or its agent."
- (m) In article 4 of section 9, at the beginning insert "In the case of a pay & display parking place that is not being used by pay by phone as an alternative method of payment,".
- (n) In article 5 of section 9, at the beginning insert "In the case of a pay & display parking place that is not being used by pay by phone as an alternative method of payment,".
5. Nothing in this Order affects the Principal Order in its operation in relation to contraventions committed before the commencement of this Order.

IN WITNESS whereof the Council have caused the Common Seal of the Leicester City Council to be hereunto fixed this 26th day of May 2022.

EXECUTED AS A DEED by **LEICESTER CITY COUNCIL** by affixing its Common Seal the day and year first before written



AUTHORISED SIGNATORY



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