



**LEICESTER CITY COUNCIL  
THE LEICESTER (SOAR LANE)  
(EXPERIMENTAL) TRAFFIC REGULATION ORDER 2012**

Leicester City Council (hereinafter referred to as "the Council") in exercise of their powers under Section 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of Parts I to IV of Schedule 9 to the 1984 Act and of all other enabling powers including the Road Traffic Act 1991 as amended (whether generally or in relation to the area of the Council) ("the 1991 Act") and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act hereby make the following Order:-

**Section 1**

**General**

**Citation and Commencement.**

- 1.(i) This Order may be cited as "The Leicester (Soar Lane) (Experimental) Traffic Regulation Order 2012".and shall come into force on the 20<sup>th</sup> January 2012.
- (ii) The Order may be modified or suspended by the Director of Regeneration, Highways and Transportation, if it appears to him essential in the interests of the expeditious, convenient and safe movement of traffic or of the provision of suitable and adequate parking facilities on the highway in accordance with Section 10(2) of the 1984 Act.

**Interpretation.**

2. (i) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

- (ii) For the purposes of this Order :-

"City" means the City of Leicester.

"Contravention" means a failure to comply with restrictions set out in this Order that may result in the issue of a penalty charge notice under the Traffic Management Act 2004.

"Council" means the Leicester City Council.

"emergency service vehicle" means a vehicle operated by the police, fire & rescue service or ambulance service.

"enactment" includes any Act, Order or regulation made under any Act.

"immobilisation device" has the same meaning as defined in section 104(9) of the Road Traffic Regulation Act 1984.

"loading" or "loading & unloading" means the loading of goods on to or the removing of goods from a vehicle for the time being stationary on the highway and which by virtue of the weight, size, value or quantity of the goods requires the vehicle to be stationary at that location.

"offence" means a failure to comply with restrictions set out in this Order that may result in the issue of a fine under any Enactment that makes any provision of this Order a criminal offence.

"owner" in relation to a vehicle, means the person by whom the vehicle is kept. In determining who was the owner of the vehicle at any time it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994 or the person who has the use of such vehicle in the course of his/her employment and is entitled to use such vehicle as if he/she were the registered keeper

"penalty charge" and "reduced penalty charge" means a charge set by the Council under the provisions of Part 6 (Civil Enforcement of Traffic Contraventions) of the Traffic Management Act 2004 and with the approval of the Secretary of State for Transport which is to be paid to the Council within 28 days beginning with the date of the notice, or 14 days in the case of a reduced penalty charge, following the issue of a penalty charge notice.

"penalty charge notice (PCN)" means a notice issued by a civil enforcement officer pursuant to the provisions of Part 6(Civil Enforcement of Traffic Contraventions) of the Traffic Management Act 2004.

"undertaker" has the meaning as in section 48 of The New Roads And Street Works Act 1991

- 3 (i) Any reference in this Order to Soar Lane by its name shall be construed as a reference to the road in the City bearing that name as identified and defined in the Leicester City Council document 'List of Streets' under Section 36(6) of the Highways Act 1980 and to the carriageway, footway and verge on land privately owned by the council that is a western continuation of the road bearing that name.
  - (ii) The restrictions detailed in Sections 2 shall be subject to such conditions as may be specified in Section 3 of this order.
  - (iii) The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction or requirement imposed by any other enactment.
4. For the purpose of this order unless otherwise stated the location of a restriction identified in Section 2 of this order which refers to a measurement from a junction shall be construed as a measurement from the intersection of the highway boundaries on the side of the junction in which direction the measurement is prescribed.
  5. All restrictions specified in this order shall be deemed to apply to the whole of the land owned by the council at the locations specified including any carriageway, footway or verge.

## **Section 2**

### **Waiting & Loading Restrictions**

Save as provided in section 3 of this order, no person shall cause or permit a vehicle to wait or to load or unload at any time in:

#### **SOAR LANE**

North-west side from a point 43 metres south-west of its junction with Swan Street to a point 141 metres south-west of its junction with Swan Street

South-east side from a point 178 metres south-west of its junction with Jarvis Street to a point 80 metres south-west of its junction with Jarvis Street

## **Section 3**

### **Conditions and Exclusions.**

1. It shall not be a contravention to cause or permit a vehicle to wait or to load and unload on any length of road specified in Section 2 of this Order to which a waiting or loading restriction applies provided that the person is acting upon the direction of a police constable in uniform or such other persons in uniform appointed for that purpose by the Chief Constable for Leicestershire.
2. It shall not be a contravention to cause or permit a vehicle to wait or to load and unload on any length of road specified in Section 2 of this Order to which a waiting or loading restriction applies if the vehicle is an emergency service vehicle.
3. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Section 2 of this Order to which a waiting or loading restriction applies for so long as may be necessary to enable a person to board or alight from such vehicle.
4. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Section 2 of this Order to which a waiting or loading restriction applies for so long as may be necessary to enable postal packets to be loaded or unloaded from a postal vehicle.
5. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Section 2 of this Order to which a waiting or loading restriction applies in contravention of that restriction to enable the vehicle, if it cannot conveniently be used for such purpose on any other road, to be used in connection with any building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or re-construction of any of the lengths of road or to enable work by any undertaker to be carried out relating to any pipe, cable, sewer or apparatus in or on that road.

## Section 4

### Contraventions & Enforcement of Restrictions Imposed By This Order.

1. If a vehicle is left in any road or length of road in contravention of any provision of Sections 2 of this Order, a penalty charge may be payable and /or the vehicle may be immobilised or removed from that location.
2. Enforcement of waiting and loading prohibitions and restrictions set out in sections 2 of this Order will be carried out by civil enforcement officers or other person authorised to do so by the council by the issuing of Penalty Charge Notices. Enforcement and the issuing of Penalty Charge Notices will be undertaken as prescribed by the Traffic Management Act 2004 and will be subject to such rules regulations and guidelines that may be prescribed from time to time by the Secretary of State for Transport.
3. The level of Penalty Charge to be imposed including any discounts or increases due to early or late payment will be as determined from time to time by the Council in accordance with any rules, regulations or guidance given by the Secretary of State for Transport and will be notified by public advertisement in the manner prescribed in the above legislation.
4. Vehicles parked in contravention of waiting and loading and unloading prohibitions may also be either fitted with an immobilisation device or be removed to a storage facility subject to such rules regulations and guidelines as may be issued by the Secretary of State for Transport. The fees to be paid for the removal of an immobilisation device or the return of the vehicle to its owner will be as determined from time to time by the Council in accordance with any rules, regulations or guidance given by the Secretary of State for Transport and will be notified by public advertisement in the manner prescribed in the above legislation. The Council may require the payment of all outstanding penalty charges incurred by the owner of a vehicle before removing an immobilisation device or returning a vehicle to its owner.

## Section 5

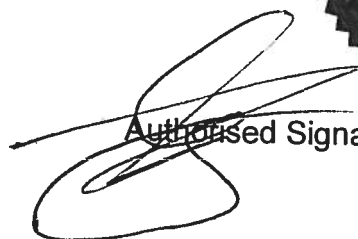
### Validity

1. If a Court, the Department for Transport, the National Parking Adjudication Service or the Traffic Enforcement Centre declares any part of this Order to be invalid or unenforceable, such declaration shall not invalidate the remainder of the Order.

IN WITNESS whereof the Council have caused the Common Seal of the Leicester City Council to be hereunto fixed this 13th day of January 2012.

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



  
Authorised Signatory

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