



LEICESTER CITY COUNCIL

THE LEICESTER (SHARPLAND) (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 Act") and of Part IV of Schedule 9 to the Act and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act hereby make the following Order:-

Section 1 General

- 1(i) This Order may be cited as "The Leicester (Sharpland) (Experimental) Traffic Regulation Order 2012" and shall come force on the 10th October 2012
 - 1(ii) Upon coming into force the existing traffic restrictions at the same locations described in Schedule 1 previously imposed by The Leicester (Consolidation) Traffic Regulation Order 2006 as amended are hereby suspended and replaced by the restrictions specified in the Schedule 1 below for the duration of this Order.
 - 1(iii) The Order may be modified or suspended by the Director of Planning Transportation and Economic Development, 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.
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:-

"Bus" has the same meaning as in regulation 22(2) of the Traffic Signs Regulations and General Directions 2002.

"City" means the City of Leicester.

"Civil enforcement officer" means a person authorised by or on behalf of the Council to carry out the enforcement of parking restrictions and conditions as defined in section 76 of the Traffic Management Act 2004.

“Contravention” means a failure to comply with restrictions set out in this Order that may result in the issue of a penalty charge notice

“Council” means the Leicester City Council.

“disabled person” means a disabled person provided with a disabled persons blue badge issued and used in accordance with The Chronically Sick & Disabled Persons Act 1970 and The Disabled Persons (Badges For Motor Vehicles) (England) Regulations 2000.

“Disabled person’s badge” and “holder” has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and includes similar badges issued by other European Member States.

“Driver” in relation to a vehicle waiting in a parking place, means the person driving the vehicle at the time it was left in the parking place and in all other cases means the person driving the vehicle and includes any separate person who acts as a steersman in addition to the driver.

“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.

“Legally qualified medical practitioner” has the same meaning as in section 52 of the Medical Act 1956.

“Motor cycle” and “motor vehicle” have the meaning as in section 136 of the 1984 Act.

“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 or served by a parking attendant pursuant to the provisions of Part 6(Civil Enforcement of Traffic Contraventions) of the Traffic Management Act 2004

“Permit” means a permit issued by or on behalf of the Council under the provisions of section 5 of this Order.

“Permit holder” means a person to whom a permit has been issued under the provisions of section 5 of this Order.

- 4 (i) any reference in this Order to a road by its name shall be construed as a reference to the road in the City bearing that name.
 - (ii) Any reference to a part number in this Order shall be construed as a reference to the traffic restriction detailed in Section 2 or 3 bearing that part number.
 - (iii) The restrictions detailed in Column 2 of Sections 2 or 3 shall be subject to such conditions as may be specified in column 3 by a number referring to a condition defined in Section 4 of this order
 - (iv) 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.
5. The locations, roads or lengths of road specified in Column 2 of Schedule 1 of this order shall be subject to the restrictions set out in Column 1 of Schedule 1 identified by the part number. To assist in identifying the location of any manoeuvre restrictions a summary of the restriction may be included in the location description in Column 2 of Schedule 1, regardless of that summary the restriction shall be defined by the full description of that restriction contained in Section 2 of the order.
 6. For the purpose of this order unless otherwise stated the location of a restriction identified in Column 2 of Schedule 1 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. Where a restriction identified in column 2 of schedule 1 is stated as commencing from or extending to a junction with another road it shall be construed as starting from or extending to a point at the intersection of the centrelines of the two roads.
 7. Unless otherwise stated all restrictions specified in this order shall be deemed to apply to the whole of the highway at the locations specified including any carriageway, central reservation, footway, verge or other land forming part of that highway.

Section 2
Traffic Manoeuvre Restrictions

Column 1	Column 2	Column 3
Part 130	Prohibition of Driving, At All Times, All Motor Vehicles No person shall drive or cause or permit to be driven any motor vehicle at any time on any road or length of road to which this restriction is applied.	1i, 1ii

Section 3
Waiting Restrictions

Column 1	Column 2	Column 3
Part 207	No person shall cause or permit a vehicle to wait at any time on any of the roads or lengths of road specified to which this restriction is applied.	2i, 2ii, 2iii, 2iv, 2v, 2vi

Section 4
Conditions and Exclusions

- 1i. It shall not be an offence or contravention to cause or permit a vehicle to enter or be driven on any length of road specified in Schedule 1 Column 2 of this Order to which a restriction applies in a manner contrary to that restriction 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.
- ii. It shall not be an offence or contravention to cause or permit a vehicle to enter or be driven on any length of road specified in Schedule 1 Column 2 of this Order to which a restriction applies in a manner contrary to that restriction if the vehicle is being used for Police, Fire & Rescue Service or Ambulance purposes.
- 2.i. 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 Schedule 1 Column 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.
- ii. 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 Schedule 1 Column 2 of this Order to which a waiting or loading restriction applies if the vehicle is being used for Police, Fire & Rescue Service or Ambulance purposes.
- iii. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 Column 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.
- iv. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 Column 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.
- v. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 Column 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 reconstruction 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.

- vi. It shall not be a contravention to cause or permit a vehicle to wait on any length of road specified in Schedule 1 Column 2 of this Order to which a waiting restriction applies for up to 3 hours with return prohibited within a further consecutive period of 1 hour where the restriction is a prohibition of waiting and for any length of time where the restriction is a limit on the duration for which waiting is permitted provided that the vehicle is displaying a disabled persons blue badge in accordance with the rules appertaining to the issuing of such a badge or a disabled persons blue parking card issued in accordance with the rules of any member State of the European Community. Provided that no such vehicle shall wait where a prohibition of loading and unloading is in force, in a bus lane or in a loading only bay

Section 5 Permits

1. The Council may at its discretion when satisfied that it is expedient to do so issue permits to allow vehicles to wait or to load and unload on sections of road in a manner contrary to the restrictions imposed on that section of road or to allow the use of parking places on a road by specified classes of vehicle or by specific persons.
2. The Council may issue such permits either free of charge or on payment of such fees as the council may from time to time determine.
3. The Council may from time to time make rules as to the issuing and use of permits and permits issued will only be valid if issued and used in accordance with those rules.
4. Any permit issued remains the property of the Council and must be returned to the Council if required.
5. Only original permits issued by the Council shall have the effect of allowing a vehicle to wait or to load or unload in contravention of the waiting or loading restrictions, to park in a permit controlled parking place.
6. Permits must be clearly displayed at all times that a vehicle occupies a parking place requiring the display of a permit. On any vehicle fitted with a front windscreen the permit must be displayed on that front windscreen in a manner which allows the details of the permit to be clearly seen from outside of the vehicle. On vehicles not fitted with a front windscreen the permit must be displayed in such a position as to make the details of the permit clearly visible from outside of the vehicle. Only permits displayed in this manner will have the effect of allowing a vehicle to wait or to load or unload in contravention of the waiting or loading restrictions or to use the permit controlled parking place.
7. All permits issued by the Council intended to be used to allow a vehicle to enter a restricted street or to wait or to load or unload on part of a road contrary to the waiting or loading restrictions or to wait in a part of a road where the display of a permit is required shall be marked with the registration

number of the vehicle and shall only be valid when displayed on the vehicle bearing that registration number.

Section 6

Contraventions & Enforcement of Restrictions Imposed By This Order

1. Enforcement of waiting restrictions set out in section 3 of this Order will be carried out by Civil Enforcement Officers employed by or on behalf of Leicester City Council by the issuing of Penalty Charge Notices. Enforcement and the issuing of Penalty Charge Notices will be undertaken as prescribed in The Civil Enforcement of Parking Contraventions(England) General Regulations 2007 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.
2. 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.
3. Vehicles parked in contravention of waiting, restrictions may also 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.
4. Moving traffic offences relating to the manoeuvre restrictions set out in Section 2 of this Order will be enforced by such uniformed officers employed by the Chief Constable for Leicestershire as specified in legislation. In addition any contraventions that the Secretary of State determines may be dealt with under civil enforcement powers may be dealt with by officers appointed by or on behalf of Leicester City Council in accordance with any rules, regulations or guidelines that may be prescribed.

Section 11

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 3rd day of October 2012

89474

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



[Handwritten signature]

Authorised Signatory

SCHEDULE 1

(Roads subject to Experimental Restrictions)

SHARPLAND

Part 130 Prohibition of Driving of Motor Vehicles at all times except emergency services vehicles From a point 37 metres West of its junction with Spring Close to a point 23 metres West of its junction with Spring Close

North Side

Part 207 from a point 63 metres west of its junction with Spring Close to a point 23 metres west of its junction with Spring Close including the Turning Head

South Side

Part 207 from a point 9 metres east of the centre line of the link road to Glenhills Way to a point 9 metres west of the centre line of the link road to Glenhills Way

Part 207 from a point 17 metres west of its junction with Spring Close to a point 63 metres west of its junction with Spring Close