



**LEICESTER CITY COUNCIL
THE LEICESTER (EXPERIMENTAL) TRAFFIC REGULATION
(MARSDEN LANE) ORDER 2019**

Leicester City Council (hereinafter referred to as "the Council") in exercise of their powers under sections 1, 2, 9, and 63A of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of Part 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

1.1 CITATION AND COMMENCEMENT

This Order shall come into force on the 16th May 2019 and may be cited as "The Leicester (Experimental) Traffic Regulation (Marsden Lane) Order 2019".

1.2 INTERPRETATION.

- (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.

"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 persons 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.

“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. Loading or unloading is only deemed to be taking place if either:

- There is continuous activity involved in loading or unloading goods in the vicinity of the vehicle or,
- Goods have been or are about to be loaded or unloaded on to the vehicle and are in transit between the vehicle and their destination or origination point, provided that the vehicle is located as close as is practicable to that destination or origination point and that the vehicle remains there only for so long as is absolutely necessary to achieve the movement of the goods between the vehicle and the origination or destination point.

“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

“parking attendant” 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 63a of the Road Traffic Regulation Act 1984 (as amended).

“pedal cycle” means a unicycle, bicycle, tricycle or cycle having four or more wheels, not being in any case mechanically propelled unless it is an electrically assisted pedal cycle of such class as is to be treated as not being a motor vehicle for the purposes of the 1984 Act.

“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

- 1.3 (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 as identified and defined in the Council document 'List of Streets' under Section 36(6) of the Highways Act 1980 and to the carriageway, footway and verge 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.
- 1.4 For the purpose of this order unless otherwise stated the location of a restriction identified section 2 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 section 2 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.
- 1.5 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

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:

MARSDEN LANE;

North side from its junction with Lutterworth Road to a point 6 metres west of the boundary between No 29 Lutterworth Road and No 3 Marsden Lane

South side from a point opposite the boundary between No 3 and No 5 Marsden Lane to its junction with Lutterworth Road

WAITING RESTRICTIONS

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

MARSDEN LANE;

- South side from a point 4m west of the boundary between No 18 and No 20 Marsden Lane to a point 3m east of the boundary between No 22 and No 24 Marsden Lane
- West side from a point 8m north of the boundary between No 48 and No 50 Marsden Lane to a point 3m south of the boundary between No 54 and No 56 Marsden Lane
- East side from a point opposite the boundary between No 54 and No 56 Marsden Lane to its junction with Sanvey Lane

FRANKLYN ROAD;

- Both sides from its junction with Marsden Lane to a point 8m south of the west side of its junction with Marsden Lane

CONAGLEN ROAD;

- South side from its junction with Marsden Lane to a point opposite the boundary between No 1 Conaglen Road and No 54 Marsden Lane
- North side from its junction with Marsden Lane to a point 12m east of the boundary between No 1 Conaglen Road and No 54 Marsden Lane

SANVEY LANE;

- South side from its junction with Marsden Lane to a point opposite the northern boundary of No 103 Sanvey Lane
- South side from a point 4m east of the boundary between No 40 and No 42 Sanvey Lane to the boundary between No 42 and No 44 Sanvey Lane
- North side from a point 3m east of the boundary between No 27 and No 25 Sanvey Lane to a point 34m south-west of its junction with Croft Avenue

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 Section 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 section 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 8th day of May 2019.

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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