

## LEICESTER CITY COUNCIL

**LEICESTER CITY COUNCIL (DE MONTFORT STREET, LEICESTER) (PROHIBITION OF MOTORISED VEHICLES) EXPERIMENTALTRAFFIC ORDER 2024**

Leicester City Council ("the Council") being a Civil Enforcement Area (“CEA”) for the City of Leicester, in exercise of its powers conferred on it by Sections 9, 10, 11, 92 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the 1984 Act") and of Part IV of Schedule 9 to the 1984 Act and being satisfied that, for the reasons specified in Section 3(2)(a), (b), (d)and (e) of the Act, it is requisite that subsection (1) of Section 3 of the Act should not apply to this Order, and of all other enabling powers 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

COMMENCEMENT, GENERAL AND DEFINITIONS

 1. (i) This Order shall come into force for all purposes on the 19thday of May 2024 and shall continue in full force until the 18th day of November 2025 inclusive and may be cited as "Leicester City Council (De Montfort Street, Leicester) (Prohibition of Motorised Vehicles) Experimental Traffic Order 2024".

(ii) The Order may be modified or suspended by the Director of Planning, Development & 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. The headings in this Order are inserted for convenience only and shall not affect its construction or interpretation. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

 (ii) For the purposes of this Order: -

“At any time” means all hours on all days.

“Bus” has the same meaning as in regulation 22(2) of the Traffic Signs Regulations and General Directions 2016.

“Carriageway” means a way constituting or comprised in a highway being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles.

“City” means the City of Leicester.

“Civil Enforcement Officer or CEO” 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 2004 Act.

“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.Contravention” means a failure to comply with road traffic 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 person provided with a disabled person’s 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.

“Fixed Penalty Notice or FPN” has the same means as in section 52 of the 1988 Offenders Act.

“Legally Qualified Medical Practitioner” has the same meaning as in section 52 of the Medical Act 1956.

“Licenced Hackney Carriage” means a vehicle licensed under section 37 of the 1847 Act.

“Local Bus” means a bus that is being used in accordance with Section 2 of the 1985 Act.

“Motor Cycle” have the meaning as in section 136 (4) of the 1984 Act.

“Motor Vehicle” have the meaning as in section 136 of the 1984 Act.

“Offence” has the same meaning set out in Section 51 of the Road Traffic Offenders Act 1988

“One-way Street” means a highway in which the driving of vehicles otherwise than in one direction is prohibited.

“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

“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 Notice or PCN” means a notice issued by a CEO or on the basis of a record produced by an Approved Device, in line with the provisions of Transport Act 2000 or the provisions of Part 6 of the 2004 Act.

“Permitted Hours” means the days and period specified in column 2 of Section 2being the period during which the restriction applies.

“Relevant Legislation” means an Act, Order or Regulation listed within Article 2. (i) Statutory References of this Order.

“Relevant National Authority” means the Secretary of State in respect to England.

 “Relevant Particulars” means particulars relating to the identity of the keeper of the Motor Vehicle contained in the register of mechanically propelled vehicles maintained by the Relevant National Authority under the Vehicle Excise and Registration Act 1994.

“Road(s)” means the area between two Highway boundaries excluding any defended footway loading area, footway Parking Place or Lay-by and includes any length of Road.

“Road Marking” means a Traffic Sign consisting of a line or mark or legend on the surface of the Road of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.

 “Royal Mail” means the national postal service of the United Kingdom so named.

“Solo Motorcycle” means a Motorcycle without a sidecar and having two wheels.

“Stop” means for a Motor Vehicle where its road wheels are no longer in motion and has resulted in the Motor Vehicle being stationary on the Highway.

“Traffic Manager” shall have the meaning ascribed to it by section 17(2) of the 2004 Act in relation to that Officer so named for the Council.

"Traffic Sign" means a sign of any size, colour and type prescribed or authorised under Traffic Sign Regulations, or having effect as though prescribed or authorised under, Section 64 of the 1984 Act.

“Taxi” means a Hackney Carriage Vehicle licensed under section 37 of the 1847 Act.

“Statutory Undertaker” has the meaning ascribed to “undertaker” in section 48(4) of the New Roads and Street Works Act 1991.

"Vehicle" means: -

1. a) a mechanically propelled vehicle, intended or adapted for use on the Road;
2. b) a Pedal Cycle in actual use for the purpose of cycling.

“Vehicle Immobilisation and Removal” has the same meaning as that contained the Section 79 of the 2004 Act.

3. (i) **Statutory References**

The following statutory references (as amended) shall have the meaning ascribed to them as specified:

“1847 Act” means the Town Police Clauses Act 1847;

“1976 Act” means the local Government (Miscellaneous Provisions) Act 1976;

“1980 Act” means the Highways Act 1980;

“The 1984 Act” means the Road Traffic Regulation Act 1984;

“Postal Services Act” means the Postal Services Act 2000;

“1985 Act” means the Transport Act 1985;

“1988 Traffic Act” means the Road Traffic Act 1988;

“1988 Offenders Act” means the Road Traffic Offenders Act 1988;

“2000 Act” means the Transport Act 2000

“2004 Act” means the Traffic Management Act 2004;

“Bus Lane Regulations” means The Bus Lane Regulations (Penalty Charge, Adjudication and Enforcement) (England) Regulations 2005 (SI No.2757)

“Disabled Person’s Exemption Regulations” means the Local Authorities Traffic Orders (Exemption for Disabled Persons) (England) Regulations 2000 (SI No.683);

“Traffic Sign Regulations” means the Traffic Signs Regulation and General Directions 2016 (SI No.3484).

4. The restrictions detailed in column 2 of Sections 2 shall be subject to such conditions as may be specified in column 3 to Schedule 1 by a number referring to a condition defined in Section 7 of this Order

5. 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 Leicester City Council documents ‘List of Streets’ in accordance with Section 36 (6) of the 1980 Act.

6. Any reference to a part number listed in this Order shall be construed as a reference to the traffic restriction detailed in Section 2 bearing that part number.

7. 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.

8. The restrictions imposed on the locations, roads, areas of road or lengths of road specified in column 2 of Schedule 1 to this Order shall be subject to such conditions as may be specified in column 3 of Schedule 1 by a number referring to a condition defined in Section 7 of this Order.

9. 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

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| --- | --- | --- |
| Column 1 | Column 2 | Column 3 |
| Part 112 | **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 |
| Part 200 | **No Waiting and No Loading at any Time**No person shall cause or permit a vehicle to wait or to load or unload 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 |
| Part 407 | **Designated Pay And Display Parking Place.**No person shall cause or permit a vehicle to wait between the permitted hours of 7.30am and 6.00pm Monday to Saturday on any of the roads or lengths of road specified to which this restriction is applied, unless before leaving a vehicle on any road or length of road to which this restriction applies the driver shall purchase and display in accordance with the conditions set out in section 9 of this Order a pay and display ticket from the machine provided for that purpose. All vehicles must be parked wholly within the parking bay marked on the carriageway. Failure to display a valid ticket shall render the driver liable to a penalty charge as set out in section 9 of this order. Whilst parked in the parking bay no person shall carry out any work relating to the construction or repair of the vehicle other than may be necessary to enable the vehicle to be moved from the parking bay. No person shall allow a vehicle waiting in a parking bay to be used for or in connection with the sale of any vehicle or any other article or for the offer of any service for reward. Provided that this restriction shall not apply to a vehicle displaying a disabled persons badge issued and displayed in accordance with the “Disabled Persons (Badges For Motor Vehicles) (England) Regulations 2000” and includes similar badges issued by other European Member States. | 4i, 4ii, 4iii, 4iv, 4v, 4vi, 4vii |

**Section 7**

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.

iii. 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 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 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 15th day of May 2024

**EXECUTED AS A DEED** by )

**LEICESTER CITY COUNCIL** by )

affixing its Common Seal the day )

year first before written )

Authorised Signatory

**SCHEDULE 1**

(Roads Subject to Experimental Restrictions)

**De Montfort Street**

Part 112 Prohibition of motorised vehicles from its junction with Lancaster Road to a point 23m north east of its junction with Lancaster Road.

North-west Side

Part 200 from its junction with Lancaster Road to a point 45 metres north-east of its junction with Lancaster Road

Part 407 from a point 45 metres north-east of its junction with Lancaster Road to a point 40 metres south-west of its junction with Regent Road

South-east Side

Part 407 from a point 87 metres north-east of its junction with Lancaster Road to a point 45 metres north-east of its junction with Lancaster Road

Part 200 from a point 45 metres north-east of its junction with Lancaster Road to its junction with Lancaster Road.