



LEICESTER CITY COUNCIL

LEICESTER CITY COUNCIL (ST MARGARET'S BUS STATION AREA, NORTHERN CENTRAL RING ROAD, LEICESTER) (ONE-WAYS RESTRICTION) TRAFFIC REGULATION ORDER 2021

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 1, 2, 4, 5 and Part IV of Schedule 9 of the Road Traffic Regulation Act 1984 ("the Act"), and all other enabling powers and after consultation with the Chief Constable for the Leicestershire Police Authority in accordance with Part III of Schedule 9 to "the Act", hereby makes the following Order:-

Section 1

COMMENCEMENT, GENERAL AND DEFINITIONS

Citation and Commencement.

1. (i) This Order shall come into force for all purposes on the **##th** day of **#### 2021** and may be cited as " Leicester City Council (St Margaret's Bus Station Area, Northern Central Ring Road, Leicester) (One-ways Restriction) Traffic Regulation Order 2021."

Interpretation

2. 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:

"Approved Device" has the meaning ascribed to it by Regulation 2 of the Approved Device Regulations.

"At Any Time" means all hours on all days.

" Authorised Officer" means a Civil Enforcement Officer, qualified officers using or processing images from an Approved Device or any person as defined by the relevant legislation duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof, may issue a Penalty Charge Notice for a Contravention.

"Bus" has the meaning ascribed to it by the definitions table in Schedule 1 to the Traffic Sign Regulations

"Carriageway" means a way constituting or comprised in a Highway being a way (other than a cycle track or any central reservations) over which the public have a right of way for the passage of vehicles.

“CEO” means a Civil Enforcement Officer as defined in Section 76 of the 2004 Act;

“Clearway” means any Road or any part of the width of Road as specified in this Order (where Motor Vehicles are prohibited from stopping unless otherwise specified in this Order) and has delineated by Road Markings and/or Traffic signs.

“Cycle” means a pedal cycle not being propelled by mechanical power.

“City” means the City of Leicester to its administrative boundary.

“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 Leicester City Council being the enforcement authority.

“Date of Service” as ascribed in Regulation 3 (Service by Post) of the Parking Regulations.

“Date of Issue” is the date that a PCN under Regulation 9 of the Parking Regulations was fixed to the vehicle or giving it to the person appearing to be in charge of the vehicle. For a PCN issued under Regulation 10 of the Parking Regulations, is the date the PCN was printed out for the purpose of Service by Post.

“Designated Parking Place” means any area of the Highway authorised and defined in Column 2 Schedule 1 of this Order to be used as a Pay and Display Parking Place for a Motor Vehicle and that Parking Place may be restricted to a specified class of vehicle during set times of the day and be defined in Column 2 Section 2 and has been assigned a Part Number.

“Detection Date” means the date on which a vehicle was detected as contravening this Order, according to the record produced by an Approved Device or CEO.

“Disabled Person” means a disabled 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 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” means the registered keeper of the vehicle registered with the DVLA at the time that the contravention was committed, unless it is proved to the Council’s satisfaction that the vehicle at the time of the contravention was in the charge of a person other than the registered keeper.

“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 of Parliament.

“Entrance Clearway” means an area of Carriageway with the relevant Road Marking adjacent to a school or other educational institution, Police, Fire or Ambulance Station in which to Stop a Motor Vehicle in that area is prohibited.

“Footway” means that part of the Highway over which the public have a right of way for the passage of pedestrians.

“Goods” means articles and property of any description, including postal packets of any kind (that cannot be easily carried on their person) and have been purchased and are ready for collection or delivery, provided that it would be unreasonable for an individual to carry such goods, further than a reasonable distance for the purpose of loading them into or from a vehicle.

“Higher Level Contraventions” as defined in the Levels of Charge Order.

“Highway” means land over which the public have a right to pass and repass.

“Hirer” means a person who has hired a Motor Vehicle under a hiring agreement from a vehicle-hire firm and these have the same meaning as in Section 66 of the 1988 Offenders Act.

“Hours of Operation” means those hours and day specified in column 2 of Section 2 being the time period during which a designated parking Prohibitions, Restriction or Provision apply.

“Invalid Carriage” has the same meaning as in Section 136 of the 1984 Act.

“Loading Vehicle” means a Motor Vehicle which is at that time being used to enable Goods to be loaded or unloaded, PROVIDED THAT when the aforementioned activity has been completed the motor Vehicle is no longer a Loading Vehicle.

“Local Bus Service” has the same meaning as defined in the Transport Act 1985

“Lower Level Contraventions” means a parking contravention which is not a High Level Contravention as ascribed in the Levels of Charge Order

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

“Licensed Hackney Carriage” means a Hackney Carriage licensed under Section 37 of the 1847 Act.

“Loading” (loading includes unloading) means the loading of Goods on to or the removing of Goods from a Vehicle for the time being stationary on the Road and which by virtue of the weight, size, value or quantity of the goods requires the vehicle to be stationary at that location. Loading is only deemed to be taking place if either.

- a. There is continuous activity involved in loading Goods in the vicinity of the Vehicle or,

- b. Goods have been or are about to be loaded on to the Motor Vehicle and are in transit between the Motor Vehicle and their destination or origination point, provided that the Motor Vehicle is located as close as is practicable to that destination or origination point and that the Motor Vehicle remains there only for so long as is absolutely necessary to achieve the movement of the Goods between the Motor Vehicle and the origination or destination point.
- c. loading does not include picking up or setting down of passengers.

“Motor Car” means a mechanically propelled vehicle as defined in Section 136(2) of the 1984 Act.

“Motorcycle” means a mechanically propelled vehicle as defined in Section 136(4) of the 1984 Act.

“Motor Vehicle” means a mechanically propelled vehicle as defined in section 136(1).

“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 Motor 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 Motor Vehicle in the course of his/her employment and is entitled to use such Motor Vehicle as if he/she were the registered keeper.

“Parking Contravention” applies to offences detailed in Schedule 7, Part 1 Paragraph 4 of the 2004 Act.

“Parking Place” means any area of the Highway authorised and defined in Column 2 Schedule 1 of this Order to be used as a Parking Place for a Motor Vehicle and that Parking Place may be restricted to a Specified Class of Vehicle during set times of the day and be defined in Column 2 of Sections 4 and 5 and has been assigned a Part Number in Column 1 of those sections.

“Pay & Display Machine” means an apparatus of a type approved by the Secretary of State for Transport for the purposes of this Order being apparatus designed to indicate the time by a clock and to issue numbered tickets indicating, the date of issue, the payment of an initial charge, the departure time and such other information as may be applicable relating to the leaving of a vehicle in a Designated Parking Place to which a pay and display restriction is applied.

“Pay & Display 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 the insertion of the appropriate coin, coins or other

means provided for into the apparatus or device provided for the issue of the ticket which must be displayed on the Motor Vehicle.

“Part Number” means a unique number in Column 1 of Sections 2, 3, 4, 5 and 6 of this Order and is linked to a Restriction or Provision as defined in Column 2 of Sections 2, 3, 4, 5 and 6 of this Order.

“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 cycle of such class as it to be treated as not being a Motor Vehicle for the purposes of the Act.

“Penalty Charge Notice (PCN)” as ascribed under Regulation 8 of the Parking Regulations.

“Permit” means a Residents Permit, Visitors Permit or a Dispensation Permit which entitles the holder to allow their Motor Vehicle (when displaying the relevant Permit) to Wait in a Parking Place or on a Restriction only in an area or length of Road as specified on the Permit and in line with the conditions of issue for that Permit when issued by the Council.

“Public Holiday” means Bank Holidays and all present and future public holidays as defined by the Cambridge dictionary.

“Public Service Vehicle” has the same meaning as defined in the Public Passenger Vehicles Act 1981.

“Red Route” means a Road specified by a Part Number and listed in Schedule 1 comprising the whole width of Highway (for avoidance of doubt, including the Footway) except where only one side of a Road is specified in Schedule 1, where it shall comprise the Highway from its edge to the centre of the Carriageway and introduced pursuant to the provisions of the Relevant Legislation.

“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.

“Serve” in respect of a Penalty Charge Notice means the forms of service specified in Regulations 9 and 10 of the Parking Regulations, including the service of PCNs by post or any amendment or re-enactment thereof.

“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: -

a) a mechanically propelled vehicle intended or adapted for use on the Road.

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 2004 Act.

“Waiting” means that a Vehicle is stationary for the purpose of boarding and alighting of Passengers, Loading or Parked for the temporary period of time.

2. (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 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;

“2004 Act” means the Traffic Management Act 2004;

“Approved Devices Regulations” means the Civil Enforcement of Parking Regulations (Approved Devices) (England) Order 2007 (SI No.3486);

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

“Levels of Charge Order” means the Civil Enforcement of Parking Contraventions (Guidelines on Level of Charges) (England) Order 2007 (SI No.3487);

“Parking Regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI No.3483);

“Representations and Appeals Regulations” means the Civil Enforcement of Parking Contraventions (England) Representation and Appeals Regulations 2007 (SI No.3482)

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

3. The restrictions and provision imposed by this Order are in addition to and not in derogation of any restriction, prohibition or requirement imposed by any other enactment and any exception or exemption from the provisions of this Order is without prejudice to the provisions of any other enactment and
 - (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, 3, 4, 5 or 6 bearing that Part Number.
 - (iii) The restrictions detailed in Column 2 of Sections 2, 3, 4, 5 or 6 shall be subject to such conditions as may be specified in Column 3 by a number referring to a condition defined in Section 7 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.
4. 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, 3, 4, 5 and 6 of the Order.
5. 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.

6. 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 100	<p>One Way Traffic Restriction No person shall drive or cause or permit to be driven any vehicle on any length of road to which this restriction is applied otherwise than in the direction specified. Provided that this restriction shall not apply to a mechanical street cleansing vehicle between the hours of 11.00pm and 7.00am the following day.</p>	1i,
Part 107	<p>Compulsory Left Turn - Except Buses, Pedal Cycles & Taxis Restriction No person shall drive or cause or permit to be driven any vehicle on any road or length of road to which this restriction is applied, so as to proceed other than by making a left hand turn into such other road or length of road as may be specified. Provided that this restriction shall not apply to buses, pedal cycles or taxis.</p>	1i, 1ii
Part 109	<p>Prohibition of Entry Restriction No person shall drive or cause or permit to be driven any vehicle on any road or length of road to which this restriction is applied, so as to enter a road or part of a road at a specified point from such other position or in such direction as may be specified.</p>	1i,

Section 7 Conditions and Exclusions.

- 1i. It shall not be an offence or contravention to cause or permit a Motor 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 Motor 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 Motor 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 Motor 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.
- iv. It shall not be an offence or contravention to cause or permit a Motor 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 to gain access to an off street Parking Place.

Section 10

Contraventions & Enforcement of Restrictions Imposed by This Order.

- 1. If a Motor Vehicle is left in a Parking Place during the permitted hours or in any Road or length of Road in contravention of any provision of Sections 3, 4, 5 and 6 of this Order, a Penalty Charge may be payable and/or the Motor Vehicle may be immobilised or removed from that location.
- 2. Enforcement of stopping, waiting, loading and parking prohibitions and restrictions set out in sections 3, 4, 5 and 6 of this Order will be carried out by a CEO employed by or on behalf of the Council by the issuing of Penalty Charge Notices. Section 6 may also be enforced by using an Approved Device. Enforcement and the issuing of PCN will be undertaken as prescribed by the 2004 Act (as amended) 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. Motor Vehicles parked in contravention of stopping, waiting, loading and parking prohibitions and restrictions 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 Motor 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 Motor Vehicle before removing an immobilisation device or returning a Motor Vehicle to its owner.
- 5. 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 an Approved Device and processed by officers appointed by or on behalf of the 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.

Section 12
Revocation of Former Orders and Parts of Former Orders.

- 1 i. List of Orders to be revoked in Part.
 - The Leicester (Consolidation) Traffic Regulation Order 2006 (As amended)
 - The Leicester Traffic Regulations (Consolidation) (Church Gate and Gravel Street) (Amendment) Order (No.284) 2020
- ii. Each Order specified in 1.i. to Section 12 of this Order, is hereby revoked in Part insofar as it related to any Road item corresponding to a restriction and length of road specified in Schedule 1 of this Order.
- iii. Where any document refers, whether specifically or by means of a general description, to a provision of an Order revoked by this Order or is to be construed as so referring, the reference shall, where the context otherwise requires, be construed as or as including, a reference to the corresponding provision of this Order.

IN WITNESS whereof the Council have caused the Common Seal of the Leicester City Council to be hereunto fixed this ##th day of ### **2021**.

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

Authorised Signatory

SCHEDULE 1

ABBAY STREET

Part 100 From its junction with Gravel Street to its junction with Burleys Way, South-east to North-west.

GRAVEL STREET

Part 100 From its junction with Church Gate to its junction with Abbey Street, South-west to North-east.

MANSFIELD STREET

Part 107 At its junction with Mansfield Street onto Abbey Street.

NEW ROAD

Part 109 From its junction with New Road to the access point of St Margaret's Bus Station.