

**KIRKLEES COUNCIL
(TRAFFIC REGULATION) (No. 28) ORDER 2011
CLIFFE STREET, DEWSBURY**

The Council of the Borough of Kirklees ("the Council") in exercise of its powers under Sections 1, 2, 4, 32, 35, 45, 46, 47, 49 and 53 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 ("the 1984 Act") Part 6 of the Traffic Management Act 2004 and the Road Traffic Act 1991 ("the 1991 Act") and The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Kirklees) Order 2006 and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act hereby makes the following Order which relates to roads in the Dewsbury area of the Kirklees Metropolitan District:-

PART I

1. COMMENCEMENT CITATION & REVOCATION

- 1.1. This Order shall come into operation on the 29th day of February 2012 and may be cited as the Kirklees Council (Traffic Regulation) (No.28) Order 2011
- 1.2. The Order referred to in the First Column of the Second Schedule is hereby revoked to the extent stated in the Second Column of that Schedule.

2. INTERPRETATION

- 2.1. Unless the context otherwise requires any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference to a numbered Schedule is a reference to the Schedule bearing that number in this Order
- 2.2. In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"Bank Holiday" has the same meaning as in the Banking and Financial Dealings Act 1971.

"civil enforcement area" has the meaning given by Schedule 8 to the 2004 Act

"civil enforcement officer" has the meaning given by S.76 of the 2004 Act.

"disabled persons badge" has the same meaning as in the 2000 Regulations and the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 as amended.

"disabled person's motor vehicle" means a motor vehicle lawfully displaying a disabled person's badge and which immediately before or after any period of waiting allowed by virtue of this Order has been or is to be driven by a disabled person or has been or is to be used for carrying disabled persons as passengers.

"driver" in relation to a motor vehicle waiting in a parking place means the person driving the motor vehicle at the time it was left in the parking place.

“enforcement authority” means the Council.

“hackney carriage” has the same meaning as in the Town Police Clauses Act 1847.

“motor vehicle” has the same meaning as in Section 136 of the Act.

“penalty charge” has the meaning given by S.92 of the 2004 Act

“postal packets” has the same meaning as in the Postal Services Act 2000.

“relevant position” in relation to a disabled person’s badge has the same meaning as in Regulation 12 of the Disabled Person’s (Badges for Motor Vehicles) (England) Regulations 2000 and the 2000 Regulations.

“return prohibition period” means in relation to Article 3.1.2 the period specified in column 3 of the First Schedule

“subordinate legislation” has the same meaning as in Section 21 of the Interpretation Act 1978.

“universal service provider” means the same as in the Postal Services Act 2000.

“the 2000 Regulations” means the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000.

“the 2004 Act” means The Traffic Management Act 2004.

PART II

3. PROHIBITIONS AND RESTRICTIONS ON WAITING

- 3.1 Save as provided in Articles 3.2 and 3.3 no person shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer, cause or permit any motor vehicle to wait in any of the lengths of road specified in Column 1 of the First Schedule on the days and during the times specified in Column 2 of the First Schedule unless such day falls upon a Bank Holiday:-
- 3.1.1. for a period in excess of that specified in Column 3 of the First Schedule;
 - 3.1.2. if a period less than the return prohibition period has elapsed since the termination during the limited waiting hours of the last period of waiting of the motor vehicle in the same length of road.
- 3.2 Nothing in Article 3.1 shall prohibit any person from causing or permitting any motor vehicle to wait in any of the lengths of road specified in the First Schedule for so long as may be necessary:-
- 3.2.1 to enable a person to board or alight from the motor vehicle;
 - 3.2.2 to enable the motor vehicle, if it cannot be conveniently used for such purpose in any other road, to be used in connection with any wedding or funeral, building operation or demolition, the removal of any obstruction to

traffic, the maintenance, improvement or reconstruction of the length of road so specified, or the laying, erection, alteration or repair in or near the said length of road of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;

- 3.2.3 if the motor vehicle is a Mobile Speed Camera Unit or an Automatic Number Plate Recognition Vehicle;
 - 3.2.4 to enable the motor vehicle, if it is in the service of the Post Office or other universal service provider to be used for the purpose of delivering or collecting postal packets;
 - 3.2.5 to enable the motor vehicle to be used in any of the lengths of road so specified for police, ambulance, fire brigade, local authority or water authority purposes when used in pursuance of statutory powers or duties;
 - 3.2.6 if the motor vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond the control of the driver, or to such waiting as is necessary to prevent an accident;
 - 3.2.7 for the purpose of loading or unloading the motor vehicle whilst the motor vehicle is in actual use in connection with the removal or delivery of furniture to or from any premises fronting, adjoining or abutting any of the said lengths of road provided that notice is given twenty four hours in advance to the Police and their consent obtained;
 - 3.2.8 for a hackney carriage to wait at a hackney carriage stand during the hours of operation of the hackney carriage stand
- 3.3 Nothing in Article 3.1 shall render it unlawful to cause or permit any motor vehicle to wait in any of the lengths of road specified in the First Schedule if the motor vehicle is a disabled person's motor vehicle which displays in the relevant position a disabled person's badge.

PART III

4. CONTRAVENTIONS OF PROVISIONS OF ORDER

- 4.1 Where a motor vehicle is left in a parking place or in any road or length of road in contravention of any provision of this Order, such contravention shall be dealt with in accordance with the provisions of the 2004 Act and any subordinate legislation made under it.
- 4.2 The amount of a penalty charge for a parking contravention and, where applicable, the charges for the removal, storage and disposal of a vehicle shall be as set from time to time by the enforcement authority in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on Level of Charges) (England) Order 2007 or any re-enactment or replacement thereof and published by it.

PART IV

5. GENERAL

- 5.1 The restrictions imposed by this Order shall be in addition to and not in derogation of any restrictions or requirements imposed by any Regulations made or having effect as if made under the Act or by or under any other enactment.
- 5.2 Any reference in this Order to a Statute or Statutory Instrument shall include reference to any re-enactment or replacement thereof.
- 5.3 For the avoidance of doubt, any reference in this Order to a length of road or a parking place shall be deemed to be a reference to more than one length of road or more than one parking place where the context requires it.
- 5.4 Where the provisions of this Order or any Order made or having effect as if made under the Act which impose any restriction or prohibition on waiting by motor vehicles, or grant any exemption from such restriction or prohibition, relate to a road or length of road designated as a parking place in the Second Schedule the provisions of the said Schedule shall prevail.
- 5.5. In this Order where the context requires, the masculine includes the feminine and the neuter and vice versa, the singular includes the plural and vice versa.

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this First day of February Two Thousand and Twelve.

THE CORPORATE COMMON SEAL of)
THE COUNCIL OF THE BOROUGH)
OF KIRKLEES was hereunto affixed)
in the presence of:)

Acting Assistant Director – Legal, Governance and Monitoring/Authorised Signatory

FIRST SCHEDULE

LIMITED WAITING

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
Name of Road and Length Affected	Days and hours of operation	Maximum period for which vehicles may wait and return prohibition period
Cliffe Street, Dewsbury South- east side from a point 61 metres north of its junction with Crackenedge Lane for a distance of 42 metres north- eastwards.	Monday to Saturday 8am -6pm	30 Minutes. No return within 2 hours.

SECOND SCHEDULE

REVOCATIONS

Column 1	Column 2
Order to be revoked	Item to be revoked
Kirklees Metropolitan Council (On Street Parking Places) (Consolidation) Order 2004	Second Schedule, item 4.