

KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 6) ORDER 2012

The Council of the Borough of Kirklees ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 35, 45, 46, 47, 49 and 53 of the Road Traffic Regulation Act 1984 ("the Act"), Part 6 of the Traffic Management Act 2004, 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 various roads in the Dewsbury area of the Kirklees Metropolitan District:-

PART I

1. Interpretation

- 1.1. 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
- 1.2. In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"authorised position" means in relation to Article 3, wholly within the limits of the parking place as marked on the carriageway in accordance with the road markings as indicated by Diagrams 1028.3, 1032 or 1033 in Schedule 6 to the 2002 Regulations and in such position so as not to obstruct the movement of other motor vehicles

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

"carriageway" has the same meaning as in Section 329 of the Highways Act 1980.

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

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

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

"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.

"dual purpose vehicle" has the same meaning as in Paragraph 2 of Schedule 6 to the Act.

"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.

"owner" in relation to a vehicle means the person by whom the vehicle is kept which in the case of a motor vehicle registered under the Vehicle Excise and Registration Act, 1994 is presumed (unless the contrary is proved) to be the person in whose name the vehicle is registered.

“parking disc” has the same meaning given by regulation 8(5) of the 2000 Regulations

“parking place” means in relation to Article 3 the parts of the road specified in Column 1 of the Fourth Schedule authorised by this Order to be used as a parking place;

“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

"relevant position" in relation to a parking disc means:-

- (i) the disc is exhibited on the dashboard or fascia of the motor vehicle; or
- (ii) where the motor vehicle is not fitted with a dashboard or fascia the disc is exhibited in a conspicuous position on the motor vehicle

so that the period during which waiting began is clearly legible from the outside of the motor vehicle.

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

"telecommunications apparatus" has the same meaning as in the Telecommunications Act 1984.

"universal service provider" has the same meaning as in the Postal Services Act 2000.

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

"the 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002.

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

“the General Regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

PART II

2. Prohibitions and Restriction on Waiting

- 2.1. Save as provided in Articles 2.4, 2.5 and 2.6 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 at any time in the lengths of road specified in the First Schedule.
- 2.2. Save as provided in Articles 2.4, 2.5 and 2.5 no person shall except upon the direction or with the permission of a police constable in uniform or a civil enforcement officer, cause or permit any motor vehicle to wait in any of the lengths of road specified in columns 1 and 2 of the Third Schedule on the days and during the times specified in column 3 of the Third Schedule unless such day falls upon a Bank Holiday.
- 2.3. Save as provided in Article 2.6 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 or load or unload at any time in any of the lengths of road specified in Columns 1 and 2 of the Second Schedule.
- 2.4. Nothing in Articles 2.1, 2.2 and 2.3 shall prohibit any person from causing or permitting any motor vehicle to wait in a length of road specified in the First, Second and Third Schedules for so long as may be necessary:-
 - 2.4.1. to enable a person to board or alight from the motor vehicle;
 - 2.4.2. 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;
 - 2.4.3. if the motor vehicle is a Mobile Speed Camera Unit or an Automatic Number Plate Recognition Vehicle
 - 2.4.4. 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;
 - 2.4.5. to enable the motor vehicle to be used in the length of road so specified for police, ambulance, fire brigade, local authority or water authority purposes when used in pursuance of statutory powers or duties;
 - 2.4.6. 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;
 - 2.4.7. for the purpose of loading or unloading the motor vehicle whilst it is in actual use in connection with the removal or delivery of furniture to or from any premises fronting, adjoining or abutting the said length of road, provided that

notice is given twenty four hours in advance to the Police and their consent obtained;

2.4.8 for a hackney carriage to wait at a hackney carriage stand during the hours of operation of the hackney carriage stand.

- 2.5. Nothing in Articles 2.1 and 2.2 shall prohibit any person from causing or permitting any motor vehicle to wait in the length of road specified in the First or Third Schedule for so long as may be necessary to deliver to or collect from or load or unload goods at any premises fronting onto the said length of road provided that no motor vehicle so engaged shall wait for longer than 30 minutes outside the same premises without the permission of a police constable in uniform or a civil enforcement officer and provided always that a police constable in uniform or a civil enforcement officer may at any time require the driver of a motor vehicle to move it if it is necessary for the purposes of preventing obstruction.
- 2.6. Nothing in Articles 2.1 and 2.2 shall render it unlawful to cause or permit any motor vehicle to wait for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from the previous period of waiting by the same motor vehicle in the same road or part of road on the same day) in any of the lengths of road specified in the First and Third Schedules if the motor vehicle is a disabled person's motor vehicle which displays in the relevant positions:-
- (a) a disabled person's badge, and
 - (b) a parking disc issued by any local authority in accordance with the provisions of the 2000 Regulations, or a badge having effect under those Regulations as if it were a disabled person's badge, and the driver or other person in charge of the motor vehicle marks on the parking disc the time at which the period of waiting began.

PART III

3. Parking in loading bay

- 3.1 The part of road specified in Column 1 of the Fourth Schedule is authorised to be used as a parking place for the parking of permitted motor vehicles in the authorised position on such days and during such hours as are specified in relation to the part of road in the said Schedule.
- 3.2 The driver of a motor vehicle shall not permit it to wait in the parking place unless it is a permitted motor vehicle.
- 3.3 Every motor vehicle using the parking place shall wait thereon in the authorised position.
- 3.4 The driver of a motor vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Column 3 of the Fourth Schedule in relation to that parking place.
- 3.5 Save as provided in Article 3.11 the driver of a motor vehicle other than a permitted motor vehicle shall not use the parking place unless authorised to do so by a police constable in uniform or a civil enforcement officer, always provided that no motor

vehicle shall use the parking place so as unreasonably to prevent access to premises adjoining the road by other persons, or so as to be a nuisance and provided always that a police constable in uniform or a civil enforcement officer may at any time require the driver of the motor vehicle to move it if it is reasonably necessary for the purpose of preventing obstruction or in the case of an emergency move or cause to be moved to any place he thinks fit, any motor vehicle left in a parking place.

- 3.6 The driver of a motor vehicle shall stop the engine as soon as the motor vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the motor vehicle in or to depart from, the parking place.
- 3.7 The driver of a motor vehicle shall not permit it to wait in a parking place for any purpose other than when in actual use in connection with the delivery to or collection from or loading or unloading of goods to nearby premises.
- 3.8 A person authorised by the enforcement authority may suspend the use of the parking place or any part thereof whenever he considers such suspension reasonably necessary.
 - 3.8.1 for the purpose of facilitating the movement of traffic or promoting its safety;
 - 3.8.2 for the convenience of the occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from a dwellinghouse or office to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - 3.8.3 for the convenience of the occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions;
 - 3.8.4 for the purpose of any building operation, demolition or excavation adjacent to the parking place or the maintenance or reconstruction of the parking place or the laying, erection, alteration, or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;
 - 3.8.5 and he has made an appropriate Order and/or given notice as may be required by legislation.
- 3.9 A person authorised by the enforcement authority suspending the use of the parking place or any part thereof in accordance with the provisions of Article 4.8 shall thereupon place or cause to be placed in or adjacent to that parking place or part thereof the use of which is suspended a traffic sign or notice indicating that waiting by motor vehicles is prohibited.
- 3.10 Save as provided in Articles 3.8 and 3.9 no person shall cause or permit any vehicle to be left in the parking place or part thereof, as the case may be, during such period as there is in or adjacent to that parking place or part thereof a traffic sign or notice placed in pursuance of Article 3.9.
- 3.11 Nothing in Articles 3.1, 3.2, 3.3, 3.4 and 3.10 shall prohibit any person from causing or permitting any motor vehicle to wait in the parking place for so long as it may be necessary:-

- 3.11.1 to enable a person to board or alight from the motor vehicle;
 - 3.11.2 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 building operation or demolition, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the parking place or any part thereof or the laying, erection, alteration, or repair in or near the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus;
 - 3.11.3 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;
 - 3.11.4 to enable the motor vehicle to be used for police, ambulance, fire brigade, local authority or water authority purposes when used in pursuance of statutory powers or duties;
 - 3.11.5 if the motor vehicle is waiting owing to the driver being prevented from proceeding by circumstance beyond the control of the driver, or to prevent an accident;
 - 3.11.6 to enable the motor vehicle to be used in connection with the removal of furniture from a dwellinghouse or office to another or the removal of furniture from such premises to a depository or to such premises from a depository.
- 3.12 Subject to the proviso hereto, when a motor vehicle is left in the parking place in contravention of any of the provisions contained in Articles 3.1, 3.2, 3.3, 3.4 and 3.10 a person authorised in that behalf by the enforcement authority may remove the motor vehicle or arrange for it to be removed from the parking place provided that when a motor vehicle is waiting in the parking place in contravention of the provisions of Article 3.3, a person authorised in that behalf by the enforcement authority may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
- 3.13 Any person removing a motor vehicle or altering its position by virtue of Article 3.12 may do so by towing or driving the motor vehicle or such other manner as he may think necessary to enable him to remove it or alter its position as the case may be.
- 3.14 When a person authorised by the enforcement authority removes or makes arrangements for the removal of a motor vehicle from the parking place by virtue of Article 3.12, he shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle and its contents

PART IV

4. Clearways

- 4.1. Save as provided in Article 4.2 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 on any of the main carriageways

comprised of the lengths of road specified in Columns 1 and 2 of the Fifth Schedule on the days and during the times specified in Column 3 of the Fifth Schedule.

4.2. Nothing in Article 4.1 shall apply:-

4.2.1 so as to prevent the motor vehicle waiting on the carriageway of a road referred to in that Article for so long as may be necessary to enable the motor vehicle to be used in connection with:-

4.2.1.1 any building operation or demolition;

4.2.1.2 the removal of any obstruction to traffic;

4.2.1.3 the maintenance, improvement or reconstruction of the road comprising or including that carriageway; or

4.2.1.4 the laying, erection, alteration or repair in or near such road of a sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus.

4.2.2 to a motor vehicle being used for fire brigade, ambulance or police purposes, in pursuance of statutory powers or duties;

4.2.3 to a motor vehicle being used in the service of a local authority or of a water authority in pursuance of statutory powers or duties;

4.2.4 to a motor vehicle being used for the purpose of delivering or collecting postal packets;

4.2.5 to a motor vehicle waiting in the carriageway referred to in that Article while any gate or other barrier at the entrance to premises to which the motor vehicle requires access or from which it has emerged is opened or closed, if it is not reasonably practicable for the motor vehicle to wait otherwise than on that carriageway; or

4.2.6 to a motor vehicle waiting when the person in control of the motor vehicle:-

4.2.6.1 is required by law to stop;

4.2.6.2 is obliged to stop in order to avoid an accident; or

4.2.6.3 is prevented from proceeding by circumstances beyond that person's control.

PART V

5. Contraventions of Provisions of Order

5.1. 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.

- 5.2. The amount of the 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 Levels of Charges) (England) Order 2007 or any re-enactment or replacement thereof and published by it.

PART VI

6. Revocations

- 6.1 The orders referred to in Column 1 of the Sixth Schedule are hereby revoked to the extent shown in Column 2 of that Schedule.

PART VII

7. Amendments

- 7.1 The provisions referred to in Columns 1 and 2 of the Seventh Schedule are hereby amended to the extent shown in Column 3 of that Schedule.

PART VIII

8. General

- 8.1. 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.
- 8.2. Any reference in this Order to a Statute or Statutory Instrument shall include reference to any re-enactment or replacement thereof.
- 8.3. For the avoidance of doubt, any reference in this Order to a length of road 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.
- 8.4. This Order shall come into operation on the 11th day of June 2012 and may be cited as the "Kirklees Council (Traffic Regulation) (No.6) Order 2012".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this Sixth day of June 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

NO WAITING AT ANY TIME

COLUM

N 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Bradford Street, Dewsbury	a) North-west side from a point 81.5 metres south-west of its junction with Greaves Road to its south-western extremity	All days All hours
	b) South-east side from a point 77 metres south-west of its junction with Greaves Road to its south-western extremity	All days All hours
2. Corporation Street, Dewsbury	a) North-west side from its junction with Northgate for a distance of 10 metres north-eastwards	All days All hours
	b) North-west side from its junction with Foundry Street for a distance of 14 metres north-eastwards	All days All hours
	c) South-east side from its junction with Market Place for a distance of 15 metres north eastwards	All days All hours
	d) South-east side from a point 5 metres north-east of the extended north-eastern building line of number 20 Corporation Street for a distance of 19 metres north eastwards	All days All hours
3. Crackenedge Lane, Dewsbury	a) East side from a point 46 metres north of its junction with Old Wakefield Road for 40 metres northwards	All days All hours
	b) East side from its junction with the un-named access road to its junction with Battye Street	All days All hours
	c) West side from a point in line with the extended south-western kerblines of Battye Street to its junction with Whitehall Way	All days All hours

N 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
4. Eightlands Road, Dewsbury	South-east side and east side from a point 80 metres east of its junction with Ashworth Road (measured along the south-west / south-east kerbline) for a distance of 17 metres north-eastwards and northwards	All days All hours
5. Longcauseway, Dewsbury	East side from its junction with Town Hall Way to its junction with Old Wakefield Road	All days All hours
6. Market Place, Dewsbury	a) West side from its junction with Market Street for 25 metres northwards	All days All hours
	b) West side from a point 40 metres north of its junction with Market Street to its junction with Northgate	All days All hours
	c) East side of the carriageway running from Tithe Barn Street to Corporation Street for its full length	All days All hours
7. Northgate, Dewsbury	North-east side from its junction with Corporation Street to its junction with Foundry Street	All days All hours
8. Savile Road, Dewsbury	North-west side from its junction with Mill Street West for 13 metres south westwards	All days All hours
9. Webster Hill, Dewsbury	South side and south east side from a point 149 metres north west of Aldams Road to its junction with Huddersfield Road	All days All hours
10. Wellington Road West, Dewsbury	a) North-west side from its junction with Dewsbury Ring Road to its north-eastern terminal point	All days All hours

N 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
	b) South-east side from a point 30 metres north east of its junction with Wheelwright Street to its north-eastern terminal point	All days All hours
	c) South side /south east side from its junction with Dewsbury Ring Road for a distance of 23 metres	All days All hours
11. Westgate, Dewsbury	a) South-east side and east side from a point 42 metres north-east of Church Street to its junction with Tithe Barn Street	All days All hours
	b) West side from its junction with Market Street for 2 metres southwards	All days All hours

SECOND SCHEDULE

NO WAITING/LOADING AT ANY TIME

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Corporation Street, Dewsbury	a) South-east side from its junction with Crackenedge Lane for a distance of 10 metres south-westwards	All days All hours
	b) North-west side from its junction with Crackenedge Lane for a distance of 13 metres south westwards	All days All hours

THIRD SCHEDULE

NO WAITING AT CERTAIN TIMES ON CERTAIN DAYS

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
Huddersfield Road, Ravensthorpe	North-west side from its junction with Ravenshouse Road to a point 25 metres north-east of its junction with Park Road	Monday to Saturday 8am-6.30pm

FOURTH SCHEDULE

LOADING BAY

COLUMN 1	COLUMN 2	COLUMN 3
Part of road authorised as a Parking Place	Days and hours of operation	Period for which vehicles may wait
Corporation Street, Dewsbury South-east side from a point 10 metres south-west of its junction with Crackenedge Lane for a distance of 21 metres south-westwards	Monday to Saturday 8am-6.30pm	For a period of 30 minutes without the permission of a police constable in uniform or a civil enforcement officer.

FIFTH SCHEDULE

CLEARWAYS

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
Webster Hill, Dewsbury	Both sides from its junction with Aldams Road for a distance of 149 metres in a north-westerly direction	All days All hours

SIXTH SCHEDULE

REVOCATIONS

COLUMN 1

Order affected

Kirklees Metropolitan Council (Traffic Regulation) (No.18) Order 2005

Kirklees Metropolitan Council
(Traffic Regulation) (Dewsbury Area)
(Consolidation) Order 2006

Kirklees Metropolitan Council
(Traffic Regulation) (No.24E) Order 2006

COLUMN 2

Provisions to be revoked

The whole order.

First Schedule
Items 17, 37, 38 b), 38 h), 74 f),
75, 87 a), 153 a), 153 b), 153 d),
155 d), 155 e) and 155 f)

Third Schedule
Item 22a

Seventh Schedule
Item 2 d)

Eleventh Schedule
Item 19

First Schedule
Item relating to Crackenedge
Lane
Item b) relating to Savile Road

Second Schedule
Items b) and f) relating to
Corporation Street.

SEVENTH SCHEDULE

AMENDMENTS

<u>COLUMN 1</u>	<u>COLUMN 2</u>	<u>COLUMN 3</u>
Order affected	Provisions to be amended	Amendment to be made
Kirklees Metropolitan Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2006	Fifth Schedule, item 4 b)	In column 1 add the word "Road" between the words "Swindon" and "for".