

KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 1) ORDER 2011

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 Huddersfield in the Kirklees Metropolitan District:-

PART I

1. Interpretation

1.1. Except where 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.

1.2. 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 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 vehicle waiting in a parking place means the person driving the vehicle at the time it was left in the parking place.

"enforcement authority" means the Council.

"goods" has the same meaning as in the Road Traffic Act 1988.

"notice to owner" means a notice served under Regulation 19 of the General Regulations.

"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

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

“penalty charge notice” has the meaning given by Regulation 8 of the General Regulations.

"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 2.2, 2.3 and 2.4 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 at any time in any of the lengths of road specified in columns 1 and 2 of the First Schedule.

- 2.2. Nothing in Article 2.1 shall prohibit any person from causing or permitting any motor vehicle to wait in the length of road specified in the First Schedule for so long as may be necessary:-

2.2.1. to enable a person to board or alight from the motor vehicle;

2.2.2. 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;

2.2.3. if the motor vehicle is a Mobile Speed Camera Unit or an Automatic Number Plate Recognition Vehicle

2.2.4. 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;

2.2.5. 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;

2.2.6. 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;

2.2.7. 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;

- 2.3. Nothing in Article 2.1 shall prohibit any person from causing or permitting any motor vehicle to wait in the length of road specified in the First 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.

- 2.4. Nothing in Article 2.1 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 Schedule if the motor vehicle is a disabled person's motor vehicle which displays in the relevant position:

- 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. Clearways

3.1 Save as provided in Article 3.2 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 on any of the main carriageways comprised of the lengths of road specified in Columns 1 and 2 of the Second Schedule on the days and during the times specified in Column 3 of the Second Schedule.

3.2. Nothing in Article 3.1 shall apply:-

3.2.1 so as to prevent a 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:-

3.2.1.1 any building operation or demolition;

3.2.1.2 the removal of any obstruction to traffic

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

3.2.1.4 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.

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

3.2.3 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;

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

3.2.5 to a motor vehicle waiting on 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

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

3.2.6.1 is required to stop by law;

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

3.2.6.3 is prevented from proceeding by circumstances outside that person's control.

PART IV

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 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 V

5. Revocations

5.1 The Orders referred to in Column 1 of the Third Schedule are hereby revoked to the extent indicated in Column 2 of that Schedule.

PART VI

6. General

6.1. 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.

6.2. Any reference in this Order to a Statute or Statutory Instrument shall include reference to any re-enactment or replacement thereof.

6.3. 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.

6.4. This Order shall come into operation on the 3rd day of September 2012 and may be cited as the "Kirklees Council (Traffic Regulation) (No.1) Order 2011".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this Twenty-Ninth day of August 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

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Merton Street, Huddersfield	a. North side from its junction with the eastern kerb line of Springwood Street for a distance of 31 metres eastwards.	All days. All hours.
	b. North - west side from a point 34 metres south-west of its junction with Castlegate for a distance of 43 metres south westwards.	All days. All hours.
	c. South side from its junction with the eastern kerb line of Spring Grove Street for 8 metres eastwards.	All days. All hours.
2. Spring Grove Street, Huddersfield	East side from its junction with the south-eastern kerb line of Merton Street for a distance of 19 metres southwards.	All days. All hours.

SECOND SCHEDULE

CLEARWAYS

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road and Length affected	Days and hours of operation	Maximum period for which vehicles may wait and return prohibition period
Merton Street, Huddersfield	Both sides from its junction with Castlegate for a distance of 34 metres in a south-westerly direction.	All days. All hours

THIRD SCHEDULE

REVOCATIONS

COLUMN 1	COLUMN 2
Orders revoked	Extent of revocation
1. Kirklees Metropolitan Council (Traffic Regulation) (Huddersfield Area) (No.2) (Consolidation) Order 2006	First Schedule, items 218 a), 218 b), 321 and 336 b) Eleventh Schedule, item 14
2. County Borough of Huddersfield, The Huddersfield (Grove Street Playground) (Traffic Regulation) Order 1965.	The Whole