

KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 21) 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 roads in Dalton in 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:-

"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.

"enforcement authority" means the Council.

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

"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.

"the 2004 Act" means the Traffic Management Act 2004.

PART II

2. School keep clear zones

2.1 Save as provided in Article 2.2 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, load or unload in any of the lengths of road specified in columns 1 and 2 of the First Schedule on the days and during the times specified in column 3 of the First Schedule.

2.2 Nothing in Article 2.1 shall apply: -

- 2.2.1 so as to prevent a motor vehicle waiting in any of the lengths of road referred to in that Article for so long as may be necessary to enable the motor vehicle to be used in connection with: -
 - 2.2.1.1 any building operation or demolition;
 - 2.2.1.2 the removal of any obstruction to traffic;
 - 2.2.1.3 the maintenance, improvement or reconstruction of the road comprising or including the carriageway; or
 - 2.2.1.4 the laying erection, alteration or repair in or near such road of a sewer or any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus.
- 2.2.2 to a motor vehicle being used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties;
- 2.2.3 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;
- 2.2.4 to a motor vehicle waiting in any of the lengths of road referred to in Article 2.1 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 length of road; or
- 2.2.5 to a motor vehicle waiting when the person in control of the motor vehicle:-
 - 2.2.5.1 is required by law to stop;
 - 2.2.5.2 is obliged to stop in order to avoid an accident; or
 - 2.2.5.3 is prevented from proceeding by circumstances beyond that person's control.

PART III

3. Contraventions of Provisions of Order

- 3.1. 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.
- 3.2. 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 IV

4. **Revocations**

- 4.1 The orders referred to in Column 1 of the Second Schedule are hereby revoked to the extent indicated in Column 2 of that Schedule.

PART V

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 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. This Order shall come into operation on the 1st day of March 2013 and may be cited as the "Kirklees Council (Traffic Regulation) (No. 21) Order 2012".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this Sixteenth day of January Two Thousand and Thirteen.

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
SCHOOL KEEP CLEAR

COLUMN 1	COLUMN 2	COLUMN 3
Name of road	Length affected	Days and hours of operation
1. Brown Royd Avenue, Dalton	Both sides from a point 53 metres both sides of its junction with Bowness Drive for a distance of 52 metres south-eastwards and south-westwards	Monday – Friday 8am – 9.30am and 2.30pm – 4.30pm on entrance markings
2. Dalton Green Lane, Dalton	North-west side from a point 0.5 metres south-west of the south-east property boundary of 103 Dalton Green Lane for a distance of 60 metres in a south-westerly direction	All days, all hours on entrance markings
3. Mayfield Avenue, Dalton	North-west side from a point 4 metres from its junction with Dalton Green Lane for a distance of 132 metres in a north-westerly and south-westerly direction	Monday – Friday 8am – 9.30am and 2.30pm – 4.30pm on entrance markings
4. Rawthorpe Lane, Dalton	Both sides from a point 74.5 metres north-east of its junction with Dalton Fold Road for a distance of 32 metres in a north-easterly direction	Monday – Friday 8am – 9.30am and 2.30pm – 4.30pm on entrance markings

SECOND SCHEDULE

REVOCATIONS

COLUMN 1	COLUMN 2
Kirklees Metropolitan Council (Traffic Regulation) (Huddersfield Area) (No.2) (Consolidation) Order 2006	Ninth Schedule, items 10 and 25