

KIRKLEES COUNCIL
(TRAFFIC REGULATION) (NO. 28) ORDER 2012

VARIOUS ROADS IN THE COLNE VALLEY AND DENBY DALE AREAS

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 Colne Valley & Denby Dale areas of 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:-

"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.

"enforcement authority" means the Council.

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

"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 Second 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.

"permitted motor vehicle" means in relation to Article 3 a disabled person's motor vehicle or a vehicle displaying in the relevant position a valid disabled person's badge.

"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 2004 Act" means the Traffic Management Act 2004

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 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. 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 disabled person's badge, and 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 Disabled Bay

- 3.1 The part of road specified in Column 1 of the Second 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 Second 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 Second Schedule in relation to that parking place.
- 3.5 When a motor vehicle has left a parking place as specified in Article 3.1 after waiting thereon, the driver thereof shall not, within the return prohibition period specified in column 3 of the Second Schedule permit it to wait again upon the parking place.
- 3.6 Save as provided in Articles 3.12 and 3.13 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 or the use of 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.
- 3.7. The driver of a motor vehicle using the parking place 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.
- 3.8. No person shall use a motor vehicle whilst it is in the parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services or any other person's skills or services.
- 3.9. Any person duly authorised by the enforcement authority may suspend the use of the parking place or any part thereof whenever he considers such suspension reasonably necessary;
- 3.9.1 or the purpose of facilitating the movement of traffic or promoting its safety;
 - 3.9.2 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;
 - 3.9.3 for the convenience of the occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions;
 - 3.9.4 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;

3.9.5 and he has made an appropriate Order and/or given notice as may be required by legislation.

- 3.10 Any person authorised by the enforcement authority suspending the use of the parking place or any part thereof in accordance with the provisions of Article 3.9 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.
- 3.11 Save as provided in Articles 3.12 and 3.13 no person shall cause or permit any motor 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 3.10
- 3.12 Nothing in Articles 3.1, 3.6 and 3.11 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:-
- 3.12.1 to enable a person to board or alight from the motor vehicle;
 - 3.12.2 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;
 - 3.12.3 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;
 - 3.12.4 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;
 - 3.12.5 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;
 - 3.12.6 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.
- 3.13 Nothing Articles 3.1, 3.6 and 3.11 shall apply if the motor vehicle is being used by a legally qualified general medical practitioner, district nurse, midwife, or similar people when visiting a patient, so long as the motor vehicle concerned is clearly marked doctor/midwife etc and the visit is expected to be of less than 15 minutes duration.

- 3.14 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 and 3.4 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 motor vehicle in order that its position shall comply with that provision.
- 3.15 Any person removing a motor vehicle or altering its position by virtue of Article 5.14 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.
- 3.16 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 3.14, he shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle and its contents.

PART IV

4. School Keep Clear – No waiting, loading or unloading

- 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, load or unload 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.
- 4.2 Nothing in Article 4.1 shall apply: -
- 4.2.1 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: -
- 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 the carriageway; or
- 4.2.1.4 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.
- 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 waiting in any of the lengths of road referred to in Article 3.1 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
- 4.2.5 to a motor vehicle waiting when the person in control of the motor vehicle:-
- 4.2.5.1 is required by law to stop;
- 4.2.5.2 is obliged to stop in order to avoid an accident; or
- 4.2.5.3 is prevented from proceeding by circumstances beyond that person's control.

PART V

5. Revocations

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

PART VI

6. Contraventions of Provisions of Order

- 6.1. 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.
- 6.2. 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 VII

7. General

- 7.1. 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.
- 7.2. Any reference in this Order to a Statute or Statutory Instrument shall include reference to any re-enactment or replacement thereof.

- 7.3. 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.
- 7.4. This Order shall come into operation on the 18th day of February 2013 and may be cited as "Kirklees Council (Traffic Regulation) (No. 28) Order 2012".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this Eleventh day of February 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

NO WAITING AT ANY TIME

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Manchester Road (Clough Head), Marsden	North-east side and north side from a point 156 metres north-west of its junction with Millwright Close for a distance of 199 metres westwards then north-westwards.	All days All hours

SECOND SCHEDULE

DISABLED BAYS

COLUMN 1	COLUMN 2	COLUMN 3
Part of Road authorised as a street Parking Place	Days and hours of operation	Period for which vehicles may wait and return prohibition period
1. Commercial Road, Skelmanthorpe, Huddersfield South side from a point 48 metres east of its junction with New Street for 6.6 metres eastwards	Mon-Sat 8am-6pm	For a period not exceeding 3 hours. Return prohibited within 1 hour

THIRD SCHEDULE

SCHOOL KEEP CLEAR ZONES

COLUMN 1	COLUMN 2	COLUMN 3
Name of road	Length affected	Days and hours of operation
1. Huddersfield Road, Shelley, Huddersfield	South-west side from a point 14.5 metres south east of its junction with the south eastern kerbline of the north western access road to Shelley College for 43.56 metres north westwards	Mon-Fri 8am-9.30am 2.30pm-4pm
2. School Hill, Kirkburton, Huddersfield	North-west side from a point 10.3 metres north east of its junction with the un-named access road to No.1 School Hill for 25.56 metres north eastwards	Mon-Fri 8am-9.30am 2.30pm-4pm
3. Wakefield Road, Scissett, Huddersfield	North-east side from a point 140 metres north east of its junction with Busker Lane for 63.22 metres north eastwards	Mon-Fri 8am-9.30am 2.30pm-4pm

FOURTH SCHEDULE

REVOCATIONS

COLUMN 1	COLUMN 2
Order to be revoked	Extent of revocation
Kirklees Council (Traffic Regulation) (No. 12) Order 2007.	Third Schedule, item relating to Commercial Road, Skelmanthorpe
Kirklees Council (Traffic Regulation) (No. 14) Order 2010.	Schedule, items 10, 11a and 12a