

KIRKLEES COUNCIL
(TRAFFIC REGULATION) (NO. 9) ORDER 2011
BROOK STREET, HUDDERSFIELD

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 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 make the following Order which relates to a road in Huddersfield 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 except where the context otherwise requires any reference in this Order to a 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 assigned to them, that is to say:-

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

“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 the parts of the road specified in Column 1 of the Schedule to this Order authorised by this Order to be used as a parking place.

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

“permitted motor vehicle” means a commercial vehicle.

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

“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 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. PARKING IN LOADING BAY

- 2.1 The part of road specified in Column 1 of the First 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 Column 2 of the said Schedule.
- 2.2 The driver of a motor vehicle shall not permit it to wait in the parking place unless it is a permitted motor vehicle.
- 2.3 Every motor vehicle using the parking place shall wait thereon in the authorised position.
- 2.4 Save as provided in Article 2.10 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.
 - 2.7.1 for the purpose of facilitating the movement of traffic or promoting its safety;
 - 2.7.2 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;
 - 2.7.3 for the convenience of the occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions;

- 2.7.4 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;
- 2.7.5 and he has made an appropriate Order and/or given notice as may be required by legislation.
- 2.8 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 2.8 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.
- 2.9 Save as provided in Articles 2.7 and 2.8 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 2.8.
- 2.10 Nothing in Articles 2.1, 2.2, 2.3 and 2.9 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:-
- 2.10.1 to enable a person to board or alight from the motor vehicle;
- 2.10.2 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;
- 2.10.3 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;
- 2.10.4 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;
- 2.10.5 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;
- 2.10.6 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.
- 2.11 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 2.1, 2.2, 2.3 and 2.9 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 2.3, 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.

- 2.12 Any person removing a motor vehicle or altering its position by virtue of Article 2.11 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.
- 2.13 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 2.11, he shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle and its contents.

PART III

3. CONTRAVENTIONS OF PROVISIONS OF ORDERS

- 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 30th day of May 2011 and may be cited as the "Kirklees Council (Traffic Regulation) (No.9) Order 2011".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this Twenty Fifth day of May Two Thousand and Eleven.

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

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

FIRST SCHEDULE

LOADING BAY

COLUMN 1	COLUMN 2
Part of Road authorised as a street Parking Place	Days and hours of operation
1. Brook Street, Huddersfield Town Centre a. Northwest side from a point 46.2 metres southwest of its north-eastern terminal point for 8.6 metres south- westwards.	Monday to Saturday 8 am to 6 pm
b. Northwest side from a point 34.4 metres southwest of its north-eastern terminal side for 7.1 metres south- westwards	Monday to Saturday 8am to 6 pm
c. Northwest side from its north- eastern terminal side for 29.4 metres south- westwards	Monday to Saturday 8 am to 6 pm

SECOND SCHEDULE

REVOCATIONS

Column 1	Column 2
Kirklees Council (Traffic Regulation) (No.8) Order 2010	The whole order.