

KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 1A) 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.
- 1.2. In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"bus" has the same meaning as in Regulation 22 of the Traffic Signs Regulations and General Directions 2002.

"bus parking place" means the areas of road designated in the Articles to this Order and described in Column 1 of the Schedule to this Order as a parking place for use by buses.

"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.

"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. Bus parking place

- 2.1 The parts of road specified in Column 1 of the Schedule to this Order are authorised to be used, subject to the following provisions of this Order, as a bus

parking place for such classes of vehicle in such positions and during such days and hours and within such time limits as are specified in Columns 2, 3, 4 and 5 of the said Schedule.

- 2.2 Where in the Schedule to this Order a bus parking place is described as available for vehicles of a specified class or in a specified position, the driver of the vehicle is only entitled to wait in the lengths of road specified in column 1 of that Schedule if it is:-
- 2.2.1 of the specified class and
- 2.2.2 is in a position wholly within the limits of the bus parking place.
- 2.3 The use of a bus parking place other than in accordance with Article 2.2 is a parking contravention.
- 2.4. The driver of a vehicle shall not use a bus parking place so as to unreasonably prevent access to any premises adjoining the road, or the use of the road by any other person, or so as to be a nuisance.
- 2.5 The driver of a motor vehicle using a bus parking place shall stop the engine as soon as the vehicle is in position in the bus parking space and shall not start the engine except when about to change the position of the vehicle in or to depart from the bus parking place.
- 2.6 No person shall use the vehicle whilst it is in a bus parking place in connection with the sale of any article to persons in or near the bus parking place or in connection with the selling or offering for hire of his skills or services.
- 2.7 When a vehicle is left in a bus parking place in contravention of any of the provisions of this Order any person authorised in that behalf by the enforcement authority may remove the vehicle or arrange for it to be removed from that parking place: Provided that when a vehicle is waiting in a bus parking place in contravention of the provisions of Article 2.2.2, a person duly authorised in that behalf may alter or cause to be altered the position of the vehicle in order that its position shall comply with that provision.
- 2.8 Any person authorised in that behalf by the enforcement authority may in case of emergency move or cause to be moved any vehicle left in a bus parking place to any place he thinks fit.
- 2.9 Any person removing a vehicle or altering its position by virtue of Articles 2.7 or 2.8 may do so by towing or driving the vehicle or in such other manner as he may think necessary and may take such measures in relation to the vehicle as he may think necessary to enable him to remove it or alter its position as the case may be.
- 2.10 When a person removes or makes arrangements for the removal of a vehicle from a bus parking place by virtue of Article 2.9 he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 2.11 Nothing in this Part of this Order shall prevent any person from causing or permitting any vehicle to wait in a bus parking place for so long as may be necessary in connection with:-

- 2.11.1 any building operation or demolition in or adjacent to the bus parking place;
- 2.11.2 the removal of any obstruction to traffic;
- 2.11.3 the maintenance, cleansing, improvement or reconstruction of the part of road authorised to be used as a bus parking place; or
- 2.11.4 the laying, erection, alteration or repair in or adjacent to any of the bus parking places of any sewer or of any main pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus .

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. General

- 4.1. 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.
- 4.2. Any reference in this Order to a Statute or Statutory Instrument shall include reference to any re-enactment or replacement thereof.
- 4.3. 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.
- 4.4. This Order shall come into operation on the 1st day of April 2015 and may be cited as the "Kirklees Council (Traffic Regulation) (No.1A) Order 2011".

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

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

Assistant Director – Legal, Governance and Monitoring /Authorised Signatory

SCHEDULE

BUS PARKING PLACE

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5
Name of Road and Length affected	Class of vehicle	Position in which vehicle must wait	Days and hours of operation	Maximum period for which vehicles may wait and return prohibition period
Merton Street, Huddersfield a. South-east side from a point 34 metres south-west of its junction with Castlegate for a distance of 26.3 metres south westwards.	Buses	Wholly within the limits of the parking place and parallel to the kerb.	All days. All hours.	20 minutes. No return within 15 minutes.