

## **KIRKLEES COUNCIL**

### **(TRAFFIC REGULATION) (NO. 5) ORDER 2013**

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 Mirfield and Cleckheaton areas of 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:-

"Bank Holiday" has the same meaning as in the Banking and Financial Dealings Act 1971.

"carriageway" has the same meaning as in Section 329 of the Highways Act 1980.

"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 motor vehicle waiting in a parking place means the person driving the motor 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.

"hackney carriage" has the same meaning as in the Town Police Clauses Act 1847.

"motor cycle" has the same meaning as in Section 136 of the Act.

"motor vehicle" has the same meaning as in Section 136 of the Act.

“omnibus” means a motor vehicle travelling to a point at which it will commence to be or from a point at which it will cease to be a public service vehicle, a school bus or a works bus, as the case may be.

"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

“parking place” means in relation to:-

- (i) Article 3 the parts of the road specified in Column 1 of the Seventh Schedule authorised by this Order to be used as a parking place;
- (ii) Article 4 the parts of the road specified in Column 1 of the Sixth 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.

"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 2.4, 2.5 and 2.6 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 in any 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 unless such day falls upon a Bank Holiday.
- 2.2. Save as provided in Article 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 or load or unload at any time in any of the lengths of road specified in Columns 1 and 2 of the First Schedule.
- 2.3. Save as provided in Articles 2.4 and 2.6 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 in any of the lengths of road specified in Column 1 of the Third Schedule on the days and during the times specified in Column 2 of the Third Schedule unless such day falls upon a Bank Holiday:-
  - 2.3.1 for a period in excess of that specified in Column 3 of the Third Schedule; or
  - 2.3.2 if a period less than the return prohibition period has elapsed since the termination during the limited waiting hours of the last period of waiting of the motor vehicle in the same length of road.
- 2.4. Nothing in Articles 2.1, 2.2 and 2.3 shall prohibit any person from causing or permitting any motor vehicle to wait in a length of road specified in the First, Second and Third Schedules for so long as may be necessary:-
  - 2.4.1. to enable a person to board or alight from the motor vehicle;
  - 2.4.2. 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;
  - 2.4.3. if the motor vehicle is a Mobile Speed Camera Unit or an Automatic Number Plate Recognition Vehicle

- 2.4.4. 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;
  - 2.4.5. 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;
  - 2.4.6. 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;
  - 2.4.7. 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;
  - 2.4.8 for a hackney carriage to wait at a hackney carriage stand during the hours of operation of the hackney carriage stand.
- 2.5. Nothing in Articles 2.1 shall prohibit any person from causing or permitting any motor vehicle to wait in the length of road specified in the Second 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.
  - 2.6. Nothing in Articles 2.1 and 2.3 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 Second and Third Schedules if the motor vehicle is a disabled person's motor vehicle which displays in the relevant positions:-
    - (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. 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 Fourth Schedule are hereby revoked to the extent shown 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 23rd day of December 2013 and may be cited as the "Kirklees Council (Traffic Regulation) (No.5) Order 2013".

**GIVEN** under the Corporate Common Seal of the Council of the Borough of Kirklees this Sixteenth day of December 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

## FIRST SCHEDULE

### NO WAITING/LOADING AT ANY TIME

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. The Knowl, Mirfield	South-west side from a point 4.5 metres north-west of its junction with The Knowl for a distance of 15 metres in a south-easterly direction.	All days All hours
2. York Road, Mirfield	Both sides from its junction with The Knowl for a distance of 10 metres in a south-westerly direction.	All days All hours

## SECOND SCHEDULE

### NO WAITING AT CERTAIN TIMES ON CERTAIN DAYS

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Wellhouse Lane, Mirfield	a) East side from the projected boundary line between nos. 56f and 58 for a distance of 53 metres in a north-westerly direction.	Monday to Friday 8am-9.30am and 3pm-4pm
	b) West side from the projected boundary line between nos. 56f and 58 for a distance of 53 metres in a north-westerly direction.	Monday to Friday 8am-9.30am and 3pm-4pm
2. Woodward Court, Mirfield	Both sides from its junction with Wellhouse Lane for a distance of 10 metres in an easterly direction	Monday to Friday 8am-9.30am and 3pm-4pm

### THIRD SCHEDULE

### LIMITED WAITING

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
1. Huddersfield Road, Mirfield  South-west side from a point 22 metres south-east of its junction with Newgate for a distance of 61 metres south-eastwards	Monday to Saturday 8am-6pm	1 hour No return within 1 hour



## FOURTH SCHEDULE

### REVOCATIONS

COLUMN 1

COLUMN 2

Order affected

Provisions to be revoked

Kirklees Council  
(Traffic Regulation) (Cleckheaton Area)  
(Consolidation) Order 2012

Sixth Schedule  
Item 13 (b)

Tenth Schedule  
Items 38 (a) and 38 (b)

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