

KIRKLEES COUNCIL
(TRAFFIC REGULATION) (NO. 12) ORDER 2013

**MARSH LANE, SHEPLEY / DRY HILL LANE, DENBY DALE / CUMBERWORTH LANE,
UPPER DENBY & SMITHY CLOSE, SKELMANTHORPE**

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 Denby Dale and Kirkburton wards 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

"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 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 Articles 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 Articles 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 Articles 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 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. **School Keep Clear – No waiting, loading or unloading**
- 3.1 Save as provided in Article 3.2 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 Second Schedule on the days and during the times specified in column 3 of the Second Schedule.
- 3.2 Nothing in Article 3.1 shall apply: -

- 3.2.1 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: -
 - 3.2.1.1 any building operation or demolition;
 - 3.2.1.2 the removal of any obstruction to traffic;
 - 3.2.1.3 the maintenance, improvement or reconstruction of the road comprising or including the carriageway; or
 - 3.2.1.4 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.
- 3.2.2 to a motor vehicle being used for fire brigade, ambulance or police purposes in pursuance of statutory powers or duties;
- 3.2.3 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;
- 3.2.4 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
- 3.2.5 to a motor vehicle waiting when the person in control of the motor vehicle:-
 - 3.2.5.1 is required by law to stop;
 - 3.2.5.2 is obliged to stop in order to avoid an accident; or
 - 3.2.5.3 is prevented from proceeding by circumstances beyond that person's control.

PART IV

4. Contraventions of Provisions of Order

- 4.1. 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.
- 4.2. 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 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 21st day of January 2014 and may be cited as "Kirklees Council (Traffic Regulation) (No.12) Order 2013".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this Fifteenth day of January Two Thousand and Fourteen

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 AT ANY TIME

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Barnsley Road, Lower Denby, Huddersfield	a) North-east side from its junction with the produced north-eastern kerb line of Dry Hill Lane for a distance of 22 metres in a south-easterly direction.	All days All hours
	b) North-east side from its junction with Dry Hill Lane for a distance of 50 metres in a north-westerly direction.	All days All hours
	c) South-west side from its junction with Lower Denby Lane, Lower Denby for a distance of 28 metres in a south-easterly direction.	All days All hours
2. Dry Hill Lane, Lower Denby, Huddersfield.	Both sides from its junction with Barnsley Road for a distance of 15 metres in a north-easterly direction.	All days All hours
3. Lower Denby Lane, Lower Denby, Huddersfield	a) The traffic island at the junction with Barnsley Road, for the whole of its perimeter.	All days All hours
	b) Both sides from its junction with Barnsley Road for a distance of 46 metres in a south-westerly direction.	All days All hours
4. Marsh Lane, Shepley, Huddersfield	a) Both sides from its junction with Abbey Road South for a distance of 10 metres in a westerly direction.	All days All hours
	b) South-west side from a point 19 metres from its junction with Abbey Road South for a distance of 17 metres in a north-westerly direction.	

SECOND SCHEDULE

SCHOOL KEEP CLEAR

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Cumberworth Lane, Upper Cumberworth, Huddersfield	a) South-east side from a point 6 metres north-east of its junction with the north-eastern kerb line of Dearnfield for a distance of 44 metres in a north-easterly direction.	Monday to Friday 8am-9.30am and 2.30pm-4pm on entrance markings
2. Laburnum Grove, Skelmanthorpe, Huddersfield	a) East side from its junction with Smithy Close for a distance of 9 metres in a southerly direction.	Monday to Friday 8am-9.30am and 2.30pm-4pm on entrance markings
	b) West side from its junction with Smithy Close for a distance of 10 metres in a southerly direction.	Monday to Friday 8am-9.30am and 2.30pm-4pm on entrance markings
3. Smithy Close, Skelmanthorpe, Huddersfield.	a) North-east side from the extended western building line of number 10 Smithy Close for a distance of 25 metres in a north-westerly direction.	Monday to Friday 8am-9.30am and 2.30pm-4pm on entrance markings
	b) North-west side from a point 8.5 metres north-east of the property boundary of 20/22 Smithy Close for a distance of 25 metres in a north-easterly direction.	Monday to Friday 8am-9.30am and 2.30pm-4pm on entrance markings
	c) South-east side from its junction with Laburnum Grove for a distance of 27 metres in a south-westerly direction.	Monday to Friday 8am-9.30am and 2.30pm-4pm on entrance markings

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
4. Smithy Lane, Skelmanthorpe, Huddersfield	a) South-west side from its junction with Laburnum Grove for a distance of 28 metres in a south-easterly direction.	Monday to Friday 8am-9.30am and 2.30pm-4pm on entrance markings