KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 1) ORDER 2014

BRADFORD ROAD / CARLTON ROAD / GREAVES ROAD / LOW STREET / WARD STREET, DEWSBURY

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 Dewsbury area 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:-

"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.

“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 2.3, 2.4 and 2.5 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. Save as provided in Articles 2.3, 2.4 and 2.5 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.

2.3 Nothing in Article 2.1 or 2.2 shall prohibit any person from causing or permitting any motor vehicle to wait in the length of road specified in the First or Second 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;

2.2.8 for a hackney carriage to wait at a hackney carriage stand during the hours of operation of the hackney carriage stand.

2.4. Nothing in Article 2.1 or 2.2 shall prohibit any person from causing or permitting any motor vehicle to wait in the length of road specified in the First or 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.

2.5. Nothing in Article 2.1 or 2.2 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 and Second Schedules if the motor vehicle is a disabled person's motor vehicle which displays in the relevant position:-

(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 Third 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 3rd day of August 2015 and may be cited as the "Kirklees Council (Traffic Regulation) (No.1) Order 2014".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this Twenty-seventh day of May Two Thousand and Fifteen.

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. Bradford Road, Dewsbury	a) East side from its junction with Ward Street for 15 metres northwards.	All days All hours
	b) East side from its junction with Ward Street for 22 metres southwards.	All days All hours
	c) West side from its junction with Carlton Road for 19 metres northwards.	All days All hours
	d) West side from its junction with Carlton Road for 19 metres southwards.	All days All hours
2. Carlton Road, Dewsbury	a) North side from its junction with Bradford Road to its junction with Meadow Lane.	All days All hours
	b) South side from its junction with Bradford Road for 75 metres westwards.	All days All hours
3. Low Street, Dewsbury	North-east side from a point 4 metres south east of its junction with Carlton Road for 70 metres south-eastwards.	All days All hours
4. Ward Street, Dewsbury	Both sides from its junction with Bradford Road for 10 metres eastwards.	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. Bradford Road, Dewsbury	a)	East side from its junction with Lower Peel Street to the western face of the Railway Viaduct.	Monday to Saturday 8am-6.30pm
	b)	East side from a point 15 metres north of its junction with Ward Street for 302 metres northwards.	Monday to Saturday 8am-6.30pm
	c)	West side from a point 59.5 metres south-west of its junction with John Street to a point 19 metres north of its junction with Carlton Road.	Monday to Saturday 8am-6.30pm
	d)	West side from a point 12 metres north of its junction with Victoria Road to a point 78 metres south-east of the extended southern kerb line of Greaves Road.	Monday to Saturday 8am-6.30pm
	e)	West side from a point 19 metres south of its junction with Carlton Road for 39 metres southwards.	Monday to Saturday 8am-6.30pm
2. Carlton Road, Dewsbury	a)	North-west side from a point 16.5 metres north-east of its junction with Pyrah Street to its junction with Meadow Lane.	Monday to Saturday 8am-6.30pm
	b)	South-east side from a point 75 metres west of its junction with Bradford Road to a point 37 metres south-west of its junction with Low Street.	Monday to Saturday 8am-6.30pm
3. Greaves Road, Dewsbury		Both sides from its junction with Bradford Road for 3 metres eastwards.	Monday to Saturday 8am-6.30pm

COLUMN 1	COLUMN 2		COLUMN 3
Name of Road	Length affected		Days and hours of operation
4. Low Street, Dewsbury	a)	North-east side from its junction with Carlton Road for 4 metres south-eastwards.	Monday to Saturday 8am-6pm
	b)	North-east side from a point 74 metres south east of its junction with Carlton Road to its junction with Victoria Road.	Monday to Saturday 8am-6pm
	c)	South-west side from its junction with Carlton Road to its junction with Victoria Road.	Monday to Saturday 8am-6pm

THIRD SCHEDULE

REVOCATIONS

COLUMN 1	COLUMN 2
Kirklees Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2012	Fourth Schedule Items 6a, 6b, 10a, 10b and 28