

KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 14) ORDER 2022

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 lengths of road in the Batley area of the Kirklees 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:-

"authorised position" means in relation to Article 3, wholly within the limits of the parking place as marked on the carriageway in accordance with the road markings as indicated by Diagrams 1028.4, 1032 and 1033 in Schedule 6 to the 2002 Regulations and in such position so as not to obstruct the movement of other motor vehicles.

"business parking permit" means a permit issued under the provisions of Article 3.19

"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.

"Category N1 vehicle" means a vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5. tonnes.

"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.

"dual purpose vehicle" has the same meaning as in Paragraph 2 of Schedule 6 to the Act.

"DVLA" means the Driver and Vehicle Licensing Agency.

"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.

"invalid carriage" means the same as in Section 136 of the Act.

"maximum mass" means the technically permissible maximum laden mass.

"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.

"open parking permit" means a permit issued under the provisions of Article 3.17

"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 Article 3 the parts of the road specified in Column 1 of the Fourth Schedule authorised by this Order to be used as a parking place

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry no more than twelve passengers exclusive of the driver.

"penalty charge" has the meaning given by S.92 of the 2004 Act.

"permit" means a permit issued under the provisions of Articles 3.15 to 3.24 inclusive.

"permit holder" means a person to whom a permit has been issued under the provisions of Articles 3.15 to 3.24 inclusive.

"permitted motor vehicle" means in relation to Article 3 a passenger vehicle, class N1 vehicle, dual purpose vehicle, invalid carriage and motor cycle.

"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.

"resident" means in relation to a parking place any person whose usual residence is at premises the postal address of which is as defined opposite to that parking place in Column 2 of the Fourth Schedule Appendix 1

"specific parking permit" means a permit issued under the provisions of Article 3.15.

"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.

"traffic sign" means a sign of any size, colour and type prescribed or authorised under, or having effect as though prescribed or authorised under, Section 64 of the Act.

"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.

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 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 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 Second Schedule on the days and during the times specified in Column 2 of the Second Schedule unless such day falls upon a Bank Holiday:-

2.2.1 for a period in excess of that specified in Column 3 of the Second Schedule;

or

2.2.2 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.

2.3. Nothing in Articles 2.1 and 2.2 shall prohibit any person from causing or permitting any motor vehicle to wait in a length of road specified in the First and Second Schedules for so long as may be necessary:-

2.3.1. to enable a person to board or alight from the motor vehicle;

2.3.2. 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;

2.3.3. if the motor vehicle is a Mobile Speed Camera Unit or an Automatic Number Plate Recognition Vehicle

2.3.4. 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;

2.3.5. 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;

2.3.6. 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;

2.3.7. 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;

2.3.8 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:-

2.5.1 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 Schedule;

2.5.2 in any of the lengths of road specified in the Second Schedule;

if the motor vehicle is a disabled person's motor vehicle which displays in the relevant positions:-

- (a) In all cases a disabled person's badge, and
- (b) In the cases referred to in Article 2.5.1 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. Parking in Disabled Bay

- 3.1 The part of road specified in Column 1 of the Third 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 the said Third Schedule.
- 3.2 The driver of a motor vehicle shall not permit it to wait in the parking place unless it is a permitted motor vehicle.
- 3.3 Every motor vehicle using the parking place shall wait thereon in the authorised position.
- 3.4 The driver of a motor vehicle shall not permit it to wait in a parking place for longer than the maximum period permitted for waiting specified in Column 3 of the Third Schedule in relation to that parking place.

- 3.5 When a motor vehicle has left a parking place as specified in Article 3.1 after waiting thereon, the driver thereof shall not, within the return prohibition period specified in column 3 of the Third Schedule permit it to wait again upon the parking place.
- 3.6 Save as provided in Articles 3.12 and 3.13 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 or the use of 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.
- 3.7. The driver of a motor vehicle using the parking place 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.
- 3.8. No person shall use a motor vehicle whilst it is in the parking place in connection with the sale of any article to persons in or near the parking place or in connection with the selling or offering for hire of his skills or services or any other person's skills or services.
- 3.9. Any person duly authorised by the enforcement authority may suspend the use of the parking place or any part thereof whenever he considers such suspension reasonably necessary;
- 3.9.1 or the purpose of facilitating the movement of traffic or promoting its safety;

- 3.9.2 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;
- 3.9.3 for the convenience of the occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions;
- 3.9.4 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;
- 3.9.5 and he has made an appropriate Order and/or given notice as may be required by legislation.
- 3.10 Any person authorised by the enforcement authority suspending the use of the parking place or any part thereof in accordance with the provisions of Article 3.9 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.
- 3.11 Save as provided in Articles 3.12 and 3.13 no person shall cause or permit any motor 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 3.10
- 3.12 Nothing in Articles 3.1, 3.6 and 3.11 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:-

- 3.12.1 to enable a person to board or alight from the motor vehicle;
- 3.12.2 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;
- 3.12.3 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;
- 3.12.4 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;
- 3.12.5 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;
- 3.12.6 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.

3.13 Nothing Articles 3.1, 3.6 and 3.11 shall apply if the motor vehicle is being used by a legally qualified general medical practitioner, district nurse, midwife, or similar people

when visiting a patient, so long as the motor vehicle concerned is clearly marked doctor/midwife etc. and the visit is expected to be of less than 15 minutes duration.

- 3.14 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 3.1, 3.2, 3.3 and 3.4 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 3.3, a person authorised in that behalf by the enforcement authority may alter or cause to be altered the position of the motor vehicle in order that its position shall comply with that provision.
- 3.15 Any person removing a motor vehicle or altering its position by virtue of Article 3.14 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.
- 3.16 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 3.14, he shall make such arrangements as may be reasonably necessary for the safe custody of the motor vehicle and its contents.

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 27th day of February 2023 and may be cited as the "Kirklees Council (Traffic Regulation) (No.14) Order 2022".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this 14th day of February Two Thousand and Twenty three.

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

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Service Director – Legal, Governance and Commissioning/Authorised Signatory

A handwritten signature in black ink, consisting of a stylized name followed by a long, sweeping underline that extends to the left and then curves back towards the right.

FIRST SCHEDULE

NO WAITING AT ANY TIME

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
Market Place, Batley	a) South-east side from its junction with Commercial Street for a distance of 52 metres south-westwards	All days All hours

SECOND 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
Market Place, Batley a) North-west side from a point 18 metres south-west of its junction with Commercial Street for a distance of 19 metres south-westwards	Monday to Saturday 8am-8pm	1 hour No return within 1 hour

THIRD SCHEDULE

DISABLED BAY

COLUMN 1	COLUMN 2	COLUMN 3
Part of Road authorised as a street Parking Place	Days and hours of operation	Period for which vehicles may wait and return prohibition period
Market Place, Batley		
a) North-west side from a point 37 metres south-west of its junction with Commercial Street for a distance of 7.5 metres south- westwards	All days / All hours	For a period not exceeding 3 hours. Return prohibited within 3 hours