

## KIRKLEES COUNCIL

### (TRAFFIC REGULATION) (NO. 1) ORDER 2017

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 Honley and Brockholes 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:-

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

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

"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 2.3, 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 of 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 a day falls upon a Bank Holiday.
- 2.3. Nothing in Articles 2.1 or 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 Schedule 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 or 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. 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 17th day of October 2017 and may be cited as the "Kirklees Council (Traffic Regulation) (No.1) Order 2017".

**GIVEN** under the Corporate Common Seal of the Council of the Borough of Kirklees this 1<sup>st</sup> day of September Two Thousand and Seventeen.

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



*M.A. Nadeem*

009867

Service Director – Legal, Governance and Commissioning/Authorised Signatory

## FIRST SCHEDULE

### NO WAITING AT ANY TIME

Name of Road	Length affected	Days and hours of operation
1. Eastgate, Honley	Both sides from its junction with Market Place to its junction with A6024 Woodhead Road excluding that length on the southwest side which extends from a point 24 metres from the junction of Old Turnpike for a distance of 20 metres north-westwards	All days All hours
2. Fisher Green, Honley, Holmfirth	a) North-east side from its junction with Meltham Road for a distance of 10 metres in a south-easterly direction	All days All hours
	b) South-west side from its junction with Meltham Road for a distance of 10 metres in a south-easterly direction	All days All hours
3. Grasscroft Road, Honley, Holmfirth	North-east side from its junction with Meltham Road for a distance of 10 metres in a north-westerly direction	All days All hours
4. Meltham Road, Honley, Holmfirth	a) North-west side from its junction with Grasscroft Avenue for a distance of 10 metres in a north-easterly direction	All days All hours
	b) South-east side from its junction with Fisher Green for a distance of 10 metres in a south-westerly direction	All days All hours
	d) South-east side from its junction with Fisher Green for a distance of 10 metres in a north-easterly direction	All days All hours
5. New Mill Road, Honley, Holmfirth	a) North-east side from its junction with Station Road for 36 metres south-eastwards	All days All hours
	b) South-west side from its junction with Station Road for a distance of 46 metres in a south-easterly direction	All days All hours
6. Ridings Fields, Brockholes	a) North-east side from a point 90 metres north-west of its junction with Brockholes Lane for a distance of 28 metres in a north-westerly direction	All days All hours
	b) South-west side from a point 90 metres north-west of its junction with Brockholes Lane for a distance of 79 metres in a north-westerly direction	All days All hours
7. Southgate, Honley, Holmfirth	South-west side from its junction with Westgate to its junction with Concord Street	All days All hours
8. Station Road, Honley	South-east side from its junction with A 6024, Woodhead Road to its junction with A 616 New Mill Road	All days All hours

## SECOND SCHEDULE

### NO WAITING AT CERTAIN TIMES ON CERTAIN DAYS

Name of Road	Length affected	Days and hours of operation
Ridings Fields, Brockholes	North-east side from its junction with Brockholes Lane for a distance of 90 metres in a north-westerly direction	Monday to Friday 8am-5pm

### THIRD SCHEDULE

#### Revocations

#### Kirklees Council (Traffic Regulation) (Holme Valley Area)

#### (Consolidation) Order 2012

12. Eastgate, Honley, Holmfirth	Both sides from its junction with Market Place to its junction with A6024 Woodhead Road, excluding that length on the south-west side which extends from a point in line with the south-eastern boundary line of No 30 Eastgate for a distance of 32 metres north-westwards.	All days All hours
35. New Mill Road, Honley	North-east side from its junction with Station Road for 29 metres south-eastwards.	All days All hours
51. Southgate, Honley, Holmfirth	a) South-west side from its junction with Westgate for 10 metres south-eastwards.	All days All hours
20. Ridings Fields, Brockholes, Holmfirth	a) North-east side from its junction with Brockholes Lane for 116 metres north-westwards	Monday to Friday 8am-5pm
	d) South-west side from a point 90 metres north-west of its junction with Brockholes Lane for 28 metres north-westwards.	Monday to Friday 8am-5pm
23. Southgate, Honley, Holmfirth	South-west side from its junction with Westgate to its junction with Concord Street.	Monday to Saturday 8am-6pm