

KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 24) ORDER 2021

BOBBIN CLOSE AND MANOR ROAD, GOLCAR, HUDDERSFIELD

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 a road in the Huddersfield 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:-

"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.

"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.

"DVLA" means the Driver and Vehicle Licensing Agency.

"Enforcement authority" means the Council.

"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.

"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.

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

"Penalty charge notice" has the meaning given by Regulation 8 of the General Regulations

"Police operational vehicle" means any exempt vehicle under Section 5 of and Article 3A of Schedule 2 to the Vehicles Excise and Registration Act 1994.

"Postal packets" has the same meaning as in the Postal Services Act 2000.

"Public service vehicle" has the same meaning as in Section 1(1) of Part I of the Public Passenger Vehicles Act 1981.

"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.

"The General Regulations" means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

PART II

2. PROHIBITIONS AND RESTRICTIONS LOADING AND UNLOADING

- 2.1. Save as provided in Article 2.2 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 load or unload in any of the lengths of road specified in Columns 1 and 2 of the First Schedule on the days and during the times specified in Column 3 of the First Schedule.

2.2. Nothing in Articles 2.1 shall prohibit any person from causing or permitting any motor vehicle to wait in a length of road specified in the First 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 and rescue, 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.

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 marked with the “School Keep Clear” markings and 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 and rescue, 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 2.1 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 day of and may be cited as "Kirklees Council (Traffic Regulation) (No.24) Order 2021".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this day of Two Thousand and Twenty-One

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

Service Director – Legal, Governance and Commissioning/Authorised Signatory

FIRST SCHEDULE

NO LOADING OR UNLOADING AT CERTAIN TIMES ON CERTAIN DAYS

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Bobbin Close, Golcar, Huddersfield	Both sides from a point 4 metres from its junction with Manor Road for its entire length.	Monday to Friday 8am-9.30am and 2.30pm-4pm
2. Manor Road, Golcar, Huddersfield	South-west side from its junction with Bobbin Close for a distance of 11 metres in a south-easterly direction and across end of Manor Road	Monday to Friday 8am-9.30am and 2.30pm-4pm

SECOND SCHEDULE
SCHOOL KEEP CLEAR

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
1. Bobbin Close, Golcar, Huddersfield	North-west side from its junction with Manor Road for a distance of 4 metres in a south-westerly direction	Monday to Friday 8am-9.30am and 2.30pm-4pm On Entrance Markings
2. Manor Road, Golcar, Huddersfield	a) North-east side from a point 105 metres south-east of its junction with Access To Rear Of 82-98 Manor Road for a distance of 32 metres in a south-easterly direction	Monday to Friday 8am-9.30am and 2.30pm-4pm On Entrance Markings
	b) South-west side from its junction with Bobbin Close for a distance of 28 metres in a north-westerly direction	Monday to Friday 8am-9.30am and 2.30pm-4pm On Entrance Markings