

## **KIRKLEES COUNCIL**

### **(TRAFFIC REGULATION) (NO.9) 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 roads in the Cleckheaton and Mirfield areas 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.

1.2. In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

“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.

“enforcement authority” means the Council.

“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.

“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.

“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 2004 Act” means the Traffic Management Act 2004.

## PART II

### **2. Prohibitions and Restriction on Waiting**

- 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 wait or load or unload at any time in any of the lengths of road specified in Columns 1 and 2 of the Schedule to this order.
- 2.2. Nothing in Article 2.1 shall prohibit any person from causing or permitting any motor vehicle to wait in a length of road specified in the Schedule to this Order 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.

**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 the Second Schedule hereto are hereby revoked to the extent as itemised that Second 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 24th day of November 2017 and may be cited as the "Kirklees Council (Traffic Regulation) (No.9) Order 2017".

**GIVEN** under the Corporate Common Seal of the Council of the Borough of Kirklees this Twenty fourth day of November Two Thousand and Seventeen

**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/LOADING AT ANY TIME

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
The Knowl, Mirfield	South-west side from a point 4.5 metres north-west of its junction with York Road for a distance of 15 metres in a south-easterly direction	All days All hours

## SECOND SCHEDULE

### REVOCATIONS

Kirklees Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2012

First Schedule      Items 77a, 189c,  
Fourth Schedule    Item 9a  
Fifth Schedule      Item 6  
Tenth Schedule     Item 39a

Kirklees Council (Traffic Regulation) (No.5) Order 2013

First Schedule      Item 1