

## KIRKLEES COUNCIL

### (TRAFFIC REGULATION) (NO. 34) ORDER 2021

#### OXFORD ROAD, 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 a road in the Dewsbury 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. SCHOOL KEEP CLEAR – NO WAITING, LOADING OR 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 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 First Schedule on the days and during the times specified in column 3 of the First Schedule.

- 2.2. Nothing in Article 2.1 shall apply: -
- 2.2.1. 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: -
    - 2.2.1.1. any building operation or demolition;
    - 2.2.1.2. the removal of any obstruction to traffic;
    - 2.2.1.3. the maintenance, improvement or reconstruction of the road comprising or including the carriageway; or
    - 2.2.1.4. 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.
  - 2.2.2. to a motor vehicle being used for fire and rescue, ambulance or police purposes in pursuance of statutory powers or duties;
  - 2.2.3. 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;
  - 2.2.4. 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
  - 2.2.5. to a motor vehicle waiting when the person in control of the motor vehicle:-
    - 2.2.5.1. is required by law to stop;
    - 2.2.5.2. is obliged to stop in order to avoid an accident; or
    - 2.2.5.3. is prevented from proceeding by circumstances beyond that person's control

### **PART III**

#### **3. Revocations**

- 3.1 The orders referred to in Column 1 of the Second Schedule are hereby revoked to the extent shown in Column 2 of that Schedule.

### **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.34) 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

DRAFT

## FIRST SCHEDULE

### SCHOOL KEEP CLEAR

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
Oxford Road, Dewsbury	Both sides from the boundary of Nos. 32/34 Oxford Road to the boundary of Nos. 53/55 Oxford Road	Monday to Friday 8am-9.30am and 2.30pm-4pm On Entrance Markings

## SECOND SCHEDULE

### LIST OF REVOCATIONS

COLUMN 1	COLUMN 2	COLUMN 3
Order Number	Schedule	Item
KIRKLEES COUNCIL (TRAFFIC REGULATION) (DEWSBURY AREA) (CONSOLIDATION) ORDER 2017	11 <sup>th</sup> Schedule – Item 19	Item related to Oxford Road, both from a point 80.5 metres south west of its junction with James Street for 63.12 metres south westwards