

KIRKLEES COUNCIL

EXPERIMENTAL (TRAFFIC REGULATION) (NO.33) ORDER 2020

MACAULAY STREET, UPPERHEAD ROW, HUDDERSFIELD

The Council of the Borough of Kirklees ("the Council") in exercise of their powers under Sections 9 and 10 of the Road Traffic Regulation Act 1984 ("the Act") 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 Huddersfield town centre in the Kirklees District:-

PART 1: GENERAL

Commencement and Citation

1. This Order shall come into operation on 29 September 2021 for a period not exceeding 18 months and may be cited as "Experimental Traffic Regulation Order (ETRO No.33) Order 2020".

PART 2: INTERPRETATION

- 2.1. Any reference in this Order to a numbered Schedule is a reference to the Schedule bearing that number in this Order and a numbered Article is a reference to the Article bearing that number in this Order.
- 2.2. In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"disabled person's badge" has the same meaning as in 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

"Permit holder" means a person to whom a permit has been issued under the provisions of Article 4.4 to 4.9

"Permit holder's vehicle" means a vehicle displaying a valid permit per Article 4.6

"pedal cycle" has the same meaning as in Regulation 4 of the Traffic Signs Regulations and General Directions 2016.

“local bus” means a public service vehicle which is being operated for the purposes of a local service within the meaning of the Transport Act 1985.

“security vehicle” means any specialist security vehicle loading or unloading valuables

“telecommunications apparatus” has the same meaning as in the Telecommunications Act 1984

“the 2016 Regulations” means the Traffic Signs Regulations and General Directions 2016

PART 3: NO RIGHT TURN RESTRICTION

- 3.1. No person causing a vehicle to proceed in a road specified in Column 1 of the First Schedule to this Order shall, except upon the direction of a police constable in uniform or of a traffic warden, cause that vehicle on reaching the junction with the road specified opposite that road in Column 2 of the said First Schedule to make a right turn into such road.

PART 4

PROHIBITION OF DRIVING (EXCEPT FOR PERMIT HOLDERS AT ALL TIMES AND FOR LOADING AND UNLOADING BETWEEN THE HOURS OF 6PM AND 6AM MONDAY TO FRIDAY INCLUSIVE (EXCEPT FOR CYCLISTS, BLUE BADGE HOLDERS AND EMERGENCY VEHICLES))

- 4.1 Save as provided Article 4.2 – 4.9 no vehicle other than pedal cycles, a disabled person’s motor vehicle, a permit holders vehicle and vehicles authorised by the enforcement authority’s Parking Manager, shall, except upon the direction or with the permission of a police constable in uniform or of a civil enforcement officer proceed in any of those lengths of road specified in Column 2 the Second Schedule.
- 4.2 Nothing in Article 4.1 shall render it unlawful for any vehicle to enter or proceed in any of the lengths of road referred to therein to enable the vehicle to be used for any of the purposes specified in Article 4.3 for so long as may be necessary for any of those purposes.
- 4.3 The purposes referred to in Article 4.2 are:-
- (i) in an emergency where the vehicle is being used for police, fire and rescue, ambulance or local authority purposes;

- (ii) the removal of any obstruction to traffic;
- (iii) in connection with any of the following operations where the vehicle cannot conveniently be used for such purposes in any other road:-
 - (a) building, industrial or demolition operations;
 - (b) the maintenance, improvement or reconstruction of the said lengths of road;
 - (c) the laying, erection, alteration or repair in or on any land adjacent to any of the said lengths 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.
 - (d) loading and unloading between the hours of 6am to 6pm on Monday to Friday inclusive

4.4 In relation to an application for and issue of Permits:

- (a) Any person may apply to the Council for the issue of a permit and any such application shall be made on a form issued by and obtained from the Council and shall include the particulars and information required by such form.
- (b) The Council may at any time require a permit holder or applicant for a permit to produce to an Officer of the Council such evidence in respect of an application made to them for a permit as they may reasonably require to verify any particulars or information given to them.
- (c) The Council may at their discretion issue a permit with or without charge to any person who in the opinion of the Council requires to park in the length of road specified in the Second Schedule to this Order.

4.5 A permit shall be in writing and shall bear the words 'Special Access Permit – Threadneedle Street', and shall include the following particulars:-

- a) the registration mark of the vehicle in respect of which the permit has been issued, or the address of the premises in question;
- b) an authentication that the permit has been issued by the Council;
- c) the period during which the permit shall remain valid;

- d) the address for which access is required.
- 4.6 At all times during which a vehicle is left in the length of road specified in the Second Schedule to this Order there shall be displayed in the front or near side of the vehicle a valid permit issued in respect of that vehicle so that all the particulars referred to in Article 4.5 of this Order are readily visible from the front or near side of the vehicle.
- 4.7 When a permit has been displayed on a vehicle in accordance with the provisions of Article 4.6 of this Order, no person not being the driver of the vehicle shall remove the permit from the vehicle unless authorised to do so by the driver of the vehicle
- 4.8 In relation to the Surrender, Withdrawal and Validity of Permits:
- (a) A permit holder may surrender a permit to the Council at any time and shall surrender a permit to the Council on the occurrence of any one of the events set out in Paragraph (b) of this Article.
 - (b) The Council may, by notice in writing serve on the permit holder by sending the same by recorded delivery service to the permit holder at the address shown by that person on the application for the permit or at any address believed to be that person's place of abode, withdraw a permit entirely at its own discretion and the permit holder shall surrender the permit to the Council within 48 hours of the receipt of the aforementioned notice.
 - (c) A permit shall cease to be valid on the occurrence of the withdrawal of such permit by the Council.
- 4.9 In relation to applications for and issue of Duplicate Permits:
- (a) If a permit is mutilated or accidentally defaced or the figures or particulars thereon have become illegible or the colour of the permit has become altered by fading or otherwise the permit holder shall surrender it to the Council and the Council, upon receipt of the permit, shall issue a duplicate permit so marked.
 - (b) If a permit is lost or destroyed, the permit holder may apply to the Council for the issue to him of a duplicate permit and the Council, upon being satisfied as to such loss or destruction, shall issue a duplicate permit so marked and upon such issue a replacement will only be issued upon payment of a charge being such other sum as the Council may from time to time determine.

- (c) The provision of this Order shall apply to a duplicate permit and an application therefor as if it were a permit or as the case may be an application therefor.

PART 5: ONE WAY TRAFFIC FLOW (EXCEPT FOR CYCLISTS)

- 5.1 Save as provided in Article 5.2 and 5.3 no person shall, except upon the direction or with the permission of a police constable in uniform or of a traffic warden, cause or permit any vehicle to proceed in that length of road specified in Column 1 of the Third Schedule to this Order in a direction other than that specified in relation to such length of road in Column 2 of that Third Schedule.
- 5.2 Nothing in Article 4.1 shall apply to any mechanical road cleansing vehicle when being used for that purpose.
- 5.3 Nothing in Article 6.3 shall apply to a pedal cycle

PART 6: REVOCATIONS

- 6.1. The orders referred to in the Fourth Schedule are hereby revoked.

PART 7: GENERAL

- 7.1. 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.
- 7.2. Any reference in this Order to a Statute or Statutory Instrument shall include reference to any re-enactment or replacement thereof.
- 7.3. 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.

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this 17th day of September 2021

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 RIGHT TURN

From	To
Macaulay Street, Huddersfield	Market Street, Huddersfield

SECOND SCHEDULE

PROHIBITION OF DRIVING

(EXCEPT FOR LOADING Mon to Fri 6am -1pm)

(EXCEPT FOR CYCLISTS AND PERMIT HOLDERS)

Column 1	Column 2
Road affected	Length affected
Upperhead Row, Huddersfield	From its junction with Dundas Street in a southerly direction to its junction with Macaulay Street
Macaulay Street, Huddersfield	From its junction with Upperhead Row in a south-easterly direction to its junction with Market Street

THIRD SCHEDULE

ONE WAY (EXCEPT FOR CYCLISTS)

COLUMN 1	COLUMN 2
Name of Road	Length affected
Upperhead Row, Huddersfield	From its junction with Threadneedle Street to its junction with Macaulay Street in a southerly direction
Macaulay Street, Huddersfield	From its junction with Upperhead Row to its junction with Market Street in a south-easterly direction

SCHEDULE 4

Revocations

West Yorkshire Metropolitan County Council (Kirklees) (Traffic Regulation) (No.5)
Order 1978 First Schedule items 1 & 2