

**KIRKLEES COUNCIL
(TRAFFIC REGULATION) (No.30) ORDER 2020
SOUTH PARADE CLECKHEATON**

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 Cleckheaton area in 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 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.

"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.

"enforcement authority" means the Council.

"goods" has the same meaning as in the Road Traffic Act 1988.

"notice to owner" means a notice served under Regulation 19 of the General Regulations.

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"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.

"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.

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

"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.

"return prohibition period" means in relation to Article 2.2.2 the period specified in Column 3 of the Second Schedule.

"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 2002 Regulations" means the Traffic Signs Regulations and General Directions 2002.

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“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 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 brigade, 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 3.1 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:-

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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. 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. General

- 4.1. 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.
- 4.2. Any reference in this Order to a Statute or Statutory Instrument shall include reference to any re-enactment or replacement thereof.
- 4.3. 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.
- 4.4. This Order shall come into operation on the xxth day of 2020 and may be cited as "Kirklees Council (Traffic Regulation) (No. 30) Order 2020".

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

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

Director – Legal, Governance and Commissioning /Authorised Signatory

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FIRST SCHEDULE

SCHOOL KEEP CLEAR

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
South Parade, Cleckheaton	North-east side from a point 1 metre north-west of the south-east property boundary of 90 South Parade for a distance of 37 metres south-eastwards	Monday to Friday 8am-9.30am and 2.30pm-4pm On Entrance Markings