KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO.4) ORDER 2021

BRADFORD ROAD BATLEY

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 Batley area of the Kirklees District:-

PART I

1. Interpretation

1.1. 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:-

“authorised position” means in relation to Article 3, wholly within the limits of the parking place as marked on the carriageway in accordance with the road markings as indicated by Diagrams 1028.4, 1032 and 1033 in Schedule 6 to the 2002 Regulations and in such position so as not to obstruct the movement of other motor vehicles.

“business parking permit” means a permit issued under the provisions of Article 3.19

"carriageway" has the same meaning as in Section 329 of the Highways Act 1980.

“Category N1 vehicle” means a vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5. tonnes.

“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.

“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.

"dual purpose vehicle" has the same meaning as in Paragraph 2 of Schedule 6 to the Act.

“DVLA” means the Driver and Vehicle Licensing Agency.

“enforcement authority” means the Council.

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

“hackney carriage” has the same meaning as in the Town Police Clauses Act 1847.

"invalid carriage" means the same as in Section 136 of the Act.

“maximum mass” means the technically permissible maximum laden mass.

"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.

“open parking permit” means a permit issued under the provisions of Article 3.17

"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

“parking place” means in relation to Article 3 the parts of the road specified in Column 1 of the Fourth Schedule authorised by this Order to be used as a parking place.

"passenger vehicle" means a motor vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry no more than twelve passengers exclusive of the driver.

“penalty charge” has the meaning given by S.92 of the 2004 Act.

“permit” means a permit issued under the provisions of Articles 3.15 to 3.24 inclusive.

“permit holder” means a person to whom a permit has been issued under the provisions of Articles 3.15 to 3.24 inclusive.

“permitted motor vehicle” means in relation to Article 3 a passenger vehicle, class N1 vehicle, dual purpose vehicle, invalid carriage and motor cycle.

"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.

“resident” means in relation to a parking place any person whose usual residence is at premises the postal address of which is as defined opposite to that parking place in Column 2 of the Third Schedule

“specific parking permit” means a permit issued under the provisions of Article 3.15.

“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 Restriction on Waiting

2.1. Save as provided in Articles 2.2, 2.3 and 2.4 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 at any time in the lengths of road specified in the First Schedule.

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 First Schedule 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.

2.3. Nothing in Article 2.1 shall prohibit any person from causing or permitting any motor vehicle to wait in the length of road specified in the First Schedule for so long as may be necessary to deliver to or collect from or load or unload goods at any premises fronting onto the said length of road provided that no motor vehicle so engaged shall wait for longer than 30 minutes outside the same premises without the permission of a police constable in uniform or a civil enforcement officer and provided always that a police constable in uniform or a civil enforcement officer may at any time require the driver of a motor vehicle to move it if it is necessary for the purposes of preventing obstruction.

2.4. Nothing in Article 2.1 shall render it unlawful to cause or permit any motor vehicle to wait for a period not exceeding 3 hours (not being a period separated by an interval of less than 1 hour from the previous period of waiting by the same motor vehicle in the same road or part of road on the same day) in any of the lengths of road specified in the First Schedule if the motor vehicle is a disabled person's motor vehicle which displays in the relevant positions:-

(a) a disabled person's badge, and

(b) a parking disc issued by any local authority in accordance with the provisions of the 2000 Regulations, or a badge having effect under those Regulations as if it were a disabled person's badge, and the driver or other person in charge of the motor vehicle marks on the parking disc the time at which the period of waiting began.

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 17th June 2021 and may be cited as the "Kirklees Council (Traffic Regulation) (No.4) Order 2021".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this 17th day of June Two Thousand and Twenty One

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

FIRST SCHEDULE

NO WAITING AT ANY TIME

COLUMN 1	COLUMN 2	COLUMN 3
Name of Road	Length affected	Days and hours of operation
Bradford Road, Batley	a) North-east side from a point 21 metres north west of the junction of Floreat Close, for a distance of 60 metres south-eastwards	All days All hours
	b) South-west side from a point 36 metres north west of the junction of Park Drive, for a distance of 50 metres north-westwards	All days All hours