KIRKLEES COUNCIL

(TRAFFIC REGULATION) (No. 5) ORDER 2020

7.5 TONNE WEIGHT RESTRICTION

BIRSTALL

Smithies Moor Rise, Lea Road, Smithies Moor Crescent, The Burrows, The Covert

The Council of the Borough of Kirklees ("the Council") in exercise of their powers under Sections 1, 2, 3(2) and 4 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 make the following Order which relates to roads at Smithies Moor Rise, Lea Road, Smithies Moor Crescent, The Burrows, The Covert, Birstall in the Kirklees District

PART I

Interpretation

1 Save 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.

2. In this Order the expression "maximum gross weight" has the same meaning as in Regulation 4 in Section 1 of Part 1 of the Traffic Signs Regulations and General Directions 2002.

PART II

Weight Restrictions

3. Save as provided in Article 4 no person shall, except upon the direction or with the permission of a police constable in uniform, cause or permit any vehicle of over 7.5 tonnes maximum gross weight to proceed in the lengths of road specified in the Schedule to this Order.

4. Nothing in Article 3 shall render it unlawful for a person to cause or permit any vehicle over 7.5 tonnes maximum gross weight to proceed in the lengths of road so specified if the vehicle is being used:-

(a) in connection with the carrying out on that length of road of any of the following operations, namely:-

(i) building, industrial or demolition operations;

(ii) the removal of any obstruction to traffic;

(iii) the maintenance, improvement or reconstruction of that length of road;

(iv) the laying, erection, alteration or repair in or on land adjacent to that length of road of any sewer or any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus as defined in Section 4(3) of the Telecommunications Act 1984.

(b) for fire and rescue service, police or ambulance purposes;

(c) in the service of a local authority or water authority in pursuance of statutory powers or duties;

(d) for the purposes of agriculture on any land adjacent to that length of road or for or in connection with the conveyance or haulage of timber felled upon such land;

(e) for or in connection with the conveyance of goods to or from any premises on or adjacent to that length of road, or any other road accessible from and only from that length of road;

(f) to proceed to or from any premises which are situated adjacent to that length of road and at which time the vehicle is to be, or has been, garaged, serviced or repaired.

5. The Council are satisfied that for preventing damage to the roads or buildings on or near them and for preserving or improving the amenities of the area through which the lengths of road specified in the Schedule to this Order run by restricting the use of the said lengths of road by vehicles over 7.5 tonnes maximum gross weight, it is requisite that Section 3(1) of the Act should not apply in relation to this Order.

PART III
General

6. 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. 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 where the context requires it.

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

9. This Order shall come into operation on the 13th day of May 2021 and may be cited as the “Kirklees Council (Traffic Regulation) (No. 5) Order 2020”.

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this 13th day of May Two thousand and Twenty One.

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

Assistant Director, Legal, Governance and Monitoring /Authorised Signatory

SCHEDULE