

KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 17) ORDER 2023

GEORGE STREET, NORTHGATE, ROYLE FOLD AND WESTGATE, HECKMONDWIKE

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 Heckmondwike area of the Kirklees Metropolitan 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:-

"Bank Holiday" has the same meaning as in the Banking and Financial Dealings Act 1971.

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

"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.

"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.

"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.

"permitted motor vehicle" means a commercial vehicle.

"postal packets" has the same meaning as in the Postal Services Act 2000.

“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.

PART II

2. Prohibitions and Restriction on Waiting

- 2.1. Save as provided in Articles 2.3, 2.4 and 2.5 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. Save as provided in Article 2.3 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 or load or unload in any of the lengths of road specified in Columns 1 and 2 of the Second Schedule on the days and during the times specified in Column 3 of the Second Schedule.
- 2.3. Nothing in Article 2.1 or 2.2 shall prohibit any person from causing or permitting any motor vehicle to wait in a length of road specified in the First or Second Schedules for so long as may be necessary:-
 - 2.3.1. to enable a person to board or alight from the motor vehicle;
 - 2.3.2. 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;

- 2.3.3. if the motor vehicle is a Mobile Speed Camera Unit or an Automatic Number Plate Recognition Vehicle
 - 2.3.4. 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;
 - 2.3.5. 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;
 - 2.3.6. 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;
 - 2.3.7. 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;
 - 2.3.8 for a hackney carriage to wait at a hackney carriage stand during the hours of operation of the hackney carriage stand.
- 2.4. 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.
- 2.5. 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. Revocations

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

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 15th day of March 2024 and may be cited as the "Kirklees Council (Traffic Regulation) (No.17) Order 2023".

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this 14th day of March Two Thousand and Twenty Four.

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 WAITING AT ANY TIME

COLUMN 1 Name of Road	COLUMN 2 Length affected	COLUMN 3 Days and hours of operation
1. Northgate, Heckmondwike	North-east side from its junction with George Street for a distance of 112 metres in a north-westerly direction	All Days All Hours

SECOND SCHEDULE

NO WAITING AT ANY TIME & NO LOADING AT ANY TIME

COLUMN 1 Name of Road	COLUMN 2 Length affected	COLUMN 3 Days and hours of operation
1. George Street, Heckmondwike	(a) North-west side from its junction with Northgate in a north-westerly and north-easterly direction for its entire length	All Days All Hours
	(b) South-east side from its junction with Northgate for a distance of 13 metres in a north-easterly direction	All Days All Hours
	(c) South-east side from the north-western kerbline of the Bus Hub entrance for a distance of 43 metres in a north-westerly and south-westerly direction	All Days All Hours
2. Market Street, Heckmondwike	North side from its junction with Northgate to its junction with Royle Fold	All Days All Hours
3. Northgate, Heckmondwike	East side from its junction with Westgate to its junction with George Street	All Days All Hours
4. Royle Fold, Heckmondwike	(a) North-west side from its junction with Westgate for a distance of 60 metres in a north-easterly and northerly direction	All Days All Hours
	(b) South-east side from its junction with Market Street in a north-easterly direction for its entire length	All Days All Hours

THIRD SCHEDULE

LIST OF REVOCATIONS

COLUMN 1 Order Number	COLUMN 2 Schedule	COLUMN 3 Item
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 1 Item 129 (a)	Items related to Northgate, north-east from its junction with George Street for 103 metres north-westwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 3 (a)	Items related to George St, Heckmondwike, north-east from its junction with Royle Fold for 12 metres north-westwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 4 (a)	Items related to Market Street, Heckmondwike, north-east from its junction with Northgate for 7 metres south-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 5	Items related to Northgate, Heckmondwike, north-east from its junction with George Street for 19 metres south-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 3 (b)	Items related to George St, Heckmondwike, north-east from a point 6 metres south-east of the projected south-eastern kerbline of the George Street turning head for 3 metres south-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 3 (c)	Items related to George St, Heckmondwike, north-west and north-east sides from a point 47 metres north-east of the projected north-eastern kerbline of Northgate for 17 metres north-eastwards and south-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 6 (a)	Items related to Royle Fold, Heckmondwike, north-west from a point 25 metres north-east of its junction with Market Street, for 4 metres north-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 4 (b)	Items related to Market Street, Heckmondwike, north-west from its junction with Royle Fold for 13 metres south-westwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 6 (b)	Items related to Royle Fold, Heckmondwike, north-west from 4 metres north-east of its junction with Market Street for 3 metres north-eastwards

COLUMN 1 Order Number	COLUMN 2 Schedule	COLUMN 3 Item
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 3 (d)	Items related to George St, Heckmondwike, north-west from a point 6 metres north-east of the projected north-eastern kerbline of Northgate for 34 metres north-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 3 (e)	Items related to George St, Heckmondwike, south and west side, from a point 50 metres north-east of its junction with Northgate to its junction with Royle Fold
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 3 (f)	Items related to George St, Heckmondwike, south-east from a point 6 metres north-east of the projected north-eastern kerbline of Northgate for 6 metres north-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 3 (g)	Items related to George St, Heckmondwike, south-east from a point 29 metres north-east of its junction with Northgate for 4 metres north-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 3 Item 6 (c)	Items related to Royle Fold, Heckmondwike, south-east from 4 metres north-east of its junction with Market Street to its junction with George Street
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 1 Item 157	Items related to Royle Fold, north-east from its junction with Market Street for 5 metres north-westwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 7 Item 10	Items related to George St, Heckmondwike, north-east from a point 1 metre south-east of the projected south-eastern kerbline of the George Street turning head for 5 metres south-eastwards
KIRKLEES COUNCIL (TRAFFIC REGULATION) (CLECKHEATON AREA) (CONSOLIDATION) ORDER 2017	Schedule 10 Item 5	Items related to George St, Heckmondwike, north-east from a point 9 metres south-east of the projected south-eastern kerbline of the George Street turning head for 6 metres south-eastwards