

THE BOROUGH COUNCIL OF CALDERDALE
(WAINSTALLS SCHOOL)
(WAINSTALLS ROAD AND TREE LANE)
EXPERIMENTAL TRAFFIC REGULATION ORDER 2023

The Borough Council of Calderdale in exercise of its 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 of Police in accordance with Part III of Schedule 9 to the Act hereby make the following Order:-

PART 1
GENERAL

Citation and commencement

1. This Order is made on the 25th day of October 2023 and shall come into operation on 6th November 2023 and shall be cited as “The Borough Council of Calderdale (Wainstalls School) (Wainstalls Road and Tree Lane) Experimental Traffic Regulation Order 2023”.
2. This Order is made on an experimental basis and will remain in force for a maximum period of eighteen months.

Interpretation

3. The Interpretation Act 1978 shall apply to this Order as it applies to an Act of Parliament.
4. Where a provision of this Order is in conflict with a provision contained in a previous order, the provisions of this Order shall prevail for the period that this Order is in force.
5. Where a statute, statutory instrument, specification or regulation is referred to such reference shall include an amendment to or replacement thereof.
6. The restrictions imposed by this Order shall be in addition to and not in derogation of any restriction, regulation or other requirement imposed by law.
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. The lengths of roads specified in the Schedules to this Order are shown for illustrative purposes only on drawing number:- 72/1320/100/05 annexed hereto.

Definitions

8. In this Order, the following expressions have the meaning hereby respectively assigned to them:-

“Council” means the Borough Council of Calderdale and includes any contractors or authorised agents appointed by or acting on behalf of the Council for the purposes of any

function under the provisions of this Order;

“Hackney Carriage” means a vehicle licensed under Section 37 of the Town Police Clauses Act 1847 (for the avoidance of doubt this does not include a private hire vehicle within the meaning of Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

“Loading or Unloading” means the waiting of a vehicle to put something(s) in or take something(s) out of a vehicle and “Load or Unload” shall be construed accordingly;

“Prohibited Area” means any area of a Road which is comprised within and indicated by a road marking complying with diagram 1027.1 in Part 4 of Schedule 7 to the Traffic Signs Regulations and General Directions 2016;

“Road” has the same meaning as that in Section 142 of the Road Traffic Regulation Act 1984;

“Undertaker” has the same meaning as that in Section 48 of the New Roads and Street Works Act 1991;

“Universal Service Provider” has the meaning as that in Section 65 of the Postal Services Act 2011;

“Vehicle” has the same meaning as that in Section 136 of the Road Traffic Regulation Act 1984.

PART 1

ONE-WAY STREET

9. No person shall except upon the direction or with the permission of a police constable in uniform cause or permit any Vehicle to proceed in the length of Road specified in Columns 1 and 2 of the Schedule 1 to this Order in a direction other than that specified in relation to such Road in Column 3 of the said Schedule.

PART 3

WAITING AND LOADING RESTRICTIONS

10. Save as provided in Article 11, no person shall, except upon the direction or with the permission of a police officer in uniform or a Civil Enforcement Officer in uniform, cause or permit any Vehicle to wait or Load or Unload between the hours of 8.15am to 9.15am and 2.30pm and 4.00pm Monday to Friday inclusive in the lengths of Roads specified in Schedule 2 to this Order at any time.
11. The restrictions in Article 10 shall not apply to:
- a) a Vehicle being used for police, ambulance, fire brigade, local authority or water authority purposes when used in pursuance of statutory powers or duties;

- b) a Vehicle (if it cannot reasonably be used for the same purpose in any other Road) being used in connection with any of the following operations in an emergency: building works; the removal of any obstruction to traffic; the maintenance, improvement or reconstruction of the Road; the laying, erection, alteration or repair in or adjacent to the Road by an Undertaker of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or any telecommunications apparatus;
- c) a Vehicle in the service of the Universal Service Provider being used for the purpose of delivering or collecting postal packets as defined in Section 125 of the Postal Services Act 2000;
- d) a Vehicle waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting as is necessary to prevent an accident;
- e) a Vehicle being used for the purpose of Loading or Unloading the Vehicle while it is in actual use in connection with the removal or delivery of furniture to or from any premises fronting onto the said length of Road provided that notice is given twenty four hours in advance to the Council and their consent obtained and such Loading or Unloading will be continuous;
- f) a Vehicle being used to enable a person to board or alight from the Vehicle;
- g) a Vehicle being used to open or close a gate or barrier at the entrance to premises to which the Vehicle is being driven or from which it emerged if it is not reasonably practicable to cause the Vehicle to wait elsewhere for the purpose;
- h) a Hackney Carriage waiting at a Hackney Carriage rank appointed by the Council.

PART 4

SCHOOL CLEARWAY

- 12. Save as provided in Article 13, no person shall except upon the direction or with the permission of a police officer in uniform or a Civil Enforcement Officer in uniform cause or permit any vehicle to stop or wait between the hours of 8.00am to 5.00pm Monday to Friday (inclusive) in a Prohibited Area within the lengths of Roads specified in Schedule 3 to this Order.
- 13. Nothing in Article 12 shall render it unlawful for a person to cause or permit a Vehicle to stop or wait in a Prohibited Area:
 - a) if the Vehicle is being used for the removal of any obstruction to traffic;
 - b) if the Vehicle is being used in the service of the Council in exercise of statutory powers or duties and whilst being so used in such service it is necessary that the Vehicle stop or wait in the Prohibited Area;
 - c) in any case where the person in control of the Vehicle is required by law to stop or wait, or is obliged to stop or wait to prevent an accident, or is prevented from

proceeding by circumstances outside their control;

- d) a Vehicle being used for police, ambulance, fire brigade or water authority purposes when used in pursuance of statutory powers or duties.

PART 5

MODIFICATIONS

- 14. This Order includes provision for the Council's Assistant Director, Strategic Infrastructure, or person authorised by the aforementioned officer, to modify or suspend this Order or any provision of it if it appears to him essential:
 - a) in the interests of the expeditious, convenient and safe movement of traffic;
 - b) in the interests of providing suitable and adequate on-street parking facilities; or
 - c) for preserving or improving the amenities of the area through which any road affected by this Order runs.
- 15. The power in Article 14 shall not include making additions to the Order and shall be exercised only after consulting the appropriate chief officer of police and giving such notice as the Secretary of State may direct.

THE CORPORATE COMMON SEAL)
of **THE BOROUGH COUNCIL OF**)
CALDERDALE was hereunto affixed)
on the 25th day of October 2023)
in the presence of:-)

SCHEDULE 1
One Way

Item	Column 1 Road	Column 2 Extent	Column 3 Direction
1	Tree Lane	From a point approximately 55 metres south west of its junction with Cold Edge Road in a westerly direction to a point approximately 18 metres east of its junction with Wainstalls Road	Westerly

SCHEDULE 2

No Waiting and No loading Mon – Fri 8.15am – 9.15am and 2.30pm – 4.00pm

Item	Column 1 Road	Column 2 Extent
1.	Wainstalls Road	<p>East side - from a point 16 metres south of its junction with the southern kerbline of Tree Lane in a southerly direction for a distance of approximately 49 metres</p> <p>East side - from a point approximately 90 metres south of its junction with the southern kerbline of Tree Lane in a southerly direction for a distance of approximately 35 metres</p> <p>East side - from a point approximately 138 metres south of its junction with the southern kerbline of Tree Lane in a southerly direction for a distance of approximately 13 metres</p>

SCHEDULE 3

School Clearway (No Stopping on School Keep Clear Markings) Monday – Friday 8.00am – 5.00pm

Item	Column 1 Road	Column 2 Extent
1.	Wainstalls Road	East side - from a point approximately 65 metres south of its junction with the southern kerbline of Tree Lane in a southerly direction for a distance of approximately 25 metres