

**THE BOROUGH COUNCIL OF CALDERDALE**  
**(CHRIST CHURCH (PELLON) C OF E (VC) PRIMARY SCHOOL)**  
**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 6<sup>th</sup> day of September 2023 and shall come into operation on 14<sup>th</sup> September 2023 and shall be cited as “The Borough Council of Calderdale (Christ Church (Pellon) C of E (VC) Primary School) 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:- 72/1328/101 annexed hereto.

**Definitions**

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

“Contractual Vehicle” means a bus, Licensed Hire Vehicle, Licensed Taxi or Hackney

Carriage contracted by the Council and/or school to take children to or from a school, fronting or adjacent to a Restricted Road;

“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;

“Disabled Person” has the same meaning as that in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“Disabled Person’s Badge” has the same meaning as that in Regulation 2 of The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000;

“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;

“Licensed Hire Vehicle” has the same meaning as in Section 13 of the Transport Act 1985;

“Licensed Taxi” has the same meaning as in Section 13 of the Transport Act 1985;

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

“Private Hire Vehicle” has the same meaning as that in Section 80 of the Local Government (Miscellaneous Provisions) Act 1976;

“Relevant Position” has the same meaning as that in Regulation 4 of the Local Authorities’ Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000;

“Restricted Road” means any Road or part of a Road specified in Schedule 1 to therein in which access is restricted to time and/or place and/or day in accordance with the provisions of this Order;

“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;

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

## **PART 2**

### **PROHIBITION OF DRIVING**

9. Save as provided in Article 10, no person shall except upon the direction or with the permission of a police constable in uniform cause or permit any Motor Vehicle to proceed in the length of Road specified in the Schedule to this Order Monday to Friday 8.15am to 9.00am and 2.45pm to 3.30pm (excluding bank holidays and public holidays in England)
10. The prohibition in Article 9 shall not apply to:
  - a) a Motor 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 Motor 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 Motor Vehicle (if it cannot reasonably be used for the same purpose in any other Road) being used by a resident who lives or a person whose business premises is within a Restricted Road or whose property or premises can only be accessed via a Restricted Road for the purpose of access and egress to their property or premises provided that such resident or person has requested and obtained a permit for that purpose from the Council (such permit to be free of charge);
  - d) Contractual Vehicles; and
  - e) a Motor Vehicle which displays in the Relevant Position a Disabled Person's Badge being driven or used by the person to whom the badge has been issued or used for the carrying of the Disabled Person(s).

### **PART 3** **MODIFICATIONS**

11. 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.
12. The power in Article 11 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 6<sup>th</sup> day of September 2023 in )  
the presence of:- )

**THE SCHEDULE**

**Prohibition of Driving**

**Monday to Friday 8.15am to 9.00am and 2.45pm to 3.30pm (Excluding Bank Holidays and Public Holidays in England)**

<b>Item</b>	<b>Column 1 Road</b>	<b>Column 2 Extent</b>
1.	Back Plane Trees, Halifax.	From its junction with Sandbeds Road to its termination point.