

DATED the 11<sup>th</sup> day of January 2006

**KIRKLEES METROPOLITAN COUNCIL (ON STREET PARKING PLACES)  
(No 1) ORDER 2005**

**This copy of the Order includes the provisions of The Kirklees Metropolitan Council (Decriminalised Parking) Order 2006 by :-**

- 1. the amendments to Article 2.3 (Interpretation)**
- 2. the substitution of revised Articles 8, 9,10 & 26**
- 3. the application of the provisions of the Road Traffic Act 1991 in that references to "initial charge", "excess charge", "initial period" and "relevant initial period", etc. have been modified**

**N.B. The amendments referred to at 1. and 2. above are appended after the page containing the attestation clause**

**KIRKLEES METROPOLITAN COUNCIL**  
**(ON STREET PARKING PLACES) (NO. 1) ORDER 2005**

The Council of the Borough of Kirklees (hereinafter referred to as "the Council") in exercise of its powers under Sections 45, 46, 47 and 49 of the Road Traffic Regulation Act 1984 (hereinafter referred to as "the Act") and Part IV of Schedule 9 to 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 and with those persons and organisations specified in the Local Authorities' Traffic Orders (Procedure) (England & Wales) Regulations 1996 hereby makes the following Order:-

1. This Order shall come into force on the 23rd day of January 2006 and may be cited as the "Kirklees Metropolitan Council (On Street Parking Places) (No. 1) Order 2005"

2. INTERPRETATION

- (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.
- (2) For the avoidance of doubt any reference in this Order to a parking place shall be deemed to be a reference to more than one parking place where the context so requires.
- (3) In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

"charging hours" in relation to a parking place means the period specified in Column 5 of the First Schedule

"contract parking permit" means a permit purchased from or otherwise issued by the Council in accordance with Article 22(6)

"disabled person's badge" has the same meaning as in Regulation 2 of the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000

"driver" in relation to a vehicle left in a parking place means the person driving the vehicle at the time it was left in the parking place

~~"excess charge" means either the sum of £50.00 or the lesser sum of £30.00 being the sum required to be paid as a consequence of the circumstances described in Article 8(1)~~

~~"excess charge notice" means the notice issued pursuant to Article 8(2)~~

"goods" includes postal packets of any description and cash over five kilograms in weight or one thousand pounds value and "delivering" and "collecting" in relation to any goods includes checking the goods for the purpose of their delivery or collection

"goods vehicle" means a vehicle which is constructed or adapted for use for the carriage of goods of burden of any description and is not drawing a trailer

<sup>parking</sup>  
"initial charge" means the sum defined in Article 6(1) for any particular parking place

<sup>charging</sup>  
"initial period" means the length of time for which an <sup>parking</sup> initial charge has been paid PROVIDED THAT if a greater value of coins are inserted into the ticket machine than the maximum <sup>parking</sup> initial charge could be for a parking place then the <sup>charging</sup> initial period shall be the maximum stay for the parking place stated in Column 7 of the First Schedule

"invalid carriage" has the same meaning as in Section 136 of the Act

"motor car" has the same meaning as in section 136 of the Act

"motor cycle" has the same meaning as in Section 136 of the Act

"parking attendant" means a person authorised by or on behalf of the Council to supervise any parking place

parking bay means a space fully or partially marked out on the surface of the parking place to accommodate the leaving of a single vehicle

"parking place" means an area on a highway in the Metropolitan District of Kirklees designated as a parking place for the leaving of vehicles by Article 3

"parking ticket" means a ticket dispensed by a ticket machine on the payment of the <sup>parking</sup> initial charge

"passenger vehicle" means a vehicle (other than a motor cycle or invalid carriage) constructed solely for the carriage of passengers and their effects and adapted to carry not more than twelve passengers exclusive of the driver and not drawing a trailer

"relevant <sup>parking</sup> initial charge" means the appropriate <sup>parking</sup> initial charge for a vehicle left in the actual parking place at the actual time that vehicle is left

"relevant position" in relation to a disabled person's badge has the same meaning as in Regulation 12 of the Disabled Persons (Badges for Motor Vehicles)(England) Regulations 2000

"relevant position" in relation to a parking ticket means in such a position that the expiry date and time can be seen easily through the front windscreen of the vehicle or in the case of a vehicle not fitted with a front windscreen the ticket is displayed conspicuously on the front of the vehicle

"ticket machine" means any apparatus or device installed to facilitate collection of the <sup>parking</sup> initial charge or dispense tickets as evidence of payment of the initial charge and of the time of issue of the parking ticket

"trailer" has the same meaning as in Section 136 of the Act

"universal service provider" has the same meaning as in the Postal Services Act 2000

"vehicles" means motor cars passenger vehicles goods vehicles invalid carriages motor cycles and trailers

### 3 DESIGNATION OF PARKING PLACES

- (1) The areas of highway in the Metropolitan District of Kirklees which are described as parking places in Column 1 of the First Schedule are hereby designated as parking places.
- (2) The number of parking bays in a parking place shall not exceed the number specified (if any) in Column 1 of the First Schedule.
- (3) Subject to any maximum number specified in Column 1 of the First Schedule the number and disposition of parking bays in a parking place shall be as may be determined by the Council.

### 4 VEHICLES FOR WHICH PARKING PLACES ARE DESIGNATED

Each parking place may be used subject to the provisions of this Order for the leaving during the charging hours of vehicles.

### 5 MARKING ON THE CARRIAGEWAY OF PARKING PLACES AND PARKING BAYS

The limits of each parking place and each parking bay shall be indicated on the carriageway in accordance with Diagram 1028.4 Diagram 1032 or Diagram 1033 in Schedule 6 of the Traffic Signs Regulations and General Directions 2002.

### 6 AMOUNT OF INITIAL CHARGE AT PARKING PLACES

- (1) The <sup>parking</sup> initial charge for a vehicle left in a parking bay within a parking place during the charging hours shall subject as hereinafter provided be as set out in Column 6 of the First Schedule against the name of the parking place in Column 1 of that Schedule PROVIDED THAT if the parking place is not marked out in parking bays it shall be assumed that each 5 metres of the

parking place (or part thereof if the length is not divisible by 5) is a separate parking bay

- (2) If a vehicle is in a parking place during the charging hours and the <sup>parking</sup> initial charge payable has not been duly paid a parking attendant may give to the driver of the vehicle or attach to the vehicle in a conspicuous position a notice indicating that it is ~~an offence under Section 47 of the Act for a driver of a vehicle to fail duly to pay the initial charge.~~ <sup>parking</sup> a penalty charge shall be payable by the owner of the vehicle.

PARKING

## 7 PAYMENT OF THE INITIAL CHARGE IN PARKING PLACES WHERE TICKET MACHINES ARE INSTALLED

- (1) The <sup>parking</sup> initial charge where a ticket machine is installed shall be payable on the leaving of a vehicle in a parking place by the insertion into the ticket machine of coins of the denomination marked on the ticket machine to the value of the relevant <sup>parking</sup> initial charge.
- (2) Any parking ticket shall be displayed in the relevant position on the vehicle for which it was issued.
- (3) Payment of the <sup>parking</sup> initial charge shall be evidenced by the issue by a ticket machine relating to that parking place of a parking ticket indicating that payment of that <sup>parking</sup> initial charge has been made and by the display of that parking ticket on the vehicle in accordance with the provisions of Article 7(2).
- (4) The day and time shown on any parking ticket (issued in the parking places) as being the day and time in respect of which the relevant <sup>parking</sup> initial charge has been paid shall be presumed unless the contrary is proved to be the day and time in respect of which such <sup>parking</sup> initial charge has been paid.
- (5) If at any time while a vehicle is left in a parking place no parking ticket indicating that the relevant <sup>parking</sup> initial charge has been paid in respect of the day on which the vehicle is so left is displayed on that vehicle in accordance with the provisions of Article 7(2) it shall be presumed unless the contrary is proved that the relevant <sup>parking</sup> initial charge has not been paid.

8. ~~AMOUNT OF EXCESS CHARGE AT PARKING PLACES~~

- (1) ~~If a vehicle is left in a parking place during the charging hours for longer than the initial period for which payment was made by the initial charge or if a vehicle is left during the charging hours without the payment of any initial charge then the excess charge shall be payable;~~
- (2) In the case of a vehicle in respect of which an ~~excess~~ <sup>penalty</sup> charge has been incurred it shall be the duty of a parking attendant to give to the driver of the vehicle or attach to the vehicle in a conspicuous position a notice which shall include the following particulars:-
- (a) the registration mark of the vehicle or if the vehicle is being used under a trade licence the number of the trade plate carried by the vehicle;
  - (b) the date and time at which (s)he first noticed that the ~~excess~~ <sup>penalty</sup> charge had been incurred;
  - (c) a statement that an ~~excess~~ <sup>penalty</sup> charge is required to be paid and the amount of that ~~excess~~ <sup>penalty</sup> charge;
  - (d) the manner in which and the time within which the ~~excess~~ <sup>penalty</sup> charge should be paid;
  - (e) a statement that it is an offence under Section 47 of the Act for the driver of a vehicle who has left the vehicle in a parking place to fail duly to pay the ~~excess~~ <sup>penalty</sup> charge.
- (3) In addition to the circumstances specified in Article 8(1), the ~~excess~~ <sup>penalty</sup> charge shall also be payable by the driver of a vehicle where the vehicle is left in a ~~parking place in contravention of any other provision of this Order~~

9. ~~RESTRICTION ON REMOVAL OF NOTICES~~

~~Where a notice has been given to the driver of a vehicle or attached to a vehicle in accordance with the provisions of Article 8(2) no person not being the driver of the vehicle or a parking attendant or a person duly authorised by the Council shall remove the notice from the vehicle unless authorised to do so by the driver.~~

- (1) ~~The driver of a vehicle in respect of which an <sup>penalty</sup> excess charge has been incurred shall pay the <sup>penalty</sup> excess charge to the Council either by cheque or postal order which shall be delivered or sent by post so as to reach the Council's Parking Office, Albion Street, Huddersfield or such other Department as may from time to time be appointed for that purpose by the Council not later than 10.00 am on the twenty eighth day following the day on which the <sup>penalty</sup> excess charge was incurred or by such other method acceptable to the Council (whether by credit card or debit card or otherwise) that will enable the <sup>penalty</sup> excess charge to be paid by electronic means not later than 10.00am on the twenty eighth day following the day on which the <sup>penalty</sup> excess charge was incurred or in cash in person at the said Office or Department not later than as aforesaid PROVIDED THAT the Council shall have the discretion to accept the lesser sum in the event that payment is received by the Council within seven days of the day on which the <sup>penalty</sup> excess charge is incurred PROVIDED ALSO that if the aforesaid twenty eighth or seventh day falls upon a day on which the said Office or Department is closed the period within which payment of the <sup>penalty</sup> excess charge shall be paid to the Council shall be extended until 10.00 am on the next day on which the said Office or Department is open.~~
- (2) ~~Payment of the <sup>penalty</sup> excess charge in the manner prescribed in Article 10 shall be accompanied by the excess charge notice in respect of which payment is made or the registration mark of the vehicle in respect of which the notice was issued and the date of issue of the said notice.~~

11. TICKET MACHINES TO BE INSTALLED AT PARKING PLACES

There shall be a ticket machine in the vicinity of each parking place.

12. VEHICLES TO LEAVE PARKING PLACE AFTER EXPIRY OF INITIAL PERIOD

No person shall display on a vehicle left in a parking place a parking ticket for an <sup>charging</sup> initial period other than one commencing when the vehicle was first left in that



parking place unless the vehicle has first been taken away from that parking place in accordance with Article 13.

13. INTERVAL BEFORE VEHICLE AGAIN TO BE LEFT

No vehicle which has been taken away from a parking place after the <sup>parking</sup> initial charge has been incurred shall again be left in that parking place during the charging hours until the expiration of the period specified in relation to that parking place in Column 7 of the First Schedule calculated from the time it was taken away.

14. MANNER OF STANDING IN PARKING PLACES

Every vehicle left in a parking place in respect of which the <sup>parking</sup> initial charge has been incurred shall stand in the parking place in accordance with the provisions of Column 2 of the First Schedule.

15. ALTERATION OF POSITION OF VEHICLE IN PARKING PLACE

Where any vehicle is standing in a parking place in contravention of the provisions of Article 14 or 22(6) a parking attendant may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

16. REMOVAL OF VEHICLE FROM PARKING PLACES

(1) Where a parking attendant is of the opinion that any of the provisions contained in Article 6 Article 12 Article 14 Article 18 or Article 19 have been contravened or not complied with in respect of a vehicle left in a parking place (s)he may remove or cause to be removed the vehicle from the parking place.

(2) Any person removing or altering the position of a vehicle by virtue of this Article or Article 15 may do so by towing or driving the vehicle or in such other manner as (s)he may think necessary and may take such measures in relation to the vehicle as (s)he may think necessary to enable him/her to remove it or alter its position as the case may be.

(3) When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from the parking place by virtue of this Article (s)he shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.

(4) Any vehicle removed from a parking place shall be dealt with in accordance with Sections 101 to 103 of the Act, *as amended by the Road Traffic Act 1991.*

## 17. MOVEMENT OF VEHICLES IN PARKING PLACES IN EMERGENCIES

Any person duly authorised by the Council or a police constable in uniform may move or cause to be moved in the case of emergency to any place he thinks fit vehicles left in a parking place.

## 18. POWER TO SUSPEND USE OF PARKING PLACES

(1) Any person duly authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary always provided that adequate prior notice has been given:

- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
- (b) for the purpose of any building operation, demolition or excavation adjacent to or in the parking place;
- (c) for the purpose of maintenance, improvement or reconstruction of the parking place or any part thereof, or the laying, erection alteration or repair in or near the parking place of any sewer, or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telecommunications apparatus or electronic communications apparatus or of any traffic sign or ticket machine;
- (d) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;

- (e) on any such occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed;
  - (f) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals or on other special occasions; or
  - (g) in any other circumstances where the Council in their absolute discretion consider the suspension of use of a parking place to be reasonably necessary.
- (2) A police constable in uniform may suspend for not longer than twenty four hours the use of a parking place or any part thereof whenever (s)he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) At the discretion of the Chief Officer of Police a parking place or any part thereof may be suspended whenever he considers such suspension reasonably necessary to enable the police to discharge their duties.
- (4) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraphs (1), (2) or (3) of this Article shall thereupon:-
- (i) place or cause to be placed on the ticket machine relating to the parking bays which are within that parking place a cover or notice indicating that the use of the bays is suspended and that waiting by vehicles is prohibited; or
  - (ii) place or cause to be placed upon the relevant part of the parking place traffic cones (as described in Diagram 7101 in Schedule Twelve Part II to the Traffic Signs Regulations and General Directions 2002) or such other traffic signs or lights as are appropriate to indicate that waiting by vehicles is prohibited.
- (5) Any person duly authorised by the Council may temporarily remove any ticket machines adjacent to or within that parking place or, as the case may be, a part thereof and any post bracket or other support on which such ticket machine is fitted and shall thereupon place or cause to be placed in or

adjacent to that parking place a traffic sign giving the indication referred to in Article 18(4).

- (6) Subject to the provisions of Article 18(4) if the use of a parking place is suspended or any part thereof during the charging hours for any of the purposes of Article 18(1) except sub-paragraph (a) a charge equal to the relevant <sup>parking</sup> initial charge payable as if there were no limitation on the maximum period of waiting for each parking bay suspended in respect of each day or part thereof during which use of the parking place or part thereof is suspended or one quarter of the <sup>penalty</sup> excess charge whichever is the greater PROVIDED THAT if the parking place is not marked out in parking bays then the charge shall be calculated on the assumption that each 5 metres of the parking place affected (or part thereof if the length is not divisible by 5) is a separate parking bay.
- (7) Subject to the proviso contained herein no person shall cause or permit a vehicle to be left in any part of a parking place during such period as there is a cover notice or traffic sign within the parking place placed in pursuance of Article 18(4) and (5).

Provided that nothing in this paragraph shall apply to:-

- (i) any vehicle being used for fire brigade, ambulance, police or local authority purposes or for any purpose specified in Article 18(1)(a);
- (ii) any other vehicle if that vehicle is so left with the permission of the person who authorised suspension of use of the parking place or part thereof in accordance with the foregoing provisions of this Article, or a police constable in uniform or a traffic warden or other person duly authorised by the Council.

## 19. RESTRICTION OF USE OF VEHICLES AT PARKING PLACES

Unless prior written consent has been granted by the Council no person shall:-

- (a) use a vehicle whilst it is in the parking place in connection with the sale or advertisement of any thing to persons in or near the parking place or in

connection with the selling or offering for hire of his skill or services or the skill or services of any other person; or

- (b) use any part of the parking place or any building structure mechanical device or other physical feature therein or any vehicle left therein to display advertising material nor to place upon or attach to any vehicle in the parking place any advertising material to induce the public to participate in or frequent any place function or gathering for the purpose of demonstration or entertainment or to buy or hire or otherwise obtain any thing or skill or services of any person and nothing shall be displayed to induce the public to engage for gain in any lottery sweepstake raffle or competition.

## 20. RESTRICTION OF WAITING OF VEHICLES IN PARKING PLACES

- (1) Without prejudice to the foregoing provisions of this Order with respect to vehicles which are left in a parking place in accordance with those provisions, any other vehicle may wait during the permitted hours:-

(a) anywhere in a parking place if:-

- (i) the vehicle is waiting only for so long as is necessary to enable a person to board or alight from the vehicle;
- (ii) the vehicle is waiting owing to the driver being prevented from proceeding by circumstances beyond his control or to such waiting being necessary in order to avoid an accident;
- (iii) the vehicle is a vehicle used for fire brigade purposes or an ambulance, or a vehicle (other than a passenger vehicle) in the service of a local authority or a vehicle in the service of a police force in such cases being used in pursuance of statutory powers or duties;
- (iv) the vehicle is waiting only for so long as may be necessary to enable it to be used in connection with the removal of any obstruction to traffic;
- (v) the vehicle is in the service of or employed by a universal service provider and is waiting while postal packets addressed to premises adjacent to the parking place in which the vehicle is waiting are being unloaded from the vehicle, or having been

unloaded therefrom, are being delivered or while postal packets are being collected from premises or posting boxes adjacent to the parking place in which the vehicle is waiting, or is in use in connection with the servicing of telephone kiosks adjacent to the parking place;

- (vi) the vehicle, not being a passenger vehicle, is waiting only for so long as may be reasonably necessary to enable it to be used for any purpose specified in Article 18(1)(b) or (c);
- (vii) the vehicle not being a passenger vehicle, is in actual use in connection with the removal of furniture from premises adjacent to the parking place in which the vehicle is waiting to a depository or to such premises from a depository;
- (viii) in any other case the vehicle is waiting for the purpose of delivering or collecting goods or merchandise or loading or unloading the vehicle at premises adjacent to the parking place in which the vehicle is waiting and the vehicle does not wait for more than twenty minutes or such longer period as a police constable in uniform, traffic warden or duly authorised officer of the Council may authorise; or
- (ix) goods are sold from the vehicle by any person who is licensed by the Council to sell goods from a stationary pitch situated in the parking place

- (2) No <sup>parking</sup> ~~initial~~ charge specified in the foregoing provisions of this Order shall be payable in respect of any vehicle waiting in a parking place in accordance with the foregoing provisions of this Article.
- (3) Nothing in the foregoing provisions of this Article shall be taken as authorising anything which would be a contravention of any regulations made under or having effect under Section 25 of the Act or the Road Vehicles Lighting Regulations 1989 or any amendment or variation thereto.
- (4) The driver of a vehicle shall not permit it to wait in a parking place for any of the purposes specified in Article 20(1)(a) for longer than the maximum period permitted for waiting specified in Column 7 of the First Schedule to this Order in relation to that parking place.

- (5) When a vehicle has left a parking place after waiting therein for any of the purposes specified in Article 20(1)(a), the driver thereof shall not, within the return prohibition period specified in Column 7 of the First Schedule permit it to wait again in the parking place for any of those purposes.

## 21. MANNER OF WAITING IN PARKING PLACES

A person causing or permitting a vehicle to wait in a parking place by virtue of Article 20(1)(a) (v, vi and viii) shall take all necessary steps to ensure that the vehicle stands as if left in accordance with Article 14.

## 22. EXEMPTION FROM CHARGES

- (1) If there is displayed within any parking place a notice placed by a parking attendant or such other person duly authorised by the Council to indicate that the ticket machine relating to that parking place is out of order, that notice shall state the maximum length of time defined in Article 22(2) during the charging hours for which a vehicle may be left in the parking place without payment of any <sup>parking</sup> initial charge and if any vehicle is left for longer than that time then <sup>a penalty</sup> an excess charge shall become payable and the provisions of Article 8 shall apply.
- (2) The "maximum length of time" for the purposes of Article 22 shall be the maximum period of stay for the parking place stated in Column 7 of the First Schedule.
- (3) If a ticket machine which was out of order is repaired during the charging hours then any vehicle left before the repair shall be exempt from charge so long as it is not left for longer than the maximum length of time defined in Article 22(2).
- (4) If a ticket machine is out of order then a parking attendant may instead of placing a notice in accordance with Article 22(1) place a notice nominating another ticket machine or machines in the locality at which a parking ticket

may be obtained and that parking ticket shall be valid for the purposes of Article 7.

- (5) No <sup>parking</sup> initial charge nor any <sup>penalty</sup> excess charge shall be payable in respect of any vehicle left in a parking place during the charging hours if there is validly displayed in the relevant position on the vehicle a disabled person's badge or if that vehicle is a motor cycle.
- (6) The owner of a vehicle may on application to the Council purchase or otherwise be issued with a contract parking permit and the driver of a vehicle left in the parking place shall be exempt from payment of the <sup>parking</sup> initial charge provided that the contract parking permit is exhibited in the vehicle so that it is facing outwards and can be easily seen from the front of the vehicle and provided that the terms and conditions of use determined at the time of issue are adhered to.
- (7) Without prejudice to the generality of the foregoing provisions of this Article nothing in this Article shall be taken to exempt any vehicle or the driver of any vehicle left in any parking place from any other provisions of this Order.

## 23. INSTALLATION OF TICKET MACHINES ETC

The Council may:-

- (a) install in such positions on or in the vicinity of a parking place as they may think fit such ticket machines as are required for the purpose of that parking place; and
- (b) carry out such other work as is reasonably required for the purpose of the satisfactory operation of a parking place.

## 24. DEROGATION AND PRECEDENCE OVER OTHER ORDERS

- (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.



- (2) Where the provisions of any Order made or having effect as if made under the Act impose any prohibition or restriction on waiting by vehicles or grant any exemption from such prohibition or restriction relating to a length of road designated as a parking place in this Order the provisions for the parking place in this Order shall prevail.

## 25. REVOCATIONS

- (1) The items listed in the Second Column of the Second Schedule are hereby revoked to the extent therein stated.

## ~~26. POLICE POWERS~~

~~(1) The powers conferred by this Order on a parking attendant may be exercised by a police constable in uniform or a traffic warden.~~

(2) For the avoidance of doubt in relation to the offences of:-

- (a) Waiting without lawful authority in contravention of Section 47 of the Act; or  
(b) Waiting by a vehicle of a class or description not authorised to be left in a parking place in contravention of Section 47 of the Act.

~~in a parking place, a police constable in uniform or a traffic warden is authorised to institute proceedings by virtue of this Order.~~

**GIVEN** under the Corporate Common Seal of the Council of the Borough of Kirklees this 11th day of January Two thousand and six.

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



Solicitor to the Council/Authorised Signatory



**THE FOLLOWING INTERPRETATIONS ARE ADDED TO ARTICLE 2(3) BY THE  
KIRKLEES METROPOLITAN COUNCIL (DECRIMINALISED PARKING) ORDER  
2006**

“penalty charge” means a charge set by the Council under the provisions of Section 74 of the 1991 Act as applied to the parking area by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Kirklees) Order 2006.

“penalty charge notice” means a notice issued by a parking attendant pursuant to the provisions of Section 66 and Schedule 3 of the 1991 Act.

ARTICLES 8, 9 AND 10 AS SUBSTITUTED BY THE KIRKLEES  
METROPOLITAN COUNCIL (DECRIMINALISED PARKING) ORDER  
2006

**8 AMOUNT OF PENALTY CHARGE AT PARKING PLACES**

8(1) If a vehicle is left in a parking place during the charging hours for longer than the charging period for which payment was made by the parking charge or if a vehicle is left during the charging hours without the payment of any parking charge or if a vehicle is left in a parking place in contravention of any other provision of this Order, then a penalty charge shall be payable.

8(2) In the case of a vehicle in respect of which a penalty charge has been incurred it shall be the duty of the parking attendant to attach to the vehicle in a conspicuous position or to give to the person appearing to be in charge of the vehicle a notice which shall include the following particulars:-

- (a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
- (b) the amount of the penalty charge which is payable;
- (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
- (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the penalty charge notice, the amount of the penalty charge will be reduced by one half;
- (e) that, if the penalty charge is not paid before the end of the 28 day period, a Notice to Owner may be sent by the parking authority to the person appearing to them to be the owner of the vehicle;
- (f) the address to which payment of the penalty charge must be sent.

8(3) The penalty charge shall be in the sum of the following amounts:-

- (a) £60 on the issue of a penalty charge notice subject to being discounted to £30 if the Council as provided in Article 8(2)(d) received payment within 14 days of the issue of the penalty charge notice;

- (b) On the issue of a "charge certificate" the penalty charge will be increased to the sum of £90.

## **9 RESTRICTION ON REMOVAL OF NOTICES**

9 A penalty charge notice fixed to a vehicle in accordance with this section shall not be removed or interfered with except under the authority of:-

- (a) the owner, or person in charge, of the vehicle; or
- (b) the parking authority.

## **10 MANNER OF PAYMENT OF PENALTY CHARGE**

10 The owner of a vehicle in respect of which a penalty charge has been incurred shall pay the penalty charge to the Council either:-

- (a) by cheque or postal order which shall be delivered or sent by post so as to reach the Council's Parking Office; Albion Street, Huddersfield (or such other department as may from time to time be appointed for that purpose by the Council) not later than 10.00 am on the twenty eighth day following the day on which the penalty charge notice was issued; or
- (b) in cash, credit card or debit card in person at the said Parking Office not later than as aforesaid; or
- (c) automated telephone payment facility not later than as aforesaid; or
- (d) if the said twenty eighth day falls on a day on which the said Parking Office or department is closed, the period within which payment shall be made to the Council shall be extended until 10.00 am on the next day on which the said Parking Office or department is open;
- (e) if the penalty charge is paid before the end of the period of fourteen days beginning with the date of the penalty charge notice, the amount of the penalty charge will be reduced by one half;
- (f) if the owner of the vehicle fails to pay the penalty charge by the end of the twenty eighth day period, a Notice to Owner may be served, and if the penalty charge is then not paid within a further twenty eight days it may be increased by 50%.

**ARTICLE 26 AS SUBSTITUTED BY THE KIRKLEES  
METROPOLITAN COUNCIL (DECRIMINALISED PARKING)  
ORDER 2006**

**26. POLICE POWERS**

26(1) Where a vehicle is left in any road or length of road after a penalty charge has been incurred, a parking attendant or a person acting under his direction may attach to the vehicle an immobilisation device or a notice in accordance with the requirements of Section 69(1) and (2) of the Road Traffic Act 1991.

26(2) The vehicle shall only be released from the immobilisation device:-

- (a) by or under the direction of a parking attendant or a person acting under his direction; or
- (b) upon payment to the Council of the:-
  - (i) penalty charge or reduced penalty charge in accordance with the provisions of Article 10; and
  - (ii) such release fee as may be required by the Council in accordance with the provisions of Section 69(4)(b) of the 1991 Act.

**FIRST SCHEDULE  
ON STREET PARKING PLACES**

**ON LENGTHS OF ROAD AT HUDDERSFIELD**

COLUMN 1 Part of Road authorised to be used as a parking place	COLUMN 2 Position in which vehicles may wait	COLUMN 3 Days of Operation of the Parking Place	COLUMN 4 Hours of Operation of the Parking Place	COLUMN 5 Charging Hours	COLUMN 6 Scale of Charges	COLUMN 7 Maximum Period for which Vehicles may wait
<b>15a Fitzwilliam Street</b> North west side from a point 28 metres north east of its junction with the produced north eastern kerbline of St John's Road for a distance of 14 metres in a north easterly direction.	Wholly within the limits of the parking place and parallel to the kerb.	All days	All hours	8:00am to 6:00pm Monday to Saturday	i) During the charging hours an initial charge of 60p per half hour or any part thereof ii) Outside the charging hours no charge	i) 2 hours return prohibited within 2 hours during the charging hours ii) Unlimited outside the charging hours
<b>15b Fitzwilliam Street</b> North west side from a point 87 metres south west of its junction with the produced south western kerbline of St John's Road for a distance of 22 metres in a south westerly direction.	Wholly within the limits of the parking place and parallel to the kerb.	All days	All hours	8:00am to 6:00pm Monday to Saturday	i) During the charging hours an initial charge of £1.00 for 3 hours. Up to 5 hours £2.00 with a maximum charge of £2.80 for all day ii) Outside the charging hours no charge	i) Unlimited during the charging hours ii) Unlimited outside the charging hours

**FIRST SCHEDULE  
ON STREET PARKING PLACES**

**ON LENGTHS OF ROAD AT HUDDERSFIELD**

COLUMN 1 Part of Road authorised to be used as a parking place	COLUMN 2 Position in which vehicles may wait	COLUMN 3 Days of Operation of the Parking Place	COLUMN 4 Hours of Operation of the Parking Place	COLUMN 5 Charging Hours	COLUMN 6 Scale of Charges	COLUMN 7 Maximum Period for which Vehicles may wait
15c Fitzwilliam Street North west side from a point 118 metres south west of the produced western kerbline of St John's Road to a point 5 metres north east of its junction with the produced north eastern kerbline of Rook Street.	Wholly within the limits of the parking place and parallel to the kerb.	All days	All hours	8:00am to 6:00pm Monday to Saturday	i) During the charging hours an initial charge of £1.00 for 3 hours. Up to 5 hours £2.00 with a maximum charge of £2.80 for all day ii) Outside the charges hours no charge	i) Unlimited during the charging hours ii) Unlimited outside the charging hours
15d Fitzwilliam Street North west side from a point 30 metres south west of the produced western kerbline of Rook Street for a distance of 71 metres in a south westerly direction.	Wholly within the limits of the parking place and parallel to the kerb.	All days	All hours	8:00am to 6:00pm Monday to Saturday	i) During the charging hours an initial charge of £1.00 for 3 hours. Up to 5 hours £2.00 with a maximum charge of £2.80 for all day ii) Outside the charges hours no charge	i) Unlimited during the charging hours ii) Unlimited outside the charging hours

**FIRST SCHEDULE  
ON STREET PARKING PLACES**

**ON LENGTHS OF ROAD AT HUDDERSFIELD**

COLUMN 1 Part of Road authorised to be used as a parking place	COLUMN 2 Position in which vehicles may wait	COLUMN 3 Days of Operation of the Parking Place	COLUMN 4 Hours of Operation of the Parking Place	COLUMN 5 Charging Hours	COLUMN 6 Scale of Charges	COLUMN 7 Maximum Period for which Vehicles may wait
15e Fitzwilliam Street South east side from a point 42 metres south west of its junction with the produced south western kerbline of John William Street to a point 26 metres north east of its junction with the projected north eastern junction of Rook Street.	Wholly within the limits of the parking place and parallel to the kerb.	All days	All hours	8:00am to 6:00pm Monday to Saturday	i) During the charging hours an initial charge of £1.00 for 3 hours. Up to 5 hours £2.00 with a maximum charge of £2.80 for all day ii) Outside the charges hours no charge	i) Unlimited during the charging hours ii) Unlimited outside the charging hours
15f Fitzwilliam Street South east side from a point 30 metres south west of the produced western kerbline of Rook Street for a distance of 36 metres in a south westerly direction.	Wholly within the limits of the parking place and parallel to the kerb.	All days	All hours	8:00am to 6:00pm Monday to Saturday	i) During the charging hours an initial charge of £1.00 for 3 hours. Up to 5 hours £2.00 with a maximum charge of £2.80 for all day ii) Outside the charges hours no charge	i) Unlimited during the charging hours ii) Unlimited outside the charging hours



**FIRST SCHEDULE  
ON STREET PARKING PLACES**

**ON LENGTHS OF ROAD AT HUDDERSFIELD**

COLUMN 1 Part of Road authorised to be used as a parking place	COLUMN 2 Position in which vehicles may wait	COLUMN 3 Days of Operation of the Parking Place	COLUMN 4 Hours of Operation of the Parking Place	COLUMN 5 Charging Hours	COLUMN 6 Scale of Charges	COLUMN 7 Maximum Period for which Vehicles may wait
15g Fitzwilliam Street South east side from a point 39 metres south west of the produced western kerbline of Little Brunswick Street for a distance of 25 metres in a south westerly direction.	Wholly within the limits of the parking place and parallel to the kerb.	All days	All hours	8:00am to 6:00pm Monday to Saturday	i) During the charging hours an initial charge of £1.00 for 3 hours. Up to 5 hours £2.00 with a maximum charge of £2.80 for all day ii) Outside the charges hours no charge	i) Unlimited during the charging hours ii) Unlimited outside the charging hours

**FIRST SCHEDULE**

**ON-STREET PARKING PLACES**

**ON LENGTHS OF ROAD AT HUDDERSFIELD**

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Part of Road Authorised to be used as a parking Place	Position in which Vehicle may wait	Days of Operation of the Parking Place	Hours of Operation of the Parking Places	Charging Hours	Scales of Charges	Maximum period for which vehicles may wait
Green Street north west side from a point 7.5 metres south west of its junction with the produced south western kerbline of Oxford Street	Wholly within the limits of the parking place and Parallel to the kerb	All Days	All Hours	8am to 6pm Monday to Saturday	i) During the charging hours an initial charge of £1.00 for 3 hours. Up to 5 hours £2.00 with a maximum charge of £2.80 for all day ii) Outside the charging hours no charge	i) Unlimited during the charging hours ii) Unlimited outside the charging hours

**FIRST SCHEDULE  
ON STREET PARKING PLACES**

**ON LENGTHS OF ROAD AT HUDDERSFIELD**

COLUMN 1 Part of Road authorised to be used as a parking place	COLUMN 2 Position in which vehicles may wait	COLUMN 3 Days of Operation of the Parking Place	COLUMN 4 Hours of Operation of the Parking Place	COLUMN 5 Charging Hours	COLUMN 6 Scale of Charges	COLUMN 7 Maximum Period for which Vehicles may wait
<p><b>Northumberland Street</b> North west side from a point 8 metres south west of its junction with the produced western kerbline of Lord Street for 39 metres in a south westerly direction.</p>	<p>Wholly within the limits of the parking place and parallel to the kerb.</p>	<p>All days</p>	<p>All hours</p>	<p>8:00am to 6:00pm Monday to Saturday</p>	<p>i) During the Charging hours an initial charge of 60p per hour or any part thereof.  ii) Outside the charging hours no charge</p>	<p>i) 1 ½ hours return prohibited within 1 hour during the charging hours.  ii) Unlimited outside the charging hours</p>

FIRST SCHEDULE

ON-STREET PARKING PLACES

ON LENGTHS OF ROAD AT HUDDERSFIELD

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Part of Road Authorised to be used as a parking Place	Position in which Vehicle may wait	Days of Operation of the Parking Place	Hours of Operation of the Parking Places	Charging Hours	Scales of Charges	Maximum period for which vehicles may wait
Green Street north west side from a point 7.5 metres south west of its junction with the produced south western kerbline of Oxford Street For a distance of 35.5 metres in a south westerly direction	Wholly within the limits of the parking place and Parallel to the kerb	All Days	All Hours	8am to 6pm Monday to Saturday	i) During the charging hours an initial charge of £1.00 for 3 hours. Up to 5 hours £2.00 with a maximum charge of £2.80 for all day ii) Outside the charging hours no charge	i) Unlimited during the charging hours ii) Unlimited outside the charging hours

**FIRST SCHEDULE  
ON STREET PARKING PLACES**

**ON LENGTHS OF ROAD AT HUDDERSFIELD**

COLUMN 1 Part of Road authorised to be used as a parking place	COLUMN 2 Position in which vehicles may wait	COLUMN 3 Days of Operation of the Parking Place	COLUMN 4 Hours of Operation of the Parking Place	COLUMN 5 Charging Hours	COLUMN 6 Scale of Charges	COLUMN 7 Maximum Period for which Vehicles may wait
<p><b>Northumberland Street</b> North west side from a point 8 metres south west of its junction with the produced western kerbline of Lord Street for 39 metres in a south westerly direction.</p>	<p>Wholly within the limits of the parking place and parallel to the kerb.</p>	<p>All days</p>	<p>All hours</p>	<p>8:00am to 6:00pm Monday to Saturday</p>	<p>i) During the Charging hours an initial charge of 60p per hour or any part thereof.  ii) Outside the charging hours no charge</p>	<p>i) 1 ½ hours return prohibited within 1 hour during the charging hours.  ii) Unlimited outside the charging hours</p>

## SECOND SCHEDULE

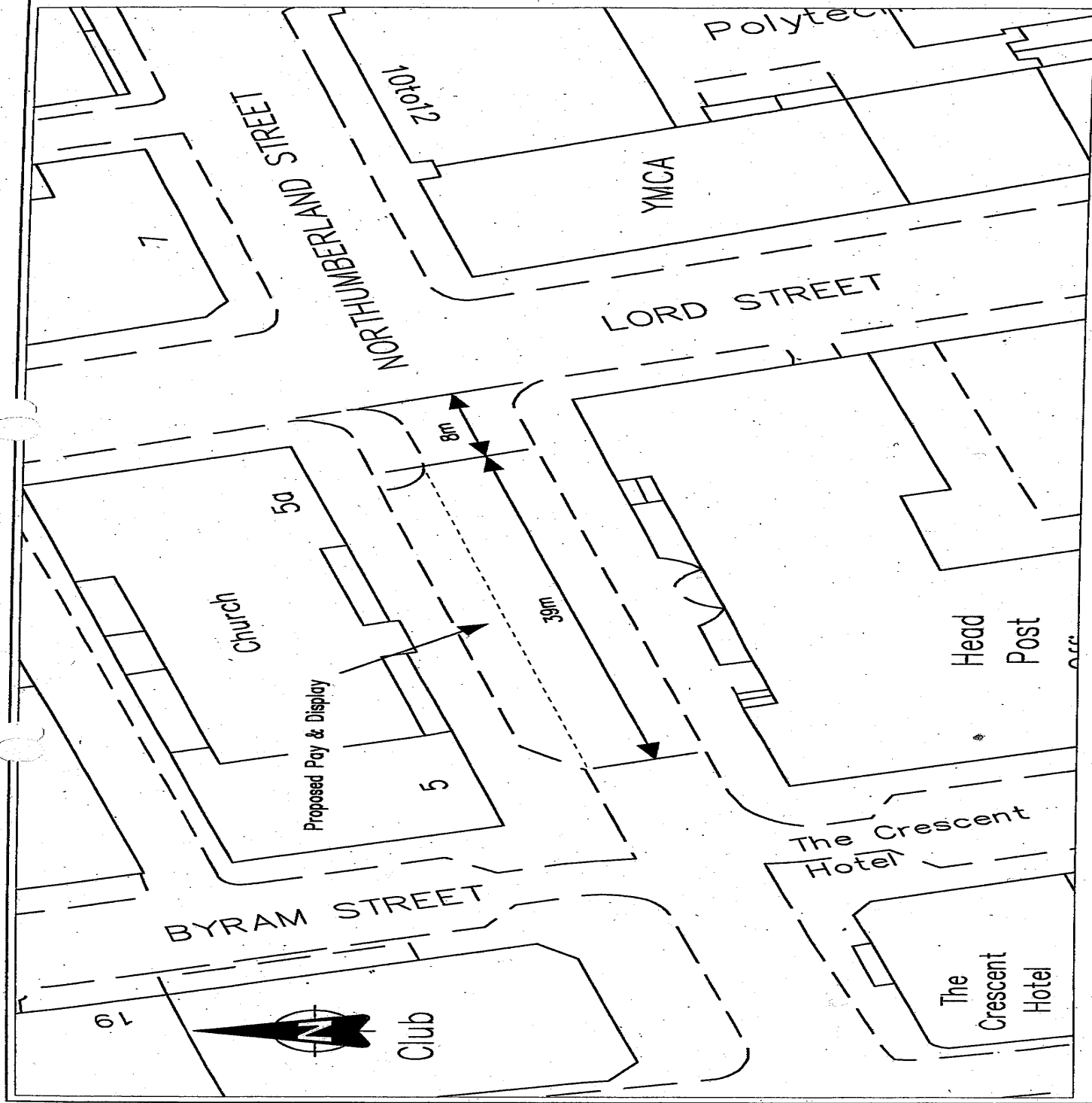
### Revocation to existing Order

#### Name of Order

Kirklees Metropolitan Council  
(On Street Parking Places)  
(Consolidation) Order 2004


#### Items

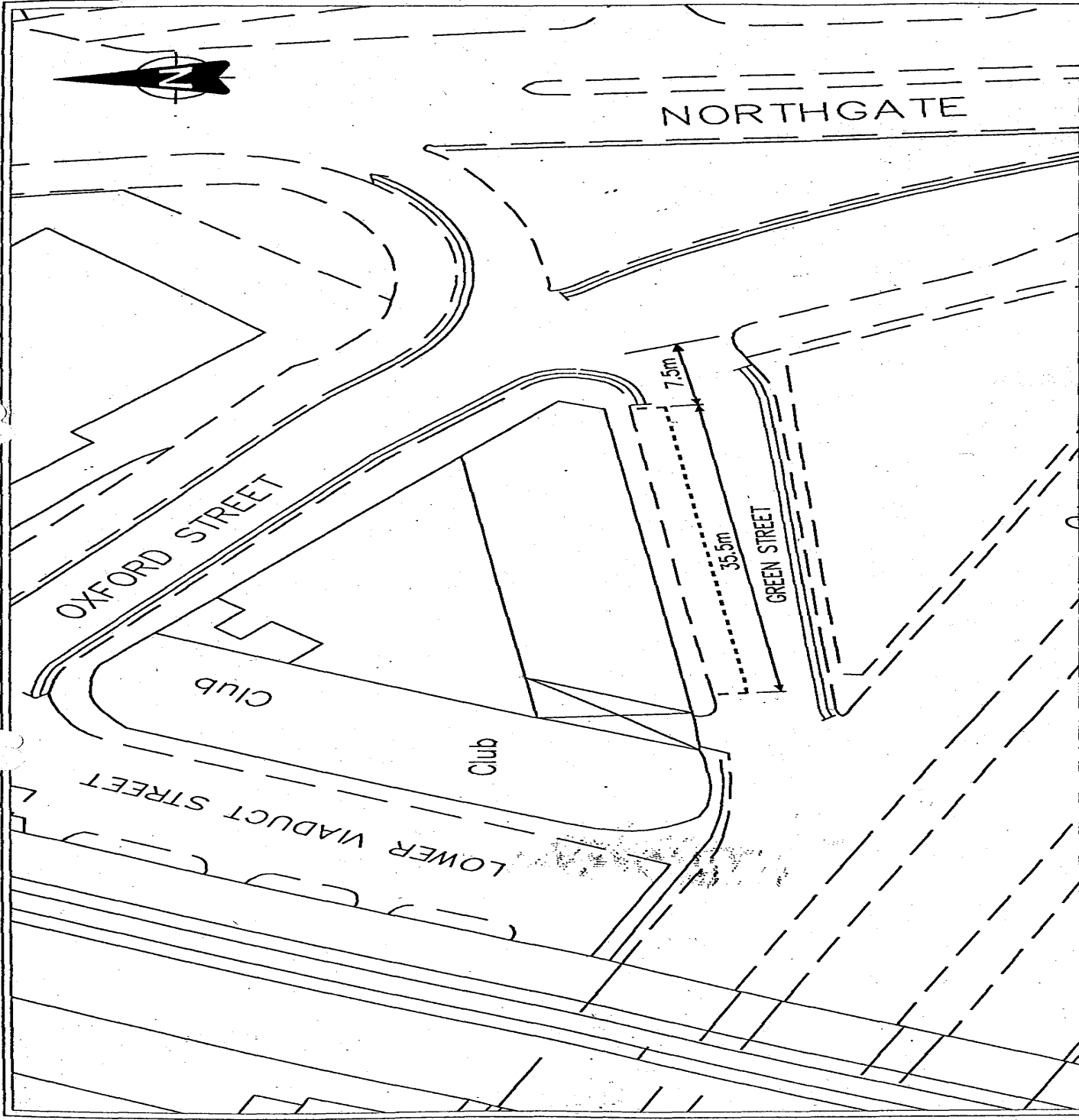
First Schedule  
items 15a-15f (inclusive)



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 Kirklees Metropolitan Council, Planning, Urban Number: 100008142  
 Date: MICE

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 <p><b>Kirklees</b> METROPOLITAN COUNCIL</p>	<p>Project Northumberland Street, Huddersfield.</p>	<p>Scale 1:500</p>
<p>ENVIRONMENT &amp; TRANSPORTATION SERVICE T.M.BROWN B.Sc(Eng), M.Sc., C.ENG., MICE. Assistant Director Highways &amp; Transportation Flint Street, Fartown, Huddersfield HD1 6LG</p>	<p>Title On Street Pay and Display.</p>	<p>Drawn L.B.H./P.M.D. <i>LB</i></p> <p>Checked <i>ET</i></p> <p>Section Traffic</p> <p>Date Aug.05</p> <p>TF/23/200/54</p>



**KEY.**

Pay and Display Mon To Sat 8.00am to 6.00pm.

Existing No Waiting At Any Time.

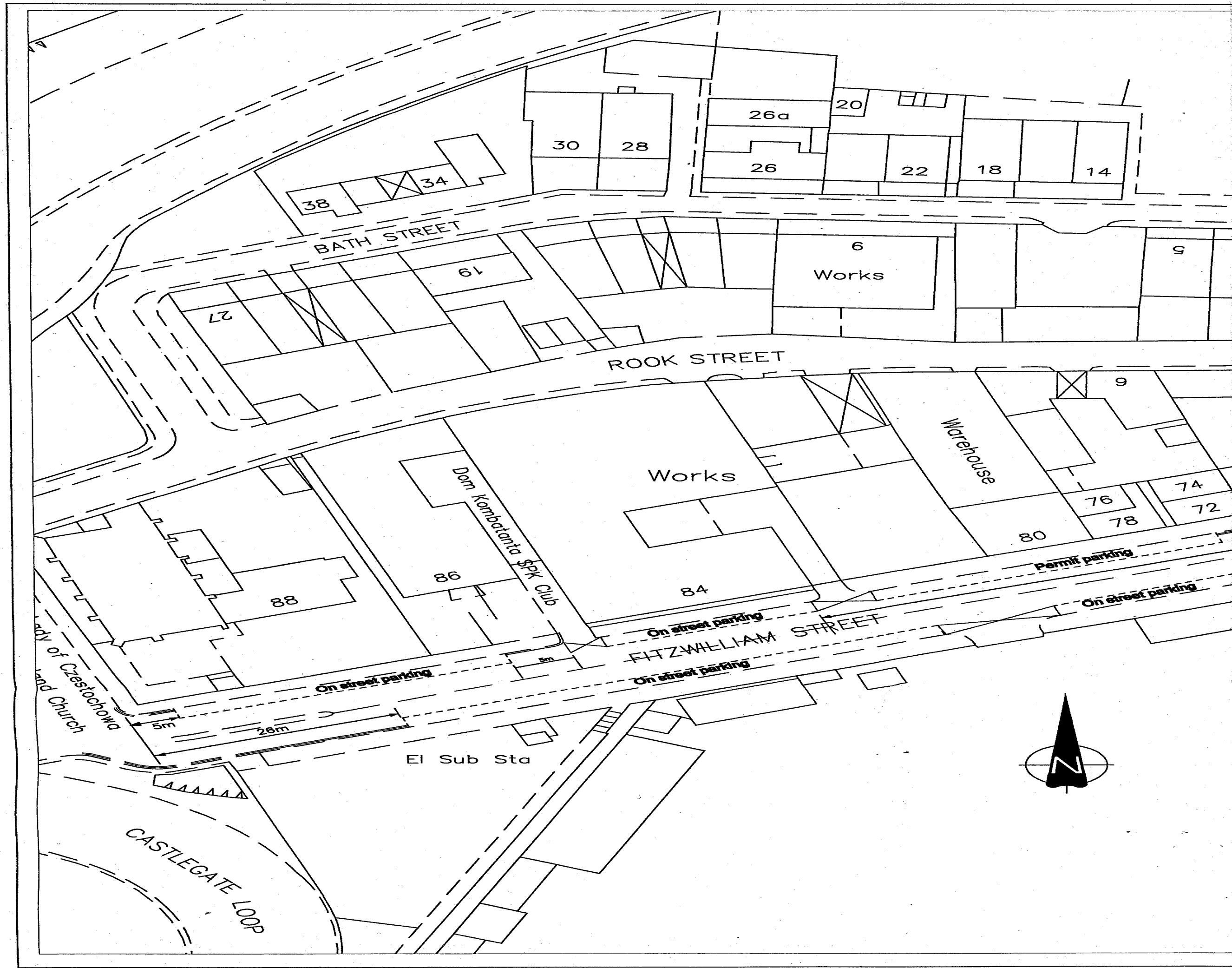
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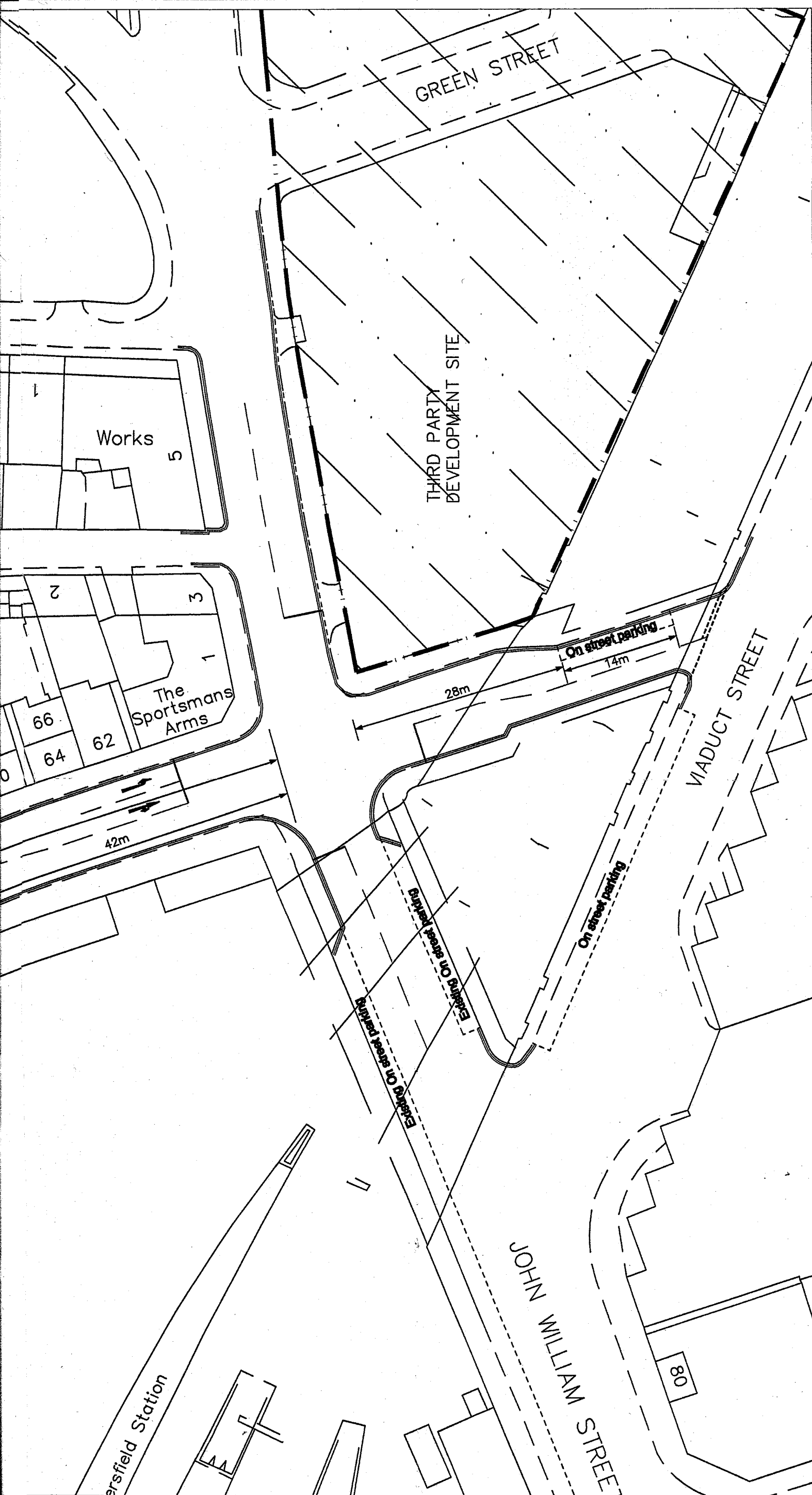
Kirklees Metropolitan Council. Licence Number 100000142  
Date: 30 August 2004

	Project	Pay And Display Parking Bay.	Scale	1:500
	Title		Drawn	Checked
ENVIRONMENT & TRANSPORTATION SERVICE T.M.BROWN B.Sc(Eng), M.Sc., C.ENG., MICE. Assistant Director Highways & Transportation Flint Street, Fartown, Huddersfield HD1 6LG.	Green Street, Huddersfield.		L.B.H./P.M.D.	ET
		Traffic	Section	Date
				Nov. 05.
		Drawing No.	TF/23/200/63	



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REF.	DATE	REVISIONS



ENVIRONMENT & TRANSPORTATION  
 T.M.BROWN  
 B.Sc(Eng), M.Sc., C.ENG., MIC  
 Assistant Director Highways and Trc  
 Flint Street, Fartown, Huddersfield

SECTION Traffic

DRAWN L.B.H./P.M.D. CHECKED

SCALE 1:500 PROJECT NO. D/A A/

PROJECT Fitzwilliam Street, Huddersfield.

TITLE On-Street Pay & Display.

DRAWING No. Tf/23/200/55