

## **THE KIRKLEES COUNCIL (CIVIL ENFORCEMENT) ORDER 2008**

The Council of the Borough of Kirklees (hereinafter referred to as “the Council”) in exercise of its powers under the Road Traffic Regulation Act, 1984 (“the Act”) together with all other enabling powers hereby makes the following Order: -

### **PART I**

#### **1. COMMENCEMENT AND CITATION**

This Order shall come into effect on the 31<sup>st</sup> day of March 2008 and may be cited as the Kirklees Council (Civil Enforcement) Order 2008.

### **PART II**

#### **2. INTERPRETATION**

2.1 Except 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 and any reference to a numbered Schedule is a reference to the Schedule bearing that number in this Order.

2.2 In this Order except where the context otherwise requires the following expressions have the meanings hereby respectively assigned to them:-

“subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978

“the 2004 Act” means The Traffic Management Act 2004

### **PART III**

#### **3. APPLICATION OF PROVISIONS OF THE TRAFFIC MANAGEMENT ACT 2004**

3.1 The paragraph preceding Article 1 in each of the Orders referred to in the First Schedule and in items 5, 8, 9 and 10 of the Fourth Schedule shall be amended by the deletion of the words “section 43 of and Schedule 3 to the Road Traffic Act 1991 (“the 1991 Act”)” and the substitution of the words “Part 6 of the Traffic Management Act 2004”

3.2 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Orders referred to in Column 1 of the First Schedule shall have effect as if for the words appearing in Column 2 of that Schedule wherever in the Orders they appear were substituted the words appearing in Column 3 of that Schedule.

- 3.3 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Orders referred to in Column 1 of the Second Schedule shall have effect as if in their interpretation or definitions provisions such of the definitions listed in Column 2 of that Schedule as appear therein were deleted and the definitions appearing in Column 3 of that Schedule were inserted.
- 3.4 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Orders referred to in the Third Schedule shall have effect as if for the Part headed "Contraventions of Provisions of Order" was substituted the following Part:-

### **CONTRAVENTIONS OF PROVISIONS OF ORDER**

Where a motor vehicle is left in a parking place or in any road or length of road in contravention of any provision of this Order such contravention shall be dealt with in accordance with the provisions of the 2004 Act and any subordinate legislation made under it.

The amount of the penalty charge for a parking contravention and, where applicable, the charges for the removal, storage and disposal of a vehicle shall be as set from time to time by the enforcement authority in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any re-enactment or replacement thereof and published by it.

- 3.5 Without prejudice to the validity of anything done or to any liability incurred in respect of any act or omission before the coming into operation of this Order, the Articles referred to in Columns 1 and 2 of the Fourth Schedule shall be deleted and in their place shall be inserted the following Articles: -

Where a motor vehicle is left in a parking place in contravention of any provision of this Order such contravention shall be dealt with in accordance with the provisions of the 2004 Act and any subordinate legislation made under it.

The amount of the penalty charge for a parking contravention and, where applicable, the charges for the removal, storage and disposal of a vehicle shall be as set from time to time by the enforcement authority in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any re-enactment or replacement thereof and published by it.

## **PART IV**

### **4. CORRECTIONS TO EXISTING ORDERS**

- 4.1 The headings within the Kirklees Metropolitan Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2006 and the Kirklees Metropolitan Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2006 shown in Column 1 of the Fifth Schedule shall be amended by the substitution of the number shown against the heading in Column 3 of that Schedule for the number shown in Column 2.
- 4.2 In each of the Orders referred to in the Sixth Schedule, Article 3.5 shall be amended so that for the words "Save as provided in Article 3.6" shall be substituted the words "Save as provided in Articles 3.6, 3.7 and 3.8"
- 4.3 In each of the Orders referred to in the Sixth Schedule, Article 4.10 shall be amended by the deletion of the words "Articles 4.8, 4.9 and 4.10" and the substitution of the words "Articles 4.8 and 4.9".
- 4.4 The definition of the words "authorised position" in Article 2.2 (ii) of the Kirklees Metropolitan Council (Traffic Regulation) (Huddersfield Area) (Consolidation) (No.2) Order 2006 shall be amended by the addition of the words "and in a position so as not to obstruct the movement of other motor vehicles".
- 4.5 In the Kirklees Metropolitan Council (Traffic Regulation) (No.14) Order 2005 the words "Nothing in Article 2" shall be deleted and replaced by the words "Nothing in Article 2.1".

## **PART V**

### **5 GENERAL**

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

Given under the Corporate Common Seal of the Council of the Borough of Kirklees this 26th day of March Two thousand and eight.

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

Head of Legal Services / Authorised Signatory

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**FIRST SCHEDULE****Articles 3.1 & 3.2**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Orders amended</b>	<b>Words to be removed</b>	<b>Words to be substituted</b>
Kirklees Metropolitan Council (Traffic Regulation) (No 4A) Order 2005	"Parking attendants"	"Civil enforcement officers"
Kirklees Metropolitan Council (Traffic Regulation) (No.12) Order 2005	"Parking authority"	"Enforcement authority"
Kirklees Metropolitan Council (Traffic Regulation) (No 14) Order 2005	"Special Parking Areas and Permitted Parking Areas"	"Civil Enforcement Areas"
Kirklees Metropolitan Council (Traffic Regulation) (No 17) Order 2005		
Kirklees Metropolitan Council (Traffic Regulation) (No.19) Order 2005		
Kirklees Metropolitan Council (Traffic Regulation) (No.24) Order 2005		
Kirklees Metropolitan Council (Traffic Regulation) (No 27) Order 2005		
Kirklees Metropolitan Council (Traffic Regulation) (No 30) Order 2005		
Kirklees Metropolitan Council (Traffic Regulation) (No 32A) Order 2005		
Kirklees Metropolitan Council (Traffic Regulation) (No 4) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 5) Order		

2006		
<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Orders amended</b>	<b>Words to be removed</b>	<b>Words to be substituted</b>
Kirklees Metropolitan Council (Traffic Regulation) (No 6) Order 2006	(See above)	(See above)
Kirklees Metropolitan Council (Traffic Regulation) (No 7) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 8) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 9) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 11) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 12) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 14) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 15) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 16) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 24A) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 24B) Order 2006		

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Orders amended</b>	<b>Words be removed</b>	<b>Words to be substituted</b>
Kirklees Metropolitan Council (Traffic Regulation) (No 24C) Order 2006	(See above)	(See above)
Kirklees Metropolitan Council (Traffic Regulation) (No 24D) Order 2006 , Holme Valley Area		
Kirklees Metropolitan Council (Traffic Regulation) (No 24E) Order 2006 Dewsbury Area		
Kirklees Metropolitan Council (Traffic Regulation) (No 24F) Order 2006 Huddersfield Area		
Kirklees Metropolitan Council (Traffic Regulation) (No 27) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 29) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 32) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 33) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (Colne Valley and Denby Dale Areas) (Consolidation) Order 2006		

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Orders amended</b>	<b>Words to be removed</b>	<b>Words to be substituted</b>
Kirklees Metropolitan Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2006	(See above)	(See above)
Kirklees Metropolitan Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (Huddersfield Area) (No 2) (Consolidation) Order 2006		
Kirklees Metropolitan Council (Traffic Regulation) (No 1) Order 2007		
Kirklees Metropolitan Council (Traffic Regulation) (No 1A) Order 2007		
Kirklees Metropolitan Council (Traffic Regulation) (No 2) Order 2007		
Kirklees Council (Traffic Regulation) (No 3) Order 2007		
Kirklees Metropolitan Council (Traffic Regulation) (No 4) Order 2007		
Kirklees Metropolitan Council (Traffic Regulation) (No 5) Order		

2007		
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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Orders amended</b>	<b>Words to be removed</b>	<b>Words to be substituted</b>
Kirklees Council (Traffic Regulation) (No 6) Order 2007	(See above)	(See above)
Kirklees Council (Traffic Regulation) (No 8) Order 2007		
Kirklees Council (Traffic Regulation) (No 9) Order 2007		
Kirklees Council (Traffic Regulation) (No 10) Order 2007		
Kirklees Council (Traffic Regulation) (No 11) Order 2007		
Kirklees Metropolitan Council (Traffic Regulation) (No 13) Order 2007		
Kirklees Council (Traffic Regulation) (No 16) Order 2007		
Kirklees Council (Traffic Regulation) (No 18) Order 2007		



## SECOND SCHEDULE

## Article 3.3

Column 1	Column 2	Column 3
Orders amended	Existing definitions to be deleted	New definitions to be inserted
All Orders listed in Column 1 of the First and Fourth Schedules.	<p>“charge certificate”</p> <p>“owner”</p> <p>“notice to owner”</p> <p>“parking area”</p> <p>“parking attendant”</p> <p>“parking authority”</p> <p>“penalty charge”</p> <p>“penalty charge notice”</p> <p>“reduced penalty charge”</p>	<p>“civil enforcement area” has the meaning given by Schedule 8 to the 2004 Act.</p> <p>“civil enforcement officer” has the meaning given by s. 76 of the 2004 Act.</p> <p>“enforcement authority” means “ the Council”</p> <p>“notice to owner” means a notice served under regulation 19 of the General Regulations.</p> <p>“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.</p> <p>“penalty charge” has the meaning given by s. 92 of the 2004 Act.</p> <p>“penalty charge notice” has the meaning given by regulation 8 of the General Regulations.</p> <p>“subordinate legislation” has the same meaning as in section 21 of the Interpretation Act 1978</p> <p>“the 2004 Act” means The Traffic Management Act 2004</p>

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Orders amended</b>	<b>Existing definitions to be deleted</b>	<b>New definitions to be inserted</b>
All Orders listed in Column 1 of the First and Fourth Schedules.	See above	“the General Regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007.

**THIRD SCHEDULE****Article 3.4**

<b>Orders to be amended</b>
Kirklees Metropolitan Council (Traffic Regulation) (No 4A) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No.12) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No 14) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No 17) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No.19) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No.24) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No 27) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No 30) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No 32A) Order 2005
Kirklees Metropolitan Council (Traffic Regulation) (No 4) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 5) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 6) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 7) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 8) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 9) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 11) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 12) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 14) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 15) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 16) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 24A) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 24B) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 24C) Order 2006

(Colne Valley and Denby Dale area)
<b>Order to be amended</b>
Kirklees Metropolitan Council (Traffic Regulation) (No 24D) Order 2006 , Holme Valley Area
Kirklees Metropolitan Council (Traffic Regulation) (No 24E) Order 2006 Dewsbury Area
Kirklees Metropolitan Council (Traffic Regulation) (No 24F) Order 2006 Huddersfield Area
Kirklees Metropolitan Council (Traffic Regulation) (No 27) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 29) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 32) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 33) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Colne Valley and Denby Dale Areas) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Huddersfield Area) (No 2) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (No 1) Order 2007
Kirklees Metropolitan Council (Traffic Regulation) (No 1A) Order 2007
Kirklees Metropolitan Council (Traffic Regulation) (No 2) Order 2007
Kirklees Council (Traffic Regulation) (No 3) Order 2007
Kirklees Metropolitan Council (Traffic Regulation) (No 4) Order 2007
Kirklees Metropolitan Council (Traffic Regulation) (No 5) Order 2007

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<b>Order to be amended</b>
Kirklees Council (Traffic Regulation) (No 6) Order 2007
Kirklees Council (Traffic Regulation) (No 8) Order 2007
Kirklees Council (Traffic Regulation) (No 9) Order 2007
Kirklees Council (Traffic Regulation) (No 10) Order 2007
Kirklees Council (Traffic Regulation) (No 11) Order 2007
Kirklees Metropolitan Council (Traffic Regulation) (No 13) Order 2007
Kirklees Council (Traffic Regulation) (No 16) Order 2007
Kirklees Council (Traffic Regulation) (No 18) Order 2007

**FOURTH SCHEDULE****Articles 3.1 and 3.5**

<b>Column 1</b>	<b>Column 2</b>
<b>Order to be amended</b>	<b>Articles to be deleted</b>
1.Kirklees Metropolitan Council (Off Street Parking Places) (Kingsgate, Huddersfield) Order 2002 ( as amended)	25 and 29,30 and 31
2.Kirklees Metropolitan Council (Off Street Parking Places) Order 2004 (as amended)	23,24,25,26,27,28 and 29(1)
3.Kirklees Metropolitan Council (On Street Parking Places) (Consolidation) Order 2004	8, 9, 10 and 26
4.Kirklees Metropolitan Council (On Street Parking Places) (No.1) Order 2005 (as amended)	8, 9, 10 and 26
5.Kirklees Metropolitan Council (Off Street Parking Places ) (Market Hall Multi-Storey Car Park, Huddersfield) Order 2006	27,28,29, 30, 31 and 32
6.Kirklees Metropolitan Council (On Street Parking Places) (No.1) Order 2007 (as amended)	8, 9, 10 and 26
7.Kirklees Metropolitan Council (On Street Parking Places) (No.2) Order 2007	8, 9, 10 and 25
8.Kirklees Metropolitan Council (On Street Parking Places) (No.3) Order 2007 (as amended)	8, 9, 10 and 25
9.Kirklees Metropolitan Council (On Street Parking Places) (No.5) Order 2007	8, 9, 10, 11 and 26
10.Kirklees Metropolitan Council (On Street Parking Places) (No.6) Order 2007	8, 9, 10, 11 and 26



**FIFTH SCHEDULE****Article 4.1**

<b>Heading to be amended</b>	<b>Article number to be deleted</b>	<b>Article number to be substituted</b>
“PROHIBITIONS AND RESTRICTIONS ON WAITING/LOADING AND UNLOADING”	1	3
“ PARKING IN LOADING BAY”	2	4
“PARKING PLACES – PERMIT HOLDERS”	3	5
“DISABLED BAYS”	4	6
“SCHOOL KEEP CLEAR – NO WAITING LOADING OR UNLOADING”	5	7
“BUS LANE”	6	8
“CLEARWAY”	7	9
“CYCLE LANES”	8	10
“GENERAL ”	9	11



**SIXTH SCHEDULE****Articles 4.2 and 4.3**

<b>Orders amended</b>
Kirklees Metropolitan Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Colne Valley and Denby Dale Areas) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2006
Kirklees Metropolitan Council (Traffic Regulation) (Huddersfield Area) (No 2) (Consolidation) Order 2006