

**KIRKLEES COUNCIL (OFF STREET AND ON STREET PARKING PLACES)
(AMENDMENT) ORDER 2012**

The Council of the Borough of Kirklees (hereinafter referred to as “the enforcement authority”) in exercise of their powers under Sections 32, 33, 35 45, 46, 47 and 49 of the Road Traffic Regulation Act 1984 (hereinafter referred to as “the Act”) and Part 6 of the Traffic Management Act 2004 and The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Kirklees) Order 2006 together with all other enabling powers hereby make the following Order:-

PART I

1. COMMENCEMENT AND CITATION

This Order shall come into operation on the 27th day of February 2012 and may be cited as the Kirklees Council (Off Street and On Street Parking Places) (Amendment) Order 2012.

PART 2

2. AMENDMENTS TO EXISTING ORDERS

- 2.1 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 following provisions shall be incorporated at the conclusion of the operative sections of such of the enforcement authority’s substantive off street and on street parking places orders as are in force at the date upon which this Order takes effect (except the Kirklees Council (Off Street Parking Places) (No.3) Order 2011) and shall be numbered appropriately within each of those orders:-

ALTERNATIVE APPROVED METHOD OF PAYMENT

- (1) In this Order the expression “alternative approved method of payment” means park and phone or any other approved system where a pay and display ticket is not produced and the expression “park and phone” means a method of payment of the parking charge as directed by notice at the parking place (where available) involving intimation by phone of the relevant registration number of the vehicle, location of the parking place, credit or debit card details and any such other details as the enforcement authority may from time to time require.
- (2) A driver, upon parking a vehicle in a parking place during the charging hours, instead of complying with the earlier requirements of this Order in relation to the payment of the parking charge, may immediately make arrangements to pay the appropriate parking charge through an alternative approved method of payment.

- (3) A driver who has made arrangements to pay the appropriate parking charge through an alternative approved method of payment will not be under any obligation to comply with any requirement to display a parking ticket in the relevant position on a vehicle which would otherwise be imposed by earlier provisions of this Order.
- (4) Where using its powers under this Order the enforcement authority has exercised its discretion to dispense with any ticket machines, in addition to any alternative arrangement which it may make to facilitate the sale of parking tickets the authority may also make arrangements for the making of the payment of the appropriate parking charge through an alternative approved method of payment.
- (5) Any provision of this Order which exempts the driver of a motor vehicle from payment of any penalty charge where, at the time when the vehicle is left in the parking place during the charging hours, there is no ticket machine at that parking place or all the ticket machines at that parking place carry notices placed upon them by a person duly authorized by the enforcement authority or its agent indicating that they are out of order, shall not apply where the enforcement authority has advised that payment shall be made using an alternative approved method of payment.
- (6) Any provision of this Order which prohibits during the charging hours the purchase of more than one parking ticket at a discounted tariff shall apply equally to the making of the payment of a parking charge through an alternative approved method of payment.
- (7) Any provision of this Order which requires the driver of a vehicle to remove it from a parking place for a specified period before it may again be left in that parking place during the charging hours shall apply equally where the payment of the parking charge was made through an alternative approved method of payment.

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this
Twenty Second day of February Two Thousand and Twelve.

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

Acting Assistant Director – Legal, Governance and Monitoring/Authorised Signatory