

KIRKLEES COUNCIL

(TRAFFIC REGULATION) (NO. 13) ORDER 2014

The Council of the Borough of Kirklees ("the Council") in exercise of their powers under Sections 1, 2, 4, 32, 35, 45, 46, 47, 49 and 53 of the Road Traffic Regulation Act 1984 ("the Act"), Part 6 of the Traffic Management Act 2004, the Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Kirklees) Order 2006 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 hereby makes the following Order which relates to various roads in the Kirklees Metropolitan District:-

PART I

1. Interpretation

- 1.1 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 a Schedule bearing that number in this Order.

PART II

Amendments to Existing Orders

- 2.1. The table which appears in the First Schedule shall be incorporated within each of the orders listed within Column 1 of the Second Schedule and shall there form a numbered Schedule as indicated in Column 2 of the Second Schedule.
- 2.2. In each of the Orders listed in Column 1 of the Third Schedule there shall be inserted the words appearing opposite that Order in Column 2 of the Third Schedule.
- 2.3. Each of the Orders listed in Column 1 of the Fourth Schedule shall be amended by the insertion or amendment in the Articles shown opposite that Order in Column 2 of that Schedule of the additional or amended definitions shown opposite that Order in Column 3 of that Schedule.
- 2.4. Each of the Orders listed in Column 1 of the Fifth Schedule shall be amended by the insertion or amendment of the Articles shown opposite that Order in Column 2 of that Schedule.
- 2.5. Proposals to make the Order which is marked with an asterix in the Second, Third, Fourth and Fifth Schedules has been advertised in a form which does not include references to the amendments in Articles 2.1 2.2, 2.3 and 2.4. If made that Order will be amended in accordance with the provisions of those Articles and, insofar as it relates to that Order, this Order shall only take effect on the making of that Order.

3. **General**

- 3.1. Any reference in this Order to a Statute or Statutory Instrument shall include reference to any re-enactment or replacement thereof.
- 3.2. 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 or more than one parking place where the context requires it.
- 3.3. This Order shall come into operation on the 1st day of February 2016 and may be cited as the "Kirklees Council (Traffic Regulation) (No.13) Order 2014.

GIVEN under the Corporate Common Seal of the Council of the Borough of Kirklees this Eighteenth day of November Two Thousand and Fifteen.

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

Assistant Director – Legal, Governance and Monitoring/Authorised Signatory

FIRST SCHEDULE

SCALE OF CHARGES FOR PARKING PERMITS

Type of permit	Charge payable
Specific Permit	£15 per vehicle for the duration of ownership of that vehicle.
Open Permit	First permit free. Second permit £15 per annum. Maximum of two permits.
Business Permit	£200 per annum £35 per month £10 per week or £6 for up to 3 days.
Replacement of lost or destroyed permit, replacement of permit because of supply of incorrect information or on cancellation of permit at holder's request within 2 weeks of its issue.	£20

SECOND SCHEDULE

Destination of Table appearing in the First Schedule

Column 1	Column 2
Order to which the Table in the First Schedule is to be added.	Schedule number to be assigned to that Table in Order shown in Column 1
Kirklees Metropolitan Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2012	Fifteenth
Kirklees Metropolitan Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2012	Fifteenth
Kirklees Metropolitan Council (Traffic Regulation) (Colne Valley & Denby Dale Area) (Consolidation) Order 2012	Fifteenth
Kirklees Metropolitan Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2012	Fifteenth
Kirklees Metropolitan Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2012	Fourteenth
Kirklees Metropolitan Council (Traffic Regulation) (Huddersfield Area) (Consolidation) Order 2006	Nineteenth
Kirklees Council (Traffic Regulation) (No.6) Order 2013	Fifth
Kirklees Council (Traffic Regulation) (No.11) Order 2013	Fourth
Kirklees Council (Traffic Regulation) (No.16) Order 2013	Fourth
Kirklees Council (Traffic Regulation) (No.17) Order 2013	Sixth
Kirklees Council (Traffic Regulation) (No.18) Order 2013	Third
Kirklees Council (Traffic Regulation) (No.20) Order 2013	Seventh
Kirklees Council (Traffic Regulation) (No.17) Order 2014	Ninth
Kirklees Council (Traffic Regulation) (No.1) Order 2015	Fourth
Kirklees Council (Traffic Regulation) (No.12) Order 2015*	Eighth

THIRD SCHEDULE

Amendments regarding charges for permits

Column 1	Column 2
Orders in which Article is to be added.	Article to be added
<p>Kirklees Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Colne Valley & Denby Dale Areas) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2012</p>	<p>“ 5.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Fifteenth Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”</p>
<p>Kirklees Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2012</p>	<p>“ 5.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Fourteenth Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”</p>
<p>Kirklees Council (Traffic Regulation) (Huddersfield Area) (Consolidation) Order 2012</p>	<p>“ 5.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Nineteenth Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”</p>
<p>Kirklees Council (Traffic Regulation) (No.18) Order 2013.</p>	<p>“ 3.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Third Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”</p>

Column 1	Column 2
Orders in which Article is to be added.	Article to be added
<p>Kirklees Council (Traffic Regulation) (No.11) Order 2013.</p> <p>Kirklees Council (Traffic Regulation) (No.16) Order 2013.</p> <p>Kirklees Council (Traffic Regulation) (No.1) Order 2015</p>	<p>“ 3.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Fourth Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”</p>
<p>Kirklees Council (Traffic Regulation) (No.6) Order 2013.</p>	<p>“ 3.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Fifth Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”</p>
<p>Kirklees Council (Traffic Regulation) (No.17) Order 2013</p>	<p>“ 3.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Sixth Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”</p>
<p>Kirklees Council (Traffic Regulation) (No.20) Order 2013</p>	<p>“ 3.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Seventh Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”</p>

Column 1	Column 2
Orders in which Article is to be added.	Article to be added
Kirklees Council (Traffic Regulation) (No.17) Order 2014	“ 3.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Ninth Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”
Kirklees Council (Traffic Regulation) (No.12) Order 2015*	“ 3.20A. Where the council elects to make a charge for the issue of a permit such charge shall be in accordance with the scale of charges which appears in the Eighth Schedule or in accordance with such revised scale as may be introduced by means of a further order or by a notice of variation under Section 46A of the Road Traffic Regulation Act 1984”

FOURTH SCHEDULE

Amendments to interpretation sections

Column 1	Column 2	Column 3
Orders in which definitions are to be deleted, added or amended.	Article in which definitions are to be deleted, added or amended	Definitions to be deleted, added or amended
Kirklees Council (Traffic Regulation) (Batley Area) Consolidation Order 2012	2.2	<u>Delete</u> Definition of “Goods vehicle”.
Kirklees Council (Traffic Regulation) (Cleckheaton Area) Consolidation Order 2012	2.2	<u>Add:-</u> “Business parking permit” means a permit issued under the provisions of Article 5.18.
Kirklees Council (Traffic Regulation) (Colne Valley and Denby Dale Areas) Consolidation Order 2012	2.2	“Category N1 vehicle” means a vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes.
Kirklees Council (Traffic Regulation) (Dewsbury Area) Consolidation Order 2012	2.2	“DVLA” means the Driver and Vehicle Licensing Agency.
Kirklees Council (Traffic Regulation) (Holme Valley Area) Consolidation Order 2012	2.2	“Maximum mass” means the technically permissible maximum laden mass.
Kirklees Council (Traffic Regulation) (Huddersfield Area) Consolidation Order 2012	2.2	“Open parking permit” means a permit issued under the provisions of Article 5.17.
		“Specific parking permit” means a permit issued under the provisions of Article 5.15.
		<u>Amend:-</u> Definition of “permitted motor vehicle” item (ii) by deleting the words “goods vehicle” and substituting the words “class N1 vehicle”

Column 1	Column 2	Column 3
Orders in which definitions are to be deleted, added or amended.	Article in which definitions are to be deleted, added or amended	Definitions to be deleted, added or amended
Kirklees Council (Traffic Regulation) (No.6) Order 2013	1.2	<u>Delete</u> Definition of “Goods vehicle”.
Kirklees Council (Traffic Regulation) (No.11) Order 2013	1.2	<u>Add:-</u> “Business parking permit” means a permit issued under the provisions of Article 3.18.
Kirklees Council (Traffic Regulation) (No.16) Order 2013	1.2	“Category N1 vehicle” means a vehicle designed and constructed for the carriage of goods and having a maximum mass not exceeding 3.5 tonnes.
Kirklees Council (Traffic Regulation) (No.17) Order 2013	1.2	“DVLA” means the Driver and Vehicle Licensing Agency.
Kirklees Council (Traffic Regulation) (No.18) Order 2013	1.2	“Maximum mass” means the technically permissible maximum laden mass.
Kirklees Council (Traffic Regulation) (No.20) Order 2013	1.2	“Open parking permit” means a permit issued under the provisions of Article 3.17
Kirklees Council (Traffic Regulation) (No.17) Order 2014	1.2	“Specific parking permit” means a permit issued under the provisions of Article 3.15.
Kirklees Council (Traffic Regulation) (No.1) Order 2015	1.2	<u>Amend:-</u> Definition of “permitted motor vehicle” item (ii) by deleting the words “goods vehicle” and substituting the words “class N1 vehicle”
Kirklees Council (Traffic Regulation) (No.12) Order 2015*	1.2	

FIFTH SCHEDULE

Further amendments to provisions relating to permits

Column 1	Column 2
Orders in which amendment is to be made.	Article to be inserted or amended
Kirklees Metropolitan Council (Traffic Regulation) (No.6) Order 2013	In existing Article 3.15 delete the words “residents parking permit” and substitute the words “specific parking permit”.
Kirklees Metropolitan Council (Traffic Regulation) (No.11) Order 2013	In existing Article 3.16:-
Kirklees Council (Traffic Regulation) (No.16) Order 2013	i. delete the word “residents” and substitute the word “specific”
Kirklees Council (Traffic Regulation) (No.17) Order 2013	ii) after the words “subject to the proviso hereto” add the words “and upon payment of the administration charge being such sum as may be determined by the enforcement authority”.
Kirklees Council (Traffic Regulation) (No.18) Order 2013	iii) delete the word “related” and substitute the word “relates”
Kirklees Council (Traffic Regulation) (No.20) Order 2013	In existing Article 3.17:-
Kirklees Council (Traffic Regulation) (No.17) Order 2014	i. delete the words “a visitors parking permit” and substitute the words “an open or two open parking permit(s)” and
Kirklees Council (Traffic Regulation) (No.1) Order 2015	ii. delete the words “one permit only to” and substitute the words “a maximum of two open parking permits may”.
Kirklees Council (Traffic Regulation) (No.12) Order 2015*	Insert new Article as follows:- “3.17A. A second open parking permit will be issued by the enforcement authority only upon receipt of the administration charge being such sum as may be determined by the enforcement authority”. In existing Article 3.18, delete the words “after payment of an annual charge” and substitute the words “after payment of such charge as may be determined by the enforcement authority”.

Column 1	Column 2
Orders in which amendment is to be made.	Article to be inserted or amended
<p>Kirklees Metropolitan Council (Traffic Regulation) (No.6) Order 2013</p> <p>Kirklees Metropolitan Council (Traffic Regulation) (No.11) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.16) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.17) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.18) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.20) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.17) Order 2014</p> <p>Kirklees Council (Traffic Regulation) (No.1) Order 2015</p> <p>Kirklees Council (Traffic Regulation) (No.12) Order 2015*</p>	<p>In the same Article, after the word “renewal” where it appears for the second time, delete the words “as the case may be” and insert the words “or such lesser period as the enforcement authority may determine”.</p> <p>Insert new Article as follows:-</p> <p>“3.18A Where a vehicle is to be used in connection with works being undertaken at premises in relation to which a specific parking permit has been or could be issued under Article 3.16, use should, wherever possible, be made of any open parking permit issued in relation to those premises. Where that is not possible, the driver or owner of the vehicle must apply to the enforcement authority for the grant of a business parking permit for the leaving of that motor vehicle in a parking place.”</p> <p>In existing Article 3.21 delete the words “3.17 and 3.18” and substitute the words “, 3.17, 3.17A, 3.18, and 3.18A”</p> <p>Insert new article as follows:-</p> <p>“3.25.5 the permit was issued on the basis that it would continue in force provided a renewal fee was paid but such fee has not been paid on demand.”</p> <p>In existing Article 3.29 delete the words “Residents Parking Permit”, “Visitors Parking Permit” or “Business Parking Permit” and substitute the words “Specific Permit”, “Open Permit” or “Business Permit” or such other title as may be determined by the enforcement authority”</p> <p>In existing Article 3.29.1 delete the words “, or the address of the premises in question”.</p> <p>Delete existing Article 3.29.4</p>

Column 1	Column 2
Orders in which amendment is to be made.	Article to be inserted or amended
<p>Kirklees Metropolitan Council (Traffic Regulation) (No.6) Order 2013</p> <p>Kirklees Metropolitan Council (Traffic Regulation) (No.11) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.16) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.17) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.18) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.20) Order 2013</p> <p>Kirklees Council (Traffic Regulation) (No.17) Order 2014</p> <p>Kirklees Council (Traffic Regulation) (No.1) Order 2015</p> <p>Kirklees Council (Traffic Regulation) (No.12) Order 2015</p>	<p>Insert new article as follows:-</p> <p>“3.29A A permit shall be valid until any date specified on the face of the permit but in any case where no date is so specified until such time as one of the following events occurs;</p> <p>3.29A.1 the permit holder ceases to be a resident;</p> <p>3.29A.2 the permit holder ceases to be the owner of the motor vehicle for which the permit has been issued;</p> <p>3.29A.3 the permit holder makes a Statutory Off Road Notification (SORN) to the DVLA;</p> <p>3.29A.4 any required payment for the permit has been cancelled by the payer.”</p>

Column 1	Column 2
Orders in which amendment is to be made.	Article to be inserted or amended
<p>Kirklees Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Colne Valley & Denby Dale Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Huddersfield Area) (Consolidation) Order 2012</p>	<p>In existing Article 5.15 delete the words “residents parking permit” and substitute the words “specific parking permit”.</p> <p>In existing Article 5.16:-</p> <p>i. delete the word “residents” and substitute the word “specific”</p> <p>ii) after the words “subject to the proviso hereto” add the words “and upon payment of the administration charge being such sum as may be determined by the enforcement authority”.</p> <p>In existing Article 5.17:-</p> <p>i. delete the words “a visitors parking permit” and substitute the words “an open or two open parking permit(s)” and</p> <p>ii. delete the words “one permit only to” and substitute the words “a maximum of two open parking permits may”.</p> <p>Insert new Article as follows:-</p> <p>“5.17A “A second open parking permit will be issued by the enforcement authority only upon receipt of the administration charge being such sum as may be determined by the enforcement authority”</p> <p>In existing Article 5.18, delete the words “after payment of an annual charge” and substitute the words “after payment of such charge as may be determined by the enforcement authority”.</p> <p>In the same Article, after the word “renewal” where it appears for the second time, delete the words “as the case may be” and insert the words “or such lesser period as the enforcement authority may determine”.</p>

Column 1	Column 2
Orders in which amendment is to be made.	Article to be inserted or amended
<p>Kirklees Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Colne Valley & Denby Dale Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Huddersfield Area) (Consolidation) Order 2012</p>	<p>Insert new Article as follows:-</p> <p>“5.18A Where a vehicle is to be used in connection with works being undertaken at premises in relation to which a specific parking permit has been or could be issued under Article 5.16, use should, wherever possible, be made of any open parking permit issued in relation to those premises. Where that is not possible, the driver or owner of the vehicle must apply to the enforcement authority for the grant of a business parking permit for the leaving of that motor vehicle in a parking place.”</p> <p>In existing Article 5.21 delete the words “, 5.17 and 5.18” and substitute the words “ , 5.17, 5.17A, 5.18 and 5.18A”</p> <p>Insert new article as follows:-</p> <p>“5.25.5 the permit was issued on the basis that it would continue in force provided a renewal fee was paid but such fee has not been paid.”</p> <p>In existing Article 5.29 delete the words “ “Residents Parking Visitors Parking Permit”, “Parking Permit” or “Business Parking Permit” ” and substitute the words “ “Specific Permit”, “Open Permit” or “Business Permit” or such other title as may be determined by the enforcement authority”</p> <p>In existing Article 5.29.1 delete the words “, or the address of the premises in question”.</p> <p>In existing Article 5.29.2 delete the words “the name of the roads and district” and substitute the words “the name of the road or roads or district”</p> <p>Delete existing Article 5.29.4</p> <p>Insert new article as follows:-</p> <p>“5.29A A permit shall be valid until any date specified on the face of the permit but in any case where no date is so specified until such time as one of the following events occurs;</p>

Column 1	Column 2
Orders in which amendment is to be made.	Article to be inserted or amended
Kirklees Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2012	5.29A.1 the permit holder ceases to be a resident;
Kirklees Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2012	5.29A.2 the permit holder ceases to be the owner of the motor vehicle for which the permit has been issued;
Kirklees Council (Traffic Regulation) (Colne Valley & Denby Dale Area) (Consolidation) Order 2012	5.29A.3 the permit holder makes a Statutory Off Road Notification (SORN) to the DVLA;
Kirklees Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2012	5.29A.4 any required payment for the permit has been cancelled by the payer;
Kirklees Council (Traffic Regulation) (Holme Valley Area) (Consolidation) Order 2012	5.29A.5 any other event at the discretion of the enforcement authority such as mis-use of the permit in which case the enforcement authority shall write to the permit holder informing them of the cancellation of the permit."
Kirklees Council (Traffic Regulation) (Huddersfield Area) (Consolidation) Order 2012	

Column 1	Column 2
Orders in which amendment is to be made.	Article to be inserted or amended
<p>Kirklees Council (Traffic Regulation) (Batley Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Cleckheaton Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Colne Valley & Denby Dale Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Dewsbury Area) (Consolidation) Order 2012</p> <p>Kirklees Council (Traffic Regulation) (Huddersfield Area) (Consolidation) Order 2012</p>	<p>In existing Article 5.16:-</p> <p>Delete word “related” and substitute word “relates”</p>