

DATED

THIS FOURTEENTH DAY OF FEBRUARY

2005

LEEDS CITY COUNCIL
(DECriminalISATION OF PARKING ENFORCEMENT)
ORDER 2005

Nicolé Jackson
Director of Legal and Democratic Services
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A76/JAK/B68613

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Leeds City Council (hereinafter referred to as "the Council") in exercise of the powers contained in Sections 1 and 2 of the Road Traffic Regulation Act 1984 and in pursuance of the powers granted by the Secretary of State for Transport under Section 43 of the Road Traffic Act 1991 (hereinafter referred to as "the 1991 Act") hereby makes the following Order:-

From the date the Road Traffic (Permitted Parking Area and Special Parking Area (Metropolitan District of Leeds) Order 2005 takes effect on 1 March 2005 hereinafter called the Designation Order the following provisions shall apply by operation of law namely

- (1) Where a Motor Vehicle
 - (a) waits parks or is left on a Road in contravention of any Traffic Regulation Order or fails to comply with the provisions of any such Order insofar as it relates to a vehicle waiting parking or being left on a Road or
 - (b) waits parks or is left in a parking place in contravention of any Traffic Regulation Order or fails to comply with the provisions of any such Order in so far as it relates to a vehicle waiting parking or being left in a parking place
 - (c) parks in contravention of the provisions of Sections 19 or 21 of the Road Traffic Act 1988 (prohibition of parking of HGV's on verges central reservations and footways) and (driving or parking on cycle tracks)

then a Penalty Charge of £60.00 shall be payable within 28 days beginning with the date of the Penalty Charge Notice under Section 66(3) of the 1991 Act.

- (2) In the case of a Motor Vehicle in respect of which a Penalty Charge is payable under Paragraph 1(1) of this Article a Penalty Charge Notice may be issued by a Parking Attendant in accordance with the requirements of Section 66 of the 1991 Act and may accordingly be affixed to the Motor Vehicle or given to the person appearing to be in charge of the vehicle
- (3) A Penalty Charge Notice shall contain the details required by Section 66(3) of the 1991 Act
- (4) Where a Penalty Charge Notice has been issued and affixed or given in the manner set out above it shall not be removed or interfered with except by or under the authority of the Owner or person in charge of the vehicle or a Parking Attendant or some other duly authorised person The Penalty Charge shall be payable by the Owner of the vehicle in respect of which that notice was issued in accordance with Section 66 and Schedule 6 of the 1991 Act in the sum specified in Paragraph 1(1) of this Article

- (5) A Penalty Charge shall be deemed to be paid when it is received by the Council in accordance with Section 82(5) of the 1991 Act
- (6) In accordance with Section 66(3)(d) of the 1991 Act (as amended) where a Penalty Charge Notice has been issued and the Penalty Charge has been paid within 14 days of the date of issue of the Penalty Charge Notice the lesser sum of £30.00 shall be payable by the Owner of the Motor Vehicle in respect of which that Penalty Charge Notice was served
- (7) If in accordance with Section 66(3) as above and Schedule 6 of the 1991 Act the Penalty Charge Notice is not paid within 28 days of the issue date of the Penalty Charge Notice the Council may serve a Notice to Owner on the Owner of the vehicle when the alleged contravention occurred stating the matters required by Schedule 6 Paragraph 1(2) amongst other things that the Owner may make representations to the Council against the Penalty Charge Notice invoking one or more grounds specified in Schedule 6 Paragraph 2(4)
- (8) The Council will consider any such representations and may cancel the Penalty Charge Notice if it accepts one or more statutory grounds are made out but if such are rejected by the Council the Council will serve a "Notice of Rejection" in accordance with Schedule 6 Paragraph 4 of the 1991 Act and enclose a "Notice of Appeal" in accordance with the Adjudicator's Directions to Local Authorities
- (9) Within 28 days of service of a Notice of Rejection the Penalty Charge must be paid or the person upon whom the Notice of Rejection was served must appeal to the Adjudicator who will then carry out an adjudication on the Appeal
- (10) Where a Notice to Owner is served on any person and the Penalty Charge to which it relates is not paid before the end of the relevant period the Authority serving the Penalty Charge Notice may serve on that person a statement (a "Charge Certificate") to the effect that the Penalty Charge in question is increased by 50 per cent.
- (11) The relevant period in relation to a Notice to Owner is the period of 28 days beginning
 - (a) where no representations are made under Paragraph 2(4) of Schedule 6 to the 1991 Act with the date on which the Notice to Owner is served
 - (b) where
 - (i) such representations are made
 - (ii) a Notice of Rejection is served by the Council and
 - (iii) no appeal against the Notice of Rejection is made with the date on which notice of the adjudicator's decision is served on the appellant
- (12) Where an appeal against a Notice of Rejection is made but is withdrawn before the adjudicator gives notice of his decision the relevant period in relation to a Notice to Owner is the period of 14 days beginning with the date on which the appeal is withdrawn

(13) When the Charge Certificate has been served on any person and the increased Penalty Charge provided for in the Charge Certificate is not paid within 14 days of service the Council may register a debt at Northampton County Court (for enforcement purposes) which has been designated as the Traffic Enforcement Centre

(14) If the Charge Certificate is not paid within 14 days of registration at the County Court the Council can apply to the Traffic Enforcement Centre for authorisation to issue a bailiff's warrant in accordance with the Lord Chancellor's Regulations made under Section 78(2) of the 1991 Act

2. This Order is made of the 14 day of February 2005 and may be cited as the "Leeds City Council (Decriminalisation of Parking Enforcement) Order 2005"

THE COMMON SEAL of
LEEDS CITY COUNCIL was
hereunto affixed in the presence of:

Seal No. 76240

W

N Jackson

ector of Legal and Democratic Services