
STATUTORY INSTRUMENTS

2015 No.

ROAD TRAFFIC, ENGLAND

**The Civil Enforcement of Parking Contraventions (England)
General (Use of Approved Devices Amendment) Regulations
2015**

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Lord Chancellor, in the exercise of the powers conferred by sections 78, 78A and 89 of the Traffic Management Act 2004(a), makes the following Regulations:

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 and come into force on XXXX 2015.
- (2) These Regulations apply in relation to England only.

Amendment of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

- 2.—(1) The Civil Enforcement of Parking Contraventions (England) General Regulations 2007(b) are amended as follows.
- (2) In regulation 3 (service by post) after “regulation 9” insert “or 9A”.
- (3) In regulation 8 (penalty charge notices) after “regulation 9” insert “, 9A”.
- (4) For regulation 9 substitute—

“Penalty charge notices for off-road contraventions – service by a civil enforcement officer

- 9.—(1) This regulation applies in relation to the service of a penalty charge notice where a vehicle is stationary in a civil enforcement area otherwise than on a road.
- (2) A civil enforcement officer who has reason to believe that a penalty charge is payable with respect to the vehicle may serve a penalty charge notice—
- (a) by fixing it to the vehicle; or

(a) 2004 c. 18. Section 78A was inserted by the Deregulation Act 2015 (c. XX), section [XXXX].
(b) S.I. 2007/3483. There are no relevant amendments.[UPDATE FOLLOWING DfT REGS ON GRACE PERIODS]

- (b) by giving it to the person appearing to him to be in charge of the vehicle.

Penalty charge notices for contraventions on a road – service by a civil enforcement officer

9A.—(1) This regulation applies in relation to the service of a penalty charge notice where a vehicle is stationary on a road in a civil enforcement area.

(2) Except as provided by paragraphs (3) and (4) and regulation 10 a penalty charge notice with respect to the vehicle must be served by the fixing of a notice to the vehicle by a civil enforcement officer who has reason to believe that a penalty charge is payable with respect to it.

(3) Paragraph (2) does not apply in the following circumstances—

- (a) where the civil enforcement officer is able to serve the penalty charge notice by giving it to the person appearing to the civil enforcement officer to be in charge of the vehicle;
- (b) where the civil enforcement officer attempted to serve a penalty charge notice in accordance with paragraph (2) but was prevented from doing so by some person;
- (c) where the civil enforcement officer has begun to prepare a penalty charge notice for service in accordance with paragraph (2), but the vehicle concerned was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had served it in accordance with paragraph (2);
- (d) in any of the circumstances specified in sub-paragraphs (a) to (d) of paragraph A1(1) of the Schedule.

(4) Where any of the circumstances specified in paragraph (3) apply, the civil enforcement officer may (instead of fixing the notice to the vehicle) give the notice to the person appearing to him to be in charge of it.”

(5) In regulation 10 (penalty charge notices – service by post)—

(a) in paragraph (1)—

- (i) for “An enforcement authority” substitute “Subject to paragraph (1A) an enforcement authority”;
- (ii) after “regulation 9” insert “or 9A” in each place where the words occur.

(b) after paragraph (1) insert—

“(1A) Paragraph (1)(a) does not apply in relation to a penalty charge payable in respect of a parking contravention on a road in a civil enforcement area except in the circumstances specified in regulation 9A(3)(b), (c) or (d).”

(6) In regulation 11(1) (removal of or interference with a penalty charge notice) for “regulation 9(a)” substitute “regulation 9(2)(a) or 9A(2)”.

(7) In regulation 12 (power to immobilise vehicles) after “regulation 9” insert “or 9A”.

(8) In regulation 19(1)(a) (notice to owner) after “regulation 9” insert “or 9A”.

(9) In the Schedule (penalty charges notices)—

(a) before paragraph 1 insert—

“Specified circumstances

A1.—(1) The circumstances referred to in regulation 9A(3)(d) are that a civil enforcement officer has reason to believe that a penalty charge is payable in respect of a vehicle that is stationary on—

- (a) a bus lane;
- (b) a bus stop clearway or bus stand clearway;

- (c) a carriageway outside a school entrance which is marked in accordance with diagram 1027.1 of Schedule 6 and diagram 642.2A of Schedule 2 to the Traffic Signs Regulations; or
- (d) a red route.

(2) In this paragraph—

“bus lane” means a traffic lane described in, and marked in accordance with the diagrams referred to in, regulation 23 of the Traffic Signs Regulations;

“bus stop clearway or bus stand clearway” has the meaning given in paragraph 1 of Schedule 19 to the Traffic Signs Regulations;

“red route” means a road conveying such red route road markings and signs as authorised by the Secretary of State in the exercise of powers conferred on him by sections 64(1) and (2) and 65(2) of the Road Traffic Regulation Act 1984(a);

“the Traffic Signs Regulations” means the Traffic Signs Regulations and General Directions 2002(b).”;

- (b) in the heading to paragraph 1 and in paragraph 1 after “regulation 9” insert “or 9A”.

Amendment of the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

3.—(1) The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007(c) are amended as follows.

- (2) In regulation 2(2)(a)(i) (interpretation) after “regulation 9” insert “or 9A”.
- (3) In regulation 3 (scope of Part 2 and duty to notify rights)—
 - (a) in paragraph (1)(a) after “regulation 9” insert “or 9A”;
 - (b) in paragraph (2) after “regulation 9” insert “or 9A”.
- (4) In regulation 11(5)(b) (right to make representations) after “regulation 9” insert “or 9A”.

Signed by authority of the Lord Chancellor

	<i>Name</i>
	Parliamentary Under Secretary of State
Date	Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Civil Enforcement of Parking (England) Regulations 2007 (S.I. 2007/3483) together with the Civil Enforcement of Parking (Representations and Appeals) (England) Regulations 2007 (S.I. 2007/3482) provide for the civil enforcement of parking contraventions in England (including Greater London) in accordance with Part 6 of the Traffic Management Act 2004.

The Civil Enforcement of Parking (England) Regulations 2007 allow for a notice of penalty charge in respect of a parking contravention to be sent through the post on the basis of CCTV evidence alone. These Regulations will curtail the use of CCTV by amending the Civil Enforcement of Parking (England) Regulations 2007 to require that a notice of a penalty charge in respect of a parking contravention on a road in a civil enforcement area must be given by a civil enforcement officer affixing it to the vehicle. This is subject to certain exceptions.

(a) 1984 c. 27. Section 61(1) was substituted by the New Roads and Street Works Act 1991 (c. 22), section 168(1) and paragraph 48(2) of Schedule 8.
 (b) S.I. 2002/3113.
 (c) S.I. 2007/3482.

The Regulations also make consequential amendment to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (S.I. 2007/3482).

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.