
STATUTORY INSTRUMENTS

2007 No. 3483

**The Civil Enforcement of Parking Contraventions
(England) General Regulations 2007**

PART 4

ADJUDICATORS

Discharge of functions relating to adjudicators in Greater London

15.—(1) The functions of the London local authorities and Transport for London relating to adjudicators under section 81 of the 2004 Act and under regulations 17 and 18 shall be discharged jointly, under arrangements made under section 101(5) of the Local Government Act 1972(1), by a single joint committee appointed by those authorities and Transport for London under section 102(1)(b) of that Act.

(2) The arrangements for the discharge of functions by a single joint committee under section 73 of the Road Traffic Act 1991(2) which were—

- (a) made between the London local authorities and Transport for London; and
- (b) subsisting immediately before the coming into force of these Regulations,

shall continue in force and have effect as if made under this regulation, until such time as they are varied or replaced.

Discharge of functions relating to adjudicators outside Greater London

16.—(1) The functions of the non-London enforcement authorities relating to adjudicators under section 81 of the 2004 Act and under regulations 17 and 18 shall be discharged jointly, under arrangements made under section 101(5) of the Local Government Act 1972, by a joint committee or joint committees appointed under section 102(1)(b) of that Act of which at least three of the non-London enforcement authorities are constituent authorities.

(2) The constituent authorities of a joint committee may include county or county borough councils in Wales.

(3) Any arrangements for the discharge of functions by a joint committee under section 73 of the Road Traffic Act 1991(3), as that section was applied to local authorities outside Greater London, which were—

- (a) made between local authorities outside Greater London; and
- (b) subsisting immediately before the coming into force of these Regulations,

shall continue in force and shall have effect as if made under this regulation, until such time as those arrangements are varied or replaced.

(1) 1972 c.70.

(2) Section 73 was amended by the Greater London Authority Act 1999 (c. 29), section 283.

(3) Section 73 of the Road Traffic Act 1991 has been applied with modifications to permitted and special parking areas outside London by individual orders designating such areas under Schedule 3 to that Act.

Appointment of adjudicators

17.—(1) The relevant enforcement authorities shall appoint such number of adjudicators for the purposes of Part 6 of the 2004 Act on such terms as they may decide.

(2) Any decision by those authorities to appoint a person as an adjudicator shall not have effect without the consent of the Lord Chancellor.

(3) Any decision by those authorities—

- (a) not to re-appoint a person as an adjudicator; or
- (b) to remove a person from his office as an adjudicator,

shall not have effect without the consent of the Lord Chancellor and of the Lord Chief Justice.

(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005(4)) to exercise his functions under paragraph (3).

(5) Adjudicators who—

- (a) were appointed under section 73 of the Road Traffic Act 1991, whether by the London local authorities and Transport for London or by local authorities outside Greater London; and
- (b) held office immediately before the coming into force of this regulation,

shall be treated as having been appointed under this regulation on the same terms as those on which they held office at that time.

(6) Each adjudicator shall make an annual report to the relevant enforcement authorities in accordance with such requirements as may be imposed by those authorities.

(7) The relevant authorities shall make and publish an annual report to the Secretary of State on the discharge by the adjudicators of their functions.

Expenses of the relevant authorities

18.—(1) In default of a decision by any of the enforcement authorities under section 81(9)(a) of the 2004 Act as to the proportions in which their expenses under section 81 of that Act are to be defrayed, the authorities concerned shall refer the issue to an arbitrator nominated by the Chartered Institute of Arbitrators for him to determine.

(2) Where the Secretary of State is satisfied that there has been a failure on the part of any of the relevant enforcement authorities to agree those proportions, he may give to the relevant joint committee such directions as are in his opinion necessary to secure that the issue is referred to arbitration in accordance with paragraph (1).

(3) In this regulation “the relevant joint committee” means the joint committee constituted under regulation 15 or 16 of which the enforcement authorities in default are constituent authorities.