
STATUTORY INSTRUMENTS

2022 No. 71

The Civil Enforcement of Road Traffic Contraventions
(Approved Devices, Charging Guidelines and
General Provisions) (England) Regulations 2022

PART 1

Preliminary

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

(2) These Regulations come into force on 31st May 2022.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in England only.

(5) Nothing in this Part or Parts 2 to 7 applies in relation to—

(a) a bus lane contravention within paragraph 6 of Schedule 7 to the TMA 2004 in Greater London,

(b) a London lorry ban contravention⁽¹⁾, or

(c) a moving traffic contravention within paragraph 8 of Schedule 7 to the TMA 2004 in a civil enforcement area⁽²⁾ in Greater London.

Interpretation

2. In these Regulations—

“the LGA 1972” means the Local Government Act 1972⁽³⁾

“the RTRA 1984” means the Road Traffic Regulation Act 1984⁽⁴⁾;

“the TMA 2004” means the Traffic Management Act 2004;

“the 2007 General Regulations” means the Civil Enforcement of Parking (England) General Regulations 2007⁽⁵⁾;

“the 2022 Appeals Regulations” means the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022⁽⁶⁾;

(1) “London lorry ban contravention” is defined in paragraph 7 of Schedule 7 to the TMA 2004.

(2) See paragraph 8 of Schedule 8 to the TMA 2004.

(3) 1972 c. 70.

(4) 1984 c. 27.

(5) S.I. 2007/3483, as amended by S.I. 2008/653 and 1513, 2009/478, 2015/561 and 1001, 2018/171 and 2020/548.

(6) S.I. 2022/XXXX.

“adjudicator”, other than in regulation 36, means an adjudicator appointed, or treated as appointed, under regulation 16;

“the applicable date” means—

- (a) in the case of a penalty charge notice served by virtue of regulation 10(2)(a), the last day of the period of 21 days beginning with the date on which the notice is served;
- (b) in the case of any other notice, the last day of the period of 14 days beginning with the date on which the notice is served;

“applicable discount”, in relation to a penalty charge, means the amount, set in accordance with Schedule 9 to the TMA 2004, by which the charge is reduced if it is paid early(7);

“applicable surcharge”, in relation to a penalty charge, means the amount, set in accordance with Schedule 9 to the TMA 2004, by which the charge is increased if it is not paid before a charge certificate is issued(8);

“approved device” has the meaning given in regulation 4;

“charge certificate” means a statement to the effect that a penalty charge is increased by the amount of the applicable surcharge;

“civil enforcement officer”, in relation to a relevant road traffic contravention, means a civil enforcement officer(9) provided by the authority which is the enforcement authority(10) in relation to that contravention;

“the commencement date” means the day on which these Regulations come into force;

“enforcement notice”, other than in regulation 35, means—

- (a) a regulation 10 penalty charge notice, or
- (b) a notice to owner;

“immobilisation notice” has the meaning given in regulation 13(2);

“notice to owner”, other than in regulation 35, has the meaning given in regulation 20;

“notice of rejection” means a decision notice served by an enforcement authority under regulation 6(4)(b) of the Appeals Regulations which states that the enforcement authority does not accept the representations made under regulation 5 of those Regulations by the recipient of the enforcement notice to which those representations relate;

“OGL bus lane contravention” means a bus lane contravention within paragraph 6 of Schedule 7 to the TMA 2004 in a civil enforcement area outside Greater London;

“OGL moving traffic contravention” means a moving traffic contravention within paragraph 8 of Schedule 7 in a civil enforcement area outside Greater London;

“OGL parking contravention” means a parking contravention within paragraph 4 of Schedule 7 to the TMA 2004 (parking contraventions outside Greater London) in a civil enforcement area outside Greater London;

“owner”, in relation to a vehicle, includes a person who is to be treated as the owner of the vehicle by virtue of regulation 6;

“penalty charge”, other than in regulation 35, means a penalty charge relating to a relevant road traffic contravention and payable in accordance with regulation 6;

“penalty charge notice”, other than in regulation 35, means notice of a penalty charge;

(7) See in particular the guidelines in paragraph 1(2) of Schedule 3 (discounted level of penalty charge).

(8) See in particular the guidelines in paragraph 1(4) of Schedule 3 (surcharged level of penalty charge).

(9) “Civil enforcement officer” has the meaning given in section 76 of the TMA 2004.

(10) “Enforcement authority” is defined in Schedule 8 to the TMA 2004.

“regulation 10 penalty charge notice” means a penalty charge notice served under regulation 10;

“relevant road traffic contravention” means—

- (a) a parking contravention within paragraph 2 of Schedule 7 to the TMA 2004 (parking contraventions relating to parking places in Greater London) in Greater London,
- (b) a parking contravention within paragraph 3 of that Schedule (other parking contraventions in Greater London) in a civil enforcement area in Greater London,
- (c) an OGL bus lane contravention,
- (d) an OGL moving traffic contravention, or
- (e) an OGL parking contravention;

“vehicle-hire firm” has the meaning given in section 66(8) of the Road Traffic Offenders Act 1988 (hired vehicles)(11).

Service by post or electronically

3.—(1) This regulation makes provision about the service of documents under these Regulations, other than notices or orders made by a county court.

(2) A notice or charge certificate which is required by these Regulations to be served by post—

- (a) may be served by first class (but not second class) post, and
- (b) where the person on whom it is to be served or to whom it is to be given is a body corporate, is duly served or given if it is sent by first class post to the secretary or clerk of that body.

(3) Service of such a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted is to be taken to have been effected on the second working day after the day of posting.

(4) For the purposes of paragraph (3) “working day” means any day except—

- (a) a Saturday or a Sunday,
- (b) New Year’s Day,
- (c) Good Friday,
- (d) Christmas Day, or
- (e) any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(12).

(5) A document may be transmitted to a vehicle-hire firm by means of electronic data transmission where—

- (a) the vehicle-hire firm has indicated in writing to the person sending the document that it is willing to regard a document as having been duly sent to it if it is transmitted to a specified electronic address, and
- (b) the document is transmitted to that address.

Approved Devices

4. A device is an approved device for the purposes of these Regulations if it is of a type which has been certified by the Secretary of State as one which meets requirements specified in Schedule 1.

(11) 1988 c. 53.

(12) 1971 c. 80.

Status: *This is the original version (as it was originally made).*
