

**EXPLANATORY MEMORANDUM TO
THE TRAFFIC MANAGEMENT (PROCEEDINGS BEFORE ADJUDICATORS)
REGULATIONS (NORTHERN IRELAND) 2006**

Statutory Rule 2006 No.421

1. This explanatory memorandum has been prepared by the Department for Regional Development (as the Department with lead responsibility for matters related to roads in Northern Ireland) in conjunction with the Northern Ireland Court Service and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 These Regulations prescribe the procedure to be followed in relation to proceedings before adjudicators appointed under Article 29 of the Traffic Management (Northern Ireland) Order 2005 ('the 2005 Order'). The proceedings relate to appeals in connection with the enforcement of certain road traffic contraventions that are subject to civil enforcement.

3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments.

3.1 None

4. Legislative Background

4.1 These Regulations are made under Article 30(1) and (2) of the 2005 Order. This is the first use of these powers. The Regulations are subject to the negative resolution procedure by virtue of Article 46(2) of the 2005 Order.

4.2 In 2001 the Police Service of Northern Ireland announced its intention to withdraw fully from the enforcement of on-street parking restrictions at the earliest possible opportunity in order to target resources on other priority policing areas, including road safety. In consequence of this, the 2005 Order provides the Department for Regional Development ("the Department") with the necessary legislative power to introduce civil enforcement of certain road traffic offences, including the enforcement of parking and waiting restrictions.

4.3 The 2005 Order also makes provision for:

- a penalty charge to be payable with respect of a vehicle involved in certain road traffic contraventions;
- the use of immobilization devices and removal of vehicles for enforcement and debt recovery purposes;
- the making of representations to the Department and appeals to an independent adjudicator; and

- the Lord Chancellor to make regulations prescribing the procedure to be followed in relation to proceedings before adjudicators.

5. Extent

5.1 This instrument applies to Northern Ireland only.

6. European Convention on Human Rights

6.1. As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 At present, on-street parking contraventions are criminal offences and are enforced by the Police Service of Northern Ireland, mainly through the Traffic Warden Service. Under the decriminalised parking enforcement (“DPE”) system, the Department, through its Roads Service, will assume responsibility for the enforcement of certain road traffic contraventions.

7.2 The Department considered that the inclusion of a robust appeals procedure is an essential component of an effective DPE scheme. Under the scheme, individuals will have the right to make representations in the first instance to a designated officer within the Department’s Roads Service and, if these are rejected, to appeal to an independent adjudicator. The Department’s proposed system for representations and appeals received widespread support from respondents during the public consultation on proposals to decriminalise parking enforcement.

8. Impact

8.1 The proposals for DPE relate to the enforcement of existing parking and waiting restrictions and, therefore, this change is not considered likely to impose a new cost or saving on businesses, charities or the voluntary sector. In line with the Cabinet Office guidance, a Regulatory Impact Assessment is considered unnecessary.

8.2 It is envisaged that there will be a small but positive impact on the public sector. The proposed DPE scheme will not generate large revenue surpluses but will lead to more economic, efficient and effective enforcement of parking and waiting restrictions.

9. Contact

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