

## SCHEDULE 2

Regulation 25

### Consequential amendments

#### **Amendment of article 8A of the High Court and County Courts Jurisdiction Order 1991**

1.—(1) Article 8A of the High Court and County Courts Jurisdiction Order 1991(1) is amended in accordance with this paragraph.

(2) In paragraph (1)(c)(ii), for “Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007” substitute “Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022”.

#### **Amendment of Article 7 of the Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007**

2.—(1) Article 7 of the Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007(2) is amended in accordance with this paragraph.

(2) In paragraph (2)(b), in the inserted definition of “the Parking General Representations and Appeals Regulations”, for “Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007” substitute “Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022”.

(3) In paragraph (4)—

(a) in the substituted paragraph (a), for “8(5)” substitute “8(6)”; and

(b) in the substituted paragraph (b), for “11(5)” substitute “11(4)”.

(4) In paragraph (5), for “4” substitute “5”.

#### **Amendment of the Penalty Charges Enforcement (London) Regulations 2012**

3.—(1) The Penalty Charges Enforcement (London) Regulations 2012(3) are amended as follows.

(2) In regulation 2, in the definition of “the Representations and Appeals Regulations”, for “Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007” substitute “Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022”.

(3) In regulation 3(2)(c)—

(a) in sub-paragraph (iv), for “7(4)”, substitute “7(8)”; and

(b) in the words after that sub-paragraph, for “7(5)”, substitute “7(9)”.

#### **Amendment of the Household Waste (Fixed Penalty and Penalty Charge) Regulations 2015**

4.—(1) The Household Waste (Fixed Penalty and Penalty Charge) Regulations 2015(4) are amended as follows.

(2) In regulation 4, for “Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007” substitute “Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Regulations 2022”.

(1) [S.I. 1991/724](#). Article 8A was inserted by [S.I. 1993/1407](#), and paragraph (1)(a)(iii) to (v) was inserted by [S.I. 2009/577](#). There are other amendments to Article 8A but none is relevant.

(2) [S.I. 2007/2053](#), as amended by [S.I. 2008/488](#).

(3) [S.I. 2012/1234](#).

(4) [S.I. 2015/969](#).

**Draft Legislation:** This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, *The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022* ISBN 978-0-348-23275-2

(3) In the Schedule—

- (a) in the heading, for “Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007” substitute “Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Regulations 2022”;
- (b) for paragraph 3 substitute—

**“Regulations 8 to 14**

**3.** Omit regulations 8 to 14.”;

- (c) omit paragraphs 4 and 5;
- (d) after paragraph 5, insert—

**“Regulation 16**

**5A.** For regulation 16 substitute—

**“Recovery of sums payable**

**16.** Any amount which is payable under an adjudicator’s decision is, if a county court so orders, recoverable by the person to whom the amount is payable as if it were payable under a county court order.”.

**Regulation 17**

**5B.** In regulation 17, in paragraph (1), after “proper officer” insert “(within the meaning of paragraph 1(1) of Schedule 1)”.

**Regulation 18**

**5C.** In regulation 18(1)—

- (a) omit “Part 2, 3 or 4, or”;
  - (b) after “appeal”, insert “under regulation 7(1)”.
- (e) in paragraph 6—
- (i) for the heading substitute—

*“Schedule 1”;*

- (ii) in sub-paragraph (1), for “The Schedule” substitute “Schedule 1”.
- (iii) for sub-paragraph (2) substitute—

“(2) In paragraph 1(1), at the appropriate places insert the following definitions—

““appeal” means an appeal under regulation 7(1);”;

““fax” means the making of a facsimile copy of a document by the transmission of electronic signals;”;

““proper officer” means a member of the administrative staff provided under section 81(4)(a) of the Traffic Management Act 2004 who has been appointed to perform the functions of the proper officer under these Regulations;”;

““register” means the register required to be kept under regulation 17;”.

- (iv) in sub-paragraph (3), for “regulation 4(1), 8(4) or 11(4)” substitute “regulation 5(1), 8(5) or 11(3)”;

- (v) after sub-paragraph (3), insert—
  - “(3A) In paragraph 2(2), for paragraph (b) substitute—
    - “(b) the name and address of the appellant.”;
- (vi) for sub-paragraph (4) substitute—
  - “(4) In paragraph 2(4), omit “, 10(2)(a) or 13(2)(a) (as the case may be)”;
- (vii) after sub-paragraph (5), insert—
  - “(5A) Omit paragraph 2(8).”;
- (viii) in sub-paragraph (6), for “regulation 4(2)(b), 8(4) or 11(4)” substitute “regulation 5(2)(b), 8(5) or 11(3)”;
- (ix) omit sub-paragraph (7).

#### **Amendment of the West Midlands Combined Authority (Functions and Amendment) Order 2017**

**5.**—(1) Article 6 of the West Midlands Combined Authority (Functions and Amendment) Order 2017<sup>(5)</sup> is amended as follows.

(2) In paragraph (3), after “Regulations” insert “or the Appeals and Representations Regulations”.

(3) In paragraph (4), after sub-paragraph (a), insert—

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

#### **Amendment of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021**

**6.**—(1) Article 24 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021<sup>(6)</sup> is amended as follows.

(2) In paragraph (3), after “Regulations” insert or “the Appeals and Representations Regulations”.

(3) In paragraph (4), after sub-paragraph (a) insert—

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

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<sup>(5)</sup> S.I. 2017/510.

<sup>(6)</sup> S.I. 2021/112.