

2021 No. 1206

ROAD TRAFFIC

**The Heavy Commercial Vehicles in Kent (No. 1) (Amendment)
Order 2021**

Made - - - - 28th October 2021

Coming into force - - 31st October 2021

The Secretary of State makes the following Order in exercise of the powers conferred by sections 90B(2) and 90E(3) of the Road Traffic Offenders Act 1988(a) (“the 1988 Act”) and section 8(1) to (3) of the Traffic Management Act 2004(b) (“the 2004 Act”).

The Secretary of State is satisfied, in accordance with section 8(2) of the 2004 Act, that the further special powers conferred on traffic officers(c) by this Order are necessary for the purpose of facilitating the performance of any duties which may be assigned to them.

The Secretary of State has consulted with such representative organisations as appear appropriate in accordance with section 90E(2) of the 1988 Act.

A draft of this Order has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 90E(4) of the 1988 Act and section 8(4) of the 2004 Act.

Citation, commencement and extent

1. This Order—

- (a) may be cited as the Heavy Commercial Vehicles in Kent (No. 1) (Amendment) Order 2021;
- (b) comes into force on 31st October 2021; and
- (c) extends to England and Wales and Scotland, except for article 2 which extends to England and Wales only.

Amendment of the Heavy Commercial Vehicles in Kent (No. 1) Order 2019

- 2.—(1) The Heavy Commercial Vehicles in Kent (No. 1) Order 2019(d) is amended as follows.
- (2) Omit article 2(9).

(a) 1988 c. 53. Part 3A, which includes sections 90A to 90F, was inserted by section 11 of the Road Safety Act 2006 (c. 49).
(b) 2004 c. 18. The power under section 8 is conferred on “the appropriate national authority”, which is defined in section 15 and means, as respects England, the Secretary of State.
(c) See section 1 (traffic officers: introduction) of the Traffic Management Act 2004.
(d) S.I. 2019/1388, as amended by S.I. 2020/1386.

Amendment of the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009

3.—(1) The Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009(a) is amended as follows.

(2) In Schedule 2 (deposits for graduated fixed penalty offences)—

- (a) in table 7, in column (1), for “1A(2), 2(1), 3(2) or 3(4)”, substitute “2(1) or 3(2)”;
- (b) in table 8, in column (1), omit “3(A1), ”.

Signed by authority of the Secretary of State for Transport

Trudy Harrison
Parliamentary Under Secretary of State
Department for Transport

28th October 2021

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Heavy Commercial Vehicles in Kent (No. 1) Order 2019 (S.I. 2019/1388) (the “2019 Order”) and the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009 (S.I. 2009/492) (the “2009 Order”).

Article 2 removes article 2(9) of the 2019 Order which provided that the powers conferred on traffic officers by the 2019 Order would cease to have effect at the end of 31st October 2021. The powers therefore continue in force beyond that date.

Article 3 omits several offences from the 2009 Order to reflect amendments being made by related instruments to the Heavy Commercial Vehicles in Kent (No. 2) Order 2019(b) (S.I. 2019/1394) and the Heavy Commercial Vehicles in Kent (No. 3) Order 2019(c) (S.I. 2019/1210).

A full Impact Assessment has not been produced for this instrument as it is not expected to have a significant impact on the private, public or voluntary sectors. An Explanatory Memorandum has been prepared for this Order and is available alongside this instrument on the UK Legislation website www.legislation.gov.uk.

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(a) S.I. 2009/492. Relevant amending instruments are S.I. 2019/1388 and S.I. 2020/1386.
(b) S.I. 2019/1394, as amended by S.I. 2020/1155 and S.I. 2021/988.
(c) S.I. 2019/1210, as amended by S.I. 2020/1146, S.I. 2021/109 and S.I. 2021/973.

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