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STATUTORY INSTRUMENTS

2022 No. 686

ROAD TRAFFIC, ENGLAND

**The Civil Enforcement of Moving Traffic Contraventions
Designations and Miscellaneous Amendments Order 2022**

<i>Made</i>	- - - -	<i>20th June 2022</i>
<i>Laid before Parliament</i>		<i>21st June 2022</i>
<i>Coming into force</i>		
<i>Articles 1 and 4</i>		<i>14th July 2022</i>
<i>Remainder</i>		<i>15th July 2022</i>

The Secretary of State makes this Order in exercise of the powers conferred by sections 72, 79, 81(9)(b) and 89(3) of, paragraphs 8(1) and 10(1) of Schedule 8 to, paragraph 8 of Schedule 9 to, and paragraph 3(1) of Schedule 10 to, the Traffic Management Act 2004^(a) (“the Act”).

Oxfordshire County Council has applied to the Secretary of State for an order to be made in exercise of the powers in paragraph 8(1) of Schedule 8 to, and paragraph 3(1) of Schedule 10 to, the Act in respect of part of its area.

Oxfordshire County Council, Bath and North East Somerset Council, Buckinghamshire Council, Derby City Council, Hampshire County Council, Reading Borough Council, Surrey County Council, Kent County Council, Norfolk County Council, Durham County Council and Bedford Borough Council have each applied to the Secretary of State for an order to be made in exercise of the powers in paragraph 10(1) of Schedule 8 to the Act in respect of part of their respective areas. Luton Borough Council has applied to the Secretary of State for an order to be made in exercise of those powers in respect of the whole of the Borough of Luton.

The Secretary of State has consulted the Chief Constable of the Thames Valley Police in accordance with the requirements of paragraph 8(3) of Schedule 8 to, and paragraph 3(4) of Schedule 10 to, the Act.

The Secretary of State has consulted the Chief Constables of the Thames Valley Police, the Avon and Somerset Police, the Derbyshire Constabulary, the Hampshire Constabulary, the Bedfordshire

(a) 2004 c. 18. Section 79 was amended by paragraph 48 of Schedule 1 to the Disability Discrimination Act 2005 (c. 13). Section 81 was amended by paragraph 39 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by S.I. 2006/1016. The Secretary of State is the “appropriate national authority” as regards England for the purposes of Part 6 of the Traffic Management Act 2004, by virtue of section 92(1) of that Act.

Police, the Surrey Police, the Kent Police, the Norfolk Constabulary and the Durham Constabulary in accordance with the requirements of paragraph 10(4) of Schedule 8 to the Act.

PART 1

Introductory Provisions

Citation, commencement, extent and application

1.—(1) This Order may be cited as the Civil Enforcement of Moving Traffic Contraventions Designations and Miscellaneous Amendments Order 2022.

(2) This article and article 4 come into force on 14th July 2022.

(3) The remaining provisions of this Order come into force on 15th July 2022.

(4) This Order extends to England and Wales, but applies only in England.

Interpretation

2. In this Order “relevant date” means the date on which this Order is made.

PART 2

Designation of civil enforcement areas

Designation of civil enforcement areas for moving traffic contraventions

3. The Secretary of State designates each of the following areas as a civil enforcement area for moving traffic contraventions—

- (a) the part of the area of Oxfordshire County Council designated as a civil enforcement area for parking contraventions and as a special enforcement area by article 3 of, and Schedule 1 to, the Civil Enforcement of Parking Contraventions Designation Order 2021(a) as it had effect immediately before 15th July 2022;
- (b) the part of the area of the District of Bath and North East Somerset designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (District of Bath and North East Somerset) Order 2003(b) as it had effect immediately before the relevant date;
- (c) the parts of the area of Buckinghamshire County Council—
 - (i) designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Buckinghamshire) (District of Aylesbury Vale) Order 2003(c) and the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Buckinghamshire) (District of Chiltern) Order 2005(d), as each had effect immediately before the relevant date;
 - (ii) designated as a civil enforcement area for parking contraventions and as a special enforcement area by the Civil Enforcement of Parking Contraventions (County of Buckinghamshire) (District of Wycombe) Designation Order 2008(e) and by article 3(1) and 3(2)(a) of, and Schedule 1 to, the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) and Civil Enforcement of Parking

(a) S.I. 2021/1125, as amended by article 4 of this Order.

(b) S.I. 2003/95.

(c) S.I. 2003/1262.

(d) S.I. 2005/2151.

(e) S.I. 2008/2344.

- Contraventions Designation (No. 2) Order 2012**(a)**, as each had effect immediately before the relevant date;
- (d) the part of the area of The Derby City Council designated as a civil enforcement area for parking contraventions and as a special enforcement area by article 3(1) and 3(2)(a) of, and Schedule 1 to, the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) and Civil Enforcement of Parking Contraventions Designation Order 2012**(b)** as it had effect immediately before the relevant date;
- (e) the parts of the area of Hampshire County Council—
- (i) designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire, City of Winchester) Order 1996**(c)**, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (District of Hart) Order 2002**(d)**, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Rushmoor) Order 2002**(e)**, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Basingstoke and Deane) Order 2002**(f)**, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Test Valley) Order 2003**(g)**, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Eastleigh) Order 2004**(h)**, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Havant) Order 2005**(i)**, the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (District of New Forest) Order 2005**(j)** and the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Fareham) Order 2007**(k)**, as each had effect immediately before the relevant date;
- (ii) designated as a civil enforcement area for parking contraventions and as a special enforcement area by article 3(1) and 3(2)(b) of, and Schedules 2 and 3 to, the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) and Civil Enforcement of Parking Contraventions Designation Order 2012 and by article 3(1) and 3(2)(a) of the Civil Enforcement of Parking Contraventions Designation (No. 2) Order 2020**(l)**, as each had effect immediately before the relevant date;
- (f) the part of the area of the Reading Borough Council designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Reading) Order 2000**(m)** as it had effect immediately before the relevant date;
- (g) the Borough of Luton;
- (h) the part of the area of Surrey County Council designated as a civil enforcement area for parking contraventions and as a special enforcement area by article 3(1) and 3(2)(d) of, and Schedule 2 to, the Civil Enforcement of Parking Contraventions Designation (No. 2) Order 2020 as it had effect immediately before the relevant date;
- (i) the parts of the area of Kent County Council—

(a) S.I. 2012/2659.
 (b) S.I. 2012/846.
 (c) S.I. 1996/1171.
 (d) S.I. 2002/1351.
 (e) S.I. 2002/1352.
 (f) S.I. 2002/2187.
 (g) S.I. 2003/2336.
 (h) S.I. 2004/2188.
 (i) S.I. 2005/233.
 (j) S.I. 2005/3295.
 (k) S.I. 2007/652.
 (l) S.I. 2020/946.
 (m) S.I. 2000/1719.

- (i) designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Maidstone) Order 1997(a), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (District of Thanet) Order 1999(b), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (City of Canterbury) Order 1999(c), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Swale) Order 1999(d), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (District of Sevenoaks) Order 1999(e), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Tunbridge Wells) Order 1999(f), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Gravesham) Order 1999(g), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (District of Shepway) Order 2000(h), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Tonbridge and Malling) Order 2000(i), the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (Borough of Ashford) Order 2000(j) and the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Kent) (District of Dover) Order 2001(k), as each had effect immediately before the relevant date;
- (ii) designated as a civil enforcement area for parking contraventions and as a special enforcement area by article 3(1) and 3(2)(c) of, and Schedule 4 to, the Civil Enforcement of Parking Contraventions Designation Order 2011(l) as it had effect immediately before the relevant date;
- (j) the part of the area of Norfolk County Council—
 - (i) designated as a permitted parking area and as a special parking area by the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Norfolk) (City of Norwich) Order 2002(m) as it had effect immediately before the relevant date;
 - (ii) designated as a civil enforcement area for parking contraventions and as a special enforcement area by article 3(1) and 3(2)(d) of, and Schedule 5 to, the Civil Enforcement of Parking Contraventions Designation Order 2011 as it had effect immediately before the relevant date;
- (k) the part of the area of Durham County Council designated as a civil enforcement area for parking contraventions and as a special enforcement area by article 3(1) and 3(2)(b) of, and Schedule 2 to, the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) and Civil Enforcement of Parking Contraventions Designation Order 2013(n) as it had effect immediately before the relevant date; and
- (l) the part of the area of Bedford Borough Council designated as a civil enforcement area for parking contraventions and as a special enforcement area by the Civil Enforcement of Parking Contraventions (Bedford) Designation Order 2009(o) as it had effect immediately before the relevant date.

(a) S.I. 1997/2078, as amended by S.I. 1999/639.

(b) S.I. 1999/3401.

(c) S.I. 1999/3402.

(d) S.I. 1999/3403.

(e) S.I. 1999/3404.

(f) S.I. 1999/3405.

(g) S.I. 1999/3314.

(h) S.I. 2000/722.

(i) S.I. 2000/2120.

(j) S.I. 2000/2430.

(k) S.I. 2001/1.

(l) S.I. 2011/2431.

(m) S.I. 2002/37.

(n) S.I. 2013/992.

(o) S.I. 2009/715.

PART 3

Miscellaneous amendments

Amendment of the Civil Enforcement of Parking Contraventions Designation Order 2021

4.—(1) The Civil Enforcement of Parking Contraventions Designation Order 2021 is amended as follows.

(2) In Schedule 1 (the part of the area of Oxfordshire County Council designated as a civil enforcement area for parking contraventions and special enforcement area)—

- (a) in paragraph 2(5)(b), for “A234” substitute “A423”;
- (b) in paragraph 2(5)(c), for “A43” substitute “A44”.

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

5.—(1) The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022(a) are amended as follows.

(2) In regulation 14 (limitations on the power to immobilise vehicles)—

- (a) in paragraph (4), for “the appropriate period has” substitute “15 minutes have”;
- (b) omit paragraphs (5) to (7).

(3) In regulation 16 (appointment etc of adjudicators), omit paragraph (8).

(4) In regulation 34 (transitional provisions and savings in connection with the revocation of the 2007 General Regulations: existing contraventions, existing offences and related matters), in subparagraph (a) of the definition of “existing offence” in paragraph (5) for “11(1)” substitute “11(2)”.

(5) Omit regulation 35 (transitional provisions and savings: outstanding penalty charges).

(6) In schedule 3 (guidelines for the setting by enforcement authorities of charges for relevant road traffic contraventions etc outside Greater London), in paragraph 3 omit “relevant”.

(7) In schedule 4 (consequential amendments), in paragraph 3(3)(a) for “General Parking Regulations” substitute “Parking General Regulations”.

Amendment of the Removal and Disposal of Vehicles Regulations 1986

6.—(1) The Removal and Disposal of Vehicles Regulations 1986(b) are amended as follows.

(2) In regulation 5C (power of civil enforcement officers to remove vehicles in a civil enforcement area for parking contraventions in England)—

- (a) in paragraph (3), for “the appropriate period has” substitute “15 minutes have”;
- (b) in paragraph (4), omit the definitions of “the appropriate period”, “outstanding” and “penalty charge”.

Signed by authority of the Secretary of State for Transport

20th June 2022

Vere
Parliamentary Under Secretary of State for Transport
Department for Transport

(a) S.I. 2022/71.

(b) S.I. 1986/183. Regulation 5C was inserted by S.I. 2007/3484 and amended in relation to England by S.I. 2021/461 and S.I. 2022/71.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order designates part of the following local authority areas as moving traffic contravention civil enforcement areas for the purposes of Part 6 of the Traffic Management Act 2004: Oxfordshire County Council, Bath and North East Somerset Council, Buckinghamshire Council, Derby City Council, Hampshire County Council, Reading Borough Council, Surrey County Council, Kent County Council, Norfolk County Council, Durham County Council and Bedford Borough Council. This Order also designates the whole of the Borough of Luton as a civil enforcement area for moving traffic contraventions for the purposes of Part 6 of the Traffic Management Act 2004. Each of the areas designated is the same as, or falls within, the area already designated by the local authority for the enforcement of parking contraventions.

The practical effect of the Order is to enable the local authorities mentioned in the preceding paragraph to enforce moving traffic contraventions within all or part of their areas (as applicable) through a civil law regime.

The Order also amends the Civil Enforcement of Parking Contraventions Designation Order 2021 (“the 2021 Order”), the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (“the 2022 Regulations”), and the Removal and Disposal of Vehicles Regulations 1986 (“the 1986 Regulations”).

The Order amends paragraphs 2(5)(b) and 2(5)(c) in Schedule 1 to the 2021 Order to correct typographical errors in the names of the roads which are excluded from the civil enforcement area in the area of Oxfordshire County Council for parking contraventions.

The Order amends regulation 14 of the 2022 Regulations to change the requirements regarding the minimum period which must elapse before an immobilisation device can be fixed to a vehicle following certain parking contraventions. Following the amendment, this period will be 15 minutes in all circumstances. In consequence of this change, regulation 35 of the 2022 Regulations is no longer required and has therefore been revoked. The other amendments to the 2022 Regulations made by the Order consist of minor corrections.

The Order amends regulation 5C of the 1986 Regulations to change the requirements regarding the minimum period which must elapse before a vehicle can be removed following certain parking contraventions. Following the amendment, this period will be 15 minutes in all circumstances.

A full Impact Assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary, or public sector is foreseen. An Explanatory Memorandum has been prepared for this Order and is available alongside this Order on the UK Legislation website www.legislation.gov.uk.

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