

STATUTORY INSTRUMENTS

2022 No. 71

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

PART 2

Penalty charges for relevant road traffic contraventions

Imposition of penalty charges for relevant road traffic contraventions

5.—(1) A penalty charge may be imposed with respect to a vehicle where that vehicle is involved in a relevant road traffic contravention which is committed on or after the commencement date.

(2) But no penalty charge may be imposed under paragraph (1) in relation to a parking contravention where—

- (a) the vehicle is stationary in a designated parking place and is left beyond the permitted parking period, and
- (b) the period for which it is left beyond the permitted parking period does not exceed 10 minutes.

(3) In this regulation—

“designated parking place” means a parking place established by virtue of an order made under section 1, 6, 9, 32(1)(b), 35 or 45 of the RTRA 1984;

“permitted parking period” means a period of parking—

- (a) that has been paid for as authorised by or under any order made relating to the designated parking place, or
- (b) for which no charge is payable as authorised by or under any order made relating to the designated parking place.

(4) This regulation is subject to regulations 7 and 8.

Commencement Information

II [Reg. 5](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

Person by whom a penalty charge is to be paid

6.—(1) Where a relevant road traffic contravention occurs, the person by whom the penalty charge is to be paid is to be determined in accordance with this regulation.

(2) Where—

- (a) the vehicle is a mechanically propelled vehicle which was, at the material time, hired from a vehicle-hire firm under a hiring agreement,

- (b) the person (“P”) hiring it had signed a statement of liability acknowledging P’s liability in respect of any penalty charge notice served in respect of any road traffic contravention involving the vehicle during the currency of the hiring agreement, and
- (c) in response to a notice to owner served on the owner of the vehicle, the owner made representations on the ground specified in regulation 5(4)(d) of the 2022 Appeals Regulations and the enforcement authority accepted those representations,

the penalty charge is payable by P.

(3) Where the penalty charge is payable by P, P is to be treated as if they were the owner of the vehicle at the material time for the purposes of these Regulations.

(4) In a case not falling within paragraph (2), the penalty charge is payable by the person who was the owner of the vehicle involved in the contravention at the material time.

(5) In this regulation—

“hiring agreement” has the meaning given in section 66(8) of the Road Traffic Offenders Act 1988 (hired vehicles)(1);

“the material time” means the time when the contravention giving rise to the penalty charge is said to have been committed.

Commencement Information

I2 Reg. 6 in force at 31.5.2022, see [reg. 1\(2\)](#)

Evidence of contravention

7.—(1) A penalty charge may only be imposed in respect of a parking contravention on the basis of—

- (a) a record produced by an approved device, or
- (b) information given by a civil enforcement officer as to conduct observed by that officer.

(2) A penalty charge may only be imposed in respect of an OGL bus lane contravention or an OGL moving traffic contravention on the basis of a record produced by an approved device.

Commencement Information

I3 Reg. 7 in force at 31.5.2022, see [reg. 1\(2\)](#)

Criminal proceedings for relevant road traffic contraventions

8.—(1) No criminal proceedings may be instituted, and no fixed penalty notice(2) may be issued, in respect of conduct constituting a parking contravention, except a pedestrian crossing contravention.

(2) No penalty charge is payable in relation to a pedestrian crossing contravention, an OGL bus lane contravention or an OGL moving traffic contravention where—

- (a) the conduct constituting the contravention is the subject of criminal proceedings, or
- (b) a fixed penalty notice is given in respect of that conduct.

(3) Where, despite paragraph (2)—

(1) The definition of “hiring agreement” was amended by the Road Safety Act 2006 (c. 49), Schedule 7.

(2) See the definition of “fixed penalty notice” in section 92 of the TMA 2004.

- (a) a penalty charge is paid in respect of a contravention, and
- (b) the circumstances are as mentioned in paragraph (2)(a) or (b),

the enforcement authority must, as soon as reasonably practicable after those circumstances come to its notice, refund the amount of the penalty charge.

(4) In this regulation “pedestrian crossing contravention” means a parking contravention consisting of an offence referred to in paragraph 3(2)(c) or paragraph 4(2)(ba) of Schedule 7 to the TMA 2004 (prohibition on stopping of vehicles on or near pedestrian crossings).

Commencement Information

I4 Reg. 8 in force at 31.5.2022, see [reg. 1\(2\)](#)

Penalty charge notices for parking contraventions: service by civil enforcement officers

9.—(1) This regulation applies in relation to the notification, by a civil enforcement officer, of a penalty charge payable in respect of a parking contravention.

(2) Where a civil enforcement officer has reason to believe that a penalty charge is payable in respect of a parking contravention otherwise than on a road, the civil enforcement officer may give notification of that charge by—

- (a) fixing a penalty charge notice to the vehicle, or
- (b) giving a penalty charge notice to the person appearing to the civil enforcement officer to be in charge of the vehicle.

(3) Except as provided for in paragraphs (4) to (6) and regulation 10, notification of a penalty charge in respect of a parking contravention on a road may only be given by a civil enforcement officer by fixing a penalty charge notice to the vehicle.

(4) The requirement in paragraph (3) that notification be given by the fixing of a penalty charge notice to the vehicle does not apply—

- (a) where the civil enforcement officer is able to give the penalty charge notice to the person appearing to the officer to be in charge of the vehicle, or
- (b) in the circumstances specified in regulation 11.

(5) Where the circumstances in paragraph (4)(a) apply, the civil enforcement officer may, instead of fixing the penalty charge notice to the vehicle, give it to the person appearing to the civil enforcement officer to be in charge of the vehicle.

(6) Where the circumstances in paragraph (4)(b) apply, the civil enforcement officer may—

- (a) fix the penalty charge notice to the vehicle, or
- (b) give it to the person appearing to the civil enforcement officer to be in charge of the vehicle.

(7) A penalty charge notice given under this regulation must include the information set out in—

- (a) Schedule 2, and
- (b) regulation 3(1) of the 2022 Appeals Regulations.

Commencement Information

I5 Reg. 9 in force at 31.5.2022, see [reg. 1\(2\)](#)

Penalty charge notices for relevant road traffic contraventions: enforcement authority

10.—(1) This regulation applies in relation to the notification, by an enforcement authority, of a penalty charge payable in respect of a relevant road traffic contravention.

(2) An enforcement authority may give notification of the penalty charge by serving a penalty charge notice by post where—

- (a) on the basis of a record produced by an approved device, the authority has reason to believe that a penalty charge is payable with respect to—
 - (i) a regulation 11 parking contravention,
 - (ii) an OGL bus lane contravention, or
 - (iii) an OGL moving traffic contravention;
- (b) a civil enforcement officer attempted to give a penalty charge notice in accordance with regulation 9, but was prevented from doing so by any person;
- (c) a civil enforcement officer had begun to prepare a penalty charge notice to be given in accordance with regulation 9, but the vehicle concerned was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had given it in accordance with regulation 9.

(3) For the purposes of this regulation “regulation 11 parking contravention” means a parking contravention—

- (a) otherwise than on a road, or
- (b) on a road in the circumstances specified in regulation 11.

(4) For the purposes of paragraph (2)(c), a civil enforcement officer who observes conduct which appears to constitute a parking contravention is not because of that observation to be taken to have begun to prepare a penalty charge notice.

(5) The penalty charge notice—

- (a) must be served on the person appearing to the enforcement authority to be the owner of the vehicle involved in the contravention in consequence of which the penalty charge is payable, and
- (b) must include the information set out—
 - (i) in Schedule 2, and
 - (ii) in regulation 3(2) of the 2022 Appeals Regulations.

(6) Subject to paragraph (8), an enforcement authority may not give a penalty charge notice under this regulation after the end of the period of 28 days beginning with the contravention date (“the 28-day period”).

(7) Paragraph (8) applies—

- (a) where—
 - (i) within the period of 14 days beginning with the contravention date, the enforcement authority has requested the Secretary of State to supply the relevant particulars in respect of the vehicle involved in the contravention, and
 - (ii) those particulars have not been supplied before the end of the 28-day period;
- (b) where an earlier penalty charge notice given under this regulation and relating to the same contravention is deemed to have been cancelled under regulation 23(5)(c);
- (c) where an earlier penalty charge notice relating to the same contravention has been cancelled under regulation 6 of the 2022 Appeals Regulations.

(8) Where this paragraph applies, the enforcement authority is entitled to give a penalty charge notice under this regulation—

- (a) in a case falling within paragraph (7)(a), for a period of six months beginning with the contravention date;
- (b) in a case falling within paragraph (7)(b), for a period of 4 weeks beginning with the date on which the district judge serves notice in accordance with regulation 23(5)(d);
- (c) in a case falling within paragraph (7)(c), for a period of 4 weeks beginning with the date on which the earlier penalty charge notice given under this regulation was cancelled.

(9) For the purposes of this regulation—

“the contravention date”, in relation to a relevant road traffic contravention in respect of which a penalty charge is payable, is the date on which, according to a record produced by an approved device or information given by a civil enforcement officer, the contravention occurred;

“relevant particulars” means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Secretary of State under the Vehicle Excise and Registration Act 1994(3).

Commencement Information

I6 Reg. 10 in force at 31.5.2022, see [reg. 1\(2\)](#)

Circumstances in which notification of a penalty charge for a parking contravention on a road in a civil enforcement area may be given otherwise than by fixing a notice to the vehicle

11.—(1) The circumstances specified for the purposes of regulations 9(4)(b) and 10(3)(b) are circumstances where the relevant vehicle is stationary on—

- (a) a bus lane,
- (b) a bus stop clearway or bus stand clearway,
- (c) a carriageway outside a school entrance which is marked in accordance with diagram 1027.1 at item 10 in Part 4 of Schedule 7 to the Traffic Signs Regulations and indicated by the upright sign at item 10 in Part 3 of Schedule 4 to those Regulations,
- (d) a red route, or
- (e) a mandatory cycle lane which is additionally marked in accordance with any of the following diagrams referred to in Part 4 of Schedule 7 to the Traffic Signs Regulations—
 - (i) diagram 1018.1 at item 1;
 - (ii) diagram 1017 at item 2;
 - (iii) diagram 1020.1 at item 3;
 - (iv) diagram 1019 at item 4.

(2) In this regulation—

“bus lane” means a traffic lane marked in accordance with—

- (a) diagram 1049A at item 11 in Part 6 of Schedule 9 to the Traffic Signs Regulations, and
- (b) the upright sign at diagram 959B at item 10 in Part 4 of Schedule 9 to those Regulations;

“bus stop clearway or bus stand clearway” means a clearway marked in accordance with diagram 1025.1 at item 9 in Part 4 of Schedule 7 to the Traffic Signs Regulations;

Changes to legislation: There are currently no known outstanding effects for the The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, PART 2. (See end of Document for details)

“mandatory cycle lane” means a cycle lane which is marked in accordance with diagram 1049B at item 7 in Part 6 of Schedule 9 to the Traffic Signs Regulations;

“red route” means a road marked in accordance with—

- (a) diagram 1018.2 at item 11 or diagram 1017.1 at item 12 in Part 4 of Schedule 7 to the Traffic Signs Regulations, and
- (b) the upright sign at Part 1 of Schedule 6 to those Regulations;

“the Traffic Signs Regulations” means the Traffic Signs Regulations and General Directions 2016(4).

Commencement Information

17 [Reg. 11](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

Removal of, or interference with, a penalty charge notice

12.—(1) A penalty charge notice fixed to a vehicle in accordance with regulation [9\(2\)\(a\)](#) or [\(3\)](#) must not be removed or interfered with except by or under the authority of—

- (a) the owner or person in charge of the vehicle, or
 - (b) the enforcement authority.
- (2) A person contravening paragraph (1) is—
- (a) guilty of an offence, and
 - (b) liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Commencement Information

18 [Reg. 12](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

(4) [S.I. 2016/362](#), to which there are amendments not relevant to these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, PART 2.