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STATUTORY INSTRUMENTS

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**2022 No. 71**

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

PART 4

Adjudicators

**Appointment etc of adjudicators**

**16.**—(1) The relevant enforcement authorities<sup>(1)</sup> must appoint such number of adjudicators for the purposes of Part 6 of the TMA 2004 on such terms as they may decide.

(2) A decision by those authorities to appoint a person as an adjudicator does not have effect without the consent of the Lord Chancellor.

(3) A decision of the authorities—

- (a) not to re-appoint a person as an adjudicator, or
- (b) to remove a person from office as an adjudicator,

does not have effect without the consent of the Lord Chancellor and of the Lord Chief Justice.

(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005<sup>(2)</sup>) to exercise the Lord Chief Justice’s functions under paragraph (3).

(5) An adjudicator who—

- (a) was appointed under regulation 11 of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005<sup>(3)</sup> or regulation 17 of the 2007 General Regulations, and
- (b) held office immediately before the commencement date,

is to be treated as having been appointed under this regulation on the same terms as those on which they held office at that time.

(6) Each adjudicator must make an annual report to the relevant enforcement authorities which appointed the adjudicator in accordance with such requirements as may be imposed by those authorities.

(7) The relevant enforcement authorities must make and publish an annual report to the Secretary of State on the discharge by the adjudicators of their functions.

(8) In this regulation “relevant parking contravention” means—

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<sup>(1)</sup> “Relevant enforcement authorities” is defined in section 81 of the TMA 2004.

<sup>(2)</sup> 2005 c. 4.

<sup>(3)</sup> S.I. 2005/2757.

- (a) a parking contravention within paragraph 2 of Schedule 7 to the TMA 2004 (parking contraventions relating to parking places in Greater London) in Greater London,
- (b) a parking contravention within paragraph 3 of that Schedule (other parking contraventions in Greater London) in a civil enforcement area in Greater London, or
- (c) an OGL parking contravention.

#### **Adjudication process and remuneration of adjudicators: expenses of the relevant enforcement authorities**

17.—(1) In default of a decision by the relevant enforcement authorities under subsection (9)(a) of section 81 of the TMA 2004 as to the proportions in which their expenses under that section are to be defrayed, the authorities must refer the issue to be determined by an arbitrator nominated by the Chartered Institute of Arbitrators for the arbitrator to determine.

(2) Where the Secretary of State is satisfied that there has been a failure by the relevant enforcement authorities to agree those proportions, the Secretary of State may give to the relevant joint committee such directions as are, in the Secretary of State’s opinion, necessary to secure that the issue is referred to arbitration in accordance with paragraph (1).

(3) In this regulation “the relevant joint committee” means the joint committee constituted, or treated as constituted, under regulation 18 or 19 of which the enforcement authorities in default are constituent authorities.

#### **Discharge of functions of enforcement authorities relating to adjudicators: in Greater London**

18.—(1) The functions of the London authorities<sup>(4)</sup> under section 81 of the TMA 2004 (adjudicators) and under regulation 16 are to be discharged jointly, under arrangements made under section 101(5) of the LGA 1972 (arrangements for discharge of functions by local authorities) by a single joint committee appointed by those authorities under section 102(1)(b) of that Act.

- (2) Any relevant arrangements for the discharge of functions by a single joint committee—
  - (a) continue in force and have effect as if made for the purposes of this regulation, until such time as they are replaced by arrangements made for the purposes of this regulation;
  - (b) may, whilst they continue to have effect by virtue of sub-paragraph (a), be varied by arrangements made under section 101(5) of the LGA 1972.

(3) For the purposes of paragraph (2) “relevant arrangements for the discharge of functions by a single joint committee” means any arrangements—

- (a) which were made, or treated as if made, for the purposes of regulation 15 the 2007 General Regulations, and
- (b) subsisting immediately before the commencement date.

#### **Discharge of functions of enforcement authorities relating to adjudicators: outside Greater London**

19.—(1) The functions of the non-London enforcement authorities under section 81 of the TMA 2004 (adjudicators) and under regulation 16 are to be discharged jointly, under arrangements made under section 101(5) of the LGA 1972 (arrangements for discharge of functions by local authorities), by a joint committee or joint committees appointed under section 102(1)(b) of that Act of which at least three of the non-London enforcement authorities are constituent authorities.

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(4) “London authority” is defined in section 92(1) of the TMA 2004.

(2) The constituent authorities of a joint committee may include county or county borough councils in Wales.

(3) Any relevant arrangements for the discharge of functions by joint committee—

(a) continue in force and have effect as if made for the purposes of this regulation, until such time as they are replaced by arrangements made for the purposes of this regulation;

(b) may, whilst they continue to have effect by virtue of sub-paragraph (a), be varied by arrangements made under section 101(5) of the LGA1972.

(4) For the purposes of paragraph (3) “relevant arrangements for the discharge of functions by joint committee” means any arrangements—

(a) which were made, or treated as if made, for the purposes of regulation 16 of the 2007 General Regulations, and

(b) subsisting immediately before the commencement date.

(5) For the purposes of this regulation “non-London enforcement authority” means an enforcement authority which is a local authority in England other than a London authority.