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S T A T U T O R Y I N S T R U M E N T S

2022 No. 71

ROAD TRAFFIC, ENGLAND

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

<i>Made</i>	- - - -	<i>22nd January 2022</i>
<i>Laid before Parliament</i>		<i>27th January 2022</i>
<i>Coming into force</i>	- -	<i>31st May 2022</i>

CONTENTS

PART 1

Preliminary

1. Citation, commencement, extent and application
2. Interpretation
3. Service by post or electronically
4. Approved Devices

PART 2

Penalty charges for relevant road traffic contraventions

5. Imposition of penalty charges for relevant road traffic contraventions
6. Person by whom a penalty charge is to be paid
7. Evidence of contravention
8. Criminal proceedings for relevant road traffic contraventions
9. Penalty charge notices for parking contraventions: service by civil enforcement officers
10. Penalty charge notices for relevant road traffic contraventions: enforcement authority
11. 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
12. Removal of, or interference with, a penalty charge notice

PART 3

Immobilisation of vehicles for parking contraventions

13. Power to immobilise vehicles
14. Limitations on the power to immobilise vehicles
15. Release of immobilised vehicles

PART 4

Adjudicators

16. Appointment etc of adjudicators
17. Adjudication process and remuneration of adjudicators: expenses of the relevant enforcement authorities
18. Discharge of functions of enforcement authorities relating to adjudicators: in Greater London
19. Discharge of functions of enforcement authorities relating to adjudicators: outside Greater London

PART 5

Enforcement of penalty charges

20. Notice to owner
21. Charge certificate
22. Enforcement of charge certificate
23. Invalid notices

PART 6

Financial provisions

CHAPTER 1

Greater London

24. Setting the levels of charges applicable in Greater London
25. Modification of section 55 of the RTRA 1984: London authorities

CHAPTER 2

Outside Greater London

26. Guidelines for the level of charges applicable outside Greater London
27. Modification of section 55 of the RTRA 1984: parking contraventions outside Greater London
28. Income and expenditure in connection with OGL bus lane contraventions
29. Income and expenditure in connection with OGL moving traffic contraventions
30. Surpluses to be carried forward
31. Use of surpluses

PART 7

Consequential, Transitional and Savings Provisions

32. Revocations
33. Transitional provisions and savings: general
34. Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: existing contraventions, existing offences and related matters
35. Transitional provisions and savings: outstanding penalty charges

36. Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: adjudicators and related reports
37. Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: arbitration
38. Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: accounts kept by a London authority
39. Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: accounts kept by enforcement authorities outside Greater London
40. Transitional provisions and savings: approved devices
41. Transitional provisions and savings: charging guidelines
42. Consequential amendments

PART 8

Amendments related to traffic signs that are subject to civil enforcement

43. Traffic signs that are subject to civil enforcement

-
- SCHEDULE 1 — Specified requirements for approved devices
 - SCHEDULE 2 — Penalty charge notices
 - SCHEDULE 3 — Guidelines for the setting by enforcement authorities of charges for relevant road traffic contraventions etc outside Greater London
 - PART 1 — Guidelines for relevant road traffic contraventions
 - PART 2 — Guidelines for charges for removal, storage or disposal or release from an immobilisation device
 - PART 3 — General
 - SCHEDULE 4 — Consequential Amendments
 - SCHEDULE 5 — Amendments relating to traffic signs

These Regulations are made by—

- (a) the Secretary of State in exercise of the powers in section 4(19) of the London Local Authorities and Transport for London Act 2003(a) and sections 72, 73(3), 79, 88, 89 and 92 of, and paragraph 10 of Schedule 7 to and paragraphs 6 and 8 of Schedule 9 to, the Traffic Management Act 2004(b) (“the TMA 2004”), and
- (b) the Lord Chancellor, in exercise of the powers conferred by sections 78, 78A, 81, 82 and 89 of the TMA 2004.

In accordance with paragraph 10(3) of Schedule 7 to the TMA 2004, the Secretary of State has, in relation to the amendments made by regulation 43 of these Regulations, consulted such representatives of chief officers of police, and such associations of local authorities, as the Secretary of State considered appropriate.

(a) 2003 c. iii.

(b) 2004 c. 18. Section 78A was inserted by section 53 of the Deregulation Act 2015 (c. 20). Section 79 was amended by paragraph 48 of Schedule 1 to the Disability Discrimination Act 2005 (c. 13). Section 81 was amended by paragraph 29 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) (“the 2007 Act”) and by S.I. 2006/1016. Section 82 was amended by paragraph 156 of Schedule 13, and Schedule 23, to the 2007 Act and by paragraph 135 of Schedule 9 to the Crime and Courts Act 2013 (c. 22). Paragraph 10 of Schedule 7 was amended by S.I. 2019/858. “Appropriate national authority” is defined in section 92 of the TMA 2004.

PART 1

Preliminary

Citation, commencement, extent and application

1.—(1) These Regulations may be cited as the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022.

(2) These Regulations come into force on 31st May 2022.

(3) These Regulations extend to England and Wales.

(4) These Regulations apply in England only.

(5) Nothing in this Part or Parts 2 to 7 applies in relation to—

- (a) a bus lane contravention within paragraph 6 of Schedule 7 to the TMA 2004 in Greater London,
- (b) a London lorry ban contravention(a), or
- (c) a moving traffic contravention within paragraph 8 of Schedule 7 to the TMA 2004 in a civil enforcement area(b) in Greater London.

Interpretation

2. In these Regulations—

“the LGA 1972” means the Local Government Act 1972(c)

“the RTRA 1984” means the Road Traffic Regulation Act 1984(d);

“the TMA 2004” means the Traffic Management Act 2004;

“the 2007 General Regulations” means the Civil Enforcement of Parking (England) General Regulations 2007(e);

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

“adjudicator”, other than in regulation 36, means an adjudicator appointed, or treated as appointed, under regulation 16;

“the applicable date” means—

- (a) in the case of a penalty charge notice served by virtue of regulation 10(2)(a), the last day of the period of 21 days beginning with the date on which the notice is served;
- (b) in the case of any other notice, the last day of the period of 14 days beginning with the date on which the notice is served;

“applicable discount”, in relation to a penalty charge, means the amount, set in accordance with Schedule 9 to the TMA 2004, by which the charge is reduced if it is paid early(g);

“applicable surcharge”, in relation to a penalty charge, means the amount, set in accordance with Schedule 9 to the TMA 2004, by which the charge is increased if it is not paid before a charge certificate is issued(h);

“approved device” has the meaning given in regulation 4;

(a) “London lorry ban contravention” is defined in paragraph 7 of Schedule 7 to the TMA 2004.

(b) See paragraph 8 of Schedule 8 to the TMA 2004.

(c) 1972 c. 70.

(d) 1984 c. 27.

(e) S.I. 2007/3483, as amended by S.I. 2008/653 and 1513, 2009/478, 2015/561 and 1001, 2018/171 and 2020/548.

(f) S.I. 2022/XXXX.

(g) See in particular the guidelines in paragraph 1(2) of Schedule 3 (discounted level of penalty charge).

(h) See in particular the guidelines in paragraph 1(4) of Schedule 3 (surcharged level of penalty charge).

“charge certificate” means a statement to the effect that a penalty charge is increased by the amount of the applicable surcharge;

“civil enforcement officer”, in relation to a relevant road traffic contravention, means a civil enforcement officer^(a) provided by the authority which is the enforcement authority^(b) in relation to that contravention;

“the commencement date” means the day on which these Regulations come into force;

“enforcement notice”, other than in regulation 35, means—

- (a) a regulation 10 penalty charge notice, or
- (b) a notice to owner;

“immobilisation notice” has the meaning given in regulation 13(2);

“notice to owner”, other than in regulation 35, has the meaning given in regulation 20;

“notice of rejection” means a decision notice served by an enforcement authority under regulation 6(4)(b) of the Appeals Regulations which states that the enforcement authority does not accept the representations made under regulation 5 of those Regulations by the recipient of the enforcement notice to which those representations relate;

“OGL bus lane contravention” means a bus lane contravention within paragraph 6 of Schedule 7 to the TMA 2004 in a civil enforcement area outside Greater London;

“OGL moving traffic contravention” means a moving traffic contravention within paragraph 8 of Schedule 7 in a civil enforcement area outside Greater London;

“OGL parking contravention” means a parking contravention within paragraph 4 of Schedule 7 to the TMA 2004 (parking contraventions outside Greater London) in a civil enforcement area outside Greater London;

“owner”, in relation to a vehicle, includes a person who is to be treated as the owner of the vehicle by virtue of regulation 6;

“penalty charge”, other than in regulation 35, means a penalty charge relating to a relevant road traffic contravention and payable in accordance with regulation 6;

“penalty charge notice”, other than in regulation 35, means notice of a penalty charge;

“regulation 10 penalty charge notice” means a penalty charge notice served under regulation 10;

“relevant road traffic contravention” means—

- (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,
- (c) an OGL bus lane contravention,
- (d) an OGL moving traffic contravention, or
- (e) an OGL parking contravention;

“vehicle-hire firm” has the meaning given in section 66(8) of the Road Traffic Offenders Act 1988 (hired vehicles)^(c).

Service by post or electronically

3.—(1) This regulation makes provision about the service of documents under these Regulations, other than notices or orders made by a county court.

(2) A notice or charge certificate which is required by these Regulations to be served by post—

(a) “Civil enforcement officer” has the meaning given in section 76 of the TMA 2004.
(b) “Enforcement authority” is defined in Schedule 8 to the TMA 2004.
(c) 1988 c. 53.

- (a) may be served by first class (but not second class) post, and
- (b) where the person on whom it is to be served or to whom it is to be given is a body corporate, is duly served or given if it is sent by first class post to the secretary or clerk of that body.

(3) Service of such a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted is to be taken to have been effected on the second working day after the day of posting.

(4) For the purposes of paragraph (3) “working day” means any day except—

- (a) a Saturday or a Sunday,
- (b) New Year’s Day,
- (c) Good Friday,
- (d) Christmas Day, or
- (e) any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(a).

(5) A document may be transmitted to a vehicle-hire firm by means of electronic data transmission where—

- (a) it has indicated in writing to the person sending the document that it is willing to regard a document as having been duly sent to it if it is transmitted to a specified electronic address, and
- (b) the document is transmitted to that address.

Approved Devices

4. A device is an approved device for the purposes of these Regulations if it is of a type which has been certified by the Secretary of State as one which meets requirements specified in Schedule 1.

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) 1971 c. 80.

- (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.

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)(a);

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

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.

Criminal proceedings for relevant road traffic contraventions

8.—(1) No criminal proceedings may be instituted, and no fixed penalty notice(b) 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.

(a) The definition of “hiring agreement” was amended by the Road Safety Act 2006 (c. 49), Schedule 7.
 (b) See the definition of “fixed penalty notice” in section 92 of the TMA 2004.

- (3) Where, despite paragraph (2)—
- (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).

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.

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(a).

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;

“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(b).

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.

(a) 1994 c. 22.

(b) S.I. 2016/362, to which there are amendments not relevant to these Regulations.

PART 3

Immobilisation of vehicles for parking contraventions

Power to immobilise vehicles

13.—(1) Where a penalty charge notice has been given under regulation 9, a civil enforcement officer, or a person acting under the direction of a civil enforcement officer, may fix an immobilisation device to the vehicle while it remains in the place where it was found.

(2) Where a person fixes an immobilisation device to a vehicle in accordance with this regulation, they must also fix a notice (an “immobilisation notice”) to the vehicle.

(3) An immobilisation notice must—

- (a) indicate that such a device has been fixed to the vehicle,
- (b) warn that no attempt should be made to drive the vehicle or otherwise put it in motion until it has been released from that device,
- (c) specify the steps to be taken in order to secure the vehicle’s release, and
- (d) warn that unlawful removal of the immobilisation device is an offence.

(4) An immobilisation notice 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.

(5) A person contravening paragraph (4) is—

- (a) guilty of an offence, and
- (b) liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(6) Any person who, without being authorised to do so in accordance with these Regulations, removes, or attempts to remove, an immobilisation device fixed to a vehicle in accordance with this regulation is—

- (a) guilty of an offence, and
- (b) liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) This regulation is subject to regulation 14.

Limitations on the power to immobilise vehicles

14.—(1) An immobilisation device must not be fixed to a vehicle if there is displayed on the vehicle—

- (a) a current disabled person’s badge(a), or
- (b) a current recognised badge.

(2) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1)(a), the vehicle was not being used—

- (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970(b), and
- (b) in circumstances falling within section 117(1)(b) of the RTRA 1984(c) (use where a disabled persons’ concession would be available),

(a) “Disabled person’s badge” and “recognised badge” are defined in section 79(7) of the TMA 2004.

(b) 1970 c. 44. The relevant current regulations are the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (S.I. 2000/682).

(c) In relation to England, section 117(1) was substituted by section 35(6) of the Road Traffic Act 1991 (c. 40), and amended by paragraph 44 of Schedule 1 to the Disability Discrimination Act 2005 (c. 13). There are other amendments to section 117(1) which are not relevant to these Regulations.

the person in charge of the vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1)(b), the vehicle was not being used—

- (a) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970(a), and
- (b) in circumstances falling within section 117(1A)(b) of the RTRA 1984(b) (use where a disabled person's concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) An immobilisation device must not be fixed to a vehicle which is in a parking place(c) in respect of a contravention consisting of, or arising out of, a failure—

- (a) to pay a parking charge with respect to the vehicle,
- (b) properly to display a ticket or parking device, or
- (c) to remove the vehicle from a parking place by the end of the period for which the appropriate charge was paid,

until the appropriate period has elapsed since the penalty charge notice was given under regulation 9 in respect of the contravention.

(5) “The appropriate period” is—

- (a) in the case of a vehicle in relation to which there are three or more parking charges outstanding, 15 minutes;
- (b) in any other case, 30 minutes.

(6) For the purposes of paragraph (5)—

- (a) a parking charge is a penalty charge relating to a parking contravention, and
- (b) a parking charge is outstanding in relation to a vehicle if—
 - (i) the parking charge has not been paid and the enforcement authority to which it is payable has not waived payment, whether by cancellation of the penalty charge notice or notice to owner or otherwise,
 - (ii) the vehicle was immobilised following the imposition of the parking charge and the owner of the vehicle at the time it was immobilised was also the owner of the vehicle when the charge was imposed, and
 - (iii) either—
 - (aa) if an enforcement notice has been served in respect of the parking charge, the charge is the subject of a charge certificate which has not been set aside in accordance with regulation 23;
 - (bb) if no enforcement notice has been served in respect of the parking charge, the conditions in paragraph (7) are satisfied.

(7) The conditions mentioned in paragraph (6)(b)(iii)(bb) are that—

- (a) the parking charge relates to a vehicle which, when the charge became payable—
 - (i) was not registered under the Vehicle Excise and Registration Act 1994, or
 - (ii) was so registered, but without the inclusion in the registered particulars of the correct name and address of the keeper of the vehicle,

(a) Section 21A was inserted by section 9 of the Disability Discrimination Act 2005. No regulations have been made under this section.

(b) Subsection (1A) was inserted by the Disability Discrimination Act 2005, Schedule 1, paragraph 44.

(c) “Parking place” and “parking device” are defined in section 79(7) of the TMA 2004.

- (b) having taken all reasonable steps, the enforcement authority to which the parking charge was payable was unable to ascertain the name and address of the keeper of the vehicle and was consequently unable to serve an enforcement notice, and
- (c) the period of 42 days beginning with the date on which the parking charge became payable has expired.

Release of immobilised vehicles

15.—(1) A vehicle to which an immobilisation device has been fixed in accordance with regulation 13 must be released from the device on payment in any manner specified in the immobilisation notice of—

- (a) the penalty charge payable in respect of the parking contravention, and
- (b) such charge in respect of the release as may be required by the enforcement authority.

(2) A vehicle may only be released from an immobilisation device by, or under the direction of, a person authorised by the enforcement authority to give such a direction.

PART 4

Adjudicators

Appointment etc of adjudicators

16.—(1) The relevant enforcement authorities^(a) 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^(b)) 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^(c) 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—

(a) “Relevant enforcement authorities” is defined in section 81 of the TMA 2004.

(b) 2005 c. 4.

(c) 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^(a) 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.

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

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

- (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.

PART 5

Enforcement of penalty charges

Notice to owner

20.—(1) Where—

- (a) a penalty charge notice has been given with respect to a vehicle under regulation 9, and
- (b) the period of 28 days specified in the penalty charge notice as the period within which the penalty charge is to be paid has expired without that charge being paid,

the enforcement authority concerned may serve a notice (a “notice to owner”) on the person who appears to it to have been the owner of the vehicle when the alleged contravention occurred.

(2) A notice to owner may not be served after the expiry of the period of 6 months beginning with the relevant date.

(3) A notice to owner must, in addition to the matters required to be included in it under regulation 3(2) of the 2022 Appeals Regulations, state—

- (a) the date of the notice, which must be the date on which the notice is posted,
- (b) the name of the enforcement authority serving the notice,
- (c) the amount of the penalty charge payable,
- (d) the date on which the penalty charge notice was served,
- (e) the grounds on which the civil enforcement officer who served the penalty charge notice under regulation 9 believed that a penalty charge was payable with respect to the vehicle,
- (f) that the penalty charge, if not already paid, must be paid within “the payment period” as defined by regulation 3(2)(a) of the 2022 Appeals Regulations,
- (g) that if, after the payment period has expired, no representations have been made under regulation 5 of the 2022 Appeals Regulations and the penalty charge has not been paid, the enforcement authority may increase the penalty charge by the applicable surcharge, and
- (h) the amount of the increased penalty charge.

(4) For the purposes of this regulation, the relevant date—

- (a) in a case where a notice to owner is deemed to have been cancelled under regulation 23(5)(c), is the date on which the district judge serves notice in accordance with regulation 23(5)(d);
- (b) in a case where a notice to owner has been cancelled under regulation 6 of the 2022 Appeals Regulations (duties of enforcement authority which receives representations against an enforcement notice), is the date on which the notice is cancelled;

- (c) in a case where payment of the penalty charge was made, or had purportedly been made, before the expiry of the period mentioned in paragraph (2) but the payment or purported payment had been cancelled or withdrawn, is the date on which the enforcement authority is notified that the payment or purported payment has been cancelled or withdrawn;
- (d) in any other case, is the date on which the relevant penalty charge notice was served under regulation 9.

Charge certificate

21.—(1) Where—

- (a) an enforcement notice is served on or given to a person (“P”), and
- (b) the penalty charge to which it relates is not paid before the end of the relevant period,

the enforcement authority which served the notice may serve a charge certificate on P.

(2) For the purposes of this regulation, the relevant period is—

- (a) where P—
 - (i) makes an appeal to an adjudicator under regulation 7 of the 2022 Appeals Regulations (appeal against a decision to reject representations against an enforcement notice), but
 - (ii) withdraws the appeal before the adjudicator serves notice of their decision, the period of 14 days beginning with the day on which P withdraws the appeal;
- (b) in any other case, the period of 28 days beginning with the specified date.

(3) For the purposes of paragraph (2)(b) “specified date” means—

- (a) where P does not make any representations under regulation 5 of the 2022 Appeals Regulations, the date on which the enforcement notice is served or given;
- (b) where—
 - (i) P makes representations under regulation 5 of the 2022 Appeals Regulations,
 - (ii) a notice of rejection is served by the authority concerned, and
 - (iii) no appeal against the notice of rejection is made by P under regulation 7 of those Regulations,the date on which the notice of rejection is served;
- (c) where an adjudicator has, under regulation 7(8) of the 2022 Appeals Regulations, recommended the enforcement authority to cancel the relevant notice, the date on which the enforcement authority notifies P under regulation 7(9) of those Regulations that it does not accept the recommendation;
- (d) where P has made an unsuccessful appeal to an adjudicator under the 2022 Appeals Regulations against a notice of rejection and sub-paragraph (c) does not apply, the date on which the adjudicator’s decision is served on P.

Enforcement of charge certificate

22. Where—

- (a) a charge certificate has been served on a person, and
- (b) that person has not paid the increased penalty charge provided for in the certificate within the period of 14 days beginning with the date on which the certificate is served,

the enforcement authority may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

Invalid notices

23.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 22,
 - (b) the person against whom it is made (“P”) makes a witness statement complying with paragraph (2), and
 - (c) that statement is served on the county court which made the order, before the end of—
 - (i) the period of 21 days, beginning with the date on which notice of the county court’s order is served on P, or
 - (ii) such longer period as may be allowed under paragraph (4).
- (2) A witness statement must state one and only one of the following—
- (a) that P did not receive the enforcement notice;
 - (b) that P made representations to the enforcement authority under regulation 5 of the 2022 Appeals Regulations but a notice of rejection was not received from that authority in accordance with regulation 6 of those Regulations;
 - (c) that P appealed to an adjudicator under regulation 7 of those Regulations against the rejection by the enforcement authority of representations made under regulation 5 of those Regulations but—
 - (i) P did not receive a response to the appeal,
 - (ii) the appeal had not been determined by the time the charge certificate was served, or
 - (iii) the appeal was determined in P’s favour;
 - (d) that P has paid the penalty charge to which the charge certificate relates.
- (3) Paragraph (4) applies where it appears to a district judge, on the application of P, that it would be unreasonable in the circumstances of the case to insist on P serving a witness statement within the period of 21 days allowed for by paragraph (1).
- (4) Where this paragraph applies, the district judge may allow such longer period for service of the witness statement as the judge considers appropriate.
- (5) Where this regulation applies—
- (a) the order made under regulation 22 is deemed to have been revoked,
 - (b) the charge certificate is deemed to have been cancelled,
 - (c) in the case of witness statement including a statement under paragraph (2)(a), the enforcement notice to which the charge certificate relates is deemed to have been cancelled, and
 - (d) the district judge must serve written notice of the effect of this regulation on P and on the enforcement authority concerned.
- (6) Service of a witness statement including a statement under paragraph (2)(a) does not prevent the enforcement authority from serving a fresh enforcement notice.
- (7) Where a witness statement is served including a statement under paragraph (2)(b), (c) or (d), the enforcement authority must refer the case to the adjudicator.
- (8) Where a case is referred to the adjudicator—
- (a) the adjudicator may give P and the enforcement authority (“the parties”) such directions as the adjudicator considers appropriate in the circumstances, and
 - (b) the parties must comply with those directions.
- (9) A witness statement under this regulation may be served on the county court by email in accordance with Practice Direction 5B made under rule 5.5 of the Civil Procedure Rules 1998(a).
- (10) In this regulation “witness statement” means a statement which is—
- (a) a witness statement for the purposes of the Civil Procedure Rules 1998, and

(a) S.I. 1998/3132 (L. 17). The current version of Practice Direction 5B is available here: http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part05/pd_part05b

- (b) supported by a statement of truth in accordance with Part 22 of those Rules.

PART 6

Financial provisions

CHAPTER 1

Greater London

Setting the levels of charges applicable in Greater London

24.—(1) The functions conferred on the London local authorities by Part 2 of Schedule 9 to the TMA 2004 (charges applicable in Greater London) in relation to parking contraventions committed on or after the commencement date are to be exercised by those authorities jointly by means of the single joint committee set up in pursuance of regulation 18 (“the Joint Committee”).

(2) No person who represents Transport for London on the Joint Committee may take any part in any proceedings of the Joint Committee so far as they relate to the discharge by the Joint Committee of functions conferred on the London local authorities by Part 2 of Schedule 9 to the TMA 2004.

(3) Any relevant arrangements in force immediately before the commencement date are to continue in force and have effect as if made under this regulation, until such time as they are replaced by arrangements made under this regulation.

(4) Any relevant arrangements may, whilst they continue to have effect by virtue of paragraph (3), be varied by arrangements made under this regulation.

(5) In this regulation “relevant arrangements” means any arrangements which were made, or treated as made, for the purposes of regulation 15 of the 2007 General Regulations.

Modification of section 55 of the RTRA 1984: London authorities

25.—(1) Section 55 of the RTRA 1984(a) (financial provisions relating to income and expenditure from parking places) applies to a London authority which is also an enforcement authority in relation to parking contraventions within paragraph 2 or 3 of Schedule 7 to the TMA 2004 but as if it were modified as follows.

(2) For subsection (1) substitute—

“(1) A London authority which is also an enforcement authority (an “LE authority”) must keep—

- (a) an account of their income and expenditure under this Part of this Act in respect of designated parking places,
- (b) an account of their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 2 of Schedule 7 to the Traffic Management Act 2004 (contraventions in relation to parking places in Greater London), and
- (c) an account of their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 3 of that Schedule (other parking contraventions in Greater London).

(1A) An LE authority must, after each financial year, send a copy of each of the accounts kept by them under subsection (1) to the Mayor of London.

(a) In relation to England, section 55 was amended by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 4(22), Schedule 17, by the Local Government (Finance) Act 1988 (c. 41), Schedule 12, paragraph 42, by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 46, by the Road Traffic Act 1991, Schedule 7, paragraph 5, Schedule 8, by the Greater London Authority Act 1999 (c. 29), section 282, Schedule 34 and by the TMA 2004, section 95.

(1B) The copies of the accounts required to be sent under subsection (1A) must be sent as soon as is reasonably possible after the conclusion of the audit of the authority's accounts for the financial year in question.”.

- (3) In subsection (2)—
- (a) for “the account” substitute “any of the accounts”;
 - (b) omit the words “or, in Wales, council fund”.
- (4) In subsection (3)—
- (a) for “local authority” substitute “LE authority”;
 - (b) for “the account” substitute “the relevant account”.
- (5) In subsection (3A)—
- (a) for the words from “Transport for London” to “City of London”, substitute “The LE authority”;
 - (b) for “their account” substitute “any of their accounts”.
- (6) In subsection (4)—
- (a) in paragraph (a), omit the words “or, in Wales, council fund”;
 - (b) in paragraph (b), for “local authority” substitute “LE authority”;
 - (c) in paragraph (d), in the words before sub-paragraph (i), for “local authority” substitute, “LE authority”;
 - (d) in paragraph (d)(i), for “local authority” substitute “LE authority”;
 - (e) in paragraph (d)(ii)—
 - (i) omit the words “or road improvement project”;
 - (ii) for “local authority’s” substitute “LE authority’s”;
 - (f) in paragraph (d)(iii)—
 - (i) omit the words “in the case of a London authority,”;
 - (ii) for “the authority” substitute “the LE authority”;
 - (g) in paragraph (d)(iv), for “local authority’s” substitute “LE authority’s”;
 - (h) in paragraph (e), in the words before sub-paragraph (i)—
 - (i) omit the words “in the case of a London authority,”;
 - (ii) for “the authority” substitute “the LE authority”;
 - (i) in paragraph (f), in the words before sub-paragraph (i)—
 - (i) omit the words “in the case of a London authority,”;
 - (ii) for “any other London authority” substitute “any London authority (other than the LE authority)”;
 - (iii) for “other authority” substitute “London authority”;
 - (iv) for “the authority” substitute “the LE authority”;
 - (j) in paragraph (f)(i), for “the account” substitute “any of the accounts”;
 - (k) in paragraph (f)(ii), for “that account” substitute “any of those accounts”.
- (7) In subsection (4A)—
- (a) in paragraph (a), for “the local authority” substitute “the LE authority”;
 - (b) omit paragraph (b).
- (8) In subsection (10), before the definition of “London authority” insert—
- ““enforcement authority” means an enforcement authority for the purposes of Part 6 of the Traffic Management Act 2004 (civil enforcement) pursuant to paragraph 1(2) or 2(5) of Schedule 8 to that Act;”.
- (9) After subsection (10) insert—

“(11) A reference in this section to the income and expenditure of an LE authority as an enforcement authority is to their income and expenditure in connection with their functions under Part 6 of the Traffic Management Act 2004.”.

CHAPTER 2

Outside Greater London

Guidelines for the level of charges applicable outside Greater London

26. The guidelines given by the Secretary of State for the setting under Part 3 of Schedule 9 to the TMA 2004 of the level of charges mentioned in paragraph 1(1) of that Schedule (charges applicable outside Greater London) are set out in Schedule 3.

Modification of section 55 of the RTRA 1984: parking contraventions outside Greater London

27.—(1) Section 55 of the RTRA 1984 (financial provisions relating to income and expenditure from parking places) applies to a local authority (other than a London authority) which is also an enforcement authority in relation to OGL parking contraventions but as if it were modified as follows.

(2) For subsection (1) substitute—

“(1) A local authority (other than a London authority) which is also an enforcement authority (an “OGL authority”) must keep—

- (a) an account of their income and expenditure under this Part of this Act in respect of designated parking places in their area which are not in a civil enforcement area for parking contraventions,
- (b) an account of their income and expenditure under this Part of this Act in respect of designated parking places in their area which are in a civil enforcement area for parking contraventions, and
- (c) an account of their income and expenditure in connection with their functions as an enforcement authority in relation to parking contraventions within paragraph 4 of Schedule 7 to the Traffic Management Act 2004 (parking contraventions outside Greater London).”.

(3) In subsection (2)—

- (a) for “the account” substitute “any of the accounts”;
- (b) omit the words “or, in Wales, council fund”.

(4) In subsection (3)—

- (a) for “local authority” substitute “OGL authority”;
- (b) for “the account” substitute “the relevant account”.

(5) Omit subsections (3A) and (3B).

(6) In subsection (4)—

- (a) in paragraph (a), omit the words “or, in Wales, council fund”;
- (b) in paragraph (b), for “local authority” substitute “OGL authority”;
- (c) in paragraph (d), in the words before sub-paragraph (i), for “local authority” substitute, “OGL authority”;
- (d) in paragraph (d)(i), for “local authority” substitute “OGL authority”;
- (e) in paragraph (d)(ii)—
 - (i) omit the words “or road improvement project”;
 - (ii) for “local authority’s” substitute “OGL authority’s”;
- (f) omit paragraph (d)(iii);

- (g) in paragraph (d)(iv), for “local authority’s” substitute “OGL authority’s”;
 - (h) omit paragraphs (e) and (f).
- (7) In subsection (4A)—
- (a) for “the local authority” substitute “the OGL authority”;
 - (b) omit paragraph (b).
- (8) Omit subsections (8) and (9).
- (9) For subsection (10) substitute—
- “(10) In this section—
- (a) “enforcement authority” means an enforcement authority for the purposes of Part 6 of the Traffic Management Act 2004 (civil enforcement) pursuant to paragraph 8(5) of Schedule 8 to that Act;
 - (b) a reference to the income and expenditure of an OGL authority as an enforcement authority is to their income and expenditure in connection with their functions under Part 6 of the Traffic Management Act 2004;
 - (c) a reference to a civil enforcement area for parking contraventions is to be construed in accordance with paragraph 8 of Schedule 8 to that Act (designation of civil enforcement areas for parking contraventions outside Greater London).”.

Income and expenditure in connection with OGL bus lane contraventions

- 28.**—(1) An enforcement authority must keep—
- (a) an account of their income and expenditure, on or after the commencement date, in connection with any functions which the authority has in connection with existing contraventions under the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005(a), in consequence of article 3 of the Traffic Management Act 2004 (Commencement No.10 and Savings and Transitional Provisions) (England) Order 2022(b), and
 - (b) an account of their income and expenditure in connection with their functions under Part 6 of the TMA 2004 in relation to OGL bus lane contraventions.
- (2) As soon as reasonably practicable after the end of each financial year, the authority must forward to the Secretary of State a copy of the account for that year.
- (3) At the end of each financial year, any deficit in the account must be made good out of the authority’s general fund.

Income and expenditure in connection with OGL moving traffic contraventions

- 29.**—(1) An enforcement authority must keep an account of their income and expenditure in connection with their functions under Part 6 of the TMA 2004 in relation to OGL moving traffic contraventions.
- (2) At the end of each financial year, any deficit in the account must be made good out of the authority’s general fund.

Surpluses to be carried forward

- 30.**—(1) Where, immediately before the coming into force of these Regulations there is a surplus on an account kept under regulation 36 of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005, the surplus on that account is to be carried forward.

(a) S.I. 2005/2757. The 2005 Regulations lapse on the coming into force of the repeal of section 144 of the Transport Act 2000 (c. 38).

(b) S.I. 2022/66 (C. 3).

(2) Any surplus carried forward under paragraph (1) is to be treated as a surplus arising in an account kept under regulation 28.

Use of surpluses

31.—(1) Any surplus arising in an account kept by an enforcement authority under regulation 28 or 29—

- (a) must be applied for all or any of the purposes specified in paragraph (2), and
- (b) insofar as it is not so applied, must be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to that project.

(2) The purposes are—

- (a) the making good to the enforcement authority's general fund of any amount charged to that fund under regulation 28(3) or 29(2) in respect of any deficit in the four years preceding the financial year in question;
- (b) the purposes of environmental improvement in the enforcement authority's area;
- (c) meeting costs incurred, whether by the enforcement authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services;
- (d) the purposes of a highway improvement project in the enforcement authority's area.

(3) For the purposes of paragraph (2)(b) "environmental improvement" includes—

- (a) the reduction of environmental pollution as defined in the Pollution Prevention and Control Act 1999(a) (see section 1(2) and (3) of that Act);
- (b) improving or maintaining the appearance or amenity of—
 - (i) a road or land in the vicinity of a road, or
 - (ii) open land or water to which the general public has access;
- (c) the provision of outdoor recreational facilities available to the public without charge.

(4) For the purposes of paragraph (2)(d) "a highway improvement project" means a project connected with the carrying out by the appropriate highway authority of any operation which constitutes the improvement (within the meaning of the Highways Act 1980(b)) of a highway in the area of a local authority in England.

PART 7

Consequential, Transitional and Savings Provisions

Revocations

32.—(1) The following instruments are revoked—

- (a) the 2007 General Regulations;
- (b) the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007(c);
- (c) the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007(d).

(2) This regulation is subject to regulations 34 to 41.

(a) 1999 c. 24.
(b) 1980 c. 66.
(c) S.I. 2007/3486.
(d) S.I. 2007/3487.

Transitional provisions and savings: general

33. Regulations 34 to 41 are without prejudice to section 16 of the Interpretation Act 1978(a).

Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: existing contraventions, existing offences and related matters

34.—(1) The 2007 General Regulations continue to have effect in relation to—

- (a) an existing contravention,
- (b) an existing offence,
- (c) a vehicle—
 - (i) to which an immobilisation device was fixed in accordance with regulation 12 of the 2007 General Regulations before the commencement date, but
 - (ii) which had not been released from that device immediately before the commencement date,

as they had effect immediately before the commencement date.

(2) Regulation 11 of the 2007 General Regulations continues to apply on and after the commencement date in relation to a penalty charge notice fixed to a vehicle under regulation 9 or 9A of the 2007 General Regulations before that date.

(3) Regulations 12 and 13 of the 2007 General Regulations continue to apply on and after the commencement date in relation to a relevant vehicle while that vehicle remains in the place where it was found by a civil enforcement officer.

(4) For the purposes of paragraph (3), a relevant vehicle is a vehicle to which a penalty charge notice—

- (a) was fixed under regulation 9 or 9A of the 2007 General Regulations before the commencement date, and
- (b) which had not been removed or cancelled in accordance with those Regulations immediately before that date.

(5) In this regulation—

“existing contravention” means a parking contravention which was committed in a civil enforcement area before the commencement date;

“existing offence” means an offence under any of the following provisions of the 2007 General Regulations which was committed before the commencement date—

- (a) regulation 11(1);
- (b) regulation 12(4);
- (c) regulation 12(5);
- (d) regulation 13(2);
- (e) regulation 13(3).

Transitional provisions and savings: outstanding penalty charges

35.—(1) Paragraph (2) applies where—

- (a) a 2007 GPR charge is outstanding in relation to a vehicle,
- (b) a 2022 parking charge is imposed in respect of that vehicle, and
- (c) the owner of the vehicle when the 2022 parking charge is imposed was the owner of the vehicle when the outstanding 2007 GPR charge was imposed.

(a) 1978 c. 30.

(2) Where this paragraph applies, the outstanding 2007 GPR charge is to be treated for the purposes of regulation 14 of these Regulations as a 2022 penalty charge which is outstanding in relation to the relevant vehicle.

(3) In this regulation—

“2007 GPR charge” means a penalty charge—

- (a) relating to a parking contravention that was committed in a civil enforcement area for such contraventions before the commencement date, and
- (b) which—
 - (i) was imposed under the 2007 General Regulations before the commencement date, or
 - (ii) is imposed on or after the commencement date under the saved 2007 General Regulations;

“2022 parking charge” means a penalty charge relating to a parking contravention and payable in accordance with regulation 6 of these Regulations.

(4) A 2007 GPR charge is outstanding in relation to a vehicle if the conditions in paragraph (5) or (7) are met in relation to that charge.

(5) The conditions in this paragraph are met in relation to a 2007 GPR charge if—

- (a) the charge was outstanding in relation to the vehicle for the purposes of the 2007 General Regulations immediately before the commencement date, and
- (b) where the 2007 GPR charge was the subject of a charge certificate served under regulation 21 of the 2007 General Regulations before the commencement date, that charge certificate had not, immediately before the relevant notice is given, been set aside under regulation 23 of the saved 2007 General Regulations.

(6) For the purposes of paragraph (5) “the relevant notice” means the regulation 10 penalty charge notice imposing the 2022 parking charge mentioned in paragraph (1)(b).

(7) The conditions in this paragraph are met in relation to a 2007 GPR charge if the charge has not been paid and the enforcement authority to which the charge is payable has not waived payment by any means, and—

- (a) if an enforcement notice has been served under the 2007 General Regulations, or, as the case may be, the saved 2007 General Regulations, in respect of the 2007 GPR charge, the charge is the subject of a charge certificate which—
 - (i) is served under regulation 21 of the saved 2007 General Regulations on or after the commencement date, and
 - (ii) has not been set aside in accordance with the regulation 23 of those Regulations;
- (b) if no enforcement notice has been served under the 2007 General Regulations, or, as the case may be, the saved 2007 General Regulations, in respect of the 2007 GPR charge—
 - (i) the charge relates to a vehicle which, when the charge became payable, was not registered under the Vehicle Excise and Registration Act 1994 (“VERA 94”) or was incorrectly registered,
 - (ii) having taken all reasonable steps, the enforcement authority to which the charge was payable was unable to ascertain the name and address of the keeper of the vehicle and was consequently unable to serve an enforcement notice, and
 - (iii) the period of 42 days beginning with the date on which the charge became payable has expired.

(8) For the purposes of paragraph (7)—

- (a) a vehicle was incorrectly registered if it was registered under VERA 94 but without the inclusion in the registered particulars of the correct name and address of the keeper of the vehicle;
- (b) an “enforcement notice” means—

- (i) a notice to owner (within the meaning of the 2007 General Regulations, as they had effect immediately before the commencement date), or
- (ii) a penalty charge notice (within the meaning of the 2007 General Regulations, as they had effect immediately before that date).

(9) In this regulation “the saved 2007 General Regulations” means the 2007 General Regulations as they continue to have effect by virtue of regulation 34.

Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: adjudicators and related reports

36.—(1) Regulation 17(6) of the 2007 General Regulations and the relevant requirements continue to have effect in relation to any period which—

- (a) ended immediately before the commencement date, and
- (b) in respect of which a relevant adjudicator would have been required to submit an annual report to the relevant enforcement authorities if the 2007 General Regulations had not been revoked by these Regulations.

(2) Paragraph (3) applies where a period in respect of which a relevant adjudicator would have been required to submit an annual report under regulation 17(6) of the 2007 General Regulations (a “reporting period”)—

- (a) began before the commencement date, but
- (b) had not ended immediately before that date.

(3) Where this paragraph applies—

- (a) the adjudicator must submit a report to the relevant enforcement authorities in respect of the period which—
 - (i) begins with the first day of the reporting period, and
 - (ii) ends immediately before the commencement date, and
- (b) the relevant requirements continue to have effect for that purpose as they had effect for the purposes of regulation 17(6) immediately before the commencement date.

(4) Regulation 17(7) of the 2007 General Regulations continues to have effect in relation to any period which—

- (a) ended immediately before the commencement date, and
- (b) in respect of which the relevant enforcement authorities would have been required to make an annual report to the Secretary of State if the 2007 General Regulations had not been revoked by these Regulations.

(5) Paragraph (6) applies where a period in respect of which the relevant enforcement authorities would have been required to submit an annual report to the Secretary of State under regulation 17(7) of the 2007 General Regulations (an “RA reporting period”)—

- (a) began before the commencement date, but
- (b) had not ended immediately before that date.

(6) Where this paragraph applies, the relevant authorities must submit and publish a report to the Secretary of State on the discharge by the relevant adjudicators of their functions during the period which—

- (a) begins with the first day of the RA reporting period, and
- (b) ends immediately before the commencement date.

(7) In this regulation—

“relevant adjudicator” means an adjudicator who—

- (a) was appointed under regulation 17 of the 2007 General Regulations, and
- (b) held office immediately before the commencement date;

“the relevant requirements” means the requirements imposed by the relevant authorities for the purposes of regulation 17(6) of the 2007 General Regulations, as they had effect immediately before the commencement date.

Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: arbitration

37.—(1) Where—

- (a) an issue is referred to arbitration under paragraph (1) of regulation 18 of the 2007 General Regulations before the commencement date, and
- (b) that arbitration is not completed before that date,

the arbitration may be continued on and after that date as if regulation 18 of the 2007 General Regulations continued to have effect.

(2) Where—

- (a) the Secretary of State gives any relevant joint committee a direction under regulation 18(2) of the 2007 General Regulations before the commencement date, but
- (b) the relevant issue has not been referred to arbitration in accordance with regulation 18(1) of those Regulations before that date,

the relevant direction is to be treated as if it had been given to the relevant committee under regulation 17(2) of these Regulations.

(3) For the purposes of paragraph (2) “the relevant committee” means the joint committee constituted, or treated as constituted, under regulation 18 or 19 of these Regulations of which the enforcement authorities in default for the purposes of regulation 18 of the 2007 General Regulations are members.

(4) Paragraph (5) applies where, on or after the commencement date, any of the relevant enforcement authorities (the “defaulting authorities”) fail to agree the proportions in which any transitional expenses are to be defrayed.

(5) Where this paragraph applies—

- (a) the authorities concerned must refer the issue to an arbitrator in accordance with regulation 17(1), and
- (b) the Secretary of State may give the relevant committee such directions as the Secretary of State considers necessary to secure that the issue is so referred.

(6) For the purposes of paragraph (5)—

“relevant committee” means the joint committee constituted, or treated as constituted, under regulation 18 or 19 of these Regulations of which the defaulting authorities are members;

“transitional expenses” means expenses under section 81 of the TMA 2004 which—

- (a) were incurred before the commencement date, or
- (b) are incurred on or after that date in respect of, or in connection with, any existing contravention.

Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: accounts kept by a London authority

38.—(1) Section 55 of the RTRA 1984, as modified by regulation 25 of the 2007 General Regulations immediately before the commencement date, continues to have effect in relation to an existing London enforcement authority in respect of any completed financial year as if the 2007 General Regulations had not been revoked by these Regulations.

(2) For the purposes of paragraph (1) “completed financial year” means a financial year ending before the commencement date.

(3) An existing London enforcement authority’s current section 55 account is to be treated, on and after the commencement date, as forming part of the account which the authority is required to

keep under section 55(1) of the RTRA 1984, as modified by regulation 25 of these Regulations, in respect of any part of the relevant financial year falling on and after the commencement date.

(4) For the purposes of paragraph (3), an authority's current section 55 account is the account kept by it in respect of the part of the relevant financial year falling before the commencement date under section 55(1) of the RTRA 1984, as modified by regulation 25 of the 2007 General Regulations.

(5) In this regulation—

“existing London enforcement authority” means an enforcement authority (within the meaning of section 55 of the RTRA 1984, as modified by regulation 25 of the 2007 General Regulations immediately before the commencement date) which is a London authority;

“the relevant financial year” means the financial year which—

- (a) began before the commencement date, and
- (b) had not ended immediately before that date.

Transitional provisions and savings in connection with the revocation of the 2007 General Regulations: accounts kept by enforcement authorities outside Greater London

39.—(1) Section 55 of the RTRA 1984, as modified by regulation 25 of the 2007 General Regulations immediately before the commencement date, continues to have effect in relation to an existing enforcement authority in respect of any completed financial year as if the 2007 General Regulations had not been revoked by these Regulations.

(2) For the purposes of paragraph (1) “completed financial year” means a financial year ending before the commencement date.

(3) An existing enforcement authority's current section 55 account is to be treated, on and after the commencement date, as forming part of the account which the authority is required to keep under section 55(1) of the RTRA 1984, as modified by regulation 27 of these Regulations, in respect of any part of the relevant financial year falling on and after the commencement date.

(4) For the purposes of paragraph (3), an authority's current section 55 account is the account kept by it in respect of the part of the relevant financial year falling before the commencement date under section 55(1) of the RTRA 1984, as modified by regulation 25 of the 2007 General Regulations.

(5) In this regulation—

“existing enforcement authority” means an enforcement authority (within the meaning of section 55 of the RTRA 1984, as modified by regulation 25 of the 2007 General Regulations immediately before the commencement date) which is not a London authority;

“the relevant financial year” means the financial year which—

- (a) began before the commencement date, and
- (b) had not ended immediately before that date.

Transitional provisions and savings: approved devices

40.—(1) A device which is an existing approved device is to be treated, on and after the commencement date, as an approved device for the purposes of these Regulations as they apply in relation to—

- (a) a parking contravention, or
- (b) an OGL bus lane contravention.

(2) For the purposes of this regulation “existing approved device” means a device approved by virtue of—

- (a) article 2 of the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007, or
 - (b) article 2 of the Bus Lanes (Approved Devices) (England) Order 2005(a),
- immediately before the commencement date.

Transitional provisions and savings: charging guidelines

41.—(1) The existing charging guidelines continue to have effect in relation to any existing contravention outside Greater London.

(2) For the purposes of this regulation—

“existing contravention” has the meaning given in regulation 34;

“the existing charging guidelines” means guidelines set out in the Schedule to the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007, as they had effect immediately before the commencement date.

Consequential amendments

42. Schedule 4 contains amendments to secondary legislation in consequence of Parts 1 to 6 of these Regulations and related transitional and savings provisions.

PART 8

Amendments related to traffic signs that are subject to civil enforcement

Traffic signs that are subject to civil enforcement

43. Schedule 5 contains amendments to—

- (a) Schedule 3 to the London Local Authorities and Transport for London Act 2003 (scheduled traffic signs for the purposes of section 4 of that Act);
- (b) Part 4 of Schedule 7 to the TMA 2004 (moving traffic contraventions: traffic signs that are subject to civil enforcement in England).

Signed by authority of the Secretary of State for Transport

22nd January 2022

Vere
Parliamentary Under Secretary of State
Department for Transport

20th January 2022

Wolfson
Parliamentary Under Secretary of State for Justice
Ministry of Justice

(a) S.I. 2005/2756.

SCHEDULE 1

Regulation 4

Specified requirements for approved devices

1. The device must include a camera which is—
 - (a) securely mounted on a vehicle, a building, a post or other structure,
 - (b) mounted in such a position that vehicles in relation to which relevant road traffic contraventions are being committed can be surveyed by it,
 - (c) connected by secure data links to a recording system, and
 - (d) capable of producing in one or more pictures, a legible image or images of the vehicle in relation to which a relevant road traffic contravention was committed which show its registration mark and enough of its location to show the circumstances of the contravention.
2. The device must include a recording system in which—
 - (a) recordings are made automatically of the output from the camera or cameras surveying the vehicle and the place where a contravention is occurring,
 - (b) there is used a secure and reliable recording method that records at a minimum rate of 5 frames per second,
 - (c) each frame of all captured images is timed (in hours, minutes and seconds), dated and sequentially numbered automatically by means of a visual counter, and
 - (d) where the device does not occupy a fixed location, it records the location from which it is being operated.
3. The device and visual counter must—
 - (a) be synchronised with a suitably independent national standard clock; and
 - (b) be accurate within plus or minus 10 seconds over a 14-day period and re-synchronised to the suitably independent national standard clock at least once during that period.
4. Where the device includes a facility to print a still image, that image when printed must be endorsed with the time and date when the frame was captured and its unique number.
5. Where the device can record spoken words or other audio data simultaneously with visual images, the device must include a means of verifying that, in any recording produced by it, the sound track is correctly synchronised with the visual image.

SCHEDULE 2

Regulations 9 and 10

Penalty charge notices

Meaning of “regulatory matters”

1. In this Schedule “the regulatory matters”, in relation to an alleged relevant road traffic contravention, means—
 - (a) the name of the enforcement authority,
 - (b) the registration mark of the vehicle involved in the alleged contravention,
 - (c) the date on and the time at which the alleged contravention occurred,
 - (d) the amount of the penalty charge, and
 - (e) the manner in which the penalty charge must be paid.

Particulars to be included in a penalty charge notice given under regulation 9

2. The information to be included in a penalty charge notice served under regulation 9 is—

- (a) the date on which the notice is served,
- (b) the regulatory matters,
- (c) the grounds on which the civil enforcement officer issuing the notice believes that a penalty charge is payable,
- (d) that the penalty charge must be paid within the period of 28 days beginning with the date on which the alleged contravention occurred,
- (e) that if the penalty charge is paid no later than the applicable date, the penalty charge will be reduced by the amount of any applicable discount, and
- (f) that if the penalty charge is not paid within the period of 28 days referred to in sub-paragraph (d), a notice to owner may be served by the enforcement authority on the owner of the vehicle.

Particulars to be included in a regulation 10 penalty charge notice

3.—(1) The information to be included in a regulation 10 penalty charge notice is—

- (a) the date of the notice, which must be the date on which it is posted,
- (b) the regulatory matters,
- (c) the grounds on which the enforcement authority believes that a penalty charge is payable;
- (d) that the penalty charge must be paid within the period of 28 days beginning with the date on which the penalty charge notice is served,
- (e) that if the penalty charge is paid no later than the applicable date, the penalty charge will be reduced by the amount of any applicable discount,
- (f) that if after the last day of the period referred to in sub-paragraph (d)—
 - (i) no representations have been made in accordance with regulation 5 of the 2022 Appeals Regulations, and
 - (ii) the penalty charge has not been paid,
 the enforcement authority may increase the penalty charge by the amount of any applicable surcharge and take steps to enforce payment of the charge as so increased,
- (g) the amount of the increased penalty charge, and
- (h) that the penalty charge notice is being served by post for whichever of the following reasons applies—
 - (i) on the basis of a record produced by an approved device;
 - (ii) because a civil enforcement officer attempted to serve a penalty charge notice by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person;
 - (iii) because a civil enforcement officer had begun to prepare a penalty charge notice for service in accordance with regulation 9 but the vehicle 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 served it in accordance with regulation 9.

Guidelines for the setting by enforcement authorities of charges for relevant road traffic contraventions etc outside Greater London

PART 1

Guidelines for relevant road traffic contraventions

Penalty charges for relevant road traffic contraventions

- 1.—(1) Penalty charges for relevant road traffic contraventions^(a) must be set—
- (a) for higher level contraventions, at the level specified in column (2) of one of the bands in Table 1, and
 - (b) for all other contraventions, at the level specified in column (3) of the band selected for higher level contraventions.
- (2) The discounted level for a penalty charge which is paid early must be set—
- (a) for higher level contraventions, at the level specified in column (4) of the band specifying the levels of the penalty charges;
 - (b) for all other contraventions, at the level specified in column (5) of the band specifying the levels of the penalty charges.
- (3) For the purposes of sub-paragraph (2), a penalty charge is paid early if it is paid by the applicable date.
- (4) The surcharged level for payment of a penalty charge after a charge certificate has been issued must be set—
- (a) for higher level contraventions, at the level specified in column (6) of the band specifying the levels of the penalty charges;
 - (b) for all other contraventions, at the level specified in column (7) of the band specifying the levels of the penalty charges.
- (5) An enforcement authority may set penalty charges in accordance with different bands in the table in different parts of its area, provided that all the charges set in any part are set in accordance with the same band.

Table 1

<i>(1) Band</i>	<i>(2) Higher level penalty charge</i>	<i>(3) Lower level penalty charge</i>	<i>(4) Higher level penalty charge paid early</i>	<i>(5) Lower level penalty charge paid early</i>	<i>(6) Higher level penalty charge paid after service of charge certificate</i>	<i>(7) Lower level penalty charge paid after service of charge certificate</i>
1.	£60	£40	£30	£20	£90	£60
2.	£70	£50	£35	£25	£105	£75

^(a) “Road traffic contravention” is defined in Schedule 7 to the TMA 2004.

Meaning of “higher level contraventions”

2.—(1) For the purposes of this Part of this Schedule “higher level contraventions” are those road traffic contraventions listed in sub-paragraph (2).

(2) The contraventions are—

- (a) an OGL parking contravention involving the commission of an offence of the kind referred to in paragraph 4(2)(b) of Schedule 7 to the TMA 2004 (contravention of waiting, loading or unloading restrictions or prohibitions);
- (b) an OGL parking contravention involving the leaving of a vehicle in an on-street parking place otherwise than as authorised by or under any order relating to the parking place in any of the following cases—
 - (i) without displaying a permit, voucher or pay and display ticket;
 - (ii) in a place where parking has been suspended;
 - (iii) where the vehicle is used in connection with the sale of goods or the offering or exposure of goods for sale;
 - (iv) where the vehicle does not fall within the class of vehicle permitted to park there;
- (c) a contravention of the prohibition imposed by section 85 of the TMA 2004 (double parking etc.);
- (d) a contravention of the prohibition imposed by section 86 of the TMA 2004 (dropped footways);
- (e) an OGL parking contravention consisting of an offence referred to in paragraph 4(2)(ba) of Schedule 7 to the TMA 2004 (pedestrian crossing contraventions);
- (f) a OGL parking contravention involving an offence of the kind referred to in paragraph 4(2)(d) of Schedule 7 to the TMA 2004 (offence in connection with parking places) relating to an off-street parking place and consisting of any of the following where prohibited by an order relating to the parking place—
 - (i) using a vehicle in connection with the sale of goods or the offering or exposure of goods for sale;
 - (ii) parking in a restricted area;
 - (iii) parking in a permit bay without displaying a permit;
 - (iv) parking in a disabled person’s parking place without correctly displaying a valid disabled person’s badge;
 - (v) parking a vehicle in a place where the vehicle does not fall within the class of vehicle permitted to park in that place;
- (g) an OGL parking contravention consisting of an offence of the kind referred to in paragraph 4(2)(e) of Schedule 7 to the TMA 2004 (parking in loading areas);
- (h) an OGL parking contravention consisting of an offence of the kind referred to in paragraph 4(2)(g) of Schedule 7 to the TMA 2004 (parking of HGVs on verges, central reservations or footways);
- (i) an OGL parking contravention consisting of the commission of an offence of the kind referred to in paragraph 4(2)(h) of Schedule 7 to the TMA 2004 (offences relating to cycle tracks);
- (j) an OGL parking contravention consisting of an offence of the kind referred to in paragraph 4(2)(ha) of Schedule 7 to the TMA 2004 (bus stop or bus stand markings);
- (k) an OGL bus lane contravention;
- (l) an OGL moving traffic contravention.

PART 2

Guidelines for charges for removal, storage or disposal or release from an immobilisation device

Charges for the removal, storage and disposal of vehicles

3. Charges, made under section 102 of the RTRA 1984(a), for the removal, storage and disposal of vehicles found in an area that is a civil enforcement area for relevant parking contraventions must be those in Table 2.

Table 2

<i>(1) Item</i>	<i>(2) Type of charge</i>	<i>(3) Amount of charge</i>
1.	Vehicle removal charge	£105
2.	Vehicle storage charge	£12 for each day, or part of day, during which the vehicle is impounded
3.	Vehicle disposal charge	£50

Release of vehicle from an immobilisation device under section 79 of the TMA 2004

4. The charge payable under regulation 15(1)(b) for the release of a vehicle from an immobilisation device must be £40.

PART 3

General

Saving for powers of the Secretary of State

5. Nothing in these guidelines prejudices or affects the power of the Secretary of State, under paragraph 8(3) of Schedule 9 to the TMA 2004, to permit an enforcement authority to depart from these guidelines.

SCHEDULE 4

Regulation 42

Consequential Amendments

Amendment of regulation 5C of the Removal and Disposal of Vehicles Regulations 1986

1.—(1) Regulation 5C of the Removal and Disposal of Vehicles Regulations 1986(b) (power of civil enforcement officers to remove vehicles in a civil enforcement area for parking contraventions in England) is amended as follows.

(2) In paragraph (1), in sub-paragraph (b), for “regulation 9A of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007”, substitute “regulation 9 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”.

(3) In paragraph (4)—

- (a) in the definition of “outstanding”, for “Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (see regulation 2(2), (3) and (4) of those Regulations)” substitute “regulation 15(6) of the Civil Enforcement of Road Traffic

(a) 1984 c. 27. There are amendments to section 102 not relevant to these Regulations.

(b) S.I. 1986/183. Regulation 5C was inserted by S.I. 2007/3483 and amended in relation to England by S.I. 2021/461.

- Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”;
- (b) in the definition of “penalty charge”, for “Civil Enforcement of Parking Contraventions (England) General Regulations 2007” substitute “Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”; and
 - (c) in the definition of “penalty charge notice”, for “Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (see regulation 8(1) of those Regulations)”, substitute “Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (see regulation 2 of those Regulations)”.

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

2. In article 8A of the High Court and County Courts Jurisdiction Order 1991(a) (enforcement of traffic penalties), in paragraph (1)(a)(iv), for “Civil Enforcement of Parking Contraventions (England) General Regulations 2007”, substitute “Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”.

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

3.—(1) The Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) Order 2007(b) is amended as follows.

(2) In article 5 (transitional modifications of the London Local Authorities Act 1996)—

(a) in paragraph (2) (modification of section 3(1)), for paragraph (b) substitute—

“(b) for the definition of “Joint Committee” there is substituted—

““Joint Committee” means the joint committee appointed pursuant to section 102(1)(b) of the Local Government Act 1972 to discharge the functions described in regulation 18 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;”;

(b) in paragraph (3)(a) (modification of section 6(1)) for “regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007” substitute “regulation 16 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022” (“the RTC Regulations”);

(c) in paragraph (3)(c), in the substituted section 6(3)—

(i) for the words from “Regulations 12(6)” to “committee,” substitute “Regulation 16(6) and (7) (reports by adjudicators and to the Secretary of State) of the RTC Regulations and”;

(ii) in paragraph (a), for “those Regulations” substitute “the RTC Regulations”;

(iii) for paragraph (b) substitute—

“(b) to the persons who exercise the functions of the enforcing authority for the purposes of Schedule 1 to this Act as they apply to the relevant enforcement authorities which are London authorities;”;

(d) in paragraph (3), after sub-paragraph (c), insert—

(a) 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.

(b) S.I. 2007/2053, as amended by S.I. 2008/757.

- “(d) after subsection (3) there is inserted—
- “(3A) For the purposes of subsection (3)—
- (a) “the relevant enforcement authorities” has the same meaning as in section 81 of the Traffic Management Act 2004;
- (b) “London authority” has the same meaning as in Part 6 of that Act (see section 92 of that Act).”;
- (e) in paragraph (4), in the substituted section 8, for “regulation 24 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007” substitute “regulation 24 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”.
- (3) In article 7 (transitional modifications of the London Local Authorities Act 2000)—
- (a) in paragraph (2)(b) (modification of section 3(1): definition of “the General Parking Regulations”), for “Civil Enforcement of Parking Contraventions (England) General Regulations 2007” substitute “Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”;
- (b) in paragraph (3) (modification of section 9)—
- (i) in sub-paragraph (a), for “12(1)” substitute “13(1)”;
- (ii) in sub-paragraph (b), for “14(2)(a) or (b)” substitute “15(1)(a) or (b)”.
- (4) In article 8 (transitional modifications of the London Local Authorities and Transport for London Act 2003)—
- (a) in paragraph (2) (modification of section 4)—
- (i) in sub-paragraph (a) (modification of subsection (6)(b)), for “regulation 4(b) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007” substitute “regulation 6 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (“the RTC Regulations”) by reason of being a parking contravention within paragraph 3 of Schedule 7 to the Traffic Management Act 2004 in a civil enforcement area in Greater London.”;
- (ii) for sub-paragraph (d) substitute—
- “(d) in subsection (16), for the definition of “Joint Committee” there is substituted—
- ““Joint Committee” means the joint committee appointed pursuant to section 102(1)(b) of the Local Government Act 1972 to discharge the functions described in regulation 18 of the RTC Regulations.”;
- (b) in paragraph (4)(b), in paragraph (i) (modification of paragraph 10(1) of Schedule 1), for “regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483)” substitute “regulation 16 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (“the RTC Regulations”)”;
- (c) in paragraph (4)(b), in paragraph (ii) (modification of paragraph 10(2) and (3) of Schedule 1), in the substituted sub-paragraph (3)—
- (i) for the words from “Regulations 12(6)” to “committee,” substitute “Regulation 16(6) and (7) of the RTC Regulations and.”;
- (ii) in paragraph (a) for “those Regulations” substitute “the RTC Regulations”;
- (iii) for paragraph (b) substitute—
- “(b) to the persons who exercise the functions of the enforcing authority as they apply to the relevant enforcement authorities which are London authorities.”;
- (d) after paragraph (4)(b) insert—
- “(c) after sub-paragraph (3) there is inserted—

“(3A) For the purposes of sub-paragraph (3)—

- (a) “the relevant enforcement authorities” has the same meaning as in section 81 of the Traffic Management Act 2004;
- (b) “London authority” has the same meaning as in Part 6 of that Act (see section 92 of that Act).”.

Amendment of Schedule 1 to the Judicial Appointments Order 2008

4. In Part 1 of Schedule 1 to the Judicial Appointments Order 2008(a) (officers for a fellow of the Institute of Legal Executives holds a relevant qualification) for “Adjudicators appointed under regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007”, substitute “Adjudicators appointed under regulation 16 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”.

Amendment of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013

5.—(1) The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013(b) are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “joint committee”, for “regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007”, substitute “regulation 19 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”.

(3) In regulation 12(2) (appointment etc. of adjudicators), after “2007 Regulations”, insert “, or under regulation 16 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022,”.

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

6.—(1) Article 6 of the West Midlands Combined Authority (Functions and Amendment) Order 2017(c) (bus lane contraventions) is amended as follows.

(2) For paragraph (3) substitute—

“(3) For the purposes of this article, the Combined Authority is to be treated as an enforcement authority for the Enforcement Area in relation to bus lane contraventions, and references in the General Provisions Regulations to an enforcement authority or a civil enforcement area are to be construed accordingly.”.

(3) In paragraph (4), for sub-paragraph (a) substitute—

“(a) “the General Provisions Regulations” means the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

(aa) “bus lane contravention” has the meaning given in the Transport Management Act 2004 (see section 93 of and Schedule 7 to that Act);”.

(a) S.I. 2008/2995. There are amendments to Schedule 1 not relevant to these Regulations.

(b) S.I. 2013/1783. There are amendments to the 2013 Regulations not relevant to these Regulations.

(c) S.I. 2017/510.

Amendment of regulation 18 of the Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018

7.—(1) Regulation 18 of the Littering From Vehicles Outside London (Keepers: Civil penalties) Regulations 2018(a) (adjudicators) is amended as follows.

(2) In paragraph (1), for “regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007” substitute “regulation 16 of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”.

(3) In paragraph (3), for “regulation 16(1) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007” substitute “regulation 19(1) of the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022”.

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

8.—(1) Article 24 of the West Yorkshire Combined Authority (Election of Mayor and Functions) Order 2021(b) (bus lane contraventions) is amended as follows.

(2) For paragraph (3) substitute—

“(3) For the purposes of this article, the Combined Authority is to be treated as an enforcement authority for the Enforcement Area in relation to bus lane contraventions, and references in the General Provisions Regulations to an enforcement authority or a civil enforcement area are to be construed accordingly.”.

(3) In paragraph (4), for sub-paragraph (a) substitute—

“(a) “the General Provisions Regulations” means the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022;

(aa) “bus lane contravention” has the meaning given in the Transport Management Act 2004 (see section 92 of and Schedule 7 to that Act);”.

SCHEDULE 5

Regulation 43

Amendments relating to traffic signs

Amendment of Schedule 3 to the London Local Authorities and Transport for London Act 2003

1.—(1) Schedule 3 to the London Local Authorities and Transport for London Act 2003(c) (scheduled traffic signs for the purposes of section 4 of that Act) is amended in accordance with this paragraph.

(2) In paragraph 1, after “table” insert “in paragraph 4”.

(3) In paragraph 2, after “table” insert “in paragraph 4 below”.

(4) In paragraph 4—

(a) the existing text becomes sub-paragraph (1);

(b) in that sub-paragraph, after “table” insert “in this paragraph”;

(a) S.I. 2018/171.

(b) S.I. 2021/112.

(c) 2003 c. iii. Schedule 3 was amended by S.I. 2018/488.

(c) after that sub-paragraph insert—

“(2) The marking with diagram number 1027.1 is a scheduled traffic sign for the purposes of section 4 (penalty charges for road traffic contraventions) of this Act only if it is placed in conjunction with an upright sign (within the meaning given in the 2016 Regulations) which includes the symbol at item 10 in Part 3 of Schedule 4 to the 2016 Regulations.”.

(5) In the table—

(a) after the entry for “One way traffic” insert—

“Buses prohibited	952 (Schedule 3, Part 2, item 17)”;
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(b) after the entry for “Route for use by buses, pedal cycles and taxis only” insert—

“Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)
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Route for use by pedal cycles and pedestrians only	956 (Schedule 3, Part 2, item 29)
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Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)
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With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)
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Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)”.
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(6) After paragraph 4 insert—

“5. Column 1 of the table in paragraph 7 below sets out the description of the sign, which corresponds with the description as set out in the Traffic Signs Regulations and General Directions 2002(a) (“the 2002 Regulations”) of the requirement, restriction or prohibition conveyed by the relevant traffic sign.

6. Column 2 of the table in paragraph 7 below sets out the corresponding number given to the diagram illustrating the relevant traffic sign in the 2002 Regulations.

7. The signs include permitted variants of the signs as described in the 2002 Regulations.

<i>(1) Description</i>	<i>(2) Diagram number (with location in the Traffic Signs Regulations and General Directions 2002)</i>
Entry to pedestrian zone restricted	618.2 (Schedule 2)
Entry to and waiting in pedestrian zone restricted	618.3 (Schedule 2)
Entry to and waiting in pedestrian zone restricted (variable message sign)	618.3A (Schedule 2)”.

Amendment of Part 4 of Schedule 7 to the TMA 2004

2.—(1) Part 4 of Schedule 7 to the TMA 2004 (moving traffic contraventions) is amended as follows.

(2) In paragraph 8(1)(a) (definition), for “paragraph” substitute “paragraphs 8A and”.

(3) In paragraph 8A (traffic signs subject to civil enforcement in England)(b)—

(a) in sub-paragraph (2), after “(SI 2016/362)” insert “(“the 2016 Regulations”)”;

(b) after sub-paragraph (2) insert—

“(2A) The marking with diagram number 1027.1 is subject to civil enforcement in England only if it is placed in conjunction with an upright sign (within the meaning given in the 2016 Regulations) which includes the symbol at item 10 in Part 3 of Schedule 4 to the 2016 Regulations.”.

(a) S.I. 2002/3113, revoked with savings by S.I. 2018/488.

(b) Paragraph 8A was inserted by S.I. 2018/488.

(c) in Table A in sub-paragraph (5), after the entry for “Contra-flow cycle lane” insert—
“Part of the carriageway outside an entrance 1027.1 (Schedule 7, Part 4, item 10)”
where vehicles should, or must not, stop

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, together with the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (S.I. 2022/XXXX), provide for the civil enforcement of—

- (d) parking contraventions in England, and
- (e) bus lane contraventions, and moving traffic contraventions, in England but outside Greater London.

(“relevant road traffic contraventions”) in accordance with Part 6 of the Traffic Management Act 2004 (“the TMA 2004”). These Regulations apply in England only.

Part 1 of these Regulations make introductory provisions. In particular, regulation 4 makes provision about “approved devices”. That regulation specifies a description of device which is an approved device for the purposes of these Regulations. The devices, traffic cameras, are approved devices if they are of a type which is certified by the Secretary of State as meeting the requirements set out in the Schedule 1 to these Regulations.

Part 2 of these Regulations makes provision about the imposition of penalty charges in respect of relevant road traffic contraventions. Regulation 6 enables penalty charges to be imposed for relevant road traffic contraventions. The penalty charge is payable by the owner of the vehicle, except in certain cases where a vehicle is hired (regulation 6). Regulation 7, in accordance with section 72(4)(a) of the TMA 2004, prohibits the imposition of a penalty charge—

- (a) for a parking contravention except on the basis of a record produced by an approved device or information given by a civil enforcement officer as to conduct observed by that officer;
- (b) for a bus lane contravention or moving traffic contravention except on the basis of a record produced by an approved device.

Regulation 8 prohibits criminal proceedings and fixed penalty notices under the Road Traffic Offenders Act 1988 in respect of parking contraventions in civil enforcement areas; but an exception is made for pedestrian crossing contraventions. Where such a contravention is the subject of criminal proceedings or of a fixed penalty notice, the issue of a penalty charge notice under the Regulations is prohibited and any penalty charge which has been paid must be refunded.

Regulation 9 enables a civil enforcement officer, with reason to believe that a penalty charge is payable for a parking contravention to serve a penalty charge notice. Such notices must be served either by fixing them to the relevant vehicle or giving them to the person appearing to the civil enforcement officer to be the owner of the vehicle. Regulation 10 enables an enforcement authority to serve a penalty charge notice by post. Such notices can be served in respect of bus lane or moving traffic contraventions, or in cases where a civil enforcement officer has been unable to serve a notice under regulation 10. Schedule 2 makes provision about the matters to be included in a notice served under regulation 9 or 10.

Regulation 12 makes it an offence to interfere with a penalty charge notice served by its being fixed to a vehicle, except by or under the authority of the owner or person in charge of the vehicle or the enforcement authority.

Part 3 makes provision regarding the immobilisation of vehicles. Regulation 13 defines the circumstances in which an immobilisation device may be fixed to a vehicle, requires a notice to be fixed to the vehicle at the time of immobilisation and creates the offences of interfering with the notice or the immobilisation device. Regulation 14 specifies exceptions to the general power to

immobilise and regulation 15 specifies the pre-requisites for the release of a vehicle from an immobilisation device.

Part 4 provides for the appointment of adjudicators by enforcement authorities and for the functions of those authorities relating to adjudicators to be discharged through joint committees. Enforcement authorities are required by regulation 16 to appoint a sufficient number of adjudicators. Regulation 17 makes provision in respect of expenses.

The London authorities are required to discharge these functions through a single joint committee (regulation 18). Regulation 29 requires the non-London enforcement authorities to act through one or more joint committees (with a minimum membership of 3 authorities each).

Part 5 makes provision in relation to the enforcement of penalty charges. Regulation 20 provides for the service of a notice to owner by an enforcement authority in respect of an unpaid penalty charge. Regulations 21 to 23 make provision in respect of charge certificates, which may be served in respect of unpaid penalty charges where a notice to owner or penalty charge notice under regulation 11 has been served and the avenues of appeal have not been pursued or have been pursued unsuccessfully. Charge certificates may be enforced through the county court but such orders are to be set aside where the respondent serves a witness statement stating one of the matters mentioned in regulation 23(2).

Part 6 makes provision about the setting of levels of charges for contraventions in Greater London (regulation 24) and sets out the charging guidelines for various contraventions and related matters outside Greater London (regulation 26 and Schedule 3). This Part also makes provision about income and expenditure accounts in respect of an enforcement authorities functions in connection with parking contraventions (regulations 25 and 27). Regulations 28 to 31 make corresponding provisions in respect of functions in connection with bus lane and moving traffic contraventions, including provision about surpluses in accounts.

Part 7 revokes the 2007 General Regulations, the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 and the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007. That Part also makes related transitional provisions and savings, and consequential amendments to secondary legislation.

In addition these Regulations amend Schedule 3 to the London Local Authorities and Transport for London Act 2003 and Schedule 7 to the TMA 2004 to amend the list of traffic signs that are subject to civil enforcement under those Acts (regulation 43 and Schedule 5).

A de minimis impact assessment has been produced for the instrument and is available at www.legislation.gov.uk.

An Explanatory Memorandum has been published alongside this instrument at www.legislation.gov.uk.

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