

**EXPLANATORY MEMORANDUM TO
THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL
PARKING AREA) (COUNTY OF HERTFORDSHIRE) (BOROUGH OF
WATFORD) (AMENDMENT) ORDER 2007**

2007 No. 3181

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Order expands the Decriminalised Parking Enforcement regime in Watford to include contraventions of orders relating to off-street parking and loading bays.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 The Administrative Justice and Tribunals Council (previously the Council on Tribunals) was not consulted before this Order was made. The Order does not make or amend procedural rules for parking adjudicators, so the consultation requirement in section 8 of the Tribunals and Inquiries Act 1992 is not engaged. The Council has confirmed that it does not consider consultation to be required for this Order.
4. **Legislative Background**
 - 4.1 The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (Borough of Watford) (Amendment) Order 2007 (“the amendment Order”) amends the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (Borough of Watford) Order 1997 (“the principal order”).
 - 4.2 The principal order enabled Watford Borough Council to enforce parking contraventions within its administrative area through a civil law regime, as opposed to enforcement by police or traffic wardens in a criminal law context for on street parking only. The amendment Order amends this to include off street parking and loading bay contraventions which were previously excluded from the civil law enforcement regime.
 - 4.3 The amendment Order is made under powers conferred by paragraphs 1(1) and 2(1) of Schedule 3 to the Road Traffic Act 1991 (as read with paragraph 3(3) of that Schedule), following consultation with the appropriate chief officer of police.

- 4.4 Part II of that Act creates a regime for the civil enforcement of parking contraventions which applies to London only. Schedule 3 enables the Secretary of State by order to provide for the introduction of such a regime to areas outside London and to make consequential modifications to the 1991 Act, and other legislation, as appropriate.

5. Extent

- 5.1 This instrument applies to England.

6. European Convention on Human Rights

- 6.1 The Minister, Rosie Winterton, has made the following statement regarding human rights:

“In my view the provisions of the Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (Borough of Watford) (Amendment) Order 2007 are compatible with the Convention rights.”

7. Policy background

- 7.1 Effective traffic regulation requires effective enforcement of traffic restriction and prohibition orders to promote safety and traffic flow, and deal with abuses of the system. This has been addressed in relation to parking by the Road Traffic Act 1991. That Act enables the creation of "permitted parking areas" and "special parking areas" in which responsibility for enforcing parking restrictions is transferred from the police and police traffic wardens to parking attendants employed by local authorities. Examples of such contraventions are (in a permitted parking area) overstaying the time paid for in a parking bay, and (in a special parking area) unlawful parking on yellow lines.
- 7.2 Pursuant to the principal Order, part of the Borough of Watford was designated as both a permitted parking area and a special parking area for on street parking. It is now proposed to expand the scope of decriminalised parking enforcement in Watford to include off street parking and loading bay contraventions. The change is due to Watford Council wanting to bring its surface car parks in line with its overall parking strategy.

8. Impact

- 8.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.
- 8.2 Watford Borough Council (the enforcement authority) may use the income from the additional parking charges to finance their enforcement operations.

9. Contact

Darwin Gunewardena at the Department for Transport tel: 020 7944 2484 / e-mail: Darwin.gunewardena@dft.gsi.gov.uk can answer any queries regarding the instrument.