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STATUTORY INSTRUMENTS

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**2008 No. 757**

**The Traffic Management Act 2004 (Commencement No. 5 and Transitional Provisions) (England) (Amendment) Order 2008**

**Transitional modifications**

5. The following articles shall be added after article 4—

**“Transitional modifications of the London Local Authorities Act 1996**

5.—(1) The London Local Authorities Act 1996<sup>(1)</sup> shall, during the transitional period, apply as if it were subject to the following modifications.

(2) In section 3(1)—

- (a) the definition of “the Act of 1991” is omitted;
- (b) for “established under section 73 of the Act of 1991” in the definition of “Joint Committee” there is substituted “appointed pursuant to regulation 15 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007”<sup>(2)</sup>.

(3) In section 6—

- (a) in subsection (1) for “parking adjudicators under section 73 of the Act of 1991” there is substituted “adjudicators under regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007”;
- (b) for subsection (2) there is substituted—

“(2) The Road Traffic (Parking Adjudicators) (London) Regulations 1993<sup>(3)</sup> shall (despite the repeal of section 73(11) and (12) of the Road Traffic Act 1991 under which the Regulations were made) continue in force for the purpose of applying in relation to proceedings before traffic adjudicators under this Act, and for that purpose section 73(11) to (13) shall continue to have effect.”;

(c) for subsection (3) there is substituted—

“(3) Regulations 12(6) and (7) (reports by adjudicators and joint committee), 19 (power to require attendance and production of documents) and 25 (recovery of amount payable under an adjudication) of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005<sup>(4)</sup> shall apply—

- (a) to traffic adjudicators as they apply to adjudicators appointed under those Regulations; and
- (b) to the Joint Committee as they apply to the Joint Committee appointed under those Regulations,

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(1) 1996 c. ix.

(2) S.I. 2007/3483.

(3) S.I. 1993/1202, amended by S.I. 1999/1205, 2000/1547.

(4) S.I. 2005/2757.

but regulation 25 of those Regulations shall not apply to a penalty charge under this Part of this Act which remains payable following an adjudication under paragraph 6 of Schedule 1 to this Act.”

(4) For section 8 there is substituted—

**“Setting the levels of penalty charges**

**8.** Part 2 of Schedule 9 (except paragraph 6) to the Traffic Management Act 2004 and regulation 24 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 shall apply to the levels of charges under this Act as they apply to the levels of charges relating to parking contraventions under the 2004 Act.”

(5) In Schedule 1 for paragraph 9(3) there is substituted—

“(3) Sections 82 and 83 of the Traffic Management Act 2004 shall have effect as though an increased penalty charge recoverable under sub-paragraph (1) above were a traffic contravention debt for the purposes of those sections.”

**Transitional modification of the Transport Act 2000**

**6.—(1)** The Transport Act 2000<sup>(5)</sup> shall, during the transitional period, apply as if it were subject to the following modification.

(2) In section 144(3) for paragraph (a) there is substituted—

“(a) an order designating the whole or any part of its area as a civil enforcement area for parking contraventions has been made under paragraph 8(1) of Schedule 8 to the Traffic Management Act 2004;”.

**Transitional modifications of the London Local Authorities Act 2000**

**7.—(1)** The London Local Authorities Act 2000<sup>(6)</sup> shall, during the transitional period, apply as if it were subject to the following modifications.

(2) In section 3(1)—

(a) the definition of “the Act of 1991” is omitted;

(b) the following definitions are inserted at the appropriate places—

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

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

““the Parking Representations and Appeals Regulations” means the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007(7);”; and

(c) for the definitions of “parking adjudicator”, “parking attendant” and “special parking area” there are substituted—

““parking adjudicator” means an adjudicator appointed under regulation 17 of the Parking General Regulations by the London authorities as defined by section 92(1) of the 2004 Act;”

““parking attendant” means a person who is a civil enforcement officer in accordance with section 76 of the 2004 Act;”

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(5) 2000 c. 38.

(6) 2000 c. vii.

(7) S.I. 2007/3482.

““special parking area” means an area which is a civil enforcement area for parking contraventions in accordance with Schedule 8 to the 2004 Act.”

- (3) In section 9—
- (a) for “section 69 or 77 of the Act of 1991” there is substituted “regulation 12(1) of the Parking General Regulations”; and
  - (b) for paragraphs (b) and (c) there is substituted—
    - “(b) regulation 14(2)(a) or (b) of the Parking General Regulations.”
- (4) For section 11(1) there is substituted—
- “(1) The relevant person may make representations to the participating council—
- (a) in the case of a vehicle to which an immobilisation device has been fixed, on one or more of the grounds specified in regulation 8(5) of the Parking Representations and Appeals Regulations; or
  - (b) in the case of a vehicle which has been removed, on one or more of the grounds specified in regulation 11(5) of those Regulations.”
- (5) In section 11(7) for “Schedule 6 to the Act of 1991” there is substituted “regulation 4 of the Parking Representations and Appeals Regulations”.
- (6) In section 14(1) for “Schedule 6 to the Act of 1991 (which provides, among other things, for parking penalties) shall not” there is substituted “Neither Part 5 of the Parking General Regulations nor Part 2 of the Parking Representations and Appeals Regulations shall apply”.

### **Transitional modifications of the London Local Authorities and Transport for London Act 2003**

**8.—**(1) The London Local Authorities and Transport for London Act 2003 shall, during the transitional period, apply as if it were subject to the following modifications.

- (2) In section 4—
- (a) in subsection (6)(b) for “section 77 of the Road Traffic Act 1991” there is substituted “regulation 4(b) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007”;
  - (b) in subsection (12), for the words from “sections 74” to the end there is substituted “Part 2 of Schedule 9 to the Traffic Management Act 2004 (c. 18) as it applies in relation to the levels of penalty charges under that Part of that Schedule”;
  - (c) in subsection (13) for “section 74” there is substituted “Part 2 of Schedule 9”; and
  - (d) in subsection (16) for “established under section 73 of the Road Traffic Act 1991” in the definition of “Joint Committee” there is substituted “appointed pursuant to regulation 15 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007”.
- (3) In section 14(8) for the definition of “special parking area” there is substituted—
- ““special parking area” means an area which is a civil enforcement area for parking contraventions in accordance with Schedule 8 to the Traffic Management Act 2004 (c. 18);”.
- (4) In Schedule 1—
- (a) in paragraph 6 for sub-paragraph (3) there is substituted—

“(3) Sections 82 and 83 of the Traffic Management Act 2004 shall have effect as though an increased penalty charge recoverable under sub-paragraph (1) were a traffic contravention debt for the purposes of those sections.”

(b) in paragraph 10—

(i) in sub-paragraph (1) for “parking adjudicators under section 73 of the Road Traffic Act 1991 (c. 40)” there is substituted “adjudicators under regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483)”;

(ii) for sub-paragraphs (2) and (3) there is substituted—

“(2) The Road Traffic (Parking Adjudicators) (London) Regulations 1993 shall (despite the repeal of section 73(11) and (12) of the Road Traffic Act 1991, under which the Regulations were made) continue in force for the purpose of applying to proceedings before traffic adjudicators under this Act, and for that purpose section 73(11) to (13) shall continue to have effect.

(3) Regulations 12(6) and (7) (reports by adjudicators and joint committee), 19 (power to require attendance and production of documents) and 25 (recovery of amount payable under an adjudication) of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 shall apply—

(a) to traffic adjudicators as they apply to adjudicators appointed under those Regulations; and

(b) to the Joint Committee as they apply to the Joint Committee appointed pursuant to those Regulations,

but regulation 25 of those Regulations shall not apply to a penalty charge under section 4 of this Act which remains payable following an adjudication under this Schedule.””