

2015 No. 1001

ROAD TRAFFIC, ENGLAND

**The Civil Enforcement of Parking Contraventions (England)
General (Amendment No. 2) Regulations 2015**

Made - - - - - *27th March 2015*

Coming into force *1st April 2015*

To be laid before Parliament

The Lord Chancellor, in the exercise of the powers conferred by sections 78, 78A and 89 of the Traffic Management Act 2004(a), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015 and come into force on 1st April 2015.

(2) These Regulations apply in relation to England only.

Amendment to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

2.—(1) The Civil Enforcement of Parking Contraventions (England) General Regulations 2007(b) are amended as follows.

(2) In regulation 3(1) (service by post) after “regulation 9” insert “or 9A”.

(3) In regulation 8(1)(a) (penalty charge notices) after “regulation 9” insert “, 9A”.

(4) For regulation 9 substitute—

“Penalty charge notices for off-road contraventions – service by a civil enforcement officer

9.—(1) This regulation applies in relation to the service of a penalty charge notice where a vehicle is stationary in a civil enforcement area otherwise than on a road.

(2) A civil enforcement officer who has reason to believe that a penalty charge is payable with respect to the vehicle may serve a penalty charge notice—

(a) by fixing it to the vehicle; or

(b) by giving it to the person appearing to the civil enforcement officer to be in charge of the vehicle.

(a) 2004 c. 18. Section 78A was inserted by the Deregulation Act 2015 (c. 20), section 53.

(b) S.I. 2007/3483 amended by S.I. 2015/561.

Penalty charge notices for contraventions on a road – service by a civil enforcement officer

9A.—(1) This regulation applies in relation to the service of a penalty charge notice where a vehicle is stationary on a road in a civil enforcement area.

(2) Except as provided by the following paragraphs a penalty charge notice with respect to the vehicle may be served only by the fixing of a notice to the vehicle by a civil enforcement officer who has reason to believe that a penalty charge is payable with respect to it.

(3) The requirement in paragraph (2) that the notice may be served only by the fixing of a notice to the vehicle does not apply—

- (a) where the civil enforcement officer is able to serve the penalty charge notice by giving it to the person appearing to the civil enforcement officer to be in charge of the vehicle;
- (b) in the circumstances mentioned in either paragraph (1)(b) or (1)(c) of regulation 10;
- (c) in any of the circumstances specified in paragraph (6).

(4) Where the circumstances specified in paragraph (3)(a) apply, the civil enforcement officer may (instead of fixing the notice to the vehicle) give the notice to the person appearing to the civil enforcement officer to be in charge of it.

(5) Where any of the circumstances specified in paragraph (6) apply the penalty notice may be served by a civil enforcement officer who has reason to believe that a penalty charge is payable with respect to it—

- (a) by fixing it to the vehicle; or
- (b) by giving it to the person appearing to the civil enforcement officer to be in charge of the vehicle(a).

(6) The circumstances referred to in regulation 9A(3)(c) are that a vehicle is stationary in a civil enforcement area 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 of Schedule 6 and diagram 642.2A of Schedule 2 to the Traffic Signs Regulations; or
- (d) a red route.

(7) In paragraph (6)—

“bus lane” means a traffic lane described in, and marked in accordance with the diagrams referred to in, regulation 23 of the Traffic Signs Regulations;

“bus stop clearway or bus stand clearway” has the meaning given in paragraph 1 of Schedule 19 to the Traffic Signs Regulations(b);

“red route” means a road conveying such red route road markings and signs as authorised or directed by the Secretary of State in the exercise of powers conferred on him by sections 64(1) and (2) and 65(2) of the Road Traffic Regulation Act 1984(c);

“the Traffic Signs Regulations” means the Traffic Signs Regulations and General Directions 2002(d).”

(5) In regulation 10 (penalty charge notices – service by post)—

-
- (a) See regulation 10(1) and (1A) for service of notices by post in relation to such contraventions.
 - (b) “Bus stand” is a permitted variant for “bus stop” in the diagrams referred to in that Schedule.
 - (c) 1984 c. 27. Section 61(1) was substituted by the New Roads and Street Works Act 1991 (c. 22), section 168(1) and paragraph 48(2) of Schedule 8.
 - (d) S.I. 2002/3113. Relevant amendments were made by S.I. 2011/3041.

- (a) in paragraph (1)—
 - (i) for “An enforcement authority” substitute “Subject to paragraph (1A) an enforcement authority”;
 - (ii) after “regulation 9” insert “or 9A” in each place where the words occur.
- (b) after paragraph (1) insert—

“(1A) Paragraph (1)(a) does not apply in relation to a penalty charge payable in respect of a parking contravention on a road in a civil enforcement area except in the circumstances specified in regulation 9A(6).”
- (6) In regulation 11(1) (removal of or interference with a penalty charge notice) for “regulation 9(a)” substitute “regulation 9(2)(a) or 9A(2)”.
- (7) In regulation 12(1) (power to immobilise vehicles) after “regulation 9” insert “or 9A”.
- (8) In regulation 13(4)(c) (limitations on the power to immobilise vehicles) after “regulation 9” insert “or 9A”.
- (9) In regulation 19(1)(a) and (2)(e) (notice to owner) after “regulation 9” insert “or 9A”.
- (10) In regulation 20(2)(d) (time limit for service of a notice to owner) after “regulation 9” insert “or 9A”.
- (11) In the Schedule (penalty charges notices) in the heading to paragraph 1, in paragraph 1 and in paragraph 2(h)(iii) after “regulation 9” insert “or 9A” in each place where the words occur.

Consequential amendment to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

3.—(1) The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007(a) are amended as follows.

- (2) In regulation 2(2)(a)(i) (interpretation) after “regulation 9” insert “or 9A”.
- (3) In regulation 3(1)(a) and (2) (scope of Part 2 and duty to notify rights) after “regulation 9” insert “or 9A”
- (4) In regulation 11(5)(b) (right to make representations) after “regulation 9” insert “or 9A”.

Saving provision

4. Nothing in the amendments made by these Regulations affects the operation of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 in relation to cases where the contravention occurs before the day on which these Regulations come into force.

Chris Grayling
Lord Chancellor and Secretary of State for Justice
Ministry of Justice

27th March 2015

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Civil Enforcement of Parking Contraventions (England) Regulations 2007 (S.I. 2007/3483) together with the Civil Enforcement of Parking (England) Representations and Appeals Regulations 2007 (S.I. 2007/3482) provide for the civil enforcement of parking contraventions in England (including Greater London) in accordance with Part 6 of the Traffic Management Act 2004.

The Civil Enforcement of Parking Contraventions (England) Regulations 2007 allow for a notice of penalty charge in respect of a parking contravention to be sent through the post on the basis of

(a) S.I. 2007/3482.

CCTV evidence alone. These Regulations will curtail the use of CCTV by amending the Civil Enforcement of Parking Contraventions (England) Regulations 2007 to require that a notice of a penalty charge in respect of a parking contravention on a road in a civil enforcement area must be given by a civil enforcement officer affixing it to the vehicle. This is subject to certain exceptions.

The Regulations also make consequential amendment to the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (S.I. 2007/3482).

A full impact assessment has not been produced for this instrument as it does not regulate the private or voluntary sectors.

© Crown copyright 2015

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£4.25

UK2015033010 04/2015 19585

<http://www.legislation.gov.uk/id/uksi/2015/1001>

ISBN 978-0-11-113632-4



9 780111 136324