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STATUTORY INSTRUMENTS

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**2022 No. 71**

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

PART 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.

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**Commencement Information**

**II** [Reg. 24](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

**Modification of section 55 of the RTRA 1984: London authorities**

**25.**—(1) Section 55 of the RTRA 1984(1) (financial provisions relating to income and expenditure from parking places) applies to a London authority which is also an enforcement

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(1) 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.

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.

(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.”.

**Commencement Information**

**I2** [Reg. 25](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

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.

**Commencement Information**

**I3** [Reg. 26](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

**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).”.

**Commencement Information**

**14** [Reg. 27](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

**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<sup>(2)</sup>, in consequence of article 3 of the Traffic Management Act 2004 (Commencement No.10 and Savings and Transitional Provisions) (England) Order 2022<sup>(3)</sup>, 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.

**Commencement Information**

**15** [Reg. 28](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

**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.

**Commencement Information**

**16** [Reg. 29](#) in force at 31.5.2022, see [reg. 1\(2\)](#)

(2) [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).

(3) [S.I. 2022/66 \(C. 3\)](#).

### 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.

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

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#### Commencement Information

**I7** Reg. 30 in force at 31.5.2022, see [reg. 1\(2\)](#)

### 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(4) (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(5)) of a highway in the area of a local authority in England.

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#### Commencement Information

**I8** Reg. 31 in force at 31.5.2022, see [reg. 1\(2\)](#)

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(4) 1999 c. 24.

(5) 1980 c. 66.

**Changes to legislation:** *There are currently no known outstanding effects for the The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, PART 6. (See end of Document for details)*

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