

SCHEDULES

SCHEDULE 11

Section 91

CIVIL ENFORCEMENT: CONSEQUENTIAL AMENDMENTS

Road Traffic Regulation Act 1984

- 1
- (1) Section 46 of the Road Traffic Regulation Act 1984 (c. 27) (charges at, and regulation of, designated parking places) is amended as follows.

(2) In subsection (1) after “outside Greater London” insert “, and not in a civil enforcement area for parking contraventions,”.

(3) In subsection (1A) after “in Greater London” insert “, or outside Greater London in a civil enforcement area for parking contraventions,”.

(4) After subsection (5) add—

“(6) In this section “civil enforcement area for parking contraventions” has the same meaning as in Part 6 of the Traffic Management Act 2004.”.

Commencement Information

I1

Sch. 11 para. 1 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 3\(1\)\(2\)\(g\)](#) (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

I2

Sch. 11 para. 1 in force at 31.3.2008 for W. by [S.I. 2007/3174](#), [art. 2](#), [Sch.](#)

- 2
- In section 63A of the Road Traffic Regulation Act 1984 (parking attendants), for subsection (4) (requirement to wear uniform) substitute—

“(4) Parking attendants in an area that is a civil enforcement area for parking contraventions—

(a) when exercising prescribed functions must wear such uniform as may be determined by the enforcement authority in accordance with guidance issued by the appropriate national authority, and

(b) must not exercise any of those functions when not in uniform.

Expressions used in this subsection that are defined for the purposes of Part 6 of the Traffic Management Act 2004 have the same meaning as in that Part.”.

Commencement Information

I3

Sch. 11 para. 2 in force at 31.3.2008 for W. by [S.I. 2007/3174](#), [art. 2](#), [Sch.](#)

I4

Sch. 11 para. 2 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 3\(1\)\(2\)\(g\)](#), (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

- 3
- (1) In section 101 of the Road Traffic Regulation Act 1984 (disposal of vehicles removed under that Act)—

*Changes to legislation: There are currently no known outstanding effects for the
 Traffic Management Act 2004, SCHEDULE 11. (See end of Document for details)*

- (a) in subsection (1) (power of competent authority to dispose of vehicle) for “Subject to subsections (3) to (5A) below” substitute “ Subject to subsection (3) and section 101A below ”;
- (b) omit subsections (4) to (6) (right of owner to recover vehicle or proceeds of sale).

(2) After that section insert—

“Right of owner to recover vehicle or proceeds of sale

101A) If before a vehicle is disposed of by an authority under section 101 above it is claimed by a person who—

- (a) satisfies the authority that he is its owner, and
- (b) pays the relevant charges,

the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, in the case of an authority other than a local authority, as may be prescribed.

- (2) If before the end of the period of one year beginning with the date on which a vehicle is sold by an authority under section 101 above a person satisfies the authority that at the time of the sale he was the owner of the vehicle, the authority shall pay him any sum by which the proceeds of sale exceed the amount of the relevant charges.
- (3) In the case of a vehicle found in an area that is a civil enforcement area for parking contraventions, the relevant charges are—
 - (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed,
 - (b) such unpaid earlier penalty charges relating to the vehicle as may be prescribed, and
 - (c) such sums in respect of the removal and storage of the vehicle—
 - (i) as the authority may require in accordance with Schedule 9 of the Traffic Management Act 2004, or
 - (ii) in the case of an authority other than a local authority, as may be prescribed.
- (4) In any other case the relevant charges are such sums in respect of the removal and storage of the vehicle as may be prescribed.
- (5) If in the case of any vehicle it appears to the authority in question that more than one person is or was its owner at the relevant time, such one of them as the authority think fit shall be treated as its owner for the purposes of this section.
- (6) In this section—
 - “civil enforcement area for parking contraventions” and “penalty charge” have the same meaning as in Part 6 of the Traffic Management Act 2004; and
 - “owner” has the same meaning as in section 101 above.

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, SCHEDULE 11. (See end of Document for details)

Representations and appeals

- 101B**) The Lord Chancellor may make regulations entitling a person who in the case of a vehicle found in an area that is a civil enforcement area for parking contraventions—
- (a) is required to pay an amount on recovering the vehicle under section 101A(1), or
 - (b) receives a sum in respect of the vehicle under section 101A(2) or is informed that the proceeds of sale did not exceed the aggregate amount mentioned in that provision,
- to make representations to the authority concerned and to appeal to an adjudicator if his representations are not accepted.
- (2) The regulations may make such provision in connection with the rights conferred as appears to the Lord Chancellor to be appropriate, and may in particular make provision—
- (a) requiring the authority to give a person notice of the rights conferred by the regulations,
 - (b) as to the grounds on which, and time within which, representations may be made;
 - (c) requiring supporting evidence in such circumstances as may be specified;
 - (d) as to the duties of the authority when representations are received;
 - (e) as to the circumstances in which there is a right of appeal to an adjudicator,
 - (f) generally as to the making, determination and effect of, and procedure in connection with, such appeals, and
 - (g) enabling an adjudicator to review any decision made on, or in the course of, an appeal.
- (3) The regulations may include provision authorising an adjudicator to require a person—
- (a) to attend to give evidence at the hearing of an appeal, and
 - (b) to produce any documents in his custody or under his control relating to any matter relevant for the purposes of the appeal,
- and making it a criminal offence triable summarily and punishable with a fine not exceeding level 2 on the standard scale to fail to comply with such a requirement.
- (4) The regulations may include provision authorising an adjudicator to make an order for the payment of costs and expenses by a party to an appeal in such circumstances as may be specified.
- (5) The functions of adjudicators under this section shall be discharged by the persons appointed as adjudicators for the purposes of Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions) and any arrangements made for the discharge of their functions under that Part also have effect for the purposes of this section.”.

*Changes to legislation: There are currently no known outstanding effects for the
 Traffic Management Act 2004, SCHEDULE 11. (See end of Document for details)*

Commencement Information

- I5** Sch. 11 para. 3 in force at 23.7.2007 for specified purposes for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1), 2(2)(i)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)
- I6** Sch. 11 para. 3 in force at 31.3.2008 for E. in so far as not already in force by [S.I. 2007/2053](#), **arts. 1(2), 3(1)(2)(g)** (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)
- I7** Sch. 11 para. 3 in force at 31.3.2008 for W. by [S.I. 2007/3174](#), **art. 2, Sch.**

4 (1) Section 102 of the Road Traffic Regulation Act 1984 (c. 27) (charges for removal, storage and disposal of vehicles) is amended as follows.

(2) For subsection (2) (recovery of charges) substitute—

“(2) If the place from which the vehicle is removed is in an area that is not a civil enforcement area for parking contraventions—

- (a) the appropriate authority is entitled to recover from any person responsible such charges as may be prescribed in respect of the removal of the vehicle;
- (b) the chief officer of a police force or a local authority in whose custody the vehicle is during any period is entitled to recover from any person responsible charges ascertained by reference to a prescribed scale in respect of that period; and
- (c) the chief officer of a police force or a local authority who dispose of the vehicle in pursuance of section 101 of this Act is entitled to recover from any person responsible charges determined in the prescribed manner in respect of its disposal.

(2A) If the place from which the vehicle is removed is in an area that is a civil enforcement area for parking contraventions, the enforcement authority is entitled to recover from any person responsible such charges in respect of the removal, storage and disposal of the vehicle as they may require in accordance with Schedule 9 of the Traffic Management Act 2004.”.

(3) In subsection (8) (interpretation) at the appropriate place insert—

““civil enforcement area for parking contraventions” and “enforcement authority” have the same meaning as in Part 6 of the Traffic Management Act 2004;”;

(4) In subsection (9) (application of provisions to parking places provided under letting or other arrangements), for “subsection (2)(d)” substitute “subsection (2A) ”.

Commencement Information

- I8** Sch. 11 para. 4 in force at 31.3.2008 for W. by [S.I. 2007/3174](#), **art. 2, Sch.**
- I9** Sch. 11 para. 4 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), **arts. 1(2), 3(1)(2)(g)** (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

Tribunals and Inquiries Act 1992

5 In Part 1 of Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (tribunals under direct supervision of Council on Tribunals), in paragraph 40 (road traffic) for sub-paragraph (b) substitute—

Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, SCHEDULE 11. (See end of Document for details)

“(b) an adjudicator appointed for the purposes of Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions).”.

Commencement Information

- I10** Sch. 11 para. 5 in force at 31.3.2008 for W. by [S.I. 2007/3174](#), art. 2, [Sch.](#)
- I11** Sch. 11 para. 5 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), [arts. 1\(2\)](#), 3(1)(2)(g) (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

London Local Authorities Act 1995

- 6 In the London Local Authorities Act 1995 (c. x)—
- (a) in section 2 (interpretation), for the definition of “special parking area” substitute—
- ““special enforcement area” means a special enforcement area designated by order of the Secretary of State under Schedule 10 of the Traffic Management Act 2004;”;
- (b) in section 9(1) (special temporary prohibitions) for “special parking area” substitute “special enforcement area”.

Commencement Information

- I12** Sch. 11 para. 6 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), [arts. 1\(2\)](#), 3(1)(2)(g) (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

London Local Authorities and Transport for London Act 2003

- 7 In section 20 of the London Local Authorities and Transport for London Act 2003 (c. iii) (disclosure of information about identity of owner of vehicle), in subsection (2) (enactments for purposes of which disclosure may be made) for paragraphs (b) to (d) substitute—
- “(b) Part 6 of the Traffic Management Act 2004 (civil enforcement of road traffic contraventions).”.

Commencement Information

- I13** Sch. 11 para. 7 in force at 31.3.2008 for E. by [S.I. 2007/2053](#), [arts. 1\(2\)](#), 3(1)(2)(g) (with [arts. 5-8](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), arts. 3, 5)

Changes to legislation:

There are currently no known outstanding effects for the Traffic Management Act 2004,
SCHEDULE 11.