

EXPLANATORY MEMORANDUM TO
THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (ENGLAND)
GENERAL (AMENDMENT) REGULATIONS 2015

2015 No. 561

1. This explanatory memorandum has been prepared by the Department for Communities and Local Government and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This instrument amends Regulation 4 of The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 to introduce a 10 minute grace period prior to the imposition of a Penalty Charge Notice for a parking contravention where the vehicle has been left in an on-street or off-street permitted parking place beyond the permitted parking period.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 The regime for the civil enforcement of parking contraventions in England is governed by Part 6 of the Traffic Management Act 2004 together with secondary legislation made under that Part (which comprises the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483), the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482), the Civil Enforcement of Parking Contraventions (Guidance on Levels of Charges) (England) Order 2007 (SI 2007/3487), the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 (SI 2007/3486), the Civil Enforcement of Parking Contraventions (General Regulations) (England) General (Amendment) Regulations (SI 2008/1513) and the Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2009 (SI 2009/478). The Traffic Management Act regime replaced the previous enforcement regime under the Road Traffic Act 1991.
 - 4.2 Regulation 4 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 sets out the parking contraventions for which a penalty charge is payable.
 - 4.3 The effect of this instrument will be to amend Regulation 4 of the 2007 Regulations and thereby ensure a 10 minute grace period following the expiration of the permitted parking period for paid-for and free on-street and off-street parking before a parking contravention is committed and a penalty charge is imposed.

5. Territorial Extent and Application

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- What is being done and why

7.1 The intention is to introduce a 10 minute grace period for paid-for and free on-street and off-street permitted parking. This has arisen from the Government's concern that some local authorities appear not to be using their powers to meet the best interests of road users, communities and businesses. These concerns were expressed in evidence to a Transport Select Committee in October 2013 during its inquiry into local authority parking enforcement. Good and affordable parking provision plays an important role in rejuvenating high streets and town centres, and helping them compete with out of town and online shopping.

7.2 Following the Transport Select Committee's inquiry, the Government carried out a public consultation¹ on a range of measures in response to the recommendations from the Transport Select Committee, including options for the introduction of a limited 'grace period'.

7.3 The 10 minute 'grace period', would apply to on-street and off-street permitted parking, whether paid-for or free of charge. If a motorist overstays the permitted parking period a penalty charge will only be payable for the contravention 10 minutes after the permitted period has come to an end. Therefore a penalty charge notice can only be imposed after the 10 minute grace period has passed.

- Consolidation

7.4 The Department is not undertaking a consolidation of the regulations at this time.

8. Consultation outcome

8.1 Following the recommendations from the Transport Select Committee in October 2013, a 10-week consultation was undertaken by the Government between 6 December 2013 and 14 February 2014. A number of questions were posed on ways for tackling overzealous parking enforcement. The general public was questioned on the possible introduction of a

¹ <https://www.gov.uk/government/consultations/local-authority-parking>

limited grace period for parking in permitted on-street areas and in restricted areas e.g. on yellow lines. The general consensus was that people were opposed to a grace period for parking on yellow lines but there was support for a limited grace period.

- 8.2 On the question of extending grace periods to other areas such as yellow lines and loading bays, the majority of individuals (55%) and organisations (75%) disagreed with this proposal. There were concerns that allowing free periods in places where parking is not permitted (such as on double yellow lines), could lead to confusion and encourage more anti-social and potentially dangerous parking. In the light of these responses, the Government decided not to introduce mandatory grace periods in wider circumstances other than a 10 minute mandatory grace period at the end of on-street and off-street paid-for-parking and free parking periods.

9. Guidance

- 9.1 Statutory Guidance to Local Authorities on the Civil Enforcement of Parking was published in 2008 under section 87 of the Traffic Management Act, alongside Operational Guidance. The latter was amended in 2010. The guidance sets out the policy framework for civil parking enforcement and explains how local authorities should approach, carry out, and review their parking enforcement activities. Section 87 of the Traffic Management Act requires local authorities to have regard to such guidance when exercising functions in connection with the civil enforcement of traffic contraventions.
- 9.2 The Statutory Guidance will be updated to take account of the statutory requirement for the provision of a 10 minute grace period

10. Impact

- 10.1 No impact assessment was completed as this measure has no impact on business, charities or voluntary bodies.
- 10.2 The impact on the public sector is negligible. This is because the instrument does not impose additional parking controls. It simply imposes a requirement on local authorities to enforce certain existing controls slightly differently.

11. Regulating small business

- 11.1 The legislation does not apply to small business.

12. Monitoring & review

- 12.1 The Government's policy on sunset and review clauses does not apply to these Regulations because they do not give rise to a direct net burden on business.

13. Contact

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