EXPLANATORY MEMORANDUM TO

THE BUS LANE CONTRAVENTIONS (APPROVED LOCAL AUTHORITIES) (ENGLAND) (AMENDMENT) AND CIVIL ENFORCEMENT OF MOVING TRAFFIC CONTRAVENTIONS DESIGNATION ORDER 2024

2024 No. 1135

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department of Transport and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Lilian Greenwood MP, Parliamentary Under Secretary of State at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 Anthony Ferguson, Deputy Director, for Traffic and Technology at the Department of Transport confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Emily Kenning at the Department of Transport Telephone: 07977360659 or email: Parking.Queries@dft.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument enables Bolton Council, Bury Council, Devon County Council, Dudley Metropolitan Borough Council, Hull City Council, Leicestershire County Council, North Somerset Council, North Yorkshire Council, Nottinghamshire County Council, Plymouth City Council, Portsmouth City Council, Sandwell Metropolitan Borough Council, Sefton Council, Solihull Metropolitan Borough Council, Southend-on-Sea City Council, Stockport Metropolitan Borough Council, Suffolk County Council, Sunderland City Council, West Sussex County Council, Wiltshire Council, City of Wolverhampton Council and City of York Council to enforce moving traffic contraventions within the specified area rather than the police.

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 Historically, all road traffic violations were contraventions enforced by the police. However, to enable the police service to focus its resource on other priorities, several

Acts have been introduced since the 1990s decriminalising some traffic contraventions, converting them to civil contraventions, and transferring enforcement to local traffic authorities.

5.2 Civil enforcement of parking and bus lane contraventions has become commonplace across England, and since 2003, civil enforcement of moving traffic contraventions has operated successfully in London under the London Local Authorities and Transport for London Act 2003 (Chapter iii). However, elsewhere in England the equivalent moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 ("the 2004 Act") were not commenced until 31st May 2022 (by the Traffic Management Act 2004 (Commencement No 10 and Saving and Transitional Provisions) (England) Order 2022 (S.I. 2022/66)). These powers empower this instrument.

5.3 Before a local authority can begin enforcing moving traffic contraventions in practice, it must first apply to the Secretary of State for an Order designating it as a civil enforcement area for moving traffic contraventions.

5.4 Pursuant to this instrument the following areas will be designated as a civil enforcement area for moving traffic contraventions:

5.5 part of the area of Bolton Council;

5.6 part of the area of Bury Council;

5.7 part of the area of Devon County Council;

5.8 part of the area of Dudley Metropolitan Borough Council;

5.9 part of the area of Hull City Council;

5.10 part of the area of Leicestershire County Council;

5.11 part of the area of North Somerset;

5.12 part of the area of North Yorkshire Council;

5.13 part of the area of Nottinghamshire County Council;

5.14 part of the area of Plymouth City Council;

5.15 part of the area of Portsmouth City Council;

5.16 part of the area of Sandwell Metropolitan Borough Council;

5.17 part of the area of Sefton Council;

5.18 part of the area of Solihull Metropolitan Borough Council;

5.19 part of the area of Southend-on-Sea City Council;

5.20 part of the area of Stockport Metropolitan Borough Council;

5.21 part of the area of Suffolk County Council;

5.22 part of the area of Sunderland City Council;

5.23 part of the area of West Sussex County Council;

5.24 part of the area of Wiltshire Council;

5.25 part of the area of City of Wolverhampton Council; and

5.26 part of the area of City of York Council.

5.27 Pursuant to this instrument part of the area of West Sussex County Council will be designated as a civil enforcement area for bus lane contraventions.

5.28 The Government decided to implement the moving traffic enforcement powers, recognising the dual imperative to improve air quality through reduced traffic congestions, and to encourage behavioural shift towards sustainable travel choices by keeping junctions and cycle lanes clear of obstructing vehicles to improve bus reliability and to promote cycling.

What was the previous policy, how is this different?

5.29 In the areas set out in paragraphs 5.5 to 5.27 above, only the police had powers to enforce against moving traffic and bus lane contraventions.

6. Legislative and Legal Context

How has the law changed?

6.1 The regime for civil enforcement of moving traffic and bus lane contraventions in England is set out in Part 6 of, and Schedule 8 to, the 2004 Act together with instruments made under that Part of that Act. Those instruments are:

6.2 The Civil Enforcement of Roads Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 (S.I. 2022/71);

6.3 The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 (S.I. 2022/576); and

6.4 The Traffic Management Act 2004 (Commencement No.10 and Savings and Transitional Provisions) (England) Order 2022 (S.I. 2022/66).

6.5 Under Schedule 8 to the 2004 Act, the Secretary of State has, provided certain conditions are met, powers to designate a local authority's area as a civil enforcement area for parking contraventions and/or moving traffic and bus lane contraventions. This is the third designation order of its kind.

Why was this approach taken to change the law?

6.6 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 The Secretary of State has a statutory obligation to consult the appropriate chief officers of police, in this case, of Avon and Somerset Police, Devon and Cornwall Police, Essex Police, Greater Manchester Police, Hampshire and Isle of Wight Constabulary, Humberside Police, Leicestershire Police, Merseyside Police, North Yorkshire Police, Northumbria Police, Nottinghamshire Police, Suffolk Constabulary, Sussex Police, West Midlands Police and Wiltshire Police, and has done so.

7.2 The consultation took place over a two-week window. At the start of the period the Secretary of State wrote to each chief officer of police of the above police forces, setting out which roads for their area are proposed to be included in the Designation Order, which roads are proposed to be excluded from it, and asking whether or not they approved the application. The consultation was limited to the relevant chief officers of police in compliance with paragraph 10(4), Part 2 of Schedule 8 to the

2004 Act. Responses from all relevant chief officers of police were received, and no objections to any of the applications were raised.

8. Applicable Guidance

8.1 Statutory guidance was published on the Department for Transport website on 31st May 2022, and updated on 21st October 2022. The statutory guidance highlights the importance of ensuring citizens are properly consulted in advance of enforcement going live, and the need for appropriate traffic signs to be placed to ensure that the restrictions are clear to drivers. A hard copy can be requested by contacting Emily Kenning at the Department for Transport, telephone: 07977360659, and email: Parking.Queries@dft.gov.uk.

8.2 To promote compliance by helping motorists understand the seriousness of moving traffic contraventions, the statutory guidance recommends that for a period of six months following the implementation of enforcement of moving traffic contraventions, at each particular camera locations, local authorities outside London should issue warning notices for first-time moving traffic contraventions. The warning notices will advise that any further moving traffic contraventions would result in the issue of a Penalty Charge Notice.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it does not impose additional moving traffic controls; it simply allows the local authority to enforce existing controls instead of the police.

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 There is no, or no significant, impact on the public sector.

9.4 The legislation does not impact small or micro businesses.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring of this legislation is that each Council should keep the civil enforcement of moving traffic contraventions in their area under review.

10.2 The instrument does not include a statutory review clause.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

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

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").