EXPLANATORY MEMORANDUM TO

THE BUS LANE CONTRAVENTIONS (APPROVED LOCAL AUTHORITIES) (ENGLAND) (AMENDMENT) (NO.2) ORDER 2006 No. 1447

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No.2) Order 2006 ("the Order") designates Derby City Council and Kirklees Borough Council as approved local authorities for the purposes of section 144 of the Transport Act 2000.

2.2 An approved local authority has the power to enforce bus lanes by the imposition of civil penalty charges in accordance with the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (S.I. 2005/2757).

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Order is made under powers conferred by section 144(3) of the Transport Act 2000. Under that section the Secretary of State and the Lord Chancellor have made the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 which provide for the introduction in England outside London of a regime for the civil enforcement of bus lane orders by "approved authorities". An approved authority is an authority if an order under Schedule 3 to the Road Traffic Act 1991 has been made giving it parking enforcement powers in all or part of its area and it is specified as an approved authority for bus lane enforcement by means of an order made by the Secretary of State. The Order specifies Derby City Council and Kirklees Borough Council for these purposes.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 The Minister, Stephen Ladyman, has made the following statement regarding human rights:

"In my view the provisions of the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No. 2) Order 2006 are compatible with the Convention rights."

7. Policy background

7.1 It is government policy to encourage local authorities to undertake the enforcement of bus lanes by civil means and the effect of the Order is to enable Kirklees Borough Council and Derby City Council to exercise the powers to undertake such enforcement conferred on "approved authorities" by the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005. Offences against bus lane restrictions are not decriminalised by these Regulations and, in the area of an approved authority, the contravention of a bus lane order will remain a criminal offence. It will accordingly be possible in such areas for such contraventions to be dealt with either as a criminal offence by the police or by civil enforcement by the approved authority.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Darwin Gunewardena at the Department for Transport tel: 020 7944 2484 / e-mail: Darwin.gunewardena@dft.gsi.gov.uk can answer any queries regarding the instrument.