EXPLANATORY MEMORANDUM TO

THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (COUNTY OF EAST SUSSEX) (AMENDMENT), BUS LANE CONTRAVENTIONS (APPROVED LOCAL AUTHORITIES) (AMENDMENT) AND MOVING TRAFFIC CONTRAVENTIONS DESIGNATION ORDER 2025

2025 No. 1181

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

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

3. Contact

3.1 Emily Kenning at the Department for Transport can be contacted by email at the following address with any queries regarding the instrument: Parking.Queries@dft.gov.uk. Alternatively, the department can be contacted by telephone: 0300 330 3000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the civil enforcement area for parking contraventions for East Sussex County Council in the District of Lewes and the Borough of Hastings.

4.2 This instrument enables Cambridgeshire County Council to pursue civil enforcement action against bus lane contraventions and issue Penalty Charge Notices to drivers who commit a bus lane contravention in the District of Huntingdonshire and the District of South Cambridgeshire, which have both previously been designated civil parking enforcement areas.

4.3 This instrument also enables Brighton and Hove City Council, the Borough Council of Calderdale, Cornwall Council, Dorset Council, Kirklees Borough Council, Knowsley Metropolitan Borough Council, Milton Keynes City Council and Slough Borough Council to enforce moving traffic contraventions, for example banned turns or unlawful entry into yellow box junctions, within the specified area previously designated for parking and bus lane contraventions, rather than the police.

Where does the legislation extend to, and apply?

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

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

5. Policy Context

What is being done and why?

5.1 Effective traffic regulation requires robust enforcement of traffic restriction and prohibition orders to promote safety and traffic flow, and to deal with abuses of the system. This has been addressed in relation to parking by the Traffic Management Act 2004 (the "2004 Act"). The 2004 Act enables the creation of "civil enforcement areas" and "special enforcement areas" in which responsibility for taking enforcement action against drivers who contravene parking restrictions is transferred from the police and police traffic wardens to civil enforcement officers employed by local authorities.

5.2 When an area is designated as a civil enforcement area, the effect is that certain specified parking offences are enforced by the local authority rather than by the police. Where such a designation is in place, a special enforcement area may also be created; the effect of creating a special enforcement area is that two additional parking prohibitions are enforced by the local authority (double parking and parking at dropped footways).

5.3 Civil parking enforcement should contribute to the authority's transport objectives by improving road safety, the local environment and the accessibility of public transport, as well as helping to meet the needs of people with disabilities. A good civil parking enforcement regime is one that uses quality-based standards that the public understands, and which are enforced fairly.

5.4 Local authorities with designated civil enforcement powers should aim to increase compliance with parking restrictions through clear, well-designed, lawful, and appropriately enforced parking controls. Civil parking enforcement provides a means by which an authority can effectively deliver wider transport strategies and objectives. Local authorities should not view it in isolation or as a way of raising revenue.

5.5 Local authorities may also be designated with powers to take civil enforcement action against contraventions of bus lane and other moving traffic restrictions including banned turns and unlawful entry into yellow box junctions.

5.6 The implementation of civil enforcement of parking and bus lane contraventions through designation orders has resulted in most of England being included, 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. However, elsewhere in England the equivalent moving traffic enforcement powers under Part 6 of 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)).

5.7 Before a local authority can begin to enforce parking, bus lane or moving traffic contraventions, it must first apply to the Secretary of State for an Order designating its area as a civil enforcement area for moving traffic contraventions.

5.8 This instrument amends the civil enforcement area for parking for part of East Sussex County Council.

5.9 It also provides for parts of the area of Cambridgeshire County Council that are already designated for parking contraventions to be designated additionally as a civil enforcement area for bus lane contraventions.

5.10 In addition, this instrument provides that part or parts of the following areas will be designated as a civil enforcement area for moving traffic contraventions: Brighton and Hove City Council, the Borough Council of Calderdale, Cornwall Council, Dorset

Council, Kirklees Borough Council, Knowsley Metropolitan Borough Council, Milton Keynes City Council and Slough Borough Council.

What was the previous policy, how is this different?

5.11 In the relevant areas set out in paragraphs 5.8 to 5.10 above, only the police had powers to enforce against parking, moving traffic and bus lane contraventions.

6. Legislative and Legal Context

How has the law changed?

6.1 The regime for civil enforcement of parking, 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:

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

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

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

6.1.4 The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007 (S.I. 2007/3485).

6.2 Under Schedules 8 and 10 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 fourth designation order of its kind.

6.3 This instrument amends The Road Traffic (Permitted Parking Area and Special Parking Area) (County of East Sussex) (Borough of Hastings) Order 1999 (S.I. 1999/1112) and The Road Traffic (Permitted Parking Area and Special Parking Area) (County of East Sussex) (District of Lewes) Order 2004 (S.I. 2004/2111) which are the instruments that grant East Sussex County Council powers to enforce parking contraventions via civil enforcement officers across its roads. In addition, it amends the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 (S.I. 2005/2755) to designate parts of Cambridgeshire County Council's area as a civil enforcement area for bus lane contraventions.

Why was this approach taken to change the law?

6.4 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 under the 2004 Act to consult the appropriate chief officers of police before making an order designating a local authority area as a civil enforcement area for parking or moving traffic contraventions, respectively. Accordingly, the Department consulted the chief officers of Devon and Cornwall Police, Dorset Police, Merseyside Police, Sussex Police, Thames Valley Police and West Yorkshire Police. There is no requirement under Schedule 8 to the 2004 Act to consult with the chief officer of police before

making a designation order for bus lane contraventions, therefore Cambridgeshire Constabulary has not been consulted.

7.2 The consultation with the relevant chief officers of police took place over a two-week window. At the start of the period the Department wrote to each chief officer of police, setting out which roads for their area were proposed to be included in, and excluded from, the Designation Order, and asking whether or not they approved the relevant local authority's application. 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 has been published on gov.uk relating to parking enforcement[1] and to bus lane and moving traffic enforcement[2]. The statutory guidance highlights the importance of ensuring citizens are properly consulted in advance of enforcement commencing, 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: 0300 330 3000, 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 six months following the implementation of enforcement of moving traffic contraventions, at each particular camera location, local authorities outside London should issue warning notices as opposed to penalties 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 The legislation does not impact small or micro businesses.

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

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 parking in their area under review. They are required to prepare an Annual Parking Report to assess performance against their own targets, and standards achieved by neighbouring authorities. They must also, under section 55 of

[1] https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions/guidance-for-local-authorities-on-enforcing-parking-restrictions

[2] https://www.gov.uk/government/publications/bus-lane-and-moving-traffic-enforcement-outside-london/traffic-management-act-2004-statutory-guidance-for-local-authorities-outside-london-on-civil-enforcement-of-bus-lane-and-moving-traffic-contravention

the Road Traffic Regulation Act 1984, keep an account of all income and expenditure in respect of designated (i.e. on-street) parking places which are not in a civil enforcement area, designated parking spaces which are in a civil enforcement area and their functions as an enforcement authority. Under the statutory guidance, each Council should report statistics annually to the Department for Transport.

10.2 The instrument does not include a statutory review clause and, in line with the requirements of the Small Business, Enterprise and Employment Act 2015, the Parliamentary Under Secretary of State Simon Lightwood MP has made the following statement:

"There is no, or no significant, impact on business, charities or voluntary bodies associated with this instrument, and the annual cost to the public sector is unlikely to exceed £5 million. However, when introducing the Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022, the Department for Transport committed to work with local authorities to review the overall impact on local roads of the powers to enforce moving traffic contraventions five years following the regulations coming into force in May 2022".

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").