EXPLANATORY MEMORANDUM TO

THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS DESIGNATION (NO. 2) (AMENDMENT) AND THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS DESIGNATION (COUNTY OF CAMBRIDGESHIRE) (HUNTINGDONSHIRE DISTRICT) ORDER 2025

2025 No. 788

1. Introduction

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

2. Declaration

2.1 Lilian Greenwood, Minister for Future of Roads at the Department for Transport confirms that this Explanatory Memorandum meets the required standard.

2.2 David Buttery, Director for Roads Strategy, 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. 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 allows Cambridgeshire County Council to enforce parking contraventions within a designated civil enforcement area and special enforcement area in the District of Huntingdonshire, rather than Police and Police Traffic Wardens. This instrument specifies the whole of the district of Huntingdonshire, with the exception of the roads listed in the Schedule to the Order. The excluded roads includes the sites of RAF Wyton, RAF Alconbury and RAF Molesworth. This instrument also amends the existing designation within the area of Surrey County Council to permit civil enforcement of parking contraventions on some of the roads previously excluded.

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 Effective traffic regulation requires a 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 enforcing 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. 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, the accessibility of public transport, and 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 Enforcement authorities should aim to increase compliance with parking restrictions through clear, well designed, legal, and enforced parking controls. Civil parking enforcement provides a means by which an authority can effectively deliver wider transport strategies and objectives. Enforcement authorities should not view it in isolation or as a way of raising revenue.

What was the previous policy, how is this different?

5.5 In the local authority areas set out in paragraph 4.1 above, historically only the Police had powers to enforce against parking contraventions, although, parking enforcement had generally become a lower priority due to other pressures on police time. For Surrey, the local authority already has the powers across most of its roads, but the civil enforcement and special enforcement areas are being expanded to include additional roads as provided for in the Order. The District of Huntingdonshire has not previously had these enforcement powers.

6. Legislative and Legal Context

How has the law changed?

6.1 The civil enforcement of parking contraventions regime in England is set out in Part 6 of the 2004 Act together with instruments made under that Part of that Act. These 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) ("the 2022 Regulations");

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

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

6.1.4 A further instrument, the Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183, applies in respect of civil enforcement areas in England.

6.2 This instrument amends the Civil Enforcement of Parking Contraventions Designation (No. 2) Order 2020 (SI 2020/946) which is the instrument that grants Surrey County Council powers to civilly enforce parking across its roads.

Why was this approach taken to change the law?

6.3 It is Government policy to encourage local authorities in England to take the power to enforce parking contraventions civilly. Currently 98% of local authorities have designated civil parking enforcement powers (an online copy of civil parking enforcement coverage in England can be found online[1]. A printed copy is available on request from the Department for Transport using the contact details at paragraph 3.1.

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 the Police, in this case, of Cambridgeshire Constabulary and Surrey Police, before making an order and did so in February 2025. No objections were raised to either of the Councils' applications.

7.2 Cambridgeshire County Council and Surrey County Council also conducted additional consultation with their relevant Police forces, National Highways, the Ministry of Defence, Driver and Vehicle Licensing Agency, the Traffic Enforcement Centre, the Adjudication Service, and neighbouring local authorities. An application would not proceed unless any objections have been resolved.

8. Applicable Guidance

8.1 The Secretary of State's 'Statutory Guidance for Local Authorities in England on civil enforcement of parking contraventions' (2022) ("the Statutory 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. An online copy of this guidance is available[2]. A hard copy can be requested by using the contact details in paragraph 3.1.

8.2 With regard to the financing of local authorities' civil parking enforcement operations, the Statutory Guidance provides that enforcement authorities should run their civil parking enforcement operations efficiently, effectively, and economically. The purpose of penalty charges is to dissuade motorists from breaking parking restrictions. The objective of civil parking enforcement should be 100 per cent compliance, with no penalty charges. Parking charges and penalty charges should be proportionate, so authorities should not set them at unreasonable levels.

8.3 Section 55 (financial provisions relating to designation orders) of the Road Traffic Regulation Act 1984 (as modified by regulation 27 of the 2022 Regulations) restricts the use of income from civil parking enforcement. Any surplus made on parking enforcement operations must be directed towards funding within the following categories: enforcement costs; costs incurred by the local authority of other schemes to improve local transport and the environment, including local public transport

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

schemes, highway, and road improvement projects; and improvement measures to reduce environmental pollution.

8.4 The Statutory Guidance also provides that local authority parking enforcement should be self-financing as soon as practicable. However, compliant applications for civil parking enforcement will be granted without the scheme being immediately self-financing. The Statutory Guidance reminds local authorities that if their scheme is not self-financing, then they need to be certain that they can afford to pay for it from within existing funding.

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 this instrument does not impose additional parking 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 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. In accordance with the Statutory Guidance, each Council is obliged to report statistics annually to the Department for Transport.

10.2 The instrument does not include a statutory review clause. The instrument does not include a statutory review clause as it does not make regulatory provision in relation to a qualifying activity for the purposes of Part 2 of the Small Business, Enterprise and Employment Act 2015.

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 The Minister for Future of Roads, Lillian Greenwood MP, has made the following statement regarding Human Rights:

"In my view the provisions of The Civil Enforcement of Parking Contraventions Designation (No. 2) (Amendment) and the Civil Enforcement of Parking Contraventions Designation (County of Cambridgeshire) (Huntingdonshire District) Order 2025 are compatible with the Convention rights."

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").