EXPLANATORY MEMORANDUM TO

THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (ENGLAND) GENERAL (AMENDMENT) REGULATIONS 2018

2018 No. 653

1. Introduction

1.1 This explanatory memorandum has been prepared by the Ministry of Housing, Communities and Local Government and is laid before Parliament by Command of Her Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The purpose of the instrument is to correct an error in regulation 11 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483) ("the 2007 Regulations") by adding a cross-reference to a penalty charge notice served under regulation 9A(5)(a).

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This instrument corrects an error highlighted by the Joint Committee on Statutory Instruments in their consideration of the Civil Enforcement of Parking Contraventions (England) General (Amendment No .2) Regulations 2015 (S.I 2015/1001) (see JCSI's Third Report of 2015-16 session). Those Regulations amended regulation 11 (among other provisions) of the 2007 Regulations. Accordingly this instrument is being issued free of charge.

3.2 These Regulations were made on 23th May 2018 but unfortunately, due to a breakdown in communication between the Department (who prepared the instrument) and the Ministry of Justice (who arranged signing), the Regulations were not laid until 31st May 2018. Unfortunately this also resulted in the Regulations breaching the 21 day rule (as they are due to commence on 18th June). The Department apologises for these mistakes and will work with the Ministry of Justice to ensure they are not repeated.

Other matters of interest to the House of Commons

3.3 As this instrument is subject to the negative procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative context

4.1 The 2007 Regulations make provision for the civil enforcement of parking in England, including Greater London. The 2007 Regulations were made using powers under the Traffic Management Act 2004.

4.2 The 2007 Regulations were amended by the Civil Enforcement of Parking Contraventions (England) General (Amendment) Regulations 2015 (S.I. 2015/561) and the Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015. The former introduced a 10-minute grace period before a penalty charge becomes payable. The latter introduced restrictions on the use of CCTV in the enforcement of parking contraventions.

4.3 Regulation 11 of the 2007 Regulations provides that it is an offence to remove or interfere with a penalty charge notice except by or under the authority of the owner, person in charge of the vehicle or the enforcement authority. Regulation 11 cross-refers to notices served in accordance with regulation 9(2)(a) (which covers off-road contraventions) and regulation 9A(2) (which covers contraventions on a road and cases where penalty charge notices must be served by a civil enforcement officer). The cross references inserted by S.I 2015/1001 were added in order to ensure that the offence in regulation 11 applies in relation to penalty charge notices that are issued in relation to both on- and off-road parking contraventions. Regulation 9A(5)(a) covers contraventions on a road and cases where a penalty charge notice may, but need not, be served by a civil enforcement officer. These Regulations add a reference in regulation 11 to a notice fixed to a vehicle accordance with regulation 9A(5)(a).

5. Extent and Territorial Application

5.1 The extent of this instrument is England and Wales.

5.2 The territorial application of this instrument is England only.

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 This instrument makes an amendment to regulation 11 of the 2007 Regulations to ensure the offence of removing or interfering with a penalty charge notice fixed to a vehicle also applies to penalty charge notices issued under regulation 9A(5)(a).

7.2 The policy background to the amendments made by the Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015 is set out in the Explanatory Memorandum to those Regulations.

Consolidation

7.3 The Department does not intend to consolidate the relevant legislation.

8. Consultation outcome

8.1 No consultation has been carried out for these Regulations.

9. Guidance

9.1 None.

10. Impact

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

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

12.1 Officials will continue to monitor the impact of the 2007 Regulations as amended.

12.2 A review clause is not required for these Regulations on the basis that the activities which they regulate are not qualifying activities as defined by section 29 of the Small Business, Enterprise and Employment Act 2015.

13. Contact

13.1 Sarah McLean at the Ministry of Housing, Communities and Local Government email: sarah.mclean@communities.gsi.gov.uk can answer any queries regarding the instrument.