EXPLANATORY MEMORANDUM TO

THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (ENGLAND) GENERAL (AMENDMENT) REGULATIONS 2020

2020 No. 548

1. Introduction

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

2. Purpose of the instrument

2.1 This instrument will amend The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483) (as amended) to allow Local Authorities (LAs) with civil enforcement powers the additional option of being able to issue a penalty charge notice by post when enforcing parking and loading restrictions in mandatory cycle lanes, by using evidence from an approved camera device.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

3.2 As this instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is England.

4.2 The territorial application of this instrument is England.

5. European Convention on Human Rights

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

6. Legislative Context

6.1 The Traffic Management Act 2004 (c. 18) enables LAs to apply for Civil Parking Enforcement (CPE) powers where responsibility for enforcing parking restrictions is transferred from the police and police traffic wardens to Civil Enforcement Officers (CEOs) employed by LAs. Currently 93% of all LAs in England have applied for, and received, CPE powers.

6.2 Driving in a mandatory cycle lane is an offence (under Section 36 of the Road Traffic Act 1988 – failure to comply with traffic sign) and it is enforceable only by the police.

6.3 It is not an offence to park or load a vehicle in a mandatory cycle lane, unless a separate parking and/or loading restriction is indicated by prescribed traffic signs and yellow line road markings (underpinned by a Traffic Regulation Order). Restrictions can be introduced by LAs with CPE powers and are enforceable by CEOs.

6.4 Restrictions on the use of cameras for parking enforcement were put in place by the Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015 (S.I. 2015/1001) to address significant concerns from both ministers and the public about the way LAs used camera enforcement and in particular over-zealous enforcement by LAs. Using approved camera devices[1] for the enforcement of parking contraventions was limited to bus lanes, bus stop or bus stand clearways, outside of schools and red routes.

6.5 Many LAs already use approved camera devices to enforce parking restrictions where permitted. This amendment will allow LAs to enforce parking restrictions within mandatory cycle lanes using approved CCTV cameras.

7. Policy background

What is being done and why?

7.1 The Cycling and Walking Investment Strategy (CWIS) published in April 2017 sets out the government ambition for cycling and walking to be the natural choice for shorter journeys, or as part of a longer journey. In support of that aim and the target to reduce the number of cyclists killed or seriously injured by 2020, Jesse Norman published the CWIS Safety Review Call for Evidence in March 2018.

7.2 This call for evidence was a wide-ranging consultation seeking ideas for improving safety, and perception of safety, of walking and cycling. Some 14,000 responses were received covering issues from infrastructure, the law, training and attitudes and behaviours. Protection of cyclists and pedestrians from motor vehicles was a major theme of the consultation responses, as was higher levels of compliance with the law.

7.3 In the CWIS Safety Review Response and Action Plan (November 2018) https://www.gov.uk/government/speeches/governments-response-to-the-cycling-walking-investment-strategy-safety-review Jesse Norman committed to giving local authorities a power to use cameras to enforce parking restrictions where they exist in mandatory cycle lanes: "**Action 17. Allow local councils to use cameras to enforce parking restrictions in mandatory cycle lanes".**

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

9.1 The issue of consolidation does not arise in this case.

[1] Approved camera devices are types of CCTV cameras and associated equipment which have been certified by the Secretary of State as meeting certain requirements set out in the schedule to the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 (S.I. 2007/3486).

10. Consultation outcome

10.1 Previous public consultation culminated in the CWIS Safety Review Response and Action Plan which includes this commitment.

11. Guidance

11.1 The Secretary of State's Statutory Guidance to LAs on the Civil Enforcement of Parking Contraventions has been updated to include mandatory cycle lanes in the list of circumstances where camera evidence may be used for the enforcement of parking contraventions, and is available at https://www.gov.uk/government/publications/civil-enforcement-of-parking-contraventions.

12. Impact

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

12.2 There is no impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because this instrument does not impose additional parking controls. The power to use a camera will be elective and LAs do not need to use it. An LA is only likely to use it if it is practicable and cost effective. If a motorist contravenes a parking restriction in a mandatory cycle lane they are already liable for a Penalty Charge Notice under existing legislation.

13. Regulating small business

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

14. Monitoring & review

14.1 DfT officials will monitor the impact on an ongoing basis; working alongside industry bodies and LA representative groups.

15. Contact

15.1 Anna McCarthy at the Department for Transport, Telephone: 07977 411288 or email: anna.mccarthy@dft.gov.uk can be contacted with any queries regarding the instrument.

15.2 Anthony Ferguson, Deputy Director for Traffic and Technology, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Chris Philp MP at the Ministry of Justice can confirm that this Explanatory Memorandum meets the required standard.