EXPLANATORY MEMORANDUM TO

THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (THE COUNTY COUNCIL OF DURHAM) (DURHAM DISTRICT) DESIGNATION ORDER 2008

2008 No. 2567

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 Civil Enforcement of Parking Contraventions (The County Council of Durham) (Durham District) Designation Order 2008 ("the Order") enables The County Council of Durham to enforce parking contraventions within its administrative area through a civil law regime, as opposed to enforcement by police or traffic wardens in a criminal law context.

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 paragraph 8(1) of Schedule 8 and paragraph 3(1) of Schedule 10 to the Traffic Management Act 2004 (the "2004 Act"), following consultation with the appropriate chief officer of police.

4.2 The regime for civil enforcement of parking contraventions in England is set out in Part 6 of the 2004 Act together with regulations made under that Part of the Act (The Civil Enforcement of Parking Contraventions (England) General Regulations 2007, The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007, The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 and three other sets of Regulations). The 2004 Act regime has replaced the previous civil enforcement regime under the Road Traffic Act 1991.

5. Territorial Extent and Application

5.1 This instrument applies to England.

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

7.1 Effective traffic regulation requires effective enforcement of traffic restriction and prohibition orders to promote safety and traffic flow, and deal with abuses of the system. This has been addressed in relation to parking by the 2004 Act. That 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. Examples of such contraventions are (in a civil enforcement area) overstaying the time paid for in a parking bay, and (in a special enforcement area) double parking or parking at dropped footways.

7.2 Pursuant to the Order, the area of Durham District (other than the section of the A1M that lies within the area and the slip roads and circulatory carriageways at junctions 61 and 62 of that section) will be designated as both a civil enforcement and a special enforcement area. It is Government policy to encourage local authorities to take on these powers. Many have applied for them in the past under provisions in the Road Traffic Act 1991 which Part 6 of the 2004 Act replaces and many others have indicated that they will be applying for them in the future. An authority is then able to target enforcement effort to support their local traffic management policies. Effective enforcement helps reduce parking problems and congestion and improve safety.

8. Impact

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

8.2 The County Council of Durham (the enforcement authority) may use the income from the additional parking charges to finance their enforcement operations. They estimate that the CPE scheme will operate with a surplus of £9,720.00 in the first year of operation.

9. Contact

Mary Maxwell at the Department for Transport tel: 020 7944 3155 / e-mail:mary.maxwell@dft.gsi.gov.uk can answer any queries regarding the instrument.