Draft Order laid before Parliament under section 90E(4) of the Road Traffic Offenders Act 1988 and section 8(4) of the Traffic Management Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2020 No. 0000

ROAD TRAFFIC

The Heavy Commercial Vehicles in Kent (No. 1) (Amendment) Order 2020

Made - - - - 2020

Coming into force in accordance with article 1(b)

The Secretary of State makes the following Order in exercise of the powers conferred by sections 90B(2) and 90E(3) of the Road Traffic Offenders Act 1988(**a**) ("the 1988 Act") and section 8(1) to (3) of the Traffic Management Act 2004(**b**) ("the 2004 Act").

The Secretary of State is satisfied, in accordance with section 8(2) of the 2004 Act, that the further special powers conferred on traffic officers(**c**) by this Order are necessary for the purpose of facilitating the performance of any duties which may be assigned to them.

The Secretary of State has consulted with such representative organisations as appear appropriate in accordance with section 90E(2) of the 1988 Act.

A draft of this Order has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 90E(4) of the 1988 Act and section 8(4) of the 2004 Act.

Citation, commencement and extent

1. This Order—

(a) may be cited as the Heavy Commercial Vehicles in Kent (No. 1) (Amendment) Order 2020;

(b) comes into force on 30th November 2020 or the day after the day on which it is made, whichever is later; and

(c) extends to England and Wales and Scotland, except for article 2 which extends to England and Wales only.

(**a**) 1988 c. 53. Part 3A, which includes sections 90A to 90F, was inserted by section 11 of the Road Safety Act 2006 (c. 49).
(**b**) 2004 c. 18. The power under section 8 is conferred on "the appropriate national authority", which is defined in section 15 and means, as respects England, the Secretary of State.
(**c**) See section 1 (traffic officers: introduction) of the Traffic Management Act 2004.

Amendment of the Heavy Commercial Vehicles in Kent (No. 1) Order 2019

2.—(1) The Heavy Commercial Vehicles in Kent (No. 1) Order 2019(**a**) is amended as follows.

(2) In article 2(9) (conferral of further special powers on traffic officers) for "31st December 2020" substitute "31st October 2021".

Amendment of the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009

3.—(1) The Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009(**b**) is amended as follows.

(2) In Schedule 2 (deposits for graduated fixed penalty offences)—

(a) in table 7 in column (1), before "2(1)", insert "1A(2), ";

(b) in table 8 in column (1), before "3(1)", insert "3(A1), ".

Signed by authority of the Secretary of State for Transport

Name
Parliamentary Under Secretary of State
Department for Transport

Date

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Heavy Commercial Vehicles in Kent (No. 1) Order 2019 (the "2019 Order").

Article 2 postpones the date on which article 2 of the 2019 Order will cease to have effect from 31st December 2020 to 31st October 2021.

Article 3 sets the financial penalty deposit amounts for committing the new offences created by amendments made by related instruments to the Heavy Commercial Vehicles in Kent (No. 2) Order 2019 and the Heavy Commercial Vehicles in Kent (No. 3) Order 2019 (the "2019 Orders"). The financial penalty deposit amount for each new offence is the same amount (£300) as for the offences created by the 2019 Orders.

A full Impact Assessment has not been produced for this instrument as it is not expected to have a significant impact on the private, public or voluntary sectors. An Explanatory Memorandum has been prepared for this Order and is available alongside this instrument on the UK Legislation website www.legislation.gov.uk.

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(**a**) S.I. 2019/1388.
(**b**) S.I. 2009/492. A relevant amending instrument is S.I. 2019/1388.

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