This Statutory Instrument has been made in consequence of a defect in S.I. 2013/2025 and is being issued free of charge to all known recipients of that Statutory Instrument.

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

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No. 0000

ROAD TRAFFIC

The Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) (No. 2) Order 2014

Made - - - - 2014

Coming into force in accordance with article 1

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

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

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) (No. 2) Order 2014 and comes into force on the day after the day on which it is made.

(2) In this Order, "the Principal Order" means the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009(**b**).

(3) This Order applies in relation to an offence alleged to have been committed on or after the day on which this Order comes into force.

Amendment of article 1

2.—(1) Article 1 of the Principal Order (citation, commencement and interpretation) is amended as follows.

(2) In article 1(2) insert the following definitions at the appropriate alphabetical position—

""parking offence" means—

(**a**) 1988 c.53; Part 3A (which includes sections 90B and 90E) was inserted by section 11 of the Road Safety Act 2006 (c.49).
(**b**) S.I. 2009/492, amended by S.I. 2010/3016, S.I. 2013/2025 and S.I. 2014/802.

(a) in relation to table 4 in Part 1 of Schedule 1, an offence under the Road Traffic Regulation Act 1984(**a**), which does not involve obligatory endorsement and which is committed in respect of a stationary vehicle; or

(b) in relation to table 6 in Schedule 2, an offence under section 42 of the Road Traffic Act 1988(**b**) consisting in the causing of an unnecessary obstruction of a road in breach of regulation 103 of the Road Vehicles (Construction and Use) Regulations 1986(**c**);

"red route" means a length of road affected by either or both of the following traffic signs, namely—

(a) a traffic sign lawfully placed on the road, being a traffic sign which bears the words "Red Route", with or without any other word or any sign or other indication; and

(b) a traffic sign consisting of a red line or mark lawfully placed on the road; and

"traffic sign" means a traffic sign for the purposes of section 64(1) of the Road Traffic Regulation Act 1984 which conveys any restriction or prohibition under an order made under that Act.".

Amendment of Schedule 1

3.—(1) Schedule 1 to the Principal Order (deposits for fixed penalty offences) is amended as follows.

(2) In Part 1, in table 4, for items 1, 2, 3, 4 and 5(**d**) substitute—

"1. Section 5(1)	Using a vehicle in contravention of a traffic regulation order outside Greater London	£50, but £30 in the case of a parking offence
2. Section 8(1)	Breach of traffic regulation order in Greater London	£50, but £60 in the case of a parking offence committed on a red route and £40 in the case of any other parking offence
3. Section 11(1)	Breach of experimental traffic order	£50, but £60 in the case of a parking offence committed in Greater London on a red route, £40 in the case of any other parking offence committed in Greater London and £30 in the case of any other parking offence
4. Section 16(1)	Using a vehicle in contravention of temporary prohibition or restriction of traffic in case of execution of works, etc.	£50, but £100 if committed in respect of a speed restriction, £60 in the case of a parking offence committed in Greater London on a red route, £40 in the case of any other parking offence committed in Greater London and £30 in the case of any other parking offence
5.	Wrongful use of special road	£100, but £40 in the case of a parking offence committed in

(**a**) 1984 c. 27.
(**b**) 1988 c. 52; as amended by sections 18(3) and 26(2) of the Road Safety Act 2006. Section 42 was substituted for section 42 as originally enacted by section 8(2) of the Road Traffic Act 1991 c. 40.
(**c**) S.I. 1986/1078, to which there are amendments not relevant to this Order.
(**d**) Items 1, 2, 3, 4 and 5 were amended by S.I. 2013/2025.

Section 17(4)		Greater London and £30 in the case of any other parking offence”

Amendment of Schedule 2

4.—(1) Schedule 2 to the Principal Order (deposits for graduated fixed penalty offences) is amended as follows.

(2) In table 6, for item 6(**a**) substitute—

“6	In all other cases	£50, but £60 in the case of a parking offence committed in Greater London on a red route, £40 in the case of any other parking offence committed in Greater London and £30 in the case of any other parking offence”

Signed by authority of the Secretary of State for Transport

Parliamentary Under Secretary of State
Department for Transport

Date

(**a**) Item 6 was amended by S.I. 2013/2025.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Road Safety (Financial Penalty Deposit) (Appropriate Amount) Order 2009 (the "Principal Order") in respect of parking offences. The Principal Order specifies the amounts of financial penalty deposits that may be imposed, where certain conditions are met, by constables and vehicle examiners, in relation to offences specified in an order made under section 90A of the Road Traffic Offenders Act 1988 (as inserted by section 11 of the Road Safety Act 2006).

The Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2013 (the "2013 Order") amended the Principal Order and came into force on 16th August 2013. That Order increased the appropriate amounts of most financial deposits from £30 to £50, £60 to £100, £120 to £200 and £200 to £300. This Order corrects an error in the 2013 Order in respect of the amounts relating to fixed penalty parking offences outside Greater London to ensure that the amounts of financial deposits for those offences revert to the levels as they were prior to the 2013 Order. This Order is therefore being issued free of charge to all known recipients of the 2013 Order.

This Order also brings financial penalty deposits for fixed penalty parking offences committed within Greater London into line with the fixed penalties for those offences.

A full impact assessment has been prepared which relates to the 2013 Order and to this instrument. The impact assessment and an Explanatory Memorandum are available alongside the instrument on the UK Legislation website, www.legislation.gov.uk.

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