EXPLANATORY MEMORANDUM TO

THE FIXED PENALTY (AMENDMENT) (NO. 2) ORDER 2013

2013 No. 1840

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

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

2. Purpose of the instrument

2.1 This Order amends the Fixed Penalty (Amendment) Order 2013 (S.I. 2013/1569, "the main Order") before it comes into force so that fixed penalty levels for parking offences outside Greater London remain unchanged.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This Order corrects an error in the main Order. The main Order is yet to come into force at the date of this memorandum and this Order has therefore been made as a matter of urgency in order to ensure that the erroneous provision in the main Order is corrected before it comes into force.

4. Legislative Context

4.1 The main Order is one of a package of three statutory instruments, the others being the Fixed Penalty Offences Order 2013 and the Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2013. The Fixed Penalty Offences Order 2013 makes careless driving a fixed penalty offence and the Road Safety (Financial Penalty Deposit) (Appropriate Amount) (Amendment) Order 2013 increases the level of financial penalty deposits substantially in line with the changes made by this Order.

5. Territorial Extent and Application

5.1 This Order applies to Great Britain.

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 Order corrects an error in the main Order whereby the amount of the fixed penalty in respect of fixed penalty parking offences outside Greater London would

otherwise be increased from £30 to £50. The effect of this Order is that the fixed penalty amount for those parking offences will instead remain unaltered at £30.

7.2 In the circumstances, this Order is being issued free of charge to all known recipients of the main instrument.

Consolidation

7.3 The Department does not propose to consolidate the instrument amended by this Order as this Order only corrects a drafting error in a further amending Order.

8. Consultation outcome

8.1 The Department held a public consultation on raising most of the penalty levels for motoring offences, but expressly excluding those for parking offences, from June to September 2012. The Department does not consider that a further consultation is merited in respect of this instrument seeing that its purpose is solely to correct a drafting error and its effect is consistent with the terms of, and the government's response to, the earlier consultation.

9. Guidance

9.1 The Department does not consider that any guidance is necessary in respect of the change made by this Order as it solely corrects a drafting error.

10 Impact

10.1 A full impact assessment of the effect that the main instrument will have is available on the GOV.UK website. There are no additional impacts associated with this Order as it only corrects a drafting error.

11. Regulating small business

11.1 This Order applies to all users of motor vehicles, irrespective of whether they are private individuals, large businesses or small businesses. However, the legislation will only affect road traffic offenders who are not compliant with relevant legal requirements relating to the use of motor vehicles.

12. Monitoring and review

12.1 The Department for Transport will continue to keep the subject of fixed penalty levels under review in conjunction with colleagues in the Home Office and the Ministry of Justice who have a wider responsibility for penalty levels generally.

13. Contact

13.1 Priti Khatri at the Department for Transport, Great Minster House, 33 Horseferry Road, London SW1P 4DR (telephone 020 7944 4715) can answer any queries regarding the instrument.