EXPLANATORY MEMORANDUM TO

THE ROAD USER CHARGING SCHEMES (PENALTY CHARGES, ADJUDICATION AND ENFORCEMENT) (ENGLAND) (AMENDMENT) REGULATIONS 2026

2026 No. 752

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Minister Sackman KC MP, Minister of State, at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

2.2 Steven Jarman, Deputy Director for Civil Justice and Law Policy, at the Ministry of Justice confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Andy Robson at the Department for Transport, which is responsible for road user charging policy, can be contacted by email at the following address with any queries regarding the instrument: andrew.robson@dft.gov.uk. Alternatively, the department can be contacted by telephone: 0300 330 3000.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This statutory instrument removes the requirement for penalty charge notices (PCNs) that are issued as part of enforcement against non-payment of road user charges to be sent by first class post only. Operators of road user charging schemes must still issue PCNs by post, but they can now choose whichever is the most appropriate postage service for their scheme.

4.2 To ensure that the length of time recipients of PCNs are given to settle or challenge the PCN is not diminished, regardless of the postage service used, the instrument also amends the number of working days that operators of road user charging schemes must allow for PCNs to be served from the day of posting. The table below sets out these changes:

	Working days after posting when service of PCNs is deemed to have been effected	
Postage service used	**Previously**	**Now**
First Class to UK address	Two working days	Two working days
Any other postage service to a UK address	Not permitted	Four working days
To any non-UK address	Five working days	Ten working days

Where does the legislation extend to, and apply?

4.3 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales.

4.4 The territorial application of this instrument (that is, where the instrument produces a practical effect) is England.

5. Policy Context

What is being done and why?

5.1 Part III of the Transport Act 2000 empowers local traffic authorities in England and the Secretary of State for Transport (in specific circumstances) to introduce road user charging schemes on their road networks.[1] The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (SI 2013/1783)[2] sets out the procedures for enforcing against non-payment of road user charges. As made, it required PCNs to be sent to the registered keeper of offending vehicles by first class post, which is a service provided only by Royal Mail.

5.2 Since these Regulations were made, operators of road user charging schemes have made representations that this restriction prevents them from using the most cost-effective postage service that meets their needs. Also, there is no first class postage service outside the UK, which has presented a risk to effective enforcement against vehicles that are not registered in the UK.

5.3 This instrument will address both of these issues by removing the requirement to use only first class post without reducing the time allowed for customers to pay or challenge a PCN. Henceforth, operators of road user charging schemes will be able to use any suitable service (including first class if they wish to retain existing arrangements). Recipients of PCNs will not be disadvantaged, as the service of documents is now considered to have been effected on the second working day after posting where first class post is used for UK addresses (as was already the case), the fourth working day when other services are used for UK addresses, and the tenth working day for overseas addresses.

5.4 There are around a dozen road user charging schemes in England outside London currently (most notably at the A282 Dartford Crossing ("Dart Charge"), the Mersey Gateway Crossings ("Merseyflow") and the Clean Air Zones in several cities).[3] The

[1] At: https://www.legislation.gov.uk/ukpga/2000/38/part/III/chapter/I
[2] At: https://www.legislation.gov.uk/uksi/2013/1783
[3] Road user charging schemes in London, made under the provisions of the Greater London Authority Act 1999, are not affected by these Regulations.

change made by this instrument is administrative in nature, with no negative impacts for drivers who travel in the areas covered by such schemes, whether they pay the applicable charges on time or not.

What was the previous policy, how is this different?

5.5 Previously, these Regulations mandated that first class mail (a service only provided by Royal Mail) as the premium postage service available be used for issuing PCNs, in cases where drivers have not paid the road user charge on time. The revised regulations remove this requirement, given the availability of alternative reliable and competitive postage services.

6. Legislative and Legal Context

How has the law changed?

6.1 Part III of the Transport Act 2000 provides powers for local traffic authorities and, in specific circumstances, the Secretary of State for Transport, to make road user charging schemes. The Act also empowers the Lord Chancellor to make regulations 'about the notification, adjudication and enforcement of charging scheme penalty charges' (s.173(4)) and includes powers to make different provision for different cases (s.197(1)(b)).

6.2 The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 were made using this power (amongst others) and, as made, mandated that first class mail (a service only provided by Royal Mail) be used for PCNs where drivers have not paid the applicable road user charge on time.

6.3 This instrument amends these Regulations to remove the requirement to use only first class mail so that alternative postage services may also be used.

Why was this approach taken to change the law?

6.4 Amending these Regulations was the only possible way to give operators of road user charging schemes permission to use alternative postage services.

7. Consultation

Summary of consultation outcome and methodology

7.1 The change implemented by the instrument is administrative in nature, with no impacts for businesses, charities or voluntary bodies, and no requirement for public bodies to do anything. Consequently, it was decided that no formal public consultation was necessary. Officials in the Department for Transport did, however, engage with some operators of road user charging schemes about these Regulations, and this was the only issue identified with the Regulations requiring action at this time.

8. Applicable Guidance

8.1 This instrument does not implement or require guidance.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because it relates solely to activities controlled by, or undertaken on behalf of, a public authority, which

means it is out of scope of the Better Regulation Framework. It has no impact on businesses, charities or voluntary bodies.

Impact on businesses, charities and voluntary bodies

9.2 There is no impact on business, charities or voluntary bodies because this instrument relates solely to activities controlled by, or undertaken on behalf of, a public authority.

9.3 The legislation does not impact small or micro businesses.

9.4 The impact on the public sector is low but positive. Currently, only a few public authorities operate a road user charging scheme, and these authorities may be able to reduce the operating cost of those schemes if they are able to access more competitive postage services than those used hitherto. No costs are imposed by this instrument as no authority is compelled to seek an alternative postage service.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that the Department for Transport, which has policy responsibility for road user charging, will keep under review whether there is any increase in complaints about the operation of such schemes resulting from the use of alternative postage services.

10.2 Also, the Department for Transport, through National Highways, operates one road user charging scheme currently, at the Dartford Crossing. Therefore, it will be able to assess any impacts from using a different postage service there directly and recommend any action necessary to ensure that the service of PCNs for road user charging schemes is done fairly and robustly.

10.3 The instrument does not include a statutory review clause because it relates solely to activities controlled by, or undertaken on behalf of, a public authority, which means it is out of scope of both the Better Regulation Framework and Small Business, Enterprise and Employment Act 2015, with no ministerial statement required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").