

Advice Note on Applying for a Designation Order for Civil Enforcement of Moving Traffic Contraventions

1. This note applies to local authorities in England wishing to acquire powers (“the Part 6 powers”) to enforce moving traffic contraventions under Part 6 of the Traffic Management Act 2004 (“the 2004 Act”). A set of Regulations giving effect to the Part 6 powers, which will be subject to Parliamentary approval, is planned to come into force before the end of 2021. After then, local authorities would need to apply to the Secretary of State for a Designation Order to obtain the Part 6 powers. This note is intended to help local authorities prepare their applications in the meantime so the Part 6 powers can be delivered as quickly as possible once the Regulations are in force.
2. Those local authorities acquiring the Part 6 powers will need to have regard to the guidance to be set out in ‘Statutory Guidance to Local Authorities on Bus Lane and Moving Traffic Enforcement Outside London’. While this remains in draft, we plan to provide early sight of the draft over the summer via the Local Government Association.
3. Applications may be made for the whole, or part of, a local authority area by a county council, or an individual metropolitan district council. Applications may also be made by two or more metropolitan district councils acting jointly, in which case the Part 6 powers will apply to the whole of their administrative areas. Under the 2004 Act only areas within, or coextensive with, areas already designated as civil enforcement areas for parking contraventions may be designated as areas for moving traffic enforcement.
4. It will be sufficient to formally apply for designation of the Part 6 powers by means of a letter to the Secretary of State, signed by the Chief Executive. The letter must state:
 - a) The full name of the authority applying and the type of authority (e.g. a county council, a borough council, a district council, a unitary authority or a metropolitan district council);
 - b) The area to be designated; and
 - c) Any roads to be excluded.
5. The letter must also confirm that it has been sent with the authority of the Council, and that the Council has:
 - a) Consulted the appropriate Chief Officer of Police;
 - b) Carried out a minimum six-week public consultation on the detail of planned civil enforcement of moving traffic contraventions. Consultations should include the types of restrictions to be enforced and the location(s) in question;
 - c) Considered all objections raised and has taken such steps the Council considers reasonable to resolve any disputes;
 - d) Carried out effective public communication and engagement as the Council considers appropriate, for example using local press and social media, and that this will continue up to the start of enforcement and for a reasonable period thereafter;
 - e) Ensured all moving traffic restrictions to be enforced will be underpinned by accurate Traffic Regulation Orders, and indicated by lawful traffic signs and road markings;
 - f) Ensured all the relevant equipment has been certified by the Vehicle Certification Agency specifically for moving traffic contraventions.
6. As part of ensuring that TROs and traffic signs are accurate and lawful, applicant local authorities are encouraged to take the opportunity to identify and remove any signs that are either obsolete or no longer necessary, whether or not relating directly to the restriction being enforced. This will reduce sign clutter, and aid effective enforcement by ensuring drivers are presented with clear information in an uncluttered environment.

7. Applicant local authorities are encouraged to confer with neighbouring authorities and, where relevant, combined authorities as it is important that road users benefit from a consistent approach to moving traffic enforcement.
8. Before making a Designation Order, the Secretary of State must consult the appropriate Chief Officer of Police.
9. The 2004 Act does not prescribe the list of traffic signs and road markings subject to moving traffic enforcements on a selective basis, therefore all the prescribed traffic signs and road markings will apply under the Designation Order. However, local authorities will not be duty-bound to enforce every sign or marking; instead, enforcement should only be used to target problem locations. At any location where it is considered that contraventions could be avoided by reasonable improvements to the highway or to traffic signing, such improvements should be made, and appropriate monitoring carried out before enforcement action is considered. Improvements to signing may include removal of redundant or poorly maintained signs and posts, which have the potential to confuse drivers. Local authorities are therefore encouraged to review their traffic signing in accordance with the 'Golden Rules' as set out in [Chapter One](#) of the Traffic Signs Manual.
10. To help the Department plan for the likely application caseload, we request that those intending to apply for the Part 6 powers notify the Traffic and Technology team of their **intention to apply** at: Parking.queries@dft.gov.uk by **31 August 2021**. To help the certification process, early engagement with the Vehicle Certification Agency is also encouraged, at: civil-enforcement@vca.gov.uk.
11. Depending on uptake, it might be necessary to make Designation Orders in tranches. We will aim to lay the first Designation Order in Parliament before end-March 2022 although this will be subject to the Parliamentary timetable. Subsequent applications will be considered as they are submitted.

Traffic and Technology Division
Department for Transport
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