



Department  
for Transport

## Civil Enforcement of Parking, Bus Lane, and Moving Traffic Contraventions – Updated Advice Note

**All English enforcement authorities currently undertaking civil enforcement of parking and bus lane contraventions need to read the following as this may affect you from 00:00 on 31<sup>st</sup> May 2022. Regulations, due to come into force on that date will result in some or all of the below changes needing to be made. While the regulations remain subject to Parliamentary approval, you will need to be ready.**

**This note also applies to those outside London intending to take up moving traffic enforcement powers.**

### Background and Context

The Government has committed to make the moving traffic enforcement powers under Part 6 of the Traffic Management Act 2004 (“the 2004 Act”) available to local authorities outside London. The regulations giving effect to these powers (“the 2022 regulations”) were laid in Parliament on 27<sup>th</sup> January. In making these powers available, the legislative opportunity has also been taken to consolidate, under the 2004 Act, the existing civil enforcement regimes for bus lane contraventions (outside London currently under 2005 regulations made under the Transport Act 2000) alongside parking contraventions (England-wide currently under 2007 regulations made under the 2004 Act). Creating a cohesive civil enforcement regime will remove numerous inconsistencies which inherently arose due to the disparate enabling legislation, enabling more efficient administration.

The purpose of this note is to notify you that the above changeover will require some urgent updates to local authorities' stationery, notices and systems as, while not a current or future requirement in regulations, it has come to light that the vast majority of English local authorities refer to the enabling regulations in their parking and bus lane Penalty Charge Notice, Notice to Owner, Notice of Rejection of Representations, Charge Certificates, Order of Recovery, Bailiff letters and associated correspondence, as well as possibly their TROs.

Although Ministers agreed to exclude London authorities' bus lane and moving traffic regimes from the above-mentioned consolidation, IT changes will still be necessary if regulations are cited in their parking notices.

Outside London changes will be required to parking and bus lane notices irrespective of whether councils intend to take up moving traffic enforcement powers.

### Civil Enforcement of Parking Contraventions

Contraventions of parking restrictions are defined in the 2022 regulations under the umbrella term 'relevant road traffic contravention', and parking will remain civilly enforceable, England-wide, under the 2022 regulations without the need to re-apply for a Designation Order. An existing approved device under the 2007 civil parking enforcement regime will remain an approved device under the 2022 regulations for these purposes.

Any PCN issued up to and including 30<sup>th</sup> May 2022 will be subject to the current regulatory regime for parking enforcement. This includes any statutory notices and associated correspondence relating to subsequent representations, appeals and debt recovery procedures. If the enabling regulations have been referenced, then statutory notices must still refer to the current regulations throughout the life of the case.

Any PCN issued from 00:00 on 31<sup>st</sup> May 2022 and thereafter will be subject to the 2022 regulations. As such, if authorities are seeking to replace references to the regulations as shown in Column 1 in the table below, they will need to be replaced as shown in Column 2:

<b>(1) Existing regulations:</b>	<b>(2) To be replaced with:</b>
The Civil Enforcement of Parking Contraventions (England) General Regulations 2007	The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
The Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007	
The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007	
The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007	The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022
The Civil Enforcement Officers (Wearing of Uniforms) (England) Regulations 2007	Any such reference must remain unchanged

### Civil Enforcement of Bus Lane Contraventions

Bus lane enforcement inside London remains unchanged under the London Local Authorities Act 1996.

Contraventions of bus lane restrictions outside London are defined in the 2022 regulations under the umbrella term 'relevant road traffic contravention' and bus lanes will remain civilly enforceable outside London under the 2022 regulations without the need to re-apply for a Designation Order. An existing approved device under the 2005 bus lane regime will also remain an approved device under the 2022 regulations for this purpose.

The Department for Transport's view, which does not constitute legal advice, is that ongoing bus gate enforcement should not require an application for designation of moving traffic enforcement powers, and that any TRO made under the 2005 bus lane regime for this purpose should remain enforceable under the forthcoming 2022 regulations. This view also applies to bus gates introduced after the 2022 regulations enter force.

In coming to this view, the Department for Transport notes a 2010 High Court ruling statement that the question of the adequacy of traffic signing is a fact sensitive issue depending on the particular circumstances of a case. Local authorities should therefore seek their own legal advice if they have any particular concerns.

Any PCN issued up to and including 30<sup>th</sup> May 2022 will be subject to the current regulatory regime for bus lane enforcement. This includes any statutory notices and associated correspondence relating to subsequent representations, appeals and debt recovery procedures. If the enabling regulations have been referenced, then statutory notices must still refer to the current regulations throughout the life of the case.

Any PCN issued from 00:00 on 31<sup>st</sup> May 2022 and thereafter will be subject to the 2022 regulations. As such, if authorities are seeking to replace references to the regulations as shown in Column 1 in the table below, they will need to be replaced as shown in Column 2:

<b>(1) Existing regulations:</b>	<b>(2) To be replaced with:</b>
The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005	The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022
The Bus Lanes (Approved Devices) (England) Order 2005	
The Tribunals and Inquiries (Bus Lane Adjudicators) (England) Order 2005	The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022

For a contravention of using a bus lane, unless to stop or load where permitted, local authorities outside London can currently charge £40 (Band 1), £50 (Band 2) or £60

(Band 3). From 00:00 on 31<sup>st</sup> May, the 2022 regulations apply an automatic increase to bus lane penalties, and discounts and surcharges, creating a two-banded regime as below, in line with those for higher level parking contraventions and moving traffic contraventions.

Band	Penalty charge	Penalty charge paid early	Penalty charge paid after service of a charge certificate
1.	£60	£30	£90
2.	£70	£35	£105

It should be noted that, from 00:00 on 31<sup>st</sup> May the current 50% discount period for early payment of bus lane PCNs will increase from 14 days to 21 days, in line with the discount period for PCNs issued based on evidence captured by CCTV camera for parking or moving traffic contraventions. The above changes will need to be updated in IT systems.

### Civil Enforcement of Moving Traffic Contraventions

Though not critical for the transition to the 2022 regulations, those local authorities intending to acquire moving traffic enforcement powers will also need to ensure that their IT systems are ready to reflect the requirement in the forthcoming statutory guidance that, for a period of six months following implementation of moving traffic enforcement in practice, at each particular camera location, local authorities outside London should issue warning notices for first-time moving traffic contraventions. This also applies to any new camera location in the future. The warning notice should set out the six-month period and advise that any further moving traffic contravention at the same camera location would result in the issue of a PCN.

Although outside the scope of statutory guidance, within London where moving traffic contraventions have been enforced for many years under the London Local Authorities and Transport for London Act 2003, enforcement authorities are expected to issue warning notices in the same way as set out above for first-time contraventions of cycle lane, cycle route and 'buses prohibited' contraventions (civilly enforceable in London for the first time from 00:00 on 31<sup>st</sup> May).

### Applying for Designation of Civil Enforcement Area for Moving Traffic Contraventions

Schedule 8 to the 2004 Act specifies that only local authorities with existing civil parking enforcement powers may be granted moving traffic enforcement powers. The area covered by a moving traffic Designation Order may only be within, or co-extensive with, the geographic area already designated as a civil enforcement area for parking contraventions. Before making a Designation Order, the Secretary of State must consult the relevant Chief Officer of Police.

Applications may be made for the whole, or part of, a local authority civil parking enforcement area by a county council, a unitary authority or an individual metropolitan district council (although applicant authorities are encouraged to apply for the powers to cover their whole civil parking enforcement area). Applications may also be made by two or more metropolitan district councils acting jointly, in which case the moving traffic enforcement powers must apply to the whole of their civil parking enforcement areas.

It is sufficient to formally apply for designation of the moving traffic enforcement powers by means of a letter to the Secretary of State, signed by the Chief Executive or other senior officer as the local authority deems appropriate. A suggested template application letter, linked below, has been developed which we encourage applicant authorities to use:



Any letter the applicant authority chooses to use will need to state:

- The full name of the authority applying and the type of authority (a county council, a unitary authority, a metropolitan district council or two or more metropolitan district councils acting jointly);
- The area to be designated; and
- Any roads to be excluded (not applicable to metropolitan district councils acting jointly).

The letter will also need to confirm that it has been sent with the authority of the Council, and that the Council has already:

- 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 (rather than whether people agree with the principle of moving traffic enforcement), including the types of restrictions to be enforced and the location(s) in question. This is intended to communicate the rationale for, and benefits of, moving traffic enforcement to residents and businesses, and allow them the opportunity to raise any concerns. There is no requirement for newspaper advertising. Local authorities should consider the full range of media available to them when communicating with the public. They should consider telling every household in the CEA when they propose changes - for example, to the operation of a scheme.
- 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 TROs, where applicable, and indicated by lawful traffic signs and road markings. Local authorities are not required to audit all their TROs and traffic signs; but instead those that are directly related to the moving traffic restrictions to be enforced;
- f) Ensured all the relevant equipment has been certified by the Vehicle Certification Agency (VCA) specifically for moving traffic contraventions.

When applying for designation of the moving traffic enforcement powers, Chief Executives (or other appropriate senior officer) will also be required to undertake to carry out all of the steps set out in **a-f above** in respect of any new camera locations in the future. However, once local authorities outside London have designated moving traffic enforcement powers, it will not be necessary to seek further approval from the Secretary of State for additional enforcement locations or restriction type.

As part of ensuring that TROs and traffic signs are accurate and lawful, applicant local authorities are encouraged to identify and remove any traffic signs at the enforcement site 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.

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.

Schedule 7 to the 2004 Act does not prescribe the list of traffic signs subject to moving traffic enforcements on a selective basis, therefore all the prescribed traffic signs listed at **Annex** will apply under the Designation Order. Local authorities are not required 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.

Signing improvements 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 at the camera enforcement locations in accordance with the 'Golden Rules' as set out in [Chapter One](#) of the Traffic Signs Manual.

To help the certification process, early engagement with the Vehicle Certification Agency is also encouraged, at: [civil-enforcement@vca.gov.uk](mailto:civil-enforcement@vca.gov.uk). An updated edition of the Civil Traffic Enforcement Certification of Approved Devices guidance will be published shortly.

We request that applications are sent to [Parking.queries@dft.gov.uk](mailto:Parking.queries@dft.gov.uk).

The Department must be satisfied in relation to the above matters before a Designation Order can be made. Delays in confirming the above requirements fully at the outset may result in delays. The Department is open to receiving applications from now. Depending on uptake, we expect it will be necessary to make Designation Orders in tranches. We will aim to lay the first Designation Order in Parliament as soon as practicable after the regulations come into force on 31<sup>st</sup> May 2022, although this is subject to the Parliamentary timetable.

To be included in the first tranche, applications meeting the above requirements must reach the Department **by 20<sup>th</sup> May at the latest**.

Subsequent applications will be considered as they are submitted. We expect to lay the second tranche Designation Order in late-2022. Decisions will be taken on the frequency of subsequent Order-making based on demand.

Thus far, 12 applicant authorities confirm they are getting ready to apply, which we sense might mean tranche 2 is quite large by comparison.

#### **Online Q & A reference resource**

In concert with the British Parking Association the Department for Transport has also developed a live bank of Q&A hosted on the BPA website [here](#) to help those local authorities wishing to take up the moving traffic enforcement powers. **BPA membership is not required to access this information.**

This bank of questions also covers general CPE and bus lane enforcement matters & reflects the information provided here about the wider regulatory changes.

**Traffic & Technology Division**  
**Department for Transport**  
**March 2022**

## Annex

### Traffic Signs Subject to Moving Traffic Enforcement

Schedule 7 to the 2004 Act lists those traffic signs below (prescribed in the Traffic Signs Regulations and General Directions 2016 as amended: 'TSRGD') as civilly enforceable as moving traffic contraventions. This applies to any permitted variant under TSRGD; for example, diagram 606 when varied to point ahead or to the right.

It should be noted that the Government committed only to introduce moving traffic enforcement powers in respect of those signs listed below. Regulatory traffic signs (other than those for parking and bus lanes) that are not listed below will remain enforceable only by the police (for example, diagram 626.2A indicating structural weight limits).

Description	TSRGD diagram number & location	
Vehicular traffic must proceed in the direction indicated by the arrow	606 (Schedule 3, Part 2, item 1 and Schedule 14, Part 2, item 42)	
Vehicular traffic must turn ahead in the direction indicated by the arrow	609 (Schedule 3, Part 2, item 2)	
Vehicular traffic must keep to the left/right of the sign indicated by the arrow	610 (Schedule 3, Part 2, item 3)	
No right turn for vehicular traffic	612 (Schedule 3, Part 2, item 7 and Schedule 14, Part 2, item 43)	
No left turn for vehicular traffic	613 (Schedule 3, Part 2, item 8 and Schedule 14, Part 2, item 43)	
No U-turns for vehicular traffic	614 (Schedule 3, Part 2, item 6 and Schedule 14, Part 2, item 43)	
Priority must be given to vehicles from the opposite direction	615 (Schedule 3, Part 2, item 9)	
No entry for vehicular traffic (when the restriction or prohibition is one that may be indicated by another traffic sign subject to civil enforcement)	616 (Schedule 3, Part 2, item 10 and Schedule 14, Part 2, item 44)	
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617 (Schedule 3, Part 2, item 11)	

Description	TSRGD diagram number & location	
Entry to and waiting in a pedestrian zone restricted	618.3B (Schedule 8, Part 2, item 1)	
Entry to and waiting in a pedestrian and cycle zone restricted	618.3C (Schedule 8, Part 2, item 2)	
Motor vehicles prohibited	619 (Schedule 3, Part 2, item 12)	
Motor vehicles except solo motorcycles prohibited	619.1 (Schedule 3, Part 2, item 18)	
Solo motorcycles prohibited	619.2 (Schedule 3, Part 2, item 20)	
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A (Schedule 3, Part 2, item 13)	
One-way traffic	652 (Schedule 9, Part 4, item 5)	
Buses prohibited	952 (Schedule 3, Part 2, item 17)	
Route for use by buses, pedal cycles and taxis only	953 (Schedule 3, Part 2, item 33)	

Appendix 1

Description	TSRGD diagram number & location	
Route for use by tramcars only	953.1 (Schedule 3, Part 2, item 36)	
Route for use by pedal cycles only	955 (Schedule 3, Part 2, item 28)	
Route for use by pedal cycles and by pedestrians only	956 (Schedule 3, Part 2, item 29)	
Route comprising two ways, for use by pedal cycles only and by pedestrians only	957 (Schedule 3, Part 2, item 32)	
With-flow cycle lane	959.1 (Schedule 9, Part 4, item 9)	
Contra-flow cycle lane	960.1 (Schedule 9, Part 4, item 6)	
Part of the carriageway outside an entrance where vehicles must not stop when the marking is placed in conjunction with the prescribed upright sign which includes the symbol at Schedule 4, Part 3, item 10	1027.1 (Schedule 7, Part 4, item 10)	
Box junction markings	1043 (Schedule 9, Part 6, item 25)	