STATUTORY INSTRUMENTS

2015 No. 1001

ROAD TRAFFIC, ENGLAND

The Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015

Made - - - - 27th March 2015

To be laid before Parliament

Coming into force - - 1st April 2015

The Lord Chancellor, in the exercise of the powers conferred by sections 78, 78A and 89 of the Traffic Management Act 2004(**1**), makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Civil Enforcement of Parking Contraventions (England) General (Amendment No. 2) Regulations 2015 and come into force on 1st April 2015.

(2) These Regulations apply in relation to England only.

Amendment to the Civil Enforcement of Parking Contraventions (England) General Regulations 2007

2.—(1) The Civil Enforcement of Parking Contraventions (England) General Regulations 2007(**2**) are amended as follows.

(2) In regulation 3(1) (service by post) after "regulation 9" insert "or 9A".

(3) In regulation 8(1)(a) (penalty charge notices) after "regulation 9" insert ", 9A".

(4) For regulation 9 substitute—

"**Penalty charge notices for off-road contraventions – service by a civil enforcement officer**

9.—(1) This regulation applies in relation to the service of a penalty charge notice where a vehicle is stationary in a civil enforcement area otherwise than on a road.

(2) A civil enforcement officer who has reason to believe that a penalty charge is payable with respect to the vehicle may serve a penalty charge notice—

(**1**) 2004 c. 18. Section 78A was inserted by the Deregulation Act 2015 (c. 20), section 53.
(**2**) S.I. 2007/3483 amended by S.I. 2015/561.

(a) by fixing it to the vehicle; or

(b) by giving it to the person appearing to the civil enforcement officer to be in charge of the vehicle.

Penalty charge notices for contraventions on a road – service by a civil enforcement officer

9A.—(1) This regulation applies in relation to the service of a penalty charge notice where a vehicle is stationary on a road in a civil enforcement area.

(2) Except as provided by the following paragraphs a penalty charge notice with respect to the vehicle may be served only by the fixing of a notice to the vehicle by a civil enforcement officer who has reason to believe that a penalty charge is payable with respect to it.

(3) The requirement in paragraph (2) that the notice may be served only by the fixing of a notice to the vehicle does not apply—

(a) where the civil enforcement officer is able to serve the penalty charge notice by giving it to the person appearing to the civil enforcement officer to be in charge of the vehicle;

(b) in the circumstances mentioned in either paragraph (1)(b) or (1)(c) of regulation 10;

(c) in any of the circumstances specified in paragraph (6).

(4) Where the circumstances specified in paragraph (3)(a) apply, the civil enforcement officer may (instead of fixing the notice to the vehicle) give the notice to the person appearing to the civil enforcement officer to be in charge of it.

(5) Where any of the circumstances specified in paragraph (6) apply the penalty notice may be served by a civil enforcement officer who has reason to believe that a penalty charge is payable with respect to it—

(a) by fixing it to the vehicle; or

(b) by giving it to the person appearing to the civil enforcement officer to be in charge of the vehicle(**3**).

(6) The circumstances referred to in regulation 9A(3)(c) are that a vehicle is stationary in a civil enforcement area on—

(a) a bus lane;

(b) a bus stop clearway or bus stand clearway;

(c) a carriageway outside a school entrance which is marked in accordance with diagram 1027.1 of Schedule 6 and diagram 642.2A of Schedule 2 to the Traffic Signs Regulations; or

(d) a red route.

(7) In paragraph (6)—

"bus lane" means a traffic lane described in, and marked in accordance with the diagrams referred to in, regulation 23 of the Traffic Signs Regulations;

"bus stop clearway or bus stand clearway" has the meaning given in paragraph 1 of Schedule 19 to the Traffic Signs Regulations(**4**);

(**3**) See regulation 10(1) and (1A) for service of notices by post in relation to such contraventions.
(**4**) "Bus stand" is a permitted variant for "bus stop" in the diagrams referred to in that Schedule.