

# History and Legislation

## Chronological Summary

### **Road Traffic Offenders Act 1988**

- Allowed use of devices such as cameras for the enforcement of Bus Lanes
- Devices must be Home Office approved

### **Road Traffic Act 1991**

- Decriminalised parking regulations, allowing Local Authorities to enforce

### **London Local Authorities Act 1996**

- Gave London Local Authorities power to enforce Bus Lanes using cameras
- PCN's issued via 1<sup>st</sup> class post

### **Greater London Authority Act 1999**

- Gave Traffic Authority status to Transport for London

### **London Local Authorities Act and Transport for London Act 2003**

- Gave London Local Authorities power to enforce moving traffic contraventions

### **Traffic Management Act 2004**

- Gave London and non-London Authorities powers to enforce parking, bus lanes and moving traffic (only parking enacted so far)
- Intended to create greater consistency between London and non-London Local Authorities

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### Use of Cameras

The use of cameras as an enforcement tool was not unique to the London Local Authorities Acts. The *Road Traffic Offenders Act 1988* said devices (such as Cameras) could be used to produce evidence of an infringement or contravention in legal proceedings and that the cameras must be Home Office Approved. The Road Traffic Offenders (Additional Offences and Prescribed Devices) order 1997 added offences relating to bus lane cameras as devices that may be used to produce evidence.

### **Benefits of using cameras to enforce parking & traffic regulations:**

- Evidence collected for all to stay
- Tape can be reviewed to ensure sound decision
- Enforcement actions can be monitored by supervisors
- Cameras in themselves are a deterrent
- Safer for enforcement staff
- Staff can cover wider area of enforcement in a given time span
- Less risk of intimidation of issuing officers
- Better public relations

### **Transport for London (TfL)**

TfL enforces bus lanes throughout London under the powers invested upon it by the Transport for London (Bus Lanes) order 2001. The power to enforce on behalf of other London local authorities was granted when TfL was given traffic authority status for GLA roads and side roads under the *Greater London Authority Act 1999*.

The geographical area covered by this power is the whole of Greater London and will extend as far as the area of responsibility for TfL.

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### **Part II of the Road Traffic Act 1991 (RTA 91)**

The Road Traffic Act 1991 was the legislation that enabled local authorities to enforce on-street parking contraventions fairly and consistently. Prior to 1991 police and traffic wardens carried this out and income from Fixed Penalty Notices (FPNs) was accrued to the Exchequer. The police service was increasingly unable to provide the resources necessary. The consequences of the lack of enforcement, in terms of road safety and congestion, were not acceptable and so the 1991 Act made it mandatory for London boroughs and optional for other local authorities to take on the civil enforcement of parking contraventions. This Act decriminalised parking contraventions meaning it was no longer the responsibility of the police, but the responsibility of Local Authorities. The Police still have a continuing role in some areas. For example, enforcing offences such as dangerous parking or parking offences at pedestrian crossings.

Under this legislation, a Penalty Charge Notice (PCN) would be issued to a vehicle in contravention and the Vehicle Owner is responsible for paying the PCN. The Registered Keeper is presumed to be the Owner. Penalty Charges are a civil debt that is due to the Local Authority. It is collected through a Civil Debt Recovery process. The Local Authority retains any proceeds from the PCNs however the spending of this revenue is limited to certain areas. Because the enforcement is decriminalised, cases are no longer heard by magistrate's court, appeals will be dealt with by an Adjudicator working for the Appeals service.

### **Priority Routes**

Priority Routes are created on the main thoroughfares to improve the movement of traffic, reduce congestion and improve the efficiency of the public transport network.

The Priority Routes carry a "No stopping" restriction. During the operational hours vehicles may not stop to load, unload, park, pick up or set down passengers. There may be 'boxes' marked along the Priority Route where specific activities may take place, loading, setting down passengers, etc as stated on the accompanying signs.

Enforcement of a Priority Route in London is the responsibility of Transport of London (TfL). The Priority Route is red and is known as the Transport for London Road Network (TLRN).

### **Controlled Parking Zones (CPZs)**

This is an area that is controlled at given hours by the use of waiting restrictions and parking bays. Within CPZs, time plates for waiting restrictions are not necessary as the hours of restriction are indicated by 'zone entry' signs.

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### **The Traffic Management Act 2004**

The *Traffic Management Act 2004* (TMA 2004) was introduced to bring London and non-London enforcement authorities into line in order to provide for greater consistency across the country while allowing for parking policies to suit local circumstances. Previously, London authorities had been given additional powers of enforcement which did not exist outside London. For example, it was only London authorities that were given powers to enforce moving traffic offences and footway parking. This Act now supersedes the RTA 91 and allows Civil Parking Enforcement or CPE (formerly Decriminalised Parking Enforcement) to be carried out by authorities England-wide. It also seeks to ensure that the system is fair to the motorist as well as effective in enforcing parking contraventions when they occur.

To be able to enforce regulations a local authority must apply to the Secretary of State for Transport to introduce a Civil Enforcement Area (CEA). This allows local authorities to enforce traffic regulations within dedicated geographical areas. Within the CEA, traffic enforcement is no longer the responsibility of the police but that of the Local Authority. It is now the job of the Civil Enforcement Officer or CEIO (formerly Parking Attendant) to identify that a contravention (offence) has taken place and to issue a Penalty Charge Notice. Contraventions can be identified either by CEOs on-street or by CEOs operating approved devices, such as CCTV cameras. Outside a CEA, all traffic regulations remain subject to the criminal law and remain the responsibility of the Police Service.

Please note – The TMA 2004 is being introduced in stages. From the 31<sup>st</sup> of March 2008, it is only parking contraventions that have been enacted under the TMA 2004. Moving traffic contraventions (bus lanes and other moving traffic contraventions) will not be enacted until at least 2009. London authorities in the mean time will continue to enforce bus lanes and moving traffic under powers given to them by the London Local Authorities Acts as explained below.

### **London Local Authority Act 1996**

The *London Local Authorities Act 1996* gave powers to London authorities to enforce moving traffic offences on local authority bus lanes.

Up until that point local authorities were responsible for the enforcement of stationary parking contraventions only, with the police retaining responsibility for all moving traffic offences. The Bus Lane contravention was the first moving traffic offence to be enforceable by Local Authorities.

The LLA 1996 made it possible for Bus Lane offences to be enforced using CCTV, static or bus mounted camera equipment. The Penalty Charge Notice

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will be served by post to the registered keeper. Prior to this the notice had to be served to the driver or the vehicle at the time of issue.

Six London authorities operated a pilot scheme to assess the feasibility of camera enforcement. During the pilot scheme a legal technicality was highlighted which temporarily suspended camera enforcement. The wording of the Act did not make it clear if the driver or the keeper of the vehicle was legally liable for the PCN, this difficulty was later amended by the *London Local Authorities Act 2000*.

The *London Local Authorities Act 2000* allowed enforcement of parking contraventions via CCTV. This power has now been consolidated into the *Traffic Management Act 2004*.

### **London Local Authority and TfL Act 2003**

The *London Local Authority and TfL Act 2003* gave local authorities the power to enforce a range of moving vehicle contraventions, such as box junctions and banned turns. Apart from the bus lane contravention, this was the first time enforcement had been permitted on moving vehicles.

CCTV was chosen as the best method to enforce these codes. A whole range of moving 'offences' has been passed over to Local authorities to enforce. These PCNs will be issued and served by post in the same way as a bus lane or parking ticket.

The LLA Acts 1996 & 2003 gave London authorities additional powers of enforcement. Legislation already existed (RTA 91) which specified how PCNs should be processed so this remained the same. Therefore with a few minor changes to the process (to take into account the PCN being served by post) the LLA 1996 allowed that in all other respects a PCN is processed as if it were a Penalty Charge Notice issued under the *Road Traffic Act 1991*. It follows the same civil debt recovery route.