

**Explanatory Memorandum to the Local Authorities' Traffic Orders
(Procedure) (England and Wales) (Amendment) (Wales) Regulations
2010.**

This Explanatory Memorandum has been prepared by the Department for Transport, Housing and Regeneration and is laid before the National Assembly for Wales together with the Regulations mentioned above and in accordance with Standing Order 24.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Local Authorities Traffic Orders (Procedure) (England and Wales) (Amendment) (Wales) Regulations 2010.

Ieuan Wyn Jones
Minister for the Economy and Transport

25/10/2010

1. Description

There has been confusion among local authorities as to whether signage is required to warn motorists of the likelihood of a penalty charge notice for parking in contravention of sections 85 and 86 of the Traffic Management Act 2004. In order to provide clarity to local authorities in this area, an amendment to regulation 18 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 (SI 1996/2489) is required to explicitly provide that signage is not required in order to enforce these prohibitions.

2. Matters of special interest to the Constitutional Affairs Committee

None

3. Legislative Background

Sections 85 and 86 of the Traffic Management Act 2004 provide for the enforcement of double parking and parking at dropped footways in special enforcement areas. The power to make the amendment to Regulation 18 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 originates from section 124(1) and part 3 of Schedule 9 to the Road Traffic Regulation Act 1984. These are powers of the Welsh Ministers.

This instrument follows the negative resolution procedure.

4. Purpose and intended effect of the legislation

Local authorities have reported confusion as to whether signage is required to warn motorists of the likelihood of a penalty charge notice for parking in contravention of sections 85 and 86 of the Traffic Management Act 2004.

Whilst the Traffic Management Act 2004 does not expressly rule out the need for signs and road markings, it is important for the Welsh Assembly Government to provide clarity on this issue so as to avoid any misunderstandings in the future.

The changes will explicitly provide that signage is not required in order to enforce prohibitions regarding double parking or parking at dropped kerbs.

5. Implementation

If this legislation were to be annulled the confusion would persist. Using signs to indicate restrictions on double parking would be extremely difficult and make the power virtually unusable. Furthermore, using signs and road markings to indicate both prohibitions would be very confusing for the motorist and may lead to a large number of successful appeals against any penalty charge notices that are issued by civil enforcement officers. It would also add a significant amount of clutter to the street scene and detract from our broader plans to improve the built environment and make it more pleasant and safer for pedestrians and disabled people.

This Instrument has a coming into force date of 1 December 2010.

6. Consultation

- Consultation on the proposals was issued on 30 March 2010 and closed on the 28 May 2010.
- The list of consultees is attached at Annex A.
- The consultation was considered necessary to obtain the views of the relevant local authorities and motoring organisations on the proposals.
- The consultation period was eight weeks. This shortened consultation period was felt to be appropriate as, although this consultation exercise would be of interest to a number of stakeholders, the impact of the changes is limited to the eight local authorities who have civil enforcement powers.
- No negative responses were received.

7. Regulatory Impact Assessment (RIA)

A Regulatory impact Assessment is not considered necessary in this case. The proposed Regulation will provide clarity in the use of powers already available to local authorities and should not have any impact on local businesses, charities or voluntary bodies.

The legislation has no impact on statutory partners or statutory duties as set out in sections 73-79 of the Government of Wales Act 2006.

Consultation Responses

Responses to the consultation on the civil enforcement of double parking and parking at dropped footways, requirements for signs and road markings Regulations, were received from:

- Ceredigion County Council
- Isle of Anglesey County Council
- Mobilise
- One private individual
- Pembrokeshire County Council
- Police
- The Institution of Civil Engineers, Wales
- The RAC Foundation
- Torfaen Council
- Wrexham County Borough Council