

The Traffic Management Act 2004

What is it?

Decriminalised Parking Enforcement (DPE) began, in London, in 1991, and outside London in 1996. Three Rivers Council obtained the necessary powers in 2001, and has operated its enforcement regime, in accordance with the Road Traffic Act 1991 (RTA 1991), since that time.

In the light of experience and some criticism, both from the media and the public, Central Government believed that the time had come for the RTA 1991 to be reviewed with the aim of introducing a new system, which would bring about a sense of fairness and consistency for the motorist, making parking rules and regulations easier to understand, not only just inside and outside London, but across the country. There was also a sense that some local authorities had not achieved the “reasonable ethos” that was intended in the original RTA1991 and a need became apparent to encourage a more transparent approach to enforcement practices.

As a result, the Traffic Management Act 2004 (TMA 2004) was drafted and came into effect on 31st March 2008, becoming the governing parking law throughout England. This brings about changes to the techniques of enforcement adopted by local authorities, the exercise of their discretion and the consideration of challenges, representations and appeals.

What is the effect of the new legislation?

The Council’s Decriminalised Parking Enforcement scheme has changed to a Civil Parking Enforcement scheme (CPE) but many of the new requirements have long since been embedded at Three Rivers and motorists are unlikely to experience any significant change to the way that the service currently operates.

Parking restrictions have not changed in any way and a Penalty Charge Notice (PCN) will still be issued to a vehicle that is parked in contravention. Parking Attendants broadly undertake the same functions that they did under the RTA 1991 but will now be known as Civil Enforcement Officers (CEO) and are afforded the power to inspect blue badges for disabled motorists in an attempt to address issues of fraud and misuse.

However, one of the key aspects of the new legislation that will directly affect motorists is the introduction of differential penalties. Government research showed that the public did not consider the system of having a set penalty charge regardless of the severity of the contravention to be fair and so the TMA 2004 introduces two new charging bands, a higher rate, £70, for more serious contraventions and a lower rate, £50, for those considered to be less serious. Both remain subject to the usual 50% discount for early payment, within 14 days of issue, and increased by 50% if not paid within the specified 28 day period.

- Lower rate contraventions include:
parking after expiry of a pay and display ticket, parking without displaying a pay and display ticket, parking in a permit bay with an invalid permit or voucher, not parking within a marked bay and parking for longer than permitted in limited wait bays.
- Higher rate contraventions include:
parking in disabled bays without a valid blue badge, parking on a bus stop, parking on school zig-zags, parking in a restricted area of a car park, parking on yellow line restrictions or loading restrictions, parking in a permit bay without a permit or voucher for that place and parking in a suspended place.

There is no change to the challenge and appeal process that will be noticeable because, whilst the National Parking Adjudication Service has changed its name to the Traffic Penalty Tribunal, the procedure for appeal is unaffected.

Where can I obtain more information?

It is a requirement of the TMA 2004 that local authorities develop, publish and regularly review their parking enforcement policies. The first of these, our “Penalty Charge Notice Cancellation and Guidance Policy”, is available on-line from the Council website by following the link at: www.threerivers.gov.uk following links to parking or it can be inspected at the Parking Shop at 71/73 Market Street, Watford, Herts WD18 0PS, between 8am and 6.30pm, Monday to Saturday, excluding bank holidays.

You can obtain further information about the Traffic Penalty Tribunal and their service by visiting their website at www.patrol-uk.info

For more information on the guidance or the Traffic Management Act 2004, please visit the Department for Transport website at www.dft.gov.uk/