

EXPLANATORY MEMORANDUM TO
THE ROAD TRAFFIC (PERMITTED PARKING AREA AND SPECIAL
PARKING AREA) (CITY OF MANCHESTER) (AMENDMENT) ORDER 2007

2007 No. 1736

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This Order expands the area in Manchester City where decriminalised enforcement of parking contraventions may take place.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Manchester) (Amendment) Order 2007 (“the amendment Order”) amends the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Manchester) Order 1999 (“the principal order”).
 - 4.2 The principal order enabled Manchester City Council to enforce parking contraventions within its administrative area through a civil law regime, as opposed to enforcement by police or traffic wardens in a criminal law context. The amendment Order amends the list of roads excluded from the civil law regime in the principal order allowing Manchester City Council to enforce parking contraventions using the civil law regime on a number of roads that were previously excluded from the regime by the principal order.
 - 4.3 The amendment Order is made under powers conferred by paragraphs 1(1) and 2(1) of Schedule 3 to the Road Traffic Act 1991 (as read with paragraph 3(3) of that Schedule), following consultation with the appropriate chief officer of police.
 - 4.4 Part II of that Act creates a regime for the civil enforcement of parking contraventions which applies to London only. Schedule 3 enables the Secretary of State by order to provide for the introduction of such a regime to areas outside London and to make consequential modifications to the 1991 Act, and other legislation, as appropriate.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 The Minister, Gillian Merron, has made the following statement regarding human rights:

“In my view the provisions of the Road Traffic (Permitted Parking Area and Special Parking Area) (City of Manchester) (Amendment) Order 2007 are compatible with the Convention rights.”

7. Policy background

7.1 Effective traffic regulation requires effective enforcement of traffic restriction and prohibition orders to promote safety and traffic flow, and deal with abuses of the system. This has been addressed in relation to parking by the Road Traffic Act 1991. That Act enables the creation of "permitted parking areas" and "special parking areas" in which responsibility for enforcing parking restrictions is transferred from the police and police traffic wardens to parking attendants employed by local authorities. Examples of such contraventions are (in a permitted parking area) overstaying the time paid for in a parking bay, and (in a special parking area) unlawful parking on yellow lines.

7.2 Pursuant to the principal Order, part of the City of Manchester was designated as both a permitted parking and a special parking area. It is now proposed to slightly expand the designated area to allow decriminalised parking enforcement in other parts of Manchester. The slight expansion includes a number of roads that at the time the principal order was made the Greater Manchester Police took the view that these roads were of special importance and should remain under their enforcement control.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

8.2 Manchester City Council (the enforcement authority) may use the income from the additional parking charges to finance their enforcement operations.

9. Contact

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