

2010 No. 2790

LOCAL GOVERNMENT, ENGLAND

ROAD TRAFFIC, ENGLAND

The Bus Lane Contraventions (Approved Local Authorities)
(England) (Amendment) (No. 2) and Civil Enforcement of
Parking Contraventions Designation (No. 4) Order 2010

<i>Made</i> - - - -	<i>18th November 2010</i>
<i>Laid before Parliament</i>	<i>23rd November 2010</i>
<i>Coming into force</i> - -	<i>31st December 2010</i>

This order is made in exercise of powers conferred by—

- (a) section 144(3)(b) of the Transport Act 2000(a);
- (b) section 89(3) of the Traffic Management Act 2004(b) (“the 2004 Act”);
- (c) paragraph 2(1) of Schedule 8, and paragraph 1(1) of Schedule 10, to the 2004 Act;
- (d) paragraph 3(4) of Schedule 8, and paragraph 2(4) of Schedule 10, to the 2004 Act; and
- (e) paragraph 8(1) of Schedule 8, and paragraph 3(1) of Schedule 10, to the 2004 Act.

The Darlington Borough Council(c) has applied to the Secretary of State for an order to be made, in exercise of the powers mentioned in paragraph (e) above, in respect of part of that council’s area.

In accordance with the requirements of paragraph 8(3) of Schedule 8, and paragraph 3(4) of Schedule 10, to the 2004 Act, the Secretary of State has consulted the Chief Constable of Durham Constabulary.

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- (a) 2000 c.38. Section 144(3) was modified by S.I. 2007/2053 (C.78) (as amended by S.I. 2008/757 (C. 35)), for a transitional period beginning on 31st March 2008. (See also the correction slip dated June 2009 (ISBN 978-0-11-081271-7) which made a minor correction to S.I. 2008/757 (C. 35).) The powers conferred by section 144 are conferred on “the relevant national authority”. By virtue of section 144(14), the Secretary of State is the “relevant national authority”, as respects England, for the purposes of section 144.
- (b) 2004 c.18.
- (c) The Durham (Borough of Darlington) (Structural Change) Order 1995 (S.I. 1995/1772) created a new county named “the county of Darlington” comprising the area of the borough of Darlington (article 8). The county of Darlington has no county council (see article 8(3) of S.I. 1995/1772). Reference in paragraph 8(2)(a) of Schedule 8, and paragraph 3(3)(a) of Schedule 10, to the Traffic Management Act 2004 (“the 2004 Act”) to “a county council” is construed as including a reference to a district council (and so to the Darlington Borough Council) by virtue of regulation 5(1) and (6) of the Local Government Changes for England Regulations 1994 (S.I. 1994/867, to which relevant amendments were made by S.I. 1995/1748, 1996/330, 1996/611 and 2008/2867).

The council of the City of Westminster has applied to the Secretary of State for an order to be made, in exercise of the powers mentioned in paragraph (c) above, in respect of part of that council's area.

In accordance with the requirements of paragraph 2(3) of Schedule 8, and paragraph 1(4) of Schedule 10, to the 2004 Act, the Secretary of State has consulted the Commissioner of Police of the Metropolis.

Accordingly, the Secretary of State(a) makes this order.

PART 1

Citation and commencement

1. This order may be cited as the Bus Lane Contraventions (Approved Local Authorities) (England) (Amendment) (No. 2) and Civil Enforcement of Parking Contraventions Designation (No. 4) Order 2010 and comes into force on 31st December 2010.

PART 2

Civil Enforcement of Parking Contraventions outside Greater London

Designation of civil enforcement area and special enforcement area outside Greater London under the Traffic Management Act 2004

2. The Secretary of State designates the part of the area of the Darlington Borough Council specified in Schedule 1 as—

- (a) a civil enforcement area for parking contraventions; and
- (b) a special enforcement area.

PART 3

Civil Enforcement of Parking Contraventions in Westminster

Revocation of previous orders

3. The following orders are revoked—

- (a) the Road Traffic (Special Parking Area) (City of Westminster) Order 1994(b); and
- (b) the Road Traffic (Special Parking Area) (City of Westminster) (Amendment) Order 1996(c).

Amendment of the Greater London Highways and Road Traffic (Various Provisions) Order 2000

4.—(1) The Greater London Highways and Road Traffic (Various Provisions) Order 2000(d) is amended as follows.

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- (a) The Secretary of State is, by virtue of section 92 of the 2004 Act, the 'appropriate national authority' as regards England for the purposes of Part 6 of that Act.
 - (b) S.I. 1994/1504.
 - (c) S.I. 1996/2284.
 - (d) S.I. 2000/1547.

(2) In Schedule 2 (roads in the City of Westminster not to be included in a special parking area), for the text beginning with “1. Abbey Orchard Street,” and ending with “65. Whitehall Place,” substitute the text set out in Schedule 2 to this order.

Designation of civil enforcement area and special enforcement area in Westminster under the Traffic Management Act 2004

5. The Secretary of State designates the part of the area of the council of the City of Westminster specified in Schedule 3 as—

- (a) a civil enforcement area for parking contraventions within paragraph 3 of Schedule 7 to the Traffic Management Act 2004 (contraventions other than those relating to parking places); and
- (b) a special enforcement area.

PART 4

Civil Enforcement of Bus Lane Contraventions

Amendment of the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005

6.—(1) The Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005(a) is amended as follows.

(2) In the table in Schedule 2—

- (a) after the row relating to The Cornwall Council, insert—

“the Darlington Borough Council(b)	2010/2790”
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- (b) after the row relating to the Council of the City of Newcastle upon Tyne, insert—

“The North East Lincolnshire Borough Council(c)	2010/1514”
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- (c) after the row relating to The Walsall Borough Council, insert—

“The West Berkshire District Council(d)	2009/464”
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Signed by authority of the Secretary of State

Norman Baker
Parliamentary Under Secretary of State
Department for Transport

18th November 2010

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- (a) S.I. 2005/2755, amended by S.I. 2005/3406, 2006/593, 2006/1447, 2006/1516, 2006/2632, 2006/2820, 2006/3212, 2006/3419, 2006/3425, 2007/551, 2007/647, 2007/1512, 2007/1585, 2007/2323, 2007/2536, 2007/2838, 2007/3554 and 2010/99.
 - (b) Part 2 of this order, made partly under paragraph 8(1) of Schedule 8 to the 2004 Act, designates part of the area of the Darlington Borough Council as a civil enforcement area for parking contraventions.
 - (c) The Civil Enforcement of Parking Contraventions Designation (No. 3) Order 2010 (S.I. 2010/1514), made partly under paragraph 8(1) of Schedule 8 to the 2004 Act, designated part of the area of The North East Lincolnshire Borough Council as a civil enforcement area for parking contraventions.
 - (d) The Civil Enforcement of Parking Contraventions (West Berkshire) Designation Order 2009 (S.I. 2009/464), made partly under paragraph 8(1) of Schedule 8 to the 2004 Act, designated part of the area of The West Berkshire District Council as a civil enforcement area for parking contraventions.

SCHEDULE 1

Article 2

The part of the area of the Darlington Borough Council designated as a civil enforcement area for parking contraventions and as a special enforcement area

The borough of Darlington except—

- (a) the A1(M) road, including its slip roads; and
- (b) the A66 trunk road, including its slip roads.

SCHEDULE 2

Article 4(2)

Text to be substituted in Schedule 2 to the Greater London Highways and Road Traffic (Various Provisions) Order 2000 (roads in the city of Westminster not to be included in a special parking area)

- “1. Abingdon Street;
- 2. Bridge Street;
- 3. Broad Sanctuary, between the western kerb-line of Little George Street (at Ordnance Survey National Grid reference point TQ3004879572) and the junction of Broad Sanctuary with Parliament Square (at Ordnance Survey National Grid reference point TQ3007479584);
- 4. Downing Street;
- 5. Great George Street, between the western kerb-line of Little George Street (at Ordnance Survey National Grid reference point TQ3003779685) and the junction of Great George Street with Parliament Square (at Ordnance Survey National Grid reference point TQ3006179681);
- 6. King Charles Street;
- 7. Little George Street;
- 8. Old Palace Yard;
- 9. Parliament Square;
- 10. Parliament Street;
- 11. Richmond Terrace;
- 12. Richmond Terrace Mews;
- 13. St. Margaret Street; and
- 14. Whitehall.”

SCHEDULE 3

Article 5

The part of the area of the council of the City of Westminster designated as a civil enforcement area for parking contraventions within paragraph 3 of Schedule 7 to the Traffic Management Act 2004 and as a special enforcement area

The whole of the area of the council of the City of Westminster except—

- (a) Abingdon Street;
- (b) Bridge Street;
- (c) Broad Sanctuary, between the western kerb-line of Little George Street (at Ordnance Survey National Grid reference point TQ3004879572) and the junction of Broad Sanctuary with Parliament Square (at Ordnance Survey National Grid reference point TQ3007479584);
- (d) Downing Street;
- (e) Great George Street, between the western kerb-line of Little George Street (at Ordnance Survey National Grid reference point TQ3003779685) and the junction of Great George Street with Parliament Square (at Ordnance Survey National Grid reference point TQ3006179681);
- (f) King Charles Street;
- (g) Little George Street;
- (h) Old Palace Yard;
- (i) Parliament Square;
- (j) Parliament Street;
- (k) Richmond Terrace;
- (l) Richmond Terrace Mews;
- (m) St. Margaret Street; and
- (n) Whitehall.

EXPLANATORY NOTE

(This note is not part of the order)

This order designates part of the area of the Darlington Borough Council as a civil enforcement area for parking contraventions and as a special enforcement area for the purposes of Part 6 of the Traffic Management Act 2004.

The order designates part of the area of the council of the City of Westminster as a civil enforcement area for parking contraventions within paragraph 3 of Schedule 7 to the Traffic Management Act 2004 (contraventions other than those relating to parking places) and as a special enforcement area.

The order revokes the following orders—

—the Road Traffic (Special Parking Area) (City of Westminster) Order 1994 (S.I. 1994/1504); and

—the Road Traffic (Special Parking Area) (City of Westminster) (Amendment) Order 1996 (S.I. 1996/2284).

The order amends the Bus Lane Contraventions (Approved Local Authorities) (England) Order 2005 (S.I. 2005/2755, "the 2005 order").

The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 (S.I. 2005/2757), made under section 144 of the Transport Act 2000, provide for the enforcement of bus lane restrictions through the imposition, by approved local authorities, of penalty charges in respect of contraventions of such restrictions. By amending the 2005 order, this order specifies the Darlington Borough Council, The North East Lincolnshire Borough Council and The West Berkshire District Council as approved local authorities for the purposes of that section 144.

An impact assessment has not been produced as no impact on the private or voluntary sectors is foreseen.

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STATUTORY INSTRUMENTS

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