

2007 No. 3486

ROAD TRAFFIC, ENGLAND

The Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007

<i>Made</i> - - - -	<i>10th December 2007</i>
<i>Laid before Parliament</i>	<i>14th December 2007</i>
<i>Coming into force</i> - -	<i>31st March 2008</i>

The Secretary of State for Transport makes the following Order in exercise of the power conferred by sections 89(1) and (3) and 92(1) of the Traffic Management Act 2004(a).

Citation, commencement, application and interpretation

1.—(1) This Order may be cited as the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 and shall come into force on 31st March 2008.

(2) This Order applies only to England.

(3) In this Order—

“the scheduled requirements” means the requirements set out in the Schedule to this Order; and

“the statutory purposes” means the purposes of regulations relating to the civil enforcement of parking contraventions made under section 72(4)(a) of the Traffic Management Act 2004.

Approved devices

2.—(1) A device is an approved device for the statutory purposes, if it is of a type which has been certified by the Secretary of State as one which meets the scheduled requirements.

(2) A device shall be taken to meet the scheduled requirements if there has been produced to the Secretary of State evidence which satisfies him that it has been found by a competent authority in an EEA state to be one which meets the requirements of an EEA standard which requires a level of performance equivalent to that required by the scheduled requirements.

(3) In paragraph (2) “EEA standard” means—

- (a) a standard or code of practice of a national standards body or equivalent body of any EEA state;
- (b) any international standard recognised for use as standard or code of practice by any EEA state; or
- (c) a technical specification recognised for use as a standard by a public authority of any EEA state.

(a) 2004 c. 18.

Transitional provision

3.—(1) A device which is not an approved device by virtue of article 2, but which was in use in Greater London immediately before the coming into force of this Order for the purpose of parking enforcement in accordance with section 4 of the London Local Authorities Act 2000^(a) (service of penalty charge notice on the basis of camera-derived information), shall be treated as an approved device during the transitional period.

(2) The “transitional period” is the period of 12 months beginning with the day on which this Order comes into force.

Signed by authority of the Secretary of State for Transport

Rosie Winterton
Minister of State,
Department for Transport

10th December 2007

SCHEDULE

Article 1(3)

THE SCHEDULED REQUIREMENTS

- 1.—(1) The device must include a camera which is—
 - (a) securely mounted on a vehicle, a building, a post or other structure;
 - (b) mounted in such a position that vehicles in relation to which parking contraventions are being committed can be surveyed by it;
 - (c) connected by secure data links to a recording system; and
 - (d) capable of producing, in one or more pictures, a legible image or images of the vehicle in relation to which a parking contravention was committed which show its registration mark and enough of its location to show the circumstances of the contravention.
2. The device must include a recording system in which—
 - (a) recordings are made automatically of the output from the camera or cameras surveying the vehicle and the place where a contravention is occurring;
 - (b) there is used a secure and reliable recording method that records at a minimum rate of 5 frames per second;
 - (c) each frame of all captured images is timed (in hours, minutes and seconds), dated and sequentially numbered automatically by means of a visual counter; and
 - (d) where the device does not occupy a fixed location, it records the location from which it is being operated.
3. The device and visual counter must—
 - (a) be synchronised with a suitably independent national standard clock; and
 - (b) be accurate within plus or minus 10 seconds over a 14-day period and re-synchronised to the suitably independent national standard clock at least once during that period.
4. Where the device includes a facility to print a still image, that image when printed must be endorsed with the time and date when the frame was captured and its unique number.
5. Where the device can record spoken words or other data simultaneously with visual images, the device must include a means of verifying that, in any recording produced by it, the sound track is correctly synchronised with the visual image.

(a) 2000 c. vii.

EXPLANATORY NOTE

(This note is not part of the Order)

Part 6 of the Traffic Management Act 2004 provides for the making of Regulations in respect of the civil enforcement of parking and other types of traffic contravention. Under the powers conferred by Part 6, the Secretary of State for Transport has made the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (S.I. 2007/3483). Regulation 6(a) of those Regulations prohibits, in accordance with section 72(4)(a) of the Act of 2004, the imposition of a penalty charge for a parking contravention except on the basis of a record produced by an approved device or information given by a civil enforcement officer as to conduct observed by him.

This Order specifies a description of a device which is an approved device for this purpose. In accordance with *article 2* a device is an approved device if it is of a type which has been certified by the Secretary of State as meeting the requirements set out in the Schedule. *Article 3* provides for devices in use in Greater London immediately before the coming into force of this Order for the purpose of enforcing parking restrictions by camera under local legislation to be treated as approved for a period of 12 months beginning with the date the Order comes into force.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Traffic Management Division, Department for Transport, 2/06 Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone 020 7944 8692) and can be found on the website of the Department for Transport at www.dft.gov.uk/.

These Regulations have been notified to the European Commission and the other Member States in accordance with Directive 98/34/EC of the European Parliament and of the Council (OJ No. L204, 21.7.98, p. 37), as amended by Directive 98/48/EC of the European Parliament and of the Council (OJ No. L217, 5.8.98, p. 18).

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