

**PATROL ADJUDICATION JOINT COMMITTEE
&
BUS LANE ADJUDICATION SERVICE JOINT COMMITTEE
WORKING GROUP FOR REVIEW OF TRAFFIC REGULATION ORDERS**

Background

Contrary to public perception, most parking contraventions are not a disregard for the signs or lines, but offending against the terms of the underlying Traffic Regulation Order (TRO) that creates the waiting restrictions or conditions of permitted parking (including car parks provided by the council). The signs and lines are there to convey to road users the terms of the TRO.

Adjudicators are therefore required to consider the terms of the TRO that is alleged to have been contravened. A significant proportion of cases have had to be allowed, because, although it was apparent to the civil enforcement officer (CEO) that there was a disregard for the sign, it turned out that the TRO was drafted in such a way that it had not been contravened. Therefore the appeal was allowed, not because the CEO was wrong to issue the PCN, but because the 'alleged contravention' was not supported by a clearly drafted TRO.

Over the years the Adjudicators in their annual reports have commented about TROs, principally that many are drafted in convoluted terms using moribund language. They consistently remark that there are as many ways of describing the everyday act of 'paying and displaying' as there are councils in the civil enforcement scheme. Furthermore, in many cases, the TRO is not drafted in a way that the public could readily understand.

The same applies to bus lane enforcement – the bus lane TRO must bring the bus lane within the (same) definition provided in the Transport Act 2000 and the Traffic Management Act 2004.

It is clear from the Adjudicators TRO Library, where councils have sent copies of their TROs for the Adjudicator to consider in each case, each council has developed its own style of drafting and that there is little opportunity for comparison between them.

The Review

The PATROL and Bus Lane Joint Committees have commissioned a Review into the drafting of TROs with a view to publishing some recommended standard clauses and articles that will assist authorities to produce clear, simple, and easily understood TROs that are consistent with one another.

The aim of the proposed review of TROs is to provide specimen clauses for TROs that individual authorities can select to compile each of their TROs. By achieving consistency in the terms in which the basic requirements of a TRO are drafted will achieve the following benefits:

- i) Significant reduction in the resource expenditure of the drafting teams in each authority.
- ii) Greater understanding for those of the public who wish to see the regulations that apply in their area, or to their PCN.
- iii) Greater efficiency for the Adjudicators for whom deciphering entirely different TRO provisions in each case inevitably takes time.

The PATROL and Bus Lane Joint Committees have been informed of the DfT Review of Signs, in which the parking and bus lane signs form a major section of the Review. The DfT Review has recognised the fundamental relationship between signs and the clarity of the TROs which the signs must convey. This TRO initiative is therefore timely.

Working Group

The PATROL Joint Committee and Bus Lane Adjudication Service Joint Committee have commissioned a Review into the drafting of TROs with a view to publishing some recommended standard clauses and articles that will assist authorities to produce clear, simple, and easily understood TROs that are consistent with one another.

The project will be lead by Chris Bramham of Leeds City Council with Kathryn Eldridge of Bath and North East Somerset Council taking the lead on Bus Lane TROs.

They will co-opt such officers and traffic engineers with TRO experience as they deem necessary to advise on the application and varied requirements of the TRO.

They will also ask the commercial map companies to submit sample TROs that they regularly supply to their local authority clients.

Secretarial services will be provided by PATROL to the Working Group who will, in addition, have access to the services of the Traffic Penalty Tribunal Librarian for the purposes of referring to existing TROs.

Terms of Reference

The Working Group is requested to:

1. Review the fundamental requirements of the traffic regulation orders used by local authorities in England (outside London) and Wales in the course of civil enforcement of parking and bus lanes. These should include:

- a) Waiting restrictions
 - b) Stopping and keep clear restrictions
 - c) On-street permitted parking
 - d) Off-street parking places
2. Consider issues concerning TROs that have been raised by the Adjudicators in their Decisions.
 3. Make recommendations for specimen traffic regulation clauses and articles to be used by local authorities in England (outside London) and Wales. These should include specimen provisions for the:
 - a) Exemptions of waiting restrictions
 - b) Requirements of permitted parking e.g.
 - i) Pay and display
 - ii) Permit bays
 - iii) Limited waiting
 - iv) Suspension

These will be recommendations as to best practice. It will be stressed that individual councils *must* satisfy themselves independently that their TROs meet all the statutory requirements.

4. In particular, consider clauses and articles for use with schedules predicated on maps and plans.
 5. Undertake appropriate consultation to ensure clarity and understanding of specimen documents and on any other matter that the Working Group identifies and considers necessary.
5. Produce a progress report for consideration by the PATROL and Bus Lane Adjudication Service Joint Committees at their meetings in January 2011.

In making their recommendations, the Working Group is requested to:

Reflect the underlying requirements of the Road Traffic Regulation Act 1984, the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996, The Local Authorities' Traffic Orders (Exemptions for Disabled Persons) (England) Regulations 2000 and the Local Authorities' Traffic Orders Exemptions for Disabled Persons) (Wales) Regulations 2000