

PARKING PLACES (VARIATION OF CHARGES) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the Parking Places (Variation of Charges) Bill as brought from the House of Commons on 6 February 2017 (HL Bill 98).

- These Explanatory Notes have been provided by the Department for Communities and Local Government, with the consent of Baroness Redfern, the Peer in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Bill will mean in practice; provide background information on the development of policy; and provide additional information on how the Bill will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Bill. They are not, and are not intended to be, a comprehensive description of the Bill.

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Overview of the Bill

- 1 Section 35C of the Road Traffic Regulation Act 1984 (RTRA) provides that a local authority may vary the charges to be paid in connection with the use of its off-street parking places by notice. Subsection (3) provides that the Secretary of State may, by regulations, make provision as to the procedure to be followed by any local authority giving such notice. Paragraph (4) sets out a list of what these regulations can make provision for which includes, for example, publication of proposals and the manner in which notice is given.
- 2 Section 46A of the RTRA 1984 makes identical provision for designated parking places on highways.
- 3 The regulations currently made under these powers provide for the same procedure regardless of whether charges are being raised or lowered. The Bill intends to change this, and to make it easier for local authorities to lower their charges to promote the economic vitality of town centres; allow local authorities to react more quickly to market changes; putting them on an even footing with the private sector; and to promote parking flexibility, by allowing local authorities at short notice to provide free or discounted parking to support town centre events. The Bill provides for a power for regulations to be made such that Local Authorities consult interested parties if they are seeking to increase the cost of parking charges, to ensure the impacts on the towns are fully considered.

Summary

- 4 The Bill amends sections 35C and 46A of the Road Traffic Regulation Act 1984, allowing for the amendment of the existing regulation-making powers of the Secretary of State in relation to the variation of charges of both off-street parking places and designated parking places. The Bill provides for regulations in respect of the procedure to be followed for varying charges to make different provision for different purposes. It also provides that regulations could provide for local authorities to consult about their proposal to vary charges. This means that regulations could be made that provide for different procedures to be followed depending on whether local authorities intend to raise or lower their charges, potentially minimising the procedure to be followed when charges are being lowered.

Territorial extent and application

- 5 The Bill extends to England and Wales but the provisions apply only to England.

Commentary on provisions of Bill

Clause 1 and Clause 2

- 6 Clause 1 amends section 35C of the Road Traffic Regulation Act 1984 (variation of charges at off-street parking places). It provides that regulations made by the Secretary of State as to the procedure to be followed by a local authority giving notice of a variation of charges may make provision for a consultation about the proposal.
- 7 Clause 1 also inserts subsection (4A) which provides that regulations made under section 35C may make different provision for different purposes.
- 8 Clause 2 makes the same amendments as clause 1 to section 46A of the Road Traffic Regulation Act 1984 (variation of charges at designated parking places).

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Commencement

- 9 The Bill provides that its provisions come into force at the end of two months beginning with the day on which it is passed.

Financial implications of the Bill

- 10 Any costs associated with Local Authorities having to consult in respect of the raising of parking charges would be considered at the time of the making of secondary regulations, with provision being made for a new burdens assessment. There are no financial costs associated with the Bill.

Impact Assessment

- 11 As the Bill does not regulate or deregulate business no Impact Assessment is required.

Compatibility with the European Convention on Human Rights

- 12 In the Government's view the Bill is compatible with the European Convention on Human Rights.

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Ordered by the House of Lords to be printed, 6 February 2017

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