

1st floor
NLBP
10 August 2020
Our ref: 6426052

Thank you for your request received on 9 July 2020, for the following information:

I am still waiting for clarification as to the legislation which enables enforcement of an alleged code 27 contravention without the need for clear signage.

Section 73 of The Traffic Management Act 2004 (TMA 2004) does not reference dropped kerbs and makes no reference to The London Local Authorities and Transport for London Act 2003 (TLA 2003).

However, Section 86(1) of the TMA 2004 prohibits parking adjacent to a dropped kerb, and Section 86(9) of the same informs that this prohibition is enforceable "as if imposed... by an order under Section 6 of the Road Traffic Regulations Act 1984" (RTRA 1984).

Regulation 18(1) of The Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996 (TLAT 1996) directs that where orders have been made relating to any road, such as an order under Section 6 of the RTRA 1984 for example, traffic signs should be placed.

I therefore repeat my simple request. Which legislation permits the enforcement of a code 27 contravention without the need for clear signage?

We have processed this request under the Freedom of Information Act 2000.

Response

The council holds the information requested and the answers to your questions are below:

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Regulations Act 1984" (RTRA 1984).

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Contravention code 27 Parked in a special enforcement area adjacent to a footway, cycle track or verge lowered to meet the level of the carriageway is enforced under the Traffic Management Act (TMA) 2004, section 86 which allows for enforcement action (issue of a Penalty Charge Notice - PCN) to be taken when a vehicle is parked adjacent to a dropped footway. This covers any dropped footway including those which allow vehicles to cross the footway and those which assist pedestrians crossing the road as well as cyclists to join/exit the carriageway. There is no requirement to place signage at a dropped kerb, as it is not required within the stated legislation. If signage required it would be stated within the Traffic Management Act (TMA) 2004 and referred to within the Traffic Sign Regulations and General Directions (TSRGD) 2016 if any on-street signage in place indicating the restriction.

Traffic Management Act (TMA) 2004, Section 86 Prohibition of parking at dropped footways extract:

- (1) In a special enforcement area a vehicle must not be parked on the carriageway adjacent to a footway, cycle track or verge where—
 - (a) the footway, cycle track or verge has been lowered to meet the level of the carriageway for the purpose of—
 - (i) assisting pedestrians crossing the carriageway,
 - (ii) assisting cyclists entering or leaving the carriageway, or
 - (iii) assisting vehicles entering or leaving the carriageway across the footway, cycle track or verge; or
 - (b) the carriageway has, for a purpose within paragraph (a) (i) to (iii), been raised to meet the level of the footway, cycle track or verge.

Further information

If you are interested in the data that the council holds you may wish to visit Open Barnet, the council's data portal. This brings together all our published datasets and other information of interest on one searchable database for anyone, anywhere to

access. <http://open.barnet.gov.uk/>

Advice and Assistance : Direct Marketing

If you are a company that intends to use the names and contact details of council officers (or other officers) provided in this response for direct marketing, you need to be registered with the Information Commissioner to process personal data for this purpose. You must also check that the individual (whom you wish to contact for direct marketing purposes) is not registered with one of the Preference Services to prevent Direct Marketing. If they are you must adhere to this preference.

You must also ensure you comply with the Privacy Electronic and Communications Regulations (PECR). For more information follow this Link www.ico.org.uk

For the avoidance of doubt the provision of council (and other) officer names and contact details under FOI does not give consent to receive direct marketing via any media and expressly does not constitute a 'soft opt-in' under PECR.

Your rights

If you are unhappy with the way your request for information has been handled, you can request a review within the next 40 working days by writing to the Information Management Team at: foi@barnet.gov.uk. Or by post to Information Management Team (FOI) London Borough of Barnet, 2 Bristol Avenue, Colindale, NW9 4EW

If, having exhausted our review procedure, you remain dissatisfied with the handling of your request or complaint, you will have a right to appeal to the Information Commissioner at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF (telephone: 0303 123 1113; website www.ico.org.uk). There is no charge for making an appeal.