
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, together with the Civil Enforcement of Parking Contraventions (Representations and Appeals) (Wales) Regulations 2008 (S.I.2008/608) (“the Representations and Appeals Regulations”), the Civil Enforcement of Parking Contraventions (Representations and Appeals about Removed Vehicles) (Wales) Regulations 2008 (S.I.2008/615(W67)) (“the Removed Vehicles Regulations”) and the Civil Enforcement of Parking Contraventions (General Provisions)(Wales) Regulations 2008(S.I.2008/614(W66)) (“the General Provisions Regulations”) provide for the civil enforcement of parking contraventions in Wales in accordance with Part 6 of the Traffic Management Act 2004. Part 6 and the four sets of Regulations accordingly supersede the provisions of Part II and Schedule 3 of the Road Traffic Act 1991. The Traffic Management Act 2004 (“the 2004 Act”) reserved certain aspects of the parking enforcement regime to the Lord Chancellor. Accordingly, these Regulations and the Representations and Appeals Regulations are made by the Lord Chancellor and are thus subject to Parliamentary rather than National Assembly for Wales’ procedure.

Part 1 of these Regulations makes provision for preliminary matters including the citation, commencement and application of the Regulations (*regulation 1*), their interpretation (*regulation 2*), including in particular when a penalty charge is to be treated as “outstanding” for the purposes of these Regulations, and the service of documents by post (*regulation 3*). Nothing in *regulation 3* applies to the service of any notice or order made by a county court.

Part 2 relates to *penalty charge notices*. *Regulation 4* defines a penalty charge notice and introduces *the Schedule* which makes detailed provision as to such notices including their content. *Regulation 5* enables a civil enforcement officer, where he has reason to believe that a penalty charge is payable for a stationary vehicle in a civil enforcement area, to fix a penalty charge notice to the vehicle or hand one to the person appearing to him to be in charge of it. *Regulation 6* makes provision for the service of a penalty charge notice by post, on the basis of the evidence of an approved device or where a civil enforcement officer has been prevented by some person from serving one in accordance with regulation 5 or had begun to prepare a penalty charge notice in accordance with regulation 5, but the vehicle was driven away before it had been served under regulation 5, and for the time limits applicable to notices served by post. *Regulation 7* makes it an offence to interfere with a penalty charge notice served by its being fixed to a vehicle, except by or under the authority of the owner or person in charge of the vehicle or the enforcement authority.

Part 3 provides for the appointment of adjudicators by enforcement authorities and for the functions of those authorities relating to adjudicators to be discharged through joint committees.. *Regulation 8* requires the Welsh enforcement authorities to act through one or more joint committees and also provides for arrangements under the 1991 Act to be continued as between Welsh and (where required) English enforcement authorities until superseded. Enforcement authorities are required by *regulation 9* to appoint a sufficient number of adjudicators and provision is made for parking adjudicators holding office under the 1991 Act immediately before the coming into force of these Regulations to continue in office. *Regulation 10* deals with the expenses of the relevant authorities, providing for the Welsh enforcement authorities to refer decisions concerning the apportionment of expenses to an independent arbitrator and gives the Welsh Ministers power to give directions to the joint committee to refer such matters for arbitration.

Part 4 is concerned with the enforcement of penalty charges. *Regulations 11 and 12* provide for the service of a notice to owner by an enforcement authority in respect of an unpaid penalty charge and specify the contents of a notice to owner and the time limit for service. Provision is made by

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regulations 13, 14 and 15 for the service of charge certificates in respect of unpaid penalty charges (where a notice to owner or penalty charge notice under regulation 6 has been served and the avenues of appeal have not been pursued or have been pursued unsuccessfully), for charge certificates to be enforced through a county court and for county court orders to be set aside where the respondent serves a witness statement stating one of the matters mentioned in *regulation 15(2)*.

A full Regulatory Impact Assessment and Explanatory Memorandum can be obtained from the Integrated Transport Unit, Transport, Planning and Administration Division, Transport Wales, Welsh Assembly Government, Crown Offices, Cathays Park, Cardiff, CF10 3NQ or on the Welsh Assembly Government website at <http://www.assemblywales.org/bus-home/buslegislation/bus/bus-legislation-sub/bus-legislation-sub-annulment.htm>