

**2008 No.609**

**ROAD TRAFFIC, WALES**

**The Civil Enforcement of Parking Contraventions (Penalty  
Charge Notices, Enforcement and Adjudication) (Wales)  
Regulations 2008**

<i>Made</i> - - - -	<i>6th March 2008</i>
<i>Laid before Parliament</i>	<i>10th March 2008</i>
<i>Coming into force</i> - -	<i>31st March 2008</i>

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## SCHEDULE — PENALTY CHARGES NOTICES

The Lord Chancellor, in exercise of the powers conferred on him by sections 78, 81, 82 and 89 of the Traffic Management Act 2004<sup>(a)</sup> hereby makes the following regulations:

### PART 1 PRELIMINARY

#### **Citation, commencement and application**

1.—(1) These Regulations may be cited as the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008 and shall come into force on 31st March 2008.

(2) These Regulations apply to Wales.

#### **Interpretation**

2.—(1) In these Regulations—

“the 2004 Act” means the Traffic Management Act 2004;

“the 28-day period” has the meaning given by regulation 6(4);

“adjudicator” means an adjudicator appointed under Part 3 of these Regulations;

“applicable discount” and “applicable surcharge” mean the amount of any discount or, as the case may be, surcharge set in accordance with Schedule 9 to the 2004 Act;

“approved device” has the meaning given by Article 2 of the Civil Enforcement of Parking Contraventions (Approved Devices)(Wales) Order 2008<sup>(b)</sup>;

“enforcement authority” in relation to a penalty charge means the enforcement authority in relation to the alleged contravention in consequence of which the charge was incurred;

“the General Provisions Regulations” means the Civil Enforcement of Parking Contraventions (General Provisions)(Wales) Regulations 2008<sup>(c)</sup>;

“notice to owner”, subject to regulation 13(4) and 15(9) has the meaning given by regulation 11;

“outstanding” in relation to a penalty charge shall be construed in accordance with paragraphs (2) to (4);

“owner” in relation to a vehicle includes any person who falls to be treated as the owner of the vehicle by virtue of regulation 4 of the General Provisions Regulations;

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<sup>(a)</sup> 2004 c. 18.

<sup>(b)</sup> S.I. 2008 / 620 (W69).

<sup>(c)</sup> S.I.2008/ 614 (W66).

“pedestrian crossing contravention” means a parking contravention consisting of an offence referred to in paragraph 4(2)(c) of Schedule 7 to the 2004 Act (prohibition on stopping of vehicles on or near pedestrian crossings);

“penalty charge” means a penalty charge relating to a parking contravention in accordance with regulation 3 of the General Provisions regulations;

“penalty charge notice” has the meaning given by regulation 4(1);

“regulation 6 penalty charge notice” has the meaning given by regulation 6.

“the Welsh enforcement authorities” means those enforcement authorities which are local authorities in Wales;

“relevant particulars” has the meaning given by regulation 6(7)(b); and

“the Representations and Appeals Regulations” means the Civil Enforcement of Parking Contraventions (Representations and Appeals) (Wales) Regulations 2008(a).

(2) For the purposes of these Regulations a penalty charge is outstanding in relation to a vehicle if—

- (a) the charge has not been paid and the enforcement authority to which the charge is payable has not waived payment, whether by cancellation of the penalty charge notice or notice to owner or otherwise; and
- (b) either—
  - (i) a notice to owner or regulation 6 penalty charge notice has been served in respect of the charge and the conditions in paragraph (3) are satisfied; or
  - (ii) no notice to owner or regulation 6 penalty charge notice has been served in respect of the charge and the conditions in paragraph (4) are satisfied.

(3) The conditions referred to in paragraph (2)(c)(i) are that—

- (a) the penalty charge was imposed, in accordance with these Regulations, by an enforcement authority in respect of a parking contravention;
- (b) the penalty charge is the subject of a charge certificate served under regulation 13 which has not been set aside in accordance with regulation 15.

(4) The conditions referred to in paragraph (2)(c)(ii) are that—

- (a) the penalty charge related to a vehicle which, when the penalty charge became payable,—
  - (i) was not registered under the Vehicle Excise and Registration Act 1994(b); or
  - (ii) was so registered, but without the inclusion in the registered particulars of the correct name and address of the keeper of the vehicle;
- (b) having taken all reasonable steps, the enforcement authority to which the penalty charge was payable was unable to ascertain the name and address of the keeper of the vehicle and was consequently unable to serve a notice to owner under regulation 11 or a regulation 6 penalty charge notice; and
- (c) the period of 42 days beginning with the date on which the penalty charge became payable has expired.

### **Service by post**

3.—(1) Subject to paragraph (5), any notice (except a penalty charge notice served under regulation 5) or charge certificate under these Regulations —

- (a) may be served by first class post; and
- (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by first class post to the secretary or clerk of that body.

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(a) S.I. 2008/608.  
(b) 1994 c. 22.

(2) Service of a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting.

(3) In paragraph (2), “working day” means any day except—

- (a) a Saturday or a Sunday;
- (b) New Year’s Day;
- (c) Good Friday;
- (d) Christmas Day;
- (e) any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971<sup>(a)</sup>.

(4) A document may be transmitted to a vehicle hire firm (as defined in regulation 4(4) of the General Provisions Regulations) by a means of electronic data transmission where—

- (a) the vehicle hire firm has indicated in writing to the person sending the notice or document that it is willing to regard a document as having been duly sent to it if it is transmitted to a specified electronic address; and
- (b) the document is transmitted to that address.

(5) Nothing in this regulation applies to the service of any notice or order made by a county court.

## PART 2

### PENALTY CHARGES

#### **Penalty charge notices**

4.—(1) In these Regulations a “penalty charge notice” means a notice which—

- (a) was given in accordance with regulation 5 or 6 in relation to a parking contravention; and
- (b) complies with the requirements of the Schedule which apply to it as well as to those of regulation 3 of the Representations and Appeals Regulations which so apply.

(2) The Schedule has effect with regard to penalty charge notices.

#### **Penalty charge notices — service by a civil enforcement officer**

5. Where a civil enforcement officer has reason to believe that a penalty charge is payable with respect to a vehicle which is stationary in a civil enforcement area, he may serve a penalty charge notice—

- (a) By fixing it to the vehicle; or
- (b) Giving it to the person appearing to him to be in charge of the vehicle.

#### **Penalty charge notices — service by post**

6.—(1) An enforcement authority may serve a penalty charge notice by post where—

- (a) on the basis of a record produced by an approved device, the authority has reason to believe that a penalty charge is payable with respect to a vehicle which is stationary in a civil enforcement area;
- (b) a civil enforcement officer attempted to serve a penalty charge notice in accordance with regulation 5 but was prevented from doing so by some person, or

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(a) 1971 c. 80.

- (c) a civil enforcement officer had begun to prepare a penalty charge notice in accordance with regulation 5 but the vehicle concerned was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had served it in accordance with regulation 5,

and references in these Regulations to a “Regulation 6 penalty charge notice” are to a penalty charge notice served by virtue of this paragraph.

(2) For the purposes of paragraph (1)(c), a civil enforcement officer who observes conduct which appears to constitute a parking contravention shall not thereby be taken to have begun to prepare a penalty charge notice.

(3) A regulation 6 penalty charge notice shall be served on the person appearing to the enforcement authority to be the owner of the vehicle involved in the contravention in consequence of which the penalty charge is payable.

(4) Subject to paragraph (6), a regulation 6 penalty charge notice may not be served later than the expiration of the period of 28 days beginning with the date on which, according to a record produced by an approved device, or information given by a civil enforcement officer, the contravention to which the penalty charge notice relates occurred (in these Regulations called “the 28-day period”).

(5) Paragraph (6) applies where—

- (a) within 14 days of the appropriate date the enforcement authority has requested the Secretary of State to supply the relevant particulars in respect of the vehicle involved in the contravention and those particulars have not been supplied before the expiration of the 28-day period;
- (b) an earlier regulation 6 penalty charge notice relating to the same contravention has been cancelled under regulation 15(5)(c); or
- (c) an earlier regulation 6 penalty charge notice relating to the same contravention has been cancelled under regulation 5 of the Representations and Appeals Regulations.

(6) Where this paragraph applies, notwithstanding the expiration of the 28-day period, an enforcement authority shall continue to be entitled to serve a regulation 6 penalty charge notice—

- (a) in a case falling within paragraph (5)(a), for a period of six months beginning with the appropriate date; or
- (b) in a case falling within paragraph (5)(b) or (c), for a period of 4 weeks beginning with the appropriate date.

(7) In this regulation—

- (a) “the appropriate date” means—
  - (i) in a case falling within paragraph (5)(a), the date referred to in paragraph (4);
  - (ii) in a case falling within paragraph (5)(b), the date on which the district judge serves notice in accordance with regulation 15(5)(d); or
  - (iii) in a case falling within paragraph (4)(c) the date on which the previous regulation 6 penalty charge notice was cancelled; and
- (b) “relevant particulars” means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Secretary of state under the Vehicle Excise and Registration act 1994.

### **Removal of or interference with a penalty charge notice**

7.—(1) A penalty charge notice fixed to a vehicle in accordance with regulation 5(a) shall not be removed or interfered with except by or under the authority of—

- (a) the owner or person in charge of the vehicle; or
- (b) the enforcement authority.

(2) A person contravening paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

## PART 3

### ADJUDICATORS AND JOINT ARRANGEMENTS

#### **Discharge by enforcement authorities of functions relating to adjudicators**

**8.**—(1) The functions of the Welsh enforcement authorities relating to adjudicators under section 81 of the 2004 Act and under regulations 9 and 10 shall be discharged jointly, under arrangements made under section 101(5) of the Local Government Act 1972(a), by a joint committee or joint committees appointed under section 102(1)(b) that Act.

(2) The constituent authorities of a joint committee may include local authorities in England.

(3) Any arrangements for the discharge of functions by a joint committee under section 73 of the Road Traffic Act 1991(b), as that section was applied to local authorities outside Greater London, which were—

- (a) made between local authorities outside Greater London; and
- (b) subsisting immediately before the coming into force of these Regulations,

shall continue in force and shall have effect as if made under this regulation, until such time as those arrangements are varied or replaced.

#### **Appointment of adjudicators**

**9.**—(1) The Welsh enforcement authorities shall appoint such number of adjudicators for the purposes of Part 6 of the 2004 Act on such terms as they may decide.

(2) Any decision by those authorities to appoint a person as an adjudicator shall not have effect without the consent of the Lord Chancellor.

(3) Any decision by those authorities—

- (a) not to re-appoint a person as an adjudicator; or
- (b) to remove a person from his office as an adjudicator,

shall not have effect without the consent of the Lord Chancellor and of the Lord Chief Justice

(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005(c)) to exercise his functions under paragraph (3).

(5) Adjudicators who—

- (a) were appointed under section 73 of the Road Traffic Act 1991 by Welsh local authorities; and
- (b) held office immediately before the coming into force of this regulation,

shall be treated as having been appointed under this regulation on the same terms as those on which they held office at that time.

(6) Each adjudicator shall make an annual report to the relevant enforcement authorities in accordance with such requirements as may be imposed by those authorities.

(7) The relevant authorities shall make and publish an annual report to the Welsh Ministers on the discharge by the adjudicators of their functions.

#### **Expenses of the relevant authorities**

**10.**—(1) In default of a decision by any of the Welsh enforcement authorities under section 81(9)(a) of the 2004 Act as to the proportions in which their expenses under section 81 of that Act

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(a) 1972 c.70.

(b) Section 73 was applied with modifications to permitted and special parking areas outside London by individual orders designating such areas under Schedule 3 to the Road Traffic Act 1991.

(c) 2005 c. 4.

are to be defrayed, the authorities concerned shall refer the issue to an arbitrator nominated by the Chartered Institute of Arbitrators for him to determine.

(2) Where the Welsh Ministers are satisfied that there has been a failure on the part of any of the Welsh enforcement authorities to agree those proportions, they may give to the relevant joint committee such directions as are in their opinion necessary to secure that the issue is referred to arbitration in accordance with paragraph (1).

(3) In this regulation “the relevant joint committee” means the joint committee constituted under regulation 8 of which the enforcement authorities in default are constituent authorities.

## PART 4

### ENFORCEMENT OF PENALTY CHARGES

#### **The notice to owner**

**11.**—(1) Subject to regulation 12, where—

- (a) a penalty charge notice has been issued with respect to a vehicle under regulation 5; and
- (b) the period of 28 days specified in the penalty charge notice as the period within which the penalty charge is to be paid has expired without that charge being paid,

the enforcement authority concerned may serve a notice (“a notice to owner”) on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred.

(2) A notice to owner served under paragraph (1) must, in addition to the matters required to be included in it under regulation 3(3) of the Representations and Appeals Regulations, state—

- (a) the name of the enforcement authority serving the notice;
- (b) the amount of the penalty charge payable;
- (c) the date on which the penalty charge notice was served;
- (d) the grounds on which the civil enforcement officer who served the penalty charge notice under regulation 5 believed that a penalty charge was payable with respect to the vehicle;
- (e) that the penalty charge must be paid not later than a specified date which must be the last day of the period (“the payment period”) of 28 days beginning with the date (which must be stated in the notice) on which the notice to owner is, in accordance with regulation 3(2), to be taken to have been served;
- (f) that if, after the payment period has expired, no representations have been made under regulation 4 of the Representations and Appeals Regulations and the penalty charge has not been paid, the enforcement authority may increase the penalty charge by the applicable surcharge;
- (g) the amount of the increased penalty charge;

#### **Time limit for service of a notice to owner**

**12.**—(1) A notice to owner may not be served after the expiry of the period of 6 months beginning with the relevant date.

(2) The relevant date—

- (a) in a case where a notice to owner has been cancelled under regulation 15(5)(c) of these Regulations, is the date on which the district judge serves notice in accordance with regulation 15(5)(d);
- (b) in case where a notice to owner has been cancelled under regulation 5 of the Representations and Appeals Regulations, is the date of such cancellation;
- (c) in a case where payment of the penalty charge was made, or had purportedly been made before the expiry of the period mentioned in paragraph (1) but the payment or purported

payment had been cancelled or withdrawn, is the date on which the enforcement authority is notified that the payment or purported payment has been cancelled or withdrawn;

- (d) in any other case is the date on which the relevant penalty charge notice was served under regulation 5.

### **Charge certificates**

**13.**—(1) Where a notice to owner is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the authority serving the notice may serve on that person a statement (a “charge certificate”) to the effect that the penalty charge in question is increased by the amount of the applicable surcharge.

(2) The relevant period, in relation to a notice to owner, is the period of 28 days beginning—

- (a) where no representations are made under regulation 4 of the Representations and Appeals Regulations, with the date on which the notice to owner is served;
- (b) where—
  - (i) such representations are made;
  - (ii) a notice of rejection is served by the authority concerned; and
  - (iii) no appeal against the notice of rejection is made, with the date on which the notice of rejection is served;
- (c) where an adjudicator has, under regulation 7(4) of the Representations and Appeals Regulations, recommended the enforcement authority to cancel the notice to owner, with the date on which the enforcement authority notifies the appellant under regulation 7(6) of those Regulations that it does not accept the recommendation; or
- (d) in a case not falling within subparagraph (c) where there has been an unsuccessful appeal to an adjudicator under the Representations and Appeals Regulations against a notice of rejection, with the date on which notice of the adjudicator’s decision is served on the appellant.

(3) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator serves notice of his decision, the relevant period in relation to a notice to owner is the period of 14 days beginning with the date on which the appeal is withdrawn.

(4) In this regulation—

- (a) references to a “notice to owner” include a regulation 6 penalty charge notice; and
- (b) “notice of rejection” has the meaning given by regulation 2 of the Representations and Appeals Regulations.

### **Enforcement of charge certificate**

**14.** Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the enforcement authority may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

### **Invalid notices**

**15.**—(1) This regulation applies where—

- (a) a county court makes an order under regulation 14;
- (b) the person against whom it is made makes a witness statement complying with paragraph (2); and
- (c) that statement is served on the county court which made the order, before the end of—
  - (i) the period of 21 days beginning with the date on which notice of the county court’s order is served on him; or

- (ii) such longer period as may be allowed under paragraph (4).
- (2) The witness statement must state one and only one of the following—
  - (a) that the person making it did not receive the notice to owner in question;
  - (b) that he made representations to the enforcement authority under regulation 4 of the Representations and Appeals Regulations but did not receive from that authority a notice of rejection in accordance with regulation 6 of those Regulations;
  - (c) that he appealed to an adjudicator under regulation 7 of those Regulations against the rejection by the enforcement authority of representations made by him under regulation 4 of those Regulations but—
    - (i) he had no response to the appeal;
    - (ii) the appeal had not been determined by the time that the charge certificate had been served; or
    - (iii) the appeal was determined in his favour; or
  - (d) that he has paid the penalty charge to which the charge certificate relates.
- (3) Paragraph (4) applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on his serving his witness statement within the period of 21 days allowed for by paragraph (1).
- (4) Where this paragraph applies, the district judge may allow such longer period for service of the witness statement as he considers appropriate.
- (5) Where a witness statement is served under paragraph (1)(c)—
  - (a) the order of the court shall be deemed to have been revoked;
  - (b) the charge certificate shall be deemed to have been cancelled;
  - (c) in the case of a statement under paragraph (2)(a), the notice to owner to which the charge certificate relates shall be deemed to have been cancelled; and
  - (d) the district judge shall serve written notice of the effect of service of the statement on the person making it and on the enforcement authority concerned.
- (6) Subject to regulation 12, service of a witness statement under paragraph (2)(a) shall not prevent the enforcement authority from serving a fresh notice to owner.
- (7) Where a witness statement has been served under paragraph (2)(b), (c) or (d), the enforcement authority shall refer the case to the adjudicator who may give such directions as he considers appropriate and the parties shall comply with those directions.
- (8) A witness statement under this regulation may be served on the county court by email in accordance with Section I of Practice Direction 5B supplementing Part 5 of the Civil Procedure Rules 1998(a).
- (9) In this regulation—
  - (a) references to a “notice to owner” include a regulation 6 penalty charge notice; and
  - (b) “witness statement” means a statement which is a witness statement for the purposes of the Civil Procedure Rules 1998 and which is supported by a statement of truth in accordance with Part 22 of those Rules.

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(a) S.I. 1998/3132, to which there are amendments not relevant to these Regulations.

Signed by authority of the Lord Chancellor

Date 6th March 2008

*Huw Irranca-Davies*  
Parliamentary Under Secretary of State,  
Wales Office

## PENALTY CHARGES NOTICES

**Contents of a penalty charge notice served under regulation 5**

1. A penalty charge notice served under regulation 5 must, in addition to the matters required to be included in it by regulation 3(2) of the Representations and Appeals Regulations, state—

- (a) The date on which the notice is served
- (b) the name of the enforcement authority;
- (c) the registration mark of the vehicle involved in the alleged contravention;
- (d) the date and the time at which the alleged contravention occurred;
- (e) the grounds on which the civil enforcement officer issuing the notice believes that a penalty charge is payable;
- (f) the amount of the penalty charge;
- (g) that the penalty charge must be paid before the end of the period of 28 days beginning with the date on which the alleged contravention occurred;
- (h) that if the penalty charge is paid before the end of the period of 14 days beginning with the date on which the notice is served, the penalty charge will be reduced by the amount of any applicable discount;
- (i) the manner in which the penalty charge must be paid;
- (j) that if the penalty charge is not paid before the end of the period of 28 days referred to in subparagraph (g), a notice to owner may be served by the enforcement authority on the owner of the vehicle;
- (k) that a person on whom a notice to owner is served will be entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected; and
- (l) that, if representations against the penalty charge are received at such address as may be specified for the purpose before a notice to owner is served,-
  - (i) those representations will be considered;
  - (ii) but that, if a notice to owner is served notwithstanding those representations, representations against the penalty charge must be made in the form and manner and at the time specified in the notice to owner.

**Contents of a regulation 6 penalty charge**

2. A regulation 6 penalty charge notice, in addition to the matters required to be included in it by regulation 3(4) of the Representations and Appeals Regulations, must state—

- (a) The date of the notice;
- (b) the matters specified in paragraphs 1(b),(c), (d), (f) and (i);
- (c) the grounds on which the enforcement authority believes that a penalty charge is payable;
- (d) that the penalty charge must be paid not later than a specified date which must be the last day of the period of 28 days beginning with the date on which the penalty charge notice will be taken to have been served;
- (e) that if the penalty charge is paid before the end of the applicable period, the penalty charge will be reduced by the amount of any applicable discount;
- (f) that if after the date specified in accordance with subparagraph (d)

- (i) no representations have been made in accordance with regulation 4 of the Representations and Appeals Regulations; and
- (ii) the penalty charge has not been paid,  
the enforcement authority may increase the penalty charge by the amount of any applicable surcharge and take steps to enforce payment of the charge as so increased; and
- (g) that the penalty charge notice is being served by post for whichever of the following reasons applies—
  - (i) that the penalty charge notice is being served by post on the basis of a record produced by an approved device;
  - (ii) that it is being so served, because a civil enforcement officer attempted to serve a penalty charge notice by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person; or
  - (iii) that it is being so served because a civil enforcement officer had begun to prepare a penalty charge notice in accordance with regulation 5, but the vehicle was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had served it in accordance with regulation 5.

3. In paragraph 2 for the purposes of subparagraph (e) the “applicable period” is—

- (a) in the case of a penalty charge notice served by virtue of regulation 6(1)(a) (on the basis of a record produced by an approved device), 21 days beginning with the date on which the notice is to be taken to have been served;
- (b) in any other case, 14 days beginning with that date.

## 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 *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>

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STATUTORY INSTRUMENTS

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**2008 No.609**

**ROAD TRAFFIC, WALES**

**The Civil Enforcement of Parking Contraventions (Penalty  
Charge Notices, Enforcement and Adjudication) (Wales)  
Regulations 2008**

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