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STATUTORY INSTRUMENTS

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**2008 No. 609**

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

**PART 2**

**PENALTY CHARGES**

**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
  - (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.