
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations which apply to Wales, make provision entitling a person who is or may be liable to pay a penalty charge in respect of a road traffic contravention or who secures the release of a vehicle from an immobilisation device which has been fixed to it on account of such a contravention, to make representations to the enforcement authority regarding liability for those charges and to appeal to an adjudicator if those representations are not accepted. These Regulations should be read in conjunction with the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013 (S.I.2013/362) (“the General Provisions Regulations”) and the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2013 (S.I.2013/361 (W.43)).

These Regulations revoke and replace the Civil Enforcement of Parking Contraventions (Representations and Appeals) (Wales) Regulations 2008 (S.I.2008/608).

Part 1 contains preliminary provisions. *Part 2* concerns representations and appeals against penalty charge notices and notices to owner given under the General Provisions Regulations. *Regulation 3* defines the scope of *Part 2* and specifies the information to be given to the recipients of penalty charge notices and notices to owner. *Regulation 4* confers on the recipient of a notice to owner or penalty charge notice given under *regulation 10* of the General Provisions Regulations the right to make representations to the enforcement authority which served it. *Regulations 5 and 6* set out the duties of an enforcement authority to which representations are made. *Regulation 7* enables a person who has made representations under *regulation 4* to appeal to an adjudicator against an enforcement authority’s rejection of those representations.

Part 3 makes equivalent provisions to *Part 2* for representations and appeals in relation to vehicles which have been immobilised in accordance with the General Provisions Regulations. *Regulation 8* confers, on the owner or person in charge of a vehicle who secures its release from an immobilisation device, a right to make representations to the enforcement authority and to appeal to an adjudicator, where those representations are rejected. The enforcement authority is required to inform the person securing the release of the vehicle of their rights in writing. The basis for making representations is specified in *regulation 8(4) and (5)*. *Regulation 9* sets out the duties of an enforcement authority to which representations are made and *regulation 10* provides for an appeal to be made to an adjudicator where representations are rejected under *regulation 9*.

Part 4 relates to offences and procedure. *Regulation 11* creates an offence of making false or reckless representations under these Regulations. *Regulation 12* introduces *the Schedule*, which makes detailed provision as to the procedure to be followed in adjudication proceedings, the service of documents in such proceedings and the requirements to keep a register. Otherwise the procedure is in the discretion of the adjudicator. *Regulation 13* revokes the Civil Enforcement of Parking Contraventions (Representations and Appeals) (Wales) Regulations 2008 (SI 2008/608).

A full Regulatory Impact Assessment and Explanatory Memorandum can be obtained from the Public Transport Division, Transport, Local Government and Communities, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.