
WELSH STATUTORY INSTRUMENTS

2008 No. 613 (W.65)

ROAD TRAFFIC, WALES

**The Civil Enforcement of Parking Contraventions
(Guidelines on Levels of Charges) (Wales) Order 2008**

<i>Made</i>	- - - -	<i>6 March 2008</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>10 March 2008</i>
<i>Coming into force</i>	- -	<i>31 March 2008</i>

The Welsh Ministers, in exercise of the power conferred upon the National Assembly for Wales by paragraph 8 of Schedule 9 to the Traffic Management Act 2004⁽¹⁾, and now vested in them⁽²⁾, make the following Order.

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (Wales) Order 2008, it comes into force on 31 March 2008, and applies in relation to Wales.

(2) In this Order “the Enforcement and Adjudication Regulations” (“*y Rheoliadau Gorfodi a Dyfarnu*”) means the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008⁽³⁾.

(3) In this Order “the General Provisions Regulations” (“*y Rheoliadau Darpariaethau Cyffredinol*”) means the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008⁽⁴⁾.

Guidelines

2. The guidelines given by the Welsh Ministers, as appropriate national authority for Wales under Part 6 of the Traffic Management Act 2004, for the setting by enforcement authorities of the level of charges for parking contraventions, are those set out in the Schedule.

(1) 2004 c. 18.

(2) The functions of the National Assembly for Wales under the Traffic Management Act 2004 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).

(3) S.I. 2008/609.

(4) S.I. 2008/614 (W.66).

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6 March 2008

Ieuan Wyn Jones
Minister for the Economy and Transport, one of
the Welsh Ministers

SCHEDULE

Article 2

GUIDELINES FOR THE SETTING BY ENFORCEMENT
AUTHORITIES OF CHARGES FOR PARKING CONTRAVENTIONS

Penalty charges

1.—(1) Penalty charges for parking contraventions must be set—

- (a) for higher level contraventions, at the level specified in column (2) of one of the bands in Table 1; and
- (b) for all other contraventions, at the level specified in column (3) of the band in Table 1 selected for higher level contraventions.

(2) The discounted level for a penalty charge which is paid early (that is within 21 days in the case of penalty charges imposed on the basis of a record produced by an approved device under regulation 6(1)(a) of the Enforcement and Adjudication Regulations and 14 days in all other cases) must be set—

- (a) for higher level contraventions, at the level specified in column (4);
- (b) for all other contraventions, at the level set in column (5),

of the band specifying the levels of the penalty charges.

(3) The surcharged level for payment of a penalty charge after a charge certificate has been issued must be set—

- (a) for higher level contraventions at the level specified in column (6);
- (b) for all other contraventions at the level specified in column (7),

of the band specifying the levels of the penalty charges.

Table 1

<i>(1)</i> <i>Band</i>	<i>(2)</i> <i>Higher level penalty charge</i>	<i>(3)</i> <i>Lower level penalty charge</i>	<i>(4)</i> <i>Higher level penalty charge paid early</i>	<i>(5)</i> <i>Lower level penalty charge paid early</i>	<i>(6)</i> <i>Higher level penalty charge paid after service of charge certificate</i>	<i>(7)</i> <i>Lower level penalty charge paid after service of charge certificate</i>
1.	£60	£40	£30	£20	£90	£60
2.	£70	£50	£35	£25	£105	£75

(4) An enforcement authority may set penalty charges in accordance with different bands in the table in different parts of its area, provided that all the charges in each part of such area are set in accordance with the same band.

(5) “Higher level contraventions” are those listed in the Annex.

Charges for the removal, storage and disposal of vehicles

2. Charges for the removal, storage and disposal of vehicles found in a civil enforcement area must be those in Table 2.

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Table 2

<i>(1)</i> <i>Item</i>	<i>(2)</i> <i>Type of charge</i>	<i>(3)</i> <i>Amount of charge</i>
1.	Vehicle removal charge	£105.00
2	Vehicle storage charge	£12 for each day, or part of day, during which the vehicle is impounded
3.	Vehicle disposal charge	£50.00

Release of vehicle from an immobilisation device under Section 79 of the Traffic Management Act 2004

3. The charge payable under regulation 9(2)(b) of the General Provisions Regulations for the release of a vehicle from an immobilisation device must be £40.

Saving for powers of the Welsh Ministers

4. Nothing in these guidelines prejudices or affects the power of the Welsh Ministers under paragraph 8(3) of Schedule 9 to the Traffic Management Act 2004 to permit an enforcement authority to depart from these guidelines.

Annex

LIST OF HIGHER LEVEL CONTRAVENTIONS

1. A contravention involving the commission of an offence of the kind referred to in paragraph 4(2)(b) (waiting and loading restrictions) of Schedule 7 to the Traffic Management Act 2004 (“the 2004 Act”).
2. A contravention involving the leaving of a vehicle in an on-street parking place otherwise than as authorised by or under any order relating to the parking place in any of the following cases—
 - (a) without displaying a permit, voucher or pay and display ticket;
 - (b) in a place where parking has been suspended;
 - (c) where the vehicle is used in connection with the sale of goods or the offering or exposure of goods for sale;
 - (d) where the vehicle does not fall within the class of vehicle permitted to park there.
3. A contravention of the prohibition imposed by section 85 (double parking etc.) of the 2004 Act.
4. A contravention of the prohibition imposed by section 86 (dropped footways) of the 2004 Act.
5. A contravention consisting of the commission of an offence of the kind referred to in paragraph 4(2)(h) of Schedule 7 to the 2004 Act (offences relating to cycles tracks)
6. A contravention consisting of an offence of the kind referred to in paragraph 4(2)(g) of Schedule 7 to the 2004 Act (parking of HGVs on verges, central reservations or footways).
7. A contravention consisting of an offence of the kind referred to in paragraph 4(2)(c) (stopping vehicles on or near pedestrian crossings) or 4(2)(i)(i) (zig-zag lines near crossings) of Schedule 7 to the 2004 Act.
8. A contravention consisting of an offence of the kind referred to in paragraph 4(2)(i)(ii) of Schedule 7 to the 2004 Act (bus stop or bus stand markings).
9. A contravention involving an offence of the kind referred to in paragraph 4(2)(e) of Schedule 7 to the 2004 Act (parking in loading areas).
10. A contravention involving an offence of the kind referred to in paragraph 4(2)(d) of Schedule 7 to the 2004 Act, (relating to an off-street parking place) and consisting of any of the following where prohibited by an order relating to the parking place—
 - (a) using a vehicle in connection with the sale of goods or the offering or exposure of goods for sale;
 - (b) parking in a restricted area;
 - (c) parking in a permit bay without displaying a permit;
 - (d) parking in a disabled person’s parking place without correctly displaying a valid disabled person’s badge;
 - (e) parking a vehicle in a place where the vehicle does not fall within the class of vehicle permitted in that place.

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EXPLANATORY NOTE

(This note is not part of the Order)

Part 3 (paragraphs 7 to 9) of Schedule 9 to the Traffic Management Act 2004 provides for the setting by enforcement authorities outside Greater London of the levels of charges under Part 6 of that Act (civil enforcement of traffic contraventions) and requires those levels to accord with guidelines given by the appropriate national authority, except where that authority permits an enforcement authority to depart from the guidelines.

By this Order, the Welsh Ministers, as appropriate national authority for Wales, give to enforcement authorities in Wales, the guidelines on charges for parking contraventions as set out in the Schedule.