
WELSH STATUTORY INSTRUMENTS

2008 No. 614

**The Civil Enforcement of Parking Contraventions
(General Provisions) (Wales) Regulations 2008**

PART 1

PRELIMINARY

Interpretation

2.—(1) In these Regulations—

“the 2004 Act” (“*y Ddeddf 2004*”) means the Traffic Management Act 2004;

“adjudicator” (“*dyfarnydd*”) means an adjudicator appointed under regulation 9 of the Enforcement and Adjudication Regulations;

“approved device” (“*dyfais a gymeradwyir*”) has the meaning given by article 2 of the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008(1);

“civil enforcement area” (“*ardal gorfodi sifil*”) has the meaning given by paragraph 8 of Schedule 8 to the 2004 Act;

“civil enforcement officer” (“*swyddog gorfodi sifil*”) has the meaning given by section 76 of the 2004 Act;

“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(2);

“enforcement authority” (“*awdurdod gorfodi*”) in relation to a penalty charge or the immobilisation or removal of a vehicle means the enforcement authority in relation to the alleged contravention in consequence of which the charge was incurred or the vehicle was immobilised;

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

“owner” (“*perchennog*”) in relation to a vehicle includes any person who falls to be treated as the owner of the vehicle by virtue of regulation 4;

“pedestrian crossing contravention” (“*tramgwydd croesfan i gerddwyr*”) 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” (“*tâl cosb*”) means a penalty charge relating to a parking contravention and payable in accordance with regulation 3;

“penalty charge notice” (“*hysbysiad o dâl cosb*”) has the meaning given in regulation 4 of the Enforcement and Adjudication Regulations;

(1) S.I.2008/620 (W.69).

(2) S.I. 2008/609.

“regulation 6 penalty charge notice” (“*hysbysiad rheoliad 6 o dâl cosb*”) means a penalty charge notice served under regulation 6 of the Enforcement and Adjudication Regulations;

“the Welsh enforcement authorities” (“*awdurdodau gorfodi Cymru*”) means those enforcement authorities which are local authorities in Wales;

“the Representations and Appeals Regulations” (“*y Rheoladïau Sylwadau ac Apelau*”) means the Civil Enforcement of Parking Contraventions (Representations and Appeals)(Wales) Regulations 2008(3).

(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;
- (b) the owner of the vehicle when it was immobilised was also the owner of the vehicle when the penalty charge was imposed; and
- (c) 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 of the Enforcement and Adjudication Regulations which has not been set aside in accordance with regulation 15 of those Regulations.

(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(4); 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 of the Enforcement and Adjudication Regulations, 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.

(3) S.I. 2008/608.

(4) 1994 c. 22.