

Changes to legislation: Learner Travel (Wales) Measure 2008, Paragraph 11 is up to date with all changes known to be in force on or before 28 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

[^{F1}SCHEDULE A1

CIVIL SANCTIONS

Textual Amendments

- F1** Sch. A1 inserted (10.7.2011) by [Safety on Learner Transport \(Wales\) Measure 2011 \(nawm 6\), s. 16\(2\), Sch.](#)

Enforcement undertakings

- 11 (1) The regulations may make provision—
- (a) to enable an enforcement authority to accept an enforcement undertaking from a person in a case where the enforcement authority has reasonable grounds to suspect that the person has contravened a restriction or requirement imposed in safety regulations, and
 - (b) for the acceptance of the undertaking to have the consequences in sub-paragraph (4).
- (2) For the purposes of this Part, an “enforcement undertaking” is an undertaking to take such action as may be specified in the undertaking within such period as may be so specified.
- (3) The action specified in an enforcement undertaking must be—
- (a) action to secure that contravention of the restriction or requirement does not continue or recur, or
 - (b) action of a prescribed description.
- (4) The consequences in this sub-paragraph are that, unless the person from whom the undertaking is accepted has failed to comply with the undertaking or any part of it—
- (a) that person may not at any time be convicted of an offence under safety regulations in respect of the act or omission to which the undertaking relates,
 - (b) the enforcement authority may not impose on that person any fixed monetary penalty which it would otherwise have power to impose by virtue of paragraph 2 in respect of that act or omission, and
 - (c) the enforcement authority may not impose on that person any discretionary requirement which it would otherwise have power to impose by virtue of paragraph 4 in respect of that act or omission.
- (5) The regulations may (among other things) include provision—
- (a) as to the procedure for entering into an undertaking;
 - (b) as to the terms of an undertaking;
 - (c) as to publication of an undertaking by an enforcement authority;
 - (d) as to variation of an undertaking;
 - (e) as to circumstances in which a person may be regarded as having complied with an undertaking;
 - (f) as to monitoring by an enforcement authority of compliance with an undertaking;
 - (g) as to certification by an enforcement authority that an undertaking has been complied with;
 - (h) for appeals against refusal to give such certification;

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- (i) in a case where a person has given inaccurate, misleading or incomplete information in relation to the undertaking, for that person to be regarded as not having complied with it;
- (j) in a case where a person has complied partly but not fully with an undertaking, for that part-compliance to be taken into account in the imposition of any criminal or other sanction on the person;
- (k) for the purpose of enabling criminal proceedings to be instituted against a person in respect of the contravention of the requirement or restriction in the event of breach of an undertaking or any part of it;
- (l) to extend any period within which those proceedings may be instituted.]

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Changes and effects yet to be applied to the whole Measure associated Parts and Chapters:

Whole provisions yet to be inserted into this Measure (including any effects on those provisions):

- s. 7(3)(a)(ai) inserted by [2022 asc 1 Sch. 4 para. 23\(3\)\(b\)](#)