
STATUTORY INSTRUMENTS

2008 No. 609

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

PART 1

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008 and shall come into force on 31st March 2008.

(2) These Regulations apply to Wales.

Interpretation

2.—(1) In these Regulations—

“the 2004 Act” means the Traffic Management Act 2004;

“the 28-day period” has the meaning given by regulation 6(4);

“adjudicator” means an adjudicator appointed under Part 3 of these Regulations;

“applicable discount” and “applicable surcharge” mean the amount of any discount or, as the case may be, surcharge set in accordance with Schedule 9 to the 2004 Act;

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

“enforcement authority” in relation to a penalty charge means the enforcement authority in relation to the alleged contravention in consequence of which the charge was incurred;

“the General Provisions Regulations” means the Civil Enforcement of Parking Contraventions (General Provisions)(Wales) Regulations 2008⁽²⁾;

“notice to owner”, subject to regulation 13(4) and 15(9) has the meaning given by regulation 11;

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

“owner” in relation to a vehicle includes any person who falls to be treated as the owner of the vehicle by virtue of regulation 4 of the General Provisions Regulations;

(1) [S.I. 2008 / 620 \(W69\)](#).

(2) [S.I. 2008/ 614 \(W66\)](#).

“pedestrian crossing contravention” 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” means a penalty charge relating to a parking contravention in accordance with regulation 3 of the General Provisions regulations;

“penalty charge notice” has the meaning given by regulation 4(1);

“regulation 6 penalty charge notice” has the meaning given by regulation 6.

“the Welsh enforcement authorities” means those enforcement authorities which are local authorities in Wales;

“relevant particulars” has the meaning given by regulation 6(7)(b); and

“the Representations and Appeals Regulations” 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; and

(b) 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 which has not been set aside in accordance with regulation 15.

(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 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.

Service by post

3.—(1) Subject to paragraph (5), any notice (except a penalty charge notice served under regulation 5) or charge certificate under these Regulations —

(3) S.I. 2008/608.

(4) 1994 c. 22.

- (a) may be served by first class post; and
 - (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by first class post to the secretary or clerk of that body.
- (2) Service of a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting.
- (3) In paragraph (2), “working day” means any day except—
 - (a) a Saturday or a Sunday;
 - (b) New Year’s Day;
 - (c) Good Friday;
 - (d) Christmas Day;
 - (e) any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971⁽⁵⁾.
- (4) A document may be transmitted to a vehicle hire firm (as defined in regulation 4(4) of the General Provisions Regulations) by a means of electronic data transmission where—
 - (a) the vehicle hire firm has indicated in writing to the person sending the notice or document that it is willing to regard a document as having been duly sent to it if it is transmitted to a specified electronic address; and
 - (b) the document is transmitted to that address.
- (5) Nothing in this regulation applies to the service of any notice or order made by a county court.

⁽⁵⁾ 1971 c. 80.