

ROAD TRAFFIC, WALES

EXPLANATORY MEMORANDUM TO:

- **THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (GENERAL PROVISIONS) (WALES) (No.2) REGULATIONS 2008**
- **THE CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (APPROVED DEVICES) (WALES) (No.2) ORDER 2008**

This Explanatory Memorandum has been prepared by the Economy and Transport Department and is laid before the National Assembly for Wales in accordance with SO 24.1.

Description

1. These instruments implement Part 6 of the Traffic Management Act 2004 (TMA) in relation to the civil enforcement of parking contraventions. The instruments are supplemented by Statutory Guidance issued by Welsh Ministers with which local authorities are required to comply. Further non-statutory Operational Guidance issued by Welsh Ministers covers the day-to-day management of civil enforcement parking schemes and the technical standards and certification arrangements for "approved devices" used to enforce parking contraventions.

Matters of special interest to the Subordinate Legislation Committee

2. The instruments revoke The Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008, and The Civil Enforcement Of Parking Contraventions (Approved Devices) (Wales) Order 2008 made in March 2008. The Subordinate Legislation Committee's report on these instruments identified some inconsistencies between the Welsh and English language versions. The Government response to the Committee made a commitment to revoke and remake the instruments as soon as possible, and by no later than 30th April 2008.

Legislative Background

3. Part 6 of the TMA confers powers on the Lord Chancellor and "the appropriate national authority" (in Wales, the Welsh Ministers) to make regulations providing for a national legislative framework for the civil enforcement by local authorities of contraventions of parking and bus lane restrictions and some moving traffic contraventions, such as box junctions and banned turns.
4. The purpose of these instruments is to implement Part 6 of the TMA so far as it relates to parking contraventions. They will, in due course, be followed by regulations to implement Part 6 in relation to bus lane and other moving vehicle contraventions.

Purpose and intended effect of the legislation

5. There is no substantive difference between these instruments and those made in March 2008. A detailed Explanatory Memorandum and Regulatory Impact Assessment accompanied those Regulations.
6. The intended effect of the instruments is to strengthen the existing system of Decriminalised Parking Enforcement (DPE), which will now be known as Civil Parking Enforcement (CPE), by providing a regulatory framework, associated Statutory Guidance and detailed Operational Guidance to local authorities.

Implementation

7. The coming-into-force date for these instruments is 22nd May 2008.

Consultation

8. A full consultation was undertaken on the original instruments.

Regulatory Impact Assessment

9. A regulatory impact assessment (RIA) was carried to accompany the original instruments, and as there is no material difference in the instruments a new RIA is not required.