
STATUTORY INSTRUMENTS

2013 No. 362

**The Civil Enforcement of Road Traffic Contraventions
(General Provisions) (Wales) Regulations 2013**

PART 1

PRELIMINARY

Title, commencement and application

1.—(1) These Regulations may be cited as the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013 and they come into force on 25 March 2013.

(2) These Regulations apply in relation 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 10(4);

“adjudicator” means an adjudicator appointed under Part 4 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 Road Traffic Contraventions (Approved Devices) (Wales) Order 2013(1);

“charge certificate” has the meaning given in regulation 20(1);

“civil enforcement area” has the meaning given by paragraph 8 of Schedule 8 to the 2004 Act;

“civil enforcement officer” has the meaning given by section 76 of the 2004 Act;

“enforcement authority” 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;

“notice to owner”, subject to regulations 20(4) and 22(9), has the meaning given by regulation 18;

“outstanding” in relation to a penalty charge is to 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 5;

“pedestrian crossing contravention” means a parking contravention consisting of an offence referred to in paragraphs 4(2)(c) or 4(2)(i)(i) 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 road traffic contravention and payable in accordance with regulation 4;

“penalty charge notice” has the meaning given by regulation 8(1);

“regulation 10 penalty charge notice” has the meaning given by regulation 10;

“road traffic contravention” in relation to Wales, means any of the following:

- (a) a parking contravention as described in paragraph 4, Part 1 of Schedule 7 to the 2004 Act;
- (b) a bus lane contravention as described in Part 2 of Schedule 7 to the 2004 Act; or
- (c) a moving traffic contravention as described in Part 4 of Schedule 7 to the 2004 Act.

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

“the Representations and Appeals Regulations” means the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013⁽²⁾.

(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 10 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 10 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 road traffic contravention;
- (b) the penalty charge is the subject of a charge certificate served under regulation 20 which has not been set aside in accordance with regulation 22.

(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⁽³⁾; 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 18, or a regulation 10 penalty charge notice; and
- (c) the period of 42 days beginning with the date on which the penalty charge became payable has expired.

(2) S.I. 2013/359.

(3) 1994 c. 22.

Service by post

3.—(1) Subject to paragraph (5), any notice (except a penalty charge notice served under regulation 9) or charge certificate under these Regulations—

- (a) may be served by first class (but not second 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) Unless the contrary is proved, 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 is to 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(4).

(4) A document may be transmitted to a vehicle hire firm (as defined in regulation 5(4)) by 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.