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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 41 of, and Schedules 2 and 3 to, the Traffic Management Act 2004, insert section 95A and Schedules 4A and 4B into the New Roads and Street Works Act 1991 (“the 1991 Act”). This provides for certain offences under Part 3 of the 1991 Act to become fixed penalty offences and enables regulations to be made in relation to them.

The Street Works (Fixed Penalty) (Wales) Regulations 2008 make general provision as respects Wales in relation to fixed penalties for certain offences under Part 3 of the 1991 Act.

*Regulation 2* defines terms used in these Regulations.

*Regulation 3* prevents street managers (the street authority for a street which is not a maintainable highway) from giving fixed penalty notices in relation to such a street.

*Regulation 4 and Schedule 1* prescribe the form of a fixed penalty notice.

*Regulation 5* sets out the manner of service of a fixed penalty notice and a notice withdrawing a fixed penalty notice, and includes provision for service by electronic communication.

*Regulation 6* specifies that a fixed penalty notice may not be given more than 91 days after the commission of the offence, beginning with the day of its commission.

*Regulation 7 and Schedule 2* set out details of the fixed penalty offences and prescribe that in relation to each offence, the penalty will be £120 unless the sum of £80 is paid before the end of the period for payment of the discounted amount.

*Regulation 8* modifies Schedule 4B to the 1991 Act (in its application as respects Wales) by substituting the period of 36 days for the period of 29 days, being the period for payment of a fixed penalty, and by substituting the period of 29 days for the period of 15 days, being the period for payment of a discounted amount instead of the full penalty.

*Regulation 9* enables a street authority to deduct the costs of issuing and administering fixed penalty notices from the penalties received, and requires any net proceeds to be applied to the development or implementation of certain transport policies in relation to their area.

*Regulation 10 and Schedule 3* prescribe the form of a notice withdrawing a fixed penalty notice.

A full Regulatory Impact Assessment and Explanatory Memorandum can be obtained from Roads Network Management Division, Transport Wales, Welsh Assembly Government, Crown Offices, Cathays Park, Cardiff, CF10 3NQ or on the Welsh Assembly Government website at <http://www.assemblywales.org/bus-home/buslegislation/bus/bus-legislation-sub/bus-legislation-sub-annulment.htm>