
WELSH STATUTORY INSTRUMENTS

2008 No. 1214

**The Civil Enforcement of Parking Contraventions
(General Provisions) (Wales) (No. 2) Regulations 2008**

PART 2

PENALTY CHARGES

Imposition of penalty charges

3. Subject to the provisions of these Regulations a penalty charge is payable with respect to a vehicle where there has been committed in relation to that vehicle a parking contravention within paragraph 4 of Schedule 7 to the 2004 Act in a civil enforcement area in Wales.

Person by whom a penalty charge is to be paid

4.—(1) Where a parking contravention occurs, the person by whom the penalty charge for the contravention is to be paid, will be determined in accordance with the following provisions of this regulation.

(2) In a case not falling within paragraph (3), the penalty charge is payable by the person who was the owner of the vehicle involved in the contravention at the material time.

(3) Where—

- (a) the vehicle is a mechanically propelled vehicle which was, at the material time, hired from a vehicle-hire firm under a hiring agreement;
- (b) the person hiring it had signed a statement of liability acknowledging his or her liability in respect of any penalty charge notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement; and
- (c) in response to a notice to owner served on him or her, the owner of the vehicle made representations on the ground specified in regulation 4(4)(d) of the Representations and Appeals Regulations and the enforcement authority accepted those representations,

the penalty charge is payable by the person by whom the vehicle was hired and that person will be treated as if he or she were the owner of the vehicle at the material time for the purposes of these Regulations.

(4) In this regulation—

- (a) “hiring agreement” (“*cytundeb llogi*”) and “vehicle-hire firm” (“*ffyrm llogi cerbydau*”) have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(1); and
- (b) “the material time” (“*yr adeg berthnasol*”) means the time when the contravention giving rise to the penalty charge is said to have occurred.

Evidence of contravention

5. A penalty charge must not be imposed except on the basis of—
- (a) a record produced by an approved device; or
 - (b) information given by a civil enforcement officer as to conduct observed by that officer.

Criminal proceedings for parking contraventions in civil enforcement areas

6.—(1) No criminal proceedings may be instituted and no fixed penalty notice may be served in respect of any parking contravention occurring in a civil enforcement area, except a pedestrian crossing contravention.

(2) A penalty charge will not be payable in relation to a pedestrian crossing contravention where—

- (a) the conduct constituting the contravention is the subject of criminal proceedings; or
 - (b) a fixed penalty notice, as defined by section 52 of the Road Traffic Offenders Act 1988(2), has been given in respect of that conduct.
- (3) Where, notwithstanding the provisions of paragraph (2)—
- (a) a penalty charge has been paid in respect of a pedestrian crossing contravention; and
 - (b) the circumstances are as mentioned in paragraph (2)(a) or (b),

the enforcement authority must, as soon as reasonably practicable after those circumstances come to its notice, refund the amount of the penalty charge.

(2) Section 52 was amended by the Access to Justice Act 1999 (c. 22), paragraph 147, by the Courts Act 2003 (c. 39) Schedule 8, paragraph 314 and by the Statute Law (Repeals) Act 2004 (c. 14), Schedule 1, Part 14.