
WELSH STATUTORY INSTRUMENTS

2008 No. 614

**The Civil Enforcement of Parking Contraventions
(General Provisions) (Wales) Regulations 2008**

PART 3

IMMOBILISATION OF VEHICLES

Power to immobilise vehicles

7.—(1) Subject to regulation 8, (limitations on the power to immobilise vehicles) where a civil enforcement officer has reason to believe that a vehicle has been permitted to remain at rest in any place in a civil enforcement area in circumstances in which a penalty charge has become payable, he or she or a person acting under his or her direction may fix an immobilisation device to the vehicle while it remains in the place where it was found.

(2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this regulation, the person fixing the device must also fix to the vehicle a notice—

- (a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;
- (b) specifying the steps to be taken in order to secure its release; and
- (c) warning that unlawful removal of an immobilisation device is an offence.

(3) A notice fixed to a vehicle in accordance with this section must not be removed or interfered with except by or under the authority of—

- (a) the owner, or person in charge of the vehicle; or
- (b) the enforcement authority.

(4) A person contravening paragraph (3) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) Any person who, without being authorised to do so in accordance with these Regulations, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this regulation is guilty of an offence and will be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Limitations on the power to immobilise vehicles

8.—(1) An immobilisation device must not be fixed to a vehicle if there is displayed on the vehicle—

- (a) a current disabled person's badge; or
- (b) a current recognised badge.

(2) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1)(a), the vehicle was not being used—

- (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970(1)
- (b) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984(2) (use where a disabled persons' concession would be available),

the person in charge of the vehicle will be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1)(b), the vehicle was not being used—

- (a) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970(3);
- (b) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984(4)(use where a disabled person's concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle will be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) An immobilisation device must not be fixed to a vehicle which is in a parking place in respect of a contravention consisting of, or arising out of, a failure—

- (a) to pay a parking charge with respect to the vehicle;
- (b) properly to display a ticket or parking device; or
- (c) to remove the vehicle from a parking place by the end of the period for which the appropriate charge was paid,

until the appropriate period has elapsed since the giving of a penalty charge notice under Regulation 5 of the Enforcement and Adjudication Regulations in respect of the contravention.

(5) For the purposes of paragraph (4) the appropriate period is—

- (a) in the case of a vehicle in respect of which there are 3 or more penalty charges outstanding, 15 minutes;
- (b) in any other case 30 minutes.

Release of immobilised vehicles

9.—(1) A vehicle to which an immobilisation device has been fixed in accordance with regulation 7 may only be released from that device by or under the direction of a person authorised by the enforcement authority to give such a direction.

(2) Subject to paragraph (1), such a vehicle must be released from the device on payment in any manner specified in the notice fixed to the vehicle under regulation 7(2) of—

- (a) the penalty charge payable in respect of the parking contravention;
- (b) such charge in respect of the release as may be required by the enforcement authority.

(1) 1970 c. 44: in relation to Wales, section 21 was amended by the Local Government Act 1972 (c. 70), Schedule 30, by the Transport Act 1982 (c. 49) section 68, by the Road Traffic Regulation Act 1984 (c. 27), Schedule 13, by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 1, by the Road Traffic Act 1991 (c. 40), section 35(2)-(5), Schedule 8, by the Local Government (Wales) Act 1994, Schedule 10, paragraph 8, Schedule 18, by the Traffic Management Act 2004 section 94(1)-(4) and by the Disability Discrimination Act 2005 (c. 13) Schedule 1, paragraph 41.

(2) 1984 (c. 27); in relation to Wales section 117(1) was substituted by the Road Traffic Act 1991 section 35(6) and amended by the Disability Discrimination Act 2005, Schedule 1, paragraph 44(1), (2) and by the Traffic Management Act 2004, section 94(5).

(3) Section 21A was inserted by the Disability Discrimination Act 2005, section 9.

(4) Subsection (1A) was inserted by the Disability Discrimination Act 2005, Schedule 1, paragraph 44

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
