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## EXPLANATORY NOTE

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

Part 6 of the Traffic Management Act 2004 (“the 2004 Act”) provides for the civil enforcement of parking contraventions. Part 6 includes powers providing a single framework to make regulations for the civil enforcement by local authorities of parking and waiting restrictions, bus lanes and some moving traffic offences. Such regulations will replace existing powers in national legislation. The Act also gives the appropriate national authority a reserve power to direct a local authority to apply for civil parking enforcement powers.

Under the powers conferred by Part 6, the Welsh Ministers have made the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008 (S.I. 2008/614 (W.66)). Regulation 5(a) of those Regulations prohibits, in accordance with section 72(4)(a) of the 2004 Act, the imposition of a penalty charge for a parking contravention except on the basis of a record produced by an approved device or, information given by a civil enforcement officer as to conduct observed by that officer.

This Order specifies a description of a device which is an approved device for this purpose. In accordance with article 2, a device is an approved device if it is of a type which has been certified by the Welsh Ministers as meeting the requirements specified in the Schedule.

The National Technical Standards Directive 98/34/EC, as amended by 98/48/EC (“the Directive”), seeks to prevent the creation of new technical barriers to trade and lays down procedure for the provision of information in the field of technical standards and regulations. Any statutory instrument which prescribes technical standards must be notified to the Department for Business, Enterprise and Regulatory Reform who in turn notify the European Commission. Article 9, paragraph 1 of the Directive requires a three month delay between the notification of the statutory instrument to the European Commission and it being made or coming into force. This statutory instrument was notified to the Commission on 12 September 2007. The three month period therefore ended on 13 December 2007.

A full Regulatory Impact Assessment and Explanatory Memorandum can be obtained from the Integrated Transport Unit, Transport, Planning and Administration 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>