

Explanatory Memorandum to the Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2014

This Explanatory Memorandum has been prepared by the Department for Economy, Science and Transport and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2014.

Edwina Hart MBE CStJ AM
Minister for Economy, Science and Transport
30 May 2014

1. Description

The Removal and Disposal of Vehicles Regulations 1986 (“the 1986 Regulations”) allow civil enforcement officers to remove vehicles which have been permitted to remain at rest on a road in a civil enforcement area in Wales. Such removal may only take place where a civil enforcement officer has fixed a penalty charge notice to the vehicle, or has handed such a notice to the person appearing to be in charge of the vehicle.

The 1986 Regulations were amended in 2008 by Removal and Disposal of Vehicles (Amendment) (Wales) Regulation 2008/216 (“the 2008 Statutory Instruments”).

A series of Statutory Instruments were introduced in 2013 to strengthen the system of Civil Parking Enforcement (CPE), by providing a regulatory framework, associated Statutory Guidance and detailed Operational Guidance to local authorities.

The Statutory Instruments introduced in 2013 also repealed and replaced the 2008 Statutory Instruments. Specifically, these Regulations removed references in the 1986 Regulations to the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008 (S.I. 2008/1214 (W.122) and the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008 (S.I. 2008/609); and replaced them with references to the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

None

3. Legislative background

These Regulations are made by the Welsh Ministers in exercise of powers conferred upon the Secretary of State by section 99 of the Road Traffic Regulation Act 1984. These functions were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 2004, SI 2004/3044, article 2 and Schedule 1 and subsequently to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

This instrument is subject to annulment by the National Assembly for Wales (the negative procedure).

The Regulations will come into force on 27th June 2014.

4. Purpose & intended effect of the legislation

The 1986 Regulations (as amended by the 2008 Statutory Instruments) refer to the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008 and the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008, which have since been revoked and replaced.

These Regulations are intended to further amend the 1986 Regulations to refer to the Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013.

5. Consultation

A public consultation on the various civil enforcement matters of bus lane and moving traffic contraventions regulations began on 26 November 2009 and closed on 5 February 2010.

6. Regulatory Impact Assessment

No Regulatory Impact Assessment is required to accompany these Regulations due to the purely technical nature of the changes. No additional expenditure will be incurred by Welsh Government or other interested parties as a result of these Regulations.