WELSH STATUTORY INSTRUMENTS

2008 No. 612 (W.64)

ROAD TRAFFIC, WALES

The Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2008

Made - - - -	*6 March 2008*
Laid before the National Assembly for Wales - -	*10 March 2008*
Coming into force - -	*31 March 2008*

The Welsh Ministers, in exercise of the powers conferred upon the Secretary of State, by sections 99(1) and 99(2) of the Road Traffic Regulation Act 1984(**1**), subsequently transferred to the National Assembly for Wales, and now vested in them,(**2**), and after consultation with representative organisations in accordance with section 134(2) of that Act, hereby make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Removal and Disposal of Vehicles (Amendment) (Wales) Regulations 2008, they come into force on 31 March 2008, and subject to paragraph (2), apply in relation to Wales.

(2) These Regulations do not apply in relation to the following parts of Wales—

(a) that part of the M4 Motorway in Wales which comprises "the New Toll Plaza area" and "the New Bridge", as defined in section 39(1) of the Severn Bridges Act 1992(**3**); or

(b) that part of the road constructed by the Minister of Transport along the line described in Schedule 1 to the North Almondsbury-South of Haysgate Trunk Road Order 1947(**4**) and referred to in that Order as "the new road" which lies to the east of the most easterly point before reaching the River Wye at which eastbound traffic of Classes I and II (as specified in Schedule 4 to the Highways Act 1980(**5**)) can leave that road by another special road.

(**1**) 1984 c. 27.
(**2**) The functions of the Secretary of State for Transport under the Road Traffic Regulation Act 1984 were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) (Order) 2004 (SI 2004/3044). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c. 32).
(**3**) 1992 c. 3.
(**4**) S.I. 1947/1562.
(**5**) 1980 c. 66.

Amendment of the Removal and Disposal of Vehicles Regulations 1986

2.—(1) The Removal and Disposal of Vehicles Regulations 1986(**6**) are amended in accordance with paragraph (2).

(2) The following regulation is inserted after regulation 5B—

"**Power of civil enforcement officers to remove vehicles in a civil enforcement area in Wales"**

5C.—(1) Paragraph (2) applies where—

(a) a vehicle has been permitted to remain at rest on a road in a civil enforcement area in Wales; and

(b) a civil enforcement officer has, in accordance with Regulation 5 of the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008(**7**), fixed a penalty charge notice to the vehicle or handed such a notice to the person appearing to him or her to be in charge of the vehicle.

(2) Where this paragraph applies, a civil enforcement officer or a person acting under his or her direction may subject to paragraph (3) remove the vehicle concerned—

(a) to another position on the road where it is found;

(b) to another road; or

(c) to a place which is not on a road.

(3) The power conferred by paragraph (2) is not exercisable where the vehicle concerned is in a parking place and a penalty charge notice has been served as mentioned in paragraph (1)(b) 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) to properly display a ticket or parking device; or

(c) to remove the vehicle from the 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 that penalty charge notice in respect of the contravention.

(4) In this regulation—

"the appropriate period" means—

(a) in the case of a vehicle as respects which there are 3 or more penalty charges outstanding, 15 minutes;

(b) in any other case, 30 minutes;

"civil enforcement area" and "civil enforcement officer" have the same meanings as in the Traffic Management Act 2004 (see Schedule 8 and section 76 of that Act);

"outstanding" in relation to a penalty charge has the same meaning as in regulations 2(2), (3) and (4) of the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) Regulations 2008(**8**);

"parking place" has the meaning given by section 79(7) of the Traffic Management Act 2004;

(**6**) S.I. 1986/183, to which amendments relevant to these Regulations have been made, in relation to Wales, by S.I. 2005/3252 (w. 245).
(**7**) S.I. 2008/609.
(**8**) S.I. 2008/614 (W.66).