

2008 No. 616 (W. 68)

ROAD TRAFFIC, WALES

**The Civil Enforcement Officers
(Wearing of Uniforms) (Wales)
Regulations 2008**

EXPLANATORY NOTE

(This note is not part of the Regulations)

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.

Section 76 of the 2004 Act enables the appointment of civil enforcement officers by local authorities undertaking the civil enforcement of traffic contraventions. It provides that a parking attendant appointed under section 63A of the Road Traffic Regulation Act 1984 is a civil enforcement officer in relation to parking contraventions and may also be appointed as a civil enforcement officer in relation to other road traffic contraventions subject to civil enforcement in the area of the local authority (referred to in the 2004 Act as the “enforcement authority”) concerned.

Section 76(3) of the 2004 Act requires that civil enforcement officers must wear such uniform as is determined by the enforcement authority when exercising specified functions.

Section 76(4) of the 2004 Act requires the appropriate national authority to make regulations, specifying those functions that may only be carried out by a civil enforcement officer whilst in uniform.

In accordance with section 76(4), these Regulations specify, in relation to Wales, the functions of civil enforcement officers appointed under Part 6 of the 2004 Act which, in accordance with section 76(3) of that Act, are only to be exercised by such officers

when in uniform. The functions are specified by reference to provisions by or under which the functions are conferred on civil enforcement officers.

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Made *6 March 2008*

Laid before the National Assembly for Wales

Coming into force *10 March 2008*
31 March 2008

The Welsh Ministers, in exercise of the power conferred upon the National Assembly for Wales by section 76(4) of the Traffic Management Act 2004⁽¹⁾ and now vested in them ⁽²⁾, hereby make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Civil Enforcement Officers (Wearing of Uniforms) (Wales) Regulations 2008, they come into force on 31st March 2008 and apply in relation to Wales.

(2) In these Regulations “the 2004 Act” (“*Deddf 2004*”) means the Traffic Management Act 2004.

Specified functions

2.—(1) All functions conferred on civil enforcement officers by or under the enactments specified in paragraph (2) are specified for the purposes of section 76(3)(a) of the 2004 Act.

(2) Those enactments are —

- (a) section 78(2)(a) and (b) of the 2004 Act;
- (b) section 79 of the 2004 Act; and

⁽¹⁾ 2004 c. 18.

⁽²⁾ The functions of the National Assembly for Wales under the Traffic Management Act 2004 were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (2006 c.32).

- (c) section 99 of the Road Traffic Regulation Act 1984⁽¹⁾.

Ieuan Wyn Jones

Minister for the Economy and Transport, one of the
Welsh Ministers

6 March 2008

⁽¹⁾ 1984 c. 27; section 99 was amended by the Road Traffic Act 1991 (c. 40), Schedule 4, paragraph 32, Schedule 8. Functions under section 99 were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 2004 (SI 2004/3044) with exceptions in relation to that part of the M4 motorway known as “the New Toll Plaza area” and “the new Bridge” as defined in section 39(1) of the Severn Bridges Act 1992 (c.3) and that part of the road constructed by the Minister of Transport along the line described in Schedule 1 to the North of Almondsbury-South of Haysgate Trunk Road Order 1947 and referred to in that Order as “the new road”.