

2008 No. 1215 (W.123)

ROAD TRAFFIC, WALES

**The Civil Enforcement of Parking
Contraventions (Approved Devices)
(Wales) (No. 2) Order 2008**

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008 (SI 2008/620 (W.69)).

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 legislation in relation to Wales. 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) (No.2) Regulations 2008 (S.I. 2008/1214) (W. 122). 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>

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Contraventions (Approved Devices)
(Wales) (No. 2) Order 2008

Made 29 April 2008

Laid before the National Assembly for Wales
30 April 2008

Coming into force 22 May 2008

The Welsh Ministers, in exercise of the power conferred upon the National Assembly for Wales by section 92(1) of the Traffic Management Act 2004⁽¹⁾ and now vested in them⁽²⁾, make the following Order:

Title, commencement, application and interpretation

1.—(1) The title of this Order is the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) (No. 2) Order 2008. It comes into force on 22 May 2008, and applies in relation to Wales.

(2) In this Order—

“EEA state” (“*Gwladwriaeth AEE*”) means a state within the European Economic Area;

“the specified requirements” (“*y gofynion a bennir*”) means the requirements specified in the Schedule to this Order; and

“the statutory purposes” (“*y dibenion statudol*”) means the purposes of regulations relating to the civil enforcement of parking contraventions under section 72(4)(a) of the Traffic Management Act 2004.

⁽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).

Approved devices

2.—(1) A device is an approved device for the statutory purposes, if it is of a type which has been certified by the Welsh Ministers as one which meets the specified requirements.

(2) A device will be taken to meet the specified requirements where evidence has been produced that satisfies the Welsh Ministers that the device in question has been found by a competent authority in an EEA state to meet the requirements of an EEA standard which requires a level of performance equivalent to that required by the specified requirements.

(3) In paragraph (2) “EEA standard” (“*safon AEE*”) means—

- (a) a standard or code of practice of a national standards body or equivalent of any EEA state;
- (b) any international standard recognised for use as standard or code of practice by any EEA state; or
- (c) a technical specification recognised for use as a standard by a public authority of any EEA state.

Revocation of the Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008

3. The Civil Enforcement of Parking Contraventions (Approved Devices) (Wales) Order 2008(1) is hereby revoked.

Ieuan Wyn Jones

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

29 April 2008

(1) S.I. 2008/620 (W.69).

SCHEDULE

REQUIREMENTS FOR AN APPROVED DEVICE

1. The device must include a camera which is—
 - (a) securely mounted on a vehicle, a building, a post or other structure;
 - (b) mounted in such a position that vehicles in relation to which parking contraventions are being committed can be surveyed by it;
 - (c) connected by secure data links to a recording system; and
 - (d) capable of producing in one or more pictures, a legible image or images of the vehicle in relation to which a parking contravention was committed which show its registration mark and enough of its location to show the circumstances of the contravention.

2. The device must include a recording system in which—
 - (a) recordings are made automatically of the output from the camera or cameras surveying the vehicle and the place where a contravention is occurring;
 - (b) there is used a secure and reliable recording method that records at a minimum rate of 5 frames per second;
 - (c) each frame of all captured images is timed (in hours, minutes and seconds), dated and sequentially numbered automatically by means of a visual counter; and
 - (d) where the device does not occupy a fixed location, it records the location from which it is being operated.

3. The device and visual counter must —
 - (a) be synchronised with a suitable independent national standard clock; and
 - (b) be accurate within plus or minus 10 seconds over a 14-day period and re-synchronised to the suitably independent national standard clock at least once during that period.

4. Where the device includes a facility to print a still image, that image when printed must be endorsed with the time and date when the frame was captured and its unique number.

5. Where the device can record spoken words or other audio data simultaneously with visual images,

the device must include a means of verifying that, in any recording produced by it, the sound track is correctly synchronised with the visual image.