

DRAFT SI REPORT

Constitutional and Legislative Affairs Committee Draft Report

CLA(4)-09-13

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CLA225 - The Civil Enforcement of Road Traffic Contraventions (General Provisions) (Wales) Regulations 2013

Procedure: Negative

These Regulations revoke and replace the Civil Enforcement of Parking Contraventions (General Provisions) (Wales) (No.2) Regulations 2008 and the Civil Enforcement of Parking Contraventions (Penalty Charge Notices, Enforcement and Adjudication) (Wales) Regulations 2008.

These regulations provide for the civil enforcement of road traffic contraventions in Wales and for the immobilisation of vehicles for parking contraventions, including details about the service of penalty charges. They also prescribe requirements in relation to use of income generated from penalty charge notices and deal with the appointment of adjudicators by enforcement authorities.

These Regulations should be read in conjunction with the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (Wales) Regulations 2013 and the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) Removed Vehicles (Wales) Regulations 2013.

It is unusual for the Lord Chancellor to be involved in Wales only legislation, but regulation making powers in relation to the notification of penalty charges, the appointment of adjudicators, and the enforcement of penalty charges remain with the holder of that office.

Technical Scrutiny

Under Standing Order 21.2 the Assembly is invited to pay special attention to the following instrument:-

These Composite Regulations made by the Welsh Ministers and the Lord Chancellor have not been made bilingually, and have been made in English only. The Regulations are subject to the negative procedure in both the National Assembly for Wales and Parliament.

The Explanatory memorandum gives no explanation as to why these Regulations have not been made bilingually.

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[Standing Order 21.2(ix) – that it is not made or to be made in both English and Welsh].

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument at the present time.

Legal Advisers
Constitutional and Legislative Affairs Committee
March 2013