

**Explanatory Memorandum to the Civil Enforcement of Parking
Contraventions (City and County of Cardiff) Designation (Amendment)
Order 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 Civil Enforcement Of Parking Contraventions (City And County Of Cardiff) Designation (Amendment) Order 2014. I am satisfied that the benefits outweigh any costs.

Edwina Hart
Minister for Economy, Science and Transport

8 October 2014

1. Description

The Order will enable Cardiff Council (“the Council”) to revise their existing civil enforcement and special enforcement areas for parking contraventions to include roads that will ultimately be subject to the enforcement of parking, bus lane and moving traffic contraventions.

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

None.

3. Legislative Background

The amending Order will be made under paragraph 8(1) of Schedule 8 and paragraph 3(1) of Schedule 10 to the Traffic Management Act 2004. The functions of the National Assembly for Wales under the Traffic Management Act 2004 have been transferred to the Welsh Ministers by virtue of section 162 of and paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

This instrument follows the negative procedure.

4. Purpose and intended effect of the legislation

Cardiff Council acquired powers to enforce civil parking restrictions back in 2010. The Council has now made a formal application under the provisions of the Traffic Management Act 2004, for powers to enforce bus lane and certain moving traffic contraventions across its administrative area. If these powers were granted non-endorsable offences such as illegal use of bus lanes and illegal queuing across yellow box junctions would become civil enforcement matters rather than having to be dealt with as criminal offences.

Roads, which are to be the subject of enforcement of bus lane and moving traffic contraventions, must be contained within a council’s pre-existing civil enforcement area for parking contraventions. As the Council wish to undertake bus lane and moving traffic enforcement on a few roads that lie outside its current civil enforcement area, they need to extend their civil enforcement area so that it includes these roads. This will be achieved by revising their existing civil enforcement area and special enforcement areas for parking in an amending Designation Order, which is the subject of this Instrument.

If the legislation were to be annulled the Council would be unable to implement the power to undertake bus lane and moving traffic enforcement on a few roads that lie outside its current civil enforcement area. They have requested the revision of their existing civil

enforcement area and special enforcement areas for parking with the full support of the Police.

This Instrument has a coming into force date of 7 November 2014 as requested by the Council.

5. Consultation

Apart from the South Wales Police, the Council did not consult on this legislation as it would not impact on relevant stakeholders.

6. Regulatory Impact Assessment

A regulatory impact assessment has not been produced as this Instrument only implements a minor change to Cardiff Council's 2010 Designation Order and will have no impact on the costs of business.