

**Explanatory Memorandum to The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County Borough of Merthyr Tydfil) Designation Order 2025**

This Explanatory Memorandum has been prepared by the Economy, Energy & Transport Department and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

**Cabinet Secretary's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County Borough of Merthyr Tydfil) Designation Order 2025. I am satisfied that the benefits justify the likely costs.

**Ken Skates MS**  
**Cabinet Secretary for Transport and North Wales**  
10 January 2025

## **1. Description**

The Civil Enforcement of Bus Lane and Moving Traffic Contraventions (County Borough of Merthyr Tydfil) Designation Order 2025 (“the Order”) will enable Merthyr Tydfil County Borough Council (“the Council”) to enforce bus lane and moving traffic contraventions within its County Borough. It will apply to all public highways except those listed in the Schedule to the Order. Under this system 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.

## **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

None.

## **3. Legislative Background**

The powers enabling this Instrument to be made are under paragraphs 9(1) and 10(1) of Schedule 8 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**

In order to support their policy of encouraging road safety and modal shift, the Council are looking to develop school streets and a pedestrian friendly town centre with bus only lanes. For this to be effective, enforcement of school streets, access only roads, one-way streets and pedestrianised areas must come under the control of the Council. It is found that a growing number of motorists ignore signs that prohibit movement and are not aware of the rules for access only or no entry and are therefore driving illegally. This is interfering with the movement of taxis, school transport and causes pedestrian safety concerns as well as unnecessary delay to all traffic and public transport particularly.

The Council has carried out road closure trials at a number of locations surrounding schools it intends to introduce traffic orders on and this has shown there to be significant impact on pedestrian safety. Where there are existing orders, the trials have highlighted significant levels of contraventions taking place. The authority also has significant issues within its town centre on designated pedestrian zones. There is only one bus lane in the borough, and this could also be enforced as part of the town centre improvements.

The Council will enforce bus lane and moving traffic contraventions through the use of approved mobile and static cameras and support systems. They intend to operate the enforcement within their current staff complement.

The processing of notices will be added to the Council's existing civil parking enforcement software. Penalty charge notices will be served by post. The penalty charge notice and associated correspondence templates will be amended to refer to bus lane and moving traffic contraventions rather than civil parking contraventions and will conform to the layouts recommend by the independent Traffic Penalty Tribunal for England and Wales (PATROL Joint Committee).

The Civil Enforcement of Road Traffic Contraventions ( Guidelines on levels of Charges ) ( Wales ) Order 2013 specifies that bus lane and moving traffic contraventions will all be subject to the higher penalty charge level. In accordance with that document, Merthyr Council applies for the following charges to apply as set out in band 2, namely: -

Higher level penalty charge = £70

Higher level penalty charge paid early = £35

Higher level penalty charge paid after service of charge certificate = £105

This corresponds with the band currently in use in Merthyr for higher level parking contraventions.

This Instrument has a coming into force date of 6 February 2025 as requested by the Council. If it were to be annulled the Council would be unable to implement the power to enforce bus lane and moving traffic contraventions. They have requested these powers with the full support of the Police. Their implementation will relieve the local police from these duties thus freeing up valuable police time and resources to tackle other key areas of business relating to road safety.

## **5. Consultation**

The Council consulted with all the relevant stakeholders in February 2024. Further details of the consultation are included in paragraph 8 of the Regulatory Impact Assessment.

## REGULATORY IMPACT ASSESSMENT

### 6. Options

**Option 1: Do Nothing.** If the legislation were not made the Council would be unable to implement the power to enforce bus lane and moving traffic contraventions in 2025. The Council has requested these powers with the full support of the Police. Their introduction will relieve the local police from these duties thus freeing up valuable police time and resources to tackle other criminal activities. There could be criticism for using police resources for parking offences when they could be better utilised dealing with other key areas of business relating to road safety.

**Option 2: Implement the provisions with effect from 6 February 2025.** Making the legislation would allow the Council to implement the power to enforce bus lane and moving traffic contraventions thereby freeing up the police to deal with other criminal matters. Full consultation as described below will ensure that no specific group will be discriminated against by the legislation.

### 7. Costs and benefits

#### a) Costs

##### **Option 1 – Do Nothing**

If the provisions are not implemented the costs will remain with the South Wales Police who, due to more pressing duties, will be unable to devote sufficient resources to tackle the identified contraventions that the Council could if taking over these powers.

##### **Option 2 – Implement the provisions from 6 February 2025**

The Council are only looking to purchase and install one camera for a school street scheme. The cost will be borne by the Council who are satisfied that the full financial impact of the scheme has been considered and provision has been made in its budget setting process. The purchase and setting up costs for the camera are estimated to be £50,000 and the running costs are estimated at £4,700 a year. The results of financial analysis modelling show that the expected annual revenue from Penalty Charge Notices, against the camera running costs, will result in an operating surplus of around £423.00 per annum. The purchase and operation of any future cameras will be dependent on available funding.

The Council would like to set their penalty charge at £70, discounted to £35 for early payment. Drivers receiving a penalty charge notice will be able to challenge it by making representations to the Council. Independent adjudication must be available to drivers who remain unhappy with the Council's decision. The Traffic Penalty Tribunal will provide this service.

There are no financial implications for the Welsh Government or other local authorities.

## **b) Benefits**

We have identified the benefits for each option as follows:

### **Option 1 – Do Nothing**

There are no benefits.

### **Option 2 – Implement the provisions from 6 February 2025**

Enforcement of school streets will improve pedestrian safety and assist towards a modal shift for the journey to school. This modal shift will also be assisted through the enforcement of Merthyr's mandatory cycle lanes, which will provide greater protection from motor vehicles.

Enforcement of illegal queuing across yellow box junctions, and unauthorised traffic movements, will assist in preventing unnecessary congestion, journey delays, and potential conflict with pedestrians crossing roads.

Enforcement of weight restrictions, particularly at weak bridges, and areas unsuitable for heavy lorry traffic, will improve public safety and the local environment.

## **8. Consultation**

In accordance with the relevant guidelines, and before submitting their application, the Council consulted with all the relevant stakeholders in February 2024. These included local councillors, emergency services, bus operators and motoring organisations. No responses were received.

The Council is committed to fully informing the public of the proposed changes to the parking enforcement and they will be launching a comprehensive publicity programme prior to the proposed commencement date. This will include the use of their website, press releases and a general distribution of posters and leaflets.

On receipt of the Council's application, and in accordance with the relevant legislation, the Welsh Government consulted with the South Wales Police and the Traffic Enforcement Centre. No objections were received.

## **9. Post implementation review**

The effect of the Order will be monitored by way of an annual return from the Council to the Welsh Government and the Home Office. This

will include the financial results of bus lane and moving traffic enforcement and any action the Council will take in respect of any deficit on the bus lane and moving traffic account.

## **10. Summary**

The Council will bear the costs of the proposals. The powers will enable the Council to adopt a more thorough and visible enforcement of bus lane and moving traffic contraventions. Their implementation will relieve the local police from these duties thus freeing up valuable police time and resources to tackle more pressing duties.