



London Local Authorities Act 2007

2007 CHAPTER ii

PART 4

PENALTY CHARGES AND FIXED PENALTIES

Penalty Charges

62 Representations and appeals

- (1) Where it appears to a person on whom a penalty charge notice has been served under section 61 (penalty charges) of this Act that one or other of the grounds mentioned in the penalty charge provision is satisfied, he may make representations to that effect to the borough council.
- (2) The Lord Chancellor may make provision by regulations relating to such representations to the borough council and to an appeal to an adjudicator if his representations are not accepted.
- (3) The regulations may make such provision in connection with the rights to make representations or to appeal as appears to the Lord Chancellor to be appropriate, and may in particular make provision—
 - (a) requiring the council to give a person notice of the rights;
 - (b) as to the time within which representations may be made;
 - (c) requiring supporting evidence in such circumstances as may be specified;
 - (d) as to the duties of the council when representations are received;
 - (e) as to the circumstances in which there is a right of appeal to an adjudicator;
 - (f) generally as to the making, determination and effect of, and procedure in connection with, appeals; and
 - (g) enabling an adjudicator to review any decision made on, or in the course of, an appeal.
- (4) The regulations may provide that, as respects a ground on which representations may be made, the adjudicator's function on an appeal is to decide whether to direct the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

council to consider or re-consider (as the case may be) any representations relating to that ground.

- (5) The regulations may include provision—
- (a) authorising an adjudicator to require a person—
 - (i) to attend to give evidence at the hearing of an appeal; and
 - (ii) to produce any documents in his custody or under his control relating to any matter relevant for the purposes of the appeal; and
 - (b) making it a criminal offence triable summarily and punishable with a fine not exceeding level 2 on the standard scale to fail to comply with such a requirement.
- (6) The regulations may provide that a person who makes a representation that is false in a material particular, and does so recklessly or knowing it to be false, commits an offence triable summarily and punishable with a fine not exceeding level 5 on the standard scale.
- (7) The regulations may include provision authorising an adjudicator to make an order for the payment of costs and expenses by a party to an appeal in such circumstances as may be specified.
- (8) Subject to subsection (9) below, until such time as regulations are in force under subsection (2) above—
- (a) paragraphs 1(2), (3) and (7), 2, 3, and 4 of Schedule 1 to the [London Local Authorities and Transport for London Act 2003 \(c. iii\)](#) shall, with any necessary modifications, apply in relation to representations and appeals under this section; and
 - (b) any regulations under section 73(11) of the Road Traffic Act 1991 (c. 40) (provision as to procedure to be followed in relation to proceedings before parking adjudicators) in force at the coming into operation of this Part shall, with any necessary modifications, apply in relation to such proceedings before parking adjudicators when exercising the functions of adjudicators under this section.
- (9) If the paragraphs and regulations mentioned in paragraphs (a) and (b) of subsection (8) above are repealed or revoked by the Traffic Management Act 2004 (c. 18) or regulations made under it, then until such time as regulations are in force under subsection (2) above, any regulations under section 80 of the Traffic Management Act 2004 shall, with any necessary modifications, apply in relation to representations, appeals and adjudicators as if made under the corresponding provisions of this section and section 63 (adjudicators) of this Act.