
STATUTORY INSTRUMENTS

2013 No. 1783

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013

PART 5

ENFORCEMENT OF PENALTY CHARGES

Charge certificates

17.—(1) Where a penalty charge notice is served on a person and the penalty charge to which it relates is not paid before the end of the relevant period, the charging authority serving the penalty charge notice may serve on that person a statement (a “charge certificate”) to the effect that the penalty charge in question is increased to the sum specified in the charging scheme under which it was incurred.

(2) A charging authority which has served a charge certificate on any person may cancel the charge certificate and serve or cancel such further charge certificates as it thinks fit.

(3) The “relevant period” in paragraph (1) means the period of 28 days beginning—

- (a) where no representations are made under regulation 8, with the date on which the penalty charge notice is served;
- (b) where—
 - (i) such representations are made;
 - (ii) a notice of rejection is served under regulation 10(1) by the charging authority concerned; and
 - (iii) no appeal against the notice of rejection is made,with the date on which the notice of rejection is served; or

(c) where there has been an unsuccessful appeal to an adjudicator against a notice of rejection, with the date on which notice of the adjudicator’s decision is served on the appellant.

(4) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of the adjudicator’s decision, the “relevant period” in paragraph (1) in relation to a penalty charge notice is the period of 14 days beginning with the date on which the appeal is withdrawn.

Enforcement of charge certificates

18. Where a charge certificate has been served on any person and the increased penalty charge provided for in the charge certificate (and, if applicable, the road user charge payable under the charging scheme) is not paid within the period of 14 days beginning with the date on which the charge certificate is served, the charging authority concerned may, if a county court so orders, recover the increased penalty charge (and, if applicable, the road user charge payable under the charging scheme) as if it (or they) were payable under a county court order.

Invalid notices

19.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 18;
- (b) the person against whom it is made makes a witness statement complying with paragraph (2); and
- (c) that witness statement is, within the period of 21 days beginning with the date on which notice of the county court's order is served on the maker of the witness statement, served on the county court which made the order.

(2) The witness statement must state that the person making it—

- (a) did not receive the penalty charge notice in question;
- (b) made representations to the charging authority under regulation 8 but did not receive a notice of rejection from that charging authority;
- (c) appealed to an adjudicator under regulation 11 against the rejection by that charging authority of representations made by that person under regulation 8 but—
 - (i) had no response to the appeal; or
 - (ii) the appeal had not been determined by the time that the charge certificate had been served; or
 - (iii) the appeal was determined in that person's favour; or
- (d) has paid the penalty charge to which the charge certificate relates.

(3) Where it appears to the court, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of that person's case to insist on the witness statement being served within the period mentioned in paragraph (1)(c), the court may allow such longer period for service of the witness statement as it considers appropriate.

(4) Where a witness statement is served under paragraph (1)(c), or within such longer period as may be allowed under paragraph (3)—

- (a) the order of the court is to be treated as revoked;
- (b) the charge certificate is to be treated as cancelled;
- (c) in the case of a witness statement containing such a statement as is mentioned in paragraph (2)(a), the penalty charge notice to which the charge certificate relates is to be treated as cancelled; and
- (d) the court must serve written notice of the effect of service of the witness statement on the person making it and on the charging authority concerned.

(5) Serving a witness statement containing such a statement as is mentioned in paragraph (2)(a) is not to be taken as preventing the charging authority from serving a fresh penalty charge notice on the person making the witness statement or any other person.

(6) Where a witness statement contains such a statement as is mentioned in paragraph (2)(b) or (c) (i) or (ii), the charging authority may refer the case to an adjudicator, who may give such directions as the adjudicator considers appropriate, and the provisions of Part 4 of the Schedule are to apply.

Enforcement by execution

20.—(1) Subject to paragraph (2)—

- (a) a sum to be paid by a person (other than a charging authority) under an adjudication of an adjudicator which is recoverable in accordance with regulation 16 as if it were payable under a county court order; or

- (b) an unpaid penalty charge (and, if applicable, the road user charge payable under the charging scheme) which is recoverable in accordance with regulation 18 as if it were payable under a county court order,

is to be treated for purposes of enforcement by execution as if it were a specified debt in regulation 2 of the Enforcement of Road Traffic Debts Order 1993 (“the 1993 Order”)(1).

(2) For the purposes of the enforcement of the payment of a sum referred to in paragraph (1) (a) or the enforcement of an unpaid penalty charge (and, if applicable an unpaid road user charge payable under a charging scheme) referred to in paragraph 1(b)—

- (a) any reference in the 1993 Order to “the authority” is to be read as a reference to a charging authority; and
- (b) the reference in articles 3(1) and (2) of the 1993 Order to “the time for serving a statutory declaration” is to be read as a reference to “the time for serving a witness statement” and is—
 - (i) the period of 21 days allowed by regulation 19(1)(c); or
 - (ii) where a longer period has been allowed pursuant to regulation 19(3), that period.

(1) S.I. 1993/2073, amended by SI 2001/1386.