
STATUTORY INSTRUMENTS

2013 No. 359

**The Civil Enforcement of Road Traffic Contraventions
(Representations and Appeals) (Wales) Regulations 2013**

PART 3

**REPRESENTATIONS AND APPEALS IN RELATION
TO THE IMMOBILISATION OF VEHICLES**

Appeals to an adjudicator in relation to decisions under regulation 9

10.—(1) Where an enforcement authority serves a notice of rejection under regulation 9(2)(b) in relation to representations made under regulation 8(4), the person making those representations may appeal to an adjudicator against the authority's decision—

- (a) within the period of 28 days beginning with the date of service of that notice; or
- (b) within such longer period as an adjudicator may allow.

(2) On an appeal under this regulation, the adjudicator must consider the representations in question and any additional representations which are made by the appellant together with any representations made to the adjudicator by the enforcement authority.

(3) If the adjudicator concludes—

- (a) that any of the grounds referred to in regulation 8(5) apply; and
- (b) that the enforcement authority would have been under the duty imposed by regulation 9(3) to refund any sum if it had served notice that it accepted that the ground in question applied,

the adjudicator must direct that authority to make the necessary refund.

(4) It is the duty of an enforcement authority to which a direction is given under paragraph (3) to comply with it forthwith.

(5) If the adjudicator gives no direction under paragraph (3) but is satisfied that there are compelling reasons why, in the particular circumstances of the case, some or all of the sums paid to secure the release of the vehicle should be refunded, the adjudicator may recommend the enforcement authority to make such a refund.

(6) It is the duty of an enforcement authority to which a recommendation is made under paragraph (5) to consider afresh the making of a refund of those sums taking full account of any observations by the adjudicator and, within the period of thirty-five days ("the 35-day period") beginning with the date on which the direction was given, to notify the appellant and the adjudicator as to whether or not it accepts the adjudicator's recommendation.

(7) If the enforcement authority notifies the appellant and the adjudicator that it does not accept the adjudicator's recommendation it must at the same time inform them of the reasons for its decision.

(8) No appeal to the adjudicator lies against the decision of the enforcement authority under paragraph (7).

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

(9) If the enforcement authority accepts the adjudicator's recommendation it must make the recommended refund within the 35-day period.

(10) If the enforcement authority fails to comply with the requirements of paragraph (6) within the 35-day period, the authority is to be taken to have accepted the adjudicator's recommendation and must make the recommended refund immediately after the end of that period.