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STATUTORY INSTRUMENTS

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**2013 No. 359**

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

PART 2

REPRESENTATIONS AND APPEALS IN RELATION TO NOTICES TO OWNER

**Scope of Part 2 and duty to notify rights to make representations and to appeal**

- 3.—(1) Regulations 4 to 7 have effect where—
- (a) a penalty charge notice has been served by a civil enforcement officer under regulation 9 of the General Provisions Regulations, and a notice to owner has been served by the enforcement authority under regulation 18 of those Regulations; or
  - (b) a penalty charge notice has been served under regulation 10 of those Regulations.
- (2) A penalty charge notice served under regulation 9 of the General Provisions Regulations must, in addition to the matters required to be included in it under paragraph 1 of Schedule 1 to those Regulations, include the following information—
- (a) that a person on whom a notice to owner is served is entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected; and
  - (b) that if, before a notice to owner is served, representations against the penalty charge are received at such address as may be specified for the purpose —
    - (i) those representations will be considered;
    - (ii) but that if a notice to owner is served notwithstanding those representations, representations against the penalty charge will be considered, provided that they are made in the form and manner and within the time specified in the notice to owner.
- (3) A notice to owner served under regulation 18 of the General Provisions Regulations must, in addition to the matters required to be included in it under that regulation, include the following information—
- (a) that representations on the basis specified in regulation 4 against the payment of the penalty charge may be made to the enforcement authority but that any representations made outside the period of 28 days beginning with the date on which the notice is served (“the payment period”) may be disregarded;
  - (b) the nature of the representations which may be made under regulation 4;
  - (c) the address (including if appropriate any email address or FAX telephone number, as well as the postal address) to which representations must be sent and the form in which they must be made;
  - (d) that if representations which have been made—
    - (i) within the payment period; or

- (ii) outside that period but not disregarded,  
are not accepted by the enforcement authority the recipient of the notice may appeal against the authority's decision to an adjudicator; and
  - (e) in general terms, the form and manner in which an appeal may be made.
- (4) A penalty charge notice served under regulation 10 of the General Provisions Regulations must, in addition to the matters required to be included in it under paragraph 2 of Schedule 1 to those Regulations, include the following information—
  - (a) that representations on the basis specified in regulation 4 may be made to the enforcement authority against the imposition of the penalty charge but that representations made outside the period of 28 days beginning with the date on which the penalty charge notice is served ("the representations period") may be disregarded;
  - (b) the nature of the representations which may be made under regulation 4;
  - (c) the address (including if appropriate any email address or FAX telephone number, as well as the postal address) to which representations must be sent and the form in which they must be made;
  - (d) that, if representations which have been made—
    - (i) within the representations period; or
    - (ii) outside that period but not disregarded,  
are not accepted by the enforcement authority the recipient of the penalty charge notice may appeal against the authority's decision to an adjudicator;
  - (e) where the penalty charge notice is served by virtue of regulation 10(1)(a) of the General Provisions Regulations<sup>(1)</sup>, a statement of the effects of paragraph (5) and (6).
- (5) The recipient of a penalty charge notice served under regulation 10(1)(a) of the General Provisions Regulations may, by notice in writing to the enforcement authority, request it—
  - (a) to make available at one of its offices specified by the recipient, free of charge and at a time during normal office hours so specified, for viewing by the recipient or by a representative, the record of the road traffic contravention produced by the approved device pursuant to which the penalty charge was imposed; or
  - (b) to provide the recipient, free of charge, with such still images from that record as, in the authority's opinion, establish the road traffic contravention.
- (6) Where the recipient of the penalty charge notice makes a request under paragraph (5), the enforcement authority must comply with the request within a reasonable time.

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(1) Regulation 10(1)(a) of the General Provisions Regulations applies to a penalty charge notice served on the basis of a record produced by an approved device.