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STATUTORY INSTRUMENTS

2014 No. 81

ROAD TRAFFIC, ENGLAND

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) (Amendment) Regulations 2014

Made - - - - 15th January 2014
Laid before Parliament 21st January 2014
Coming into force - - 14th February 2014

The Secretary of State for Transport, in exercise of the powers conferred by sections 163(2), 173(1) to (3) and 197(1) of the Transport Act 2000⁽¹⁾ makes the following Regulations.

Citation, commencement and application

1. These Regulations may be cited as the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) (Amendment) Regulations 2014 and come into force on 14th February 2014.

Amendment of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013

2. The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013⁽²⁾ are amended in accordance with regulations 3 and 4.

Amendment of regulation 6

- 3.—(1) In regulation 6 (person by whom penalty charge is to be paid)—
- (a) for paragraph (5) substitute—
 - “(5) Where—
 - (a) at the relevant time—

(1) 2000 c.38.
(2) S.I. 2013/1783.

- (i) the registered keeper of the relevant vehicle was a vehicle-hire firm; and
 - (ii) the relevant vehicle was hired to any person under a hire agreement with the vehicle-hire firm; and
- (b) the charging authority has been given a copy of—
- (i) a statement signed by or on behalf of the vehicle-hire firm to the effect that at the relevant time the vehicle was hired to a named person under a hire agreement;
 - (ii) a copy of the hire agreement (or, at the discretion of the charging authority, a copy of relevant extracts from the hire agreement); and
 - (iii) a copy of a statement of liability signed by the hirer under the hire agreement—
 - (aa) containing a statement by the hirer to the effect that the hirer acknowledges responsibility for any road user charges or penalty charges that may be incurred with respect to the vehicle while it is hired to the hirer; and
 - (bb) including an address given by the hirer (whether a residential, business or other address) as one at which documents may be given to the hirer,

road user charges and penalty charges are to be paid by the person who hired the vehicle under the hire agreement.”

- (b) for sub-paragraph (7)(c) substitute—

“(c) “hire agreement” and “vehicle-hire firm” have the same meanings as in sub-paragraph 13(6) of Schedule 4 to the Protection of Freedoms Act 2012.(3)

Amendment of regulation 9

4. In regulation 9 (cancellation of penalty charge notice), for sub-paragraph (1)(c) substitute—

“(c) as soon as reasonably practicable refund any sum paid in respect of the penalty charge notice and (if applicable) the road user charge.”

Signed on behalf of the Secretary of State for Transport

15th January 2014

Robert Goodwill
Parliamentary Under Secretary of State
Department for Transport

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations amend the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the “Enforcement Regulations”).

Regulation 3 amends regulation 6 of the Enforcement Regulations to replace the definition of vehicles that are on hire taken from section 66 of the Road Traffic Offenders Act 1988 with the one taken from paragraph 13 of Schedule 4 to the Protection of Freedoms Act 2012. The wording of regulation 6(5) is substituted to take account of this change.

Regulation 4 amends regulation 9 of the Enforcement Regulations to provide for the refund of not only the penalty charge but also (if applicable) any road user charge paid in circumstances where the charging authority accepts that a ground in regulation (8)(3) of the Enforcement Regulations has been established and cancels a penalty charge notice.

A regulatory impact assessment has not been produced for this instrument as it has negligible impact on the costs of business. An Explanatory Memorandum is available alongside the instrument on the UK legislation website, www.legislation.gov.uk.