

---

DRAFT STATUTORY INSTRUMENTS

---

**2018 No.**

The Littering From Vehicles Outside London  
(Keepers: Civil Penalties) Regulations 2018

PART 4

Representations and appeals

**Representations against penalty notice**

14.—(1) A person to whom a penalty notice is given may make written representations to the litter authority if it appears to the person that one or more of grounds A to L apply.

(2) The representations may only be made within the period of 28 days beginning with the day on which the penalty notice is given.

(3) Ground A is that the littering offence in question did not occur.

(4) Ground B is that the person was not the keeper of the vehicle at the time of the littering offence because the person became the keeper of the vehicle after the littering offence occurred.

(5) Ground C is that the person was not the keeper of the vehicle at the time of the littering offence because the person had disposed of the vehicle to another person before the littering offence occurred.

(6) Ground D is that the person was not the keeper of the vehicle at the time of the littering offence because the vehicle was a stolen vehicle when the littering offence occurred.

(7) Ground E is that the person—

(a) was engaged in the hiring of vehicles in the course of a business at the time of the littering offence, and

(b) was not the keeper of the vehicle at that time by virtue of a vehicle hire agreement.

(8) Ground F is that the person was not the keeper of the vehicle at the time of the littering offence for a reason not mentioned in grounds B to E.

(9) Ground G is that the litter authority was not, by virtue of regulation 4(5), authorised to give the person a penalty notice.

(10) Ground H is that the person is not liable to pay the fixed penalty by virtue of regulation 12.

(11) Ground I is that liability to pay the fixed penalty has been discharged in the circumstances set out in regulation 13.

(12) Ground J is that the fixed penalty exceeds the amount payable under these Regulations.

(13) Ground K is that the litter authority has failed to observe any requirement imposed on it by these Regulations in relation to the imposition or recovery of the fixed penalty.

(14) Ground L is that there are compelling reasons why, in the particular circumstances of the case, the penalty notice should be cancelled (whether or not any of grounds A to K apply).

(15) If a person makes representations that ground B applies, the representations must include the name and address of the other person from whom the vehicle was acquired (if known).

- (16) If a person makes representations that ground C applies, the representations must include—
- (a) the name and address of the other person to whom the vehicle had been disposed of (if known), or
  - (b) a statement that the name and address of that person is not known.

(17) If a person makes representations that ground D applies, the representations must include the crime reference number, insurance claim reference or other evidence of the vehicle's theft.

- (18) If a person makes representations that ground E applies, the representations must include—
- (a) a statement signed by or on behalf of the person to the effect that at the time of the littering offence the vehicle was hired to a named person under a vehicle hire agreement with the person, and
  - (b) a copy of the vehicle hire agreement.

(19) In paragraph (7)(b), the reference to a person ("P") being a keeper of a vehicle by virtue of a vehicle hire agreement includes a reference to any period during which, with the consent of the person hiring the vehicle, P continues in possession of the vehicle as hirer, after the expiry of any period specified in the agreement but otherwise on the terms and conditions specified in it.

- (20) In this regulation, "vehicle hire agreement" means an agreement which—
- (i) provides for a vehicle to be let to a person for a period of any duration (whether or not the period is capable of extension by agreement between the parties), and
  - (ii) is not a hire-purchase agreement within the meaning given by section 189(1) of the Consumer Credit Act 1974<sup>(1)</sup>.

---

(1) 1974 c.39. "Hire-purchase agreement" is defined in section 189.