
DRAFT STATUTORY INSTRUMENTS

2018 No.

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

PART 4

Representations and appeals

Appeal procedure

19.—(1) The Schedule to the RUCS Regulations 2013 (which relates to procedure in adjudication proceedings) applies in respect of appeals made under regulation 16 as it applies in respect of adjudication proceedings under those Regulations but as if—

- (a) each reference to a charging authority (except that in paragraph 9(1)) were a reference to a litter authority;
- (b) each reference to a notice of rejection were a reference to a notice of rejection given in accordance with regulation 15(3) to (5) of these Regulations;
- (c) each reference to a proper officer were to a proper officer appointed in accordance with regulation 18(2)(c) of these Regulations;
- (d) in paragraph 1(1) “appeal period” were defined as meaning the 28-day period referred to in regulation 16(3) of these Regulations;
- (e) in paragraph 1(2)—
 - (i) in the definition of “the original representations”, the reference to regulation 8(1), 32(3) or 35(3) (as the case may be) of the RUCS Regulations 2013 were a reference to regulation 14(1) of these Regulations;
 - (ii) the definition of “the relevant notice of rejection” were omitted;
- (f) in paragraph 2(2)(d)—
 - (i) the reference to a penalty charge notice were a reference to a penalty notice;
 - (ii) the reference to a penalty charge were a reference to a fixed penalty;
- (g) in paragraph 3(4)(a) the reference to a penalty charge notice were a reference to a penalty notice;
- (h) in paragraph 3(4)(c) the word “relevant” were omitted;
- (i) in paragraph 4(1) the reference to regulations 8(3), 32(4) or 35(4) (as the case may be) of the RUCS Regulations 2013 were a reference to regulation 14(3) to (14) of these Regulations;
- (j) for paragraph 5 there were substituted—

“Adjudicator’s power to request attendance of witnesses and production of documents

5.—(1) The adjudicator may, by notice in writing served on any person (including a party to the proceedings), request that person—

- (a) to attend, at a time and place specified by the adjudicator, to give evidence at the hearing of an appeal; and
- (b) to produce any documents in that person’s custody or under that person’s control, relating to any matter in the proceedings.

(2) An adjudicator may award the necessary expenses of any person other than the appellant who complies with a request under sub-paragraph (1).”.

- (k) in paragraph 9(1) the reference to a charging authority were a reference to a litter authority and any authorised officer of the authority (see regulation 10(1));
 - (l) in paragraph 11(1) there were inserted at the end “(including, where, despite not allowing the appeal, the adjudicator recommends that the penalty notice be cancelled, the reasons for that recommendation)”;
 - (m) in paragraph 17(1) the reference to the RUCS Regulations 2013 were a reference to these Regulations;
 - (n) in paragraph 17(4) the reference to an enforcement authority were a reference to a litter authority;
 - (o) Part 4 were omitted;
 - (p) in paragraph 21(1) the reference to the RUCS Regulations 2013 were a reference to these Regulations.
- (2) Any aspect of procedure in respect of appeals under regulation 16 not provided for under this regulation may be regulated by the adjudicators themselves.