
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Civil Enforcement of Road Traffic Contraventions
(Representations and Appeals) (England) Regulations 2022

PART 6

Consequential, savings and transitional provisions

CHAPTER 1

Revocation of the Civil Enforcement of Parking Contraventions (England)
Representations and Appeals Regulations 2007 and related provisions

**Revocation of the Civil Enforcement of Parking Contraventions (England) Representations
and Appeals Regulations 2007**

19. The Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007(1) are revoked.

Interpretation of Chapter

20.—(1) In this Chapter—

“the 2007 Appeals Regulations” means the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations, as they were in force immediately before the commencement date;

“the 2007 General Regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007(2), as they were in force immediately before the commencement date;

“the saved 2007 General Regulations” means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007, as those Regulations continue to have effect by virtue of regulation 33 of the 2022 General Regulations;

“the commencement date” means the day on which these Regulations come into force;

“owner”, in relation to a vehicle, has the meaning given by the 2007 General Regulations;

(2) This Chapter is without prejudice to section 16 of the Interpretation Act 1978.

**Saving and transitional provisions: representations and appeals in relation to penalty
charges for parking contraventions occurring before the commencement date**

21.—(1) Parts 2 and 5 of, and the Schedule to, the 2007 Appeals Regulations continue to have effect, on and after the commencement date, for the purposes of, and in connection with—

(a) any representations made to an enforcement authority—

(1) [S.I. 2007/3482](#).

(2) [S.I. 2007/3483](#). The Regulations were revoked, with savings, by the 2022 General Regulations.

- (i) against an existing penalty charge notice, or
 - (ii) under regulation 4 of the 2007 Appeals Regulations, before the commencement date;
 - (b) any appeal to an adjudicator under regulation 7 of the 2007 Appeals Regulations made before that date;
 - (c) any transitional charge case.
- (2) For the purposes of paragraph (1)(c), a “transitional charge case” is a case—
- (a) where—
 - (i) the person on whom an existing penalty charge notice was served had not, before the commencement date, made representations against the notice to the enforcement authority which served it, and
 - (ii) a notice to owner had not been served on that person by the authority before that date,
 - (b) where—
 - (i) the person on whom an existing enforcement notice was served had, before the commencement date, made no representations against the notice under regulation 4 of the 2007 Appeals Regulations, and
 - (ii) a charge certificate had not been served on that person under regulation 21 of the 2007 General Regulations before that date by the enforcement authority which served the existing enforcement notice,
 - (c) where a person is served with a new penalty charge notice, or
 - (d) where a person is served with a new enforcement notice.
- (3) In this regulation—
- “existing penalty charge notice” means a penalty charge notice served under regulation 9 or 9A of the 2007 General Regulations before the commencement date;
- “existing enforcement notice” means—
- (a) a penalty charge notice served under regulation 10 of the 2007 General Regulations before the commencement date, or
 - (b) a notice to owner served under regulation 19 of those Regulations before that date;
- “new penalty charge notice” means a penalty charge notice served under regulation 9 or 9A of the saved 2007 General Regulations on or after the commencement date;
- “new enforcement notice” means—
- (a) a penalty charge notice served under regulation 10 of the saved 2007 General Regulations on or after the commencement date, or
 - (b) a notice to owner served under regulation 19 of the saved 2007 General Regulations on or after that date.

Savings and transitional provisions: representations and appeals against immobilisation of vehicles before the commencement date

22.—(1) Parts 3 and 5 of, and the Schedule to, the 2007 Appeals Regulations continue to have effect, on and after the commencement date, for the purposes of, and in connection with—

- (a) any representations made to an enforcement authority under regulation 8 of the 2007 Appeals Regulations before the commencement date;
- (b) any appeal to an adjudicator under regulation 10 of the 2007 Appeals Regulations made before that date;

- (c) any transitional immobilisation case.
- (2) For the purposes of paragraph (1)(c), a “transitional immobilisation case” is a case—
 - (a) where, before the commencement date—
 - (i) an immobilisation device was fixed to a vehicle in accordance with regulation 12 of the General Regulations,
 - (ii) the owner or the person in charge of the vehicle (“P”) secures the release of the vehicle from the device on payment of an amount in accordance with regulation 14 of the 2007 General Regulations, and
 - (iii) P had not delivered a notice of appeal to the proper officer under the 2007 Appeals Regulations or such a notice had not been delivered on P’s behalf,
 - (b) where—
 - (i) an immobilisation device was fixed, before the commencement date, to a vehicle in accordance with regulation 12 of the General Regulations, and
 - (ii) the owner or the person in charge of the vehicle secures the release of the vehicle from the device, on or after that date, on payment of an amount in accordance with regulation 14 of the saved 2007 General Regulations, or
 - (c) where—
 - (i) an immobilisation device is fixed, on or after the commencement date, to a vehicle under regulation 12 of the saved General Regulations, and
 - (ii) the owner or the person in charge of the vehicle secures the release of the vehicle from the device on payment of an amount in accordance with regulation 14 of the saved 2007 General Regulations.
- (3) For the purposes of paragraph (2)(a)(iii) “notice of appeal” and “proper officer” have the meanings they had for the purposes of Schedule 1 to the 2007 Appeals Regulations.

Savings and transitional provisions: representations and appeals in connection with removal of vehicles before the commencement date

- 23.**—(1) Parts 4 and 5 of, and the Schedule to, the 2007 Appeals Regulations continue to have effect, on and after the commencement date, for the purposes of, and in connection with—
- (a) any representations made to an enforcement authority under regulation 11 of the 2007 Appeals Regulations before the commencement date;
 - (b) any appeal to an adjudicator under regulation 13 of the 2007 Appeals Regulations made before that date;
 - (c) any transitional removal case.
- (2) For the purposes of paragraph (1)(c), a “transitional removal case” is a case—
- (a) where, before the commencement date—
 - (i) a person (“P”)—
 - (aa) is required to pay an amount on recovery of a relevant vehicle under section 101A of the RTRA 1984,
 - (bb) receives a sum in respect of such a vehicle under section 101A(2) of that Act,

- (cc) is informed that the proceeds of sale of such a vehicle did not exceed the amount of the relevant charges⁽³⁾, or
- (dd) is informed that such a vehicle was disposed of without there being any proceeds of sale, and
- (ii) P had not delivered a notice of appeal to the proper officer under the 2007 Appeals Regulations or such a notice had not been delivered on P’s behalf, or
- (b) where, on or after the commencement date, a person—
 - (i) is required to pay an amount on recovery of a relevant vehicle under section 101A of the RTRA 1984,
 - (ii) receives a sum in respect of such a vehicle under section 101A(2) of that Act,
 - (iii) is informed that the proceeds of sale of such a vehicle did not exceed the amount of the relevant charges, or
 - (iv) is informed that such a vehicle was disposed of without there being any proceeds of sale.
- (3) For the purposes of paragraph (2)(a)(ii) “notice of appeal” and “proper officer” have the meanings they had for the purposes of Schedule 1 to the 2007 Appeals Regulations.
- (4) In this regulation—
 - “the RTRA 1984” means the Road Traffic Regulation Act 1984;
 - “relevant vehicle” means a vehicle which, before the commencement date, was—
 - (a) found in a civil enforcement area for parking contraventions, and
 - (b) removed under regulations made under section 99 of the RTRA 1984.

Savings and transitional provisions: invalid notice cases

- 24.**—(1) Part 5 of, and the Schedule to, the 2007 Appeals Regulations continue to have effect, on and after the commencement date, for the purposes of any case which was referred to an adjudicator under paragraph 19 of the Schedule to those Regulations before the commencement date.
- (2) Part 5 of, and the Schedule to, the 2007 Appeals Regulations continue to have effect for the purposes of, and in connection with any transitional invalid notice case.
- (3) For the purposes of paragraph (2), a “transitional invalid notice case” is—
- (a) a case—
 - (i) where, before the commencement date, an order of a county court was deemed under regulation 23 of the 2007 General Regulations to have been revoked following the making of a witness statement,
 - (ii) which the enforcement authority had not referred to the adjudicator for directions under paragraph 19 of the Schedule to the 2007 Appeals Regulations before that date, and
 - (iii) where any time limit for making such a referral had not expired before that date, or
 - (b) a case where, on or after the commencement date, an order of a county court is deemed under regulation 23 of the saved 2007 General Regulations to have been revoked following the making of a witness statement.

(3) “The relevant charges” is defined, in the case of a vehicle in a civil enforcement area for parking contraventions, in section 101A(3) of the RTRA 1984.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022 ISBN 978-0-348-23275-2
