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DRAFT STATUTORY INSTRUMENTS

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**2022 No.**

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

PART 4

Representations and appeals in relation to removed vehicles

**Representations about a removed vehicle**

**11.**—(1) This regulation applies where, in relation to a vehicle found in a civil enforcement area for parking contraventions and removed under regulations made under section 99 of the RTRA 1984<sup>(1)</sup>, a person (“P”)—

- (a) is required to pay an amount on recovery of the vehicle under section 101A(1) of that Act<sup>(2)</sup>,
- (b) receives a sum in respect of the vehicle under section 101A(2) of that Act,
- (c) is informed that the proceeds of sale of the vehicle did not exceed the amount of the relevant charges<sup>(3)</sup>, or
- (d) is informed that the vehicle was disposed of without there being any proceeds of sale.

(2) P must, immediately upon the happening of the occurrence referred to in paragraph (1), be notified, in writing—

- (a) of their right to make representations to the enforcement authority in accordance with this regulation, including the effect of paragraphs (3) and (4),
- (b) that any representations made outside the period of 28 days beginning with the date on which the person is so notified may be disregarded,
- (c) of the form in which the representations must be made,
- (d) of the address to which representations must be sent, including, as appropriate—
  - (i) an email address,
  - (ii) a FAX telephone number,
  - (iii) the address of any website where representations may be submitted online (and the place on that website where the relevant facility may be accessed),as well as a postal address, and

(e) of that person’s right to appeal to an adjudicator if those representations are not accepted.

(3) P may make representations to the enforcement authority to either or both of the following effects that—

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(1) The Regulations that currently apply in England are the Removal and Disposal of Vehicles Regulations 1986 (S.I. 1986/183).  
(2) Section 101A was inserted by paragraph 3(2) of Schedule 11 to the TMA 2004.  
(3) “The relevant charges” is defined, in the case of a vehicle found in a civil enforcement area for parking contraventions, in section 101A(3) of the RTRA 1984.

- (a) one or more of the grounds specified in paragraph (4) apply, or
  - (b) whether or not any of those grounds apply, there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should—
    - (i) refund some or all of the amount that was paid to secure the release of the vehicle,
    - (ii) refund some or all of the amount that was deducted from the proceeds of sale of the vehicle in respect of the relevant charges, or
    - (iii) waive its right to recover all or any of the sums due to it on account of the removal or disposal of the vehicle.
- (4) The grounds mentioned in paragraph (3)(a) are that—
- (a) the circumstances in which the vehicle had been permitted to remain at rest in a civil enforcement area for parking contraventions were not circumstances in which a penalty charge was payable by virtue of regulation 5 of the 2022 General Regulations;
  - (b) a civil enforcement officer had not, in accordance with regulation 9 of the 2022 General Regulations, fixed a penalty charge notice to the vehicle or handed such a notice to the person appearing to that officer to be in charge of the vehicle, before the vehicle was removed;
  - (c) at the time the vehicle was removed, the power to remove the vehicle conferred by paragraph (2) of regulation 5C of the Removal and Disposal of Vehicles Regulations 1986(4) was, by virtue of paragraph (3) of that regulation, not exercisable;
  - (d) the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;
  - (e) that the place where the vehicle was at rest was not in a civil enforcement area for parking contraventions;
  - (f) that the penalty charge or other charge paid to secure the release of the vehicle exceeded the amount applicable in the circumstances of the case;
  - (g) that there has been a procedural impropriety on the part of the enforcement authority.
- (5) Representations under this regulation must be made in such form as may be specified by the enforcement authority.
- (6) In determining the form for making representations, the enforcement authority must act through the joint committee.

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(4) S.I. 1986/183. Regulation 5C was inserted by S.I. 2007/3484, it was amended by S.I. 2021/461.