
DRAFT STATUTORY INSTRUMENTS

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

Appeal to an adjudicator against enforcement authority's decision to reject representations

13.—(1) A person (“P”) may appeal to an adjudicator against an enforcement authority’s decision not to accept that—

- (a) there are compelling reasons of a kind mentioned in regulation 11(3)(b), or
 - (b) any of the grounds specified in regulation 11(4) apply.
- (2) An appeal under this regulation must be made within—
- (a) the period of 28 days beginning with date of service of the decision notice under regulation 12(4)(b) informing P of P’s right to appeal under this regulation, or
 - (b) such longer period as the adjudicator may allow.
- (3) Parts 1 to 3 of Schedule 1 make further provision in connection with appeals (including procedural matters).
- (4) On an appeal under this regulation, the adjudicator must consider—
- (a) the representations made by the appellant under regulation 11(3), and
 - (b) any additional representations that are made by the appellant.
- (5) If the adjudicator concludes that—
- (a) any of the grounds specified in regulation 11(4) apply, and
 - (b) the enforcement authority would have been under the duty imposed by regulation 12(5) to refund any sum if it had served a notice that it accepted that the ground in question applied,
- the adjudicator must direct the authority to refund that sum.
- (6) An enforcement authority which is given a direction under paragraph (5)—
- (a) must comply with the direction immediately, and
 - (b) ceases to have any right to recover any sum which might otherwise have been due to it by way of a penalty charge or on account of the removal, storage or disposal of the vehicle.
- (7) If the adjudicator—
- (a) does not make a direction under paragraph (5), but
 - (b) is satisfied that there are compelling reasons why, in the particular circumstances of the case, some or all of the relevant charges paid to secure the release of the vehicle, or of the amount deducted from the proceeds of sale in respect of the relevant charges, should be refunded,

the adjudicator may recommend that the enforcement authority make such a refund.

(8) An enforcement authority to which a recommendation is made under paragraph (7) must—

- (a) consider afresh the making of a refund of those sums taking full account of any observations by the adjudicator, and
- (b) within the period of 35 days beginning with the date on which the recommendation was given (“the 35-day period”), notify the appellant and the adjudicator as to whether or not it accepts the adjudicator’s recommendation.

(9) If the enforcement authority does not accept the recommendation, the notification under paragraph (8)(b) must include the reasons for that decision.

(10) No appeal to the adjudicator lies against the decision of the enforcement authority not to accept the adjudicator’s recommendation.

(11) If the enforcement authority accepts the adjudicator’s recommendation it must make the recommended refund within the 35-day period.

(12) If the enforcement authority fails to comply with the requirements of paragraph (8) within the 35-day period, the authority—

- (a) is to be deemed have accepted the adjudicator’s recommendation, and
- (b) must make the recommended refund.