
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

Duties of an enforcement authority to which representations are made under regulation 11

12.—(1) This regulation applies where an enforcement authority receives representations under regulation 11.

(2) The enforcement authority may disregard any representations which it receives after the end of the period of 28 days beginning with the date on which the person making them (“R”) is notified under regulation 11(2) of their right to make representations.

(3) If the representations—

- (a) are made in accordance with regulation 11(3), and
- (b) are not disregarded by the enforcement authority under paragraph (2),

the authority must, within the period of 56 days beginning with the date on which the enforcement authority receives the representations (“the 56-day period”), comply with the requirements specified in paragraph (4).

(4) The requirements are that the enforcement authority must—

- (a) consider the representations and any supporting evidence which R provides, and
- (b) serve on R a notice of its decision (a “decision notice”) as to whether or not it accepts that—
 - (i) there are compelling reasons of the kind referred to in regulation 11(3)(b), or
 - (ii) any of the grounds specified in regulation 11(4) apply.

(5) If the enforcement authority accepts that any of the grounds specified in regulation 11(4) apply, it must, when serving its decision notice—

- (a) refund any amount that was—
 - (i) paid by R to secure the release of the vehicle under section 101A(1) of the RTRA 1984, or
 - (ii) deducted from the proceeds of sale of the vehicle in respect of the relevant charges in accordance with section 101A(2) of that Act, and
- (b) inform R that it has waived the 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.

(6) Paragraph (7) applies where the enforcement authority—

- (a) accepts that there are compelling reasons of a kind mentioned in regulation 11(3)(b), but

- (b) if the representations include any of the grounds specified in regulation 11(4), it does not accept that any of the stated grounds apply.
- (7) Where this paragraph applies, the enforcement authority must, when serving its decision notice—
- (a) refund the relevant amount, and
 - (b) inform R that it has waived the 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.
- (8) For the purposes of paragraph (7) “the relevant amount” means—
- (a) where R was required to pay an amount to secure the release of the vehicle under section 101A(1) of the RTRA 1984—
 - (i) that amount, or
 - (ii) so much of that amount as the enforcement authority considers appropriate in the circumstances of the case;
 - (b) where an amount was deducted from the proceeds of sale of the vehicle in respect of the relevant charges in accordance with section 101A(2) of the RTRA 1984—
 - (i) the amount so deducted, or
 - (ii) so much of that amount as the enforcement authority considers appropriate in the circumstances of the case.
- (9) Paragraphs (5) and (7) do not require an enforcement authority to refund any sum to the extent (if any) to which it was properly paid or deducted.
- (10) An authority which has waived its right to recover a sum loses its right to do so.
- (11) Where an authority does not accept that there are any compelling reasons of a kind mentioned in regulation 11(3)(b), or that any of the grounds specified in regulation 11(4) apply, its decision notice must—
- (a) inform R of R’s right to appeal to an adjudicator under regulation 13,
 - (b) indicate the nature of an adjudicator’s power to award costs, and
 - (c) describe in general terms the form and manner in which such an appeal is required to be made.
- (12) Where an enforcement authority fails to comply with the requirements in paragraph (4) before the end of the 56-day period, the authority—
- (a) is to be deemed to have accepted the representations and served a decision notice to that effect, and
 - (b) must refund—
 - (i) the relevant charges that R was required to pay under section 101A(1) of the RTRA 1984, or
 - (ii) the amount that was deducted from the proceeds of sale of the vehicle in respect of the relevant charges in accordance with section 101A(2) of that Act.