
DRAFT STATUTORY INSTRUMENTS

2022 No.

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

PART 2

Information, representations and appeals in relation
to penalty charge notices or enforcement notices

CHAPTER 2

Enforcement notices: representations and appeals

Representations against the enforcement notice

5.—(1) The recipient may make representations against the enforcement notice to the enforcement authority which served it on the recipient.

(2) The representations must be—

- (a) made in the form determined by the enforcement authority, and
- (b) to either or both of the following effects—

- (i) that in relation to the alleged contravention, one or more of the grounds specified in paragraph (4) apply;
- (ii) that, whether or not any of those grounds apply, there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should cancel the penalty charge and refund any sum paid to it on account of the penalty charge.

(3) In determining the form for making representations, the enforcement authority must act through the joint committee.

(4) The grounds mentioned in paragraph (2)(b)(i) are—

- (a) the alleged contravention did not occur;
- (b) the recipient—
 - (i) never was the owner of the vehicle in question,
 - (ii) had ceased to be its owner before the alleged contravention occurred, or
 - (iii) became its owner after the alleged contravention occurred;
- (c) at the time that the alleged contravention occurred, the vehicle in question was in the control of a person who did not have the consent of the owner;
- (d) the recipient is a vehicle-hire firm and—
 - (i) the vehicle in question was at the material time hired from that firm under a hiring agreement, and

- (ii) the person hiring it had signed a statement of liability acknowledging their liability in respect of any penalty charge notice served in respect of any relevant road traffic contravention involving the vehicle during the currency of the hiring agreement;
 - (e) the penalty charge exceeded the amount applicable in the circumstances of the case;
 - (f) there has been a procedural impropriety on the part of the enforcement authority;
 - (g) the order which is alleged to have been contravened in relation to the vehicle concerned, except where it is an order to which Part 6 of Schedule 9 to the RTRA 1984 applies, is invalid;
 - (h) if a regulation 10 penalty charge notice is served under regulation 10(2)(b) or (c) of the 2022 General Regulations, no person prevented a civil enforcement officer from—
 - (i) fixing a regulation 9 penalty charge notice to the vehicle concerned, or
 - (ii) handing such a notice to the owner or person in charge of the vehicle;
 - (i) the enforcement notice should not have been served because—
 - (i) the penalty charge has already been paid in full, or
 - (ii) the penalty charge has been paid, reduced by the amount of any discount set in accordance with Schedule 9 to the TMA 2004, by the applicable date as specified in paragraph 1(3) of Schedule 3 to the 2022 General Regulations.
- (5) Where a recipient relies on the ground specified in paragraph (4)(b)(ii), their representations must, if the information is known by the recipient, state the name and address of the person to whom the vehicle was disposed of.
- (6) Where a recipient relies on the ground specified in paragraph 4(b)(iii), their representations must, if the information is known by the recipient, state the name and address of the person from whom the recipient acquired the vehicle.
- (7) Where a recipient relies on the ground specified in paragraph (4)(d), their representations must state the name and address of the person to whom the vehicle was hired at the material time.
- (8) In this regulation—
- “alleged contravention” means the alleged relevant road traffic contravention in relation to which an enforcement notice is served;
 - “hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988(1);
 - “the material time” means the time when the alleged contravention is said to have been committed.

(1) 1988 c. 53. The definition of “hiring agreement” in section 66(8) was amended by the Road Safety Act 2006 (c. 49).