
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

Duties of an enforcement authority to which representations are made under regulation 5

6.—(1) This regulation applies where an enforcement authority receives representations from a recipient under regulation 5.

(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 relevant enforcement notice is served.

(3) If the representations are—

- (a) made in accordance with regulation 5(2), and
- (b) not disregarded by the enforcement authority under paragraph (2),

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

(4) The requirements mentioned in paragraph (3) are that enforcement authority must—

- (a) consider the representations and any supporting evidence which the recipient provides, and
- (b) serve on the recipient a notice of its decision (a “decision notice”) which states whether or not it accepts the representations made by the recipient.

(5) If the enforcement authority accepts the representations—

- (a) it must cancel the relevant enforcement notice,
- (b) its decision notice must state that the enforcement notice has been cancelled, and
- (c) when it serves the decision notice, it must refund any sum paid in relation to the relevant enforcement notice.

(6) If the enforcement authority does not accept the representations, its decision notice—

(a) must—

- (i) state that a charge certificate may be served on the recipient unless within the period of 28 days beginning with the date of service of the decision notice—
 - (aa) the penalty charge is paid, or
 - (bb) the recipient appeals to an adjudicator against the penalty charge,
- (ii) indicate the nature of an adjudicator’s power to award costs, and

- (iii) describe the form and manner in which an appeal to an adjudicator must be made, and
 - (b) may contain such other information as the enforcement authority considers appropriate.
- (7) If the enforcement authority fails to comply with the requirements specified in paragraph (4) within the 56-day period—
 - (a) it is deemed for the purposes of these Regulations to have accepted the representations made by the recipient, and
 - (b) it must—
 - (i) cancel the relevant enforcement notice,
 - (ii) refund any sum paid in relation to it, and
 - (iii) serve a notice on the recipient informing the recipient that the enforcement notice has been cancelled because the enforcement authority failed to serve a decision notice in accordance with paragraph (4)(b).
- (8) The cancellation of an enforcement notice under this regulation does not prevent the enforcement authority from serving a new enforcement notice on another person in accordance with the 2022 General Regulations.