
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

Appeal to an adjudicator against a decision to reject a recipient's representations

7.—(1) A recipient may appeal to an adjudicator against an enforcement authority's decision not to accept their representations.

(2) An appeal under this regulation must be made within—

- (a) the period of 28 days beginning with the date of service of the decision notice under regulation 6(4)(b) which states that the enforcement authority does not accept the recipient's representations, 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 under regulation 5,
- (b) any additional representations which are made by the appellant to an effect in regulation 5(2)(b), and
- (c) any representations made to the adjudicator by the enforcement authority.

(5) If the adjudicator concludes that a ground specified in regulation 5(4) applies, the adjudicator—

- (a) must allow the appeal, and
- (b) may give such directions to the enforcement authority as the adjudicator considers appropriate for the purpose of giving effect to that decision.

(6) An adjudicator may, in particular, give a direction under paragraph (5)(b) requiring any of the following—

- (a) where the relevant enforcement notice is a notice to owner, the cancellation of the penalty charge notice to which it relates;
- (b) the cancellation of the enforcement notice;
- (c) the refund of any sum paid to the enforcement authority in respect of the penalty charge.

(7) An enforcement authority which is given a direction under paragraph (5)(b) must comply with it immediately.

(8) If an adjudicator—

- (a) does not allow an appeal, but
- (b) is satisfied that there are compelling reasons why, in the particular circumstances of the case, the enforcement notice should be cancelled,

the adjudicator may recommend to the enforcement authority that it cancel the enforcement notice.

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

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

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

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

(12) If the enforcement authority accepts the adjudicator’s recommendation, the authority must—

- (a) cancel the enforcement notice, as soon as is reasonably practicable, and
- (b) refund to the appellant any sum paid in respect of the penalty charge.

(13) If an enforcement authority fails to comply with paragraph (9) within the 35-day period, the authority—

- (a) is to be taken to have accepted the adjudicator’s recommendation, and
- (b) must—
 - (i) cancel the enforcement notice, and
 - (ii) refund to the appellant any sum paid in respect of the penalty charge.