



Road Traffic Act 1991

1991 CHAPTER 40

PART II

TRAFFIC IN LONDON

Parking in London

71 Representations in relation to removal or immobilisation of vehicles.

- (1) The owner or person in charge of a vehicle who—
- (a) removes it from the custody of a London authority in accordance with subsection (4A) of section 101 of the ^{M1}Road Traffic Regulation Act 1984 (ultimate disposal of vehicles abandoned and removable under that Act);
 - (b) receives any sum in respect of the vehicle under subsection (5A) of that section;
 - (c) is informed that the proceeds of sale of the vehicle did not exceed the aggregate amount mentioned in subsection (5A) of that section; or
 - (d) secures its release from an immobilisation device in accordance with section 69(4) of this Act,
- shall thereupon be informed of his right under this section to make representations to the relevant authority and of the effect of section 72 of this Act.
- (2) The relevant authority shall give that information, or shall cause it to be given, in writing.
- (3) Any person to whom subsection (1) above applies may make representations to the relevant authority on one or more of the grounds mentioned in subsection (4) below.
- (4) The grounds are—
- (a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking place in circumstances specified in section 66(2)(a), (b) or (c) of this Act;

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- (b) that the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner;
 - (c) that the place in which the vehicle was at rest was not a designated parking place;
 - (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 of this Act did not apply to the vehicle at the time in question; or
 - (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.
- (5) An authority may disregard any representations which are received by them after the end of the period of 28 days beginning with the date on which the person making them is informed, under subsection (1) above, of his right to make representations.
- (6) It shall be the duty of an authority to whom representations are duly made under this section, before the end of the period of 56 days beginning with the date on which they receive the representations—
- (a) to consider them and any supporting evidence which the person making them provides; and
 - (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.
- (7) Where an authority serve notice under subsection (6)(b) above that they accept that a ground has been established they shall (when serving that notice) refund any sums—
- (a) paid under subsection (4A) of section 101 of the Act of 1984 when the vehicle was removed from the custody of the authority;
 - (b) deducted from the proceeds of sale of the vehicle under subsection (5A) of that section; or
 - (c) paid under section 69(4) of this Act when the vehicle was released,
- except to the extent (if any) to which those sums were properly paid or deducted.
- (8) Where an authority serve notice under subsection (6)(b) above that they do not accept that a ground has been established, that notice shall—
- (a) inform the person on whom it is served of his right to appeal to a parking adjudicator under section 72 of this Act;
 - (b) indicate the nature of a parking adjudicator's power to award costs against any person appealing to him under that section; and
 - (c) describe in general terms the form and manner in which such an appeal is required to be made.
- (9) Where an authority fail to comply with subsection (6) above before the end of the period of 56 days mentioned there—
- (a) they shall be deemed to have accepted that the ground in question has been established and to have served notice to that effect under subsection (7) above; and
 - (b) subsection (7) above shall have effect as if it required any refund to be made immediately after the end of that period.
- (10) A person who makes any representation under this section or section 72 of this Act which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.

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- (11) Any person convicted of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) Any notice required to be served under this section may be served by post.
- (13) Where the person on whom any document is required to be served by subsection (6) above is a body corporate, the document is duly served if it is sent by post to the secretary or clerk of that body.
- (14) In this section and in section 72 of this Act “relevant authority” has the same meaning as in section 69(8) of this Act.

Modifications etc. (not altering text)

- C1** S. 71 modified: (5.7.1993) by S.I. 1993/1474, **art. 6(2)**; (4.10.1993) by S.I. 1993/2237, **art. 6(2)**; (6.12.1993) by S.I. 1993/2804, **art. 5(2)**; (31.1.1994) by S.I. 1993/3239, **art. 5(2)**
S. 71 modified (4.7.1994) by: S.I. 1994/1488, **art. 5(2)**; S.I. 1994/1489, **art. 5(2)**; S.I. 1994/1490, **art. 5(2)**; S.I. 1994/1491, **art. 5(2)**; S.I. 1994/1492, **art. 5(2)**; S.I. 1994/1493, **art. 5(2)**; S.I. 1994/1494, **art. 5(2)**; S.I. 1994/1495, **art. 5(2)**; S.I. 1994/1496, **art. 5(2)**; S.I. 1994/1497, **art. 5(2)**; S.I. 1994/1498, **art. 5(2)**; S.I. 1994/1499, **art. 5(2)**; S.I. 1994/1500, **art. 5(2)**; S.I. 1994/1501, **art. 5(2)**; S.I. 1994/1502, **art. 5(2)**; S.I. 1994/1504, **art. 5(2)**; S.I. 1994/1505, **art. 5(2)**; S.I. 1994/1506, **art. 5(2)**; S.I. 1994/1507, **art. 5(2)**; S.I. 1994/1508, **art. 5(2)**; S.I. 1994/1509, **art. 5(2)**; S.I. 1994/1510, **art. 5(2)**; S.I. 1994/1613, **art. 5(2)**
S. 71 modified (1.1.1997) by S.I. 1996/3038, **art. 6(2)**
S. 71 modified (1.7.1997) by S.I. 1997/1342, **art. 6(2)**
S. 71 modified (1.6.1998) by S.I. 1998/1134, **art. 6(2)**
- C2** S. 71 applied (with modifications): (20.5.1996) by S.I. 1996/1171, **art. 4, Sch. 1**; (3.2.1997) by S.I. 1996/2650, **art. 4, Sch. 2**
S. 71 applied (with modifications): (3.3.1997) by S.I. 1997/56, **art. 5, Sch. 3**; (29.9.1997) by S.I. 1997/2078, **art. 5, Sch. 3**; (27.10.1997) by S.I. 1997/2304, **art. 5, Sch. 1**
S. 71 applied (with modifications) (5.10.1998) by S.I. 1998/1539, **art. 4, Sch. 2 paras. 2-5**(as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), reg. 1, sch. 2 para. 21(3) (with sch. 1))
S. 71 applied (with modifications) (19.1.1999) by S.I. 1998/3207, **art. 4, Sch. 1**
S. 71 applied (with modifications): (5.4.1999) by S.I. 1999/131, **art. 5, Sch. 2**; (5.4.1999) by S.I. 1999/768, **art. 5, Sch. 1**; (10.5.1999) by S.I. 1999/1112, **art. 5, Sch. 1**; (S.) (4.10.1999) by S.S.I. 1999/59, **art. 4, Sch. 2** (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), reg. 1, sch. 2 para. 20(3) (with sch. 1)); (3.1.2000) by S.I. 1999/3313, **art. 5, Sch. 1**; (4.1.2000) by S.I. 1999/3314, **art. 5, Sch. 1**; (10.1.2000) by S.I. 1999/3401, **art. 5, Sch. 1**; (10.1.2000) by S.I. 1999/3402, **art. 5, Sch. 1**; (10.1.2000) by S.I. 1999/3403, **art. 5, Sch. 1**; (10.1.2000) by S.I. 1999/3404, **art. 5, Sch. 1**; (10.1.2000) by S.I. 1999/3405, **art. 5, Sch. 1**
S. 71 applied (with modifications): (1.2.2000) by S.I. 2000/8, **art. 5, Sch. 2**; (1.4.2000) by S.I. 2000/699, **art. 5, Sch. 1**; (3.4.2000) by S.I. 2000/722, **art. 5, Sch. 1**; (10.4.2000) by S.I. 2000/791, **art. 5, Sch. 1**; (1.9.2000) by S.I. 2000/2120, **art. 5, Sch. 1**; (4.9.2000) by S.I. 2000/2169, **art. 5, Sch. 1**; (2.10.2000) by S.I. 2000/2430, **art. 5, Sch. 1**; (8.10.2000) by S.I. 2000/2534, **art. 5, Sch. 1**; (30.10.2000) by S.I. 2000/1719, **art. 5, Sch. 1**; (13.11.2000) by S.I. 2000/2871, **art. 5, Sch. 3**; (15.1.2001) by S.I. 2000/3317, **art. 5, Sch. 1**
S. 71 applied (with modifications): (23.1.2001) by S.I. 2001/1, **art. 5, Sch. 1**; (19.2.2001) by S.I. 2001/180, **art. 5, Sch. 1**; (1.4.2001) by S.I. 2001/787, **art. 5, Sch. 1**; (1.4.2001) by S.I. 2001/849, **art. 5, Sch. 1**; (2.4.2001) by S.I. 2001/894, **art. 5, Sch. 1**; (1.9.2001) by S.I. 2001/1427, **art. 5, Sch. 1**; (1.7.2001) by S.I. 2001/1789, **art. 5, Sch. 1**; (2.7.2001) by S.I. 2001/1855, **art. 5, Sch. 1**; (2.7.2001) by S.I. 2001/1856, **art. 5, Sch. 1**; (16.7.2001) by S.I. 2001/2272, **art. 5, Sch. 1**; (3.9.2001) by S.I.

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- 2001/2818, art. 5, **Sch. 1**; (3.9.2001) by S.I. 2001/2819, art. 5, **Sch. 1**; (3.9.2001) by S.I. 2001/2883, art. 5, **Sch. 1**; (1.10.2001) by S.I. 2001/3058, art. 5, **Sch. 1**; (1.10.2001) by S.I. 2001/3059, art. 5, **Sch. 1**; (5.11.2001) by S.I. 2001/3397, art. 5, **Sch. 1**; (26.11.2001) by S.I. 2001/3565, art. 5, **Sch. 1**
- S. 71 applied (with modifications): (4.2.2002) by S.I. 2002/37, **art. 5**, **Sch. 1**; (25.2.2002) by S.I. 2002/126, **art. 5**, **Sch. 1**; (4.3.2002) by S.I. 2002/276, **art. 5**, **Sch. 1**; (25.3.2002) by S.I.2002/421, **art. 5**, **Sch. 1**; (2.4.2002) by S.I.2002/422, **art. 5**, **Sch. 1**; (5.6.2002) by S.I.2002/1351, **art. 5**, **Sch. 1**; (5.6.2002) by S.I.2002/1352, **art. 5**, **Sch. 1**; (1.7.2002) by S.I.2002/1353, **art. 5**, **Sch. 1**; (1.7.2002) by S.I.2002/1484, **art. 5**, **Sch. 1**; (1.7.2002) by S.I.2002/1485, **art. 5**, **Sch. 1**; (1.7.2002) by S.I.2002/1486, **art. 5**, **Sch. 1**; (1.7.2002) by S.I.2002/1504, **art. 5**, **Sch. 1**; (15.7.2002) by S.I.2002/1621, **art. 5**, **Sch. 1**; (S.) (1.10.2002) by S.S.I. 2002/398, **art. 4**, **Sch. 2** (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), reg. 1, sch. 2 para. 19(3) (with sch. 1)); (1.10.2002) by S.I. 2002/2012, **art. 5**, **Sch. 1**; (1.10.2002) by S.I. 2002/2183, **art. 5**, **Sch. 1**; (1.10.2002) by S.I. 2002/2184, **art. 5**, **Sch. 1**; (1.10.2002) by S.I. 2002/2185, **art. 5**, **Sch. 1**; (1.10.2002) by S.I. 2002/2186, **art. 5**, **Sch. 1**; (1.10.2002) by S.I. 2002/2187, **art. 5**, **Sch. 1**; (14.10.2002) by S.I. 2002/2188, **art. 5**, **Sch. 1**; (25.11.2002) by S.I. 2002/2705, **art. 5**, **Sch. 1**; (20.1.2003) by S.I. 2002/2520, **art. 5**, **Sch. 1**; (3.2.2003) by S.I. 2002/3265, **art. 6**, **Sch. 1**; (3.2.2003) by S.I. 2002/3266, **art. 5**, **Sch. 1**
- C3** Ss. 69-74 applied (with modifications) (17.2.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (District of Bath and North East Somerset) Order 2003 (S.I. 2003/95), arts. 1, 5, **Sch. 1** (with art. 3)
- C4** Ss. 69-74 applied (with modifications) (3.3.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Dorset) (Borough of Christchurch) Order 2003 (S.I. 2003/251), arts. 1, 5, **Sch. 1**
- C5** Ss. 69-74 applied (with modifications) (S.) (3.3.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Aberdeen City Council) Designation Order 2003 (S.S.I. 2003/70), arts. 1, 4, **sch. 2** (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), reg. 1, sch. 2 para. 18(3) (with sch. 1))
- C6** Ss. 69-74 applied (with modifications) (1.4.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Essex) (District of Basildon) Order 2003 (S.I. 2003/635), arts. 1, 5, **Sch. 1** (with art. 3)
- C7** Ss. 69-74 applied (with modifications) (1.4.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Essex) (District of Maldon) Order 2003 (S.I. 2003/634), arts. 1, 5, **Sch. 1** (with art. 3)
- C8** Ss. 69-74 applied (with modifications) (21.4.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Slough) Order 2003 (S.I. 2003/898), arts. 1, 5, **Sch. 1**
- C9** Ss. 69-74 applied (with modifications) (2.6.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Redcar and Cleveland) Order 2003 (S.I. 2003/1261), arts. 1, 5, **Sch. 1**
- C10** Ss. 69-74 applied (with modifications) (30.6.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Buckinghamshire)(District of Aylesbury Vale) Order 2003 (S.I. 2003/1262), arts. 1, 5, **Sch. 1**
- C11** Ss. 69-74 applied (with modifications) (1.9.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area)(Borough of Swindon) Order 2003 (S.I. 2003/1924), arts. 1, 5, **Sch. 1**
- C12** Ss. 69-74 applied (with modifications) (1.9.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Middlesbrough) Order 2003 (S.I. 2003/1984), arts. 1, 5, **Sch. 1**
- C13** Ss. 69-74 applied (with modifications) (22.9.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (City of Peterborough) Order 2003 (S.I. 2003/2153), arts. 1, 5, **Sch. 1** (with art. 3)
- C14** Ss. 69-74 applied (with modifications) (29.9.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Cumbria) (Borough of Copeland) Order 2003 (S.I. 2003/2152), arts. 1, 5, **Sch. 1** (with art. 3)

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- C15** Ss. 69-74 applied (with modifications) (6.10.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hertfordshire) (Borough of Dacorum) Order 2003 (S.I. 2003/2326), arts. 1, 5, **Sch. 1** (with art. 3)
- C16** Ss. 69-74 applied (with modifications) (13.10.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Cumbria) (Borough of Allerdale) Order 2003 (S.I. 2003/2334), arts. 1, 5, **Sch. 1** (with art. 3)
- C17** Ss. 69-74 applied (with modifications) (20.10.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Hampshire) (Borough of Test Valley) Order 2003 (S.I. 2003/2336), arts. 1, 5, **Sch. 1** (with art. 3)
- C18** Ss. 69-74 applied (with modifications) (1.11.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Essex) (District of Harlow) Order 2003 (S.I. 2003/2440), arts. 1, 5, **Sch. 1** (with art. 3)
- C19** Ss. 71-74 applied (with modifications) (10.11.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Borough of Blackpool) Order 2003 (S.I. 2003/2677), arts. 1, 5, **Sch. 1** (with art. 3)
- C20** Ss. 69-74 applied (with modifications) (17.11.2003) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wirral) Order 2003 (S.I. 2003/2711), arts. 1, 5, **Sch. 1**
- C21** Ss. 69-74 applied (with modifications) (1.2.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area)(County of Carmarthenshire) Order 2004 (S.I. 2004/104), arts. 1, 4, **Sch. 1**
- C22** Ss. 69-74 applied (with modifications) (2.2.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Bedfordshire) (Districts of Mid-Bedfordshire and South Bedfordshire) Order 2004 (S.I. 2004/13), arts. 1, 5, **Sch. 1** (with art. 3)
- C23** Ss. 69-74 applied (with modifications) (1.4.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Dundee City Council) Designation Order 2004 (S.S.I. 2004/87), arts. 1, 4, **sch. 2** (as amended (1.4.2020) by The First-tier Tribunal for Scotland (Transfer of Functions of Parking Adjudicators) Regulations 2020 (S.S.I. 2020/95), reg. 1, sch. 2 para. 17(3) (with sch. 1))
- C24** Ss. 69-74 applied (with modifications) (26.4.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (District of Mole Valley) Order 2004 (S.I. 2004/914), arts. 1, 5, **Sch. 1** (with art. 3)
- C25** Ss. 69-74 applied (with modifications) (1.6.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (Metropolitan Borough of Wigan) Order 2004 (S.I. 2004/1305), arts. 1, 5, **Sch. 1**
- C26** Ss. 69-74 applied (with modifications) (1.6.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (Borough of Reigate and Banstead) Order 2004 (S.I. 2004/1285), arts. 1, 5, **Sch. 1** (with art. 3)
- C27** Ss. 69-74 applied (with modifications) (1.6.2004) by The Road Traffic (Permitted Parking Area and Special Parking Area) (County of Surrey) (Borough of Guildford) Order 2004 (S.I. 2004/1278), arts. 1, 5, **Sch. 1** (with art. 3)

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