
STATUTORY INSTRUMENTS

2004 No. 176

The Fines Collection Regulations 2004

Part IV—

Clamping of Motor Vehicles

Reference of a complaint or claim to the magistrates' court for decision

26.—(1) A complainant who is dissatisfied with the senior manager's or fines officer's decision on his complaint or claim may, within 10 working days of the date of the decision letter or such further time as the court may allow, refer the complaint or claim to the court for decision.

(2) A reference to the court under paragraph (1) above must be made in writing on the form provided by the senior manager or the fines officer with his decision letter.

(3) On receipt of a reference the listing officer must list it for expedited hearing.

(4) When the reference is listed for hearing the court must send written notice to the complainant—

(a) of the date, time and place of the hearing,

(b) the subject matter of the reference, and

(c) that he may attend, and be represented at, the hearing and submit written representations but that if he does none of these things his complaint is more likely to be rejected,

and must notify the fines officer and, as the case may be, the senior manager of the date, time and place of the hearing.

(5) When a complaint or claim is referred to the court against a decision of the senior manager of the contractor, he must ensure that a copy of his decision letter and such further information about the complaint or claim as the court may require is provided to the court via the listing officer in readiness for the hearing of the reference.

(6) When the complaint is referred to the court against a decision of the fines officer, he must ensure that his decision letter, the file concerning P's case, information available about P's means, his conviction and the fine imposed, the terms of the collection order, the dates and amounts of any payments received and copies of the increase notice, any further steps notice and the clamping order, are provided to the court via the listing officer in readiness for the hearing of the reference.

(7) The senior manager or, as the case may be, the fines officer must make himself available for the hearing but only for the purpose of answering the court's questions or providing information.

(8) On the hearing of the reference the court must make such a decision and give such directions to the senior manager or, as the case may be, the fines officer to implement the decision as the court thinks fit and the senior manager or, as the case may be, the fines officer must comply with the court's decision and directions.