
STATUTORY INSTRUMENTS

2007 No. 3482

**The Civil Enforcement of Parking Contraventions
(England) Representations and Appeals Regulations 2007**

PART 4

REPRESENTATIONS AND APPEALS IN RELATION TO REMOVED VEHICLES

Appeals to an adjudicator in relation to decisions under regulation 12

13.—(1) Where an authority serves a notice of rejection under regulation 12(2)(b) in relation to representations under regulation 11(4), the person making those representations may, before—

- (a) the end of the period of 28 days beginning with the date of service of that notice; or
- (b) such longer period as an adjudicator may allow,

appeal to an adjudicator against the authority's decision.

(2) On an appeal under this regulation, the adjudicator shall consider the representations in question and any additional representations that are made by the appellant.

(3) If the adjudicator concludes—

- (a) that any of the grounds referred to in subparagraphs (a) to (g) of regulation 11(5) applies; and
- (b) that the enforcement authority would have been under the duty imposed by regulation 12(3) to refund any sum if it had served notice that it accepted that the ground in question applied,

he shall direct that authority to refund that sum.

(4) It shall be the duty of an enforcement authority to which a direction is given under paragraph (3) to comply with it forthwith and the enforcement authority shall cease to have any right to recover any sum which might otherwise have been due to it by way of a penalty charge or on account of the removal, storage or disposal of the vehicle.

(5) If the adjudicator gives no direction under paragraph (3) but is satisfied that there are compelling reasons why, in the particular circumstances of the case, some or all of the sums paid to secure the release of the vehicle, or deducted from the proceeds of sale, should be refunded, he may recommend the enforcement authority to make such a refund.

(6) It shall be the duty of an enforcement authority to which a recommendation is made under paragraph (5) to consider afresh the making of a refund of those sums taking full account of any observations by the adjudicator and, within the period ("the 35-day period") of thirty-five days beginning with the date on which the direction was given, to notify the appellant and the adjudicator as to whether or not it accepts the adjudicator's recommendation.

(7) If the enforcement authority notifies the appellant and the adjudicator that it does not accept the adjudicator's recommendation, it shall at the same time inform them of the reasons for its decision.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(8) No appeal to the adjudicator shall lie against the decision of the enforcement authority under paragraph (7).

(9) If the enforcement authority accepts the adjudicator's recommendation it shall make the recommended refund within the 35-day period.

(10) If the enforcement authority fails to comply with the requirements of paragraph (6) within the 35-day period, the authority shall be taken to have accepted the adjudicator's recommendation and shall make the recommended refund immediately after the end of that period.