
STATUTORY INSTRUMENTS

2008 No. 609

**The Civil Enforcement of Parking Contraventions
(Penalty Charge Notices, Enforcement and
Adjudication) (Wales) Regulations 2008**

PART 4

ENFORCEMENT OF PENALTY CHARGES

Invalid notices

15.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 14;
- (b) the person against whom it is made makes a witness statement complying with paragraph (2); and
- (c) that statement is served on the county court which made the order, before the end of—
 - (i) the period of 21 days beginning with the date on which notice of the county court's order is served on him; or
 - (ii) such longer period as may be allowed under paragraph (4).

(2) The witness statement must state one and only one of the following—

- (a) that the person making it did not receive the notice to owner in question;
- (b) that he made representations to the enforcement authority under regulation 4 of the Representations and Appeals Regulations but did not receive from that authority a notice of rejection in accordance with regulation 6 of those Regulations;
- (c) that he appealed to an adjudicator under regulation 7 of those Regulations against the rejection by the enforcement authority of representations made by him under regulation 4 of those Regulations but—
 - (i) he had no response to the appeal;
 - (ii) the appeal had not been determined by the time that the charge certificate had been served; or
 - (iii) the appeal was determined in his favour; or
- (d) that he has paid the penalty charge to which the charge certificate relates.

(3) Paragraph (4) applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on his serving his witness statement within the period of 21 days allowed for by paragraph (1).

(4) Where this paragraph applies, the district judge may allow such longer period for service of the witness statement as he considers appropriate.

(5) Where a witness statement is served under paragraph (1)(c)—

- (a) the order of the court shall be deemed to have been revoked;
 - (b) the charge certificate shall be deemed to have been cancelled;
 - (c) in the case of a statement under paragraph (2)(a), the notice to owner to which the charge certificate relates shall be deemed to have been cancelled; and
 - (d) the district judge shall serve written notice of the effect of service of the statement on the person making it and on the enforcement authority concerned.
- (6) Subject to regulation 12, service of a witness statement under paragraph (2)(a) shall not prevent the enforcement authority from serving a fresh notice to owner.
- (7) Where a witness statement has been served under paragraph (2)(b), (c) or (d), the enforcement authority shall refer the case to the adjudicator who may give such directions as he considers appropriate and the parties shall comply with those directions.
- (8) A witness statement under this regulation may be served on the county court by email in accordance with Section I of Practice Direction 5B supplementing Part 5 of the Civil Procedure Rules 1998(1).
- (9) In this regulation—
- (a) references to a “notice to owner” include a regulation 6 penalty charge notice; and
 - (b) “witness statement” means a statement which is a witness statement for the purposes of the Civil Procedure Rules 1998 and which is supported by a statement of truth in accordance with Part 22 of those Rules.

(1) S.I. 1998/3132, to which there are amendments not relevant to these Regulations.