
STATUTORY INSTRUMENTS

2013 No. 1783

The Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013

PART 2

PENALTY CHARGES

Imposition of penalty charge

4.—(1) A charging scheme may provide that a penalty charge is to be imposed in respect of a motor vehicle where—

- (a) the motor vehicle has been used or kept on a designated road;
- (b) events have occurred by reference to the happening of which a road user charge is imposed by the charging scheme; and
- (c) the road user charge has not been paid in full within the time and in the manner in which it is required by the charging scheme to be paid.

(2) A charging scheme may further provide that a penalty charge is to be imposed in respect of—

- (a) the release of a motor vehicle from an immobilisation device fixed to it in accordance with regulation 25;
- (b) the removal of a motor vehicle in accordance with regulation 27;
- (c) the storage and release from storage of a motor vehicle so removed; and
- (d) the disposal of a motor vehicle so removed in accordance with regulation 28.

(3) If a charging scheme so provides a penalty charge is to be payable.

(4) A charging scheme is to specify whether a penalty charge referred to in paragraph (1) or (2) is payable in addition to the road user charge or instead of such charge.

Setting the rates and maximum amounts of penalty charge

5.—(1) The rates of penalty charges imposed by a charging scheme are to be—

- (a) specified in the charging scheme; or
- (b) communicated to users of the designated road in the manner specified in the charging scheme.

(2) A charging scheme is to provide that a penalty charge arising under regulation 4(1) is to be paid in full within the period of 28 days beginning with the date on which a penalty charge notice is served.

(3) If the penalty charge of the type described in regulation 4(1) is paid prior to the end of the fourteenth day of the period referred in paragraph (2) the charging scheme is to provide that it is reduced by one half.

(4) If the penalty charge of the type described in regulation 4(1) is not paid before a charge certificate to which it relates is served by the charging authority in accordance with regulation 17, the charging scheme is to provide that the penalty charge is increased by one half.

(5) The maximum amount of the penalty charge that a charging scheme may impose of the type described in regulation 4(1) is £120.

(6) The maximum amount of the penalty charge that a charging scheme may impose of the type described in regulation 4(2)(a) is £70.

(7) The maximum amount of the penalty charge that a charging scheme may impose of the type described in regulation 4(2)(b) is £200.

(8) The maximum amount of the penalty charge that a charging scheme may impose of the type described in regulation 4(2)(c) is £40 for each day or part of a day during which the motor vehicle is stored.

(9) The maximum amount of the penalty charge that a charging scheme may impose of the type described in regulation 4(2)(d) is £70.

Person by whom penalty charge is to be paid

6.—(1) Unless any of the circumstances in paragraphs (2) to (5) apply, road user charges and penalty charges imposed upon a relevant vehicle by a charging scheme are to be paid by the registered keeper of that vehicle.

(2) Where the relevant vehicle is not registered under the Vehicle Excise and Registration Act 1994 road user charges and penalty charges are to be paid by the person by whom the relevant vehicle was used or kept on the designated road at the relevant time.

(3) Where before the relevant time the registered keeper had notified the Secretary of State in writing, in accordance with regulation 22, 23 or 24 of the Road Vehicles (Registration and Licensing) Regulations 2002 (“the 2002 Regulations”)(1), that there had been a change of ownership of the relevant vehicle so that it was no longer kept by that person, road user charges and penalty charges are to be payable by the person by whom the relevant vehicle was used or kept at the relevant time.

(4) Where at the relevant time the relevant vehicle was used or kept by a person who was a vehicle trader and that vehicle trader was not the registered keeper road user charges and penalty charges are payable by that person.

(5) Where—

(a) at the relevant time—

(i) the registered keeper of the relevant vehicle was a vehicle-hire firm; and

(ii) the relevant vehicle was hired to any person under a hiring agreement with the vehicle-hire firm; and

(b) the charging authority has been given a copy of—

(i) a statement signed by or on behalf of the vehicle-hire firm to the effect that at the relevant time the vehicle was hired to a named person under a hiring agreement;

(ii) a copy of the hiring agreement (or, at the discretion of the charging authority, a copy of relevant extracts from the hiring agreement); and

(iii) a copy of a statement of liability signed by the hirer under the hire-agreement—

(1) S.I. 2002/2742. Relevant amending instruments for regulation 22 are S.I. 2003/3073, 2003/2154, 2004/238, 2004/1773 and 2007/1018. Relevant amendments were made to regulation 23 by S.I. 2003/3073. Relevant amending instruments for regulation 24 are S.I. 2003/3073, 2004/238, 2004/1773, 2007/1018, 2003/2154, 2004/238, 2004/1773 and 2007/1018.

- (aa) containing a statement by the hirer to the effect that the hirer acknowledges liability for any road user charges or penalty charges that may be incurred with respect to the vehicle while it is hired to the hirer; and
- (bb) including an address given by the hirer (whether a residential, business or other address) as one at which documents may be given to the hirer,

road user charges and penalty charges are to be paid by the person who hired the vehicle under the hiring agreement.

(6) The date on which the registered keeper is to be taken for the purposes of these Regulations to have notified the Secretary of State as mentioned in paragraph (3) is the date on which service on the Secretary of State is to be taken to have been effected in accordance with section 7 of the Interpretation Act 1978⁽²⁾ of—

- (a) in a case where regulation 22 of the 2002 Regulations applies, parts of the registration document in accordance with regulation 22(2)(b);
- (b) in a case where regulation 23 of the 2002 Regulations applies, notification in accordance with regulation 23(2); or
- (c) in a case where regulation 24 of the 2002 Regulations applies, the information and declarations in accordance with regulation 24(5)(a).

(7) In this regulation—

- (a) “relevant vehicle” means a motor vehicle in respect of which road user charges or penalty charges are imposed by a charging scheme due to it having been used or kept on a designated road;
- (b) “relevant time” means the time at which a relevant vehicle was used or kept on a designated road so as to incur road user charges under a charging scheme;
- (c) “hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988⁽³⁾; and
- (d) “vehicle trader” has the same meaning as in regulation 20(6) of the 2002 Regulations.

(2) 1978 c.30.
(3) 1988 c.53.