
STATUTORY INSTRUMENTS

2013 No. 1783

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

PART 5

ENFORCEMENT OF PENALTY CHARGES

Invalid notices

19.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 18;
- (b) the person against whom it is made makes a witness statement complying with paragraph (2); and
- (c) that witness statement is, within the period of 21 days beginning with the date on which notice of the county court's order is served on the maker of the witness statement, served on the county court which made the order.

(2) The witness statement must state that the person making it—

- (a) did not receive the penalty charge notice in question;
- (b) made representations to the charging authority under regulation 8 but did not receive a notice of rejection from that charging authority;
- (c) appealed to an adjudicator under regulation 11 against the rejection by that charging authority of representations made by that person under regulation 8 but—
 - (i) had no response to the appeal; or
 - (ii) the appeal had not been determined by the time that the charge certificate had been served; or
 - (iii) the appeal was determined in that person's favour; or

(d) has paid the penalty charge to which the charge certificate relates.

(3) Where it appears to the court, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of that person's case to insist on the witness statement being served within the period mentioned in paragraph (1)(c), the court may allow such longer period for service of the witness statement as it considers appropriate.

(4) Where a witness statement is served under paragraph (1)(c), or within such longer period as may be allowed under paragraph (3)—

- (a) the order of the court is to be treated as revoked;
- (b) the charge certificate is to be treated as cancelled;
- (c) in the case of a witness statement containing such a statement as is mentioned in paragraph (2)(a), the penalty charge notice to which the charge certificate relates is to be treated as cancelled; and

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- (d) the court must serve written notice of the effect of service of the witness statement on the person making it and on the charging authority concerned.
- (5) Serving a witness statement containing such a statement as is mentioned in paragraph (2)(a) is not to be taken as preventing the charging authority from serving a fresh penalty charge notice on the person making the witness statement or any other person.
- (6) Where a witness statement contains such a statement as is mentioned in paragraph (2)(b) or (c) (i) or (ii), the charging authority may refer the case to an adjudicator, who may give such directions as the adjudicator considers appropriate, and the provisions of Part 4 of the Schedule are to apply.