
STATUTORY INSTRUMENTS

2013 No. 1783

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

PART 7

**REPRESENTATIONS AND APPEALS IN RELATION TO
POWERS EXERCISED IN RESPECT OF MOTOR VEHICLES**

Appeals to adjudicator in relation to decisions under regulation 36

37.—(1) Where a charging authority serves a notice of rejection under regulation 36(4) in relation to representations made under regulation 35(3) the person making those representations may, within—

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

appeal to an adjudicator against the charging authority's decision.

(2) An appeal pursuant to this regulation must be made by delivering a notice of appeal to the proper officer.

(3) If the notice of appeal is delivered to the proper officer after the period described in paragraph (1)(a) and the appellant includes a statement of reasons for the delay the proper officer may at the proper officer's discretion allow the appeal to proceed.

(4) On an appeal under this regulation, the adjudicator must consider the representations in question and any additional representations which are made by the appellant together with any representations made to the adjudicator by the charging authority.

(5) If the adjudicator concludes—

- (a) that any of the grounds referred to in regulation 35(4) apply; and
- (b) that the charging authority would have been under the duty imposed by regulation 36(3) to refund any sum if it had served notice that it accepted that the ground in question applied,

the adjudicator must direct the charging authority to refund that sum.

(6) It is the duty of a charging authority to which a direction is given under paragraph (5) to comply with it as soon as reasonably practicable.

(7) If the adjudicator gives no direction under paragraph (5) 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 motor vehicle or deducted from the proceeds of sale should be refunded, the adjudicator may recommend to the charging authority in writing that it makes such a refund.

(8) It is the duty of a charging authority to which a recommendation is made under paragraph (7) to consider afresh the making of a refund of those sums taking full account of any observations by the adjudicator and, within the period of 35 days beginning with the date on which the recommendation

is received to notify the appellant and the adjudicator as to whether or not it accepts the adjudicator's recommendation.

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

(10) No appeal to the adjudicator lies against the decision of the charging authority under paragraph (9).

(11) If the charging authority accepts the adjudicator's recommendation it must make the recommended refund as soon as reasonably practicable.

(12) If the charging authority fails to comply with the requirements of paragraph (8) within the 35 day period, the charging authority is to be taken to have accepted the adjudicator's recommendation and must make the recommended refund as soon as reasonably practicable after the end of that period.