
STATUTORY INSTRUMENTS

2013 No. 359

**The Civil Enforcement of Road Traffic Contraventions
(Representations and Appeals) (Wales) Regulations 2013**

PART 3

**REPRESENTATIONS AND APPEALS IN RELATION
TO THE IMMOBILISATION OF VEHICLES**

Right to make representations

- 8.**—(1) This regulation applies to the owner or person in charge of a vehicle where—
- (a) in accordance with regulation 12 of the General Provisions Regulations an immobilisation device has been fixed to a vehicle found in a civil enforcement area; and
 - (b) the owner or person in charge of the vehicle secures the release of the vehicle from the device on payment of an amount in accordance with regulation 14 of those Regulations.
- (2) A person to whom paragraph (1) applies must immediately upon the release of the vehicle be informed—
- (a) of their right to make representations to the enforcement authority in accordance with this regulation; and
 - (b) of their right to appeal to an adjudicator if those representations are not accepted,
- and that information must include a statement of the effect of paragraphs (4) and (5).
- (3) The enforcement authority must give that information, or cause it to be given, in writing.
- (4) A person to whom paragraph (1) applies may make representations to the effect—
- (a) that one or more of the grounds specified in paragraph (5) apply; or
 - (b) that, whether or not any of those grounds apply, there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should refund some or all of the amount paid to secure the release of the vehicle,
- and any such representations must be in such form as may be specified by the enforcement authority.
- (5) The grounds are—
- (a) that the circumstances in which the vehicle had been permitted to remain at rest in a civil enforcement area were not circumstances in which a penalty charge was payable under regulation 4 of the General Provisions Regulations;
 - (b) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;
 - (c) that the place where the vehicle was at rest was not in a civil enforcement area;
 - (d) that, in accordance with regulation 13 of the General Provisions Regulations (limitations on the power to immobilise vehicles), there was in the circumstances of the case no power

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under those Regulations to immobilise the vehicle at the time at which it was immobilised or at all;

- (e) that the penalty charge or other charge paid to secure the release of the vehicle exceeded the amount applicable in the circumstances of the case; or
- (f) that there has been a procedural impropriety on the part of the enforcement authority.

(6) In determining the form for making representations an enforcement authority must act through the joint committee through which, in accordance with regulation 15 of the General Provisions Regulations, it exercises its function relating to adjudicators.