
STATUTORY INSTRUMENTS

2022 No. 71

The Civil Enforcement of Road Traffic Contraventions
(Approved Devices, Charging Guidelines and
General Provisions) (England) Regulations 2022

PART 2

Penalty charges for relevant road traffic contraventions

Penalty charge notices for relevant road traffic contraventions: enforcement authority

10.—(1) This regulation applies in relation to the notification, by an enforcement authority, of a penalty charge payable in respect of a relevant road traffic contravention.

(2) An enforcement authority may give notification of the penalty charge by serving a penalty charge notice by post where—

- (a) on the basis of a record produced by an approved device, the authority has reason to believe that a penalty charge is payable with respect to—
 - (i) a regulation 11 parking contravention,
 - (ii) an OGL bus lane contravention, or
 - (iii) an OGL moving traffic contravention;
- (b) a civil enforcement officer attempted to give a penalty charge notice in accordance with regulation 9, but was prevented from doing so by any person;
- (c) a civil enforcement officer had begun to prepare a penalty charge notice to be given in accordance with regulation 9, but the vehicle concerned was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had given it in accordance with regulation 9.

(3) For the purposes of this regulation “regulation 11 parking contravention” means a parking contravention—

- (a) otherwise than on a road, or
- (b) on a road in the circumstances specified in regulation 11.

(4) For the purposes of paragraph (2)(c), a civil enforcement officer who observes conduct which appears to constitute a parking contravention is not because of that observation to be taken to have begun to prepare a penalty charge notice.

(5) The penalty charge notice—

- (a) must be served on the person appearing to the enforcement authority to be the owner of the vehicle involved in the contravention in consequence of which the penalty charge is payable, and
- (b) must include the information set out—
 - (i) in Schedule 2, and

(ii) in regulation 3(2) of the 2022 Appeals Regulations.

(6) Subject to paragraph (8), an enforcement authority may not give a penalty charge notice under this regulation after the end of the period of 28 days beginning with the contravention date (“the 28-day period”).

(7) Paragraph (8) applies—

(a) where—

(i) within the period of 14 days beginning with the contravention date, the enforcement authority has requested the Secretary of State to supply the relevant particulars in respect of the vehicle involved in the contravention, and

(ii) those particulars have not been supplied before the end of the 28-day period;

(b) where an earlier penalty charge notice given under this regulation and relating to the same contravention is deemed to have been cancelled under regulation 23(5)(c);

(c) where an earlier penalty charge notice relating to the same contravention has been cancelled under regulation 6 of the 2022 Appeals Regulations.

(8) Where this paragraph applies, the enforcement authority is entitled to give a penalty charge notice under this regulation—

(a) in a case falling within paragraph (7)(a), for a period of six months beginning with the contravention date;

(b) in a case falling within paragraph (7)(b), for a period of 4 weeks beginning with the date on which the district judge serves notice in accordance with regulation 23(5)(d);

(c) in a case falling within paragraph (7)(c), for a period of 4 weeks beginning with the date on which the earlier penalty charge notice given under this regulation was cancelled.

(9) For the purposes of this regulation—

“the contravention date”, in relation to a relevant road traffic contravention in respect of which a penalty charge is payable, is the date on which, according to a record produced by an approved device or information given by a civil enforcement officer, the contravention occurred;

“relevant particulars” means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Secretary of State under the Vehicle Excise and Registration Act 1994(1).