
STATUTORY INSTRUMENTS

2022 No. 71

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

PART 5

Enforcement of penalty charges

Invalid notices

23.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 22,
- (b) the person against whom it is made (“P”) makes a witness statement complying with paragraph (2), and
- (c) that statement is served on the county court which made the order, before the end of—
 - (i) the period of 21 days, beginning with the date on which notice of the county court’s order is served on P, or
 - (ii) such longer period as may be allowed under paragraph (4).

(2) A witness statement must state one and only one of the following—

- (a) that P did not receive the enforcement notice;
- (b) that P made representations to the enforcement authority under regulation 5 of the 2022 Appeals Regulations but a notice of rejection was not received from that authority in accordance with regulation 6 of those Regulations;
- (c) that P appealed to an adjudicator under regulation 7 of those Regulations against the rejection by the enforcement authority of representations made under regulation 5 of those Regulations but—
 - (i) P did not receive a response to the appeal,
 - (ii) the appeal had not been determined by the time the charge certificate was served, or
 - (iii) the appeal was determined in P’s favour;
- (d) that P has paid the penalty charge to which the charge certificate relates.

(3) Paragraph (4) applies where it appears to a district judge, on the application of P, that it would be unreasonable in the circumstances of the case to insist on P serving a witness statement within the period of 21 days allowed for by paragraph (1).

(4) Where this paragraph applies, the district judge may allow such longer period for service of the witness statement as the judge considers appropriate.

(5) Where this regulation applies—

- (a) the order made under regulation 22 is deemed to have been revoked,

- (b) the charge certificate is deemed to have been cancelled,
 - (c) in the case of a witness statement including a statement under paragraph (2)(a), the enforcement notice to which the charge certificate relates is deemed to have been cancelled, and
 - (d) the district judge must serve written notice of the effect of this regulation on P and on the enforcement authority concerned.
- (6) Service of a witness statement including a statement under paragraph (2)(a) does not prevent the enforcement authority from serving a fresh enforcement notice.
- (7) Where a witness statement is served including a statement under paragraph (2)(b), (c) or (d), the enforcement authority must refer the case to the adjudicator.
- (8) Where a case is referred to the adjudicator—
- (a) the adjudicator may give P and the enforcement authority (“the parties”) such directions as the adjudicator considers appropriate in the circumstances, and
 - (b) the parties must comply with those directions.
- (9) A witness statement under this regulation may be served on the county court by email in accordance with Practice Direction 5B made under rule 5.5 of the Civil Procedure Rules 1998⁽¹⁾.
- (10) In this regulation “witness statement” means a statement which is—
- (a) a witness statement for the purposes of the Civil Procedure Rules 1998, and
 - (b) supported by a statement of truth in accordance with Part 22 of those Rules.

(1) S.I. 1998/3132 (L. 17). The current version of Practice Direction 5B is available here: http://www.justice.gov.uk/courts/procedure-rules/civil/rules/part05/pd_part05b