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STATUTORY INSTRUMENTS

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**2003 No. 108**

**LONDON GOVERNMENT  
ROAD TRAFFIC**

**The Road User Charging (Enforcement and  
Adjudication) (London) (Amendment) Regulations 2003**

<i>Made</i>	- - - -	<i>23 January 2003</i>
<i>Laid before Parliament</i>		<i>24 January 2003</i>
<i>Coming into force</i>	- -	<i>17 February 2003</i>

The Lord Chancellor, in exercise of the powers conferred on him by paragraphs 12(3) and 28 of Schedule 23 to the Greater London Authority Act 1999<sup>(1)</sup> and by section 420(1) of that Act, hereby makes the following Regulations:—

**Citation and commencement**

1. These Regulations may be cited as the Road User Charging (Enforcement and Adjudication) (London) (Amendment) Regulations 2003 and shall come into force on 17 February 2003.

**Preliminary**

2. The Road User Charging (Enforcement and Adjudication) (London) Regulations 2001<sup>(2)</sup> shall be amended as follows.

**Amendment of regulation 2 (interpretation)**

3. In regulation 2(1), the following definition shall be inserted after the definition of “hiring agreement”—

““outstanding” in relation to a penalty charge shall be construed in accordance with regulation 11(2) of the Charges and Penalty Charges Regulations;”.

**Reports by adjudicators**

4.—(1) Regulation 8 shall be amended as follows.

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(1) 1999 c. 29; relevant amendments to Schedule 23 to the Greater London Authority Act 1999 were made by Schedule 13 to the Transport Act 2000 (c. 38).  
(2) S.I. 2001/2313.

(2) For the words “the Secretary of State for Transport, Local Government and the Regions” there shall be substituted “the Secretary of State for Transport”.

#### **Right to make representations**

5.—(1) Regulation 10 shall be amended as follows.

(2) For paragraph (3)(d), there shall be substituted—

- “(d) in a case where the vehicle was fitted with an immobilisation device or was removed and penalty charges were outstanding with respect to the vehicle, that—
- (i) those penalty charges were all incurred before the person liable in relation to the vehicle at the time of its immobilisation or removal had become the person liable in relation to that vehicle; or
  - (ii) the number of penalty charges incurred after he had become the person liable was fewer than such number as may be specified for the purposes of regulation 10(1)(b) or 12(1)(b), as the case may be, of the Charges and Penalty Charges Regulations; or”.

#### **Right to appeal to an adjudicator**

6.—(1) Regulation 11 shall be amended as follows.

(2) After paragraph (1), there shall be inserted—

“(1A) An adjudicator may allow a longer period for an appeal under paragraph (1)(b) whether or not the period specified in paragraph (1)(a) has already expired.”

#### **Penalty charge notices**

7.—(1) Regulation 12 shall be amended as follows.

(2) In paragraph (1), after the words “to be paid” there shall be inserted “and, in those circumstances, the scheme provides for the payment of a penalty charge”.

(3) For sub-paragraphs (d) and (e) of paragraph (3), there shall be substituted—

- “(d) the time, in accordance with the charging scheme under which it is imposed, and the manner in which the penalty charge must be paid;
- (e) the amount of the reduced penalty charge if it is duly paid in the time specified in the charging scheme;
- (ea) the amount of the increased penalty charge if:
- (i) the penalty charge is not paid; or
  - (ii) no representations are made under regulation 13, before the end of the relevant period as defined by regulation 17(2)(a);”.

#### **Representations against penalty charge notice**

8.—(1) Regulation 13 shall be amended as follows.

(2) In paragraph (1), after the word “representations” there shall be inserted “in writing”.

(3) In paragraph (3)(c)—

- (a) the words “in the circumstances of the case” shall be omitted; and
- (b) after the word “payable” there shall be inserted “under the charging scheme”.

### **Adjudication by an adjudicator**

**9.**—(1) Regulation 16 shall be amended as follows.

(2) In paragraph (1)(b), after the words “an adjudicator may allow” there shall be inserted “, following consultation with the charging authority”.

(3) After paragraph (1), there shall be inserted—

“(1A) An adjudicator may allow a longer period for an appeal under paragraph (1)(b) whether or not the period specified in paragraph (1)(a) has already expired.”

### **Charge certificates**

**10.**—(1) Regulation 17 shall be amended as follows.

(2) In paragraph (1), for the words “by such proportion as may be specified” there shall be substituted “to the sum specified”.

(3) After paragraph (1), there shall be inserted—

“(1A) A charging authority which has served a charge certificate on any person may cancel the charge certificate and serve or cancel such further charge certificates as it thinks fit.”

### **Enforcement by execution**

**11.** For regulation 20(2), there shall be substituted—

“(2) For the purposes of the enforcement of an unpaid penalty charge referred to in paragraph (1)(a) or the enforcement of the payment of a sum referred to in paragraph (1)(b)—

- (a) any reference in the 1993 Order to “the authority” shall be a reference to a charging authority; and
- (b) the reference in article 3(1) of the 1993 Order to “the time for serving a statutory declaration” shall be a reference to, as the case may be—
  - (i) the period of 21 days allowed by regulation 19(1)(c); or
  - (ii) where a longer period has been allowed pursuant to regulation 19(4), that period.”

### **Service by post**

**12.** In regulation 21, for the word “Any” there shall be substituted “Except as provided for in the Schedule, any”.

Signed by authority of the Lord Chancellor

23 January 2003

*SCOTLAND OF ASTHAL QC*  
Parliamentary Secretary,  
Lord Chancellor’s Department

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (S.I.2001/2313) (“the Principal Regulations”). The Principal Regulations should be read in conjunction with the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (S.I. 2001/2285 as amended by S.I. 2003/109) (“the Charges and Penalty Charges Regulations”).

Regulation 3 amends regulation 2(1) of the Principal Regulations (interpretation) by the insertion of a definition of “outstanding” to provide that in relation to a penalty charge “outstanding” shall be construed in accordance with regulation 11(2) of the Charges and Penalty Charges Regulations.

Regulation 4 amends a reference to the Secretary of State for Transport, Local Government and the Regions in regulation 8 of the Principal Regulations (reports by adjudicators) so that it now refers to the Secretary of State for Transport.

Regulation 5 amends regulation 10(3) of the Principal Regulations (right to make representations). A new paragraph (3)(d) is substituted. Paragraph (3)(d) relates to the situation where the person liable in relation to a vehicle at the time of immobilisation or removal was not the person liable when the outstanding penalty charges were incurred or the number of penalty charges incurred after he had become the person liable was fewer than the number specified for the purposes of regulation 10(1)(b) or 12(1)(b), as the case may be, of the Charges and Penalty Charges Regulations.

Regulation 6 amends regulation 11 of the Principal Regulations (right to appeal to an adjudicator) by inserting a new regulation 11(1A) which permits an adjudicator to allow a longer period for an appeal under regulation 11(1)(b) whether or not the period specified in regulation 11(1)(a) has already expired.

Regulation 7 amends regulation 12(1) of the Principal Regulations (penalty charge notices) to clarify that in order for a charging authority to be able to serve a penalty charge notice, the charging scheme must provide for a penalty charge in those circumstances. It also amends regulation 12(3) with regard to the contents of a penalty charge notice.

Regulation 8 amends regulation 13(1) of the Principal Regulations (representations against penalty charge notice) to make it clear that representations against a penalty charge notice must be in writing. It also amends regulation 13(3)(c) to insert a reference to the relevant charging scheme.

Regulation 9 amends regulation 16 of the Principal Regulations (adjudication by an adjudicator) by amending regulation 16(1)(b) and by inserting a new regulation 16(1A) which permits an adjudicator to allow a longer period for an appeal under regulation 16(1)(b) whether or not the period specified in regulation 16(1)(a) has already expired.

Regulation 10 amends regulation 17(1) of the Principal Regulations (charge certificates) in a minor respect and inserts a new regulation 17(1A) to make it clear that a charging authority can serve successive charge certificates.

Regulation 11 makes drafting changes to regulation 20 of the Principal Regulations (enforcement by execution).

Regulation 12 amends regulation 21 of the Principal Regulations (service by post).