
STATUTORY INSTRUMENTS

2013 No. 1783

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

PART 1

PRELIMINARY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 and come into force on 2nd September 2013.

(2) These Regulations apply only to England.

(3) These Regulations do not apply to road user charges imposed under the County Council of Durham (Market Place leading to Saddler Street, Durham City) (Road User Charging Scheme) Order 2002.

Interpretation

2.—(1) In these Regulations—

“adjudicator” means a person appointed to be a road user charging scheme adjudicator in accordance with regulation 12(1) or (2);

“appellant” in relation to an appeal under these Regulations or any process connected with such an appeal, means the person bringing the appeal;

“authorised person” has the meaning given by regulation 21;

“charge certificate” has the meaning given by regulation 17(1);

“custodian” in relation to a motor vehicle removed under regulation 27 means—

(i) if the motor vehicle has been delivered to the charging authority, that charging authority;
or

(ii) if the motor vehicle has been delivered to a person authorised by the charging authority to keep motor vehicles so removed in their custody, that other person;

“designated road” means a road designated by a charging scheme as a road to which a road user charge applies;

“electronic transmission” means a communication transmitted—

(i) by means of an electronic communications network; or

(ii) by other means but while in electronic form;

“fax” means the making of a facsimile copy of a document by the transmission of electronic signals;

“joint committee” means the joint committee set up in accordance with regulation 16 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007(1);

“keeper” (other than in the phrase “registered keeper”) means the person by whom a motor vehicle was kept at the time it was immobilised, removed or disposed of under the powers in Part 6;

“notice of appeal” means a notice initiating an appeal delivered by an appellant to the proper officer under regulation 11(3), 34(2) or 37(2) in each case in accordance with paragraph 2 of the Schedule;

“notice of rejection” means a notice served by a charging authority under regulation 10(1), 33(4) or 36(4) rejecting, or not accepting, representations made to it;

“penalty charge” means a charging scheme penalty charge;

“penalty charge notice” has the meaning given by regulation 7(1);

“procedural impropriety” has the meaning given by regulation 8(4);

“proper officer” means a person appointed under regulation 13(1);

“road user charge” means a charge imposed under a charging scheme which is not a penalty charge;

“witness statement” means a statement which is a witness statement for the purposes of the Civil Procedure Rules 1998(2) and which is supported by a statement of truth in accordance with Part 22 of those Rules.

(2) In determining for the purposes of any provision of these Regulations whether a road user charge or penalty charge has been paid within a particular period, it is to be taken to be paid when it is received by the charging authority.

Service of documents

3.—(1) Subject to paragraph (9) a notice or other document to be served by a charging authority on any person (“the recipient”) in accordance with these Regulations—

- (a) may be served by first class post; and
- (b) where the recipient is a body corporate, is duly served if it is sent by first class post to the secretary or clerk of that body.

(2) Where the address of the registered keeper of a motor vehicle upon which a penalty charge arising under regulation 4(1) has been imposed is contained in the register of mechanically propelled vehicles maintained by the Secretary of State under section 21 of the Vehicle Excise and Registration Act 1994(3) the penalty charge notice relating to that penalty charge is to be served on the registered keeper at that address.

(3) Where—

- (a) the address of the registered keeper of a motor vehicle upon which a penalty charge arising under regulation 4(1) has been imposed is not contained in the register referred to in paragraph (2); or
- (b) in accordance with regulation 6, the penalty charge is payable by a person other than the registered keeper of the motor vehicle,

the penalty charge notice may (where sub-paragraph (a) applies) be served on the recipient at an address at which the recipient resides or can conveniently be contacted, or (where sub-paragraph (b) applies) at the address notified to the charging authority by the registered keeper.

(1) [S.I. 2007/3483](#).

(2) [S.I. 1998/3132](#). Relevant amending instruments for Rule 22.1 are [S.I. 2001/1769](#), [2001/4015](#) and [2004/3419](#).

(3) [1994 c.22](#).

- (4) Unless the contrary is proved—
- (a) service of a notice or other document by first class post to an address in the United Kingdom is to be taken to have been effected on the second working day after the day on which it was posted;
 - (b) service of a notice or other document by first class post to an address outside the United Kingdom is to be taken to have been effected on the fifth working day after the day on which it was posted;
 - (c) service of a notice or other document by electronic transmission is to be taken to have been effected on the second working day after the day on which it was transmitted.
- (5) For the purpose of receiving notices or other documents in accordance with these Regulations, the recipient may at any time, by notice in writing delivered to the charging authority—
- (a) change the recipient’s address; or
 - (b) consent to the use of electronic transmission in accordance with paragraphs (6) to (8).
- (6) A notice or other document mentioned in these Regulations may be served by the charging authority on the recipient by means of electronic transmission where—
- (a) the recipient of the notice or document to be transmitted has given consent to the use of electronic transmission in writing to the charging authority;
 - (b) the notice or document is capable of being accessed by the recipient;
 - (c) the notice or document is legible in all material respects; and
 - (d) the notice or document is in a form sufficiently permanent to be used for subsequent reference.
- (7) Where the recipient of a notice or other document served by electronic transmission notifies the charging authority within 7 days of receipt that the recipient requires a paper copy of all or part of that notice or other document the charging authority must provide such a copy as soon as reasonably practicable. The making of such a request by the recipient has no effect on the date on which the notice or other document was served in accordance with paragraph (4)(c).
- (8) Where a person is no longer willing to accept the use of electronic transmission—
- (a) that person must give notice to the charging authority in writing revoking any consent given by that person for that purpose; and
 - (b) such revocation is final and takes effect on a date specified by the person in the notice but that date must not be less than 7 days after the date on which the notice is given.
- (9) Nothing in this regulation applies to—
- (a) the service of any notice or other document required or authorised by the Schedule to be sent to a party to an appeal or served in connection with adjudication proceedings; or
 - (b) the service of any notice or order made by a county court.
- (10) In this regulation—
- (a) “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form; and
 - (b) “working day” means any day except a Saturday, a Sunday, New Year’s Day, Good Friday, Christmas Day or any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(4).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
