
STATUTORY INSTRUMENTS

2013 No. 1783

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

PART 3

NOTIFICATION OF, AND REPRESENTATIONS ABOUT, PENALTY CHARGES

Representations against penalty charge notice

8.—(1) Where it appears to the person on whom the penalty charge notice is served (“the recipient”) that—

- (a) one or more grounds mentioned in paragraph (3) apply; or
- (b) whether or not any of those grounds apply there are compelling reasons why, in the particular circumstances of the case, the penalty charge notice should be cancelled,

the recipient may make representations in writing to that effect to the charging authority that served the penalty charge notice on the recipient.

(2) The charging authority may disregard any such representations which it receives after the end of the period of 28 days beginning with the date on which the penalty charge notice was served.

(3) The grounds are that—

- (a) in relation to a motor vehicle that is registered under the Vehicle Excise and Registration Act 1994⁽¹⁾ the recipient—
 - (i) never was the registered keeper of the motor vehicle in question;
 - (ii) had ceased to be the registered keeper before the time at which the motor vehicle was used or kept on the designated road and incurred the road user charge under the charging scheme; or
 - (iii) became the registered keeper after that time.
- (b) at the time it incurred the road user charge under the charging scheme the motor vehicle was being used or kept on the designated road by a person who was in control of the motor vehicle without the consent of the recipient;
- (c) the recipient is a vehicle-hire firm (as defined in regulation 6(7)(c)) and liability for payment of the penalty charge had been transferred to the hirer of the motor vehicle in accordance with regulation 6(5);
- (d) the road user charge payable for the use or keeping of the vehicle on the occasion in question was paid at the time and in the manner required by the charging scheme;
- (e) no road user charge or penalty charge is payable under the charging scheme;
- (f) the penalty charge exceeded the amount applicable in the circumstances of the case; or
- (g) there has been a procedural impropriety on the part of the charging authority.

⁽¹⁾ 1994 c.22.

(4) In these Regulations “procedural impropriety” means a failure by the charging authority to observe any requirement imposed on it by the Transport Act 2000(2) or by these Regulations in relation to the imposition or recovery of a penalty charge or other sum and includes in particular—

- (a) the taking of any step, whether or not involving the service of any notice or document, otherwise than—
 - (i) in accordance with the conditions subject to which; or
 - (ii) at the time or during the period when, it is authorised or required by these Regulations to be taken; and
- (b) in a case where a charging authority is seeking to recover an unpaid penalty charge, the purported service of a charge certificate under regulation 17(1) of these Regulations before the charging authority is authorised to serve it.

(5) Where the ground mentioned in paragraph (3)(a)(ii) is relied on in any representations made under this regulation, those representations must include a statement of the name and address of the person to whom the motor vehicle was disposed of by the person making the representations (if that information is known).

(6) Where the ground mentioned in paragraph (3)(a)(iii) is relied on in any representations made under this regulation, those representations must include a statement of the name and address of the person from whom the motor vehicle was acquired by the person making the representations (if that information is known).

(7) Where the ground mentioned in paragraph (3)(b) is relied on in any representations made under this regulation, those representations must include a statement of—

- (a) the crime reference number, police unique reference number, insurance claim reference or other evidence of the motor vehicle having been stolen from that person or taken without that person’s authority, and
- (b) the name and address of the person who used or kept the motor vehicle on the designated road without the consent of the recipient (if that information is known).

(8) Where the ground mentioned in paragraph (3)(c) is relied on in any representations made under this regulation, those representations must include a statement of the name and address of the person to whom the motor vehicle was hired.

(9) It is the duty of a charging authority to whom representations are duly made under this regulation—

- (a) to consider them and any supporting evidence which the person making them provides; and
- (b) within the period of 56 days beginning with the date on which the representations were served on it, to serve on that person notice of its decision as to whether or not it accepts—
 - (i) that one or more of the grounds in paragraph (3) has been established; or
 - (ii) that there are compelling reasons why, in the particular circumstances of the case, the penalty charge notice should be cancelled.

(10) Where a charging authority fails to comply with paragraph (9) within the period of 56 days mentioned there—

- (a) it is deemed to have accepted the representations made under paragraph (1) and to have served notice to that effect under regulation 9(1); and
- (b) it must as soon as reasonably practicable refund any sum paid in respect of the penalty charge notice and (if applicable) the road user charge.

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