
STATUTORY INSTRUMENTS

2013 No. 359

**The Civil Enforcement of Road Traffic Contraventions
(Representations and Appeals) (Wales) Regulations 2013**

PART 3

**REPRESENTATIONS AND APPEALS IN RELATION
TO THE IMMOBILISATION OF VEHICLES**

Duty of enforcement authority to which representations are made

9.—(1) The enforcement authority may disregard any representations which are received by it after the end of the period of 28 days beginning with the date on which the person making them is informed under regulation 8(2) of their right to make representations.

(2) Subject to paragraph (1) it is the duty of the enforcement authority, where representations are made to it in accordance with regulation 8(4), within the period of 56 days beginning with the date on which it receives the representations—

- (a) to consider them and any supporting evidence which the person making them provides; and
- (b) to serve on that person notice of its decision as to whether or not it accepts that—
 - (i) a ground specified in regulation 8(5) applies; or
 - (ii) there are compelling reasons why, in the particular circumstances of the case, some or all of the sums paid to secure the release of the vehicle should be refunded.

(3) Where an authority serves notice under paragraph (2)(b)(i) that it accepts that such a ground applies, it must (when serving that notice) refund any sums that the person to whom the vehicle was released was required to pay under regulation 14 of the General Provisions Regulations, except to the extent (if any) to which those sums were properly paid.

(4) Where an authority serves no notice under paragraph (2)(b)(i), but does serve a notice under paragraph (2)(b)(ii) that it accepts that there are such compelling reasons, it must refund the sums referred to in paragraph (3) or such of them as it considers appropriate.

(5) Where an authority serves notice under paragraph (2)(b), that notice must—

- (a) inform the person on whom it is served of the right to appeal to an adjudicator under regulation 10;
- (b) indicate the nature of an adjudicator's power to award costs; and
- (c) describe in general terms the form and manner in which such an appeal is required to be made.

(6) Where an authority fails to comply with paragraph (2) within the period of 56 days mentioned there—

- (a) it is to be deemed to have accepted the representations and to have served notice to that effect under paragraph (2)(b); and

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- (b) must immediately after the end of that period refund all such sums as are mentioned in paragraph (3).