

SCHEDULE 2

Regulations 15, 16, 17 and 18

Appeal Procedure

1. An appeal must be made in writing and may be sent to the address of the relevant Appeal Panel or, as the case may be, the relevant Final Appeal Panel by—
 - (a) sending it by prepaid post;
 - (b) sending it by electronic transmission;
 - (c) delivering it to or otherwise leaving it at that address; or
 - (d) by any other means specifically authorised by the relevant Appeal Panel or, as the case may be, the relevant Final Appeal Panel.
2. Any reference in these Regulations to a period of time within which a person may make an appeal is a reference to the time within which the appeal must be received by the relevant Appeal Panel or, as the case may be, the relevant Final Appeal Panel.
3. An appeal or a decision notice sent by post is to be presumed, unless the contrary is proved, to have been received on the second working day after the day on which it is posted.
4. An appeal under regulation 16 must contain the following particulars—
 - (a) the name and address of the appellant;
 - (b) the penalty fare number;
 - (c) a statement setting out which one or more of the appeal grounds specified in regulation 16(3) is relied on;
 - (d) a statement setting out any representations made in relation to any of the matters specified in regulation 16(5).
5. An appeal under regulation 16 may contain any other relevant information.
6. Where an Appeal Panel receives an appeal under regulation 16 or 17, it must decide whether to allow or not allow the appeal before the end of the period of 21 days beginning with the day on which the appeal is received.
7. When an Appeal Panel notifies its decision to allow or not allow an appeal under regulation 16 or 17, it must—
 - (a) do so in writing to both the operator concerned and the appellant;
 - (b) give reasons for its decision;
 - (c) if the appeal was received by post, notify its decision by post to the postal address the appellant has provided;
 - (d) if the appeal was received by electronic transmission, notify its decision either by electronic transmission to the email address used by the appellant to submit the appeal or by post to the postal address the appellant has provided.
8. Where an Appeal Panel notifies its decision not to allow an appeal under regulation 16 it must provide the appellant with a statement that—
 - (a) the person has the right to appeal against the decision to the relevant Appeal Panel;
 - (b) that the appeal would be considered by a different person at the relevant Appeal Panel;
 - (c) if the appeal was unsuccessful the person would have the right to appeal to the relevant Final Appeal Panel; and
 - (d) the operator will be entitled to commence court proceedings to recover the penalty fare if the appellant does not—

Status: This is the original version (as it was originally made).

- (i) appeal the decision to the relevant Appeal Panel within the 14 day period provided for by regulation 17(1)(a); or
 - (ii) pay the penalty fare within that period.
- 9.** An appeal under regulation 17 must contain—
 - (a) the particulars specified in paragraph 4; and
 - (b) a statement explaining the reason or reasons for the appeal against the decision to not allow the appeal under regulation 16.
- 10.** An appeal under regulation 17 may contain any other relevant information.
- 11.** Where an Appeal Panel receives an appeal under regulation 17, the appeal must be considered by, and the decision to allow or not to allow the appeal must be made by, a different person to the person who decided not to allow the appeal under regulation 16.
- 12.** Where an Appeal Panel notifies its decision not to allow an appeal under regulation 17 it must provide the appellant with a statement that—
 - (a) the person has the right to appeal against the decision to the relevant Final Appeal Panel; and
 - (b) the operator will be entitled to commence court proceedings to recover the penalty fare if the appellant does not—
 - (i) appeal the decision to the relevant Final Appeal Panel within the 14 day period provided for by regulation 18(1)(a); or
 - (ii) pay the penalty fare within that period.
- 13.** An appeal under regulation 18 must contain—
 - (a) the particulars specified in paragraph 4; and
 - (b) a statement explaining the reasons for the appeal against the decision to not allow the appeal under regulation 17.
- 14.** An appeal under regulation 18 may contain any other relevant information.
- 15.** Where a Final Appeal Panel receives an appeal under regulation 18—
 - (a) the appeal must be considered by, and the decision to allow or not to allow the appeal must be made by, a panel comprising three decision makers;
 - (b) the panel referred to in sub-paragraph (a) must not contain any person who was involved in the decision in respect of the appeal under regulation 16 or 17;
 - (c) every decision maker referred to in sub-paragraph (a) must give a decision on the appeal; and
 - (d) the relevant Final Appeal Panel must decide whether to allow or not to allow the appeal before the end of the period of 21 days beginning with the day on which the appeal is received.
- 16.** If the decision makers referred to in paragraph 15(a) cannot reach a unanimous decision to allow, or not allow, an appeal the decision may be made by a majority of those decision makers.
- 17.** When a Final Appeal Panel notifies its decision to allow or not allow an appeal, it must—
 - (a) do so in writing to both the operator concerned and the appellant;
 - (b) give reasons for its decision;
 - (c) if the appeal was received by post, notify its decision by post to the postal address the appellant has provided;

- (d) if the appeal was received by electronic transmission, notify its decision either by electronic transmission to the email address used by the appellant to submit the appeal or by post to the postal address the appellant has provided.

18. Where a Final Appeal Panel notifies its decision not to allow an appeal under regulation 18, it must provide the appellant with a statement that if the appellant does not pay the penalty fare within the period of 14 days, beginning with the day on which the appellant receives the panel's decision, the operator will be entitled to commence court proceedings to recover the penalty fare.