
DRAFT STATUTORY INSTRUMENTS

2022 No.

The Civil Enforcement of Road Traffic Contraventions
(Representations and Appeals) (England) Regulations 2022

PART 3

Representations and appeals in relation to the immobilisation of vehicles

Representations against immobilisation

- 8.—(1) This regulation applies where—
- (a) an immobilisation device is fixed, in accordance with regulation 13 of the 2022 General Regulations, to a vehicle found in a civil enforcement area, and
 - (b) a relevant person secures its release from the device on payment of an amount in accordance with regulation 15 of those Regulations.
- (2) For the purposes of this regulation, a relevant person is—
- (a) the owner of the vehicle to which the immobilisation device was fixed, or
 - (b) the person in charge of that vehicle.
- (3) The relevant person must be notified by the enforcement authority, or a person acting on behalf of the enforcement authority—
- (a) of their right to make representations to the enforcement authority in accordance with this regulation, including the effect of paragraphs (5) and (6),
 - (b) that any representations made outside the period of 28 days beginning with the date on which the person is so notified may be disregarded,
 - (c) of the form in which representations must be made,
 - (d) the address to which representations must be sent, including, as appropriate—
 - (i) an email address,
 - (ii) a FAX telephone number,
 - (iii) the address of any website where representations may be submitted online (and the place on that website where the relevant facility may be accessed),as well as a postal address, and
 - (e) of their right to appeal to an adjudicator if those representations are not accepted.
- (4) A notice under paragraph (3) must be given, in writing, immediately upon release of the vehicle.
- (5) The relevant person may make representations to the enforcement authority to either or both of the following effects—
- (a) that one or more of the grounds specified in paragraph (6) apply, or

- (b) whether or not any of those grounds apply, that there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should refund some or all of the amount paid to secure the release of the vehicle.
- (6) The grounds mentioned in paragraph (5)(a) are—
- (a) the circumstances in which the vehicle had been permitted to remain at rest in the civil enforcement area were not circumstances in which a penalty charge was payable under regulation 5 of the 2022 General Regulations;
 - (b) the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;
 - (c) the place where the vehicle was at rest was not in a civil enforcement area;
 - (d) in accordance with regulation 14 of the 2022 General Regulations, there was in the circumstances of the case no power under those Regulations to immobilise the vehicle at the time at which it was immobilised or at all;
 - (e) the penalty charge or other charge paid to secure the release of the vehicle exceeded the amount applicable in the circumstances of the case;
 - (f) there has been a procedural impropriety on the part of the enforcement authority.
- (7) Representations under this regulation must be made in such form as may be specified by the enforcement authority.
- (8) In determining the form for making representations, the enforcement authority must act through the joint committee.