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STATUTORY INSTRUMENTS

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**2001 No. 2313**

**The Road User Charging (Enforcement and  
Adjudication) (London) Regulations 2001**

**PART II**

**ADJUDICATORS**

**Appointment of adjudicators**

**3.—**(1) The Lord Chancellor shall appoint persons to act as road user charging adjudicators for the purposes of these Regulations.

(2) To be qualified for appointment as an adjudicator, a person must have a five year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990<sup>(1)</sup>).

(3) Each adjudicator shall be appointed for such period as the Lord Chancellor may specify.

(4) Each adjudicator shall hold and vacate office in accordance with the terms of his appointment.

**Administrative support and defrayal of expenses**

**4.—**(1) The Authority shall provide, or make arrangements for the provision of, accommodation and administrative staff and facilities for adjudicators and determine the places where they are to sit.

(2) The expenses incurred by the Authority under paragraph (1) and on remunerating adjudicators shall be defrayed—

(a) in a year in which only one charging scheme is for the time being in force in Greater London by the charging authority for that scheme;

(b) where two or more charging schemes are in force, by the charging authorities for those schemes in such proportions as they may agree or, in default of agreement as may be determined by an arbitrator nominated by the Chartered Institute of Arbitrators on the application of any charging authority.

(3) Where the Authority is satisfied that there has been, or is likely to be, a failure on the part of the charging authorities to agree on the proportions in which the expenses recoverable by the Authority are to be defrayed under paragraph (2)(b), it may give the charging authorities such directions as it considers appropriate to require them to refer the matter to arbitration under that paragraph.

**Procedure to be followed by adjudicators**

**5.—**(1) The Schedule to these Regulations shall have effect as to the procedure to be followed in relation to proceedings before adjudicators.

(2) Subject to the provisions of that Schedule, an adjudicator may regulate his own procedure.

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(1) 1990 c. 41; section 71 has been amended by the Access to Justice Act 1999 (c. 22), paragraphs 4 and 9 of Schedule 6 and Part II of Schedule 15.

### **Evidence produced by a prescribed device**

6.—(1) Evidence of a fact relevant to Schedule 23 proceedings may be given by the production of—

- (a) a record produced by a prescribed device, and
- (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised in that behalf by the charging authority who installed the device by means of which the evidence was produced.

(2) In paragraph (1)—

“Schedule 23 proceedings” means proceedings for an offence under Schedule 23 to the 1999 Act or proceedings before an adjudicator in relation to failure to comply with the provisions of a charging scheme; and

“prescribed device” means a camera or other device designed to produce a record—

- (a) of the presence of a particular vehicle which is being used or kept on a road in a charging area in respect of which charges are imposed; and
- (b) of the date and time at which it is present,

and includes any equipment used in conjunction with the camera or other device for the purpose of producing such a record.

(3) A document purporting to be a record of the kind mentioned in paragraph (1) or to be a certificate signed as mentioned in that paragraph shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

### **Recovery of amounts payable under an adjudication**

7. Any amount which is payable under an adjudication of an adjudicator shall, if a county court so orders, be recoverable by the person to whom the amount is payable, as if it were payable under a county court order.

### **Reports by adjudicators**

8. Each adjudicator shall make an annual report to the Secretary of State for Transport, Local Government and the Regions on the discharge of his functions.