
STATUTORY INSTRUMENTS

2007 No. 3482

**The Civil Enforcement of Parking Contraventions
(England) Representations and Appeals Regulations 2007**

PART 4

REPRESENTATIONS AND APPEALS IN RELATION TO REMOVED VEHICLES

Right to make representations about a removed vehicle

11.—(1) This regulation applies to a person where, as respects a vehicle which has been found in a civil enforcement area for parking contraventions and removed under regulations made under section 99 of the 1984 Act—

- (a) he is required to pay an amount on recovery of the vehicle under section 101A of that Act;
- (b) he receives a sum in respect of the vehicle under section 101A(2) of that Act;
- (c) he is informed that the proceeds of sale of the vehicle did not exceed the aggregate amount mentioned in that provision; or
- (d) he is informed that the vehicle was disposed of without there being any proceeds of sale.

(2) A person to whom paragraph (1) applies shall immediately upon the happening of an occurrence referred to in paragraph (1) be informed—

- (a) of his right to make representations to the enforcement authority in accordance with this regulation; and
- (b) of his right to appeal to an adjudicator if his representations are not accepted,

and that information must include a statement of the effect of paragraphs (4) and (5).

(3) The enforcement authority shall give that information, or cause it to be given, in writing.

(4) A person to whom paragraph (1) applies may make representations to the effect—

- (a) that one or more of the grounds specified in paragraph (5) apply; or
- (b) that, whether or not any of those grounds apply, there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should—
 - (i) refund some or all of the amount paid to secure the release of the vehicle or deducted from the proceeds of sale; or
 - (ii) waive its right to recover all or any of the sums due to it on account of the removal or disposal of the vehicle,

and any such representations shall be in such form as may be specified by the enforcement authority.

(5) The grounds referred to in paragraph (4)(a) are—

- (a) that the vehicle had not been permitted to remain at rest in a civil enforcement area for parking contraventions in circumstances in which a penalty charge was payable by virtue of regulation 4 of the General Regulations;

- (b) that a civil enforcement officer had not, in accordance with regulation 9 of the General Regulations, fixed a penalty charge notice to the vehicle or handed such a notice to the person appearing to him to be in charge of the vehicle, before the vehicle was removed;
 - (c) that, at the time the vehicle was removed, the power to remove the vehicle conferred by paragraph (2) of regulation 5C of the Removal and Disposal of Vehicles Regulations 1986⁽¹⁾ was, by virtue of paragraph (3) of that regulation, not exercisable;
 - (d) that 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;
 - (e) that the place where the vehicle was at rest was not in a civil enforcement area for parking contraventions;
 - (f) that the penalty charge or other charge paid to secure the release of the vehicle exceeded the amount applicable in the circumstances of the case; or
 - (g) that there has been a procedural impropriety on the part of the enforcement authority.
- (6) In determining the form for making representations the London authorities must act through the joint committee through which, in accordance with regulation 15 of the General Regulations, they exercise their functions relating to adjudicators.

⁽¹⁾ S.I. 1986/183; relevant amending instrument is S.I. 2007/3484.