
STATUTORY INSTRUMENTS

2008 No. 608

**The Civil Enforcement of Parking Contraventions
(Representations and Appeals) (Wales) Regulations 2008**

PART 2

REPRESENTATIONS AND APPEALS IN RELATION TO NOTICES TO OWNER

Scope of Part 2 and duty to notify rights to make representations and to appeal

3.—(1) Regulations 4 to 7 have effect where a penalty charge which has become payable under the General Provisions Regulations has not been paid and either—

- (a) a penalty charge notice has been served by a civil enforcement officer under regulation 5 of the Enforcement and Adjudication Regulations, and a notice to owner served by the enforcement authority under regulation 11 of those Regulations; or
- (b) a penalty charge notice has been served under regulation 6 of the Enforcement and Adjudication Regulations.

(2) A penalty charge notice served under regulation 5 of the Enforcement and Adjudication Regulations must, in addition to the matters required to be included in it under paragraph 1 of the Schedule to the those Regulations, include the following information—

- (a) that a person on whom a notice to owner is served will be entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected; and
- (b) that, if representations against the penalty charge are received at such address as may be specified for the purpose before a notice to owner is served—
 - (i) those representations will be considered;
 - (ii) but that, if a notice to owner is served notwithstanding those representations, representations against the penalty charge must be made in the form and manner and at the time specified in the notice to owner.

(3) A notice to owner served under regulation 11 of the Enforcement and Adjudication Regulations must, in addition to the matters required to be included in it under that regulation, include the following information—

- (a) that representations on the basis specified in regulation 4 against payment of the penalty charge may be made to the enforcement authority but that any representations made outside the period of 28 days beginning with the date on which the notice is served (“the payment period”) may be disregarded;
- (b) the nature of the representations which may be made under regulation 4;
- (c) the address (including if appropriate any email address or FAX telephone number, as well as the postal address) to which representations must be sent and the form in which they must be made;
- (d) that if representations which have been made—

- (i) within the payment period; or
 - (ii) outside that period but not disregarded,are not accepted by the enforcement authority the recipient of the notice may appeal against the authority's decision to an adjudicator; and
 - (e) in general terms, the form and manner in which an appeal may be made.
- (4) A penalty charge notice served under regulation 6 of the Enforcement and Adjudication Regulations must, in addition to the matters required to be included in it under paragraph 2 of the Schedule to the those Regulations, include the following information—
- (a) that representations on the basis specified in regulation 4 may be made to the enforcement authority against the imposition of the penalty charge but that representations made outside the period of 28 days beginning with the date on which the penalty charge notice is served (“the representations period”) may be disregarded;
 - (b) the nature of the representations which may be made under regulation 4;
 - (c) the address (including if appropriate any email or FAX telephone number, as well as postal, address) to which representations must be sent and the form in which they must be made;
 - (d) that, if representations which have been made—
 - (i) within the representations period; or
 - (ii) outside that period but not disregarded,are not accepted by the enforcement authority the recipient of the penalty charge notice may appeal against the authority's decision to an adjudicator;
 - (e) where the penalty charge notice is served by virtue of regulation 6(1)(a) of the Enforcement and Adjudication Regulations (evidence produced by an approved device), the effect of paragraphs (5) and (6).
- (5) The recipient of a penalty charge notice served under regulation 6 of the Enforcement and Adjudication Regulations notice may, by notice in writing to the enforcement authority, request it—
- (a) to make available at one of its offices specified by him, free of charge and at a time during normal office hours so specified, for viewing by him or by his representative, the record of the contravention produced by the approved device pursuant to which the penalty charge was imposed; or
 - (b) to provide him, free of charge, with such still images from that record as, in the authority's opinion, establish the contravention.
- (6) Where the recipient of the penalty charge notice makes a request under subparagraph (5), the enforcement authority shall comply with the request within a reasonable time.