
STATUTORY INSTRUMENTS

2013 No. 359

**The Civil Enforcement of Road Traffic Contraventions
(Representations and Appeals) (Wales) Regulations 2013**

PART 2

REPRESENTATIONS AND APPEALS IN RELATION TO NOTICES TO OWNER

Duty of enforcement authority to which representations are made

5.—(1) The enforcement authority may disregard any representations which it receives after the end of the period of 28 days beginning with the date of service of the relevant notice to owner.

(2) Subject to paragraph (1), where representations are made to the enforcement authority by virtue of regulation 4(1) and in accordance with regulation 4(2) it is the duty of the enforcement authority—

- (a) to consider the representations and any supporting evidence which the person making them provides; and
- (b) within the period of 56 days beginning with the date on which the representations were served on it, to serve on that person notice of its decision as to whether or not it accepts that—
 - (i) one or more of the grounds specified in regulation 4(4) applies; or
 - (ii) there are compelling reasons why, in the particular circumstances of the case, the notice to owner should be cancelled and any sum paid in respect of it should be refunded.

(3) Where the enforcement authority accepts that a ground specified in regulation 4(4) applies or that there are such compelling reasons it must—

- (a) cancel the notice to owner; and
- (b) state in the notice served under paragraph (2)(b) that the notice to owner has been cancelled and at the same time refund any sum paid in relation to the notice to owner.

(4) The cancellation of a notice to owner under this regulation is not to be taken to prevent the enforcement authority from serving, in accordance with the General Provisions Regulations, a fresh notice to owner on another person.

(5) If the enforcement authority fails to comply with paragraph (2)(b) within the period of 56 days there specified, it is to be deemed for the purposes of these Regulations to have accepted—

- (a) that such of the grounds referred to in paragraph (2)(b)(i) as were relied upon in the representations apply; or
- (b) in a case where paragraph (2)(b)(ii) is relied upon, there are compelling reasons of the kind referred to in that paragraph.

(6) Where paragraph (5) applies, the enforcement authority must—

- (a) cancel the notice to owner;

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- (b) refund any sum paid in relation to the notice to owner; and
- (c) serve a notice on the person making the representations informing them that the notice to owner has been cancelled because the enforcement authority failed to serve notice of their decision in accordance with paragraph (2)(b).