
WELSH STATUTORY INSTRUMENTS

2013 No. 361

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

Right to make representations about a removed vehicle

3.—(1) This regulation applies where a vehicle has been found in a civil enforcement area and removed under section 99 of the 1984 Act, and a person—

- (a) is required to pay an amount on recovery of the vehicle under section 101A of that Act;
- (b) receives a sum in respect of the vehicle under section 101A(2) of that Act;
- (c) is informed that the proceeds of sale of the vehicle did not exceed the aggregate amount of the relevant charges as described in section 101A(2) and (3) of that Act; or
- (d) is informed that the vehicle was disposed of without there being any proceeds of sale.

(2) Immediately upon the happening of an occurrence referred to in paragraph (1), a person to whom paragraph (1) applies must be informed—

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

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

(3) The enforcement authority must give the information referred to in paragraph (2), or must 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 that was paid to secure the release of the vehicle;
 - (ii) refund some or all of the amount that was deducted from the proceeds of sale in respect of relevant charges; or
 - (iii) 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 must 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 circumstances in which the vehicle had been permitted to remain at rest in a civil enforcement area were not circumstances in which a penalty charge was payable by virtue of regulation 4 of the General Provisions Regulations;
- (b) that a civil enforcement officer had not, in accordance with regulation 9 of the General Provisions Regulations, fixed a penalty charge notice to the vehicle or handed such a notice

to the person appearing to that officer 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;
 - (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 procedural impropriety on the part of the enforcement authority.
- (6) In determining the form for making representations under paragraph (4) the enforcement authority must act through the joint committee through which, in accordance with regulation 15 of the General Provisions Regulations, it exercises its functions relating to adjudicators.

⁽¹⁾ S.I.1986/183. Regulation 5C was inserted in relation to Wales by S.I. 2008/612 (W.64).