
WELSH STATUTORY INSTRUMENTS

2013 No. 361

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

Duty of enforcement authority to which representations are made

4.—(1) The enforcement authority may disregard any representations under regulation 3 which are received by it after the end of the period of 28 days beginning with the date on which the person making them is informed under regulation 3(2) of their right to make representations.

(2) Subject to paragraph (1), if representations are made to it in accordance with regulation 3(4), the enforcement authority must, within the period of 56 days beginning with the date on which it receives the representations—

- (a) consider them and any supporting evidence which the person making them provides; and
- (b) serve on that person notice of its decision as to whether it accepts that—
 - (i) a ground specified in regulation 3(5) applies; or
 - (ii) there are compelling reasons of the kind referred to in regulation 3(4)(b).

(3) Where an authority serves notice under paragraph (2)(b)(i) that it accepts that a ground specified in regulation 3(5) applies it must (when serving that notice)—

- (a) refund any sums that—
 - (i) the person to whom the vehicle was released was required to pay under section 101A(1) of the 1984 Act; or
 - (ii) were deducted from the proceeds of sale of the vehicle in accordance with section 101A(2) of that Act,

except to the extent (if any) to which those sums were properly paid or deducted; and

- (b) inform the person making representations that it has waived the right to recover any sum which might otherwise have been due to it by way of a penalty charge or on account of the removal, storage or disposal of the vehicle.

(4) Where an authority serves no notice under paragraph (2)(b)(i) but does serve a notice under paragraph (2)(b)(ii) that it accepts that there are such compelling reasons, it must (when serving that notice)—

- (a) refund the sums referred to in paragraph (3)(a) or such of them as it considers appropriate in the circumstances of the case; and
- (b) inform the person making representations that it has waived the right to recover any sum which might otherwise have been due to it by way of a penalty charge or on account of the removal, storage or disposal of the vehicle.