
WELSH STATUTORY INSTRUMENTS

2013 No. 361

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

Appeals to an adjudicator in relation to decisions under regulation 4

5.—(1) Where an authority serves a notice of rejection under regulation 4(2)(b) in relation to representations under regulation 3(4), the person making those representations may—

- (a) within 28 days, beginning with date of service of that notice; or
- (b) within such longer period as an adjudicator may allow,

appeal to an adjudicator against the authority's decision.

(2) On an appeal under this regulation, the adjudicator must consider the representations in question and any additional representations that are made by the appellant.

(3) If the adjudicator concludes—

- (a) that any of the grounds referred to in regulation 3(5) apply; and
- (b) that the enforcement authority would have been under the duty imposed by regulation 4(3) to refund any sum if it had served notice that it accepted that the ground in question applied,

the adjudicator must direct that authority to refund that sum.

(4) The enforcement authority to which a direction is given under paragraph (3) must comply with it forthwith and ceases to have any 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.

(5) If the adjudicator makes no direction under paragraph (3) but is satisfied that there are compelling reasons why, in the particular circumstances of the case, some or all of the sums paid to secure the release of the vehicle, or deducted from the proceeds of sale, should be refunded, the adjudicator may recommend that the enforcement authority should make such a refund.

(6) It is the duty of an enforcement authority to which a recommendation is made under paragraph (5) to consider afresh the making of a refund of those sums taking full account of any observations by the adjudicator and, within the period of thirty five days ("the 35-day period") beginning on the date on which the direction was given, to notify the appellant and the adjudicator as to whether or not it accepts the adjudicator's recommendation.

(7) If the enforcement authority notifies the appellant and the adjudicator that it does not accept the adjudicator's recommendation, it must at the same time inform them of the reasons for its decision.

(8) No appeal to the adjudicator lies against the decision of the enforcement authority under paragraph (7).

(9) If the enforcement authority accepts the adjudicator's recommendation it must make the recommended refund within the 35-day period.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(10) If the enforcement authority fails to comply with the requirements of paragraph (6) within the 35-day period, the authority is to be taken to have accepted the adjudicator's recommendation and must make the recommended refund immediately after the end of that period.