

DRAFT CIVIL ENFORCEMENT OF PARKING CONTRAVENTIONS (ENGLAND) REPRESENTATIONS AND APPEALS REGULATIONS 2007

LIST OF AMENDMENTS IN POST CONSULTATION VERSION 8a

Preamble

Revised to take account of differences of style adopted since the first draft of the Regulations was prepared. Footnote (b) has been expanded.

Regulation 2

Definition of “appellant” moved here from the Schedule.

Definition of “notice of rejection” amended.

Regulation 3(2)

Paragraph (2) now begins: “In the following provisions of these Regulations—”. In subparagraph (a)(i) “if” has been corrected to “of”.

Regulation 4

Paragraph (5) now begins: “In these Regulations ... ”.

Subparagraph (b) of paragraph (5) amended.

Paragraph (8) is new.

Regulation 5

Minor changes in paragraphs (2),(5) and (6).

Regulation 7

Small changes to paragraphs (1), (6) and (9). Paragraph (2) recast.

Regulation 8

Changes in paragraphs (2) (full-out words added) and (5)(d) (“Traffic Management Act 2004” becomes “2004 Act”).

Regulation 9

In paragraphs (3) and (5) “has been established” becomes “applies”. In paragraph (3) “they accept” becomes “it accepts”. Paragraph (5)(b) has been amended to conform with regulation 6(2)(b), i.e. “against any person appealing to him under that regulation” omitted.

Regulation 10

Amendments in (1), (3), (7) and 10.

Regulation 11

Comma omitted before dash in paragraph (1); full-out words added to paragraph (2) and paragraph (6) in previous draft omitted (covered by the general definition in regulation 2).

Regulation 12

In paragraph (3) “applies” substituted for “has been established”.

Paragraph (6)(b) has been amended to conform with regulation 6(2)(b) and paragraph (7) has been simplified>

Regulation 13

Minor changes in paragraphs—

- (1) “applies” for “has been established”;
- (3) ditto; “applied” for “has been established” and “refund that sum” for “make the necessary refund” in the full-out words; and
- (10) “any requirement of paragraph (6), (7) or (9)” becomes “the requirements of paragraph (6)”.

Regulation 14

Additional words inserted to restrict its effect to Parts 2 and 3.

SCHEDULE

Paragraph 1

Correction in definition of “working day” (initial capital in “Financial”) in subparagraph (1). Definition of “appellant” previously in subparagraph (2) moved to regulation 2.

Paragraph 3

Amendment to secure that all appeals (whether or not of doubtful validity) are entered in the register when received.

Paragraph 4

Subparagraph (1) amended to make it clear that additional representations may be made “to the effect” referred to in regulation 4(2)(b), 8(4) or 11(4). In subparagraph (3) the words “(without prejudice to any other power he may have)” are omitted in view of paragraph 4(7). Enforcement authority made singular in subparagraph (6).

Paragraph 6

Superfluous words omitted from the opening of subparagraph (4).

Paragraph 7

Alternatives shown in square brackets.

Paragraph 12

This has been amended to make it clear that reviewing a decision is a two-stage process. First the adjudicator conducts a review of a decision and then he decides whether to confirm, revoke or vary the decision.

Paragraph 13(1)

Correction made in line 2: “paragraph” amended to “subparagraph”.

Paragraph 15

In subparagraph (1)(c) “consent” amended to “consents”.

Paragraph 17

Minor corrections in subparagraphs (4) (“subparagraph (3)(a)”), (5)(b) (comma after “that exchange”), (6) (“these Regulations” becomes “this Schedule”), (9) (“the other party” inserted) and (10) (“data” inserted after “electronic”).

Paragraph 18

“Part” amended to “Schedule”. In subparagraphs (3) and (5) the words “, unless the contrary is proved,” have been inserted in line with paragraph 17(5) and (10).

Explanatory Note

The first sentence has been recast.

4th June 2007