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STATUTORY INSTRUMENTS

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**2008 No. 609**

**The Civil Enforcement of Parking Contraventions  
(Penalty Charge Notices, Enforcement and  
Adjudication) (Wales) Regulations 2008**

**PART 4**

**ENFORCEMENT OF PENALTY CHARGES**

**The notice to owner**

**11.**—(1) Subject to regulation 12, where—

- (a) a penalty charge notice has been issued with respect to a vehicle under regulation 5; and
- (b) the period of 28 days specified in the penalty charge notice as the period within which the penalty charge is to be paid has expired without that charge being paid,

the enforcement authority concerned may serve a notice (“a notice to owner”) on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred.

(2) A notice to owner served under paragraph (1) must, in addition to the matters required to be included in it under regulation 3(3) of the Representations and Appeals Regulations, state—

- (a) the name of the enforcement authority serving the notice;
- (b) the amount of the penalty charge payable;
- (c) the date on which the penalty charge notice was served;
- (d) the grounds on which the civil enforcement officer who served the penalty charge notice under regulation 5 believed that a penalty charge was payable with respect to the vehicle;
- (e) that the penalty charge must be paid not later than a specified date which must be the last day of the period (“the payment period”) of 28 days beginning with the date (which must be stated in the notice) on which the notice to owner is, in accordance with regulation 3(2), to be taken to have been served;
- (f) that if, after the payment period has expired, no representations have been made under regulation 4 of the Representations and Appeals Regulations and the penalty charge has not been paid, the enforcement authority may increase the penalty charge by the applicable surcharge;
- (g) the amount of the increased penalty charge;

**Time limit for service of a notice to owner**

**12.**—(1) A notice to owner may not be served after the expiry of the period of 6 months beginning with the relevant date.

(2) The relevant date—

- (a) in a case where a notice to owner has been cancelled under regulation 15(5)(c) of these Regulations, is the date on which the district judge serves notice in accordance with regulation 15(5)(d);
- (b) in case where a notice to owner has been cancelled under regulation 5 of the Representations and Appeals Regulations, is the date of such cancellation;
- (c) in a case where payment of the penalty charge was made, or had purportedly been made before the expiry of the period mentioned in paragraph (1) but the payment or purported payment had been cancelled or withdrawn, is the date on which the enforcement authority is notified that the payment or purported payment has been cancelled or withdrawn;
- (d) in any other case is the date on which the relevant penalty charge notice was served under regulation 5.

### **Charge certificates**

**13.**—(1) Where a notice to owner is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the authority serving the notice may serve on that person a statement (a “charge certificate”) to the effect that the penalty charge in question is increased by the amount of the applicable surcharge.

- (2) The relevant period, in relation to a notice to owner, is the period of 28 days beginning—
  - (a) where no representations are made under regulation 4 of the Representations and Appeals Regulations, with the date on which the notice to owner is served;
  - (b) where—
    - (i) such representations are made;
    - (ii) a notice of rejection is served by the authority concerned; and
    - (iii) no appeal against the notice of rejection is made, with the date on which the notice of rejection is served;
  - (c) where an adjudicator has, under regulation 7(4) of the Representations and Appeals Regulations, recommended the enforcement authority to cancel the notice to owner, with the date on which the enforcement authority notifies the appellant under regulation 7(6) of those Regulations that it does not accept the recommendation; or
  - (d) in a case not falling within subparagraph (c) where there has been an unsuccessful appeal to an adjudicator under the Representations and Appeals Regulations against a notice of rejection, with the date on which notice of the adjudicator’s decision is served on the appellant.

(3) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator serves notice of his decision, the relevant period in relation to a notice to owner is the period of 14 days beginning with the date on which the appeal is withdrawn.

- (4) In this regulation—
  - (a) references to a “notice to owner” include a regulation 6 penalty charge notice; and
  - (b) “notice of rejection” has the meaning given by regulation 2 of the Representations and Appeals Regulations.

### **Enforcement of charge certificate**

**14.** Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the enforcement authority may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

## Invalid notices

15.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 14;
- (b) the person against whom it is made makes a witness statement complying with paragraph (2); and
- (c) that statement is served on the county court which made the order, before the end of—
  - (i) the period of 21 days beginning with the date on which notice of the county court’s order is served on him; or
  - (ii) such longer period as may be allowed under paragraph (4).

(2) The witness statement must state one and only one of the following—

- (a) that the person making it did not receive the notice to owner in question;
- (b) that he made representations to the enforcement authority under regulation 4 of the Representations and Appeals Regulations but did not receive from that authority a notice of rejection in accordance with regulation 6 of those Regulations;
- (c) that he appealed to an adjudicator under regulation 7 of those Regulations against the rejection by the enforcement authority of representations made by him under regulation 4 of those Regulations but—
  - (i) he had no response to the appeal;
  - (ii) the appeal had not been determined by the time that the charge certificate had been served; or
  - (iii) the appeal was determined in his favour; or
- (d) that he has paid the penalty charge to which the charge certificate relates.

(3) Paragraph (4) applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on his serving his witness statement within the period of 21 days allowed for by paragraph (1).

(4) Where this paragraph applies, the district judge may allow such longer period for service of the witness statement as he considers appropriate.

(5) Where a witness statement is served under paragraph (1)(c)—

- (a) the order of the court shall be deemed to have been revoked;
- (b) the charge certificate shall be deemed to have been cancelled;
- (c) in the case of a statement under paragraph (2)(a), the notice to owner to which the charge certificate relates shall be deemed to have been cancelled; and
- (d) the district judge shall serve written notice of the effect of service of the statement on the person making it and on the enforcement authority concerned.

(6) Subject to regulation 12, service of a witness statement under paragraph (2)(a) shall not prevent the enforcement authority from serving a fresh notice to owner.

(7) Where a witness statement has been served under paragraph (2)(b), (c) or (d), the enforcement authority shall refer the case to the adjudicator who may give such directions as he considers appropriate and the parties shall comply with those directions.

(8) A witness statement under this regulation may be served on the county court by email in accordance with Section I of Practice Direction 5B supplementing Part 5 of the Civil Procedure Rules 1998(1).

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(1) [S.I. 1998/3132](#), to which there are amendments not relevant to these Regulations.

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

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- (9) In this regulation—
- (a) references to a “notice to owner” include a regulation 6 penalty charge notice; and
  - (b) “witness statement” means a statement which is a witness statement for the purposes of the Civil Procedure Rules 1998 and which is supported by a statement of truth in accordance with Part 22 of those Rules.