

Regulations - Review

11. (1) The adjudicator shall have power on the application of a party, to review and revoke or vary any decision to dismiss or allow an appeal or any decision as to costs on the grounds (in each case) that –
- (a) the decision was wrongly made as the result of an error on the part of his administrative staff;
 - (b) a party who had failed to appear or be represented at a hearing had good and sufficient reason for his failure to appear;
 - (c) where the decision was made after a hearing; new evidence has become available since the conclusion of the hearing the existence of which could not have been reasonably known of or foreseen;
 - (d) where the decision was made without a hearing, new evidence has become available since the decision was made, the existence of which could not have been reasonably known of or foreseen; or
 - (e) the interests of justice require such a review.
- (2) An adjudicator shall have power, on the application of a party, to review and revoke or vary any interlocutory decision.
- (3) An application under this regulation shall be made to the proper officer within 14 days after the date on which the decision was sent to the parties, and must state the grounds in full.
- (4) The parties shall have the opportunity to be heard on any application for review under this regulation; and if, having reviewed the decision, the adjudicator directs the decision to be set aside, he shall substitute such decision as he thinks fit or order a re-determination by either the same or a different adjudicator.
- (5) Regulation 10* shall apply to a decision under paragraph (1) as it applies to a decision made on the disposal of an appeal.

**Regulation 10 provides that at the end of the hearing the decision may then be given orally or reserved; and for the decision to be recorded in the register of appeals and sent to the parties*

Regulations - Costs

12. (1) The Adjudicator shall not normally make an order awarding costs and expenses, but may subject to paragraph (2) make such an order –
- (a) against a party (including an appellant who has withdrawn an appeal or a local authority that has consented to an appeal being allowed) if he is of the opinion that the party has acted frivolously or vexatiously or that his conduct in making, pursuing or resisting an appeal was wholly unreasonable; or
 - (b) against the local authority, where it considers that the disputed decision was wholly unreasonable.
- (2) An order shall not be made under paragraph (1) against a party unless that party has been given an opportunity of making representations against the making of the order.
- (3) An order under paragraph (1) shall require the party against whom it is made to pay the other party a specified sum in respect of the costs and expenses incurred by that other party in connection with the proceedings.

Parking and Traffic Appeals Service

An independent tribunal for parking and traffic penalties in London

Lorry Ban and Moving Traffic

The Parking Adjudicator has decided your Appeal

What Happens Next?

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Minicom 020 7520 7205
www.parkingandtrafficappeals.gov.uk

Parking and Traffic Appeals Service is provided by London Councils Transport and Environment Committee

Calls to the Parking and Traffic Appeals Service may be recorded

IF YOUR APPEAL WAS ALLOWED

What do I need to do now?

Usually you need do nothing. However, if exceptionally you still have a penalty to pay, you should pay it as indicated in the decision. If the Adjudicator has directed the Local Authority to refund you any money, it must do so at once. If you do not receive the money within 28 days, you should contact the Local Authority direct to enquire about the delay.

I have run up costs in appealing. Can I get them back?

The Adjudicator's power to award costs and expenses is contained in Regulation 12 of the Road Traffic (Parking Adjudicators) (London) Regulations 1993 (see page 6). This provides that **an Adjudicator shall not normally make an order for costs and expenses against either party.** An Adjudicator may make an award against a party only if satisfied that it has acted frivolously, vexatiously or wholly unreasonably.

If you want to make an application, you must apply in writing to the Head of the Parking & Traffic Appeals Service at the address on the front of this leaflet. You should apply promptly after your appeal has been decided.

In your letter you must:

- explain why you think the Local Authority has acted frivolously, vexatiously or wholly unreasonably. **It is up to you to satisfy the Adjudicator that it has done so.** You should send any evidence, such as correspondence, that you think supports your claim.
- set out itemised details of the costs and expenses you are claiming. The Adjudicator can only make an order for costs and expenses incurred in relation to the appeal proceedings. An award cannot include, for example, costs you incurred in making your representations to the Local Authority or compensation for distress or inconvenience.
- request a personal hearing of your application if you want one; if you do not, the application will be decided on the papers only.

If the Adjudicator thinks that there may be grounds for an award, he/she must first ask the Local Authority for its comments on the application.

Unless you attend a personal hearing, the decision will be posted to you.

IF YOUR APPEAL WAS REFUSED

What do I do now?

If the Adjudicator has directed you to pay anything to the Local Authority, you should do so promptly, no later than the time for payment directed in the decision letter. The Local Authority will not normally send a reminder. If you do not pay, the Local Authority may take further enforcement action that will increase the penalty.

Can I still pay the reduced penalty instead of the full penalty?

You must pay the amount shown on the decision letter.

Can I pay by instalments?

This is not up to the Adjudicator. If you wish to pay by instalments, contact the Local Authority at once. It is up to them whether to accept payment by instalments. They do not have to.

What if I think the Adjudicator's decision is wrong?

There is no right of appeal from an Adjudicator's decision.

An Adjudicator's decision may be contested by the following procedures. *

A. Review under Regulation 11 of the Road Traffic (Parking Adjudicators) (London) Regulations 1993, as amended (see page 5).

A review may only be granted in the following limited cases:

1. The decision was wrongly made because of an error by our administrative staff.
2. You failed to appear or be represented at a hearing for some good reason.
3. There is new evidence and the existence of this could not have been reasonably known or foreseen before the decision.
4. The interests of justice require a review.

You should note that an Adjudicator's findings of fact are normally regarded as final and will only be overturned if they are plainly incompatible with the evidence that was before the Adjudicator. The mere fact that you disagree with these findings is not a ground for review.

**Regulation 15 of the 1993 Regulations provides for the correction of clerical errors and accidental slips or omissions in decisions.*

A review is **not** simply an opportunity for you to appeal again. You cannot ask for a review just because you disagree with the Adjudicator's decision. **A review can only be granted if an Adjudicator is satisfied that one or more of the cases above applies.**

If you wish to apply for a review, **write to the Head of the Parking and Traffic Appeals Service at the address on the front of this leaflet within 14 days** of the decision being sent to you or handed to you at the hearing centre. You must:

- set out in full your grounds for asking for a review; and
- say which of the cases 1 to 4 above you claim applies and why;
- if you are writing outside the 14 days, explain why. The Adjudicator will not accept an application out of time unless there is a good reason for the delay.
- request a personal hearing of your application if you want one - if you do not, the application will be decided on the papers only.

Unless you attend a personal hearing, the decision will be posted to you.

B. Judicial Review

If an Adjudicator interprets the law incorrectly the decision can be reviewed in the High Court by a procedure called Judicial Review. If you wish to contest a decision using this procedure, it would be wise to get legal advice first. You must file the claim in the Court promptly and normally not later than 3 months after the date of the decision.