

## **Practice Direction no. 2 of 2025**

### **Subject: Service of evidence by enforcement authorities**

#### **Commencement date:**

#### **Background**

1. This Practice Direction sets out the expectation on authorities regarding the supply of evidence to Appellants and regarding the service of copies of the Penalty Charge Notice, the representations, and the Notice of Rejection on the Proper Office as required by Regulations.

#### **Service of evidence generally**

2. An enforcing authority must disclose to the Appellant (or their representative) evidence on which it intends to rely at the appeal.
3. The Chief Adjudicator has directed that authorities must serve their evidence no later than five days before the first scheduled date of hearing of the appeal.
4. The five days take into account weekends and Bank holidays.
5. Service means the evidence pack reaching the appellant. Where evidence is served by post, the deemed service date is the second day after it was posted provided that day is a working day; or if not, the next working day after that day.
6. The adjudicator must ensure a fair hearing. If the service date is not met, the adjudicator may consider that this has prevented a fair hearing and allow the appeal accordingly. Where there are genuine reasons causing a delay to service, the authority may apply for an adjournment to give effect to the three clear days.
7. Service by email should be indicated in the case summary or the evidence checklist.
8. While some appellants are able to access the authority's evidence via London Tribunal's appellant portal, the obligation to serve evidence is not replaced.
9. Adjournment evidence should be treated in the same way.

#### **The Penalty Charge Notice, the representations, and the Notice of Rejection**

10. The Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022, Schedule 1, Paragraph 3 (3) provides:

“Where an enforcement authority receives a copy of a notice of appeal sent to it under sub-paragraph (2), the authority must, within seven days of the day on which it receives that copy, deliver to the proper officer of a copy of each of the following—

- (a) the original representations,
- (b) the relevant penalty charge notice (if any), and
- (c) the notice of rejection.

11. The Road Traffic (Parking Adjudicators) (London) Regulations 1993, Regulation 4(2) provides:

“Upon receipt of a copy of a notice of appeal sent under this regulation, the local authority shall within 7 days deliver to the proper officer a copy of—

- (a) the original representations;
- (b) a copy of the relevant charge notice (if any); and
- (c) a copy of the notice served under section 71(6) of, or (as the case may be) paragraph 2(7) of Schedule 6 to, the Act.

12. The Chief Adjudicator has extended the time appointed by the respective Regulation for compliance with the above provisions to five days before first scheduled date of hearing of the appeal. Service after the date above will not be in compliance with the respective Regulations unless the adjudicator has given a specific direction that the time appointed has been extended further.

#### **CCTV evidence**

13. The service of CCTV evidence should be clearly certified in the evidence checklist. If the CCTV evidence is not served by DVD, the alternative method of service must be clearly indicated.

14. If an authority relies on the evidence being available online, it must:

- indicate how this is brought to the Appellant’s attention;
- confirm that the online evidence is identical to the evidence submitted to the Tribunal.