
STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Penalty charges

Appeal by way of statutory declaration to an adjudicator

16.—(1) Where a person is liable to pay an amount under Article 15(1) he may serve a statutory declaration on an adjudicator before the end of the period of 21 days from the date of a notice under paragraph (2) of that Article or such longer period as an adjudicator may allow.

(2) A statutory declaration for the purposes of this Article must state not more than one of the following—

- (a) that the appellant did not receive a notice under Article 6 or 7;
- (b) that the appellant made representations under Article 9 but did not receive a notice of rejection;
- (c) that the appellant appealed to an adjudicator under Article 13 but did not receive a notice of his decision under that Article.

(3) A statutory declaration must state such additional matters as the Lord Chancellor may determine.

(4) The adjudicator shall—

- (a) consider the statutory declaration, any additional representations made by the appellant and any representations made by the Department; and
- (b) serve notice of his decision on the appellant and the Department.

(5) Where an adjudicator decides that a statement under paragraph (2) is true—

- (a) the charge certificate shall be deemed to be cancelled and Article 15(1) shall not by virtue of the service of that certificate have effect in relation to the penalty charge;
- (b) the Department shall comply forthwith with any directions which the adjudicator may give to it; and
- (c) in the case of a statement under paragraph (2)(c), the adjudicator may take such steps as he thinks appropriate.

(6) Service of a statutory declaration stating that the appellant did not receive a notice under Article 6 or 7 does not prevent the Department serving a fresh notice under Article 6 or 7 (to which, in the case of a notice under Article 7, paragraph (2) of that Article shall not apply).

(7) In this Article “appellant” means the person making the statutory declaration.