
STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Immobilisation and removal of vehicles

Representations in relation to immobilisation or removal of vehicles

25.—(1) Where—

- (a) a vehicle to which an immobilisation device has been fixed is released in accordance with Article 20;
- (b) a vehicle is removed from the custody of the Department in accordance with Article 23(3); or
- (c) the owner of a vehicle receives any sum under Article 23(4) or is informed that the proceeds of sale of the vehicle did not exceed the relevant charges,

the Department shall inform the relevant persons as soon as practicable in writing of their rights to make representations under this Article and of the effect of Articles 26 to 28.

(2) For the purposes of this Article the relevant persons are the owner of the vehicle and, if he is not the owner, the person who paid the relevant charges under Article 20 or 23.

(3) Where it appears to a relevant person that one or more of the relevant grounds are satisfied, he may make representations in writing to the Department before the end of the period of 28 days from the date on which he is informed under paragraph (1) of his right to make representations.

(4) The grounds are—

- (a) in a case within paragraph (1)(a)—
 - (i) that an immobilisation device should not have been fixed to the vehicle because of Article 19(1); or
 - (ii) that the Department did not comply with Article 19(2);
- (b) where an immobilisation device was fixed to the vehicle under Article 18(1)(a) or the vehicle was removed under Article 21(1)(a)—
 - (i) that there were no reasonable grounds for the traffic attendant to believe that a penalty charge was payable in respect of the vehicle;
 - (ii) that at the time of the alleged contravention the vehicle was in the control of a person without the consent of the owner; or
 - (iii) that it would be unreasonable to regard the owner as responsible for the alleged contravention because the vehicle had previously been in the control of a person without his consent;
- (c) where an immobilisation device was fixed to the vehicle under Article 18(1)(b) or the vehicle was removed under Article 21(1)(b), that no amount was recoverable from the owner of the vehicle under Article 15 or that prescribed conditions mentioned in Article 18(1)(b) or 21(1)(b) were not satisfied;
- (d) where the vehicle was removed under Article 21(1)(a), that the Department did not comply with Article 22;

- (e) that the charges under Article 20(1) or 23(3)(b) exceeded the amount applicable in the circumstances of the case.
- (5) The Department shall before the end of the period of 56 days beginning with the date on which it receives any representations under this Article—
 - (a) consider any representations made under this Article and any supporting evidence which the person making them provides; and
 - (b) serve on that person notice of its decision as to whether it accepts that the ground in question has been established.