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STATUTORY INSTRUMENTS

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**2005 No. 1964**

**The Traffic Management (Northern Ireland) Order 2005**

*Immobilisation and removal of vehicles*

**Appeal to an adjudicator**

**28.**—(1) Where the [<sup>F1</sup>enforcement authority] serves a notice of rejection, the person making representations under Article 25 may appeal to an adjudicator against the enforcement authority [<sup>F2</sup>enforcement authority's] decision before the end of the period of 28 days from the date of that notice or such longer period as an adjudicator may allow.

(2) On an appeal under this Article, the adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in Article 25(4).

(3) If the adjudicator concludes—

- (a) that any ground has been established; and
- (b) that the [<sup>F1</sup>enforcement authority] would have been under the duty imposed by Article 26(1) to refund any sum if it had served notice that it accepted that the ground in question had been established,

he shall serve notice of his decision on the appellant and the [<sup>F1</sup>enforcement authority] and shall direct the [<sup>F1</sup>enforcement authority] to make the necessary refund.

(4) The [<sup>F1</sup>enforcement authority] shall comply with any directions under paragraph (3) forthwith.

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| <p><b>F1</b> Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), Sch. para. 8</a></p> <p><b>F2</b> Words in art. 28(1) substituted (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), art. 1(8), Sch. para. 11</a></p> |
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**Modifications etc. (not altering text)**

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| <p><b>C1</b> Arts. 3-28: transfer of functions (1.4.2015) by <a href="#">Off-street Parking (Functions of District Councils) Act (Northern Ireland) 2015 (c. 3), arts. 1(3)(8)</a> (with art. 1(5))</p> |
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**Changes to legislation:**

There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 28.