
STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Penalty charges

Right to make representations to [F¹ enforcement authority]

9.—(1) Where it appears to a person who has received a notice under Article 6 or 7 (“the recipient”) that one or more of the grounds mentioned in paragraph (2)

are satisfied, he may make representations in writing to the [F¹ enforcement authority] before the end of the period of 28 days from the date of the notice.

(2) The grounds are—

(a) that the recipient—

- (i) never was the owner of the vehicle in question;
- (ii) had ceased to be its owner before the date on which the alleged contravention occurred; or
- (iii) became its owner after that date;

(b) that the alleged contravention did not occur;

(c) that—

- (i) at the time of the alleged contravention the vehicle was in the control of a person without the consent of the owner; or
- (ii) 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;

(d) that the recipient is a vehicle-hire firm and—

- (i) the vehicle was at the time of the alleged contravention hired from that firm under a hiring agreement; and
- (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge during the currency of the hiring agreement;

(e) that the penalty charge exceeded the amount applicable in the circumstances of the case;

(f) in the case of a notice under Article 6 which was preceded by a penalty charge notice issued under Article 5(2)(b), that the traffic attendant was not prevented from issuing a penalty charge notice under Article 5;

(g) that the conduct constituting the alleged contravention is the subject of criminal proceedings or of a fixed penalty notice.

(3) The reference in paragraph (2)(d) to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of a fixed period specified in the agreement, but otherwise on the terms and conditions so specified.

(4) The [F¹ enforcement authority] shall—

- (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.

F1 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), art. 1\(8\), Sch. para. 8](#)

Modifications etc. (not altering text)

C1 Arts. 3-28: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\), arts. 1\(3\)\(8\)](#) (with art. 1(5))

Changes to legislation:

There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 9.