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SCHEDULES

SCHEDULE 1

ENFORCEMENT NOTICES, ETC., UNDER PART II (BUS LANES) OF THIS ACT

Invalid notices

- 10 (1) This paragraph applies where—
- (a) a county court makes an order under paragraph 9 above;
 - (b) the person against whom it is made makes a statutory declaration complying with sub-paragraph (2) below; and
 - (c) that declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court's order is served on him, served on the county court which made the order.
- (2) The statutory declaration must state that the person making it—
- (a) did not receive the enforcement notice in question;
 - (b) made representations to the council concerned under paragraph 2 above but did not receive a notice of rejection from that council; or
 - (c) appealed to a traffic adjudicator under paragraph 6 above against the rejection by that council of representations made by him under paragraph 2 above but had no response to the appeal.
- (3) Sub-paragraph (4) below applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on him serving his statutory declaration within the period of 21 days allowed for by sub-paragraph (1) above.
- (4) Where this sub-paragraph applies, the district judge may allow such longer period for service of the statutory declaration as he considers appropriate.
- (5) Where a statutory declaration is served under sub-paragraph (1) (c) above—
- (a) the order of the court shall be deemed to have been revoked;
 - (b) the charge certificate shall be deemed to have been cancelled;
 - (c) in the case of a statutory declaration under sub-paragraph (2) (a) above, the enforcement notice to which the charge certificate relates shall be deemed to have been cancelled; and
 - (d) the district judge shall serve written notice of the effect of service of the statutory declaration on the person making it and on the council concerned.
- (6) Service of a declaration under sub-paragraph (2) (a) above shall not prevent the borough council serving a fresh enforcement notice but if, when it was served, the relevant order under paragraph 9 was accompanied by a copy of the enforcement notice to which the charge certificate relates, a fresh enforcement notice in the same terms shall be deemed to have been served on the person making the declaration on the same day as the declaration was served.

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- (7) Where a declaration has been served under sub-paragraph (2) (b) or (c) above, the borough council shall refer the case to the traffic adjudicator who may give such direction as he considers appropriate.