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SCHEDULES

SCHEDULE 1

PENALTY CHARGE NOTICES ETC. UNDER SECTION 4 (PENALTY CHARGES FOR ROAD TRAFFIC CONTRAVENTIONS) OF THIS ACT

Representations against penalty charge notice

- 1 (1) Where it appears to a person on whom a penalty charge notice has been served under section 4 (Penalty charges for road traffic contraventions) of this Act (in this Schedule referred to as “the recipient”) that one or other of the grounds mentioned in sub-paragraph (4) below is satisfied, he may make representations to that effect to the enforcing authority.
- (2) Any representations under this paragraph must be made in such form as may be specified by the enforcing authority, acting through the Joint Committee (within the meaning of subsection (16) of the said section 4).
- (3) The enforcing authority may disregard any such representations which are received by them after the end of the period of 28 days beginning with the date on which the penalty charge notice in question was served.
- (4) The grounds referred to in sub-paragraph (1) above 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 penalty charge was alleged to have become payable; or
 - (iii) became its owner after that date;
 - (b) that there was no—
 - (i) contravention of a prescribed order; or
 - (ii) failure to comply with an indication; or
 - (iii) contravention of the lorry ban order,under subsection (5) or (7) of the said section 4 as the case may be;
 - (c) that at the time the alleged contravention or failure took place the person who was in control of the vehicle was in control of the vehicle without the consent of the owner;
 - (d) that the recipient is a vehicle-hire firm and—
 - (i) the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and
 - (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice issued in respect of the vehicle during the currency of the hiring agreement; or
 - (e) that the penalty charge exceeded the amount applicable in the circumstances of the case.

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- (5) Where the ground mentioned in sub-paragraph (4)(a)(ii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the person making the representations (if that information is in his possession).
- (6) Where the ground mentioned in sub-paragraph (4)(a)(iii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person from whom the vehicle was acquired by the person making the representations (if that information is in his possession).
- (7) It shall be the duty of the enforcing authority to whom representations are duly made under this paragraph—
 - (a) to consider them and any supporting evidence which the person making them provides; and
 - (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.
- (8) Where the ground that is accepted is that mentioned in sub-paragraph (4)(d) above, the person hiring the vehicle shall be deemed to be its owner for the purposes of this Act.
- (9) In this paragraph, “vehicle hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988 (c. 53) (Hired vehicles).