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SCHEDULES

SCHEDULE 1

Section 4

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).

Cancellation of penalty charge notice

- 2 (1) Where representations are made under paragraph 1 above and the enforcing authority accept that the ground in question has been established they shall—
 - (a) cancel the penalty charge notice; and
 - (b) state in the notice served under sub-paragraph (7) of paragraph 1 above that the penalty charge notice has been cancelled.
- (2) The cancellation of a penalty charge notice under this paragraph shall not be taken to prevent the enforcing authority serving a fresh penalty charge notice on another person.

Rejection of representations against penalty charge notice

- 3 Where any representations are made under paragraph 1 above but the enforcing authority do not accept that a ground has been established, the notice served under sub-paragraph (7) of the said paragraph 1 (in this Schedule referred to as “the notice of rejection”) must—
 - (a) state that a charge certificate may be served under paragraph 5 below unless before the end of the period of 28 days beginning with the date of service of the notice of rejection—
 - (i) the penalty charge is paid; or
 - (ii) the person on whom the notice is served appeals to a traffic adjudicator against the penalty charge; and
 - (b) describe in general terms the form and manner in which such an appeal must be made,

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and may contain such other information as the enforcing authority consider appropriate.

Adjudication by traffic adjudicator

- 4 (1) Where an enforcing authority serve a notice of rejection, the person who made the representations under paragraph 1 above in respect of which that notice was served may, before—
- (a) the end of the period of 28 days beginning with the date of service of that notice; or
 - (b) such longer period as a traffic adjudicator may allow,
- appeal to a traffic adjudicator against the decision of the enforcing authority.
- (2) On an appeal under this paragraph, the traffic adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in paragraph 1(4) above and may give the enforcing authority such directions as he considers appropriate.
- (3) It shall be the duty of the enforcing authority to whom a direction is given under subparagraph (2) above to comply with it forthwith.

Charge certificates

- 5 (1) Where a penalty charge notice is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the enforcing authority may serve on that person a statement (in this paragraph referred to as a “charge certificate”) to the effect that the penalty charge in question is increased by 50 per cent.
- (2) The relevant period, in relation to a penalty charge notice is the period of 28 days beginning—
- (a) where no representations are made under paragraph 1 above, with the date on which the penalty charge notice is served;
 - (b) where such representations are made and a notice of rejection is served by the enforcing authority and no appeal against the notice of rejection is made with the date on which the period within which an appeal could have been made expires; or
 - (c) where there has been an unsuccessful appeal against a notice of rejection, with the date on which notice of the adjudicator’s decision is served on the appellant.
- (3) Where an appeal against a notice of rejection is made but is withdrawn before the decision of the adjudicator is made the relevant period in relation to a penalty charge notice is the period of 14 days beginning with the date on which the appeal is withdrawn.

Enforcement of charge certificate

- 6 (1) Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the enforcing authority may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

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- (2) Any notice of any county court order made under this paragraph and being served on any person shall be accompanied by a copy of the penalty charge notice to which the penalty charge relates.
- (3) Section 78 of the Road Traffic Act 1991 (c. 40) (which makes provision for the recovery of sums that are payable under or by virtue of any provision of Part II of that Act and are recoverable as if they were payable under a county court order) shall have effect as though an increased penalty charge recoverable under sub-paragraph (1) above were a Part II debt for the purposes of that section.

Invalid notices

- 7 (1) This paragraph applies where—
- (a) a county court makes an order under paragraph 6 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 penalty charge notice in question;
 - (b) made representations to the enforcing authority under paragraph 1 above but did not receive a notice of rejection from that authority; or
 - (c) appealed to a traffic adjudicator under paragraph 4 above against the rejection by that authority of representations made by him under paragraph 1 above but had no response to the appeal.
- (3) A statutory declaration under this paragraph is invalid and sub-paragraph (8) below shall not apply in relation to the declaration if one or more of the following grounds is met—
- (a) the person who made the declaration claims that more than one of the grounds mentioned in sub-paragraph (2) above is met;
 - (b) the declaration is not signed by any person purporting to make it;
 - (c) the declaration is not signed by or does not contain an address for a person purporting to be a witness to the signature of the person making it.
- (4) The Secretary of State may by regulations amend sub-paragraph (3) above by the addition of further grounds for a statutory declaration to be invalid.
- (5) Sub-paragraph (7) 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.
- (6) In considering an application under sub-paragraph (5) above the district judge must take into consideration any representations made by the enforcing authority before the expiry of the period of 14 days beginning on the date on which copies of the application and the statutory declaration are served by the court on the enforcing authority.
- (7) Where this sub-paragraph applies, the district judge may allow such longer period for service of the statutory declaration as he considers appropriate.

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- (8) Subject to sub-paragraphs (3) above and (10) below, 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 penalty charge 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 enforcing authority.
- (9) Service of a declaration under sub-paragraph (2)(a) above shall not prevent the enforcing authority serving a fresh penalty charge notice but if, when it was served, the relevant order under paragraph 6 was accompanied by a copy of the penalty charge notice to which the charge certificate relates, a fresh penalty charge 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.
- (10) Where—
- (a) sub-paragraph (7) above applies; and
 - (b) the order of the court is deemed to have been revoked under sub-paragraph (8) above,
- the enforcing authority concerned shall not be liable to pay the person making the declaration any sums other than the increased charge which was payable under the county court order.
- (11) Where a declaration has been served under sub-paragraph (2)(b) or (c) above, the enforcing authority shall refer the case to the traffic adjudicator who may give such direction as he considers appropriate.

Offence of giving false information

- 8 (1) A person who, in response to a penalty charge notice served under section 4 (Penalty charges for road traffic contraventions) of this Act makes any representation under paragraph 1 or 4 above which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.
- (2) Any person guilty of such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Service by post

- 9 Any charge certificate, or notice under section 4 (Penalty charges for road traffic contraventions) of this Act or this Schedule—
- (a) may be served by post; and
 - (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by post to the secretary or clerk of that body.

Traffic Adjudicators

- 10 (1) Functions of traffic adjudicators under this Schedule shall be discharged by the persons who are appointed as parking adjudicators under section 73 of the Road Traffic Act 1991 (c. 40).

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- (2) Regulations under section 73(11) of the said Act of 1991 (provision as to procedure to be followed in relation to proceedings before parking adjudicators) may make provision with respect to proceedings before parking adjudicators when exercising the functions of traffic adjudicators under this Schedule; and any regulations under that subsection in force at the coming into operation of section 4 (Penalty charges for road traffic contraventions) of this Act shall, with any necessary modifications, apply in relation to such proceedings.
- (3) The references to a parking adjudicator or parking adjudicators in section 73(13) to (15) and (17) and (18) of the said Act of 1991 shall include references to a parking adjudicator or parking adjudicators exercising the functions of traffic adjudicators under this Schedule but section 73(15) of that Act shall not apply to a penalty charge under the said section 4 which remains payable following an adjudication under this Schedule.

Interpretation

- 11 In this Schedule “the enforcing authority”, in relation to any penalty charge notice or charge certificate, means—
- (a) where the notice was served by a borough council, or the certificate relates to a notice so served, that council;
 - (b) where the notice was served by Transport for London, or the certificate relates to a notice so served, Transport for London.

SCHEDULE 2

Sections 4 and 8 to 11

FINANCIAL PROVISIONS RELATING TO SECTIONS 4 (PENALTY CHARGES FOR ROAD TRAFFIC CONTRAVENTIONS) AND 8 TO 11 (FIXED PENALTIES) OF THIS ACT

- 1 Transport for London and each borough council shall keep accounts of their income and expenditure in respect of—
- (a) section 4 (Penalty charges for road traffic contraventions) of this Act; and
 - (b) the administration and enforcement of sections 8 to 11 (Fixed penalties) of this Act in relation to each of the enactments listed in Schedule 4 to this Act, and (except where otherwise provided) the following provisions of this Schedule shall have effect with respect to each of those accounts.
- 2 (1) At the end of each financial year any deficit in the account shall be made good out of—
- (a) in the case of a borough council, their general fund; and
 - (b) in the case of Transport for London, the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 (c. 29) in calculating Transport for London’s component budget for the financial year in question.
- (2) Subject to paragraphs 3 and 4 below, at the end of each financial year any surplus shall be applied for all or any of the purposes specified in paragraph 7 below, and insofar as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.

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- 3 Any amount not applied by a borough council in any financial year may, if that council so determine, be carried forward in the account kept under paragraph 1 above to the next financial year.
- 4 Any amount not applied by Transport for London in any financial year may, if Transport for London so determine, be carried forward in the account kept under paragraph 1 above to the next financial year.
- 5 (1) This paragraph applies to accounts kept under paragraph 1(a) above.
- (2) Each borough council and Transport for London shall, after each financial year, report to the Mayor of London on any action taken by them, pursuant to paragraph 2 or 3 above, in respect of any deficit or surplus in their account for the year.
- 6 The report under paragraph 5 above shall be made as soon after the end of the financial year to which it relates as possible.
- 7 The purposes referred to in paragraph 2 above are—
- (a) the making good—
 - (i) in the case of a borough council, to their general fund; and
 - (ii) in the case of Transport for London, to the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 (c. 29) in calculating Transport for London’s component budget for the financial year in question; of any amount charged to that fund under paragraph 2 above in the four years immediately preceding the financial year in question;
 - (b) meeting costs incurred whether by the council or by some other person, in the provision or operation of, or of facilities for, public passenger transport services;
 - (c) the purposes of a project connected with the carrying out by the appropriate highway authority (whether or not the borough council) of any operation which, within the meaning of the Highways Act 1980 (c. 66) constitutes the improvement of a highway in the council’s area;
 - (d) meeting costs incurred by the borough council or Transport for London in respect of the maintenance of roads maintainable by them at the public expense;
 - (e) meeting all or any part of the cost of the doing by the council or Transport for London in their area of anything—
 - (i) which facilitates the implementation of the London transport strategy; and
 - (ii) which is for the time being specified in that strategy as a purpose for which a surplus may be applied by virtue of this paragraph; and
 - (f) making to any other London authority contributions towards the cost of the doing by that other authority or anything towards the doing of which in its own area the authority making the contribution has power—
 - (i) to apply any surplus on the account required to be kept under paragraph 1 above; or
 - (ii) to incur expenditure required to be brought into that account.
- 8 In paragraph 7 above—
“London authority” means a borough council or Transport for London;

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“the London transport strategy” means the transport strategy prepared and published under section 142 (the Mayor’s transport strategy) of the Greater London Authority Act 1999.

- 9 For the purposes of paragraph 7 above, Transport for London’s area shall be taken to be Greater London.

SCHEDULE 3

Section 4

SCHEDULED TRAFFIC SIGNS FOR THE PURPOSES OF SECTION 4 (PENALTY CHARGES FOR ROAD TRAFFIC CONTRAVENTIONS) OF THIS ACT

- 1 Column 1 of the table below sets out the description of the sign, which corresponds with the description as set out in the Traffic Signs Regulations and General Directions 2002 (S.I. 2002 No. 3113) “(the 2002 Regulations)” of the requirement, restriction or prohibition conveyed by the relevant traffic sign.
- 2 Column 2 of the table sets out the corresponding number given to the diagram illustrating the relevant traffic sign in those regulations.
- 3 The signs include permitted variants of the signs as described in the 2002 Regulations.
- 4 The traffic sign with diagram number 616 is a scheduled traffic sign for the purposes of section 4 (Penalty charges for road traffic contraventions) of this Act only if it indicates a restriction or prohibition which may be indicated by another sign listed in the table.

(1) Description	(2) Diagram Number
Vehicular traffic must proceed in the direction indicated by the arrow	606
Vehicular traffic must turn ahead in the direction indicated by the arrow	609
Vehicular traffic must comply with the requirements prescribed in regulation 15	610
No right turn for vehicular traffic	612
No left turn for vehicular traffic	613
No U-turns for vehicular traffic	614
Priority must be given to vehicles from the opposite direction	615, 615.1
No entry for vehicular traffic	616
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617

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(1) Description	(2) Diagram Number
Entry to pedestrian zone restricted (Alternative types)	618.2
Entry to and waiting in pedestrian zone restricted (Alternative types)	618.3
Entry to and waiting in pedestrian zone restricted (Variable message sign)	618.3A
Motor vehicles prohibited	619
Motor vehicles except solo motor cycles prohibited	619.1
Solo motor cycles prohibited	619.2
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A
One way traffic	652
Route for use by buses and pedal cycles only	953
Route for use by tramcars only	953.1
Part of the carriageway outside a school entrance where vehicles should not stop	1027.1
Marking conveying the requirements prescribed by regulation 29(2) and Part II of Schedule 19	1043, 1044

SCHEDULE 4

Section 8

OFFENCES IN RESPECT OF WHICH FIXED PENALTY NOTICES MAY BE SERVED UNDER SECTION 8 (FIXED PENALTY OFFENCES) OF THIS ACT

(1) Act	(2) Section	(3) Description of Offence
1 Highways Act 1980 (c. 66)	132(1)	Painting or otherwise inscribing or affixing picture etc. upon the surface of a highway or upon a tree, structure or works on or in a highway

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	(1) Act	(2) Section	(3) Description of Offence
2		137(1)	Wilful obstruction of highway
3		138	Erecting a building, fence or hedge on highway
4		139(3)	Depositing builder's skip on highway without permission
5		139(4)(a)	Failure to secure lighting or other marking of builder's skip
6		139(4)(b)	Failure to secure marking of builder's skip with name and address
7		139(4)(c)	Failure to secure removal of builder's skip
8		139(4)(d)	Failure to comply with conditions of permission
9		140(3)	Failure to remove or reposition builder's skip
10		141(3)	Failure to comply with notice requiring removal of tree or shrub
11		147A(2)	Using of stall etc. for road side sales in certain circumstances
12		148(a)	Depositing material etc. on a made-up carriageway
13		148(b)	Depositing material etc. within 15 feet from centre of made-up carriageway
14		148(c)	Depositing anything on highway to the interruption of user

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	(1) Act	(2) Section	(3) Description of Offence
15		148(d)	Pitching of booths, stalls or stands or encamping on highway
16		151(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer
17		152(4)	Failure to comply with notice requiring removal of projection from buildings
18		153(5)	Failure to comply with notice requiring alteration of door, gate or bar opening outwards onto street
19		155(2)	Keeping of animals straying or lying on side of highway
20		161(1)	Depositing things on highway which cause injury or danger
21		169(5)	Erecting scaffolding or other structure without licence or failing to comply with terms of licence or perform duty under subsection (4)
