



Transport for London Act 2008

2008 CHAPTER i

PART 3

LONDON CABS AND PRIVATE HIRE VEHICLES

London cabs and private hire vehicles: fixed penalties

19 Fixed penalty notices

- (1) The provisions of this section shall have effect in relation to notices (“fixed penalty notices”) which may be given under section 17 (fixed penalty cab and private hire vehicle offences).
- (2) Where a person is given a fixed penalty notice in respect of an offence—
 - (a) no proceedings shall be instituted for that offence before the expiration of 28 days following the date of the notice;
 - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period; and
 - (c) in the case of an offence in respect of which (but for this paragraph) section 38 of the London Hackney Carriages Act 1843 (c. 86) (which as amended by section 14 (time limit for making complaints) requires complaints for certain offences to be made within 28 days) applies, proceedings may (notwithstanding that section) be instituted for that offence until the expiration of 42 days following the date of the notice.
- (3) A fixed penalty notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
 - (a) the period during which, by virtue of subsection (2), proceedings will not be taken for the offence;
 - (b) the amount of the fixed penalty;
 - (c) the name of the person to whom and the address at which the fixed penalty may be paid; and

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- (d) the consequences of not making any payment within the period for payment; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (4) Where a letter is sent in accordance with subsection (3) payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (5) The form of notices under this section shall be such as the Secretary of State may by regulations prescribe.
- (6) The fixed penalty payable in pursuance of a fixed penalty notice under this section shall be paid to TfL.
- (7) In any proceedings a certificate which—
 - (a) purports to be signed by or on behalf of the chief finance officer of TfL; and
 - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,shall be evidence of the facts stated.