

SCHEDULES

SCHEDULE 8

CARRIERS' LIABILITY

- 7 (1) Section 35 (notification and objection) shall be amended as follows.
- (2) In subsection (2)(d)(i) for “must” substitute “may”.
- (3) For subsections (3) to (8) substitute—
- “(3) Subsection (4) applies where a person to whom a penalty notice is issued objects on the ground that—
- (a) he is not liable to the imposition of a penalty, or
 - (b) the amount of the penalty is too high.
- (4) The person may give a notice of objection to the Secretary of State.
- (5) A notice of objection must—
- (a) be in writing,
 - (b) give the objector’s reasons, and
 - (c) be given before the end of such period as may be prescribed.
- (6) Where the Secretary of State receives a notice of objection to a penalty in accordance with this section he shall consider it and—
- (a) cancel the penalty,
 - (b) reduce the penalty,
 - (c) increase the penalty, or
 - (d) determine to take no action under paragraphs (a) to (c).
- (7) Where the Secretary of State considers a notice of objection under subsection (6) he shall—
- (a) inform the objector of his decision before the end of such period as may be prescribed or such longer period as he may agree with the objector,
 - (b) if he increases the penalty, issue a new penalty notice under subsection (1), and
 - (c) if he reduces the penalty, notify the objector of the reduced amount.”
- (4) In subsection (9)—
- (a) for the first “served” substitute “issued”, and
 - (b) for “served on” substitute “issued to”.
- (5) At the end add—
- “(11) In proceedings for enforcement of a penalty under subsection (10) no question may be raised as to—
- (a) liability to the imposition of the penalty, or

Status: This is the original version (as it was originally enacted).

- (b) its amount.
- (12) A document which is to be issued to or served on a person outside the United Kingdom for the purpose of subsection (1) or (7) or in the course of proceedings under subsection (10) may be issued or served—
- (a) in person,
 - (b) by post,
 - (c) by facsimile transmission, or
 - (d) in another prescribed manner.
- (13) The Secretary of State may by regulations provide that a document issued or served in a manner listed in subsection (12) in accordance with the regulations is to be taken to have been received at a time specified by or determined in accordance with the regulations.”