

## SCHEDULES

### SCHEDULE 4

#### FIXED PENALTIES

##### *Service of statement and proof of service*

- 10 (1) This paragraph applies to proceedings for a relevant offence.
- (2) A certificate by OFCOM—
- (a) that a copy of a statement by a person authorised by OFCOM was included in, or given with, a fixed penalty notice,
  - (b) that the notice was a notice with respect to the relevant offence, and
  - (c) that that notice was issued to the accused on a date specified in the certificate,
- is evidence that a copy of the statement was served on the alleged offender by delivery to him on that date.
- [<sup>F1</sup>(2A) The statement is to be treated as properly served for the purposes of section 9 of the Criminal Justice Act 1967 (proof by written statement), even though the manner of service is not authorised by Criminal Procedure Rules.]
- (3) The statement is to be treated as properly served for the purposes of—
- <sup>F2</sup>(a) . . . . .
  - (b) section 1 of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (c. 28 (N.I.)) (corresponding provision for Northern Ireland), even though the manner of service is not authorised by subsection (8) of [<sup>F3</sup>that section].
- (4) Sub-paragraphs (5) and (6) apply to any proceedings in which service of a statement is proved by a certificate under this paragraph.
- (5) For the purposes of—
- (a) section 9(2)(c) of the Criminal Justice Act 1967 (copy of statement to be tendered in evidence to be served before hearing on other parties to the proceedings by or on behalf of the party proposing to tender it), and
  - (b) section 1(2)(c) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (corresponding provision for Northern Ireland),
- service of the statement is to be taken to have been effected by or on behalf of the prosecutor.
- [<sup>F4</sup>(5A) If the alleged offender makes a request to be tried, section 9(2A) of the Criminal Justice Act 1967 (time for objection) is to apply—
- (a) with the substitution for the reference in paragraph (a) to such number of days, which may not be less than seven, from the service of the copy of the statement of a reference to such number of days, which may not be less than

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*Changes to legislation: There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Paragraph 10. (See end of Document for details)*

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seven, beginning with the day after the one on which the request to be tried was made, and

- (b) with the substitution for the reference in paragraph (b) to seven days from the service of the copy of the statement of a reference to seven days beginning with the day after the one on which the request to be tried was made.]

(6) If the alleged offender makes a request to be tried—

<sup>F5</sup>(a) . . . . .

- (b) section 1(2)(d) of the Criminal Justice (Miscellaneous Provisions) Act (Northern Ireland) 1968 (corresponding provision for Northern Ireland),

[<sup>F6</sup>is to apply] with the substitution, for the reference to seven days from the service of the copy of the statement, of a reference to seven days beginning with the day after the one on which the request to be tried was made.

(7) This paragraph does not extend to Scotland.

#### Textual Amendments

- F1** Sch. 4 para. 10(2A) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 80(5)(a)**, 115(7); [S.I. 2015/994](#), art. 6(m)
- F2** Sch. 4 para. 10(3)(a) and the "and" following it omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 80(5)(b)(i)**, 115(7); [S.I. 2015/994](#), art. 6(m)
- F3** Words in Sch. 4 para. 10(3) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 80(5)(b)(ii)**, 115(7); [S.I. 2015/994](#), art. 6(m)
- F4** Sch. 4 para. 10(5A) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 80(5)(c)**, 115(7); [S.I. 2015/994](#), art. 6(m)
- F5** Sch. 4 para. 10(6)(a) and the "and" following it omitted (26.5.2015) by virtue of [Deregulation Act 2015 \(c. 20\)](#), **ss. 80(5)(d)(i)**, 115(7); [S.I. 2015/994](#), art. 6(m)
- F6** Words in Sch. 4 para. 10(6) substituted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 80(5)(d)(ii)**, 115(7); [S.I. 2015/994](#), art. 6(m)

**Changes to legislation:**

There are currently no known outstanding effects for the Wireless Telegraphy Act 2006, Paragraph 10.