
STATUTORY INSTRUMENTS

2005 No. 2757

The Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005

PART 3

NOTIFICATION OF, AND REPRESENTATIONS ABOUT, PENALTY CHARGES

Representations in respect of penalty charges

9.—(1) The recipient may make written representations on any of the statutory grounds of appeal to the authority against the imposition of the penalty charge; but the authority may disregard any such representations which are received by them after the end of the 28 day period.

(2) The grounds are—

- (a) that the alleged contravention did not occur;
- (b) that regulation 6(1) (other proceedings pursued) applies;
- (c) in a case where the penalty charge notice has been served on the recipient on the basis that he was the owner of the vehicle concerned, that the recipient—
 - (i) never was the owner of the vehicle in question;
 - (ii) had ceased to be its owner before the detection date; or
 - (iii) became its owner after the detection date;
- (d) in a case where the penalty charge notice has been served on the recipient on the basis that he was the hirer of the vehicle concerned, that he was not liable to pay the penalty charge under regulation 5(2);
- (e) that the recipient was the registered keeper of the vehicle in question on the detection date, but on that date—
 - (i) the circumstances were as mentioned in regulation 5(2) (vehicle subject to hiring agreement);
 - (ii) the circumstances were as mentioned in regulation 5(3) (vehicle kept by a vehicle trader), and the recipient was either not a vehicle trader or was a vehicle trader but not the vehicle trader keeping the vehicle; or
 - (iii) the vehicle was in the control of a person who had assumed control of it without the recipient's consent; and
- (f) that the penalty charge exceeded the amount applicable in the circumstances of the case.

(3) Where the ground mentioned in paragraph (2)(c)(ii) is relied on in any representations made under paragraph (1), those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the recipient (if that information is in his possession).

(4) Where the ground mentioned in paragraph (2)(c)(iii) is relied on in any representations made under paragraph (1), those representations must include a statement of the name and address of the person from whom the vehicle was acquired by the recipient (if that information is in his possession).