

SCHEDULES

SCHEDULE 8

REMOVAL OF MOTOR VEHICLES AND RECOVERY OF PENALTY CHARGES

PART 3

RECOVERY OF PENALTY CHARGES

Invalid notices

12.—(1) This paragraph applies where—

- (a) a county court makes an order under paragraph 11;
- (b) the person against whom it is made makes a statutory declaration complying with sub-paragraph (2); 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 that person, 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 TfL under paragraph 6 but did not receive a notice of rejection; or
- (c) appealed to an adjudicator under paragraph 9 against the rejection by TfL of representations made by that person under paragraph 6 but had no response to the appeal.

(3) Sub-paragraph (4) applies where it appears to a county court, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of that person's case to insist on that person serving a statutory declaration within the period of 21 days allowed for by sub-paragraph (1).

(4) Where this sub-paragraph applies, the county court may allow such longer period for service of the statutory declaration as the county court considers appropriate.

(5) Where a statutory declaration is served under sub-paragraph (1)(c)—

- (a) the order of the court is deemed to have been revoked;
- (b) the charge certificate is deemed to have been cancelled;
- (c) in the case of a declaration under sub-paragraph (2)(a), the penalty charge notice to which the charge certificate relates is deemed to have been cancelled; and
- (d) the district judge must serve written notice of the effect of service of the declaration on the person making it and on TfL.

(6) Service of a declaration under sub-paragraph (2)(a) must not be taken to prevent TfL from serving a fresh penalty charge notice on the same or another person.

(7) Where a declaration has been served under sub-paragraph (2)(b) or (c), TfL must refer the case to the adjudicator who may give such directions as the adjudicator considers appropriate.