



# London Local Authorities and Transport for London Act 2008

## 2008 CHAPTER iii

### PART 5

#### NON-PAYMENT OF PENALTY CHARGES

#### **22 Issue of penalty charge notices, etc. on release or recovery of vehicle**

- (1) This section applies in cases where—
  - (a) a vehicle is released from an immobilisation device under subsection (4) of section 15 (preliminary procedure where ownership details not known) of this Act;
  - (b) details are provided to a London authority in satisfaction of subsection (16) of the said section 15; or
  - (c) a claimant takes possession of a vehicle under section 19 (taking possession of a vehicle) of this Act in circumstances where subsection (2) of that section apply.
- (2) The relevant person may, if he is satisfied that the claimant is the owner of the vehicle, serve on the claimant personally a penalty charge notice or (in NTO cases) a notice to owner in respect of each relevant outstanding penalty charge.
- (3) A London authority may serve a penalty charge notice or (in NTO cases) a notice to owner in respect of each relevant outstanding penalty charge on the person whose name is given as the owner of the vehicle to the relevant person under subsection (11) or (16) of the said section 15 or subsection (2) or (7) of the said section 19 at the address given under the subsection in question.
- (4) A notice served under subsection (2) or (3) above shall, for the purposes of the enactment in respect of which the relevant outstanding penalty charge in question arose be deemed to have been issued or served in compliance with that enactment (including in compliance with any time limits under the enactment).

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (5) A penalty charge in respect of which a notice is served under subsection (2) or (3) above—
- (a) ceases to be outstanding as described in subsection (4)(b) of section 14 (interpretation of Part 5) of this Act; but
  - (b) may become outstanding as described in subsections (4)(a), (5) and (6) of that section.
- (6) If a penalty charge does become outstanding again as mentioned in subsection (5) above, then—
- (a) the procedure in section 16 (preliminary procedure in other cases) of this Act may apply in respect of the outstanding penalty charge; and
  - (b) the penalty charge notice or notice to owner in question shall count for the purposes of subsection (1)(c) of that section.
- (7) In this section—
- “relevant person” means—
- (a) an authorised person who releases a vehicle or directs another person to release the vehicle from an immobilisation device in accordance with subsection (10) of the said section 15; or
  - (b) a custodian from whom a vehicle is taken possession under subsection (1) of the said section 19, in the case where the conditions of subsection (2) of that section have been satisfied,
- as the case may be;
- “claimant” means a claimant for the purposes of the said section 15 or section 19, as the case may be.