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SCHEDULES

SCHEDULE 1

ENFORCEMENT NOTICES, ETC., UNDER PART II (BUS LANES) OF THIS ACT

Admissibility of certain evidence

- 7 (1) Evidence of a fact relevant to proceedings under paragraph 6 above may be given by the production of—
- (a) a record produced by a prescribed device; and
 - (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by an authorised officer of the council of the borough in which the breach of the order or regulations described in subsection (2) of section 4 (Penalty charge notices under Part II) of this Act is alleged to have taken place.
- (2) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings under paragraph 6 above unless—
- (a) the device is of a type approved by the Secretary of State; and
 - (b) any conditions subject to which the approval was given are satisfied.
- (3) Any approval given by the Secretary of State for the purposes of this paragraph may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.
- (4) In proceedings under paragraph 6 above, evidence—
- (a) of a measurement made by a device, or of the circumstances in which it was made; or
 - (b) that a device was of a type approved for the purposes of this paragraph, or that any conditions subject to which an approval was given were satisfied;
- may be given by the production of a document which is signed as mentioned in sub-paragraph (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.
- (5) For the purposes of this paragraph a document purporting to be a record of the kind mentioned in sub-paragraph (1) above, or to be a certificate or other document signed as mentioned in that sub-paragraph or in sub-paragraph (4) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.
- (6) Nothing in sub-paragraph (1) or (4) above makes a document admissible as evidence in proceedings under paragraph 6 above unless a copy of it has not less than 7 days before the hearing, been served on the appellant; and nothing in those paragraphs makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days

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before the hearing or within such further time as the traffic adjudicator may in special circumstances allow, serves a notice on the council requiring attendance at the hearing or trial of the person who signed the document.