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SCHEDULES

SCHEDULE 1

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

Representations against penalty charge notice or enforcement notice

- 2 (1) Where it appears to a person on whom a penalty charge notice has been served under section 4 (Penalty charge notices under Part II) of this Act, or paragraph 4 (1) below, or a person on whom an enforcement notice has been served under paragraph 1 above (in this Schedule referred to as “the recipient”) that one or other of the grounds mentioned in sub-paragraph (4) below is satisfied, he may make representations to that effect to the council who served the notice on him.
- (2) Any representations under this paragraph must be made in such form as may be specified by the councils, acting through the Joint Committee.
- (3) The council may disregard any such representations which are received by them after the end of the period of 28 days beginning with the date on which the penalty charge notice or enforcement notice in question was served.
- (4) The grounds referred to in sub-paragraph (1) above are—
- (a) where the penalty charge notice was served pursuant to the said section 4 or, where an enforcement notice was served, that the recipient—
 - (i) never was the owner of the vehicle in question;
 - (ii) had ceased to be its owner before the date on which the penalty charge was alleged to have become payable; or
 - (iii) became its owner after that date;
 - (b) that there was no breach of an order or regulations of the type described in subsection (2) of the said section 4;
 - (c) that at the time the alleged breach of such order or regulations took place the recipient was not in charge of the vehicle.
- (5) Where the ground mentioned in sub-paragraph (4) (a) (ii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the person making the representations (if that information is in his possession).
- (6) Where the ground mentioned in sub-paragraph (4) (a) (iii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person from whom the vehicle was acquired by the person making the representations (if that information is in his possession).
- (7) Where the ground mentioned in sub-paragraph (4)(c) above is relied on in any representations made under this paragraph, those representations must include a statement by the person making the representations of the name and address of the person whom he believed to be in charge of the vehicle at the time of the alleged breach of the order described in subsection (2) of the said section 4.

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- (8) A person who fails to comply with the requirements of sub-paragraph (7) above shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, who was the driver of the vehicle.
- (9) A person guilty of any offence under sub-paragraph (8) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) It shall be the duty of the council to whom representations are duly made under this paragraph—
- (a) to consider them and any supporting evidence which the person making them provides; and
 - (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.