

SCHEDULES

SCHEDULE 6

PARKING PENALTIES

Invalid notices

- 8 (1) This paragraph applies where—
- (a) a county court makes an order under paragraph 7 above;
 - (b) the person against whom it is made makes a statutory declaration complying with sub-paragraph (2) below; 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 him, 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 notice to owner in question;
 - (b) made representations to the London authority concerned under paragraph 2 above but did not receive a rejection notice from that authority; or
 - (c) appealed to a parking adjudicator under paragraph 5 above against the rejection by that authority of representations made by him under paragraph 2 above but had no response to the appeal.
- (3) Sub-paragraph (4) below applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on him serving his statutory declaration within the period of 21 days allowed for by sub-paragraph (1) above.
- (4) Where this sub-paragraph applies, the district judge may allow such longer period for service of the statutory declaration as he considers appropriate.
- (5) Where a statutory declaration is served under sub-paragraph (1)(c) above—
- (a) the order of the court shall be deemed to have been revoked;
 - (b) the charge certificate shall be deemed to have been cancelled;
 - (c) in the case of a declaration under sub-paragraph (2)(a) above, the notice to owner to which the charge certificate relates shall be deemed to have been cancelled; and
 - (d) the district judge shall serve written notice of the effect of service of the declaration on the person making it and on the London authority concerned.
- (6) Service of a declaration under sub-paragraph (2)(a) above shall not prevent the London authority serving a fresh notice to owner.
- (7) Where a declaration has been served under sub-paragraph (2)(b) or (c) above, the London authority shall refer the case to the parking adjudicator who may give such direction as he considers appropriate.