
STATUTORY INSTRUMENTS

2001 No. 2313

The Road User Charging (Enforcement and Adjudication) (London) Regulations 2001

PART IV

RECOVERY OF PENALTY CHARGES

Invalid notices

19.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 18;
- (b) the person against whom it is made makes a statutory declaration complying with 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 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 penalty charge notice in question;
- (b) made representations to the charging authority concerned under regulation 13 but did not receive a notice of rejection from that authority; or
- (c) appealed to an adjudicator under regulation 16 against the rejection by that authority of representations made by him under regulation 13 but had no response to the appeal.

(3) Paragraph (4) 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 paragraph (1).

(4) Where this 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 paragraph (1)(c)—

- (a) the order of the court shall be deemed to have been revoked;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 paragraph (2)(a), the penalty charge notice 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 charging authority concerned.

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

(7) Where a declaration has been served under paragraph (2)(b) or (c), the charging authority shall refer the case to the adjudicator who may give such directions as he considers appropriate.

Changes to legislation: There are currently no known outstanding effects for the The Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, Section 19. (See end of Document for details)

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Commencement Information

II [Reg. 19](#) in force at 30.7.2001, see [reg. 1](#)

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