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STATUTORY INSTRUMENTS

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**2005 No. 2757**

**The Bus Lane Contraventions (Penalty Charges,  
Adjudication and Enforcement) (England) Regulations 2005**

**PART 2**

**PENALTY CHARGES**

**Penalty charges**

3.—(1) Subject to paragraph (2) and regulation 4, an approved local authority may impose a penalty charge in respect of a contravention relating to any road within their area, except a road which is a special road in accordance with section 16 of the Highways Act 1980<sup>(1)</sup>.

(2) A penalty charge may be imposed only on the basis of a record produced by an approved device.

**Level of penalty charges**

4.—(1) An approved local authority shall not impose a penalty charge in accordance with these Regulations unless—

- (a) it has first set the level of penalty charge that is to apply within its area;
- (b) the Secretary of State has approved that level; and
- (c) it has published in at least one local newspaper circulating in its area a notice specifying—
  - (i) the circumstances in which a penalty charge may be imposed;
  - (ii) the level of the penalty charge; and
  - (iii) the date, being a day which falls after the end of the period of 15 days beginning with the day on which the notice is published, on which the authority will start to impose penalty charges at that level,

and no charge shall be imposed before the date so specified.

(2) In setting the level of penalty charge an approved local authority shall have regard to any guidance for the time being issued by the Secretary of State.

(3) Each approved local authority shall make available, at all reasonable times, free of charge and in a form which is readily accessible to any member of the public, information about the level of the penalty charge for the time being in force in its area.

(4) In the circumstances described in regulation 8(5)(f), an authority must accept a sum equivalent to one half of the level of charge approved by the Secretary of State, in full payment of a penalty charge.

(5) In the circumstances described in regulation 8(5)(j), an authority may increase a penalty charge to a sum equivalent to one and a half times the level of charge approved by the Secretary of State.

#### **Person by whom penalty charge is to be paid**

5.—(1) Subject to paragraphs (2) and (3), a penalty charge shall be paid by the owner of the vehicle involved in the contravention.

(2) Where the vehicle involved in the contravention—

- (a) was at the material time the subject of a hiring agreement; and
- (b) the person hiring it, or an individual authorised to sign on his behalf, has signed a statement of liability acknowledging his liability in respect of any penalty charge incurred during the currency of the hiring agreement,

the penalty charge shall be paid by the person who has hired the vehicle under the agreement.

(3) Where—

- (a) the vehicle involved in the contravention is kept by a vehicle trader; and
- (b) at the time of the contravention, a person other than the vehicle trader is the registered keeper of the vehicle,

the penalty charge shall be paid by the vehicle trader.

(4) In this regulation—

“hiring agreement” means an agreement for the hire of a vehicle—

- (i) under the terms of which the vehicle is let to the hirer for a fixed period of any duration (whether or not that period is capable of extension by agreement between the parties or otherwise);
- (ii) which contains such particulars as may for the time being be prescribed for the purpose of section 66(8) (offences relating to hired vehicles) of the Road Traffic Offenders Act 1988(2); and
- (iii) which is not a hire purchase agreement within the meaning of the Consumer Credit Act 1974(3); and

“vehicle trader” has the same meaning as in regulation 20(6) (change of keeper: general provisions) of the Road Vehicle (Registration and Licensing) Regulations 2002(4).

#### **Circumstances in which penalty charge need not be paid or is to be refunded**

6.—(1) A penalty charge shall not be payable under these Regulations where—

- (a) the conduct constituting the contravention is the subject of criminal proceedings; or
- (b) a fixed penalty notice, as defined by section 52 of the Road Traffic Offenders Act 1988(5), has been given in respect of that conduct.

(2) Where, notwithstanding the provisions of paragraph (1)—

- (a) a penalty charge has been paid in respect of a contravention; and
- (b) the circumstances are as mentioned in paragraph (1)(a) or (b),

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(2) 1988 c. 53.

(3) 1974 c. 39; the definition of “hire purchase agreement” is in section 189(1).

(4) S.I. 2002/2742, to which there are amendments not relevant to these Regulations.

(5) Section 52 was amended by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraph 147, by the Courts Act 2003 (c. 39) Schedule 8, paragraph 314 and by the Statute Law (Repeals) Act 2004 (c. 14), Schedule 1, Part 14.

the authority shall, as soon as reasonably practicable after those circumstances come to their notice, refund the amount of the penalty charge.