
STATUTORY INSTRUMENTS

2005 No. 2757

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

PART 6

ENFORCEMENT OF PENALTY CHARGES

Charge certificates

32.—(1) Where—

- (a) a penalty charge notice is served on any person; and
- (b) the penalty charge to which it relates is not paid before the end of the relevant period,

the enforcing authority may serve on that person a statement (a “charge certificate”) to the effect that the penalty charge in question is increased by 50 per cent.

(2) The “relevant period” for the purposes of paragraph (1) means—

- (a) where a notice of rejection is served but no appeal is made, the period of 28 days beginning with the date of service of the notice of rejection;
- (b) where there has been an unsuccessful appeal against the imposition of the penalty charge, the period of 28 days beginning with the date on which the adjudicator’s decision is sent to the appellant pursuant to regulation 22(6);
- (c) where an appeal is withdrawn, the period of 14 days beginning with the date on which it is withdrawn; and
- (d) where no representations are made, the period of 28 days beginning with the date on which the penalty charge notice is served.

Enforcement of penalty charges

33. Where, in relation to a penalty charge notice—

- (a) the relevant period for the purposes of regulation 32(1) has expired; and
- (b) the increased penalty charge for which the charge certificate provides is not paid before the end of the period of 14 days beginning with the date on which the certificate is served,

the authority concerned may, if the county court so orders, recover the charge as if it were payable under a county court order.

Cancellation of charge certificates, etc

34.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 33;
- (b) the person against whom it is made makes a statutory declaration complying with paragraph (2); and

- (c) subject to paragraph (3), the 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 (as the case may be) that the person making it—
 - (a) did not receive the penalty charge notice in question;
 - (b) made representations under regulation 9 but had no response to those representations; or
 - (c) appealed to the adjudicator under regulation 14 but had no response to the appeal.
- (3) Where it appears to the court, 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 his serving his statutory declaration within the period mentioned in paragraph (1)(c), the court may allow such longer period for service of the statutory declaration as it considers appropriate.
- (4) Where a statutory declaration is served pursuant to paragraph (1)(c) or within such longer period as may be allowed under paragraph (3)—
 - (a) the order of the court shall be treated as revoked;
 - (b) the charge certificate shall be treated as cancelled;
 - (c) where the declaration contains such a statement as is mentioned in paragraph (2)(a), the penalty charge notice shall be treated as cancelled; and
 - (d) the court shall serve written notice of the effect of service of the declaration on the person making it and on the enforcing authority concerned.
- (5) Where a declaration contains such a statement as is mentioned in paragraph (2)(a), nothing in regulation 8(2) shall prevent the enforcing authority serving a fresh penalty charge notice on the person making the declaration or any other person.
- (6) Where a declaration contains such a statement as is mentioned in paragraph (2)(b) or (c), the enforcing authority shall refer the case to the adjudicator, who may give such directions as he considers appropriate.

Enforcement by execution

- 35.**—(1) Subject to paragraph (2), a sum of money—
- (a) representing an increased penalty charge recoverable in accordance with regulation 33; and
 - (b) payable by a person (other than the enforcing authority) under an adjudication of an adjudicator which is recoverable in accordance with regulation 25,

as if it were payable under a county court order shall be treated for the purposes of enforcement by execution as if it were a specified debt in article 2 of the Enforcement of Road Traffic Debts Order 1993⁽¹⁾ (“the 1993 Order”).

- (2) For the purposes of enforcement of payment of a sum referred to in paragraph (1)—
 - (a) any reference in the 1993 Order to the authority shall be a reference to the enforcing authority; and
 - (b) the reference in article 3(1) of the 1993 Order to the time for serving a statutory declaration shall be a reference to (as the case may be)—
 - (i) the period of 21 days allowed by regulation 34(1)(c); or
 - (ii) where a longer period has been allowed pursuant to regulation 34(3), that period.

(1) S.I. 1993/2073, amended by S.I. 2001/1386.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
