
DRAFT STATUTORY INSTRUMENTS

2002 No.

**The Road Traffic (Vehicle Emissions)
(Fixed Penalty) (England) Regulations 2002**

PART 8

MISCELLANEOUS

Notices rendered void

23.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 21;
- (b) the person against whom it is made makes a statutory declaration complying with paragraph (2); and
- (c) 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 that made the order.

(2) The statutory declaration must state (as the case may be) that the person making it—

- (a) did not receive the fixed penalty notice in question; or
- (b) made an application under regulation 19(1) but did not receive notification that the amount of the fixed penalty had been reduced or (as the case may be) that his request had been refused nor of the amount that was payable.

(3) Where it appears to a county court, on the application of a person on whom a fixed penalty notice 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 mentioned in paragraph (1)(c), the county court may allow such longer period for service of the statutory declaration as it considers appropriate.

(4) Where a statutory declaration is served under paragraph (1)(c)—

- (a) the fixed penalty notice shall be rendered void;
- (b) the order of the court shall be treated as revoked;
- (c) the fixed penalty to which the fixed penalty notice relates shall be treated as cancelled;
- (d) the county court shall serve written notice of the effect of service of the declaration on the person making it and on the appropriate authority; and
- (e) notwithstanding regulation 15, the appropriate authority may serve a fresh fixed penalty notice on the person making the declaration or any other person.