

STATUTORY INSTRUMENTS

2005 No. 1964

The Traffic Management (Northern Ireland) Order 2005

Penalty charges

Appeal by way of statutory declaration to an adjudicator

16.—(1) Where a person is liable to pay an amount under Article 15(1) he may serve a statutory declaration on an adjudicator before the end of the period of 21 days from the date of a notice under paragraph (2) of that Article or such longer period as an adjudicator may allow.

(2) A statutory declaration for the purposes of this Article must state not more than one of the following—

- (a) that the appellant did not receive a notice under Article 6 or 7;
- (b) that the appellant made representations under Article 9 but did not receive a notice of rejection;
- (c) that the appellant appealed to an adjudicator under Article 13 but did not receive a notice of his decision under that Article.

(3) A statutory declaration must state such additional matters as the Lord Chancellor may [^{F1}after consultation with the Lord Chief Justice] determine.

(4) The adjudicator shall—

- (a) consider the statutory declaration, any additional representations made by the appellant and any representations made by the [^{F2}enforcement authority] ; and
- (b) serve notice of his decision on the appellant and the [^{F2}enforcement authority] .

(5) Where an adjudicator decides that a statement under paragraph (2) is true—

- (a) the charge certificate shall be deemed to be cancelled and Article 15(1) shall not by virtue of the service of that certificate have effect in relation to the penalty charge;
- (b) the [^{F2}enforcement authority] shall comply forthwith with any directions which the adjudicator may give to it; and
- (c) in the case of a statement under paragraph (2)(c), the adjudicator may take such steps as he thinks appropriate.

(6) Service of a statutory declaration stating that the appellant did not receive a notice under Article 6 or 7 does not prevent the [^{F2}enforcement authority] serving a fresh notice under Article 6 or 7 (to which, in the case of a notice under Article 7, paragraph (2) of that Article shall not apply).

(7) In this Article “appellant” means the person making the statutory declaration.

F1 Words in art. 16(3) inserted (14.8.2010) by [Roads \(Miscellaneous Provisions\) Act \(Northern Ireland\) 2010 \(c. 14\)](#), ss. 8(1), 9(1), **Sch. 2 para. 7(1)**

F2 Words in arts. 5-28 (except arts. 8(3)(4), 18(6), 21(8), 24(1)) substituted (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), art. 1(8), **Sch. para. 8**

Changes to legislation: *There are currently no known outstanding effects for the The Traffic Management (Northern Ireland) Order 2005, Section 16. (See end of Document for details)*

Modifications etc. (not altering text)

- C1** Arts. 3-28: transfer of functions (1.4.2015) by [Off-street Parking \(Functions of District Councils\) Act \(Northern Ireland\) 2015 \(c. 3\)](#), **arts. 1(3)(8)** (with art. 1(5))

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