
STATUTORY RULES OF NORTHERN IRELAND

2006 No. 421

The Traffic Management (Proceedings before
Adjudicators) Regulations (Northern Ireland) 2006

PART V

GENERAL PROVISIONS

Interpretation of Part V

20. In this Part—

“appeal” means an appeal under Articles 13(1), 16(1) or 28(1) of the Order; and

“appellant” means the person making the appeal.

Miscellaneous powers of the adjudicator

21.—(1) The adjudicator may, if he thinks fit—

- (a) extend the time appointed by or under these Regulations for doing any act notwithstanding that the time appointed may have expired;
- (b) if the appellant at any time gives notice of the withdrawal of his appeal, dismiss the proceedings;
- (c) if the Department consents to an appeal being allowed, allow the appeal;
- (d) if both or all of the parties agree in writing on the terms of a decision to be made by an adjudicator, decide accordingly; or
- (e) adjourn a hearing.

(2) The powers of the adjudicator conferred by—

- (a) these Regulations;
- (b) Article 13(1) of the Order; and
- (c) Article 28(1) of the Order,

may be exercised on his own motion or on the application of a party.

Clerical errors

22. Clerical errors in any document recording a direction or decision or order of the adjudicator, or errors arising in such a document from an accidental slip or omission, may be corrected by the proper officer on the direction of the adjudicator.

Service of documents

23.—(1) This regulation has effect in relation to any notice or other document required or authorised by these Regulations to be sent to a party to an appeal.

(2) Subject to paragraph (3) and (4), any such document shall be regarded as having been sent to that party if it is—

- (a) delivered to him;
- (b) left at his proper address with some person apparently over the age of sixteen years;
- (c) sent by ordinary first class post to him at that address;
- (d) transmitted to him by FAX or other means of electronic data transmission in accordance with paragraphs (3), (4) or (5).

(3) A document may be transmitted by FAX where the party has indicated in writing to the proper officer that he is willing to regard a document as having been duly sent to him if it is transmitted to a specified FAX number and the document is transmitted to that number.

(4) In the case of the Department, an indication under paragraph (3) can be expressed to apply to any appeal to which it is a respondent.

(5) Paragraphs (3) and (4) shall apply with appropriate modification to a transmission of electronic data other than by FAX as it applies to a transmission by FAX.

(6) Where the proper address includes a numbered box number at a document exchange, delivery of a document may be effected by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange; and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been delivered on the second business day after the day on which it is left.

(7) For the purposes of these Regulations and section 24 of the 1954 Act in its application to this regulation—

- (a) the proper address of the appellant is the address specified in his notice of appeal pursuant to paragraph (2)(b) of regulation 3 or (if no such address is so specified) the address specified pursuant to paragraph (2)(a) of that regulation; and
- (b) the proper address of the Department is such address as the Department from time to time specifies in a notice delivered to the proper officer as being the proper address in all such proceedings.

(8) If no address for service has been specified, the proper address for the purposes of these Regulations and section 24 of the 1954 Act shall be—

- (a) in the case of an individual, his usual or last known address, or
- (b) in the case of a partnership, the principal or last known place of business of the firm within the United Kingdom, or
- (c) in the case of an incorporated or unincorporated body, the registered or principal office of the body.

(9) An appellant may at any time by notice to the proper officer change his proper address for service for the purposes of these Regulations and section 24 of the 1954 Act.

(10) A party may, by notice in writing delivered to the proper officer, vary or revoke any indication given to him under paragraph (3).

Delivery of documents to the proper officer

24.—(1) This regulation has effect in relation to any notice or other document required or authorised to be delivered to the proper officer.

(2) With the exception of a statutory declaration delivered under regulation 15(1), any such document may be transmitted to him by FAX or other means of electronic data transmission.

(3) Where the address of the proper officer includes a numbered box number at a document exchange, the delivery of such a document may be effected by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange; and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been delivered on the second business day after the day on which it is left.

(4) Regulations 3(4), 5(3), and 17(2)—

- (a) shall, in the case of a document transmitted by FAX, be satisfied if a copy of the signature of the relevant person appears on the transmitted copy; and
- (b) shall not apply in relation to a document transmitted by other means of electronic data transmission.