
SCOTTISH STATUTORY INSTRUMENTS

2011 No. 442

The Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011

PART I

PRELIMINARY

Citation and commencement

1. These Regulations may be cited as the Bus Lane Contraventions (Charges, Adjudication and Enforcement) (Scotland) Regulations 2011 and come into force on 6th February 2012.

Interpretation

2.—(1) In these Regulations—

“the 1994 Act” means the Vehicle Excise and Registration Act 1994(1);

“the 2001 Act” means the Transport (Scotland) Act 2001;

“the 28 day period”, in relation to a charge notice, means the period of 28 days beginning with the date of service of the notice;

“adjudicator”, except in the expression “parking adjudicator”, means a bus lane adjudicator in terms of regulation 11(a);

“appeal” means an appeal against the imposition of a charge;

“appeal period” means the period of 28 days specified in regulation 12(4);

“approved local authority” means an authority which is an approved local authority in terms of section 44(2) of the 2001 Act;

“charge certificate” has the meaning given by regulation 30(1)(b);

“charge notice” has the meaning given by regulation 8(1);

“contravention” means a bus lane contravention in terms of section 44(3) of the 2001 Act in which a vehicle is involved;

“the detection date” in relation to a contravention, means the date on which, according to a record produced by an approved device, the contravention occurred;

“enforcing authority” in relation to a charge means the approved local authority which imposed the charge;

“notice of rejection” means a notice served under regulation 10(3);

“proper officer” means a person appointed under regulation 11(b)(ii);

“the recipient”, in relation to a charge notice, means the person on whom the charge notice is served;

“register” means the register of appeals and decisions kept in accordance with regulation 29;
“relevant vehicle” means the vehicle involved in the contravention;
“statutory grounds of appeal” means the grounds, as specified in regulation 9(2), on which—
(a) representations against a charge notice may be made under regulation 9 to an approved authority; or
(b) an appeal may be made to an adjudicator under regulation 12;
“vehicle” means motor vehicle; and
“working day” means any day which is not a Saturday, a Sunday or a bank holiday in Scotland by virtue of section 1 of the Banking and Financial Dealings Act 1971(2).

(2) In these Regulations, in relation to an appeal or any process connected with an appeal—
“appellant” means the person making the appeal;
“authority” means the approved local authority which made the decision to impose the charge;
“charge notice concerned” means the charge notice conveying the authority’s decision to impose the charge;
“hearing” means an oral hearing;
“notice of appeal” means a notice sent under regulation 12; and
“party” means the appellant or the authority.

(3) In determining, for the purposes of these Regulations, whether and when a charge has been paid, it is to be taken to have been paid when the whole of the amount of the charge applicable in the circumstances of the case is received by the approved local authority concerned.

(4) References to the service of a notice or other document include service by post and, in determining for the purposes of these Regulations the date on which a notice or other document is served by post, it is to be presumed that service of a notice or other document sent by—

- (a) first class post was effected on the person to whom it was addressed on the second working day after the day on which it was posted; or
- (b) second class post was effected on the person to whom it was addressed on the third working day after the day on which it was posted,

unless the contrary is shown.