



Road Traffic Regulation Act 1984

1984 CHAPTER 27

PART VIII

CONTROL AND ENFORCEMENT

Enforcement of excess parking charges

107 Liability of vehicle owner in respect of excess parking charge.

- (1) This section applies where—
- (a) an excess charge has been incurred in pursuance of an order under sections 45 and 46 of this Act;
 - (b) notice of the incurring of the excess charge has been given or affixed as provided in the order; and
 - (c) the excess charge has not been duly paid in accordance with the order;
- and in the following provisions of this Part of this Act “the excess charge offence” means the offence under section 47 of this Act of failing duly to pay the excess charge.
- (2) Subject to the following provisions of this section—
- (a) for the purposes of the institution of proceedings in respect of the excess charge offence against any person as being the owner of the vehicle at the relevant time, and
 - (b) in any proceedings in respect of the excess charge offence brought against any person as being the owner of the vehicle at the relevant time,
- it shall be conclusively presumed (notwithstanding that that person may not be an individual) that he was the driver of the vehicle at that time and, accordingly, that acts or omissions of the driver of the vehicle at that time were his acts or omissions.
- (3) Subsection (2) above shall not apply in relation to any person unless, within the period of 6 months beginning on the day on which the notice of the incurring of the excess charge was given or affixed as mentioned in subsection (1)(b) above, a notice under section 108 of this Act has been served on him—

Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 107. (See end of Document for details)

- (a) by or on behalf of the authority which is the local authority for the purposes of sections 45 and 46 of this Act in relation to the parking place concerned, or
 - (b) by or on behalf of the chief officer of police.
- (4) If the person on whom a notice under section 108 of this Act is served in accordance with subsection (3) above was not the owner of the vehicle at the relevant time, subsection (2) above shall not apply in relation to him if he furnishes a statutory statement of ownership to that effect in compliance with the notice.
- (5) The presumption in subsection (2) above shall not apply in any proceedings brought against any person as being the owner of the vehicle at the relevant time if, in those proceedings, it is proved—
- (a) that at the relevant time the vehicle was in the possession of some other person without the consent of the accused, or
 - (b) that the accused was not the owner of the vehicle at the relevant time and that he has a reasonable excuse for failing to comply with the notice under section 108 of this Act served on him in accordance with subsection (3) above.

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