



# Road Traffic Regulation Act 1984

## 1984 CHAPTER 27

### PART VIII

#### CONTROL AND ENFORCEMENT

##### *Enforcement of excess parking charges*

#### **109 Modifications of ss. 107 and 108 in relation to hired vehicles.**

- (1) This section shall apply where—
  - (a) a notice under section 108 of this Act has been served on a vehicle-hire firm, and
  - (b) at the relevant time the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this section applies.
- (2) Where this section applies, it shall be a sufficient compliance with the notice served on the vehicle-hire firm if the firm furnishes to the chief officer of police or local authority by or on behalf of whom the notice was served a statement in the prescribed form, signed by or on behalf of the vehicle-hire firm, stating that at the relevant time the vehicle concerned was hired under a hiring agreement to which this section applies, together with—
  - (a) a copy of that hiring agreement, and
  - (b) a copy of a statement of liability in the prescribed form, signed by the hirer under that hiring agreement;and accordingly, in relation to the vehicle-hire firm on whom the notice was served, the reference in section 108(2) of this Act to a statutory statement of ownership shall be construed as a reference to a statement under this subsection together with the documents specified in paragraphs (a) and (b) above.
- (3) If, in a case where this section applies, the vehicle-hire firm has complied with the notice served on the firm by furnishing the statement and copies of the documents

*Status: Point in time view as at 02/08/2005. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Road Traffic Regulation Act 1984, Section 109. (See end of Document for details)*

specified in subsection (2) above, then sections 107 and 108 of this Act shall have effect as if in those provisions—

- (a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement, and
  - (b) any reference to a statutory statement of ownership were a reference to a statutory statement of hiring.
- (4) Where, in compliance with a notice under section 108 of this Act, a vehicle-hire firm has furnished copies of a hiring agreement and statement of liability as mentioned in subsection (2) above, a person authorised in that behalf by the chief officer of police or local authority to whom the documents are furnished may, at any reasonable time within 6 months after service of that notice, and on production of his authority, require the production by the firm of the originals of those documents; and if, without reasonable excuse, a vehicle-hire firm fails to produce the original of a document when required to do so under this subsection, the firm shall be treated as not having complied with the notice under section 108 of this Act.
- (5) This section applies to a hiring agreement, under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than 6 months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this section to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on terms and conditions specified in it.
- (6) In this section “statement of liability” means a statement made by the hirer under a hiring agreement to which this section applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle, in respect of any excess charge which, during the currency of the hiring agreement, may be incurred with respect to the vehicle in pursuance of an order under sections 45 and 46 of this Act.
- (7) In this section—
- “hiring agreement” refers only to an agreement which contains such particulars as may be prescribed and does not include a hire-purchase agreement within the meaning of the <sup>M1</sup>Consumer Credit Act 1974, and
- “vehicle-hire firm” means any person engaged in hiring vehicles in the course of a business.

**Marginal Citations**

**M1** 1974 c. 39(60).

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