

SCHEDULES

SCHEDULE 5

PENALTY FOR FAILURE TO SECURE GOODS VEHICLE ETC

- 11 (1) Section 36A (detention in default of payment) is amended as follows.
- (2) In subsection (4)(b), for “was an employee of” substitute “drove the vehicle pursuant to a contract (whether or not a contract of employment) with”.
- (3) After subsection (4) insert—
- “(4A) In the case of a detached trailer, subsection (4)(b) has effect as if the reference to driving the vehicle were a reference to operating it.”
- (4) After subsection (6) insert—
- “(7) If a transporter is detained under this section, the owner, consignor or any other person who has an interest in any freight or other thing carried in or on the transporter may remove it, or arrange for it to be removed, at such time and in such way as is reasonable.
- (8) The detention of a transporter under this section is lawful even though it is subsequently established that the penalty notice on which the detention was based was ill-founded in respect of all or any of the penalties to which it related.
- (9) But subsection (8) does not apply if the Secretary of State was acting unreasonably in issuing the penalty notice.
- (10) A document which is to be issued to or served on a person outside the United Kingdom for the purposes of this section may be issued or served—
- (a) in person,
- (b) by post,
- (c) by facsimile transmission,
- (d) by electronic mail, or
- (e) in another prescribed manner.
- (11) The Secretary of State may by regulations provide that a document issued or served in a manner listed in subsection (10) in accordance with the regulations is to be taken to have been received at a time specified by or determined in accordance with the regulations.”