
STATUTORY INSTRUMENTS

2002 No. 1808

**The Road Traffic (Vehicle Emissions)
(Fixed Penalty) (England) Regulations 2002**

PART 8

MISCELLANEOUS

Recovery of unpaid fixed penalties

21. Where a fixed penalty which has not been paid by the date specified for its payment in accordance with regulation 16(h) or, as the case may be, regulation 19(7)(b), is increased as mentioned in regulation 17(6), it shall, if a county court so orders, be recoverable by execution issued from the county court or otherwise as if it were payable under an order of that court.

Enforcement by execution

22.—(1) An unpaid fixed penalty which is recoverable in accordance with regulation 21 as if it were payable under a county court order shall, subject to paragraph (2), be treated for purposes of enforcement by execution as if it were a specified debt mentioned in article 2(1) of the Enforcement of Road Traffic Debts Order 1993 (“the 1993 Order”)(1).

(2) For the purposes of the enforcement of payment of an unpaid fixed penalty—

- (a) any reference in the 1993 Order to “the authority” shall be a reference to the appropriate authority; and
- (b) the reference in article 3(1) of the 1993 Order to the time for serving a statutory declaration shall be a reference to (as the case may be)—
 - (i) the period of 21 days allowed by regulation 23(1)(c); or
 - (ii) where a longer period has been allowed pursuant to regulation 23(3), that period.

Notices rendered void

23.—(1) This regulation applies where—

- (a) a county court makes an order under regulation 21;
 - (b) the person against whom it is made makes a statutory declaration complying with paragraph (2); and
 - (c) the declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court’s order is served on him, served on the county court that made the order.
- (2) The statutory declaration must state (as the case may be) that the person making it—
- (a) did not receive the fixed penalty notice in question; or

(1) [S.I. 1993/2073](#); See the definition of “specified debts” in article 1(2), and article 2(1), amended by [S.I. 2001/1386](#).

(b) made an application under regulation 19(1) but did not receive notification that the amount of the fixed penalty had been reduced or (as the case may be) that his request had been refused nor of the amount that was payable.

(3) Where it appears to a county court, on the application of a person on whom a fixed penalty notice has been served, that it would be unreasonable in the circumstances of his case to insist on him serving his statutory declaration within the period mentioned in paragraph (1)(c), the county court may allow such longer period for service of the statutory declaration as it considers appropriate.

(4) Where a statutory declaration is served under paragraph (1)(c)—

- (a) the fixed penalty notice shall be rendered void;
- (b) the order of the court shall be treated as revoked;
- (c) the fixed penalty to which the fixed penalty notice relates shall be treated as cancelled;
- (d) the county court shall serve written notice of the effect of service of the declaration on the person making it and on the appropriate authority; and
- (e) notwithstanding regulation 15, the appropriate authority may serve a fresh fixed penalty notice on the person making the declaration or any other person.

Issue of notices

24. A notice issued for any purpose of these Regulations by a local authority or an authorised person may be issued—

- (a) by giving it to the person to whom it is issued; or
- (b) by properly addressing, pre-paying and posting a letter containing the notice to that person,

and such a notice shall be taken to have been issued at the time when it is so given or the letter containing it is posted.

Revocation

25. The Road Traffic (Vehicle Emissions) (Fixed Penalty) Regulations 1997(2) shall be revoked.