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STATUTORY INSTRUMENTS

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**2005 No. 2757**

**The Bus Lane Contraventions (Penalty Charges,  
Adjudication and Enforcement) (England) Regulations 2005**

**PART 2**

**PENALTY CHARGES**

**Circumstances in which penalty charge need not be paid or is to be refunded**

- 6.—**(1) A penalty charge shall not be payable under these Regulations where—
- (a) the conduct constituting the contravention is the subject of criminal proceedings; or
  - (b) a fixed penalty notice, as defined by section 52 of the Road Traffic Offenders Act 1988(1), has been given in respect of that conduct.
- (2) Where, notwithstanding the provisions of paragraph (1)—
- (a) a penalty charge has been paid in respect of a contravention; and
  - (b) the circumstances are as mentioned in paragraph (1)(a) or (b),

the authority shall, as soon as reasonably practicable after those circumstances come to their notice, refund the amount of the penalty charge.

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(1) Section 52 was amended by the Access to Justice Act 1999 (c. 22), Schedule 13, paragraph 147, by the Courts Act 2003 (c. 39) Schedule 8, paragraph 314 and by the Statute Law (Repeals) Act 2004 (c. 14), Schedule 1, Part 14.