

NOTICE OF APPEAL

(Under Article 13(1) of the Traffic Management (NI) Order 2005)

To appeal a Notice of Rejection issued by the Penalty Processing Department

NAME IN FULL

ADDRESS IN FULL

**ALTERNATIVE ADDRESS FOR
CORRESPONDENCE**

(If necessary)

PENALTY CHARGE REF No

DATE OF ISSUE

DATE OF NOTICE OF REJECTION

IF YOUR APPEAL IS RECEIVED BY THE ADJUDICATOR AFTER 28 DAYS, YOU MUST STATE THE REASONS FOR THE DELAY BELOW. YOU SHOULD ENSURE THAT THE REASON/S FOR YOUR APPEAL FALL WITHIN THE GROUNDS SET OUT IN THE GUIDANCE NOTES ATTACHED.

PLEASE TURN OVER

PLEASE STATE YOUR REASON/S FOR APPEAL IN THE SPACE PROVIDED BELOW.

Please tick this box if you wish to attend at your hearing.

OR

Please tick this box if you wish to have a teleconference hearing and enter a telephone number below.

Please note that if you do not tick either of the above boxes your appeal will be treated as a postal appeal.

Please tick this box if you wish your case dealt with as soon as possible. Giving your consent allows the Tribunal to list your case at the next available hearing.

This form should be sent to:
NI Traffic Penalty Tribunal
2nd Floor
Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF

SIGNATURE

DATE _____

Phone _____

IMPORTANT INFORMATION: Please note, if this form is not completed correctly it will be returned to you. This may affect your right to appeal within the time limit



What is the Traffic Penalty Tribunal (TPT)?

The TPT is an independent tribunal set up to consider appeals by motorists and vehicle owners whose vehicles have been issued with Penalty Charge Notices (PCN) (or have been removed or clamped) by the Penalty Processing Department.

What does it do?

The Tribunal sits to determine disputes over PCNs (or removal or clamping) between the Penalty Processing Department and members of the public. It is conducted by an Adjudicator who is a qualified solicitor/barrister with at least 5 years legal experience.



How do I appeal?

At this stage you will have disputed the issue of the PCN (or removal or clamping) with the Penalty Processing Department and received a Notice of Rejection. Accompanying the Notice will be this information leaflet and a Notice of Appeal form. The Notice of Appeal should be completed as fully as possible and returned to the address on the back of the Appeal form. You have 28 days from the date of the Notice of Rejection to appeal. The **only** grounds upon which you can appeal are listed at the end of these guidance notes.

You can appeal by either postal or personal application. If you intend to give evidence to the Tribunal in person you should tick the appropriate box on the form; otherwise the Adjudicator will consider your appeal based on the reasons set out on your Notice of Appeal and the papers submitted by the Penalty Processing Department. Even if you intend to give oral evidence you should still complete the form as fully as possible.

What happens if my appeal is late?

If you wish to appeal, but your appeal falls outside the 28 day appeal period, you can still submit your appeal. You should complete the appropriate portion of the Appeal Form, stating the reason/s why the appeal is late. The Adjudicator will first consider whether to allow the appeal papers to be lodged. If your application to extend time is successful, your appeal will then be listed for hearing at the next Tribunal sitting; if it is refused, you will be notified accordingly.

What happens at my appeal?

Once an Appeal is lodged, the TPT will write to you confirming receipt. You will then receive notification of hearing shortly thereafter. If you intend to give oral evidence you should attend the Tribunal at the date and time specified. You should endeavour to arrive 15 minutes before your hearing, to allow staff to note your appearance.

The Tribunal will consist of The Adjudicator, a representative from the Penalty Processing Department (optional) and you. The Adjudicator will study all the documentation, and you will be given the opportunity to state your case. Although those attending will not be asked to take an oath, and whilst The Tribunal endeavours to remain informal, all parties are reminded of their duty to tell the truth at all times.

Does the Tribunal award expenses and costs?

To ensure the Tribunal remains accessible to all, costs and expenses are not normally awarded. However, in certain circumstances, the Tribunal can consider costs where a party in an appeal is deemed to be acting wholly unreasonably.



What happens next?

The Adjudicator should make his/her decision immediately, but all appellants will receive a written Notice of Decision even if you attended at court. If the appeal is upheld, the Penalty Processing Department will be notified to withdraw the PCN (or refund your fine as per the Adjudicator's decision). If the appeal is refused, you have 28 days, from the date of the Adjudicator's written decision to pay the penalty to the Penalty Processing Department;

PLEASE DO NOT SEND ANY MONEY TO THE TRIBUNAL.

Under certain circumstances you can ask the Adjudicator to review his decision within 14 days of the decision. Where:-

- the decision was wrongly made as a result of an error on the part of his administrative staff;
- a party who had failed to appear or be represented at a hearing had good and sufficient reason for his failure to appear;
- where, after the hearing, new evidence has become available since the conclusion of the hearing, the existence of which could not have been reasonably known or foreseen;
- where the decision was made without a hearing, new evidence has become available since the conclusion of the hearing, the existence of which could not have been reasonably known or foreseen; or
- the interests of justice require a review.

Please contact the office to obtain more information on this matter.

If you fail to pay within 28 days the Penalty Processing Department will issue you with a Charge Certificate, which will increase the penalty charge by a further 50%. You have a further 14 days to pay the increased charge. Further failure to pay will result in the Penalty Processing Department proceeding to have the debt registered as a judgment against you.

If you have received a Notice of Rejection of Representations and have any queries on the appeal procedure, you can contact the TPT on 028 9072 8732, or email on tribunalsunit@courtsni.gov.uk, or write to:

NI Traffic Penalty Tribunal
2nd Floor
Royal Courts of Justice
Chichester Street
Belfast
BT1 3JF

The grounds on which an Adjudicator can allow an appeal are as follows:

1. You never were the owner of the vehicle in question.
2. You had ceased to be its owner before the date on which the alleged incident took place.
3. You became its owner after that date.
4. The alleged incident did not take place.
5. At the time of the alleged incident the vehicle was in control of a person or persons without your consent.
6. It would be unreasonable to regard you as responsible for the alleged incident because the vehicle had previously been in the control of a person or persons without your consent.
7. The recipient of the Penalty Charge Notice (PCN) is a vehicle-hire firm who had a hiring agreement whereby the person hiring the vehicle had accepted in writing, liability in respect of any PCN received during the term of the agreement.
8. The penalty charge exceeded the amount relevant to the circumstances of the case.
9. The Penalty Processing Department issued you with “A Notice to Owner” mistakenly believing that the traffic attendant was prevented from issuing a Penalty Charge Notice.
10. The alleged incident has become the subject of criminal proceedings.