

## FCN Cancellation Request Form Guidance Notes

This form should only be used if you believe there are grounds to have the notice cancelled e.g. **detection issue, statutory exemption or exceptional circumstances** (see **Cancellation Request Reason Guidance** below).

Complete the **FCN Cancellation Request Form** immediately and forward either by email [to NPO@garda.ie](mailto:NPO@garda.ie), by fax to 0504-59844 or by post to *Fixed Charge Processing Office, Parnell St., Thurles, Co. Tipperary* with supporting documentation.

Please note the 28 day and 56 day period for payment of the notice will not be suspended pending any appeal. **Completing the Cancellation Request Form**

Sections A, B and D must be completed in all cases. Section C must be completed if you are applying for a cancellation under Statutory Exemption – Emergency Vehicle

### SECTION A:

- Complete the details on the cancellation request form as per the details on the fixed charge notice (FCN) including your Name, Address, the FCN Reference number, Vehicle Registration Number and your Driving licence/Permit Number. Phone number and email are optional.

### SECTION B:

- The applicant must indicate if they have previously had a fixed charge notice terminated and provide details for same
- Select a cancellation request reason from one of the options outlined below, that reflects your reason for appeal.

### SECTION C:

Must be completed if applying for a cancellation under Statutory Exemption – Emergency Vehicle to

- Certify that the driving or use of the vehicle was by a member of an ambulance service or a fire brigade of a fire authority (within the meaning of the Fire Services Act 1981) in the performance of the duties of that member,
- Certify that the driving or use did not endanger the safety of road users,
- **For AMBULANCES SERVICES ONLY** - The vehicle must be registered to a Pre-Hospital emergency care service provider approved by the Pre-Hospital Care Council.

The following must also be provided:

1. A report on headed paper outlining the circumstances of the incident and
2. Complete the *Statement of Nomination of Name and Address of Driver of Vehicle* section of the FCN, and return it with the FCN Cancellation Request Form to the Fixed Charge Processing Office, Parnell Street, Thurles, Co. Tipperary, within 28 days of the date of the FCN.

### SECTION D:

- Finally the applicant must certify that the information provided is true to the best of their knowledge and belief

## Cancellation request reason guidance

1. **Detection issue / material error** – where you wish to contest the speed limit, location, date or time of the offence, incorrect registration number– please be advised that a minor discrepancy may not invalidate the notice. In relation to where the weight restriction is not applicable – certain vehicles (lorries, buses, etc) are subject to a lower speed limit therefore if your vehicle is under 3500 KG a Copy of Vehicle Registration Certificate is required if your are seeking exemption from the speed limit
2. **Seat Belt Exemption** – if you are the holder of a Medical Certificate of Exemption from wearing Compulsory Safety Belt/Child Restraint System as per [designated form](#).
3. **Statutory Exemption – Emergency Vehicles** –The person who is requesting the cancellation must complete **SECTION C** of the FCN Cancellation Request form, and
  - provide a report on headed paper outlining the circumstances of the incident,

- Complete the *Statement of Nomination of Name and Address of Driver of Vehicle* section of the FCN, and return it with the FCN Cancellation Request Form to the Fixed Charge Processing Office, Parnell Street, Thurles, Co. Tipperary, within 28 days of the date of the FCN
4. **Non-display of motor tax or insurance disc**- a copy of the motor tax that had been taken out or applied for, or in the case of the non display of an insurance a copy of the motor insurance disc that was in place at the time of the alleged offence
  1. **Vehicle Stolen** – Provide PULSE ID reference no. if available – this can be obtained from the Garda Station where the vehicle was reported stolen
  2. **Vehicle registered owner details** – Where there is an issue with the vehicle registered owner details e.g. vehicle had been sold or scrapped a completed Declaration A form is required or obtain a letter from the Department of Transport, Tourism and Sport Shannon, Co. Clare to confirm that you were not the registered owner at the time of the alleged offence
  3. **Under 18 years of age** – Person may be admitted to a diversion programme as provided for in Part 4 of the Children Act 2001. A copy of your Birth Certificate must be provided in order to initiate the process.
  4. **Exceptional Circumstances** --The following are examples where a cancellation request will be considered or refused:

**In the case of a fixed charge notice issued for speeding –**

- An application from a person who was responding to a gas leak or fallen power line will be considered, while an application from a person dealing with routine maintenance work will be refused.
- An application will be considered from a person who was bringing someone to hospital due to a medical emergency where it is believed the life of the person is at risk, while an application from a person travelling to a medical appointment will be refused.
- An application from a Doctor responding to an emergency where the information indicates that the life of a person is at risk will be considered, while an application from a Doctor who was travelling to a routine call will be refused.
- An application from a person transporting someone who at short notice is required to attend a hospital for urgent treatment will be considered, while an application from a person transporting a person to a hospital for routine medical treatment will be refused.
- An application from a person responding to the notification of the imminent death of a family member will be considered, while an application from a person travelling to a funeral will be refused.

**In the case of a fixed charge notice issued for non-display of a current tax disc –**

- An application will be considered if the vehicle was taxed at the time but the tax disc was accidentally removed from the vehicle or lost prior to the issue of the FCN, while an application will be refused if the vehicle wasn't taxed and the applicant cannot provide evidence that an application for motor tax had been made prior to the issuing of the FCN.

**In deciding on applications based on exceptional circumstances, the Cancelling Authority will take into consideration the following:-**

- The prevailing need to have road traffic legislation enforced, ensuring errant motorists are made accountable for their actions.
- A wrong decision to issue a FCN to cancel a FCN tends to undermine the confidence of the public in the fixed charge and criminal justice systems.
- The exceptional circumstances on which the application is based
- Whether the person previously had a FCN cancelled due to exceptional circumstances.
- The likelihood of the person reoffending.
- The evidence supporting the application.
- Where the circumstances required the Cancelling Authority to consult with the detecting member, the member's view on the application.



