

Certified Copy of Entry in Statutory Register

Case Reference	206045033A
Declarant	Ms Lisa Hyams
Authority	Camden
VRM	GM03CCE
PCN	CD14401987
Contravention Date	22 Oct 2005
Contravention Time	15:03
Contravention Location	Gayton Road NW3
Penalty Amount	100.00
Contravention	In a residents' space without permit
Referral Date	13 Oct 2006
Appeal Decision Date	15 Dec 2006
Adjudicator	Austin Wilkinson
Appeal Decision	Allowed
Direction	cancel the Penalty Charge Notice and the Notice to Owner.

Reasons

R. (on application by London Borough of Barnet)-v- Parking Adjudicator (Int. party Moses) CO/3355/2006 was decided by Mr Justice Jackson and Judgement was given, I believe, on 2nd August 2006.

I will not extensively reiterate that Judgement; suffice to say that Jackson J. made plain that his view was no more than an approval of the existing understanding expressed by Adjudicators over several years as to what was required in a Penalty Charge Notice for substantial compliance with Section 66 of the Road Traffic Act 1991.

In the appeal here I have looked again at the Judgement of the Court and the nature of the copy PCN here. This is a handwritten template with one date on the front of the PCN clearly representing the date and time of the observation.

The justification argued by the Council for this date being regarded as the date of the Notice is because the information on the back of the PCN refers to the date of the PCN as being "the date overleaf".

I have considered the decisions of the Adjudicators to which the Council refers . I see, particularly, the decision taken by myself in *Tradeteam-v-Camden* (PATAS 2060146747)

However this decision was taken before the Judgement of the Court . I am of the view that the findings of the Court as regards what is required for Statutory compliance precludes the formula in this PCN; the date of the notice must be expressly and distinctly stated . It cannot be simply a matter of a driver interpreting the information on the reverse. Indeed, the objective test of the reasonable knowledge of a driver which I applied in the above case appears to have been disapproved by the Court, since the question of Statutory non-compliance could not be alleviated by knowledge of the driver leading to an avoidance of prejudice to his rights . Compliance can only be effected by distinct dates of allegation and of notice .

The Learned Judge looked at the PCN in *Moses* and concluded that ..

"The date [31st March], when reads in..context must be the date upon which the contravention occurred."
(paragraph 31)

Jackson J. stated :

"It seems to me that section 66 requires two dates to be stated on a PCN. These are the date of the contravention and the date of the notice. The need for both dates to be stated has been stressed by Parking Adjudicators on more than one occasion."(paragraph 36)

"Let me now turn to the present case. The two PCNs issued by[Barnet] both showed the date of the contravention. Neither PCN showed the date of the notice. The date on which the notice was issued ought to have been shown as a separate entry on the notice."
(paragraph 40)

I do regard this Judgement as clearly disapplying the construction of the PCN here in the absence if a separate and specifically described date of notice. The PCN does not comply with Section 66 of the Road Traffic Act 1991 and cannot be enforced .

I certify this to be a true copy of an entry in the register

A handwritten signature in cursive script, appearing to read "R. Reeve".

Mr R Reeve
Proper Officer