

# Register Kept Under Regulation 20 of the Road Traffic (Parking Adjudicators)(London) Regulations 1993, as amended

An independent tribunal for parking and traffic penalties in London.

**Case Reference:** 2070040312  
**Appellant:** [REDACTED]  
**Authority:** Camden  
**VRM:** [REDACTED]  
**PCN:** CD24162485  
**Contravention Date:** 08 Sep 2006  
**Contravention Time:** 12:01  
**Contravention Location:** Southampton Row WC1  
**Penalty Amount:** £100.00  
**Contravention:** Parked or loading or unloading when prohibited  
**Decision Date:** 05 Jun 2007  
**Adjudicator:** Austin Wilkinson  
**Appeal Decision:** Allowed  
**Direction:** cancel the Penalty Charge Notice and the Notice to Owner.  
**Reasons:** I have noted what is stated by the Council in response to the Appellant's review application.

However, I am satisfied that the interests of justice do necessitate a review. The point raised by the Appellant (referring to the NPAS case of *Lukha -v- Aylesbury*) is well taken and was not dealt with by the previous Adjudicator. It is clear from his decision that the Adjudicator had had in mind the issue in the case of *R. (on application by London Borough of Barnet)-v- Parking Adjudicator (Int. party Moses) CO/3355/2006*.

However the point raised by the Appellant has nothing to do with the question of whether the Penalty Charge Notice contained both the date of issue and the date of the allegation. It was to do with the fact that Section 66 (3) (d) of the *Road Traffic Act 1991* (as amended by Section 4(5) of the *London Local Authorities Act 2000*) requires that a Penalty Charge Notice must give the correct time period for payment of the penalty.

Here, the PCN does not. It purports to give 28 days "beginning with the date of this Notice". This must mean less than 28 days since it does not take account of the need for postal service.

The Penalty Charge Notice does not, therefore, substantially comply with Statute. This non-compliance cannot be "cured" by any description of general action by the Council or internal system.

The Penalty Charge Notice should be worded in a manner

PO Box 1010, Sutton, Surrey SM1 4SW  
Tel 020 7747 4700 Fax 020 8722 3835  
DX 56409 Sutton Minicom 020 7747 4758  
www.london.gov.uk

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similar to that of the Notice to Owner which I have seen here and which, in contrast, appears to be in order.

The appeal is allowed.

An independent tribunal for parking and traffic appeals in London

Original Decision Subsequently Reviewed Under Regulation 11 of The Road Traffic (Parking Adjudicators) (London) Regulations 1193

**Decision Date** 13 Mar 2007

**Previous Decision** Refused

**Adjudicator** Carl Teper

**Direction** None

**Reasons** Having considered all the evidence I am satisfied that the Appellant's vehicle was parked in Southampton Road in contravention of a loading/unloading and waiting restriction on 8 September 2006.

The vehicle was monitored parked during the restriction and the contravention was logged as being committed at 12.01. I have preferred the local authority's evidence to that of the Appellant's because I find the photographic evidence and the camera enforcement officer's statement to be reliable and credible.

Most other matters raised by the Appellant go to mitigation, which Adjudicators are not empowered to consider. I find that the Penalty Charge Notice is compliant with section 66 of the *Road Traffic Act 1991* and has both the date of notice and date of contravention on the ticket.

The appeal is refused.

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

Mr R Reeve Proper Officer

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