



# Your right to appeal against a Moving Traffic Penalty Charge

**This form has been issued by the Environment and Traffic Adjudicators.**

- **The Enforcement Authority claim that you are liable for payment of a penalty charge for a driving (moving traffic) contravention**
- **You challenged this but your representations were rejected for the reasons given in the Notice of Rejection**
- **You have 28 days to appeal against the Enforcement Authority's decision**
- **If you appeal an Adjudicator who is independent of the Enforcement Authority will consider your case**
- **If you do not appeal now you will have no further opportunity to challenge the penalty charge**

## APPEAL PROCEDURE

- Environment and Traffic Adjudicators consider appeals against liability for penalty charges and can direct the Enforcement Authority to cancel the Penalty Charge Notice and/or the Notice to Owner. Adjudicators are experienced lawyers, independent of the Enforcement Authority and the motorist, and constitute a tribunal under the Road Traffic Act 1991 and the London Local Authorities and Transport for London Act 2003.
- A single Adjudicator considers the appeal and will allow it if one of the grounds is made out. The Adjudicator's decision is binding in law.
- The Adjudicator is unable to allow the appeal or reduce the penalty charge to be paid simply because you consider that the particular circumstances excused the contravention.

## WHAT HAPPENS NEXT

- You may make your appeal in writing by completing the attached form and return it to the Environment and Traffic Adjudicators as soon as possible. You have 28 days from receiving the Enforcement Authority's Notice of Rejection to do so. You should explain your case in section 6, headed 'Details of Appeal'. If you do not send the form within 28 days, you must explain why. We will send a copy of the form and your evidence to the Enforcement Authority. Please submit all relevant evidence with this form if possible.
- The Enforcement Authority is required to submit to the Adjudicator details of their case and the representations you made. They will send you a copy of all the evidence they send to the Adjudicator.
- Your case can be considered by the Adjudicator at a personal hearing or on the written evidence alone. Hearings usually last about 20 minutes and are held at our hearing centre at Chancery Exchange, EC4A 1AB. You will receive 28 days' notice of the hearing date. Personal hearings take place between 8.00am and 7.30pm Monday to Thursday, 8.00am and 5.00pm Friday and 9.00am to 1.00pm Saturday. If you appeal online you will be able to choose your hearing slot (subject to availability).
- If you request a postal decision, your case will come into the Adjudicators' list after 28 days, and will be considered as soon as possible after that date.
- There is no charge for submitting an appeal. The Environment and Traffic Adjudicators cannot pay expenses if you choose to attend in person.
- The procedure for dealing with appeals is set down in Schedule 1 of the London Local Authorities and Transport for London Act 2003 and the Road Traffic (Parking Adjudicators) (London) Regulations 1993 (as amended). These regulations appear in full on our website [www.londontribunals.gov.uk](http://www.londontribunals.gov.uk).

## PRIVACY STATEMENT

London Tribunals collect information only for the purposes of assessing your right to appeal and managing the appeals process. This includes making details of your appeal available to the parties to the appeal and the adjudicators and keeping an on line statutory register. Our full Privacy Statement is available on our website at [www.londontribunals.gov.uk/privacy-statement](http://www.londontribunals.gov.uk/privacy-statement) or you can request a copy be sent to you by calling 0207 520 7200.

The Environment and Traffic Adjudicators are supported by London Tribunals, a part of London Councils



# Questions and Answers

## Q What evidence should I provide?

**A** You should send in any evidence which supports your case. The **Adjudicator will not collect evidence or contact witnesses on your behalf.** You must not, for example, say in your appeal: "If you want more information please contact xxxx on tel. yyyy." Some examples of evidence are:

- Receipt of sale (if you no longer own the vehicle);
- Delivery note (if you are claiming exemption by way of loading);
- Photographs (if the street signs or lines were inadequate);
- Witness statements.

Please send in clear copies rather than originals. If you have asked for a personal hearing bring the originals with you. If you wish to submit digital photographs or moving pictures, you may send these to us on a CD/DVD. In view of the significant security issues associated with their use, we cannot accept evidence on a USB flash drive. If you present evidence at a hearing that we cannot retain, such as on a mobile telephone, laptop or camcorder, the Adjudicator may need to adjourn the hearing for you to provide the evidence in a suitable form.

## Q What if I do not have all the evidence I need at the moment?

**A** Submit your appeal as soon as you can and explain that your evidence will follow. In the acknowledgement we send you we will tell you when you should send in your evidence. If you are attending a personal hearing you should still get evidence to us as soon as you can, but if this is not possible you can bring it with you to the hearing.

## Q What if I am submitting my appeal late?

**A** The adjudicator is able to extend the 28 day time limit. If you are sending your appeal in late you must state clearly the reasons for the delay so that the Adjudicator can decide whether to consider the appeal 'out of time'

## Q What is meant by a postal decision?

**A** The Adjudicator will make a decision by considering the documentary evidence provided. The parties do not appear in person before the Adjudicator to put their case. If the Adjudicator needs either side to provide further details before making a decision the Adjudicator can adjourn the case to ask for this.

## Q What happens at a personal hearing?

**A** All appellants have individual appointments and we aim to ensure that your hearing starts within 15 minutes of the appointment time. Hearings are informal. There are no complicated rules of evidence and usually only the appellant and the Adjudicator are present. Most people explain their case to the Adjudicator themselves, but you can have a representative (who need not be a lawyer) to do that for you if you want. The Adjudicator will explain to you how the hearing will progress and will usually tell you the decision at the end of the hearing. You will also receive the full decision in writing.

## Q What if I have special requirements

**A** The Hearing Centre is wheelchair accessible. You may bring a relative or friend to sign or interpret for you. If you have concerns about your particular requirements please contact us.

## Q How does the adjudicator make their decision?

**A** Having considered the evidence presented by both parties the Adjudicator has to come to a conclusion about what actually happened (make findings of fact). The Adjudicator then has to apply the relevant law to these findings of fact. In cases where the Adjudicator finds that a contravention did occur and the appellant is liable, they are unable to waive the penalty because of the particular circumstances of the case. If you are not sure whether your case makes out a ground of appeal, or are unclear about the reasons for the Enforcement Authority rejecting your representations, you can still appeal and set out the details of your case.

## Q Will the penalty increase if I lose my appeal?

**A** No. If you lose your appeal you will be given another 28 days to pay the penalty charge due before any further increase. The amount due will normally be the full penalty as the opportunity to pay the reduced penalty charge will have passed. **Please do not send payment to the Environment and Traffic Adjudicators.**

## Q Can I claim expenses against the Enforcement Authority if I win my case? Can costs be awarded against me if I lose?

**A** Only if the Adjudicator finds either you or the Enforcement Authority acted 'frivolously, vexatiously or wholly unreasonably' might an award of costs be made. Compensation or damages cannot be awarded.

**If you require any further information about the appeals procedure, to make an appeal or to view our data protection policy, please go to our website at [www.londontribunals.gov.uk](http://www.londontribunals.gov.uk). Please understand that London Tribunals is unable to offer you legal advice. Alternately call us on 020 7520 7200. The line is open Monday to Thursday 8.00am to 6.30pm Friday 8.00am to 6.00pm and Saturday 8.30am to 2pm**

## GROUNDS OF APPEAL

### These are the **ONLY** grounds on which an Adjudicator can allow an appeal

**The contravention alleged by the Authority on the Penalty Charge Notice did not occur.** e.g. There was no failure to comply with a traffic sign.

**At the time of the alleged contravention the vehicle was in the control of someone without my consent** e.g. The vehicle had been stolen.

**We are a hire firm and have provided a valid hire agreement.** This only applies to hire firms where the hirer has signed a formal agreement accepting liability for penalty charges.

**I was not the owner at the material time.** e.g. the vehicle was sold before or bought after the contravention occurred. Note: under the London Local Authorities and Transport for London Act 2003 the owner, not the driver, is liable for the penalty charge.

**The penalty exceeded the amount applicable in the circumstances of the case.** e.g. You are being asked to pay the wrong amount for the penalty charge. The Penalty Charge Notice has not been served or was served out of time. The Authority should normally send you the PCN within 28 days of the alleged contravention, but they sometimes have longer.





# Notice of Appeal

## Driving [Moving Traffic] Penalty Charge

Please use black ink and BLOCK CAPITALS or TYPE

**Please read the accompanying guidance before completing the form**

### NOTES ON COMPLETING THE NOTICE OF APPEAL FORM

46842-000002/04/04-H0

**1 A**

Title (Mr/Ms/etc)	Forename(s)
<input type="text"/>	<input type="text"/>
Surname	
<input type="text"/>	

**1 B**

Company name (if company vehicle only)
<input type="text"/>
Company contact name (optional)
<input type="text"/>

**2**

Address	
<input type="text"/>	
<input type="text"/>	
Daytime telephone number	Mobile telephone number
<input type="text"/>	<input type="text"/>
E-mail address	
<input type="text"/>	
I would rather you contact me by	
Post <input type="checkbox"/>	Email <input type="checkbox"/>

**3**

Name of Authorised Representative
<input type="text"/>

**4**

Please select your preferred hearing type							
Postal <input type="checkbox"/>	Personal <input type="checkbox"/>						
If you prefer a personal hearing, please tick the days/times you would be able to attend							
	Mon	Tue	Wed	Thu	Fri	Sat	
0800 – 1000	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1000 – 1200	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1200 – 1400	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1400 – 1700	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1700 – 1930	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**5**

Grounds of Appeal	
The contravention alleged by the Authority on the PCN did not occur. <input type="checkbox"/>	I was not the owner of the vehicle at the material time. <input type="checkbox"/>
At the time of the alleged contravention the vehicle was in the control of someone without my consent. <input type="checkbox"/>	The penalty charge exceeded the amount applicable in the circumstances of the case. <input type="checkbox"/>
We are a hire firm and have provided a valid hire agreement. <input type="checkbox"/>	

**1 Appellant's Name**

This **MUST** be the person to whom the Authority sent the Notice of Rejection, as only that person has the right to appeal. The appellant may be an individual or a company or other corporate body.

**Individual:** Enter your name in section 1A and leave section 1B blank.

**Company or other corporate body:** Enter its name in the first box section 1B. Leave section 1A blank.

**2 Contact Details**

Please enter your home address (for an individual) or the company address (for a company or other corporate body), your daytime telephone number, mobile telephone number (where this is different) and e-mail address.

Please indicate, by ticking the appropriate box, whether you would like to have all notices in relation to this matter served on you by post or email.

**3 Authorised Representative**

If you wish to authorise somebody to conduct the appeal on your behalf, please enter their name here. Please note that all correspondence will be sent to the address provided in section 2 above. It is your responsibility to provide your representative with copies of our correspondence or any other document you wish to be considered with your appeal.

**4 Postal Decision / Personal Hearing**

If you would like to attend a personal hearing, please tick the personal box and then tick ALL of the times you would be able to attend. Those times crossed through are unavailable. We will try to list the hearing for the time and day you request but this cannot be guaranteed. If you do not wish to attend please tick the postal box.

**5 Grounds of Appeal**

Please indicate your ground of appeal. The grounds of appeal are explained on the notes accompanying this appeal form.



6

**Details of Appeal**

The Adjudicator will consider the representations you made to the Authority, but if you wish you can restate your case or add more information here. **If your appeal is late you must give reasons for the delay first.**

If you wish you may continue on another sheet

7

**Declaration**

I confirm that the details of my appeal are correct to the best of my knowledge. I realise that making a false statement to the Adjudicator is a criminal offence and may result in prosecution.

Where I have provided an email address in section 2, I confirm that I wish to have all notices in relation to this matter served on me electronically. By ticking this box I confirm that I regard any notice as having been duly sent to me, if it was transmitted to the e-mail address I have provided.

Where a representative has been named in section 3, I hereby authorise that individual to conduct this appeal on my behalf.

Signed \_\_\_\_\_ Date \_\_\_\_\_

Position in company (if company vehicle) \_\_\_\_\_

**NOTES ON COMPLETING THE NOTICE OF APPEAL FORM**

**6 Details of Appeal**

Explain your case in this section. Please write as clearly as you can and only within the box. If you need more space, please continue on a separate sheet. If your appeal is being submitted outside the 28-day time limit, you must state your reasons for the delay first.

**7 Declaration**

The Appellant (the person to whom the Notice of Rejection was sent) must read the declaration and sign and date the form. **Unsigned appeals or appeals signed by any other person cannot be registered.**

<b>For official use only</b>	
Name	Mrs Mrs <del>XXXXXXXXXX</del>
Notice of Rejection date	26/02/2019
VRM	
PCN No. (s)	GT74988243
/	
Total No. PCNs	1

Please send this form to:

**London Tribunals, PO Box 10598, Nottingham, NG6 6DR.**

Only send this form **once**. Please do not, for example, appeal both by post and fax. Do **not** send any payment with this form.