



For all enquiries,
please visit tfl.gov.uk/redroutespcn
or telephone **0343 222 3333**

Our Ref: **GT74988243**
Your Ref:
Date: **26 February 2019**

Transport for London
Red Routes

PO Box 335
Darlington
DL1 9PU



Dear Mrs Master,

Penalty Charge Notice: GT74988243

Vehicle Registration Mark: ~~XXXXXXXXXX~~

Date & Time of Issue: 09/11/2018 at 09:57

Location of Contravention: EUSTON RD / JUDD ST / MIDLAND ROAD

Notice of Rejection

Thank you for your representation received regarding the above Penalty Charge Notice (PCN).

Please be advised all elements of your representation have been considered previously and TfL would like to respond as follows:

1. The PCN is a nullity and unenforceable because of its wording defects.

a) The customer in his representation states that the PCN does not clearly detail the distinct separate time frames for making a payment or representation. This is largely due to the fact that on Page 1 of the PCN, it states that the two periods for either making a payment or making a representation have been quoted and use of the term 'within 28 days' is queried. This period is determined by when 'service' of the PCN occurs, which depends on the postal service and not TfL. This will mean that the PCN is either literally compliant with the regulations or substantially compliant and it can only ever mean that we provide more days than required to either make a representation or pay. TfL's would like to confirm that as a specific date is provided, there can be no confusion.

TfL contends that the Penalty Charge Notice in this case is in no way defective as it complies substantially with all relevant statutory requirements. This proposition is taken from the test set out in R. Secretary of State for the Home Department, ex parte Jeyeanthan [2000], which was also applied in the R. (London Borough of Barnet Council) v. The Parking Adjudicator [2006] ("Barnet") that you have referenced in your representation.

The purpose of the penalty charge notice is to inform a recipient of his rights and liabilities: namely, that he has a particular period of time for making the arrangements to pay the charge, and that if he has not paid during this period, the charging authority has the discretion to require an increased charge and/or take further action.

TfL is also satisfied that the PCN issued complies with all requirements prescribed by the relevant regulations.

This is the London Local Authorities and Transport for London Act 2003. The PCN itself provides details as to when and where the contravention occurred, how the footage was captured and details of the reasons why the PCN was issued. Copies of 2 photographs of the contravention are also included on the PCN to help to confirm that such a contravention did in fact occur and consolidate the the reasons why the PCN has been issued.

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junction due to the presence of stationary vehicles." There are the following elements: · causing a vehicle to enter the box junction, · stopping within the box junction, and that stopping being due to the presence of stationary vehicles. I am satisfied that all three elements are present in the Appellant's case.

The Appellant has referred to differences between paragraphs 7 and 8 of Part II of Schedule 19 to the TSRGD, and has stated that only paragraph 8 indicates there is a contravention if one has to stop because the exit is not clear, and that this is not the paragraph that applies in this case.

Whilst TfL acknowledges there are differences between the paragraphs, they are not as described by the appellant. Paragraph 7 deals with yellow box junctions prohibitions without any additional signage. Paragraph 8 deals with prohibitions conveyed when markings are placed in conjunction with signs in diagrams 615 and 811. As neither sign is present at the above junction, paragraph 8 does not apply.

TfL considers that the appellant's submission about how paragraph 7 is to be interpreted is incorrect. Paragraph 7 provides that:

"... no person shall cause a vehicle to enter the box junction so that the vehicle has to stop within the box junction due to the presence of stationary vehicles."

Therefore a contravention occurs if the following three criteria are met: The driver caused a vehicle to enter the box junction; The vehicle stopped within the box junction; and The vehicle stopped due to the presence of stationary vehicles. TfL is satisfied that all three elements are present for this contravention

The CCTV footage of the contravention does not correspond with the circumstances described within your representation. Please be advised that your vehicle was observed from 09:56:42 to 09:56:47, 09:56:49 to 09:57:13.

Upon further investigation into the CCTV footage, we can confirm your vehicle followed the vehicle in front into the box junction when it would not be able to clear it. If there is a vehicle already ahead of you in the box junction, you must wait until that vehicle has moved out and there is a free space for your vehicle the other side of the box junction.

We would also like to refer to The Highway Code: Section 174 which states; "Box junctions. These have criss-cross yellow lines painted on the road (see other road markings section). You MUST NOT enter the box until your exit road or lane is clear. However, you may enter the box and wait when you want to turn right, and are only stopped from doing so by oncoming traffic, or by other vehicles waiting to turn right. At signalled roundabouts you must not enter the box unless you can cross over it completely without stopping." In light of this, We can confirm that your vehicle was stopped in contravention of the rules and regulations as set out within the Highway Code.

It is the legal responsibility of every road user and business operator to identify all the traffic laws that must be complied with, and to then comply. The relief of congestion and the improvement of traffic flows are of strategic importance to London. The red routes are by definition roads that are particularly sensitive to the disruptive effect of illegal stopping. As the Highway Authority with the responsibility for the performance of the red route network, TfL places a very high priority on achieving full compliance with the restrictions and expects every road user to plan and operate their road use fully within the law at all times.

Transport for London (TfL) has considered your representation in accordance with the requirements of the above Act but we do not accept that you have established grounds or suitable reasons for the penalty charge to be cancelled. This letter is issued as a formal Notice of Rejection of your representation.

When considering representations and appeals, we fully consider all the circumstances present including any mitigating factors and whether it would be appropriate to apply our discretion over the enforcement of a PCN. In this instance we have decided not to exercise that discretion as we do not consider the mitigating factors present give reason to cancel the PCN because the driver stopped in the yellow box junction. It is clear the PCN has been correctly issued.

You should now make payment for the outstanding Penalty Charge Notices. The amounts owed are listed at the foot of this Notice. Please note that those Notices at the discounted amount should be paid within 14 days to qualify for this discounted sum. These Notices will increase if not paid and then the full amount per Notice should be paid within 28 days. Those Penalty Charge Notices at the full amount should be paid within 28 days of service of this Notice.



You may appeal to an Environment and Traffic Adjudicator at London Tribunals, an independent adjudication service, against this decision on specified grounds within 28 days of the date of service of this letter. The adjudicator will consider your appeal and make an independent decision, which Transport for London will comply with. Please do not send your appeal to us and be aware an Adjudicator can only decide an appeal on statutory grounds. Further information is available on the London Tribunals website.

If you want to appeal to an Environment and Traffic Adjudicator at London Tribunals please ensure you read the enclosed form carefully, in particular the Appeal Procedure, and then complete, sign and send the attached form within 28 days of the date of service of this letter to London Tribunals, PO Box 10598, Nottingham, NG6 6DR.

You should be aware that in prescribed circumstances, the Adjudicator may award costs against you if the appeal is considered frivolous or vexatious or that the making, pursuing or resisting of the appeal was wholly unreasonable. Equally costs may be awarded against Transport for London if the adjudicator considers that the disputed decision was wholly unreasonable.

If you do not pay the penalty charge or submit an appeal within 28 days of the date of service of this notice of rejection a Charge Certificate may be served. This increases the penalty charge by 50% of the original amount. If the increased Penalty Charge is not paid, then Transport for London will apply to the County Court to recover the charges which will incur a further charge of £8 per Penalty Charge Notice.

The outstanding balance for this Penalty Charge Notice is £130.00

HOW TO PAY

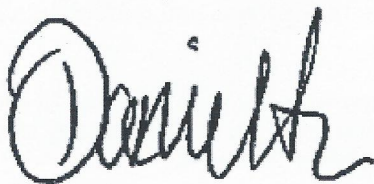
- a). Credit/Debit card payments may be made ONLINE at: tfl.gov.uk/redroutepayments
- b). Credit/Debit card payments may be made BY TELEPHONE on **0343 222 3333**.
- c). Payment can be made BY POST to:

Red Routes
PO Box 335
Darlington
DL1 9PU

PLEASE DO NOT SEND CASH IN THE POST. All cheques/postal orders must be made payable to Transport for London and crossed "a/c payee". Please ensure your vehicle registration and Penalty Charge Number are clearly written on the reverse of the cheque or postal order. Post-dated cheques will not be accepted.

Please note that receipts will not normally be issued for payments unless requested.

Yours sincerely,



D. Milton
Contracts & Operations Manager
Transport for London