

**The penalty exceeds the amount applicable in the circumstances of the case**

This PCN is the second of the two PCNs [REDACTED] that were issued within minutes of entry and exit. This simply seems to penalize drivers twice since if someone drives accidentally through the 'restricted route' they are penalized for using the exit route and gets caught twice.

This case highlights the issue, and it was appealed successfully at London Tribunals:

Case reference

2160273606

Appellant

James Harris

Authority

London Borough of Haringey

VRM

LB10DWU

PCN Details

PCN

HY99609419

Contravention date

26 Mar 2016

Contravention time

16:33:00

Contravention location

Highgate High Street : Junction with South Grove N6

Penalty amount

GBP 130.00

Contravention

Failing to comply with prohibited turn sign

Referral date

Decision Date

26 Jul 2016

Adjudicator

Mamta Parekh

Appeal decision

Appeal allowed

Direction

Cancel the Penalty Charge Notice.

## Reasons

The appellant does not deny the contravention but states that he was travelling to Highgate hospital and was a stranger to the area and made the same mistake twice in one day as a consequence of which he received two PCN's

I am satisfied from the evidence that the contravention did occur. However I also find that as there is a time lag in issuing a PCN by post, a motorist can unwittingly continue to make the same mistake until they receive notification of the PCN and in these circumstances I find the second PCN issued to be a continuing contravention and allow the appeal in relation to the second PCN under case number 2160273606 but refuse the first PCN issued under case number 2160273661

Authority Response

Recommendation not accepted due to:

### **The penalty exceeds the amount applicable in the circumstances of the case**

I am confused by your PCN as it appears not to comply with the applicable legislation.

On page two, first para, final sentence, states that "We may disregard any representations received after the period of 28 days **beginning with the date of this PCN**"

Whereas the legislation prescribes that you may only 'disregard any such representations which are received by them after the end of the period of 28 days **beginning with the date on which the penalty charge notice in question was served.**'

**This is clearly prejudicial; curtailing the time I legally have the right to make such representations.**

Similarly, at the bottom of the same page, the PCN misstates the point in time when you may legally serve a Charge Certificate; making the same error of timescale.

**This potentially has the same effect as the first discrepancy; curtailing the time legally available to me.**

As the PCN does not appear compliant with the relevant legislation I believe it a nullity and no penalty is due.

I look forward to your confirmation of cancellation at your earliest convenience.