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Case Reference	9040297907
Appellant	Mr Roberto Bacallado
Authority	Transport for London
Contravention	On a road in the charging area to which a charging scheme applies without payment of the charge
Decision Date	11 May 2005
Adjudicator	Ms Angela Black Hedegard
Decision	Refused
Direction	None
Reasons	The Appellant pursues this appeal on the ground that the vehicle was being driven by a friend during the Appellant's absence in Spain.

The Appellant accepts that the vehicle was driven in the Congestion Charging Zone and that no daily charge was purchased. I therefore find that a contravention occurred.

The person liable for a contravention is defined in paragraph 2(1) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 as

"the registered keeper of that vehicle or the person who is liable, in accordance with the Charges and Penalty Charges Regulations, to pay a charge or penalty charge imposed by a charging scheme."

The Road User Charging (Charges and Penalty Charges)(London) Regulations 2001, Section 6(5) states that

"where before the relevant time the registered keeper had notified the Secretary of State in writing ... that there had been a change of ownership of the relevant vehicle so that it was no longer kept by him, charges and penalty charges shall be payable by the person by whom the vehicle was kept at the relevant time".

The Appellant continued to be the registered keeper of the vehicle whilst he was in Spain. I accept that he was not driving the vehicle on 10 February 2004 when the contravention occurred but he is liable for that contravention as registered keeper.

In the circumstances, I have no alternative but to refuse this appeal. However, I note that the penalty charge has been paid in full. No further sum is payable by the Appellant.