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Case Reference	9040345464
Appellant	Mr John Arthur Lynam
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	1 Apr 2005
Adjudicator	Mr Paul Middleton-Roy
Decision	Allowed
Direction	cancel the Penalty Charge Notice.
Reasons	The Appellant makes this Statutory Declaration appeal on the ground that at the time of the contravention, the Appellant was not the registered keeper of the vehicle which is the subject of the contravention.

The Appellant does not dispute that he is the registered keeper of a vehicle bearing the Vehicle Registration Mark R315 MPA. The Appellant submits however that at the time of the alleged contravention, his vehicle was not being used in the Congestion Charge zone. The Appellant submits that at the material time, he was collecting his child from school in Hayes, Middlesex before going to work.

Having seen photographic evidence from Transport for London showing a vehicle of the same make and model and bearing the same vehicle registration mark driving through the Congestion Charge zone, the Appellant submits that there is another vehicle fraudulently or erroneously bearing the same vehicle registration mark.

The Appellant distinguishes certain features of his vehicle from the image of the vehicle produced by Transport for London including the absence of a sun roof, dealership plates, car park pass and side foot panels on the 'contravening' vehicle.

On the balance of probabilities and on the evidence produced, I accept that the Appellant was not the registered keeper of the vehicle which is the subject of the contravention and that it is more likely than not that the contravention involved another similar vehicle bearing the same vehicle registration mark.

For the reasons given, I allow the Appeal.