

Copy of Entry in Statutory Register

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| Case Reference | 9050036364 |
| Appellant | Mr Lee Morrison |
| 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 | 27 May 2005 |
| Adjudicator | Ms Alison Spicer |
| Decision | Refused |
| Direction | None |
| Reasons | The Appellant makes this statutory declaration appeal on the ground that the Congestion Charge payable was paid at the time and in a manner required under the Regulations. |

The contravention is said to have occurred on 7th June 2004.

The Appellant states that on 7th June 2004 he used his vehicle on a road within the charging zone. The Appellant states that he was aware that a Congestion Charge was payable under the charging scheme. The Appellant states that he sent an SMS text message to Transport for London tendering payment in respect of the Congestion Charge due, and that the technology must have failed.

Transport for London submit that they did not receive the Appellant's text message.

No charge was actually purchased on the material day.

Having considered the evidence, I am satisfied that the Appellant used his vehicle on a road within the charging zone on 7th June 2004 and did not purchase the appropriate Congestion Charge on this occasion. I find as a fact that a contravention occurred, that the penalty charge notice was properly issued and that the Appellant as the registered keeper of the vehicle is the person liable for payment of the penalty charge. I further find that no grounds for appeal have been made out.

I have no reason to believe other than this was a genuine error. However, I cannot accept that it was reasonable for the Appellant to assume that his payment had been successfully received and processed in the absence of the Appellant checking his mobile telephone for a valid

receipt.

For the reasons I have given, I refuse this appeal.