

## Copy of Entry in Statutory Register

<b>Case Reference</b>	9050075388
<b>Appellant</b>	Ms Adetoyin Mosaku
<b>Authority</b>	Transport for London
<b>Contravention</b>	On a road in the charging area to which a charging scheme applies without payment of the charge
<b>Decision Date</b>	23 Jun 2005
<b>Adjudicator</b>	Mr Paul Middleton-Roy
<b>Decision</b>	Allowed
<b>Direction</b>	cancel the Penalty Charge Notice.
<b>Reasons</b>	Upon hearing the Appellant I person and upon considering written representations from the Appellant and Transport for London, it is determined as follows.

The Appellant makes this appeal on the ground that no penalty charge is payable under the charging scheme.

The contravention is said to have occurred on 03 May 2005.

The Appellant states that on 03 May 2005 she was forced to use her vehicle on a road within the Congestion Charge Zone against her wishes on account of a diversion due to a road closure. The Appellant states that her intended route to college would have taken her along Tower Bridge Road and across Tower Bridge. Her route accordingly would not have taken her into the Congestion Charge Zone and she had no intention of entering the charging zone. The Appellant states that Tower Bridge was closed for one week due to maintenance work and the Appellant followed an official diversion route. The Appellant states that a sign was positioned at the entrance to the Congestion Charge Zone indicating that no Congestion Charge would be payable. The Appellant states that once she was inside the Congestion Charge Zone, however, there were no further signs directing her along a specified diversion route but that in any event she took the shortest route possible to take her out of the Congestion Charge Zone and back to join her intended route out of the Zone.

Transport for London submits that the route the Appellant took departed from the designated diversion route.

On the evidence produced, I am satisfied on the balance of probabilities that the Appellant entered the Congestion Charge Zone only on account of an official diversion due

to a road closure without any prior intention to do so and against her wishes. I am satisfied that signs at the entrance to the Zone informed the Appellant and other road users that no Congestion Charge was payable. I am also satisfied that the Appellant took the shortest route out of the Congestion Charge Zone. I am not satisfied on the evidence before me that any specific diversion route inside the Congestion Charge Zone was properly marked. In all the circumstances, the Appellant legitimately expected not to be liable to pay any congestion charge on the material day.

For the specific reasons I have given, I allow this appeal.