

# Notice of Appeal

## Road User Charging Penalty

Please use black ink and BLOCK CAPITALS or type

Please read the attached guidance before completing the form

### NOTES ON COMPLETING THE NOTICE OF APPEAL FORM

1 A	Title (Mr/Ms/etc)		Forename(s)			
	Surname					
1 B	Company Name (if company vehicle only)					
	Company contact name (optional)					
2	Address					
	Daytime Telephone		Mobile			
	E-mail Address					
	I would rather you contact me by					
	post <input type="checkbox"/>		email <input type="checkbox"/>			
3	Name of Authorised Representative					
4	Would You like a postal or personal decision?					
	Postal <input type="checkbox"/>		Personal <input type="checkbox"/>			
	Please tick ALL days/times when you would be able to attend a personal hearing					
	Mon	Tue	Wed	Thu	Fri	Sat
0800 – 1000	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1000 – 1200	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1200 – 1400	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1400 – 1700	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1700 – 1930	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
5	Grounds of Appeal					
	I was not the registered keeper of the vehicle at the time of the contravention <input type="checkbox"/>			The charge was paid at the time and in the manner required <input type="checkbox"/>		
	In the circumstances of the case, no penalty charge is payable <input type="checkbox"/>			The vehicle was used or kept on a road by a person who was in control of the vehicle without the consent of the registered keeper <input type="checkbox"/>		
The penalty charge exceeded the amount applicable <input type="checkbox"/>			The recipient is a vehicle hire firm and the vehicle was on hire under a valid hire agreement at the time <input type="checkbox"/>			

1. Appellant's Name
This <b>MUST</b> be the person to whom Transport for London sent the Notice of Rejection, as only that person has the right to appeal. The appellant may be an individual or a company or other corporate body. <b>Individual:</b> Enter your name in section 1A and leave section 1B blank. <b>Company or other corporate body:</b> enter its name in the first box in section 1B. Leave section 1A blank
2. Contact Details
Please enter your home address (for an individual) or the company address (for a company or other corporate body), your daytime telephone number, mobile telephone number (where this is different) and e-mail address. Please indicate, by ticking the appropriate box, whether you would like to have all notices in relation to this matter served on you by post or email.
3. Authorised Representative
If you wish to authorise somebody to conduct the appeal on your behalf, please enter their name here. Please note that all correspondence will be sent to the address provided in section 2 above. It is your responsibility to provide your representative with copies of our correspondence or any other document you wish to be considered with your appeal.
4. Postal Decision/ Personal hearing
Indicate if you wish to have the case considered on the paperwork (a postal decision) or if you wish to come to the hearing centre to put your case in person (a 'personal hearing'). For a personal hearing, please tick <b>ALL</b> times that you would be able to attend. Those times crossed through are unavailable.
5. Grounds of Appeal
You must indicate which grounds of appeal you are relying on. The grounds of appeal are explained on the notes to the appeal form.

**6 Details of appeal**

The Adjudicator will consider the representations you made to Transport for London, but, if you wish you can restate your case or add more information here. **If your appeal is late you must give reasons for the delay first**

If you wish you may continue on another sheet

**6. Details of Appeal**

Explain your case in this section. Please write as clearly as you can and only within the box. If you need more space, please continue on a separate sheet. **If your appeal is being submitted outside the 28-day time limit, you must state your reasons for the delay first.**

**7. Declaration**

The Appellant (the person to whom the Notice of Rejection was sent) must read the declaration and sign and date the form. **Unsigned appeals or appeals signed by any other person cannot be registered.**

**For official use only**

Name

Mr J. Smith

Notice of Rejection date

1<sup>st</sup> January 2003

Verification Code

0XXY8NYV

VRM

ABC123D

PCN No. (s)

TF12345678

TF98765432

TF9638527A

**Do Not add any other PCNs to this column**

Total No. PCNs 3

**7 Declaration**

I confirm that the details of my appeal are correct to the best of my knowledge. I realise that making a false statement to the Adjudicator is a criminal offence and may result in prosecution

Where I have provided an email address in section 2, I confirm that I wish to have all notices in relation to this matter served on me electronically. By ticking this box I confirm that I regard any notice as having been duly sent to me, if it was transmitted to the e-mail address I have provided

Where a representative has been named in section 3, I hereby authorise that individual to conduct this appeal on my behalf

Signed \_\_\_\_\_

Date \_\_\_\_\_

Position in company (if company vehicle) \_\_\_\_\_



# Your right to appeal

## against a Road User Charging Penalty

This form has been issued by the Road User Charging Adjudicators.

- You received a Penalty Charge Notice from Transport for London (“the Authority”) claiming you are liable for payment of a Road User Charging Penalty.
- You challenged this Notice, but the Authority rejected your representation.
- You now have 28 days to appeal against the Authority’s decision.
- If you appeal, your case will be considered by an Adjudicator who is independent of the Authority.
- If you do not appeal now you may have no further opportunity to challenge your liability.

### APPEAL PROCEDURE

- **Road User Charging Adjudicators consider appeals against liability for penalty charges and can direct the Authority to cancel the Penalty Charge Notice.** Adjudicators are experienced lawyers, independent of the Authority, and constitute a tribunal under the Road User Charging (Enforcement & Adjudication) (London) Regulations 2001 as amended. The Adjudicator’s decision is binding in law.
- **The Adjudicator will allow an appeal if one of the grounds shown on page 2 is substantiated.** The Adjudicator cannot allow an appeal simply because you feel the circumstances excused contravention. If you are not sure if your case falls within the grounds you should appeal. The Adjudicator will explain if it cannot be allowed.
- **You may make your appeal online at [websitename/details](#) or complete the attached form and return it to the Road User Charging Adjudicators within 28 days of the date of the Notice of Rejection.** The Authority’s case against you is summarised in their Notice of Rejection. You should explain your case in the section headed ‘Details of Appeal’. If you make your appeal later than 28 days from the date of the Notice of Rejection, you must explain why. An Adjudicator will then decide whether to allow you to make a late appeal.
- **Submit all relevant evidence with your appeal.** The Authority will submit full details of the alleged contravention, vehicle registration and the representations you made to them. They will send you a copy of all the evidence they submit to the Adjudicator
- **Your case can be considered at a personal hearing or on written evidence only.** Personal hearings are given an allotted time slot and are held at **INSERT HEARING CENTRE DETAILS** which is wheelchair accessible. Alternatively you can submit all your evidence online or in writing and receive the Adjudicator’s decision by post.
- **You will receive 28 days notice of the hearing date.** Hearings take place between **INSERT DATE/Times of OPERATION of HEARING CENTRE**. You will be able to change the scheduled time if it is not convenient. If you appeal online you will have the choice of choosing your hearing slot (subject to availability)
- **There is no charge for submitting an appeal and costs are not normally awarded.**
- **The procedure for dealing with Road User Charging Appeals is set down in Part II of the Schedule to the Road User Charging (Enforcement & Adjudication) (London) Regulations 2001 as amended.** These regulations appear in full on our website **[websitename/details](#)**.

# Questions and Answers

## Q What evidence should I provide?

**A** You must provide all of the evidence that supports your case. Send copies of valuable documents, not originals. Some examples of evidence are:

- Vehicle registration document (if you are claiming exemption by way of vehicle classification)
- Receipt of purchase of the charge
- Photographs (if you feel they help your case)
- Witness statements - **please note that the Adjudicator cannot contact witnesses (including the police) on your behalf.**

If the evidence you are sending does not explain your case adequately, ask for a personal hearing. Your witnesses can give evidence personally at a personal hearing.

## Q What if I do not have all the evidence I need at the moment?

**A** Submit your appeal now. When you receive a date for your hearing you will be told the last date on which evidence can be submitted. It is easy to upload your evidence via the **INSERT NAME** website. Alternatively, you may send your evidence by post. Remember, hearings can be rescheduled if necessary.

## Q What can I expect at a personal hearing?

**A** Hearings are quite informal: you do not need a lawyer to represent you and there are no complicated rules of evidence or procedure. Usually, only the appellant and the Adjudicator are present.

## Q What if I need an interpreter or signer?

**A** We find that most people who require a signer or interpreter at a hearing usually prefer to bring a friend or relative to sign or interpret for them. Remember, hearings can be rescheduled if necessary, but if you are still unable to bring somebody, please contact us and we will do our best to make arrangements for you.

**If you require any further information about the appeals procedure, to make an appeal or to view our data protection policy, please go to our website at **websitename/details**. Please understand that we are unable to offer you legal advice.**

## Q Will the penalty increase if I lose my appeal?

**A** No. If you lose your appeal you will be given another 28 days to pay the penalty due before any further increase. The penalty due will normally be the full, not the reduced, penalty, unless the Adjudicator directs otherwise.

## Q Will I have to pay costs if I lose? Can I claim expenses if I win?

**A** Only if the Adjudicator finds either you or the Authority acted 'frivolously, vexatiously or wholly unreasonably' in their dealings with the Adjudicators might an award of costs be made.

## Q What if I disagree with the Adjudicator's decision?

**A** There is no appeal against a decision. However,

1. In very limited circumstances you can apply for a decision to be reviewed. These are:
  - The decision was wrongly made because of an error by our administrative staff
  - You failed to appear or be represented at a hearing for some good and sufficient reason
  - There is new evidence the existence of which could not have been reasonably known or foreseen before the decision
  - The interests of justice require a review

If you do wish to apply for review, you must do so in writing to **INSERT NAME** within 14 days of the decision, explaining your reasons.

2. If an Adjudicator interprets the law incorrectly the decision may be reviewed in the High Court (you would need to seek legal advice about this)

## GROUNDS OF APPEAL

These are the **ONLY** grounds on which an Adjudicator can allow an appeal under the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, as amended.

**I was not the person liable for the charge at the time of the contravention**

**The charge due for the vehicle used in the charging zone on that date, at that time and in the manner required had been paid**

**No penalty charge is payable under the charging scheme**

**The vehicle was used without the registered keeper's consent**

**The penalty charge exceeded the amount applicable in the circumstances of the case**

**The recipient is a vehicle hire firm**

This only applies to hire firms where at the time the contravention occurred the hirer had signed a formal agreement accepting liability for penalties.