

## Copy of Entry in Statutory Register

<b>Case Reference</b>	9040232967
<b>Appellant</b>	Miss Keisha Johnson
<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>	15 Mar 2005
<b>Adjudicator</b>	Mr Ian Coutts
<b>Decision</b>	Allowed
<b>Direction</b>	cancel the Penalty Charge Notice.
<b>Reasons</b>	The Appellant asks me to consider an Appeal in respect of a Penalty Charge Notice issued against her on the 31 <sup>st</sup> December 2003 for vehicle registration mark W645XUB in respect of an alleged contravention on the 30 <sup>th</sup> December 2003.

On the evidence before me I am satisfied that a charge was due for that vehicle on that day and that the Appellant is the registered keeper of the vehicle. The Congestion Charging Scheme places a strict responsibility to pay the charge for the vehicle on the day it is used within the charging zone. The payment must be made by midnight or alternatively can be paid up to ninety days in advance.

The issue in this Appeal is whether the Appellant's vehicle was registered at the time of the contravention with TFL under the blue badge scheme. The Appellant appeared in person to conduct her Appeal and I found her to be an honest and credible witness and I believed her evidence.

The Appellant tells me that a telephone call was made to TFL's call centre by her Mother on the 1<sup>st</sup> December 2003 to check whether her brother's disabled blue badge, which had just been renewed, needed to be re-registered under the scheme. The Appellant has produced to me a telephone account which confirms that this call was made and its duration which was 15 minutes and 29 seconds. The operator advised the Appellant's Mother that both her vehicle and the Appellant's vehicle were registered under the scheme and that there was no need to re-register. They relied upon this information.

I am of the opinion that the Appellant and her Mother were given a legitimate expectation that they did not have to re-register and in those circumstances I shall allow the

Appeal.