**R (on the application of Dr Claudia Grunwald) v (1) The Road User Charging Adjudicator and (2) Transport for London**

**Issue: Judicial Review Withdrawn - Foreign registered vehicles and service of Penalty Charge Notices**

Dr Grunwald appealed to the Adjudicator following the immobilisation (clamping) and removal of her vehicle. Thirty-five penalty charges were said to have been incurred but no Penalty Charge Notices (‘PCNs’) were ever served by TfL. TfL maintained that it was unable to serve any PCNs upon Dr Grunwald as her vehicle was a ‘foreign registered vehicle’ and was not registered with DVLA in the UK.

The original Adjudicator allowed the appeal. TfL sought a review of the Adjudicator’s decision and, upon review by a different Adjudicator, the original Adjudicator’s decision was revoked. The reviewing Adjudicator refused Dr Grunwald’s appeal on the following basis:

1) The Appellant was prejudiced by TfL’s decision not to serve a Penalty Charge Notice, however this was a lawful act/omission in accordance with the Regulations and Scheme Order and that this ‘prejudice’ is inherent within the Regulations and Scheme Order;

2) Whilst the Appellant may have relied upon guidance she was given by TfL’s call-centre operator as to how long she needed to retain receipts, when purchasing licences for her vehicle, the overall responsibility as to how long to keep a receipt rests with the owner of the vehicle;

3) Although TfL held a record of the Appellant’s vehicle registration mark, name, vehicle type and colour, and also had on record the Appellant’s name and full postal address, TfL had a valid reason for not utilising this information in order to serve a Penalty Charge Notice, given that this was not why the information had been supplied to TfL originally;

4) TfL has an overriding duty to act fairly towards users of the Congestion Charge scheme, which still exists following the Court of Appeal’s judgment in Walmsley v Lane and Another [2005], however TfL did act fairly towards the Appellant in relation to these penalty charges and the appeals process 5) TfL was not obstructive nor acted procedurally unfairly in failing to provide evidence to the Appellant until six months after the Appellant’s first request.

Following the reviewing Adjudicator’s decision to refuse the appeal, Dr Grunwald made an application to the High Court for Judicial Review. A settlement was reached out of Court between TfL and Dr Grunwald and the application for Judicial Review was thereafter withdrawn.