**R (on the Application of Robin de Crittenden) v The National Parking Adjudicator [2006]**

*[This case relates to parking enforcement but is persuasive to the Congestion Charge Scheme.]*

**Issue: Permission to apply for Judicial Review refused – The Bill of Rights 1689**

The claimant, Mr de Crittenden, had two appeals allowed by a parking adjudicator sitting at the National Parking Appeals Service. He nevertheless applied for Judicial Review of the Adjudicator’s decisions and contended that the Adjudicator was wrong in finding that the appeals process did not conflict with the Bill of Rights and that the procedure was unlawful.

**Held:** Mr Justice Collins dismissed Mr de Crittenden’s arguments. In summary Mr Justice Collins held that:

1. The whole purpose of the Road Traffic Act 1991 was to take parking enforcement outside the criminal law and to provide for civil penalties;

2. The scheme provides procedures for challenging liability to the Adjudicators;

3. Mr de Crittenden’s complaint that the Adjudicators are not independent is completely unfounded. They are an independent tribunal brought in by Parliament. There is nothing strange in our legal system in this arrangement. There are many tribunals carrying out similar functions;

4. The Adjudicators’ decisions are subject to a right to apply for Judicial Review. The citizen has the right to go to an independent body and ultimately the court;

5. Mr de Crittenden complained that the Adjudicators were not doing what they should; that is, requiring the local authority to discharge the burden of proving the contravention. Obviously if there is a challenge the burden is on the local authority. But the motorist must produce some material to show that his challenge has some merit

6. If there are errors of law by the Adjudicators, the court is there to deal with that;

7. The penalty is not a ‘fine or forfeiture’ within the Bill of Rights. The suggestion that the Bill of Rights applies is a nonsense, a completely baseless argument;

8. Even if this were a ‘fine or forfeiture’ within the Bill of Rights, there is a system of appeal that accords with the Bill of Rights. The appeal to the Adjudicator is the required trial;

9. The claim had no merit whatever. The reliance on the Bill of Rights is hopeless.

It was held accordingly that permission to apply for Judicial Review was refused.