**R (on the application of Victor George Lilley) v (1) Transport for London and (2) The Parking and Traffic Appeals Service and Others [2008]**

**Issue: Permission to apply for Judicial Review refused - No jurisdiction of the County Court in Congestion Charge appeals, congestion charging scheme is neither *ultra vires* nor unreasonable**

The Appellant appealed to the Road User Charging Adjudicator against the decision of Transport

for London to reject his representations following service of a Penalty Charge Notice. The Appellant

had asserted that he had been aware of the existence of the Congestion Charge Scheme but that

he was unaware of the hours of operation of the Scheme, that he had not been aware that he had

crossed the Congestion Charge Zone boundary and that he was unaware of the time limits for

paying the Congestion Charge.

The Adjudicator dismissed the appeal on 3 November 2005 finding that there was a duty on road

users to familiarise themselves with the Congestion Charge Scheme.

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The Appellant applied to Review the decision of the original Adjudicator. The Appellant’s Application for Review was dismissed on 5 December 2005. The Reviewing Adjudicator found that the original Adjudicator had made the correct legal decision and that no grounds of review had been established.

On 7 September 2006, the Appellant issued proceedings in the County Court against Transport for London and The Parking and Traffic Appeals Service, claiming the sum of £45.00, being a refund of the penalty charge he had paid to Transport for London, less the value of the £5.00 Congestion Charge he accepted was payable. On 9 January 2007, District Judge Jones sitting at Uxbridge County Court ordered that the Appellant’s claim be struck out, the County Court having no jurisdiction to deal with what was effectively an appeal to the Adjudicator.

The Appellant applied for permission to appeal the decision of District Judge Jones. On 4 April 2007, His Honour Judge Paul Collins CBE sitting at Central London County Court refused permission to appeal on the papers. The Appellant applied for an oral hearing of his application for permission to appeal. His Honour Judge Bailey sitting at Central London County Court on 29 June 2007, on hearing the Appellant in person, dismissed the application for permission to appeal. Further permission to appeal was refused.

The Appellant made a further application to appeal. On 1 October 2007, His Honour Judge Paul Collins CBE sitting at Central London County Court dismissed the application for further permission to appeal on the papers. It was held that the Court had no jurisdiction to entertain a second application for permission to appeal, that the appeal was out of time and that the appeal was “totally without merit”. The Appellant applied for the decision to be reconsidered at a hearing. On 11 January 2008, on hearing the Appellant in person, His Honour Judge Paul Collins CBE dismissed the application.

In August 2008, the Appellant filed with the High Court an Application for Permission to apply for Judicial Review. The application was made against eight Defendants, The Parking and Traffic Appeals Service, Transport for London, Central London County Court, Her Majesty’s Court Service Civil Law and Justice Division, the Civil Procedure Rule Committee, the Master of the Rolls, Uxbridge County Court and the Parliamentary Under Secretary of State for Tribunals and Administrative Justice and the Ministry of Justice. The Appellant claimed damages of £12.4 million.

The Appellant’s application for permission to apply for Judicial Review was dismissed by the Honourable Mr Justice Foskett on 27 October 2008. The Judge observed:

*“Part of the Claimant’s case is that the whole Congestion Charge Scheme is itself ultra vires and unreasonable…that argument is wholly misconceived and doomed to fail. Equally, the purported challenge to the Penalty Charge Notice and the matters that followed thereafter are not amenable to public law challenge: the Claimant has sought to challenge these matters through the only avenues open and there is no basis for any kind of remedy via Judicial Review…there is no possible basis for the Claimant obtaining relief by way of Judicial Review against PATAS…on behalf of the other Defendants, it is quite plain that the claims are misconceived and doomed to fail. All the claims advanced are wholly without merit and in any event sufficiently out of time for the court to decide to dismiss them without consideration of the merits.”*

The Appellant was ordered to pay Transport for London’s costs in the sum of £1,455. The Appellant renewed his application for permission to apply for Judicial Review at an oral hearing.

On 30 January 2009, His Honour Judge McKenna, sitting in the Administrative Court dismissed the Appellant’s application on the grounds that it was “wholly without merit”.