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Case Reference	9040322491
Appellant	Mr Lianquan Zhang
Authority	Transport for London
Contravention	On a road in the charging area to which a charging scheme applies without payment of the charge
Decision Date	16 Jun 2005
Adjudicator	Mr Paul Middleton-Roy
Decision	Refused
Direction	None
Reasons	The Appellant makes this Statutory declaration appeal on the ground that no penalty charge is payable under the charging scheme.

The contravention is said to have occurred on 16 March 2004.

The Appellant submits that he is exempt from payment of the Congestion Charge as his vehicle was, at the time when the contravention is said to have occurred, registered with the Public Carriage Office as a licensed private hire vehicle. The Appellant states that on 15 March 2004, in his presence, his operator faxed details of his vehicle registration mark to the Public Carriage Office. The Appellant submits that he should be exempt from payment of the Congestion Charge from the moment that the fax was sent.

Transport for London submit, and I accept, that any vehicle which is registered with the Public Carriage Office as a private hire vehicle is automatically exempt from the congestion charge. Registration with the Public Carriage Office of a person's vehicle as a private hire vehicle is separate from any registration as an individual driver. Further, that a vehicle only becomes exempt when the Public Carriage Office notify the operator.

I have seen no evidence that at the time of the contravention, the Appellant's vehicle was registered with the Public Carriage Office as a private hire vehicle. Transport for London submit that the Appellant's vehicle was not registered with the Public Carriage Office until 17 March 2004, being the day after the contravention date.

Having considered the evidence from Transport for London and the Appellant's representations, I find as a

fact that a contravention occurred on 16 March 2004. I cannot be satisfied on the balance of probabilities that at the time of the contravention, the Appellant's vehicle was registered for exemption. Accordingly, I find that the Penalty Charge Notice was properly issued and that the Appellant, as the registered keeper of the vehicle, is the person liable for payment of the Penalty Charge.

For the reasons I have given, I refuse this appeal.