

Scrap Mersey Tolls - Press Release 16 May 2019

TRAFFIC PENALTY TRIBUNAL REJECT REVIEW REQUEST

The Traffic Penalty Tribunal has refused an application by Halton Borough Council for a review of the Adjudicator's Decision made in March that in effect the Mersey Gateway penalties are not enforceable.

This is of major significance as it means that the Tribunal decision in March still stands and that the toll penalties are not enforceable if anyone getting a PCN fights it.

BACKGROUND

On Wednesday (15th May 2019), the Traffic Penalty Tribunal told both Halton Borough Council and the appellant in a test case - 'Mr Damian Curzon v Halton Borough Council' - that the Tribunal has refused the Council's application for a review of the Tribunal decision on the 11th March that upheld Mr Curzon's Appeal.

15th May TPT decision- <http://www.notolls.org.uk/smtpdfs/Review16May2019Redact.pdf>

11th March TPT decision- <https://www.trafficpenaltytribunal.gov.uk/mersey-gateway-bridge-charges/>

Mr Curzon's test case had started the previous summer and the March decision in effect meant that the Mersey Gateway penalty charges were not enforceable.

The Council on 11th March issued a statement which flew in the face of the facts. They said "it's business as usual" and claimed that it had not been a test case.

<https://hbcnewsroom.co.uk/traffic-penalty-tribunal-adjudicators-decision-mr-curzon/>

Scrap Mersey Tolls sent a press release out at 15.14 on 11th March rebutting the Council's false claims.

<http://www.notolls.org.uk/smtpdfs/SMTPR11Mar2019-DecisionAnnounced.pdf>

Initially, the Tribunal then approved all the other appeals against penalties that were pending. But then on 20th March, the Council applied to the Tribunal for a 'review' of the decision. A review of a Tribunal decision is unusual and is the equivalent of the loser in a court case asking for leave to appeal. Mr Curzon opposed the request for a review.

Following the Council's request for a review, the Tribunal reversed all their approvals of appeals and put them back into limbo.

Following a lengthy consideration of the Council's request for a review, Stephen Knapp, the Tribunal's Deputy Chief Adjudicator, has now turned it down and endorsed the original Adjudicator's decision upholding Mr Curzon's appeal. This puts us back to where we were following Mr Curzon's victory on 11th March. It may be that the Council may try to appeal to another court, but the High Court has previously quashed such proceedings.

COMMENT FROM SCRAP MERSEY TOLLS

"Scrap Mersey Tolls did not fear any review of the TPT decision as we believed that there was an unshakable case that the penalties are not enforceable. But now there is not to be a review, it highlights that Halton Council and its allies are ignoring the fact that the penalties are not enforceable. Merseyflow continue to go on the rampage persecuting drivers for thousands of pounds in penalties that the Council know are not enforceable. This is causing increasing aggravation with people being frightened by demands, court documents, 'final notices' and visits from enforcement officers. We have been inundated with people asking for advice and have placed it on the web -

<http://www.notolls.org.uk/smtpcn.htm>

"The scandal of the enforcement may run deeper as we believe that those involved have ignored the rules that apply to the use of the Traffic Enforcement Centre at Northampton County Court. We have raised our concerns with the court. They have not only ignored our concerns, they have in the last week actually made the situation even worse by starting to refuse 'out of time' applications, even though people have given valid reasons. All those involved are behaving as if the Mersey Gateway was a Mafia enterprise protected by the umbrella of the court.

"We have detailed our concerns to various people including the chair of the Justice Committee but were told that they could not get involved. We have even written to the Justice Secretary, who so far has not replied. Given what seems to be a total disregard for the law and the indifference of politicians to the situation, we will be sharing our concerns about the TEC with the wider public in the near future.

Whatever comes of that, what will it take for someone to rein in Merseyflow, and scrap both the illegal penalty system and the tolls?"

Ends

<https://www.facebook.com/groups/scrapmerseytolls/>

<http://www.notolls.org.uk/smtpcn.htm>