

Parking and Appeals Ser

An independent tribunal for
and traffic penalties in Lon

Adjudicator's Reasons

This case has been considered as a postal appeal as the Appellant did not attend within thirty minutes of the time scheduled for the adjourned personal hearing on 1 September 2011 at 18:30. The hearing had previously been adjourned on 25 January 2011 due to the non-receipt of evidence by the Appellant.

It is claimed that the Appellant had failed to comply with a prohibition on certain types of vehicle (no motor vehicles). The alleged contravention occurred at 18:37 on Saturday 30 October 2010 at Pancras Road, NW1. A Penalty Charge Notice was issued by post after camera observation.

I have carefully considered the parties' evidence, including the Enforcement Authority's CCTV footage and library photographs of signage, and observed that the CCTV footage shows the Appellant's vehicle having driven past signage at Pancras Road indicating that motor vehicles were prohibited, except taxis.

One of the issues raised by the Appellant concerns the legality of the signage in place at the location. He claimed that the signs are non-compliant with the relevant regulations, in particular that the addition of the supplemental plate stating "except taxis" is not a permitted variant of diagram 619 in Schedule 2 of the *Traffic Signs Regulations and General Directions 2002* (TSRGD). I agree with the Appellant's interpretation of the TSRGD and, in the absence of a special authorisation of the Department for Transport for the addition of the supplemental wording, I am satisfied that the signs in place at the location do not conform to the requirements of the TSRGD, and cannot therefore be enforced on this occasion.

I am not satisfied that the alleged contravention occurred and allow the appeal without consideration of the merits of the other matters raised in the Appellant's evidence.

APPEAL ALLOWED

Michael Nathan

Adjudicator appointed under Section 73(3) of the *Road Traffic Act 1991*, acting in exercise of powers conferred by Paragraph 10(1) of Schedule 1 to the *London Local Authorities and Transport for London Act 2003*