

## Mr [REDACTED] K [REDACTED] - v - West Northamptonshire Council

### Appeal Details

Case number:	NP00130-2210	Appeal Raised:	18/10/2022
Vehicle:	[REDACTED]	Hearing:	All parties attended the
Representative:	N/A	hearing	
Number of PCNs:	1	Decision:	14/11/2022
		Adjudicator:	Jo Garbett

### Decision - PCN NP60219239

**Mr [REDACTED] K [REDACTED], you have lost this appeal.**

You need to pay the penalty charge to West Northamptonshire Council.

Penalty Charge Amount: £70.00

Issued: 02/08/2022

Contravention: 02/08/2022 11:48

School Lane, Kettering

1 - Parked in a restricted street during prescribed hours

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. This appeal was decided at a telephone hearing on 14/11/2022 attended by Mr K [REDACTED] and by Miss C [REDACTED] on behalf the Council.
2. The Penalty Charge Notice ("PCN") was issued to Mr K [REDACTED]'s vehicle for being parked in contravention of a no waiting at any time restriction in School Lane, Kettering on 02/08/2022 at 11:48am.
3. Mr K [REDACTED] has raised a number of points in his appeal regarding the enforceability of the PCN and the conduct of the Council. He has not specifically commented on the contravention itself other than to say it did not occur. Mr K [REDACTED] says that the Council have not presented him with a bill recognised under the Bills of Exchange Act 1882 and says that the Council cannot in any event raise a bill because there is no commercial arrangement in place between North Northamptonshire Council and himself. He also says the Council have committed fraud under the Fraud Act 2006 due to their failure to raise a bill signed in wet ink. He says that he has not consented to be governed by Acts of Parliament including the Transport Management Act 2004 and there is only one supreme authority and that is God. He also complains that the Council have not responded to the points he raised.

## Findings

4. The Civil Enforcement Officer's photographs show Mr K [REDACTED]'s vehicle parked next to clearly marked double yellow lines. The vehicle was observed for six minutes. I am satisfied that his vehicle was parked in contravention.
5. The other matters raised by Mr K [REDACTED] are misconceived. The Traffic Management Act 2004 is an Act of Parliament which makes provision for the civil enforcement of traffic contraventions. Regulations have been passed for the imposition of penalty charges in respect of road traffic contraventions that are subject to civil enforcement. Schedule 7 of that Act specifies the road traffic contraventions subject to civil enforcement which include parking contraventions. No agreement is necessary to this legislation. It is binding in law.
6. Mr K [REDACTED]'s vehicle was parked in contravention and he is liable to pay the penalty charge. If he wishes to review the legislative regime in place and its legal basis the proper forum is in the High Court by way of judicial review.
7. There is no evidence of fraud on the part of the Council.
8. This decision is being sent by post to Mr K [REDACTED] as he has requested.

9. The appeal is refused.

Jo Garbett  
Adjudicator  
14/11/2022