

## Mr [REDACTED] [REDACTED] - v - Reading Borough Council

### Appeal Details

Case number:	RG00206-2210	Appeal Raised:	18/10/2022
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	25/11/2022
Number of PCNs:	1	Adjudicator:	Jo Garbett

Decision - PCN RG90914972

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

You need to pay the penalty charge to Reading Borough Council

Penalty Charge Amount: £70.00

Issued: 23/08/2022

Contravention: 10/08/2022 16:02

London Street (northern Section)

34 - Being in a bus lane

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. Mr I [REDACTED] appeals the Penalty Charge Notice (“PCN”) on the basis that although he is the registered keeper of the vehicle he was not the driver at the time of this contravention. He says he will provide the Council with details of the driver for a fee of £30.
2. The Council’s position is that the contravention occurred and the penalty is payable by Mr I [REDACTED].

### Findings

3. The Council’s video footage establishes that Mr I [REDACTED]’s vehicle was driven in the London Road bus gate. The entrance to the bus gate is marked with a blue roundel bus gate signs and appropriate road markings. I am satisfied that the contravention occurred.
4. Liability for a bus lane PCN is imposed by Regulation 6 of The Civil Enforcement of Road Traffic Contraventions (Approved Devices, Charging Guidelines and General Provisions) (England) Regulations 2022 on the “owner” of the vehicle at the material time.
5. In determining who is the “owner” of the vehicle, it is presumed that the owner is the person in whose name the vehicle is registered under the Vehicle Excise and Legislation Act 1984 at that time, i.e. in whose name the vehicle is registered at the DVLA. This is a rebuttable presumption on production of appropriate evidence, for example that an individual had sold the vehicle at the time of the contravention.
6. Mr I [REDACTED] does not dispute that he is the owner of the vehicle. He says that he was not driving and therefore should not be liable. Unfortunately that is not the test. The law provides that liability falls on the owner, irrespective of who was driving. Mr I [REDACTED] can of course seek repayment privately from the individual who was driving at the time.
7. The appeal is refused and Mr I [REDACTED] is liable to pay the penalty charge of £70.

Jo Garbett  
Adjudicator  
25/11/2022