

## Mr [REDACTED] R [REDACTED] - v - Bristol City Council

### Appeal Details

Case number:	BS00790-2307	Appeal Raised:	10/07/2023
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	09/08/2023
Number of PCNs:	1	Adjudicator:	Mackenzie Robinson

### Decision - PCN BS53275279

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

You need to pay the penalty charge to Bristol City Council.

Penalty Charge Amount: £120.00

Issued: 29/05/2023

Entered: 24/04/2023 08:47

A4 Hotwell Road (caz0002)

1 - Taxi/PHV/LGV/Minibus

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. This matter was determined without a hearing on 9 August 2023.
2. The only challenge made by Mr R [REDACTED] relates to the time limit for the service of a penalty charge notice. He points out that in relation to such matters as parking penalties, a penalty charge notice, if served by post, must be served in normal circumstances within 28 days. This is in accordance with the provisions of the **Traffic Management Act 2004**. Since this legislation postdates the **Transport Act 2000**, which is the legislation enabling the creation and enforcement of Clean Air Zones, Mr R [REDACTED] argues that the stricter time limit in the later legislation should be 'read in'.
3. The provisions that apply to any particular scheme are those expressed in the relevant legislation, which in the case of Clean Air Zones, is the **Transport Act 2000**. On any reading of the relevant legislation, the provisions of the **Transport Management Act 2004** simply do not apply in this situation. An argument might be made that a future government could consider amending the provisions of the **Transport Act 2000** to ensure harmonisation with later legislation. However I have absolutely no power to read in the later provisions in order to achieve what Mr R [REDACTED] would consider fair.
4. In any event, there may be good reasons for not applying such a time limit in the case of Clean Air Zones. After all, the process for identifying a vehicle entering the zone, allowing time for payment, and allowing time for the automated system to make the required checks, all amount to a lengthier process than that involved in the enforcement of parking penalties, for example.
5. In any event, the relevant legislation makes clear that there is no 28 day time limit for the issuance of penalty charge notices in relation to Clean Air Zones.
6. Since there is no other challenge to this matter, I dismiss this appeal. I direct that the penalty of £120 be paid within 28 days.

Mackenzie Robinson

Adjudicator

09/08/2023