

ETA Register of Appeals

Register kept under Regulation 20 of the Road Traffic (Parking Adjudicators) (London) Regulations 1993, as amended and Regulation 17 of the Civil Enforcement of Road Traffic Contraventions (Representations and Appeals) (England) Regulations 2022.

Case Details

Case reference	2030235349
Appellant	██████ W ████████
Authority	London Borough of Southwark
VRM	██████████

PCN Details

PCN	SO75047775
Contravention date	25 Jul 2002
Contravention time	10:02:00
Contravention location	Walworth Road
Penalty amount	GBP 80.00
Contravention	Parked or loading or unloading when prohibited
Referral date	
Decision Date	17 Oct 2003
Adjudicator	Martin Wood
Appeal decision	Appeal allowed
Direction	cancel the Penalty Charge Notice and the Notice to Owner.

Reasons

The wrong issue has been addressed in this case up to now. The facts are that the Appellant stopped to drop off her husband to go to the bank. Because he is a wheelchair user, she took his wheelchair out of the vehicle and took him into the bank. She returned within a short time to move the vehicle. The Appellant has thought of her taking out the wheelchair as unloading and has claimed the unloading exemption. The loading exemption does not apply at this location because loading is expressly prohibited. However, this is not an unloading case at all. The circumstances are squarely within the boarding/alighting exemption, which does apply even where loading is prohibited. It is understandable that the Appellant, as a lay person, focused on the wrong exemption. It is, however, very surprising that the Council did not recognise the circumstances for what they were. Had it done so, this matter should never have needed to get as far as an appeal. I allow this appeal.

I certify this to be a true copy of an entry in the register