

## MR [REDACTED] P [REDACTED] - v - City of Bradford Metropolitan District Council CAZ

### Appeal Details

Case number:	DY00313-2502	Appeal Raised:	16/02/2025
Vehicle:	[REDACTED]	Hearing:	There was no hearing
Representative:	N/A	Decision:	05/03/2025
Number of PCNs:	1	Adjudicator:	Adjudicator Barfoot

### Decision - PCN DY14058868

**MR [REDACTED] P [REDACTED], you have lost this appeal.**

The penalty charge and daily licence fee should be paid within 28 days.

Penalty Charge Amount: £120.00

Issued: 22/01/2025

Entered: 10/01/2025 19:10

Otley Road, Shipley 8 (3877)

1 - Taxi/PHV/LGV/Minibus

Please see the next page for the Adjudicator's Reasons

## Adjudicator's Reasons

1. Mr P [REDACTED] appeals on the basis that he was not the owner of the vehicle at the time it was driven in the clean air zone.
2. He says that he is a trader, so the vehicle was not insured, and he sold the vehicle on that date. He has provided a name and address for the new owner.
3. Mr P [REDACTED] has uploaded a photograph of an Acknowledgement slip from DVLA confirming that it has updated its records for this vehicle and that he is no longer shown as its registered keeper.
4. In his representations to the council he said that he sold the van at around 3.30pm on 9 January 2025 and the new keeper has incurred the clean air zone charge. He said the new keeper had filled in the logbook at the Post Office at around 4.30pm on 10 January 2025.
5. It is not in issue that the van was driven in the clean air zone at 19.10 on 10 January 2025; or that a £9 daily charge is payable when it is driven in the clean air zone; or that the daily charge has not been paid. The council has provided evidence that confirms this (evidence 9,12 and 15 respectively).
6. Because the daily charge was not paid before the end of the period of six days after the date it was driven in the clean air zone, a penalty charge has become payable in addition to that daily charge under the terms of the charging order for the Bradford clean air zone.
7. The question is whether Mr P [REDACTED] ceased to be the person liable for the penalty charge prior to the date the van was driven in the clean air zone.
8. Mr P [REDACTED]'s evidence that he sold the vehicle prior to its journey in the clean air zone is noted but, as the council explains, liability to pay the daily clean air zone charge and penalty charge is imposed on the registered keeper of the vehicle at the time of the journey in the clean air zone. This is the effect of Section 6(1) of the Road User Charging Schemes (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2013 (the 2013 Regulations) which establishes the general principle that road user charges (the daily clean air zone charge is a road user charge) and penalty charges imposed on a vehicle by a charging order are to be paid by the registered keeper (not the owner) of the vehicle
9. The council has produced evidence that on 21 January 2025 DVLA informed it that Mr P [REDACTED] was the registered keeper of the van as at 10 January 2025. The DVLA acknowledgement slip Mr P [REDACTED] has uploaded does not identify the date from which DVLA records show he ceased to be registered keeper of the vehicle. As the council points out, it is not evidence that he was not the registered keeper as at 10 January 2025 and DVLA has informed the council that he was the van's registered keeper then.
10. As a result, on the basis of the evidence before me, I find it more likely than not that Mr P [REDACTED] was the registered keeper of the vehicle on 10 January 2025.
11. The 2013 Regulations provide an exception to registered keeper liability where the registered keeper has notified DVLA before the date the vehicle is driven in the clean air zone of a change of ownership. This is the effect of section 6(3) of the 2013 Regulations which states that:  
*"Where before the relevant time the registered keeper had notified the Secretary of State in writing, in accordance with regulation 22, 23 or 24 of the Road Vehicles (Registration and Licensing) Regulations 2002 ("the 2002 Regulations"), that there had been a change of ownership of the relevant vehicle so that it was no*

*longer kept by that person, road user charges and penalty charges are to be payable by the person by whom the relevant vehicle was used or kept at the relevant time.”*

12. Section 22(2)(b) of the Road Vehicles (Registration and Licensing) Regulations 2002 states that where there is a change in the keeper of the vehicle, the registered keeper of the vehicle:

*“shall forthwith deliver to the Secretary of State on the remainder of the registration document, or otherwise in writing or, if the Secretary of State thinks fit, orally by telephone or by electronic means the following information—*

*(i) the name and address of the new keeper;*

*(ii) the date on which the vehicle was sold or transferred to the new keeper.”*

13. The fact that the van may have been sold prior to the contravention is irrelevant because, as indicated above, it is the registered keeper of the vehicle who is the person liable for a penalty charge. The only question, therefore, is whether Mr P [REDACTED] notified DVLA of the change of ownership in accordance with section 22(2)(b) of the Road Vehicles (Registration and Licensing) Regulations 2002 prior to it being driven in the clean air zone at 19.10 on 10 October, which would give him the benefit of the exception to registered keeper liability for the road user charge and penalty charge for that journey afforded by regulation 6(3) of the 2013 Regulations.

14. There is no evidence before me from which I can be satisfied that Mr P [REDACTED] had notified DVLA of the sale before that time in accordance with section 6(3) of the 2013 regulations.

15. Mr P [REDACTED] referred in his representations to the new owner filling in the logbook at the Post Office at around 4.30pm on 10 January. It was Mr P [REDACTED]'s responsibility to notify DVLA of the change of ownership. In any event, even if the buyer filled in the logbook and posted it on the afternoon of 10 January it could not have reached DVLA by post, and so DVLA could not have been notified of that change of ownership, until at least the following day, 11 January. That was too late for Mr P [REDACTED] to have the benefit of the exception to registered keeper liability in section 6(3) of the 2013 Regulations. That required him to have notified DVLA of the change of ownership before the van was driven in the clean air zone on 10 January 2025.

16. The only other way in which Mr P [REDACTED] could have notified DVLA prior to the van being driven in the clean air zone on 10 January would have been online but there is no evidence of him having done so. He could and should have done so when he sold the van on 9 January 2025 (according to his evidence). In the absence of any evidence that Mr P [REDACTED] notified DLVA online of the change of ownership of the van prior to 7.10pm on 10 January 2025, I find that he does not have the benefit of the exception to registered keeper liability provided by regulation 6(3) of the 2013 Regulations.

17. Accordingly, I find that Mr P [REDACTED], as the registered keeper of the vehicle at the time the van was driven in the clean air zone, is the person liable for the daily clean air zone charge and the penalty charge in this case. I refuse this appeal and Mr P [REDACTED] must pay both charges.

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05/03/2025