



5th July 2010

Islington Parking Services
PO Box 4650
Worthing, BN11 9FD

RE: Representations against Penalty Charge Notice number 


Dear Sir or Madam,

I am writing to make a formal representation against PCN number  dated 22nd June 2010 on the grounds that the alleged contravention did not occur.

The contravention alleged is entering and stopping in a box junction when prohibited. The prohibition is contained in the Traffic Signs Regulations and General Directions 2002, Schedule 19 Part 2 paragraph 7. This provides as follows:

"7 (1) Except when placed in the circumstances described in paragraph 8, [box junctions] shall each convey the prohibition that no person shall cause a vehicle to enter the box junction so that the vehicle has to stop within the box junction due to the presence of stationary vehicles.

(2) The prohibition in sub-paragraph (1) does not apply to any person who causes a vehicle to enter the box junction (other than a box junction at a roundabout) for the purpose of turning right: and stops it within the box junction for so long as it is prevented from completing the right turn by oncoming vehicles of other vehicles which are stationary whilst waiting to complete a right turn."

I can confirm that I was the driver of the vehicle in question (registration number  at the time and location of the alleged contravention. However, as is clear from the attached series of still photographs (and in particular frame 3), the left hand lane on the exit of the box junction was clear when I entered the box junction. Therefore, I was not prevented from clearing the junction by the presence of stationary vehicles. However, I decided that it was safer and more appropriate to stay in my current position within the junction.

I would like to refer you to the similar case of Sheikh vs the London Borough of Newham (PATAS Case no MV0071NE02). I have attached a copy of the appeal decision.

In light of this I ask you to cancel the Penalty Charge Notice.

Yours Faithfully,

[Redacted] I/UK)

From: [Redacted]@islington.gov.uk
Sent: [Redacted]
To: [Redacted]
Subject: [Redacted] nfirm when rec'd



FRAME 1



15-Jun-2010 15:34:42 0443169

MON16 CAM16

FRAME 2



15-Jun-2010 15:34:19 0442053

MON16 CAM16

FRAME 3



FRAME 4



FRAME 5

Certified Copy of Entry in Statutory Register

Case Reference: MV0071NE02
Appellant: Sheikh
Authority: London Borough of Newham
VRM: R615WLL
PCN Number: NE41387986
Contravention Date/Time: 30/11/05 @ 15:42
Contravention Location: (MC) Barking Road jct of Wellington Road
Penalty Amount: £100
Contravention: Entering and stopping in a box junction when prohibited
Decision Date: 20 Sep 2006
Adjudicator: Ronald Norman
Decision: Appeal Allowed

Reason

The contravention alleged is entering and stopping in a box junction when prohibited. The prohibition is contained in the Traffic Signs Regulations and General Directions 2002, Schedule 19 Part 2 paragraph 7. This provides as follows.

"7 (1) Except when placed in the circumstances described in paragraph 8, [box junctions] shall each convey the prohibition that no person shall cause a vehicle to enter the box junction so that the vehicle has to stop within the box junction due to the presence of stationary vehicles.

(2) The prohibition in sub-paragraph (1) does not apply to any person who causes a vehicle to enter the box junction (other than a box junction at a roundabout) for the purpose of turning right; and stops it within the box junction for so long as it is prevented from completing the right turn by oncoming vehicles or other vehicles which are stationary whilst waiting to complete a right turn."

Without the video evidence the situation as Mr. Sheikh drove into the box is not entirely clear but the local authority have indicated in the Notice of Rejection that vehicles ahead were coming to a halt. From the stills supplied that appears to be the case as far as the right hand lane is concerned.

However, from the evidence supplied the following appears to be the situation: the left hand lane is not congested and a car travels through the junction in that lane, Mr. Sheikh could have moved into that lane and had he done so he could have cleared the junction without stopping.

He chose to stay in the right hand lane and it was his choice to do that which prevented him from clearing the junction rather than the presence of stationary vehicles.

As the vehicle did not have to stop within the box junction due to the presence of stationary vehicles I am not satisfied that the contravention occurred and the appeal is allowed.

I certify this to be a true copy of an entry in the register kept in accordance with Regulations 20 of the Road Traffic (Parking Adjudicators) (London) Regulations 1993, as amended.



Miss C Axelson
Proper Officer