

Senarios Cyffredin O Ran Sylwadau Ynghylch Lonydd Bysiau A Thraffig Sy'n Symud Common Scenarios For Bus Lane And Moving Traffic Representations



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Common Scenarios for Bus Lane and Moving Traffic Representations

The circumstances surrounding a particular PCN are unique and therefore each PCN will be considered on its own merits. The following is therefore only for guidance to provide an indication of whether we may cancel your PCN. You may still be made to pay the penalty even if the below indicates it is likely the PCN will be cancelled.

Scenario	Likely the PCN will be cancelled	Reason (if applicable)
I was not the driver at the time	No	Legislation makes the owner liable for the penalty charge not the driver. If the vehicle was on hire, then the hirer becomes liable.
I was following my Sat Nav	No	Sat-Nav's are advisory guides, and it is still the responsibility of the driver to pay sufficient attention to the road ahead to comply with any traffic restrictions.
I had only just passed my driving test	No	Any motorist driving on the road is expected to be aware of the meanings of all traffic restrictions regardless of the length of time that they have been driving for
I was feeling unwell	No	<p>If you are feeling unwell it is still down to you to drive correctly. If you are so unwell you feel you would have to breach a traffic restriction you should instead pull over immediately and call the emergency services.</p> <p>If your vehicle is observed pulling over immediately in this fashion, then the PCN may be cancelled.</p>
This was my first PCN	No	You are required to abide by the rules of the road at all times.

I was pulling into the bus lane to allow an emergency service vehicle on call to pass	Yes	The Council will not enforce any PCN where it is clear the bus lane was used to allow an emergency service vehicle on call to pass as it is essential these vehicles can reach their destination as quickly as possible.
The Council did not follow correct procedures when issuing or enforcing the PCN	No Yes (if proved)	The Council ensures it follows the correct procedure at all times. However, the Council is under a legal obligation to follow correct procedures. If on a particular occasion it does not, then PCN is invalid and will be cancelled.
I did not notice or understand the signs or road markings	No	It is the responsibility of the motorist to be fully aware of the rules of the Highway Code and, during the course of their journey, all drivers are obliged to understand and act upon all traffic signs and road markings to ensure that they are adhered to.
The traffic signs or road markings were in Welsh	No	The Council is under a legal obligation to provide bilingual signs and road markings. As the Welsh will always be followed by the English this does not provide an exemption.
I entered the box junction when traffic was flowing smoothly but it then came to a sudden stop. This was not my fault.	No	You are entitled to enter a box junction when traffic is flowing but you run the risk of a contravention if it then comes to a halt. The best way to ensure you do not stop in a box junction illegally is to follow the advice in rule 174 of the Highway Code.
I entered the bus lane as I was turning left at the next junction	No	Drivers intending to turn left should stay in the unrestricted lane until there is a full break, or broken white line in the bus lane markings, at which point they are permitted to cross the bus lane in order to turn left. Otherwise, they must wait for the directional arrow and signs showing the end of the bus lane before they can maneuver to turn left.

I was in the bus lane for less than 20 meters. Drivers are permitted to use bus lanes for less than 20 meters!	No	There is no minimum distance that a vehicle has to travel before it can be considered in breach of the governing Traffic Regulation Order. Any case where the distance travelled is disputed or questioned will turn on its own merits and particular facts.
I was an emergency service worker but not on call	No	Unless a valid exemption has been provided by the Council, or included in the relevant Traffic Regulation Order, unless you are on call or are required by law to breach the traffic restriction you are not permitted to ignore traffic restrictions – such as stopping in box junctions.
There were no signs advising of traffic enforcement, so how was I to know I would receive a PCN?	No	There are traffic enforcement signs situated at appropriate locations to remind motorists to comply.
I was driving in accordance with an exemption/my vehicle was permitted to make the otherwise banned turn or be in a bus lane	Yes	If you have a valid reason to ignore the restriction, for example to be in a bus lane for the purposes of loading or unloading when a loading ban is not in force, a PCN will not usually be issued. If it is, then it will be up to you to prove that you were carrying out a permitted activity upon appeal
I was not the owner or hirer of the vehicle at the time of the alleged contravention	Yes	Welsh regulations state that the owner of the vehicle is liable for the PCN, unless the vehicle was on hire when it is the hirer that becomes responsible. However, if you were not the owner of the vehicle you will be required to prove that you were not.
My vehicle was being driven without my consent	Yes (if proof is provided)	If you can prove that your vehicle had been taken without your consent (e.g., stolen) then the PCN will be cancelled. However, you will need to provide a valid crime reference number and any other evidence to show that this was the case.

I cannot afford to pay the penalty	No	As the penalty should not have been incurred in the first place this does not provide good grounds to cancel the PCN. However, if proved, certain financial circumstances may lead to the Council providing a payment plan. However, this is purely discretionary. If you have already requested a payment plan in the past, but defaulted, then it is highly unlikely that another payment plan will be allowed.
I did not receive the PCN	No Yes (if suitable proof is provided)	The Council keeps postal records of all PCNs sent. If we have followed our correct procedures the law states that the PCN is deemed served unless you are able to prove otherwise. If you are able to prove otherwise, then this proof must be provided as evidence to the Council.
You have breached the bill of rights	No	This argument has been put before the High Court and has been described as “completely hopeless”.
I did not agree to a contract with you therefore you were not entitled to issue the PCN	No	This is not a contractual matter, but a matter set in statutory legislation. Therefore, the Council does not need to enter into a contract with you to enforce the PCN.
The make of my vehicle is incorrect on the PCN	Yes	It is not a legal requirement for the make or the colour to be correct on the PCN; however, with a moving traffic or bus lane PCN if the make is incorrect and is proven to be incorrect then the PCN may be cancelled.

SCENARIO	MAY ACCEPT REPRESENTATIONS	MAY REJECT REPRESENTATIONS
Where the motorist claims to have become unwell while driving	If the motorist provides proof of a medical condition, temporary or permanent, that is consistent with the conditions described. When the notes made by the Parking Attendant support the motorist's representations.	If the motorist cannot provide some proof of a medical condition, temporary or permanent, consistent with the conditions described. Or Where other evidence contradicts the motorists claims
Where the motorist claims to be a doctor, nurse, health visitor attending a patient	If the motorist concerned possesses a Medical Dispensation badge (BMA, HEBS) that the Council concerned recognises and approves and/or is exempt under the relevant Order. Or If the motorist produces evidence that they were responding to an urgent medical call..	If motorist was not attending a patient in urgent circumstances or if there were legal parking spaces nearby. If motorist was parked outside their practice or other place of work for any reason other than to collect supplies for an urgent call If motorist was parked in an area which does not correspond with claims made in representations, i.e. far from patients property, say, in a car park
Where the motorist stopped to use the toilet	On production of medical evidence confirming a relevant medical condition and in support of the circumstances described in a representation.	In all other circumstances
Where the motorist stopped to collect (prescribed) medication from a chemist	Only in the most grave, urgent and exceptional of circumstances and the use of a 'legal' parking place would have caused an unacceptable delay.	In any lesser circumstances.
Where the motorist was a patient visiting a doctor's surgery	If the motorist can provide a letter from a doctor to confirm that the visit was	If the motorist was not the patient but only driving the vehicle carrying the patient

	very urgent and that they were unable to walk from the nearest legal parking space	If the motorist was attending a prearranged, non-urgent appointment. If the motorist could reasonably have been expected to parked legally elsewhere
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DEFINITIONS

DESCRIPTION	DEFENITION
Approved device	A camera that has been approved by the Welsh Ministers for use in the detection of parking, bus lane and/or moving traffic contraventions
CC	Charge Certificate
CEO	Civil Enforcement Officer
Challenge	The informal challenge against the issuing of a Penalty Charge Notice
Discount penalty amount	either £25 or £35 depending on the type of contravention
Full penalty amount	either £50 or £70 depending on the type of contravention
Increased penalty amount	either £75 or £105 depending on the type of contravention
MiPermit	the contractor we use for the issuing of cashless parking stays or virtual permits/waivers
NTO	Notice to Owner
Order for Recovery (TE3)	a document sent by TEC to inform the recipient that the increased penalty amount has been registered as a debt with Northampton County Court
PCN	Penalty Charge Notice
Representations	the formal challenge against a Notice to Owner or postal Penalty Charge Notice
TEC	Traffic Enforcement Centre at Northampton County Court that authorises Order for Recoveries and Warrants
Witness Statement (TE9)	a document sent with a TE3 providing the recipient the chance to appeal to the court against the issuing of the TE3