



# Helping you with your Congestion Charging Penalty Charge Notice

**(Please note this is not a legally binding document.  
It is for guidance purposes only)**

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## Helping you with your Congestion Charging Penalty Charge Notice

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## Purpose of this Document

The purpose of this document is to explain what happens if you incur a Congestion Charging penalty charge and explains what rights you have to contest a penalty. It also includes advice on supporting evidence that may help you to contest a penalty; as well as advice on the subsequent stages that a penalty charge may progress to and the actions that Transport for London (TfL) may take.

Please note, this is a non legal document and is for **guidance only**. It is not comprehensive as we cannot anticipate all scenarios and eventualities. Furthermore TfL reserves the right to make the most appropriate decision in the circumstances of each case. Where appropriate this decision may deviate from the examples provided in this booklet. TfL will always provide a justification for its decision.

You may wish to seek your own legal advice.

Further information can be found on TfL's Congestion Charging website ([www.cclondon.com](http://www.cclondon.com)) or you can call our Enforcement call centre on 0333 200 1000, but please note, our call centre operators cannot give advice on whether a specific representation will be successful.

You should also refer to '**What do you need to know about Congestion Charging**' that document outlines the general principles of the Congestion Charging scheme; much of the content of this document and the decisions we may make on your representation takes account of the requirements of the scheme. Understanding the scheme will assist with the principles set out in this document and how to avoid a PCN.



## About Congestion Charging Penalty Charges

The vast majority of people who drive in the Congestion Charging zone during charging hours comply with the requirements of the scheme. This means that they have either made a valid charge payment, have a valid exemption, or are entitled to and have registered for a 100% discount.

However, a small proportion of drivers, whether intentionally or not, fail to make a valid charge payment or believe they are correctly registered for a discount or exemption, but are not.

## Why have I received a Penalty Charge Notice?

If you drive in the Congestion Charging zone during charging hours and you haven't paid a valid Congestion Charge, you are likely to be issued a Penalty Charge Notice (PCN).

**Before a PCN is issued TfL make every effort to confirm that a contravention has occurred.**

Images of vehicles captured within the Congestion Charging zone are matched against those vehicles for which a charge has been paid, are exempt, or have a 100% discount. Where there is no match, TfL contact the Driver and Vehicle Licensing Agency (DVLA) to request details of the vehicle and the recorded registered keeper. TfL then carry out further checks using the vehicle details before the PCN is issued.

**Every effort is made to issue the PCN to the most appropriate person or company.**

There are certain circumstances where a PCN will be issued to someone other than the registered keeper, for example in the case of hire cars where the car hire company has correctly transferred liability to the hirer of the vehicle for the date in question.

## I have received a Penalty Charge Notice - what do I do?

The PCN will provide all of the information regarding the contravention and the options available to you. Please check all of these details very carefully. If you agree that the contravention occurred and that a payment was not made for the relevant charging day (and your vehicle is not exempt or 100% discounted), then you should pay the penalty.

**Do not ignore any correspondence sent to you. Ignoring the PCN will only make matters worse. The amount owed will eventually increase and could lead to the debt being registered with a court (this is not a County Court judgement and does not affect your credit assessment), and ultimately bailiffs may be instructed. You have a right to challenge the PCN and the representation and appeals process is there to protect you and your rights.**

## How do I pay the PCN?

There are various ways you can pay the penalty charge; these are detailed on the PCN itself. Further information can be found in the 'What do I need to know about the central London Congestion Charging zone?' booklet or on the Congestion Charging website ([www.cclondon.com](http://www.cclondon.com)). This booklet can be downloaded from the 'Publications Library' section of the TfL website, ([www.tfl.gov.uk](http://www.tfl.gov.uk)), or a hard copy can be requested via our Enforcement call centre (0333 200 1000).



## **Prompt payment (received within 14 days) halves the amount you have to pay.**

We have tried to make paying a PCN as easy as possible. You can pay:

- via our Enforcement call centre (0333 200 1000) using a credit/debit card,
- using the Congestion Charging website ([www.cclondon.com](http://www.cclondon.com)) using a credit/debit card,
- Or by post (Congestion Charging, PO Box 4783, Worthing, BN11 9PT) by filling in the payment section on the PCN. This method allows you to pay by credit/debit card, cheque or postal order. For your own security, please do not send cash payment via the post. If you have a credit or debit card, the easiest way to pay is via the Congestion Charging website.

**Please remember to pay. Do not ignore the PCN. You may be able to contest the PCN after you've paid the penalty. If you do not pay or contest the PCN, then the amount owed will increase over time.**

### **How do I contest the PCN?**

If you believe that your PCN has been unfairly issued, you may contest the PCN.

To do so, you can make a representation to TfL. If your representation is rejected, you can then make an appeal to the Parking and Traffic Appeals Service (PATAS), the independent body that acts as a tribunal service. PATAS will appoint an independent adjudicator to review your case.

The representations and appeals process has been established in accordance with Parliamentary Regulations.



## How do I make a representation?

If you wish to make a representation, you will need to write to TfL within 28 days from the date of service of the PCN. The issue date is shown on the PCN. The PCN includes a section to assist you in making your representation.

A representation must be made in writing; you should supply all the evidence upon which you rely for us to consider.

Representations can be made:

1) Online via our website [www.cclondon.com](http://www.cclondon.com) and the link [make representation on line](#). This is the easiest and quickest method to make your representation. You can also upload your evidence.

2) By post – sending your representation to the address detailed on the PCN:

Congestion Charging  
PO Box 4783  
Worthing BN11 9PT

You may still be able to make a representation after you have paid the PCN. TfL will suspend the PCN whilst we investigate your case, and should your representation be accepted, we will refund your payment in full.

The 6 statutory grounds for making a representation are listed on the PCN itself. They are:

- You were not the registered keeper or person liable at the time of the contravention
- That the charge payable had been made for the contravention date
- No penalty charge is payable under the charging scheme
- The vehicle was taken without your consent
- The penalty charge amount exceeds the amount payable in the circumstances of the case
- The vehicle was under hire and the person hiring the vehicle had signed a statement of liability for any resulting penalty charges

You may still make a representation if none of these grounds are applicable.

**The easiest way to make a representation is on line via our website [www.cclondon.com](http://www.cclondon.com) and the link [make representation on line](#). This will help us to process your representation quickly.**

**'Late' representations are those received after 28 days. We may consider these if a valid reason for lateness is provided. By way of an example, if you explain you were on holiday at the time the PCN was served and provide supporting evidence, such as your boarding pass. In this case we may extend the time in which you can make a representation and also look to see if you are still eligible to pay the penalty at the discounted rate.**



## **Who can make a representation?**

A representation should be made by the person or business named on the PCN, this is normally the registered keeper of the vehicle. We will cross reference the details of who makes the representation to the party named on the PCN. This is to ensure that TfL do not pass any sensitive information on to someone you would not want to have such information.

If you are the registered keeper and would like to nominate someone else, an 'authorised third party', to make a representation on your behalf, you will need to send us a signed declaration clearly stating you are happy for that person to make a representation on your behalf. We would require their full name and correspondence address.

**TfL will ensure that any response made to an authorised third party is also copied to you as the registered keeper.**

## **TfL's commitment to respond to representations**

**When we receive your representation (make sure it's within 28 days of the PCN being served) the PCN will be suspended until we have completed our investigation and responded to you. If your representation is received within 14 days from the date of the PCN being served and we reject your representation, you will again be offered the chance to pay at the discounted amount.**

When considering your representation, TfL will determine whether you have met one of the six grounds detailed on page 6. You may also explain any other circumstances not covered by these grounds, and we will carefully consider these and any other mitigating circumstances. The decision to accept a representation based solely on mitigating factors is entirely at TfL's discretion.

You should receive a response to your representation within 28 days. If you do not, please contact the Enforcement call centre on 0333 200 1000.

**The circumstances of each case are carefully considered before a decision is made. All evidence is given full consideration. Just because your representation is not made against one of the six grounds, it does not mean it will not be accepted.**

**Remember always provide copies of supporting evidence, not the original documents themselves.**



## Commonly accepted representations

If you feel you have a legitimate reason for failing to pay the charge or believed your vehicle was exempt or discounted then please write in, providing as much detail and supporting evidence as you can.

**Many representations are rejected due to insufficient or no evidence being provided. To ensure that TfL can accurately consider and process your representation, please include as much information as you have.**

TfL will look to accept a representation where the appropriate evidence is given. It is your responsibility to provide such evidence.

Some of the common reasons why we may cancel a PCN following a representation include but are not limited to:

- Proof that the Congestion Charge was paid
- Proof of a medical emergency
- Proof the vehicle was sold before the contravention with the new keepers name and address.
- Proof the vehicle was bought after the contravention with the previous keepers name and address.
- Proof the vehicle was a 'clone'
- Proof the vehicle was on hire and liability should be transferred

In most circumstances, TfL require evidence to be provided before a representation can be accepted. For example, we recognise that there are occasions where an emergency hospital visit prevents the charge being purchased either on the day of contravention or the next charging day. However, in order for this type of representation to be accepted, we will need proof that it was an emergency, not an appointment, for example, a confirmation letter from the hospital.

## Commonly rejected representations

Some of the common reasons why TfL typically reject a representation include:

- Forgot to pay the Congestion Charge
- Attempted to pay the Congestion Charge but failed
- Unaware had entered the Congestion Charging zone
- Unaware of the Congestion Charging Scheme
- Not the driver of the vehicle
- Entered the Congestion Charging zone in error
- Did not know how to pay
- Thought that the vehicle/driver was exempt from the Congestion Charge



Although these are common reasons for rejection, this does *not* mean that TfL will always reject a representation submitted for the reasons given above, as there may be specific or proven mitigating circumstances. For example, you forgot to pay the Congestion Charge; you should have to pay the penalty. However, there can be mitigating circumstances that led to the Congestion Charge not being purchased such as a medical emergency that prevented you from paying.

**Remember, many representations are rejected due to insufficient or no evidence being provided so don't forget to include as much relevant information as you have.**

Although we make every effort to act consistently, individual circumstances are rarely the same. It is, therefore, essential that you provide enough relevant information (along with any applicable evidence) to demonstrate why you think you are not liable or should not pay the PCN.

The following sections detail the main reasons people receive PCNs and what evidence should be provided to support a representation.



## Common representations

The following sections detail the most common representations that TfL receive, suggested supporting evidence and our approach to whether we would normally accept or reject the representation.

### I paid the Congestion Charge

If a PCN has been issued, this means there is strong evidence a valid Congestion Charge for the exact Vehicle Registration Mark (VRM) and date of travel was not purchased for the vehicle that used the Congestion Charging zone during charging hours on the contravention date.

It is the registered keeper's responsibility to ensure that the Congestion Charge is purchased correctly. However, there are instances where a genuine attempt has been made to pay the Congestion Charge and that attempt has failed.

If your representation states that you have paid the Congestion Charge, we will investigate whether an attempt was made to pay the Congestion Charge, and what, if any, error has occurred.

#### **Suggested supporting evidence:**

Copy of the receipt, the receipt number or credit/debit card details along with details of the payment channel used and when you purchased the Congestion Charge.

As with any representation relating to the call centre, if you paid over the phone it will help our investigation if you tell us exactly when you rang (time and date), which telephone number you rang from and who you spoke to. A copy of your telephone bill will help too.

If the investigation confirms that a Congestion Charge payment was made but an error was made by the person attempting to pay the Congestion Charge (for example, providing an incorrect VRM or payment date), if this is the first time this has happened, we may accept that a genuine error has occurred and cancel the PCN.

TfL will not normally be prepared to cancel the PCN where this type of error happens for a second time. However, if details show that the error was outside of the purchaser's control, this will always be taken into consideration.

**Remember when paying, always check your receipt and confirm the VRM and travel date are correct.**



## **I made every effort to pay**

TfL recognise that there are occasions where you make every effort to pay but due to unforeseeable circumstances you were not able to. Below is a list of common reasons:

### **1 The payment method was not working**

TfL have tried to make paying the Congestion Charge as easy as possible, by providing a number of convenient ways to pay the Congestion Charge. Should one of the ways to pay the Congestion Charge not be available, for example the SMS text messaging service is down; it should be possible to use one of the other channels to avoid receiving a PCN. You must, therefore, show that you made every effort to pay using one of the other methods available. Remember we will also take into account the fact that there is the ability to use the pay next day facility.

We always verify any claims made regarding payment methods. Should there be a problem with any payment method, we investigate this claim as part of our customer service requirements. Consideration will always be given to the availability of the other methods of payment.

### **2 The call centre was busy**

TfL make every effort to ensure that the call centre is available at all times. However, there may, at times, be some delay due to the volume of calls or isolated system faults. If there are any significant problems affecting the availability of the call centre, then we may consider accepting representations where payments were attempted via this method.

However, as there are a number of ways to pay the Congestion Charge, you must show that you made every effort to pay using one of the other methods available.

**Suggested supporting evidence:** As with any representation relating to the call centre, if you paid over the phone it will help the investigation if you tell us exactly when you rang (time and date), which telephone number you rang from and who you spoke to. A copy of your telephone bill will help if it provides an exact time of call.

### **3 I tried to pay the Congestion Charge but was too late**

The Congestion Charge can be purchased up to 90 days in advance of the date of travel into the Congestion Charging zone. It is also possible to purchase the Congestion Charge by the end of the next charging day by contacting the call centre on 0845 900 1234 or by using the Congestion Charging website ([www.cclondon.com](http://www.cclondon.com)).

Therefore, TfL believe that you have plenty of time to pay the Congestion Charge and are responsible for paying the Congestion Charge in the time available to do so, and therefore, we would not accept a representation on this basis.



## **4 I tried to pay the next day**

It is possible to purchase the Congestion Charge by the end of the next charging day for an increased amount of £12 rather than the usual £10 via the call centre (0845 900 1234) or the Congestion Charging website ([www.cclondon.com](http://www.cclondon.com)). TfL will not accept representations saying you tried to use one of the other payment methods that cannot be used to pay the next day; SMS for example.

If you attempted to pay next day using either our call centre or the Congestion Charging website and something went wrong, then please provide as much information as possible and we will investigate the matter. As always, if it is confirmed that the error was made by the call centre operator or the payment method was not available for a significant period, then we may accept the representation.

## **5 I sent a text message to pay**

The Congestion Charge can be purchased by sending a SMS text message. To use this facility, you need to be successfully registered with us beforehand.

If an attempt is made to pay by SMS text message, you will automatically receive a response either confirming the payment has been made, or that some error has occurred. Should you not receive a confirmation message within half an hour of sending your text, you should work on the assumption that the payment has failed and either try again or use another payment channel. If an error message was sent and you failed to act on it, we will not accept that you made every effort to pay.

The message you receive will either confirm which vehicle you have paid for and what day, or confirm why payment cannot be taken. As with many other services please remember to read the terms and conditions when you register to pay by SMS as these will explain the actions you should follow.

**Please ensure that you read every message and take the appropriate action. Do not assume that the returned message is always your receipt.**

## **6 I have a CC Auto Pay Account to pay the charge**

You can pay the charge through a CC Auto Pay account – you need to register with us first either via our website or call centre. For CC Auto Pay we identify each charging day the vehicles using the zone during charging hours and add a charge to the account for each day they are seen. Each month we then debit your recorded payment card via a recurring card transaction for the charges incurred during the previous month. If the CC Auto Pay account is maintained correctly you should avoid PCNs being issued to the relevant vehicles. CC Auto Pay is a ‘self managed’ facility that requires the account holder to maintain all the relevant information on the account such as the Vehicle Registration Marks of the vehicle(s) you are using, payment card details - including updates when the card expires or is replaced, postal address and where relevant e-mail address.

TfL will issue account status letters in line with the terms and conditions to advise of account suspension and closure through your preferred communication channel based on this information, for example, if your monthly payment fails, which may be due to an expired card or lack of funds.



As CC Auto Pay is 'self managed' and you are sent account status notifications for any CC Auto Pay representations we will review the account history and the reasons for the PCNs being issued. We have explained that we will accept a representation highlighting that an error was made when entering either the Vehicle Registration Mark, or date, on the first occasion, regardless of the payment channel used; this includes payments via CC Auto Pay. Again, a second representation on the same basis will not be accepted.

We are unlikely to accept representations when the CC Auto Pay account has not been properly maintained; for example and not limited to

- Card Payment transaction failures including repeated failures
- Failure to tell us about change to the payment card such as lost/stolen or replaced
- VRM input errors
- Failure to update the account with relevant information,

We are also unlikely to accept representations from customers who say they never received the account status notifications which we have sent because:

- Of a failure to tell us of a change of Postal Address/New address
- Of a failure to tell us of a change or correction to an e-mail address
- Customers failed to set their own 'spam/filter settings'.

You have the opportunity to make changes to the CC Auto Pay account via our call centre and website; if you act promptly to update your account with any relevant changes you should avoid PCNS being issued.

**It is your responsibility to ensure a valid Congestion Charge has been purchased. Therefore always check your CC Auto Pay Account regularly to ensure all information is accurate and up to date.**



## 7 I thought I had a CC Auto Pay account

You can pay the charge through a CC Auto Pay account but you need to register with us first either via our website or call centre. For CC Auto Pay we identify each charging day the vehicles using the zone during charging hours and add a charge to the account for each day they are seen. Each month we then debit your recorded payment card via a recurring card transaction for the charges incurred during the previous month. If you have not registered or assumed you will be automatically debited having not registered for CC Auto Pay TfL consider that you should accept responsibility for failing to pay for the Congestion Charge and we are unlikely to accept representations on this basis. You should remember that the Congestion Charge can be purchased through a range of channels such as our call centre (0845 900 1234), website ([www.cclondon.com](http://www.cclondon.com)), SMS text messaging. It can be purchased in advance or on the day and by the end of the following charging day via the call centre, or the website; if you choose to pay next day, you will be charged an increased amount making the total payment £12 instead of the usual £10.

## 8 I made a payment at the residents' rate

Any resident of the charging zone registered with the scheme is entitled to a 90% discount of the Congestion Charge. If you believe you are eligible for a residents' discount, but have not registered correctly and received confirmation from TfL you must pay the charge at the full rate. If you pay at the reduced rate, then you will be issued a PCN.

- If you have made an application to register and received confirmation, and you believe you should be entitled to pay at the reduced rate, then we will carry out a full investigation into your account to find out what has happened.
- If you have not made any application, then we may not accept your representation.
- If you have previously successfully registered as a resident with TfL, then we will look to see what has happened to your renewal. If you have failed to renew, or delayed renewing, we will not accept your representation.

**Suggested supporting evidence:** Copy of the receipt, receipt number or credit/debit card details along with details of what payment channel was used and when you purchased the Congestion Charge. Details such as your account number, when you applied or attempted to renew your account, would also be helpful.



## I don't have to pay

### 1 My vehicle is exempt from the charge

There are a number of vehicles that can enter the Congestion Charging zone without purchasing the Congestion Charge. There are those that are automatically exempt due to their tax class (an emergency vehicle, for example) and others that have to register to confirm the Congestion Charge does not have to be purchased on the day (Disabled Blue Badge holders, for example).

Any vehicle that is exempt due to its tax class should not receive a PCN. If you have received a PCN, the DVLA will have confirmed to TfL that your vehicle is not an exempt vehicle. If you can provide confirmation from the DVLA that your vehicle was exempt *at the time of the contravention* such as the taxation class was 'disabled', then we will accept your representation. If your vehicle became exempt *after* the date of contravention, you will need to pay the PCN.

Your V5c (logbook) will show the taxation class of your vehicle.

**Suggested supporting evidence:** Confirmation will be required from the DVLA. You should request a letter from the DVLA to provide as part of your representation. Alternatively you could send a copy of your V5c.

**We may validate your representation with the DVLA.**

### 2 I have a blue badge and am entitled to a 100% discount

TfL has carried out extensive media campaigns to inform Blue Badge holders that they are only exempt from purchasing the Congestion Charge when registered with TfL. However, we accept it is sometimes assumed that the exemption is automatic.

If a copy of the Blue Badge can be provided, TfL are prepared to accept the representation on the first occasion. The letter confirming this action will make it quite clear that it is necessary to register and, therefore, any subsequent representations will not be accepted on the same basis.

**Suggested supporting evidence:** A copy of the valid Blue Badge (both sides) must be provided to support the representation. We will then look to validate the Blue Badge

### 3 I'm entitled to a 100% discount

If you successfully register with TfL for a 100% discount, such as a vehicle with 9 seats or more (a minibus), you will not be required to purchase the Congestion Charge.

If you have not received confirmation from TfL that you have successfully registered for the 100% discount, then you must still pay the Congestion Charge. If you had received confirmation, then we will look into your account to see why a PCN was issued. Should there be any error or delay in processing your application, then TfL will accept your representation.

**Suggested supporting evidence:** You should provide details of your account. A copy of your confirmation letter would also be beneficial.

### 4 I have registered with TfL for one of the 100% discounts but still got a PCN



It is your responsibility to ensure that the appropriate vehicle was recorded on the 100% discount account for the day in question. If you have received a PCN, this may mean the vehicle details were not provided, or were recorded incorrectly.

If you failed to record the correct vehicle details on your account registration application or recorded the details incorrectly, then TfL may accept that a genuine error has occurred and cancel the PCN on the first occasion,

TfL will not normally be prepared to cancel the PCN where an error in entering the correct details happens for a second time. However, evidence to show that the error was outside of your control will be taken into consideration; for example, the error in amending your account was made by the call centre operator.

## **5 I am a private hire car driver / Hackney Carriage driver**

All London Licensed Taxis, Mini Cabs and Hackney Carriages registered with the TfL's Taxi and Private Hire (TPH) unit are exempt from paying the Congestion Charge. If you believe your vehicle is correctly registered with the TPH, then please provide all the appropriate confirmation letters with your representation.

We will contact the TPH as part of our investigation into your claim. If we find that you were registered, or should have been, then we will cancel the PCN.

**Suggested supporting evidence:** [A copy of the licence or relevant confirmation that your vehicle was registered with TPH for the date of contravention.](#)

## **I shouldn't have to pay**

### **1 I forgot to pay**

Forgetting to pay is not an acceptable reason for failing to purchase the Congestion Charge and TfL would normally reject the representation. However, you should tell TfL the reasons why you forgot as we may cancel a PCN that has been incurred in certain emergencies or distressing circumstances for which evidence is provided.

### **2 I was visiting the hospital**

When someone knows they will be entering the Congestion Charging zone, for example, a scheduled appointment at the hospital, they should always purchase the Congestion Charge. If they fail to, they will be liable to pay the PCN.

An NHS reimbursement scheme exists to help with any expenses incurred for hospital visits in certain circumstances. Further details of this scheme can be found on the Congestion Charging website ([www.cclondon.com](http://www.cclondon.com))

TfL will always consider unplanned journeys arising from an emergency or a distressing situation, which led you to genuinely forget to purchase the Congestion Charge, for example you can demonstrate you had to attend a hospital within the Congestion Charging zone due to a relative being taken ill very suddenly and this impacted your ability to pay the charge, including paying the next day. **It was a medical emergency**

Where the appropriate evidence is provided, TfL will cancel any PCN that is as a consequence of a medical emergency. TfL will consider other emergencies where similar evidence can be provided.



We make a distinction between an emergency situation that prevents someone from purchasing the Congestion Charge in time and situations where people decide not to purchase the Congestion Charge, as they feel they should not have to in such circumstances.

**Suggested supporting evidence:** Confirmation letter from the hospital or doctor of the relevant emergency on the day in question.

### **3 I did not intend to enter the Congestion Charging zone**

It is your responsibility to purchase the Congestion Charge for any use of the Congestion Charging zone, regardless of whether you intended to or not. There are clear signs at all entry and exit points to the Congestion Charging zone and additional warnings on approach routes to alert you to the existence of the Congestion Charging zone. TfL will not normally accept you were unaware that you had entered the Congestion Charging zone. The design and location of the Congestion Charge signs has been agreed with the Department of Transport, they are also in the Highway Code.

If you believe that any signs are missing, have been damaged or are misleading, please provide information and we will carry out a full investigation.

TfL has also carried out an extensive media campaign to advertise the existence of the scheme and how it works to a wide range of existing and potential users.

### **4 I was leaving the Congestion Charging zone**

You are liable to purchase the Congestion Charge for any use of the Congestion Charging zone, regardless of the journey duration, during charging hours. This includes those entering or leaving or moving within the Congestion Charging zone, including vehicles entering or just crossing the boundary to the Congestion Charging zone. Therefore, TfL will expect you to pay even if you were only in the Congestion Charging zone for a very short period of time or were captured on your way out.

### **5 I was forced into the Congestion Charging zone**

TfL will not accept a representation simply because you state you were forced into the Congestion Charging zone. Although unfortunate, you would have known that you had entered the Congestion Charging zone and were therefore, aware that you needed to purchase the Congestion Charge. You would have also had an opportunity to purchase the Congestion Charge using one of the payment methods, including being able to pay the next day.

Examples would include, being forced into the Congestion Charging zone due to traffic flow or a rogue driver; needing to find a petrol station, or because you broke down.

### **6 I was diverted into the Congestion Charging zone**

TfL makes every effort to ensure that PCNs are not issued as a consequence of an official diversion into the Congestion Charging zone. However, this is not always possible where the diversions are not scheduled in advance or arises as a result of an unexpected incident, for example an unauthorised protest.



If you provide evidence of the diversion, TfL will make the appropriate investigations. If we can confirm the diversion and that it was the only reason you entered the Congestion Charging zone, then we will cancel your PCN. Please note however that it must also be clear that you exited the Congestion Charging zone at the first opportunity using the nearest available exit point.

**Suggested supporting evidence:** Details of when and where the diversion took place, how it affected your journey and if applicable, details of the information provided by the police.

## **7 But the Congestion Charging scheme wasn't in operation**

The Congestion Charging scheme operates on charging days from 07.00 until 18.00. TfL has synchronised all the cameras and enforcement systems with the National Atomic Clock Signal to ensure that PCNs are only issued for contraventions during charging hours. The PCN itself will state the time the vehicle was captured by our cameras.

You should check whether the scheme is in operation; non-charging days include weekends, public holidays and the *3 working days between Christmas and the New Year*.

To ensure consistency, we have to work to a clear cut-off period. It is not enough that you had checked the time, for example, on your watch or car clock before you entered the Congestion Charging zone, as we are satisfied that our systems have the most accurate measurement of time possible.

## **8 It was my vehicle but I wasn't driving**

The registered keeper is ultimately responsible for ensuring that the Congestion Charge was paid and will also be the person who is liable to pay any resulting PCNs. The keeper remains liable even if s/he did not drive the vehicle within the Congestion Charging zone, but allowed a family member or friend to drive the vehicle.

Should the vehicle be stolen or driven without your consent, you will need to provide evidence to show that the vehicle had been taken without authorisation. We would ask you to support this by showing that you have reported this matter to the police.

**Suggested supporting evidence:** Details of the crime reference number, when it was recorded, the police station where you reported the incident, the relevant contact number and the officer involved will all be needed to enable us to check if relevant and accept your representation. Other information you may find relevant could include vehicle tracker reports, insurance claim report/details

## **9 It was my vehicle but it was stolen**

Naturally, TfL will not find the registered keeper responsible for any PCNs incurred if the vehicle had been stolen. On confirmation from the police, we will accept your representation.

Should someone have taken your vehicle without your consent, you will need to provide evidence to show that the vehicle had been taken without authorisation. We would also ask that you show that you have reported this matter to the police.



**Suggested supporting evidence:** Details of the crime reference number, when it was recorded, the police station where you reported the incident, the relevant contact number and the officer involved will all be needed to enable us to check if relevant and accept your representation. Other information you may find relevant could include vehicle tracker reports, insurance claim report/details.

## **10 Paid the Congestion Charge for a vehicle, but then drove into the Congestion Charging zone in a different vehicle**

As outlined previously, on the first occasion, genuine errors, such as paying for the wrong **vehicle registration mark** will be accepted. However, where you have purchased the Congestion Charge for one vehicle but then decided to use a separate vehicle you should purchase the Congestion Charge for both vehicles. **The Congestion Charge is not transferable between vehicles.** If you use a vehicle within the Congestion Charging zone without purchasing a valid Congestion Charge, you should have to pay any resulting penalty.

## **11 It wasn't my car**

A PCN is issued to the registered keeper of the vehicle as recorded by the DVLA.

In certain circumstances, a PCN may also be issued to the registered keeper when they are not liable, for example, when a vehicle is hired. In these instances the hire company can provide a copy of a valid hire agreement and nominate the hirer of the vehicle; if the hire agreement meets certain conditions we may then issue the PCN to the hirer. The hirer of the vehicle will then be liable to pay the penalty or make a representation.

## **12 I sold the vehicle before the contravention**

If you sold the vehicle before the contravention date, it was your and the purchaser's responsibility to inform the DVLA of the sale. If you can provide proof that such a sale took place before the contravention and therefore the DVLA information is incorrect or out of date, then we will accept your representation and, where possible, reissue the PCN to the new owner. You should provide details of the new owner.

**Suggested supporting evidence:** Letter from the DVLA along with the date of sale and details of the new registered keeper.

## **13 I bought the vehicle after the contravention**

Similarly, if you bought the vehicle after the date of contravention, it was your and the seller's responsibility to inform the DVLA of the sale. If you can provide proof that such a sale took place after the contravention and that you also notified the DVLA before the contravention took place, then TfL will accept your representation and, where possible, reissue the PCN to the previous owner.

**Suggested supporting evidence:** Copy of your V5c (logbook) and/or a letter from the DVLA along with the date of sale and name and address details of the previous owner.



## 14 I was just hiring the vehicle at the time

A hire company is legally entitled to transfer liability if one of its vehicles was on hire at the time of the contravention by providing us with a copy of the hire agreement which meets certain conditions. If you were the hirer, you will need to show why you should not be liable, for example, show that you purchased the Congestion Charge.

If the hire company paid the PCN for you, they may charge you for the PCN and an administration fee. This will be detailed in the hire agreement between you and the hire company. Unfortunately it is not something that TfL will be able to comment on and you should take this up with the car hire company directly.

## 15 My car was not in the Congestion Charging zone on that day

TfL makes every effort to ensure that only those vehicles observed driving within the Congestion Charging zone during charging hours incur PCNs. The PCN will include the captured image of your vehicle within the Congestion Charging zone as well as details of where the contravention occurred. You should check these carefully. It should be noted any use of your vehicle in the Congestion Charging zone for any period of time requires payment of the Congestion Charge even if you entered unintentionally.

If you believe the vehicle is not yours, you should highlight any differences between the vehicle images and provide us with copies of any photographs of your vehicle to support your claim. Details of where your vehicle was at the time will also be considered.

If your vehicle or number plate has been copied (or cloned) you may have incurred penalties for other offences such as parking, bus lane or speeding. Details of these would be helpful to TfL and the police. We would also expect you to report the offence to the police and provide details of the crime reference number and details of the police station where you reported the crime and where relevant contacting the DVLA about possibly changing your vehicle registration number.

**Suggested supporting evidence:** Photographs of all 4 sides of your vehicle to highlight any differences and details of the crime reference number and the police station where it was reported. Details of the crime reference number, when it was recorded, the police station where you reported the incident, the relevant contact number and the officer involved may all be needed to enable us to check and accept your representation. Details of where your vehicle was at the time will also be considered, such applications to change a registration number with the DVLA, vehicle tracker reports and insurance claim report/details.

## 16 I was given bad advice

If you feel that you were given bad advice by TfL or one of its operatives that led you to receive a PCN, and then please provide as much detail as possible. In particular, please let us know where you obtained the advice and how it led you to incur a PCN.

TfL will not normally accept representations where a third party provided you with incorrect advice. However, if the advice was provided by a member of TfL or an agent of TfL, then we will carefully consider the consequences of such an error. We make every effort to ensure that appropriate advice is provided, to ensure that you are aware of how the scheme operates and what your obligations are.



We will carry out an investigation to confirm what advice was provided. Therefore, we would ask that you provide detailed information as to who provided you with the advice, what the advice was and how it led to you incurring a PCN.

**Suggested supporting evidence:** As with any representation relating to the call centre, if you paid over the phone it will help our investigation if you tell us exactly when you rang (time and date), which telephone number you rang from and who you spoke to. A copy of your telephone bill will help.

## Summary

Please remember that if you are going to make a representation you should provide as much detail as possible, along with any applicable evidence.

You can pay a Congestion Charge PCN and still make a representation; if you are successful you will be refunded the sums paid; this can also limit the amount you may have to pay if you make prompt payment.

**The scenarios highlighted here are only some of the reasons why people incurring a PCN make a representation.**

**You are entitled to make a representation for *any* reason, whether it is related to one of the established grounds or not, regardless of the evidence you can provide.**

Representations must be made in writing from the person or business named on the PCN.

- The easiest way is to make your representation on line.
- You can also complete the representation form on the PCN.
- If applicable, please indicate which ground you wish to make the representation on.
- Add any details in the space provided (if you need more space attach a separate sheet remembering to write the PCN number on each extra sheet).
- Enclose all your supporting evidence, (copies only please).
- Ensure you provide us with your full contact details
- Sign and date the representation.
- If posting send it to Congestion Charging, PO BOX 4783, Worthing BN11 9PT.
- Remember you must get your representation to us within 28 days.
- If you are prevented from making your representation within 28 days, we can use our discretion and may consider a late representation. You must **explain** the reason why your representation is late **and** provide supporting evidence. Simply having forgotten is not a valid reason.

When we receive your representation, the PCN will be suspended until we have investigated the representation and written back to you with our decision.



## Making an appeal

### TfL didn't accept my representation - What can I do?

TfL will provide a written response to any representation made which is made within 28 days of service of the PCN. This will either confirm why the representation is being accepted or provide a detailed response as to why it is being rejected. This is called a *Notice of Rejection*.

Should your representation be rejected, you will be informed of your right of appeal and how you can take the matter further, if you are still unhappy with our decision. A *Notice of Appeal* form will be provided with the Notice of Rejection to assist you in making an appeal. The form clearly sets out the grounds of Appeal, the Appeal procedure, how you make your appeal, the time limits and where you need to send the form. **Please read the form carefully before completing it.**

The Notice of Rejection will also advise you of the penalty charge amount due, the next stage of the enforcement process and if any other evidence should be sent to us so that we can re-consider your representation.

Upon receiving the Notice of Rejection, if there is something that you feel TfL have not considered or you have now found the evidence we requested in the Notice of Rejection itself, then you can send it to us directly. We will respond to any letter you provide relating to your PCN and take the appropriate action.

### How do I make an appeal?

You have the right to appeal to the independent adjudicator if TfL have issued you with a Notice of Rejection following our consideration of your representation. In such circumstances, you will have been sent a Notice of Appeal form with the Notice of Rejection. **Please read the form carefully before completing it.**

The Parking and Traffic Appeals Service (PATAS) is an independent body which acts as a tribunal service. In the normal course of events their decision is final and binding on both you and TfL.

If you disagree with TfL's decision, you have the right to appeal.

- To appeal you need to complete the Notice of Appeal form sent with the Notice of Rejection.
- Do not send this to TfL but to the address shown on the Notice of Appeal form.
- You may opt for either a personal or postal hearing.

You need to provide all your evidence to the adjudicator and not TfL.

**You only have 28 days from the date of service of the Notice of Rejection to appeal to PATAS.**

### Who can make an appeal?

An appeal should be made by the person liable, normally registered keeper of the vehicle and the person to whom the Notice of Rejection has been sent. It is for PATAS to decide whether they will accept an appeal from a third party. If you would like someone to act on your behalf, we suggest that you provide PATAS with written authorisation to that effect.



## TfL's response and commitments

When we are notified of the receipt of your appeal by PATAS, TfL will suspend the PCN.

We will then give full consideration to the points you have made and review whether the original decision to reject your representation was correct. We will also consider any additional evidence that you may have provided through your Appeal to see if it is enough to accept that you should not pay the PCN.

If TfL decide to contest your appeal, we will provide a full pack of evidence containing:

- a full explanation as to why we wish to contest your appeal
- All of the relevant correspondence between you and TfL.
- Copies of the images upon which we rely to confirm the contravention.
- Any other evidence we consider is relevant to the case, for example copies of relevant call recordings

This pack will be made available to you and the adjudicator in advance of the hearing.

If your appeal is unsuccessful you may be liable to pay the outstanding amount for the penalty charge. The decision itself will confirm the amount that you will need to pay and when the payment needs to be made by. Please note that a delay in paying may lead to the amount increasing.

## The hearing

You will be notified of the date of the hearing by PATAS. You can request that you have an opportunity to attend the hearing (a personal hearing) or that the case is considered using the documents both parties have provided (a postal hearing).

In the hearing, the adjudicator will come to a decision by looking at your evidence and the evidence pack provided by TfL.

A copy of the adjudicator's decision will be sent to both you and TfL.

**For more information on the appeal process you can visit [www.cclondon.com](http://www.cclondon.com), contact PATAS themselves on 020 7520 7200 (Monday to Thursday 8.00am to 6.30pm, Friday 8.00am to 6.00pm and Saturday, 8.30am to 2pm); or**

**Visit their website [www.parkingandtrafficappeals.gov.uk](http://www.parkingandtrafficappeals.gov.uk).**

**Please note that the PATAS staff will not be able to confirm whether your appeal will be successful.**

## What happens next?

If your representation or appeal is successful, then TfL will refund any payment of the penalty charge that you have made to us. If your representation is rejected or your appeal refused and you continue not to pay the penalty charge, then the debt will be escalated and the amount you owe will increase.

## I have received a Charge Certificate - what is this for?

TfL may issue a *Charge Certificate* after 28 days if the PCN has not been cancelled by TfL; paid in full; or has not been paid following a rejected representation or refused appeal in line with the adjudicator's decision.



The Charge Certificate increases the amount owed by 50% of the original amount as shown on the PCN. If you did not pay or make a representation, then you have lost your right to pay the original amount or to make a representation.

**TfL do not have to consider any representations received after a Charge Certificate has been issued. However, we will consider a late representation if a valid reason is given for the delay.**

## **I have received an Order for Recovery - what is this for?**

If you have still not paid the PCN, then 14 days after the service of the Charge Certificate, TfL may apply to the Traffic Enforcement Centre at Northampton County Court to register the penalty charge as an unpaid debt.

**You will then be sent an *Order for Recovery*. This is not a County Court Judgement (CCJ) and will not affect your credit rating.**

On receipt of an Order for Recovery, you should ordinarily pay the increased amount within 21 days of the date of service of the Order for Recovery. If you fail to take action, this will result in bailiffs being instructed.

TfL does not have to consider any representation you make at this stage. However, in certain circumstances, you may make what is known as a *Statutory Declaration*. This is not a representation, an enquiry or complaint.

## **What is a Statutory Declaration?**

A Statutory Declaration is a sworn oath. It must be signed in the presence of a solicitor, an officer of the County Court, or a magistrate. There may be a charge for this. Do not send your Statutory Declaration to TfL but to the Traffic Enforcement Centre, who will forward it to TfL in due course.

If you did not receive the PCN, then you have the right to make a Statutory Declaration. You may only make a Statutory Declaration after we have sent you an Order for Recovery.

A Statutory Declaration can **only** be made on **one** of the following grounds:

### **Ground 1: I did not receive the original PCN**

**Please note that this will not cancel your PCN. It will however ensure that the PCN is reissued to you, to give you the opportunity to pay at the discounted rate or to make a representation. You will need to confirm the address upon which the PCN should be reissued to. It is also advisable you contact the DVLA to ensure their records are correct.**

### **Ground 2: I made a representation but did not receive a response**

TfL has an obligation to respond to all duly made representations received within the specified time period. Should you not receive a response then you have the right to make a Statutory Declaration. We would suggest that you contact us via our Enforcement call centre (0333 200 1000). You can check if we have received your representation and why a response may not have been issued or received.



**Please note that this is not an opportunity to make representations about the PCN itself. Your application will be forwarded to the independent adjudicators for their consideration.**

The case is referred to PATAS to protect your rights.

### **Ground 3: I made an appeal to PATAS and did not receive a decision**

PATAS should write to you to inform you when your appeal is to be heard. Should you not receive a decision then you have the right to make a Statutory Declaration. However TfL would suggest that you contact PATAS first to ascertain why a decision has not been made.

**Please note that this is not an opportunity to make representations about the PCN itself. Your application will be forwarded to the independent adjudicators for their consideration.**

The case is referred to PATAS to protect your rights.

### **Bailiffs have contacted me - what do I do?**

If the PCN is still unpaid or a Statutory Declaration has not been made, TfL will ask the Traffic Enforcement Centre for permission to issue a *Warrant of Execution*. This will be passed to a bailiff to recover the monies owed. You are not sent a copy of the warrant. However, you may request a copy directly from the bailiff.

The bailiffs acting on behalf of TfL are all **County Court certificated** and operate in accordance with governing legislation and TfL's contractual requirements. Initially, on receipt of the Warrant for Execution, all our bailiffs will write to you confirming the amount that is owed and what action can be taken as a consequence of non payment. **DO NOT IGNORE THIS LETTER.** A bailiff is allowed to charge fees for every letter, visit and action they take. If you continue to ignore the bailiff's communications, their fees may run into many hundreds of pounds.

Once the case is with the bailiff, you have lost your right to make a representation to TfL under the representation and appeals process. However, if you believe the PCN was issued incorrectly, please show any evidence to the bailiff. They will advise you if there is anything that you can do but in most cases you must pay them.

Bailiffs may also clamp or remove your vehicle even if you have only one outstanding PCN.

Please note that bailiffs are entitled to take action by impounding your vehicle.



## PLEASE REMEMBER...

**Do not ignore a PCN:** the charges will increase and eventually bailiffs will be called to recover the debt.

**Paying the penalty:** the easiest and quickest way is via the internet ([www.cclondon.com](http://www.cclondon.com)). Please retain your receipt.

**To challenge a PCN you must write to TfL:** Use the appropriate section of the PCN and provide us with as much evidence as possible.

**Grounds for a representation:** You are not limited to making a representation to TfL on one of the six grounds specified on the PCN. **You may also explain any other circumstances not covered by these grounds and we will carefully consider these and any other mitigating circumstances. However, this is entirely at our discretion.**

**Ensure your DVLA details are up-to-date:** PCNs are sent to the registered keeper details at the address held by the DVLA. It is your legal responsibility to ensure these are up to date. Not updating the DVLA is not a way to avoid liability. Enforcement action can still be taken against you. As well as failing in your legal obligations and committing an offence, you would simply be denying yourself access to the representation and appeals process and the opportunity to pay at the discounted rate.

**This document is a guide only. It is not comprehensive as TfL cannot anticipate all scenarios and eventualities. If you feel that you have a valid reason as to why you should not pay the penalty then please do not be discouraged in making a representation.**

**TfL reserves the right to make the most appropriate decision in the circumstances of each case. Where appropriate this decision may deviate from the examples provided in this booklet. TfL will always provide a justification for its decision.**