



# **Enforcement Operations Agreement**

## **Schedule 2**

### **Appendix 22 – Challenge Pack**

**tfl\_scp\_000555**

**Service Operations Directorate**  
**Transport for London**  
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The contents of this Appendix are intended to be illustrative examples of the type of a Challenge Pack. These examples are not exhaustive and their format and/or the information and data contained within is subject to change. Where one example of a category of information is provided, this does not necessarily characterise all information in that category.

**1. Statement of Truth Ground 1**

<b>1</b>	PCN	Optional	PCN number: <PCN> <NAME>
<b>2</b>	VRM	Mandatory	VRM: <VRM>
<b>3</b>	Applicant	Mandatory	Applicant: TfL
<b>4</b>	Contravention location	Mandatory	Location of Contravention: <LOCATION>
<b>5</b>	Contravention date	Mandatory	Date of Contravention: <DATE>
<b>6</b>	Respondent's Name & Address	Mandatory	Respondent's name and address: <NAME> <ADDRESS>
<b>7</b>	Reject Out of Time	Mandatory	TfL believes that the out of time Statutory Declaration filed by the above Respondent, should be rejected for the following reasons:
<b>8</b>	Ground 1	Mandatory	The Respondent has ticked the box "I did not receive the PCN (notification of the PCN)".
<b>9</b>	PCN issued	Elective	TfL can confirm that on <DATE> the Respondent was issued a PCN through the post informing them of the Contravention and the associated Penalty Charge that is payable.

<b>10</b>	Charge Certificate Issued	Elective	A Charge Certificate was issued on <DATE> notifying the Respondent of the increase in the PCN. A request was made to the TEC to register the debt, which was subsequently accepted.
<b>11</b>	Order for Recovery	Optional	The Respondent was then forwarded an Order for Recovery along with a Statutory Declaration form requesting payment of the outstanding fine; the respondent was also offered the opportunity to file a formal Statutory Declaration.
<b>12</b>	Correspondence	Mandatory	All the above correspondence can be found enclosed for your attention.
<b>13</b>	Bailiff	Elective	As the Respondent failed to send any further correspondence or make the outstanding payment after receiving the Charge Certificate, Debt Registration notification and Order for Recovery, a warrant was requested. This was dispatched on <DATES> for the Bailiff's to enforce payment of the outstanding fine.
<b>14</b>	Out Of Time	Mandatory	The Respondent then filed an out of time Statutory Declaration on <ENTER DATE OF STATUTORY DECLARATION> to the TEC, on <ENTER DATE RECEIVED> this was received by TfL.
<b>15</b>	Challenge	Mandatory	The Respondent has raised numerous points within the out of time Statutory Declaration, however no specific or valid grounds were established for not returning the Statutory Declaration within twenty one (21) days, and on this basis TfL are challenging the out of time Statutory Declaration.
<b>16</b>	Statement of Truth	Mandatory	I, <CSR>I, working on behalf of TfL, believe that the facts stated in this Statement of Truth are correct to the best of my knowledge.

## 2. Statement of Truth Ground 2 and 3

1	PCN	Optional	PCN number: <PCN> <NAME>
2	VRM	Mandatory	VRM: <VRM>
3	Applicant	Mandatory	Applicant: TfL
4	Contravention location	Mandatory	Location of Contravention: <LOCATION>
5	Contravention date	Mandatory	Date of Contravention: <DATE>
6	Respondent's name and address	Mandatory	Respondent's name and address: <NAME> <ADDRESS>
7	Reject out of time	Mandatory	TfL believes that the out of time Statutory Declaration filed by the above Respondent, should be rejected for the following reasons:
8	Ground 2	Elective	The Respondent has ticked the box "I made Representations about the Penalty Charge to the local authority concerned but did not receive a Notice of Rejection".
9	Ground 3	Elective	The Respondent has ticked the box "I Appealed to the Parking/Traffic Adjudicator against the local authority's decision to reject my Representation, but have had no response to my Appeal".
10	PCN issued	Elective	TfL can confirm that on <DATE> the Respondent was issued a PCN through the post informing them of the Contravention and the associated Penalty Charge that is payable.
11	Representation	Optional	The Respondent subsequently made a Representation, which was received by TfL on <ENTER

			REPRESENTATION RECEIVED DATE>. On <ENTER REPRESENTATION REJECTED DATE> the Representation was rejected and a Notice of Rejection was forwarded to the respondent at the address as provided on the enclosed keeper detail report.
12	No Representation	Optional	We would like to draw to your attention that TfL have no record of the Respondent making a Representation against the above PCN and due to this, no Notice of Rejection was issued.
13	Charge Certificate issued	Elective	A Charge Certificate was issued on <DATE> notifying the Respondent of the increase in the PCN. A request was made to the TEC to register the debt, which was subsequently accepted.
14	Late Representation	Optional	The Respondent wrote to TfL regarding the above PCN. This correspondence was received on <ENTER LATE REPRESENTATION RECEIVED DATE>, which is outside the period in which the recipient of a PCN has to make a Representation. Therefore, TfL are not bound to consider the correspondence and we advised the Respondent accordingly.
15	Order for Recovery	Optional	The Respondent was then forwarded an Order for Recovery along with a Statutory Declaration form requesting payment of the outstanding fine; the Respondent was also offered the opportunity to file a formal Statutory Declaration.
16	Correspondence	Mandatory	All the above correspondence can be found enclosed for your attention.
17	Warrant Dispatched	Elective	As the Respondent failed to send any further correspondence or make the outstanding payment after receiving the Charge Certificate, Debt Registration notification and Order for Recovery, a warrant was requested. This was dispatched on <DATE> for the Bailiff's to enforce payment of the outstanding fine.
18	Not keeper	Optional	The Respondent states that the Vehicle left their possession before the date of Contravention, but has not provided any proof to support this. TfL cannot be responsible for Registered Keepers / Persons Liable not amending their personal details or completing the Vehicle registration document

			correctly upon a successful sale.
<b>19</b>	Not keeper 2	Optional	Within their Statutory Declaration the Respondent states that he or she not the Registered Keeper / Persons Liable of the Vehicle on the date of Contravention. We would like to draw to the Adjudicator's attention that PCNs are issued to the Registered Keepers / Persons Liable of the Vehicle using the DVLA in accordance with The Road User Charging (Charges and Penalty Charges) (London) Regulations 2001. According to the DVLA records, the Respondent was the Registered Keeper / Person Liable of this Vehicle on the Contravention date and is therefore liable for the Penalty Charge. Please see the Registered Keeper / Person Liable Details in section D. In the absence of any information from the DVLA, or other evidence to support their contention, we contend that liability for the PCN must remain with the Registered Keeper / Person Liable.
<b>20</b>	Out of Time	Mandatory	The Respondent then filed an Out of Time Statutory Declaration on <ENTER DATE OF STAT DEC> to the TEC, on <ENTER DATE RECEIVED> this was received by TfL.
<b>21</b>	Challenge	Mandatory	The Respondent has raised numerous points within the Out of Time Statutory Declaration, however no specific or valid grounds were established for not returning the Statutory Declaration within twenty one (21) days, and on this basis, TfL is challenging the Out of Time Statutory Declaration.
<b>22</b>	Postal Strike	Optional	The Respondent has raised numerous points within the Out of Time Statutory Declaration, stating that the Statutory Declaration was delayed due to the postal strike. However, we can confirm that the Statutory Declaration form was sent out on <ENTER DATE SENT> and the postal strike was not until the end of <ENTER DATE>, which was after the period in which an in-time Statutory Declaration can be made. Therefore no valid grounds were established for not returning the Statutory Declaration within twenty one (21) days, and on this basis TfL are challenging the Out of Time Statutory Declaration.



23	Postal Strike and Not signed	Optional	<p>The Respondent has raised numerous points within the Out of Time Statutory Declaration, stating that they sent the original form in, but it was returned as it was not witnessed by the appropriate authority; it was then delayed by the postal strike. However, TfL cannot be responsible for the industrial action of other companies and this does not explain why the Enforcement process could not have been followed before the Statutory Declaration stage. Therefore, no specific or valid grounds were established for not returning the Statutory Declaration within twenty one (21) days, and on this basis TfL are challenging the out of time Statutory Declaration.</p>
24	Statement of Truth	Optional	<p>I, &lt;CSR&gt;, working on behalf of TfL, believe that the facts stated in this Statement of Truth are correct to the best of my knowledge.</p>

3. **STATEMENT OF TRUTH (actual document)**

Penalty Charge Notice : **TFXXXXXXC**  
VRM : **XXXXX**  
Applicant : **Transport for London**  
Location of Contravention : **Smith Street**  
Date of Contravention : **29<sup>th</sup> May 2012**  
Respondent's Name and Address : **Mr John Smith**  
**100 Jones Square**  
**LONDON**  
**WX4 7XX**

Transport for London believes that the Out of Time Statutory Declaration, filed by the above Respondent, should be rejected for the following reasons:

The Respondent has ticked the box "I did not receive the Penalty Charge Notice (notification of the penalty charge)".

Transport for London can confirm that on 1<sup>st</sup> June 2012 the Respondent was issued with a Penalty Charge Notice through the post informing them of the contravention and the associated Penalty Charge that is payable.

A Charge Certificate was issued on 19<sup>th</sup> July 2012, notifying the Respondent of the increase in the Penalty Charge.

A request was made to the Traffic Enforcement Centre to register the debt, which was subsequently accepted on 22<sup>nd</sup> August 2012. The Respondent was then forwarded an Order for Recovery, along with a Statutory Declaration form, requesting payment of the outstanding fine; the Respondent was also offered the opportunity to file a formal Statutory Declaration.

All the above correspondences can be found enclosed for your attention.

As the Respondent failed to send any correspondence or make the outstanding payment after being issued with the Charge Certificate and Order for Recovery, a Warrant was requested. This was dispatched on 15<sup>th</sup> October 2012 for the Bailiffs to enforce payment of the outstanding fine.

The Respondent then filed an Out of Time Statutory Declaration on 7<sup>th</sup> November 2012 to the Traffic Enforcement Centre; on 12<sup>th</sup> November 2012 this was received by Transport for London.

Within their Out of Time Statutory Declaration the Respondent has stated they did not receive any correspondence from either Transport for London or the Bailiffs until a Notice was placed on their vehicle.

Transport for London would like to draw to the District Judge's attention that that the Penalty Charge Notice and further Notifications were all issued by first class post in good faith to the Respondent at the address provided by the DVLA at the time of the contravention, which is the same as the address quoted by the Respondent on their Out of Time Statutory Declaration forms and to which the Bailiffs were directed. Transport for London can also confirm that all the Notifications were dispatched in envelopes with our return address on the reverse and, as we have received no items of mail returned by the Post Office indicative of any delivery problems, we would consider the Notices had been correctly served within the normal course of first class post. Therefore, no valid grounds were established for not returning the Statutory Declaration with 21 days, and on this basis Transport for London are challenging the Out of Time Statutory Declaration.

I, Sheila Bishop, working on behalf of Transport for London, believe that the facts stated in this statement of truth are correct to the best of my knowledge.

Signed \_\_\_\_\_ Dated 10th November 2012

Name Jane Smith Position Enforcement Officer