

Scrap Mersey Tolls Press Release 4 May 2018

TRAFFIC PENALTY TRIBUNAL HEARING MAY CAUSE MAJOR UPSET

Hundred of thousands of drivers may have to be reimbursed million of pounds in tolls and penalties if a Traffic Penalty Tribunal hearing on Tuesday confirms that tolls on the new Mersey 'Gateway' bridge are illegal.

The new crossing over the Mersey opened in October last year, there were celebrations and fireworks from the backers of the bridge but a lot of other people were not happy. That was because both the new bridge and the nearby previously free to cross 'Silver Jubilee' bridge were to be tolled unless you lived in the Halton Borough area. Apart from the universal dislike of tolls there was the added problem that instead of toll booths there was a 'cashless' system as was introduced on the Dartford Crossing at the end of 2014.

The problems on the Mersey have been less than at Dartford, but even so the toll collection firm have been issuing fines at the rate of 16,000 a week. When some drivers appealed to the Traffic Penalty Tribunal, the toll collectors did not win a single case. There was a mystery as to why that was happening, and the answer was revealed last month.

The Traffic Penalty Tribunal released an unprecedented statement that disclosed that their adjudicator had decided that a penalty was not payable as there had been 'procedural improprieties'. In effect this meant that the penalties and tolls were not enforceable.

The Tribunal decision followed an appeal made by 'Miss C' against a penalty issued in November for not paying a toll. The Council responsible for the crossing is Halton Borough and they issued a statement saying that it was "business as usual on Mersey Gateway and motorists should continue to pay tolls."

The Council asked the Tribunal to review their decision and the Tribunal are meeting on Tuesday 8th May at Halton. This is an unprecedented case and if the review confirms that the tolls are not enforceable it is difficult to see how Halton Council can avoid repaying the millions that it has collected in tolls and penalties

John McGoldrick for the Scrap Mersey Tolls campaign said "We will be at the hearing to see if it will confirm the decision made on 16th February that the tolls are illegal. That decision of the Tribunal was not made public till the 8th April. The decision of 16th February was of great importance to all users of the crossing and in particular to all those who were still being threatened by penalties. The Tribunal should have made sure that drivers were aware of the situation and should have asked the Council to suspend all enforcement action. "

"Instead on the 8th March, a month before the Tribunal decision was made public, Halton Council launched a consultation and hurriedly produced a new Order which was agreed at a Halton Council meeting on 18th April. It then emerged that the Traffic Penalty Tribunal had made various suggestions to the Council about the wording of the new Order. "

"It is a principle of democracy that there should be a separation of powers between the courts and those who make the law. That principle seems to have not been followed. Despite that we still hope that the Tribunal are not convinced by the Council to change the decision of 16th February. "

"If the decision is confirmed then the Council will have to refund about seven million tolls and 350,000 penalties. We hope that the Government will be persuaded that this is a good time to remove the tolls completely."

Ends

<http://www.notolls.org.uk/>

<https://www.facebook.com/groups/scrapmerseytolls/>

Notes

Traffic Penalty Tribunal statement-

<https://www.trafficpenaltytribunal.gov.uk/mersey-gateway-bridge-statement/>

The eight page decision of the Tribunal on the 16th February 2018-

<https://www.trafficpenaltytribunal.gov.uk/docs/Decision-XM00480-1712.pdf>

Halton Council statement on 8 April-

<http://www.merseygateway.co.uk/2018/04/business-as-usual-on-mersey-gateway-despite-decision-by-the-traffic-penalty-tribunal/>