

## Scrap Mersey Tolls - Press Release 11 March 2019

### TRAFFIC PENALTY TRIBUNAL DECISION ANNOUNCED ON MERSEY GATEWAY TOLL PENALTIES

"Scrap Mersey Tolls welcome the decision of the Traffic Penalty Tribunal that the toll penalties on the Mersey Gateway are not enforceable. At the same time we are surprised that the Tribunal have decided that the 2018 Tolls Order is valid

Today's decision follows various appeals and the test case involved one of our members.

The Tribunal have judged that Halton Council did not comply with some of the regulations. It is our view that it is far deeper than that and the law has been turned upside down by the Council. We believe that the tolls can not now be enforced unless Parliament changes the current law.

We fear that the Council will ignore this decision of the Tribunal but hope that instead the politicians at local and national level will now realise that the best course is to scrap the tolls. Tolling a previously free crossing is fundamentally unfair and that injustice is compounded by a grossly excessive penalty system that causes considerable distress."

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#### Background

Last year following an appeal by a Miss C the Traffic Penalty Tribunal ruled that the tolls on the Mersey Gateway were not enforceable as Halton Council had failed to specify the tolls in their 2017 Tolls Order. The Council made a new Order in April 2018 but there have been claims that the toll penalties are still not enforceable because of sundry 'procedural improprieties'.

Since the April 2018 Order was made there have been about 750,000 new penalties issued by Merseyflow. Some drivers contested the penalties and went as far as appealing to the Tribunal. Scrap Mersey Tolls believe that the earliest appeals following the making of the new Order reached the Tribunal last June. The vast majority of appeals have been settled and in no case has the driver had to pay the penalty. But a number of appeals had been on hold for up to eight months while the Tribunal considered one, possibly more, test cases. There will only be one to two hundred appellants directly affected by the test cases, but the decision will affect all those who currently are required to pay the tolls and penalties.

Last year the ruling that the tolls were not enforceable was made on 16th February, 2018 but not made public till 9th April. This time it is expected that the decision will quickly be made public.

A review of the 16th February 2018 decision was requested by Halton Council. The review hearing took place on the 8th May and the Tribunal announced on the 18th May that the review had confirmed the decision that the toll penalties were not enforceable for the period up to 18th April 2018. There were demands for refunds but it was announced on 13th July 2018 that Halton Council thought that what they were doing was legal and they refused to refund any money.

TPT announcement on 18 May 2018 -

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

Mersey Gateway Crossings Board Ltd announcement on 13 July 2018 -

<http://www.merseygateway.co.uk/2018/07/mersey-gateway-tolls-statement-by-halton-borough-council/>

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

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