

## Scrap Mersey Tolls - Press Release 30 June 2019

### Summary-

It has so far been accepted by the Traffic Penalty Tribunal that the Mersey Gateway tolls are not enforceable due to various errors in the way the tolls were implemented and have been enforced. This PR raises a new and separate issue, which is that, whether the tolls are potentially enforceable or not, the use by Merseyflow of the special court known as the Traffic Enforcement Centre is contrary to the rules as only local authorities can use the TEC. This issue has been raised with both the TEC and the Ministry of Justice who have failed to give proper answers on what is happening.

### **CAMPAIGNERS SAY MERSEY TOLLS ENFORCEMENT IS ILLEGAL**

A staggering 1.2 MILLION penalties have been issued from when the Mersey Gateway crossing opened in October 2017 up to March this year. For some time there have been claims that these penalties are not enforceable, but now campaign group Scrap Mersey Tolls say that Merseyflow should not have been allowed to use the Traffic Enforcement Centre which is part of Northampton County Court. The rules say that the court can only issue orders and warrants if the body applying for them is a local authority, and Merseyflow is not a local authority. If the orders and warrants are not valid, it follows, they say, that the use of bailiffs is also illegal.

The issues were first raised by the group with the Traffic Enforcement Centre last year. The group say that they have not received proper answers and more recently they have contacted the Justice Ministry, the Justice Committee and the Traffic Penalty Tribunal. The group have also asked local MPs to call for an independent investigation.

John McGoldrick for Scrap Mersey Tolls said "It is a scandal that the Justice Ministry and others have turned a blind eye to the use of the court by Merseyflow. Over 83,000 warrants have been issued by the court to bailiffs acting for Merseyflow. At the warrant issue stage, just one allegedly unpaid £2 toll becomes a demand for £145, which rises even higher when bailiffs visit. Some people are faced with demands that go into thousands of pounds. It is in the nature of the system that the people who are faced with these demands will tend to be the people who are least able to cope. The demands and the intimidation by some bailiffs are causing extreme anguish, misery and hardship. This would be bad enough even if it were legal, but the overwhelming weight of evidence clearly shows that it is not.

"Even after a warrant is issued, drivers can make applications that, if granted, would enable them to challenge the penalty charge notices. These applications are usually on the grounds that the driver did not receive some of the required notices and letters. The Traffic Enforcement Centre's help to Merseyflow has reached a new level as they now started to refuse late applications, even though the driver could not have applied earlier as they were not aware of the penalty. It is difficult and expensive to challenge these refusals, but some people have. Their cases are expected to come before the courts in July and it should no longer be possible to hide what has been happening."

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### #Background-

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

### # Media enquiries at Ministry of Justice

<https://www.gov.uk/government/organisations/ministry-of-justice/about/media-enquiries>