

Details of Appeal

My defence is fourfold:

My car is over 40 years old
There is no ULEZ signage in Harrow
ULEZ signage is not fit for purpose
The unclean hands doctrine

1. **My car is over 40 years old**

I explained to TFL that my car is over 40 years old and is therefore ULEZ compliant and exempt from ULEZ charges.

2. TFL asked for evidence so I uploaded pics of my log book showing that my car was first registered on 7/10/83 and an official letter dated 24/10/23 from VW UK authenticating that my car was built on 20/5/83. (Both attached)

3. In TFL's attached response dated 6/12/23 it is clear that they ignored these documents. I do not believe that TFL have even read my submissions as they have replied to me on the basis that I have claimed that my car was built before 1973?? I have never said that my car was built before 1973.

4. Gareth Thomas MP has written on my behalf to Sadiq Khan, Mayor of London. The attached reply dated 15/11/23 he received states:

"In response to the concern raised by your constituent, as referenced in their email, all vehicles with historic tax class are exempt from the ULEZ. This tax class applies if a vehicle was built more than 40 years ago, with the date moving forward on a 40-year rolling basis"

but even so, TFL who report to the mayor will not change their position and exempt my car from ULEZ.

5. The letter goes on to say,

"The process for registering a vehicle in the historic tax class is administered and processed by the Driver and Vehicle Licensing Agency (DVLA), and as such, Transport for London (TfL) is not involved in this process."

6. The process that they refer to is this **irrational** legislation:

VERA 1994, Schedule 2, Para 1A

1A (1) Subject to sub-paragraph (2), a vehicle is an exempt vehicle at any time [E3] during the period of 12 months beginning with 1 April in any year if it was constructed more than 40 years before 1 January in that year.]

7. **This law is irrational** in that it states that a car does not achieve Historic Rd Tax exemption when it turns 40 but in April the following year?? There is no logical reason for this. This irrationality is emphasised further as cars are exempt from the requirement to MOT from the actual day that they turn 40?? Why one and not the other? It goes on to say that if a car turns 40 before April in a given year, then it does not qualify for Historic Tax status that April but in April of the following year?? It just seems so bizarre.

8. **It is also biased and discriminates** in favour of newer cars that turn 40 later as they will have to make fewer Rd Tax and ULEZ payments after their cars turn 40 than older cars which turn 40 earlier in the same

year. E.g., an older car that turns 40 in May will continue to pay Rd tax and ULEZ for 11 months until the following April. Whereas, a newer car that turns 40 in Oct of the same year continues to pay Rd tax and ULEZ for only 5 months until the following April. How is this fair and equally applied?

9. **Complaint to DVLA**

I have complained to the DVLA to no avail. They have taken months to send me around in circles.

Evidence can be supplied of this and that even they don't know why 40-year-old cars only achieve Historic status in the April after they turn 40. The closest I have got to an explanation is their attached response dated 11/10/23 to my initial complaint when they said, "*So its more to do with the budget change in April not when the vehicle reaches 40 years old.*", which again makes no sense, but hints at a financial ulterior motive.

10. London Assembly member Susan Hall has written to Mark Harper, Secretary of State for Transport to whom The DVLA report. Attached is a reply dated 5/11/23 which acknowledges that the legislation is illogical but a reluctance to correct it for cost reasons, which is an **abuse of power**. The letter suggests that changing the legislation would add a layer of complexity, when logically it would only do the opposite and remove complexity if cars were simply classed as Historic on their 40th birthdays. You will read that The Minister for Roads and Local Transport is in turn passing the buck onto the Chancellor of the Exchequer.
11. Susan Hall has promised to write to the Chancellor. If a reply is received in time, I will submit it at the hearing.
12. My MP has also written to the DVLA about this issue. Please find attached the DVLA's reply dated Dec 2023 which clearly states that the mayor and TFL have full discretion on how they administer their transport policies.
13. I attach evidence that because my car is over 40 years old it is exempt from all but 2 other (i.e., Birmingham and Bristol) nationwide low emission zones irrespective of the DVLA's criteria for awarding Historic tax criteria, presumably because these cities acknowledge that **VERA 1994, Schedule 2, Para 1A** is irrational and unfair. Therefore, TFL can in the same way exempt my car from ULEZ on the basis that it is over 40 years old, but they are choosing not to, even though the mayor has stated that it is ULEZ compliant. NB: in B'ham and Bristol the ULEZ only covers their city centre areas. Their clean air zones do not extend out into the suburbs and cover the whole city as London's ULEZ does. Therefore, even in B'ham and Bristol **VERA 1994, Schedule 2, Para 1A** is not a big issue as people can still drive their non-compliant cars freely as long as they stay out of the city centre.
14. Since receiving these PCNs I have registered for ULEZ autopay but have still gone on to receive further fines after that and no payments have been debited from my account, thus again proving that the system is broken.
15. **There is no ULEZ signage in Harrow**
- I have not seen any ULEZ signs in Harrow and have it on good authority from Cllr Paul Osborn leader of Harrow Council (see attached email dated 22/8/23) that the London Borough of Harrow is resisting the installation of ULEZ signs around the borough. Therefore, any ULEZ PCNs received in Harrow cannot be enforced.

16. ULEZ signage is not fit for purpose

It has already been adjudicated in this very Tribunal in the Noel Wilcox case that ULEZ signs cannot be used to issue PCNs as the signs do not provide adequate information regarding operating times, charges and penalties. Therefore, all ULEZ PCNs issued are unlawful and unenforceable. The law does not discriminate; the same rules must apply to anyone who lives within the ULEZ as they do to anyone living outside of it who enters it.

17. At the time of writing TFL chose to ignore the ruling of this Tribunal in the Noel Wilcox case and were and still may be pursuing him for payment regardless of the fact that this tribunal found in favour of Mr Wilcox.

18. The unclean hands doctrine

dictates that if plaintiff action is unethical, they cannot use the court system to obtain an equitable remedy. In this case Sadiq Khan, Mayor of London acted unethically in that:

- a. He stated that he had no intention of extending ULEZ any further than the North and South Circular roads and won an election on that basis, but then went on to extend ULEZ regardless.
- b. Before extending ULEZ he seemingly followed due diligence and carried out a consultation and asked the people of London if they wanted it, saying that if Londoners were opposed to it, he would not extend ULEZ.
- c. The people voted and even after the mayor tried to unlawfully alter the results to be in favour of the ULEZ extension the results showed that the majority (66%) of Londoners were overwhelmingly against it. Regardless of this he still extended ULEZ.
- d. To try and justify the ULEZ extension the mayor employed the services of Imperial College London to carry out an analysis of the projected benefits on air pollution if the ULEZ zone were to be extended. Imperial College London reported that the ULEZ extension would have negligible to no effect on air quality. The deputy Mayor then asked the University to alter their findings to show that the benefits of ULEZ would be more significant. However, Imperial College would not compromise their integrity and refused.

19. I therefore ask this Tribunal to show the same integrity and rule that as ULEZ was implemented undemocratically and under false pretences, to allow TFL to extort money from drivers would be in bad faith. If ULEZ, as the name suggests, will not improve air quality then why is the mayor being allowed to dip his fingers into our pockets?