

NATURE OF THE ROLE TRAFFIC PENALTY TRIBUNAL ADJUDICATOR

An Adjudicator of the Traffic Penalty Tribunal Northern Ireland hears appeals under the decriminalized system of parking enforcement in Northern Ireland.

Appeals are made, generally by individual motorists, against Penalty Charge Notices (PCN's) issued by Traffic Attendants on behalf of the Transport NI (otherwise commonly known as 'Roads Service') the respondent in these appeals. PCN's are issued for a wide variety of traffic contraventions, for example parking in contravention of:

- clearway regulations;
- single/double yellow line restrictions;
- blue disabled badge restrictions; and
- restrictions in pay and display car parks.

The preceding list is not exhaustive. Each PCN is issued according to specific Statutory Rules (for example, but again not limited to, the Off Street Parking Order (Northern Ireland) 2000, the On Street Parking Order (Northern Ireland) 2000 and the Roads (Restriction of Waiting) Order (Northern Ireland) 1982) covering each particular parking restriction.

Adjudicators sit alone. Adjudicators can collect the appeal papers from the Tribunal Hearing Centre at Bedford House where the Traffic Penalty Tribunal (TPT) is currently based some days prior to the scheduled hearing date. Oral appeals take place at Bedford House and hearings outside Belfast are less likely now due to cost and time considerations. Appellants not wishing to travel to Belfast will generally be offered the option of a telephone appeal.

Appellants have a choice of having their appeal considered by an Adjudicator on the papers by way of a postal appeal or attending an oral appeal. Adjudicators are normally asked to consider either oral appeal lists or postal appeal lists (with nine postal appeals

in a list) at any one time. In addition to first instance appeals, oral and postal appeal lists can include review applications against decisions of another adjudicator, as well as appeals against 'clamp and removal' notices.

Adjudicators hear up to six oral hearings per day, which normally start at 10am. Appeal hearings are relatively informal and normally last approximately 20 minutes. Normally Adjudicators give their decision in the appeal at the end of the hearing, with a written decision being provided in all cases within the following weeks. Providing an adequate and comprehensive written statement of the reasons for the decision is another key duty of the Adjudicator.

Oral hearings can be in person or over the telephone. Appellants are, in the vast majority of cases, not legally represented, although they can be on occasion. In a number of cases local political representatives provide written support to appellants (and have also attended hearings). To date the respondent, Transport NI (still known as 'Roads Service') has always provided a representative (from their own offices in Omagh) to attend appeals on behalf of the respondent. Where appeals take place over the telephone the respondent will also take part by telephone and the TPT will facilitate a 3-way conference call.

The work commitment, in terms of sittings days, is very light. On average the Traffic Penalty Tribunal sits four times a month (although, this is currently reduced to only three times a month for the foreseeable future due to budget constraints). As the full complement of Adjudicators is four, each Adjudicator normally sits, at most, once a month. Approximately one list in three or four will be a postal appeal list which Adjudicators can complete at home. Hearings are arranged by the efficient team at the TPT. Adjudicators will be contacted approximately a month in advance to check if they are available to complete an oral or postal list.

Throughout each month, Adjudicators are expected to consider interlocutory applications which are considered by email and are included as part of Adjudicators' work under the oral/postal hearing days. No separate fee is payable.

Although the appeals involve relatively low value monetary appeals, appellants can be distressed by the fact of having received a PCN. An essential part of the process is communicating and dealing with a wide range of applicants in person, some of whom can, on occasion, be disruptive.