

24 March 2010

[address removed]

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[address removed]

Glasgow Justice of the Peace Court
21 St Andrew's Street
Glasgow
G1 5PW

Dear Sir,

Ref: Fixed Penalty Offer No. [removed]

(Please note my change of address since issue of Notice)

On 10 March 2010 at 5:50pm, while driving on North Hanover Street in Glasgow, after turning left from the Queen Street Rail Station car park, I was stopped by two police officers and given a Notice of Conditional Offer of Fixed Penalty for the alleged offence of “not obeying bus lane or route”.

I am writing to contest this Notice as I do not believe an offence has been committed, due to the bus lane being inadequately sign-posted and unmarked. I have provided photographic evidence to support my contesting of the Notice.

The officer who issued the Notice advised me that the bus lane is sign-posted and marked in the following ways for people leaving the Queen Street Rail Station car park:

1. Two no-left-turn signs on the building opposite
2. Lane marked as a bus lane
3. Thick white line in the middle of the road, which (quoting the officer) “indicates that one side of the road is a bus lane”

Please refer to the enclosed photograph which shows the view from the junction between the Queen Street Rail Station car park and North Hanover Street. There are no signs on the building opposite, no markings in the bus lane, and no white line in the middle of the road.

There is a blue bus lane sign visible in the photograph, intended for traffic approaching from George Square. As this sign is almost side-on for traffic leaving the Queen Street Rail Station car park I contend that it does not count as adequate signage for said traffic.

I also present the following circumstantial evidence for your consideration:

1. During the time that I was talking to the police officers and taking photographs, I would estimate that 9 out of every 10 cars leaving the Queen Street Rail Station car park turned left and travelled along the bus lane. I believe it would be unreasonable to claim that the drivers of these cars were all knowingly breaking the law. I believe it is more likely that these drivers did not know that the lane was bus-only, which supports my assertion that there is inadequate signage at the junction.

2. I advised both police officers that the signage and road markings, which they had claimed were visible from the junction, did not actually exist. Both officers acknowledged that the signage and road markings did not exist. However, the officers explained that they had no choice but to still issue the Notice, but said I should disregard it and not pay the Fixed Penalty. I believe this is evidence to support my assertion that the Notice should never have been issued as no offence had been committed.

Finally, I would like to make a personal comment about this matter:

Both police officers were friendly and courteous, and to some extent sympathetic to my situation.

This was my first time driving in that area of Glasgow, and only my second ever time driving in Glasgow City Centre. I live and work in Inverness-shire and Ross-shire which are mostly rural areas with small towns, where we do not have bus-only lanes.

I was aware that driving in Glasgow City Centre may be challenging, compared to where I normally drive, so my girlfriend was using a map to help me navigate. The map, dated 2010, gave no indication that we could not turn left on leaving the Queen Street Rail Station car park.

I was also using a satellite navigation system as a safeguard, and this system had specifically indicated that I was allowed to turn left when leaving the Queen Street Rail Station car park.

I believe I did everything that I reasonably could to make sure that I drove safely and legally in a busy City Centre that I was unfamiliar with.

However, the police officers insisted that they were not allowed to exercise any discretion in issuing the Notice. All they would say was that they had “received a complaint about people using the bus lane as a short cut” and they had been instructed to issue Fixed Penalty Notices to everyone.

With the greatest of respect, I hope this is not the way in which the police routinely deal with people. Everyone makes mistakes, even when they have taken steps to avoid those mistakes, and it is not always appropriate to arbitrarily punish people for those mistakes. I am a safe and conscientious driver. I am proud of my driving. When I mistakenly and unwittingly drove in that bus lane there was no negligence, malice, or disregard for the law. Yet I found myself in a situation where a police officer -- someone who I instinctively respect and look up to -- handed me a piece of paper that described me in large, bold writing as an “offender”.

This was an upsetting and aggrieving incident, and one which should never have occurred, especially as the officers acknowledged the inadequate signage and lack of road markings at the junction, but then issued the Notice regardless.

Yours sincerely,

Andrew Smith