

# EMERGENCY ©

## *Shahzad v Waltham Forest (PATAS Case No. 2040304379)*

The Appellant was delivering 2 missing doors for a kitchen installation to a customer.

The Council's Notice of Rejection gave the following reasons for rejecting the representations.

"Loading is when a vehicle stops briefly to unload bulky or heavy goods. The goods must be of a type that cannot be carried by one person in one trip ... Picking up items that can be carried does not constitute a loading operation. Therefore the item being carried by you does not fall into the loading category."

The Adjudicator said this was incorrect in several respects. First, since this was a commercial delivery, the requirement that the goods should be bulky or heavy did not apply; this applied only to private deliveries. Secondly, there was no requirement that the goods must be of a type that could not be carried in one trip. Thirdly, picking up items that could be carried plainly could be within the exemption, provided all the requirements of the exemption were satisfied. In so far as this statement appeared to draw a distinction between loading and unloading it was misconceived. The unloading exemption applied.

**Appeal allowed.**