

How to challenge a Private Parking Charge Notice

Introduction

This guide only applies to parking charge notices issued by private parking companies. If you have received a penalty charge notice from the Council or the Police this guide will not apply.

Many **trade unions** offer 30 minutes of free legal advice for members and you should check your union's website to see if this service is available to you should you require any further advice.

Parking Charge Notices

If you have parked on private land without the permission of the person who owns the land or you fail to follow the rules (such as purchasing a pay and display ticket) you will be liable to pay a parking charge "PCN".

If you have followed the rules or you were not made aware that there was parking enforcement in place and you have been issued with a PCN you can challenge it.

Step One – Gather evidence.

Firstly read the PCN carefully. Why was the PCN issued to you? Find the reason and then gather evidence to prove that you are not liable for a charge.

- Take photographs of your vehicle and the location the PCN was issued.
- DO NOT move the vehicle into another location/buy a pay and display ticket if you did not have one. Most parking companies take photographs at the time they issue the PCN and if the matter does go to court it will not look good for you if you have tampered with evidence.
- Take a photograph of your car and the pay and display ticket you had on display. – Do NOT tamper with the ticket. If it has fallen or slipped take a photograph of where it has fallen to. Many pay and display tickets have numbers on the reverse so the tickets are easily identifiable.
- Take photographs of the signage in the area. – Is the wording clear? Are they hidden behind lamp posts or shrubbery?
- Take photographs of anything you think will help! For example a broken pay and display machine, unclear road markings or parking bays etc.

Step Two – Find out if the parking company are registered

Not all parking companies are part of the British Parking Association (BPA) but those who are will be bound by the BPA's Code of Practice. A copy of the code can be [downloaded from the website](#) or requested from the BPA.

British Parking Association
Stuart House
41-43 Perrymount Road
Haywards Heath
West Sussex
RH16 3BN
Tel: 01444 447300
Fax: 01444 454105
E-mail: info@britishparking.co.uk
Website: www.britishparking.co.uk

Whilst the BPA will not investigate individual cases they will investigate if a parking company have breached the Code of Practice so it is worthwhile checking with the BPA to see if the parking company is registered.

Step Three – First Appeal

Once you have all your evidence together prepare a written appeal. Make sure you appeal as soon as possible! Often the charge will increase in a number of days. If you appeal within the time limit the charge should be 'frozen' and not increase. You should write to the parking company, an address of where to write to will be provided on the PCN.

You should provide all the details you can. Make sure you give your name, address and the PCN reference number and any other details you feel relevant such as the date and time of issue. Calmly and clearly give your reason for why the PCN should be cancelled. Reasons such as "I was running late" will not usually be upheld but reasons like "my train was delayed" can be, as the situation was beyond your control. Make sure you provide evidence for your reason and include any evidence you gathered during step one. Be aware that your appeal can be used as evidence should the matter go to court so you want to make sure nothing you are saying in the appeal will count against you.

[Click here](#) for a template letter.

Never send the original PCN, pay and display ticket or your original evidence, always send copies. Make sure you keep copies of all the letters you send and receive.

If possible, send your appeal by recorded delivery so that you know the parking company have received your letter and keep the confirmation details once the letter has been received.

Step Four - My appeal has been accepted/rejected

If your appeal has been accepted, make sure you keep the cancellation letter they send to you as they could still take you to court up to six years after the date of the PCN. If you keep the letter they will not be able to claim.

Often appeals are not immediately accepted. Carefully read what the rejection letter tells you. Are they right? Did you park in contravention of the rules? If you did then you should make the most of the discounted period (which should be extended) and pay the charge.

If you are certain you are not liable then you should send another appeal letter asking them to look at the situation again and enclosing any further evidence you feel may help. Make sure you make your second appeal within the new time limit the parking company have given to you.

Step Five – They have rejected my appeal again

Read the letter of rejection carefully. If you did park in contravention of the rules then you may want to accept the charge and pay the reduced rate, which if you have appealed on time, should still be offered to you.

If you are still certain you are not liable for the PCN send one final letter denying all liability in the matter.

Step Six – What happens next?

The parking company will then allow the charge to increase to the maximum rate, which should not exceed 150.00 (BPA - Code of Practice). You will most likely be sent reminder notices and you may be contacted by a debt collection agency who will try to make you pay the charge (and will often add their own fees on top!). This should not affect your credit rating and you should again keep any letters you receive and note any other contact you have with them.

It may be worthwhile contacting the owner of the land on which you parked. Sometimes they can force the parking company to drop the PCN.

Ultimately the only way the parking company can make you pay the PCN is by taking the matter to court. If the parking company take you to court you will still have the opportunity to defend the claim and put forward your side of the argument and your evidence.

The Claimant (the parking company) will have to prove you are liable. If they cannot prove your liability the claim will be dismissed and you can apply for your costs (travel expenses to court etc) to be paid. However if the parking company are successful, you will not only have to pay the PCN you will also have to pay the court fees and the Claimant's costs. If you do not pay this within 14 days the Judgment will be registered against you as a County Court Judgment (CCJ) and will affect your credit rating.

Other sources of help and information:-

Consumer Direct

Tel: 08454 040506 (Mon-Fri 8.00am-6.30pm; Sat 9.00am-1.00pm)

Website: www.consumerdirect.gov.uk

THIS FACT SHEET IS INTENDED AS A GENERAL STATEMENT OF THE PROCEDURE AND DOES NOT PURPORT TO RENDER SPECIFIC ADVICE, LEGAL OR OTHERWISE. SPECIFIC ADVICE ON A PARTICULAR PROBLEM SHOULD ALWAYS BE SOUGHT.

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