

How to Challenge a Local Authority 'Penalty Charge Notice' Parking Ticket

Introduction

This guide only applies to penalty charge notices issued by Local Authorities. If you have received a **parking charge notice from a private company** or have had your vehicle clamped on private land 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.

Penalty Charge Notices – The Process

A Local Authority Civil Enforcement Officer will issue a penalty charge notice in certain situations for example, where a vehicle is parked on yellow lines or where the driver has failed to purchase a pay and display ticket in a pay and display car park.

The Civil Enforcement Officer must 'serve' the penalty charge notice. This can be done in one of three ways. The penalty can be affixed to the offending vehicle, given to the driver or person in charge of the vehicle or served through the post. Serving a notice through the post is usually only necessary if the civil enforcement officer was prevented from serving the notice, i.e. the driver drove away. Any penalty charge notice served through the post must be served within 28 days of the offence.

All penalty charge notices issued must give you 28 days to pay. There must be a discounted rate of 50% if the charge is paid within 14 days. Failure to pay within the 28 days will result in the registered keeper being issued with a charge certificate which increases the charge by a further 50%.

Failure to pay after a charge certificate has been issued will result in the Local Authority applying to the Court to have the charge registered as if it was a County Court Judgment. It will not affect your credit rating. The charge will increase again and costs will be added.

If the charge still remains unpaid the Court will apply to Traffic Enforcement Centre at Northampton County Court after 15 days to instruct bailiffs to visit your property to recover the amount outstanding. You will also be liable to pay for the bailiffs costs.

I have received a penalty charge notice – What do I do?

Step One – Gather evidence

Firstly read the penalty charge notice carefully. Why was it issued to you? Find the reason and then gather evidence to prove that you are not liable for the 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. Photographs could have been taken at the time by the civil enforcement officer who issued the charge and 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 anything you think will help! For example a broken pay and display machine, unclear road markings or parking bays etc.

Step Two – First Appeal

Once you have all your evidence together prepare a written appeal. Make sure you appeal within 14 days! If you appeal within the time limit the charge should be 'frozen' and will not increase. Should your appeal be rejected, as long as you appealed within the first 14 days, you will be given another 14 days to pay the reduced charge.

There are mandatory grounds on which the Local Authority is legally obliged to overturn charge. These are;

- you are not the owner of the vehicle, or had ceased to be the owner of the vehicle, before the date on which the charge was incurred
- you became the owner of the vehicle after the date on which the alleged offence took place
- the alleged offence did not take place
- the vehicle had been parked by someone without the consent of the owner
- the place where the vehicle was parked was not properly designated as restricted parking.
- the penalty charge exceeded the amount applicable in the circumstances of the case.

The Local Authority will consider other situations but they are not bound to cancel the charge. It is always advisable to appeal.

Never send the original penalty charge notice, 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 Local Authority have received your letter and keep the confirmation details once the letter has been received.

Step Three - My appeal has been accepted/rejected

If your appeal has been accepted, make sure you keep the cancellation letter they send to you as a precaution, should the matter go any further.

The Local Authority must send you an official 'Notice of Rejection' if it does not accept your appeal. As mentioned previously if your appeal has been rejected you should be given a new 14 day period in which to pay the reduced rate if you appealed within 14 days of the issue of the penalty charge notice.

You will then have 28 days in which to make an appeal to the Traffic Penalty Tribunal.

Step Four –Traffic Penalty Tribunal

The Traffic Penalty Tribunal decides appeals against parking penalties issued by Civil Enforcement Authorities in England (outside London) and Wales. The Traffic Penalty Tribunal is an independent tribunal whose impartial, independent Adjudicators consider appeals by motorists and vehicle owners whose vehicles have been issued with a penalty charge notice.

The Traffic Penalty Tribunal can be contacted by;

Post:
Barlow House
Minshull Street
Manchester
M1 3DZ

Tel: 0161 242 5252
Fax: 0161 242 5265
Email: info@trafficpenaltytribunal.gov.uk
Website: <http://www.trafficpenaltytribunal.gov.uk/>

If you live in London your appeal should be sent to:

Parking and Traffic Appeals Service
Angel Square
Upper Ground Floor
Block 2
London
Ec1V 1NY

Tel: 020 7747 4700
Website: www.parkingandtrafficappeals.gov.uk

Usually the appeal will be dealt with by post, or online if you have received a PIN code with your Notice of Rejection from the Local Authority.

If the Tribunal refuse your appeal you can ask them to review their decision on limited grounds but must do so within 14 days of the decision.

Step Five – What happens next?

If your appeal has been rejected by both the Local Authority and the Traffic Penalty Tribunal it would be advisable to pay the charge.

The Local Authority will issue a charge certificate and eventually issue the case to Court for enforcement. If a Court Order has been made you still have the opportunity to apply to have the order set aside by completing a witness statement (form TE9), which should be attached to the order, including a statement of truth. The order may only be set aside on one of the following grounds;

- owner did not receive the 'notice to owner', for example, it was sent to the wrong address, often a previous address when the client has moved.
- the owner made representations to the local authority but did not receive a rejection notice
- the owner appealed to the Tribunal but had no response to the appeal
- the owner has paid the penalty charge in full.

The witness statement must be sent to the Traffic Enforcement Centre by the deadline date stated on the order for recovery which will usually be 36 days from the date the order.

The Traffic Enforcement Centre can be contacted by;

Post:
Traffic Enforcement Centre
The Court Service
5th Floor
St Katharine's House
21-27 St Katharine's Street
Northampton
NN1 2LH

Tel: 0845 704 5007

Web: <http://www.hmcourts-service.gov.uk/cms/1043.htm>

Other sources of help and information:-

Patrol

<http://www.patrol-uk.info>

Which? – Sample Appeal Letters

<http://www.which.co.uk/advice/how-to-appeal-a-parking-ticket/sample-letters-for-parking-ticket-appeals/index.jsp>

Consumer Direct

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

<http://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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