

## SCHEDULES

### SCHEDULE 6

Section 66(7).

#### PARKING PENALTIES

##### *The notice to owner*

- 1 (1) Where—
- (a) a penalty charge notice has been issued with respect to a vehicle under section 66 of this Act; and
  - (b) the period of 28 days for payment of the penalty charge has expired without that charge being paid,
- the London authority concerned may serve a notice (“a notice to owner”) on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred.
- (2) A notice to owner must state—
- (a) the amount of the penalty charge payable;
  - (b) the grounds on which the parking attendant who issued the penalty charge notice believed that a penalty charge was payable with respect to the vehicle;
  - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date on which the notice to owner is served;
  - (d) that failure to pay the penalty charge may lead to an increased charge being payable;
  - (e) the amount of that increased charge;
  - (f) that the person on whom the notice is served (“the recipient”) may be entitled to make representations under paragraph 2 below; and
  - (g) the effect of paragraph 5 below.
- (3) The Secretary of State may prescribe additional matters which must be dealt with in any notice to owner.

##### *Representations against notice to owner*

- 2 (1) Where it appears to the recipient that one or other of the grounds mentioned in subparagraph (4) below are satisfied, he may make representations to that effect to the London authority who served the notice on him.
- (2) Any representations under this paragraph must be made in such form as may be specified by the London authorities, acting through the Joint Committee.
- (3) The authority may disregard any such representations which are received by them after the end of the period of 28 days beginning with the date on which the notice to owner was served.
- (4) The grounds are—
- (a) that the recipient—

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- (i) never was the owner of the vehicle in question;
  - (ii) had ceased to be its owner before the date on which the alleged contravention occurred; or
  - (iii) became its owner after that date;
  - (b) that the alleged contravention did not occur;
  - (c) that the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner;
  - (d) that the relevant designation order is invalid;
  - (e) that the recipient is a vehicle-hire firm and—
    - (i) the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and
    - (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice fixed to the vehicle during the currency of the hiring agreement;
  - (f) that the penalty charge exceeded the amount applicable in the circumstances of the case.
- (5) Where the ground mentioned in sub-paragraph (4)(a)(ii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the person making the representations (if that information is in his possession).
- (6) Where the ground mentioned in sub-paragraph (4)(a)(iii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person from whom the vehicle was acquired by the person making the representations (if that information is in his possession).
- (7) It shall be the duty of an authority to whom representations are duly made under this paragraph—
- (a) to consider them and any supporting evidence which the person making them provides; and
  - (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.

*Cancellation of notice to owner*

- 3 (1) Where representations are made under paragraph 2 above and the London authority concerned accept that the ground in question has been established they shall—
- (a) cancel the notice to owner; and
  - (b) state in the notice served under paragraph 2(7) above that the notice to owner has been cancelled.
- (2) The cancellation of a notice to owner under this paragraph shall not be taken to prevent the London authority concerned serving a fresh notice to owner on another person.
- (3) Where the ground that is accepted is that mentioned in paragraph 2(4)(e) above, the person hiring the vehicle shall be deemed to be its owner for the purposes of this Schedule.

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*Rejection of representations against notice to owner*

- 4 Where any representations are made under paragraph 2 above but the London authority concerned do not accept that a ground has been established, the notice served under paragraph 2(7) above (“the notice of rejection”) must—
- (a) state that a charge certificate may be served under paragraph 6 below unless before the end of the period of 28 days beginning with the date of service of the notice of rejection—
    - (i) the penalty charge is paid; or
    - (ii) the person on whom the notice is served appeals to a parking adjudicator against the penalty charge;
  - (b) indicate the nature of a parking adjudicator’s power to award costs against any person appealing to him; and
  - (c) describe in general terms the form and manner in which an appeal to a parking adjudicator must be made,
- and may contain such other information as the authority consider appropriate.

*Adjudication by parking adjudicator*

- 5 (1) Where an authority serve notice under sub-paragraph (7) of paragraph 2 above, that they do not accept that a ground on which representations were made under that paragraph has been established, the person making those representations may, before—
- (a) the end of the period of 28 days beginning with the date of service of that notice; or
  - (b) such longer period as a parking adjudicator may allow,
- appeal to a parking adjudicator against the authority’s decision.
- (2) On an appeal under this paragraph, the parking adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in paragraph 2(4) above and may give the London authority concerned such directions as he considers appropriate.
- (3) It shall be the duty of any authority to whom a direction is given under sub-paragraph (2) above to comply with it forthwith.

*Charge certificates*

- 6 (1) Where a notice to owner is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the authority serving the notice may serve on that person a statement (a “charge certificate”) to the effect that the penalty charge in question is increased by 50 per cent.
- (2) The relevant period, in relation to a notice to owner, is the period of 28 days beginning—
- (a) where no representations are made under paragraph 2 above, with the date on which the notice to owner is served;
  - (b) where—
    - (i) such representations are made;
    - (ii) a notice of rejection is served by the authority concerned; and
    - (iii) no appeal against the notice of rejection is made,with the date on which the notice of rejection is served; or

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- (c) where there has been an unsuccessful appeal against a notice of rejection, with the date on which notice of the adjudicator's decision is served on the appellant.
- (3) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of his decision, the relevant period in relation to a notice to owner is the period of 14 days beginning with the date on which the appeal is withdrawn.

*Enforcement of charge certificate*

- 7 Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the authority concerned may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

*Invalid notices*

- 8 (1) This paragraph applies where—
- (a) a county court makes an order under paragraph 7 above;
  - (b) the person against whom it is made makes a statutory declaration complying with sub-paragraph (2) below; and
  - (c) that declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court's order is served on him, served on the county court which made the order.
- (2) The statutory declaration must state that the person making it—
- (a) did not receive the notice to owner in question;
  - (b) made representations to the London authority concerned under paragraph 2 above but did not receive a rejection notice from that authority; or
  - (c) appealed to a parking adjudicator under paragraph 5 above against the rejection by that authority of representations made by him under paragraph 2 above but had no response to the appeal.
- (3) Sub-paragraph (4) below applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on him serving his statutory declaration within the period of 21 days allowed for by sub-paragraph (1) above.
- (4) Where this sub-paragraph applies, the district judge may allow such longer period for service of the statutory declaration as he considers appropriate.
- (5) Where a statutory declaration is served under sub-paragraph (1)(c) above—
- (a) the order of the court shall be deemed to have been revoked;
  - (b) the charge certificate shall be deemed to have been cancelled;
  - (c) in the case of a declaration under sub-paragraph (2)(a) above, the notice to owner to which the charge certificate relates shall be deemed to have been cancelled; and
  - (d) the district judge shall serve written notice of the effect of service of the declaration on the person making it and on the London authority concerned.

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- (6) Service of a declaration under sub-paragraph (2)(a) above shall not prevent the London authority serving a fresh notice to owner.
- (7) Where a declaration has been served under sub-paragraph (2)(b) or (c) above, the London authority shall refer the case to the parking adjudicator who may give such direction as he considers appropriate.

*Offence of giving false information*

- 9 (1) A person who, in response to a notice to owner served under this Schedule, makes any representation under paragraph 2 or 5(2) above which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.
- (2) Any person guilty of such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

*Service by post*

- 10 Any charge certificate, or notice under this Schedule—
  - (a) may be served by post; and
  - (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by post to the secretary or clerk of that body.