

## SCHEDULES

### SCHEDULE 4

#### RECOVERY OF UNPAID PARKING CHARGES

2 (1) In this Schedule—

“the appropriate national authority” means—

- (a) in relation to relevant land in England, the Secretary of State; and
- (b) in relation to relevant land in Wales, the Welsh Ministers;

“the creditor” means a person who is for the time being entitled to recover unpaid parking charges from the driver of the vehicle;

“current address for service” means—

- (a) in the case of the keeper, an address which is either—
  - (i) an address at which documents relating to civil proceedings could properly be served on the person concerned under Civil Procedure Rules; or
  - (ii) the keeper’s registered address (if there is one); or
- (b) in the case of the driver, an address at which the driver for the time being resides or can conveniently be contacted;

“driver” includes, where more than one person is engaged in the driving of the vehicle, any person so engaged;

“keeper” means the person by whom the vehicle is kept at the time the vehicle was parked, which in the case of a registered vehicle is to be presumed, unless the contrary is proved, to be the registered keeper;

“notice to driver” means a notice given in accordance with paragraph 7;

“notice to keeper” means a notice given in accordance with paragraph 8 or 9 (as the case may be);

“parking charge”—

- (a) in the case of a relevant obligation arising under the terms of a relevant contract, means a sum in the nature of a fee or charge, and
- (b) in the case of a relevant obligation arising as a result of a trespass or other tort, means a sum in the nature of damages,

however the sum in question is described;

“registered address” means, in relation to the keeper of a registered vehicle, the address described in paragraph 11(3)(b) (as provided by the Secretary of State in response to the application for the keeper’s details required by paragraph 11);

“registered keeper”, in relation to a registered vehicle, means the person in whose name the vehicle is registered;

“registered vehicle” means a vehicle which is for the time being registered under the Vehicle Excise and Registration Act 1994;

“relevant contract” means a contract (including a contract arising only when the vehicle was parked on the relevant land) between the driver and a person who is—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the owner or occupier of the land; or
  - (b) authorised, under or by virtue of arrangements made by the owner or occupier of the land, to enter into a contract with the driver requiring the payment of parking charges in respect of the parking of the vehicle on the land;  
“relevant land” has the meaning given by paragraph 3;  
“relevant obligation” means—
    - (a) an obligation arising under the terms of a relevant contract; or
    - (b) an obligation arising, in any circumstances where there is no relevant contract, as a result of a trespass or other tort committed by parking the vehicle on the relevant land;“vehicle” means a mechanically-propelled vehicle or a vehicle designed or adapted for towing by a mechanically-propelled vehicle.
- (2) The reference in the definition of “parking charge” to a sum in the nature of damages is to a sum of which adequate notice was given to drivers of vehicles (when the vehicle was parked on the relevant land).
- (3) For the purposes of sub-paragraph (2) “adequate notice” means notice given by—
  - (a) the display of one or more notices in accordance with any applicable requirements prescribed in regulations under paragraph 12 for, or for purposes including, the purposes of sub-paragraph (2); or
  - (b) where no such requirements apply, the display of one or more notices which—
    - (i) specify the sum as the charge for unauthorised parking; and
    - (ii) are adequate to bring the charge to the notice of drivers who park vehicles on the relevant land.