

Blackfriars

Advice Centre

Parking Fines Factsheet

14 Days

If the fine is paid within 14 days of the issue of the ticket then there will be a 50% reduction in the amount of the fine.

If full payment is made between 14 and 28 days then no further action takes place.

28 Days

If payment is not made within 28 days then the Local Authority will send a letter to the owner. This letter, called a "Notice to Owner" gives details of how and where to appeal the issue of the ticket. *For further information on appeals see below.*

56 Days

If payment or an appeal is not received within a further 28 days from the issue of the "Notice to Owner" then the fine will be increased by 50%.

70 Days

If payment is not received within a further 14 days of notification of the increase then the Local Authority can apply to the County Court in Northampton to get the fine registered against the owner of the vehicle.

After the court order is granted then the Local Authority has 14 days to send a copy of the order to the owner along with further court forms on which the owner can make further appeals.

As soon as the order is granted then the Local Authority can pass the debt to bailiffs for recovery of the debt. If bailiffs fail to collect the debt then the Local Authority can return to the courts to apply for other enforcement methods, [e.g. taking the debt direct from the wages or securing the debt against your home if you are a homeowner].

A court order for a Parking Fine is not entered on the Register of County Court Judgements and should not affect a persons ability to get credit.

The above action by the Local Authority will add court costs to the total debt.

Note: Additional charges relating to clamping, removing and storing of vehicles may be added to the above charges. The level of these charges will vary between local authorities.

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If you have a complaint over the actions of Local Authority, for example that they have not followed the above timetable, then you should put in a complaint in writing to the Local authority. If you are unhappy with the response that you are given to any complaint then a further complaint can be made with the Local Government Ombudsman. Special forms for complaints to the Ombudsman will be available at any Advice Centre.

Appeals

You should always keep proof of an appeal.
Get a receipt if it is hand delivered or sent it by recorded delivery.

After 28 Days

After the "Notice to Owner" has been sent there is 28 days to appeal the fine. This notice gives details of where an appeal or "representation" should be sent.

Representations can be made on the following grounds:

1. **You were not the owner of the vehicle at the time of the parking offence.** If this is the case then you should provide the name and address of the person who was the owner at the time.
2. **The vehicle was parked without your consent after being stolen.** As evidence you should provide a police crime report or insurance claim.
3. **The vehicle is owned by a hire firm and it was on hire at the time of the offence.** Most hire firms will get customers to sign a statement which makes them liable to pay parking fines that are incurred during their period of hire.
4. **The parking offence did not occur.** For example if the parking meter had not run out or the vehicle was loading or unloading in an area where this is allowed.

These are the main areas of appeal that will be considered. However it is also possible to appeal on the grounds that the vehicle was parked in an area where that was not restricted due to the absence of correct signs or markings. You could also appeal if the ticket is issued for the incorrect amount, for example the 50% increase has been charged without the 56 day wait.

Further Appeals [up to 28 days after the failure of the previous appeal]

If the above appeal fails then the Local Authority must send the owner of the vehicle a "Notice of Rejection". After this Notice is received there is a further 28 days to appeal to the Parking Adjudicator. The Adjudicators address will be included on the "Notice of Rejection". The Appeal to the Adjudicators can be done by letter but if requested the Adjudicator can arrange for a hearing to take place. It is possible to

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ask for a further review of a Parking Adjudicators decision if this is done within 14 days of the date of this decision.

The Parking Adjudicator has the power to award costs against the vehicle owner or the Local Authority if it decides that appeals have been lodged or defended without valid reasons.

Appeals to the County Court [up to 21 days after the granting of a court order]

It is also possible to appeal once the matter has passed to the County Court. An appeal can be lodged within 21 days of the service of the court order [the order is “served” 2 days from the date of the postmark on the letter from the court]. This appeal should be done by way of a “Statutory Declaration” on special court forms and sent to Northampton County Court Parking Enforcement Centre. The forms should be sent with the court order but should also be available at any County Court. The forms need to be signed before a legal witness before they are sent. Any court officer can act as a witness.

The only grounds for the appeal at this stage are:

- 1. The “Notice to Owner” was not received.**
- 2. Earlier appeals were made but the “Notice of Rejection” was not received.**
- 3. There has been an appeal to the Parking Adjudicator but there has been no decision.**

It is possible to submit a late appeal and the court will decide whether or not accept this appeal. There is no charge for this appeal to the courts. If an appeal to courts is successful then the court order is cancelled but the Local Authority can continue the process from the “Notice to Owner” stage.

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Bailiffs Collecting Parking Fine Debts

If a court order is granted due to an unpaid parking fine then the fine will be passed to bailiffs to collect. If this happens then you should be aware of the powers available to these bailiffs.

Bailiffs DO NOT have the power to force entry to your property.

They can enter through an open window or door if this does not mean using force. To stop them doing this keep all doors and windows locked.

Bailiffs cannot break in. You do not have to let them in.

Bailiffs will be able to take any vehicle that is not locked away in a garage. If your vehicle is parked close to your home then it is likely that the bailiffs will find it as they will have the vehicles details from the parking ticket. It is then likely that they will take the vehicle if payment of the debt is not made in full.

The law states that the Police should only be called to attend with bailiffs if there is a potential for a breach of the peace. If the Police are called they are only supposed to

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ensure that there is no such offence and **cannot** assist the bailiffs to enter your property.

Once you have let the bailiffs into your home they can then take “Walking Possession” of your goods. This means that the goods legally belong to them and that they can come back to take them away. They can do this even if you are out. Once bailiffs have “Walking Possession” they can then break into your house if you refuse to let them.

It may still be possible to challenge the parking fine even if you have been visited by bailiffs. See our Parking Fine Factsheet for details of when this is possible. If you do need to pay the debt then you should decide to try to negotiate payment of the debt by instalments with the bailiffs. **Remember to continue to make sure that the bailiffs cannot get into your home whilst you make these payments.**

Whenever negotiating with a bailiff it is advisable to ensure that they are not allowed to enter your property. If peaceful entry is allowed then they will be able to seize your possessions and the costs that can be added to your bill will increase dramatically.

Bailiffs are able to add charges to your bill depending on the actions that they take to try to recover the debt. These are laws that set out the charges that can be added. Any charges that are not included in these laws should be challenged. Ask the firm of bailiffs to send you a copy of the law that explains the costs that they are allowed to add and to tell you how the charges that have been added fit into the law. This law is called **–Schedule 1, Enforcement of Road traffic Debts 1993 –**

SCHEDULE 1		
TABLE OF FEES CHARGES AND EXPENSES		
<i>(excluding Value Added Tax)</i>		
1.	For preparing and sending a letter advising the debtor that a warrant is with the bailiff and requesting the total sum due	£10.00
Note:	The fee under paragraph 1 can only be recovered if the letter is sent before a first visit is made to the debtor's premises.	
2.	For levying distress-	
	i. Where the sum demanded and due does not exceed £100	£25.00
	ii. Where the sum demanded and due exceeds £100	25% on the first £200; 5% on any

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		additional sum over £200
3.	For attending to levy distress but where the levy is not made, the reasonable costs and charges which would have been due under paragraph 2 above if the distress had been levied. The costs and charges are subject to taxation under rule 11.	
Note:	The aggregate costs and charges payable under paragraphs 2 and 3 not to exceed the costs and charges allowed for three attendances to levy distress.	
4.	For taking possession- i. Where a man is left in physical possession (close possession) ii. Where walking possession is agreed	£5.00 each day. 50p. each day for the first 14 days; 5p each day thereafter.
Notes:	The charge for walking possession is payable only if a walking possession agreement has been using Form 8. A person left in physical possession (close possession) must provide his or her own board in every case. The possession fee is payable in respect of the day on which distress is levied, but a fee for physical possession must not be charged where a walking possession agreement is signed at the time distress is levied.	
5.	For appraising (valuing) goods, the reasonable fees, charges, and expenses of the broker. The fees, charges and expenses are subject to taxation under rule 11.	
Note:	An appraisal (valuation) shall take place only on the written request of the debtor.	
6.	For removing goods, or attending to remove goods where no goods are removed, reasonable costs and charges. The costs and charges are subject to taxation under rule 11.	
7.	For sale- i. Where the sale is held on the auctioneer's premises, 15% of the sum realised to cover the auctioneer's commission and out-of-pocket expenses, plus the reasonable cost of advertising, removal and storage. ii. Where the sale is held on the debtor's premises, 7½% of the sum realised for the auctioneer's commission, plus out-of-pocket expenses actually and reasonably incurred. The fees, expenses, charges and costs to be subject to taxation under rule 11.	
8.	Where distress is withdrawn or where no sale takes place, reasonable fees, charges and expenses, subject to taxation under rule 11.	
9.	For the purpose of calculating any percentage, the fraction of £1 is to be reckoned as £1. Any fraction of a penny is to be disregarded.	
10.	In addition to any amount authorised by this Table, the amount of the value added tax payable may be passed on to the debtor by adding and equivalent amount to the sum due.	

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