
Changes to legislation: Protection of Freedoms Act 2012, Cross Heading: Conditions that must be met for purposes of paragraph 4 is up to date with all changes known to be in force on or before 11 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 4

RECOVERY OF UNPAID PARKING CHARGES

Conditions that must be met for purposes of paragraph 4

- 5 (1) The first condition is that the creditor—
- (a) has the right to enforce against the driver of the vehicle the requirement to pay the unpaid parking charges; but
 - (b) is unable to take steps to enforce that requirement against the driver because the creditor does not know both the name of the driver and a current address for service for the driver.
- (2) Sub-paragraph (1)(b) ceases to apply if (at any time after the end of the period of 28 days beginning with the day on which the notice to keeper is given) the creditor begins proceedings to recover the unpaid parking charges from the keeper.

Commencement Information

- I1** Sch. 4 para. 5 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)
I2 Sch. 4 para. 5 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 6 (1) The second condition is that the creditor (or a person acting for or on behalf of the creditor)—
- (a) has given a notice to driver in accordance with paragraph 7, followed by a notice to keeper in accordance with paragraph 8; or
 - (b) has given a notice to keeper in accordance with paragraph 9.
- (2) If a notice to driver has been given, any subsequent notice to keeper must be given in accordance with paragraph 8.

Commencement Information

- I3** Sch. 4 para. 6 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)
I4 Sch. 4 para. 6 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

- 7 (1) A notice which is to be relied on as a notice to driver for the purposes of paragraph 6(1)(a) is given in accordance with this paragraph if the following requirements are met.
- (2) The notice must—
- (a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;
 - (b) inform the driver of the requirement to pay parking charges in respect of the specified period of parking and describe those charges, the circumstances in

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- which the requirement arose (including the means by which it was brought to the attention of drivers) and the other facts that made those charges payable;
- (c) inform the driver that the parking charges relating to the specified period of parking have not been paid in full and specify the total amount of the unpaid parking charges relating to that period, as at a time which is—
 - (i) specified in the notice; and
 - (ii) no later than the time specified under paragraph (f);
 - (d) inform the driver of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;
 - (e) identify the creditor and specify how and to whom payment may be made;
 - (f) specify the time when the notice is given and the date.
- (3) The notice must relate only to a single period of parking specified under sub-paragraph (2)(a) (but this does not prevent the giving of separate notices each specifying different parts of a single period of parking).
- (4) The notice must be given—
- (a) before the vehicle is removed from the relevant land after the end of the period of parking to which the notice relates, and
 - (b) while the vehicle is stationary,
- by affixing it to the vehicle or by handing it to a person appearing to be in charge of the vehicle.
- (5) In sub-paragraph (2)(d) the reference to arrangements for the resolution of disputes or complaints includes—
- (a) any procedures offered by the creditor for dealing informally with representations by the driver about the notice or any matter contained in it; and
 - (b) any arrangements under which disputes or complaints (however described) may be referred by the driver to independent adjudication or arbitration.

Commencement Information

I5 Sch. 4 para. 7 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

I6 Sch. 4 para. 7 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 8 (1) A notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(a) is given in accordance with this paragraph if the following requirements are met.
- (2) The notice must—
- (a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;
 - (b) inform the keeper that the driver is required to pay parking charges in respect of the specified period of parking and that the parking charges have not been paid in full;
 - (c) state that a notice to driver relating to the specified period of parking has been given and repeat the information in that notice as required by paragraph 7(2)(b), (c) and (f);

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- (d) if the unpaid parking charges specified in that notice to driver as required by paragraph 7(2)(c) have been paid in part, specify the amount that remains unpaid, as at a time which is—
 - (i) specified in the notice to keeper, and
 - (ii) no later than the end of the day before the day on which the notice is either sent by post or, as the case may be, handed to or left at a current address for service for the keeper (see sub-paragraph (4));
 - (e) state that the creditor does not know both the name of the driver and a current address for service for the driver and invite the keeper—
 - (i) to pay the unpaid parking charges; or
 - (ii) if the keeper was not the driver of the vehicle, to notify the creditor of the name of the driver and a current address for service for the driver and to pass the notice on to the driver;
 - (f) warn the keeper that if, at the end of the period of 28 days beginning with the day after that on which the notice to keeper is given—
 - (i) the amount of the unpaid parking charges (as specified under paragraph (c) or (d)) has not been paid in full, and
 - (ii) the creditor does not know both the name of the driver and a current address for service for the driver,the creditor will (if all the applicable conditions under this Schedule are met) have the right to recover from the keeper so much of that amount as remains unpaid;
 - (g) inform the keeper of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;
 - (h) identify the creditor and specify how and to whom payment or notification to the creditor may be made;
 - (i) specify the date on which the notice is sent (if it is sent by post) or given (in any other case).
- (3) The notice must relate only to a single period of parking specified under sub-paragraph (2)(a) (but this does not prevent the giving of separate notices which each specify different parts of a single period of parking).
- (4) The notice must be given by—
- (a) handing it to the keeper, or leaving it at a current address for service for the keeper, within the relevant period; or
 - (b) sending it by post to a current address for service for the keeper so that it is delivered to that address within the relevant period.
- (5) The relevant period for the purposes of sub-paragraph (4) is the period of 28 days following the period of 28 days beginning with the day after that on which the notice to driver was given.
- (6) A notice sent by post is to be presumed, unless the contrary is proved, to have been delivered (and so “given” for the purposes of sub-paragraph (4)) on the second working day after the day on which it is posted; and for this purpose “working day” means any day other than a Saturday, Sunday or a public holiday in England and Wales.
- (7) When the notice is given it must be accompanied by any evidence prescribed under paragraph 10.

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- (8) In sub-paragraph (2)(g) the reference to arrangements for the resolution of disputes or complaints includes—
- (a) any procedures offered by the creditor for dealing informally with representations by the keeper about the notice or any matter contained in it; and
 - (b) any arrangements under which disputes or complaints (however described) may be referred by the keeper to independent adjudication or arbitration.

Commencement Information

- I7** Sch. 4 para. 8 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)
I8 Sch. 4 para. 8 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 9 (1) A notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(b) is given in accordance with this paragraph if the following requirements are met.
- (2) The notice must—
- (a) specify the vehicle, the relevant land on which it was parked and the period of parking to which the notice relates;
 - (b) inform the keeper that the driver is required to pay parking charges in respect of the specified period of parking and that the parking charges have not been paid in full;
 - (c) describe the parking charges due from the driver as at the end of that period, the circumstances in which the requirement to pay them arose (including the means by which the requirement was brought to the attention of drivers) and the other facts that made them payable;
 - (d) specify the total amount of those parking charges that are unpaid, as at a time which is—
 - (i) specified in the notice; and
 - (ii) no later than the end of the day before the day on which the notice is either sent by post or, as the case may be, handed to or left at a current address for service for the keeper (see sub-paragraph (4));
 - (e) state that the creditor does not know both the name of the driver and a current address for service for the driver and invite the keeper—
 - (i) to pay the unpaid parking charges; or
 - (ii) if the keeper was not the driver of the vehicle, to notify the creditor of the name of the driver and a current address for service for the driver and to pass the notice on to the driver;
 - (f) warn the keeper that if, after the period of 28 days beginning with the day after that on which the notice is given—
 - (i) the amount of the unpaid parking charges specified under paragraph (d) has not been paid in full, and
 - (ii) the creditor does not know both the name of the driver and a current address for service for the driver,
 the creditor will (if all the applicable conditions under this Schedule are met) have the right to recover from the keeper so much of that amount as remains unpaid;

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- (g) inform the keeper of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;
 - (h) identify the creditor and specify how and to whom payment or notification to the creditor may be made;
 - (i) specify the date on which the notice is sent (where it is sent by post) or given (in any other case).
- (3) The notice must relate only to a single period of parking specified under sub-paragraph (2)(a) (but this does not prevent the giving of separate notices which each specify different parts of a single period of parking).
- (4) The notice must be given by—
- (a) handing it to the keeper, or leaving it at a current address for service for the keeper, within the relevant period; or
 - (b) sending it by post to a current address for service for the keeper so that it is delivered to that address within the relevant period.
- (5) The relevant period for the purposes of sub-paragraph (4) is the period of 14 days beginning with the day after that on which the specified period of parking ended.
- (6) A notice sent by post is to be presumed, unless the contrary is proved, to have been delivered (and so “given” for the purposes of sub-paragraph (4)) on the second working day after the day on which it is posted; and for this purpose “working day” means any day other than a Saturday, Sunday or a public holiday in England and Wales.
- (7) When the notice is given it must be accompanied by any evidence prescribed under paragraph 10.
- (8) In sub-paragraph (2)(g) the reference to arrangements for the resolution of disputes or complaints includes—
- (a) any procedures offered by the creditor for dealing informally with representations by the keeper about the notice or any matter contained in it; and
 - (b) any arrangements under which disputes or complaints (however described) may be referred by the keeper to independent adjudication or arbitration.

Commencement Information

I9 Sch. 4 para. 9 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)

I10 Sch. 4 para. 9 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 10 (1) The appropriate national authority may by regulations made by statutory instrument prescribe evidence which must accompany a notice which is to be relied on as a notice to keeper for the purposes of paragraph 6(1)(a) or paragraph 6(1)(b) (as the case may be).
- (2) The regulations may in particular make provision as to—
- (a) the means by which any prescribed evidence is to be generated or otherwise produced (which may include a requirement to use equipment of a kind approved for the purpose by a person specified in the regulations); or
 - (b) the circumstances in which any evidence is, or is not, required to accompany a notice to keeper.

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- (3) The regulations may—
- (a) include incidental, supplementary, transitional, transitory or saving provision;
 - (b) make different provision for different purposes.

Commencement Information

- I11** Sch. 4 para. 10 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)
I12 Sch. 4 para. 10 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 11 (1) The third condition is that—
- (a) the creditor (or a person acting for or on behalf of the creditor) has made an application for the keeper's details in relation to the period of parking to which the unpaid parking charges relate;
 - (b) the application was made during the relevant period for the purposes of paragraph 8(4) (where a notice to driver has been given) or 9(4) (where no notice to driver has been given);
 - (c) the information sought by the application is provided by the Secretary of State to the applicant.
- (2) The third condition only applies if the vehicle is a registered vehicle.
- (3) In this paragraph “application for the keeper's details” means an application for the following information to be provided to the applicant by virtue of regulations made under section 22(1)(c) of the Vehicle Excise and Registration Act 1994—
- (a) the name of the registered keeper of the vehicle during the period of parking to which the unpaid parking charges relate; and
 - (b) the address of that person as it appears on the register (or, if that person has ceased to be the registered keeper, as it last appeared on the register).

Commencement Information

- I13** Sch. 4 para. 11 in force at 1.10.2012 for W. by S.I. 2012/2499, art. 2(1)(2)(b)
I14 Sch. 4 para. 11 in force at 1.10.2012 for E. by S.I. 2012/2075, art. 3(f)

- 12 (1) The fourth condition is that any applicable requirements prescribed under this paragraph were met at the beginning of the period of parking to which the unpaid parking charges relate.
- (2) The appropriate national authority may by regulations made by statutory instrument prescribe requirements as to the display of notices on relevant land where parking charges may be incurred in respect of the parking of vehicles on the land.
- (3) The provision made under sub-paragraph (2) may, in particular, include provision—
- (a) requiring notices of more than one kind to be displayed on any relevant land;
 - (b) as to the content or form of any notices required to be displayed; and
 - (c) as to the location of any notices required to be displayed.
- (4) Regulations under this paragraph may—
- (a) include incidental, supplementary, transitional, transitory or saving provision;

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(b) make different provision for different areas or purposes.

Commencement Information

- I15** Sch. 4 para. 12 in force at 1.10.2012 for W. by S.I. 2012/2499, **art. 2(1)(2)(b)**
I16 Sch. 4 para. 12 in force at 1.10.2012 for E. by S.I. 2012/2075, **art. 3(f)**

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Changes and effects yet to be applied to :

- specified provision(s) amendment to earlier commencing SI 2012/2234 art. 13 by [S.I. 2014/831 art. 2\(2\)](#)
- specified provision(s) transitional provisions and savings for commencing S.I. 2013/1814 by [S.I. 2013/1813 art. 2-9](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Sch. 1 para. 7A inserted by [2019 c. 3 Sch. 2 para. 20](#)