

Legal grounds for challenging a PCN

These are the grounds which are listed on the Notice to Owner form issued by the Council. Identical grounds appear on the Notice of Appeal form used to make an appeal to the independent Parking Adjudicator.

1. I was not the owner at the time the alleged parking contravention occurred

If you make representations on these grounds, you are legally obliged to provide the name and address of the person to whom the vehicle was disposed of (or from whom it was acquired, as the case may be), if that information is in your possession. Note, it is the owner of a vehicle who is liable to pay a Penalty Charge Notice, not the driver.

2. The alleged parking contravention did not occur

This may include circumstances where a vehicle was exempt from the regulations for a specific reason – for example, loading or unloading was taking place. Other circumstances where these grounds may be valid include when a PCN is allegedly issued too early by a Parking Attendant, or when a vehicle is allegedly displaying a valid permit, ticket, badge, etc.

3. When the vehicle was parked it had been taken without my consent

These grounds for representation apply in cases where a vehicle is stolen, or a vehicle is used without the owner's consent (but which is not stolen). The latter category could apply, for example, to a vehicle taken by "joy riders". You will normally be required to provide the Council with a Crime Reference Number if you use these grounds for representations.

4. The Traffic Regulation (or Traffic Management) Order was invalid

This very rarely applies. These grounds are not valid just because you do not agree with the regulations or the scheme.

5. We are a vehicle hire firm and have supplied the name and address of the hirer

These grounds for representation apply to hire vehicles where the hirer has signed a formal agreement accepting liability for any Penalty Charge Notices issued during the period of hire. You will be expected to provide details of the hirer's name and address, together with a copy of the signed hire agreement.

6. The penalty charge exceeded the relevant amount

This may include circumstances where you were asked to pay an incorrect amount for the penalty charge or no PCN was issued for the contravention.