

Owner Liability

Under the Road Traffic Act 1991, the owner of a vehicle is liable for the penalty charge when a Penalty Charge Notice is issued to a vehicle.

The owner is not necessarily the person who was actually driving at the time. If, for example, your partner, a family member, or a colleague is driving the vehicle, this does not mean that you have stopped being the owner.

The Act states that the owner is presumed to be the registered keeper. The local authority will normally contact the Driver and Vehicle Licensing Authority in Swansea to see who was registered as the keeper of the vehicle at the date the Penalty Charge Notice was issued. The Notice to Owner will then be sent to this person.

The law requires that the Driver and Vehicle Licensing Authority be notified of the current keeper. If you sell a vehicle and do not complete the appropriate part of the vehicle registration document ('log book') you may receive Notices to Owner arising out of actions from the new owner. In this case, you will have to supply evidence to show the exact date that you sold the vehicle. This may be an invoice or receipt (for example from a motor dealer) and a letter from your insurers explaining when you transferred cover from the vehicle. This would also apply if you said that you actually purchased the vehicle after the date the Penalty Charge Notice was issued.

The Driver and Vehicle Licensing Agency register the keeper of the vehicle. This is normally the same as the owner. However, in the case of company vehicles which are used by one person (not pool or fleet cars), it is occasionally the company, and, at other times, the employee, who is registered at Swansea. An employee who has a vehicle for two or three years is considered most likely to be the keeper. Under the Road Traffic Act 1991, the owner of a vehicle is taken to be the person by whom the vehicle is kept. This can also relate to vehicles on long-term lease; however, see the note on hired vehicles (below).

The term 'keeper' does not include someone who borrows a vehicle, perhaps while the owner is on holiday. Even if someone is using the vehicle for a long time, for example, a student taking the family car away to university, they do not become the 'keeper'; the person whose name is registered at the Driver and Vehicle Licensing Agency is still liable for the penalty charges. Sometimes, people leave their vehicles with a garage for repairs, perhaps for a few days or even weeks. The vehicle could be issued with a Penalty Charge Notice during that time, perhaps if the mechanic left it on a yellow line when undertaking a road test. The law says that, in such cases, it is still the owner who is liable for the penalty charge. Of course, this does not affect any rights that you may have to recover the money from the person responsible.

If a vehicle is immobilised ('clamped') or removed ('towed away') the person who pays to have the vehicle released will be the person who may appeal.

There are specific rules about hire vehicles. If you hire a vehicle, you will be asked to sign (normally as part of the booking form/contract) a statement of liability for penalty charges. This means you will be liable for any Penalty Charge Notices issued to the vehicle whilst it was on hire to you, even though you were not the owner.

If you receive a Notice to Owner relating to a vehicle you did not own when the Penalty Charge Notice was issued, you must return the representations form explaining the situation. You should give the name and address of the person who you sold the car to, or purchased it from, and, where possible, enclose a copy of the receipt for the transaction. You must do this even if you have returned a previous representation form about a different Penalty Charge Notice.