

The Adjudication Process

You have a right to appeal to the independent Parking Adjudicator only if:

- A parking ticket known as a Penalty Charge Notice has been issued to your vehicle by a council enforcing parking under the Road Traffic Act 1991.
AND
- You have received a "Notice to Owner" form from the Council who claim you are liable for payment of a "Penalty Charge Notice" or "PCN".
AND
- You have challenged the Notice to Owner and you received a letter from the Council saying that they have rejected your representation. This letter is called "Notice of Rejection of Representations".

Stage 1

Making an appeal

- The Council must send you a Traffic Penalties Tribunal, along with their Notice of Rejection of Representations. You may choose to pay the charge or, alternatively you must use this form to make your appeal within 28 days. If it is later than 28 days you must explain why.
- You should decide which of the legal grounds of appeal relates to your case. These are listed on the Notice of Appeal and are the same as those listed on a Notice to Owner.

The legal grounds for appeal are as follows:

1. The alleged parking contravention did not occur.
2. The penalty charge, (or release or storage charge), exceeded the relevant amount.
3. The Traffic Regulation Order was invalid.
4. You were not the owner of the vehicle when the alleged contravention occurred.
5. When the vehicle was parked it had been taken without your consent.
6. You are a hire company and have supplied the hirer's name and address.

If the vehicle has been clamped or removed, grounds (4) and (6) do not apply, but the following, additional grounds apply:

1. The vehicle was clamped or removed when a disabled person's badge was on display.
2. The vehicle was clamped or removed when less than 15 minutes had elapsed since the paid time expired.
3. You should supply any evidence in your possession that may help your case. This may include copies of any Pay and Display tickets, photographs or even witness statements. You are advised to send copies, as the Traffic Penalties Tribunal cannot undertake to return these items to you during or after an appeal.

You should choose whether you want your appeal decided on a postal or a personal basis. If you elect a personal appeal, you should select one of the appeal venues listed on the "Notice to Appeal" form.

Stage 2

The appeals process

When they receive a "Notice of Appeal", Traffic Penalties Tribunal staff will make some basic checks and if everything is in order, it will be registered as a formal appeal. After this, the following things will happen:

- You will be sent formal acknowledgement that your appeal has been received and registered. If you have asked for a postal decision, you will be told of the week in which your appeal is due to be decided.

- The Council will be informed that an appeal has been lodged. They will be given 21 days to provide their evidence to the Adjudicator and they must also submit a copy of this evidence to you at the same time.
- If you have elected a personal appeal, Traffic Penalties Tribunal staff will schedule it for the next appropriate hearing and will allow you a minimum of 21 days' notice of the exact date, time and location.

Postal hearings

In a postal appeal, the Adjudicator will decide the appeal based entirely on written evidence you and the Council have provided. A written decision will be sent to both parties, usually within a week of the case being decided.

Personal hearings

Personal hearings usually last approximately 20 minutes and are held in independent premises. You may choose where your personal appeal is heard from a list of venues printed on the "Notice of Appeal" form, regardless of where the PCN was issued.

Hearing venues are usually well known buildings in the community such as libraries, leisure centres or hotels. They normally have excellent access for people with disabilities but it is often advisable for an appellant to let NPAS staff know in advance if special facilities or access is likely to be needed.

As with most other legal proceedings, parking appeals are open to the public and in theory, anyone may be there as an observer, although this is rare. The Council may decide to send a representative, or they may instead just rely on their written submission.

Personal appeals are relatively informal in nature and it is normally just the Adjudicator, the appellant, and the Council representative who attend. You will be given the chance to put your case to the Adjudicator and to answer any questions he or she puts to you. Although those attending are not required to give their evidence under oath, all parties are reminded of their duty to tell the truth at all times.

A relative or friend may be brought with you to a personal appeal, if you so wish. Witnesses may also attend. As the proceedings are informal, legal representation is rarely needed.

It is likely that the Adjudicator will give his or her decision at the end of the hearing. This decision is followed up in writing to you and the Council, normally within 7 days.

Stage 3

Following the decision:

Following the Adjudicator's decision, confirmation will be forwarded to the appellant and the Council. Normally, this letter will say one of two things:

1. That the appeal is upheld and the appellant is not liable to pay the penalty charge.
- OR**
2. That the appeal is refused which means that appellant is liable to pay the penalty charge.

If the appeal was against the clamping or removal of a vehicle, a typical confirmation letter might say:

1. That the appeal is upheld, in which case the Council must refund any (or possibly just the release) charges paid.

OR

2. That the appeal is refused and that the Council may keep the charges paid when the vehicle was released.

Stage 4

What happens next?

In the event that you win your appeal and your liability for the penalty charge is cancelled, this should be the end of the matter. If you have paid any money to the Council, for example to reclaim your vehicle from the removal pound, the Council must refund this forthwith. If you lose your appeal, you must pay the charge due to the Council within 28 days of the Adjudicator's written decision. If you do not do this, the Council will be entitled to continue enforcement proceedings against you. The full enforcement process is covered elsewhere on this website.

The grounds on which an Adjudicator's decision may be challenged are limited. Simply being unhappy with the decision is not grounds for a challenge.

However, such cases are extremely rare, and if costs are ever awarded, the amounts involved are modest.

The Adjudicator has the power to consider an application for costs from either party.

A review of the decision may be granted if, for example, it is believed that an Adjudicator may have wrongly interpreted or applied the law or if new evidence has come to light, the existence of which could not have been anticipated at the time of the original decision. Such cases are extremely rare, and either party must apply for a review within 14 days of the Adjudicator's decision.

The only other challenge to an Adjudicator's decision would be by application for Judicial review in the High Court.

Stage 5

Paying your penalty charge

- If you appeal to the Independent Parking Adjudicator but lose your appeal, you will have to pay the penalty charge within 28 days of the Adjudicator's written decision.
- If you don't pay within 28 days of the Adjudicator's written decision the Council may send you a document called a "Charge Certificate". This will increase the penalty charge by a further 50% and you will have 14 days to pay this increased charge.
- If you don't pay the increased amount within 14 days the Council may apply to register the charge as a debt in the County Court. If this happens, further charges will apply. At this stage the Council will send you two documents; a Notice of Debt Registration and a Statutory Declaration form. You should complete the latter only if you can show that an earlier, crucial stage in the

enforcement process has been missed out.

- A statutory declaration has to be witnessed and signed by a Justice of the Peace or a Commissioner for Oaths (solicitor). You may need to pay a small charge for this service. You should then send this form to the County Court. If the Court allows the statutory declaration it will be sent to the Council. What happens next depends on what ground you chose on the form.
- If you do not pay the amount due or make a successful statutory declaration, the Council may apply to the County Court for a "Warrant of Execution". This will usually be passed to certificated bailiffs who are entitled to recover the debt, plus their own charges, direct from you.

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