

# Private parking fines

A guide from Alphabet





## A guide to laws, fines and processes surrounding private parking

### **Protection of Freedoms Act**

The 2012 Protection of Freedoms Act (POFA) made it illegal to immobilise vehicles, using clamps or other techniques, on private land in England and Wales. However, it gave private parking operators a legal right to the payment of parking charges from the registered keeper of a vehicle whenever a driver parks on private land without paying the relevant charges.

### **British Parking Association Code of Practice**

In 2007, the British Parking Association (BPA) set up their Approved Operator Scheme (AOS) for members who work in parking enforcement services on private land or in unregulated public car parks.

In October 2012, they introduced a Code of Practice by which their members must operate. Copies of this code can be accessed from the [BPA website](#).

### **Parking enforcement notices**

Parking enforcement on private land is often outsourced to third parties by the owners of the land, such as supermarkets and large shopping centres. The type of enforcement notice given generally takes one of two forms:

- 1 A breach of contract between the driver and the landowner or their nominated agent.

The terms and conditions for parking are generally displayed to users of the car park on signage in the area. By parking in the facilities, the driver accepts the displayed terms and conditions and so forms a contract with the landowner/private parking operator.

If this contract is broken, for example by a driver overstaying a time limit or occupying a space reserved for specific users; the landowner or nominated parking enforcement agent can legally obtain the registered keeper's details from the DVLA and issue a parking charge notice.

- 2 A trespassing matter between the landowner and alleged offender

If you park on private land without permission from the landowner, under the law of torts, they can seek to receive compensation or damages.

### **What action will Alphabet take upon receiving a parking enforcement notice?**

As the registered keeper of the vehicle, any charge notices are sent from the enforcement agent directly to us.

On receipt of a private parking charge (also known as a 'notice to keeper', 'parking charge notice' or 'enforcement notice'), we have the following options:

- Transfer liability to the customer who was leasing or renting the vehicle at the time (if the parking authority allows).
- Pay the charge in full
- Report the vehicle as sold or stolen (if applicable)

Unless you have instructed us otherwise, when we receive a parking enforcement notice we'll transfer the liability for the charge to you. The parking enforcement agent will then contact you directly so you can choose to settle the fine or appeal it.

If the parking authority doesn't allow us to transfer liability, we'll forward you the first notification we receive. However, if we're sent a second notification (often for an increased amount), then we'll pay the charge in full to prevent further escalation and pass that charge on to you. We may charge an administration fee for doing this. Therefore, please ensure you keep us informed of any changes to your email or postal address.

### **How to appeal a Parking Charge Notice**

Instructions for how to appeal any charges can be found within the notification. We recommend sending your appeal in writing, via registered or tracked delivery, including any supporting evidence where applicable. If the enforcement agent has a website, you can find out more information on their appeals process there.

### **Unhappy with the result?**

Should you be dissatisfied with the result of your appeal, you can sometimes appeal it further via Parking on Private Land Appeals (POPLA). For more information on POPLA, visit [www.popla.org.uk](http://www.popla.org.uk).

### **More information**

The following websites provide useful information on Private Parking in the UK:

British Parking Association  
[www.britishparking.co.uk](http://www.britishparking.co.uk)

British Parking Association Approved Operator Scheme [www.britishparking.co.uk/Initiatives/AOS](http://www.britishparking.co.uk/Initiatives/AOS)

Parking on Private Land Appeals (POPLA)  
[www.popla.org.uk](http://www.popla.org.uk)

British Vehicle Renting and Leasing Association  
[www.bvrla.co.uk](http://www.bvrla.co.uk)





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