

Legal Grounds for Challenging a Penalty Charge Notice (PCN)

These are the grounds you will find listed on the Notice to Owner form issued by the council. The same 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 this ground, you are legally obliged to supply 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. Remember, it is the owner of a vehicle who is liable to pay a Penalty Charge Notice (PCN), not the driver.

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

This ground for representation covers stolen vehicles and vehicles used without the owner's consent but which were not stolen. The latter category could apply, for example, to a vehicle taken by "joy riders". You will normally be expected to supply the council with a Crime Reference Number if you use this ground for representations.

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

This ground for representation covers 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 supply details of the hirer's name and address, ideally along with a copy of the signed hire agreement.

4. The alleged parking contravention did not occur.

This may include situations where a vehicle was exempt from the regulations for a particular reasons – for example, loading or unloading was taking place. Other circumstances where this ground may be valid include where a PCN was allegedly issued too early by the Parking Attendant or where a vehicle was allegedly displaying a valid permit, ticket, badge etc.

5. The penalty charge exceeded the relevant amount.

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

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

This is a technical ground of appeal that only applies if the Order has been found to be defective by the High Court.