

# 16. Frequently Asked Questions

## **1. What are the main laws relating to parking on private land in England and Wales, and the charges that can apply?**

A driver who is invited to park on private land and pay a fee does so under a contract with the landholder. Any terms and conditions which either party wishes to enforce against the other are therefore be subject to the laws of contract. Where a car parks on land where parking is not invited, the laws relating to trespass may apply.

A parking contract must set out the terms that apply, including the fees payable. It must also clearly set out the charges that apply if the terms of the contract are broken – for example, by parking for longer than the time paid for.

Charges for breaking a parking contract must be reasonable and a genuine pre-estimate of loss. This means charges must compensate the landholder only for the loss they are likely to suffer because the parking contract has been broken. For example, to cover the unpaid charges and the administrative costs associated with issuing the ticket to recover the charges. Charges may not be set at higher levels than necessary to recover business losses and the intention should not be to penalise the driver.

If the terms and conditions of parking contracts seek to impose charges for different types of breaches (eg for straddling two bays compared to overstaying in one bay), or for the same breaches in different car parks, consideration should be given to whether the level of loss is likely to vary accordingly.

Schedule 4 also provides for parking charges in England and Wales to be recoverable from the registered keeper where a person trespasses on private land by parking a vehicle on the land without permission. In those circumstances a landholder must be able to show he or she has suffered a loss and justify the damages they are seeking to recover for the trespass.

## **2. What appeals arrangements will be available and how will they work?**

See “Appeals” section.

The Government has made it a condition of bringing Schedule 4 into force that an independent appeals service (IAS) must first be brought into force covering all tickets issued on private land by members of an Accredited Trade Association. The independent appeals service is called Parking on Private Land Appeals (POPLA), and begins operating on 1 October 2012. POPLA operates on the following basis: