



Parking fines and parking charges

You should check first whether you have received a parking fine on public land or a parking charge on private land as the rules are different.

Parking fines on public land

If you park on a **public road** and don't follow the parking restrictions, you could have to pay a parking fine. A parking fine is officially called a **fixed penalty** or **penalty charge**. The rules about fixed penalties and penalty charges depend on the policy of the local authority where you parked. In many local authorities, parking is not a criminal matter and the council, not the police, is responsible for fixed penalties and penalty charges. But in some areas, if you don't follow the parking rules, this is a criminal matter and the police and courts are responsible for fixed penalties and penalty charges.

Fixed penalties and penalty charges if the police are responsible

If you commit a parking offence, a police officer or traffic warden can fix a penalty notice to your vehicle. The details of the offence will be on the notice.

If you accept that you committed the offence, you can pay the amount they ask for. If you pay within a certain time period, the amount you have to pay is reduced. The notice will tell you how and when to pay.

If you did commit the offence but don't pay within the correct period, you'll be sent a '**notice to owner**', reminding you to pay. If you don't pay within the correct period of time, the amount you must pay will be increased by a further 50%. It will be registered as a criminal matter and **you could get sent to prison if you don't pay up**.

If you don't agree that you committed the offence, you can opt for a court hearing by filling in Part III on the reverse of the penalty notice and returning it to the address provided. You will then receive a summons to attend court.

If you weren't the owner of the vehicle when it was illegally parked, you can send in a statement, called a statutory declaration, to say you are not the owner. In this case, you won't have to pay up.

Fixed penalties and penalty charges if the local authority is responsible

If you park where you shouldn't, a local authority civil enforcement officer can fix a penalty notice to your vehicle or hand it to you. The details of what you have done wrong will be on the notice.

If you accept you were in the wrong, you can pay the amount they ask for. If you pay within a certain time period, the amount you have to pay is reduced. The notice will tell you how and when to pay.

If you don't agree that you were in the wrong, you can appeal to the local authority. The penalty notice will tell you how to appeal and the time limits. You might want to appeal because:



- you weren't the owner of the vehicle when it was wrongly parked. You'll have to provide proof of this, for example, a receipt and a copy of the DVLA registration form
- meter time had not expired, so you weren't illegally parked
- your vehicle had broken down, so you weren't illegally parked
- you were legally loading or unloading your vehicle. Your evidence could include a garage receipt or delivery note.

The local authority must consider your case and tell you whether it accepts or rejects your appeal. If it accepts your appeal, it will cancel your penalty notice. If it rejects your appeal, it must send you a **notice of rejection**. You should also be sent details of how to make a further appeal to the Scottish Parking Appeals Service (SPAS). For contact details of the Scottish Parking Appeals Service, see under [How to appeal](#).

If you don't appeal and you don't pay, you'll be sent a '**notice to owner**', reminding you to pay. If you don't pay within the correct period of time, you'll be sent a **charge certificate** and the amount you must pay will be increased by a further 50%. You will have to pay the local authority, but you won't have committed a criminal offence.

If you don't pay within the correct time period, the local authority can register the debt with the court without a court hearing, and recover the charge using sheriff officers.

How to appeal

Scottish Parking Appeals Service

You can appeal to the Scottish Parking Appeals Service (SPAS) against a Penalty Charge Notice issued anywhere in Scotland by a local authority that has rejected your appeal directly to them.

10 Waterloo Place
Edinburgh
EH1 3EG
Tel: 0131 221 0409
Fax: 0131 229 7189

Parking charges on private land

If you **park on private land** without permission (or stay longer than you paid for, for example, in a shop car park), you might get sent a notice telling you to pay a parking charge. This might look like an official fixed penalty but it isn't one. It's a notice that they intend to take you to the civil court, and will offer to let you pay the charge to settle the case out of court. **This isn't a criminal matter**. If you get one of these notices, get advice from a Citizens Advice Bureau.

You can also look on the website of the British Parking Association which acts as a trade association for companies that carry out parking enforcement activities on private land. Members of the Association must comply with a Code of Practice on the issuing of parking fines. It covers issues like the need for clear signs and information in car parks. You can find the Code of Practice on the website at www.britishparking.co.uk. Wheel-clamping on private land is illegal in Scotland.

www.adviceguide.org.uk

Copyright © 2002-2014 Citizens Advice. All rights reserved
Registered charity no: 279057 Company no: 1436945 England



Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. Find your nearest CAB at www.cas.org.uk or check in your phone book.

Other information on Adviceguide which might help

- [Help with debt fact sheet](#)
- [Budget sheet](#)
- [What happens if you are taken to court for money you owe](#)

Last updated: 5 September 2014

This fact sheet is reviewed on a monthly basis. The law changes frequently. To confirm you are looking at the most up-to-date version, download the fact sheet from www.adviceguide.org.uk or contact your local Citizens Advice Bureau.

Produced by [Citizens Advice Scotland](#) (Scottish charity number SC016637), an operating name of The Scottish Association of Citizens Advice Bureaux. This fact sheet provides general information only and should not be taken as a full statement of the law.