

SCHEDULES

SCHEDULE 4

RECOVERY OF UNPAID PARKING CHARGES

Hire vehicles

- 14 (1) If—
- (a) the creditor is by virtue of paragraph 13(2) unable to exercise the right to recover from the keeper any unpaid parking charges mentioned in the notice to keeper, and
 - (b) the conditions mentioned in sub-paragraph (2) below are met,
- the creditor may recover those charges (so far as they remain unpaid) from the hirer.
- (2) The conditions are that—
- (a) the creditor has within the relevant period given the hirer a notice in accordance with sub-paragraph (5) (a “notice to hirer”), together with a copy of the documents mentioned in paragraph 13(2) and the notice to keeper;
 - (b) a period of 21 days beginning with the day on which the notice to hirer was given has elapsed; and
 - (c) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.
- (3) In sub-paragraph (2)(a) “the relevant period” is the period of 21 days beginning with the day after that on which the documents required by paragraph 13(2) are given to the creditor.
- (4) For the purposes of sub-paragraph (2)(c) a vehicle is to be presumed not to be a stolen vehicle at the material time, unless the contrary is proved.
- (5) The notice to hirer must—
- (a) inform the hirer that by virtue of this paragraph any unpaid parking charges (being parking charges specified in the notice to keeper) may be recovered from the hirer;
 - (b) refer the hirer to the information contained in the notice to keeper;
 - (c) warn the hirer that if, after the period of 21 days beginning with the day after that on which the notice to hirer is given, the amount of unpaid parking charges referred to in the notice to keeper under paragraph 8(2)(f) or 9(2)(f) (as the case may be) has not been paid in full, the creditor will (if any applicable requirements are met) have the right to recover from the hirer so much of that amount as remains unpaid;
 - (d) inform the hirer of any discount offered for prompt payment and the arrangements for the resolution of disputes or complaints that are available;
 - (e) identify the creditor and specify how and to whom payment may be made; and

Status: This is the original version (as it was originally enacted).

- (f) specify the date on which the notice is sent (if it is sent by post) or given (in any other case).
- (6) The documents mentioned in sub-paragraph (2)(a) must be given by—
- (a) handing them to the hirer;
 - (b) leaving them at an address which is either—
 - (i) an address specified in the statement of liability mentioned in paragraph 13(2)(c) as an address at which documents may be given to the hirer; or
 - (ii) an address at which documents relating to civil proceedings could properly be served on the hirer under Civil Procedure Rules; or
 - (c) sending them by post to such an address so that they are delivered to that address within the relevant period for the purposes of sub-paragraph (2)(a).
- (7) In sub-paragraph (5)(d) the reference to arrangements for the resolution of disputes or complaints includes—
- (a) any procedures offered by the creditor for dealing informally with representations by the hirer about the notice or any matter contained in it; and
 - (b) any arrangements under which disputes or complaints (however described) may be referred by the hirer to independent adjudication or arbitration.