

PENALTY CHARGE NOTICES (parking tickets)

This sheet applies to notices issued on behalf of local authorities. You should always deal with these promptly to avoid incurring extra charges and possibly bailiff action. Note that if you are the 'registered keeper' of a vehicle you are liable for parking penalties even if someone else was driving at the time.

Payments received within 14 days of the date of issue are discounted by 50%. If you cannot afford to pay the penalty charge contact the council promptly and ask for time to pay or to discuss your options.

If you do not pay the penalty charge, the council will issue a 'notice to owner' to the registered keeper. At this stage you can make representations to the council and, if appropriate, appeal to the Parking Adjudicator. A period of 28 days is allowed following the issue of a 'Notice to Keeper' (or after an appeal or representation has been refused) during which the charge must be paid. After this period the council can issue a charge certificate, increasing the penalty by an additional 50%.

If the charge is not paid after a further 14 days the council can apply to the Traffic Enforcement Centre (TEC) at Northampton county court for an order of recovery. Court costs are added but the penalty charge is not registered as a county court judgment. Nor is information passed to credit reference agencies. At this stage you will have the opportunity to make a 'statutory declaration' against the penalty but only on limited, procedural grounds, not on grounds of inability to pay.

If you do not pay within a further 21 days the council can apply for a warrant of execution. This means that bailiffs will call to collect the amount outstanding. Bailiffs will add costs which will quickly mount up.

If you cannot pay the bailiffs they will try to obtain goods to satisfy the debt and will already know the registration of the car which will therefore be at risk.

Bailiffs do not usually agree to accept small amounts due to the time it would take for them to collect the total. However it is worth making an offer, in writing, to pay them an affordable amount weekly or monthly. Keep a copy. If they do not accept, at least you have proof for later that you co-operated and tried to pay what you could.

Do not be persuaded to make an offer of payment to them that you can't afford.

If you do make a payment make sure you get a receipt and that you check how much you still owe. Bailiffs often take their costs first out of your payments.

If the bailiffs are not able to enter your property and take goods to the value of the fine and costs (or if there are no goods of enough value to pay the whole amount) the case will be returned to Bristol City Council. For written or telephone enquiries, contact:

Parking Services
Bristol City Council
PO Box 480
Bristol BS99 7AE

Parking hotline: 0117 922 2198
(8.30am to 5.00pm, Monday to Friday).

E-mail: parking.services@bristol.gov.uk
Fax: 0117 922 3393.

PENALTY CHARGE NOTICES (parking tickets)

Rights of Entry for Bailiffs

- Private bailiffs collecting a penalty charge do not have the right to forcibly enter your home unless they already have a "levy" on your goods (see below).
- Please note - if a door is unlocked or a window is left open and bailiffs get in without forcible entry, you cannot stop them taking a levy and/or removing goods.
- Bailiffs are able to take a levy and/or remove goods that are outside or in an unlocked garage/shed (e.g. a car or garden tools).
- The police can only be involved if the bailiffs feel that a breach of the peace may occur. Any police role would only be to prevent a breach of the peace and the police cannot assist the bailiffs in forcing entry or seizing goods.

What is a "Levy"?

If bailiffs are allowed into your property, they can make a list of 'non-essential' goods that they think will be sufficient to be sold at auction to clear your debt. This is called "taking a levy".

Once bailiffs have taken a levy, you lose the right to refuse them entry over the debt for which the levy was taken. So they can return to remove the goods which have been levied for sale at auction and if necessary force entry to do so.

You are not allowed to sell or dispose of goods on which a levy has been placed.

IMPORTANT:

Bailiff action is a complex area of law. The information given above is only a summary and you should obtain further advice if you are in any doubt about your rights.

This factsheet is only an overview. Do not rely on it as a complete statement of law.