

NPAS CIRCULAR

PENALTY CHARGE NOTICE (“PCN”) EVIDENCE

There appears to be widespread misunderstanding of the requirement of Regulation 4(2) of The Road Traffic (Parking Adjudicators) (England and Wales) Regulations 1999. Compliance with this requirement has been of concern to the Adjudicators for some time and it is important that all councils recognise and understand the provisions.

Regulation 4(2) provides that upon receipt of a copy of a Notice of Appeal the local authority must deliver to NPAS a copy of the relevant charge notice. Some councils produce a facsimile of the original PCN which is helpful, especially since the council evidence must be served on an appellant. Facsimile PCNs should include a computer produced entry that it is a duplicate. The computer record itself is acceptable evidence provided the data has not been altered during the case progression.

The key requirement is that it must show the exact information appearing on the original Penalty Charge Notice served on the motorist, nothing more and nothing less.

It must also be clearly identified as being a copy of the PCN. There is no objection to other information being included on the same sheet of paper provided that the copy PCN is clearly separated and identified.

Adjudicators note that the requirement is frequently not complied with. Local authorities commonly supply documents on which the PCN information is intermixed with other information that would not have appeared on the PCN. This does not meet the requirements of the Regulation. It also requires the Adjudicator to draw inferences about what was on the PCN. It is not for the Adjudicator to do so; it is for the local authority to comply plainly and unequivocally with the requirements of the Regulation.

Failure by councils to comply with these requirements is likely to lead to appeals being allowed because of the council's failure to comply with its obligations under the Regulation. Many councils produce a “duplicate” PCN in their evidence pack. This is the preferred method of submitting the copy PCN since appellants also receive the packs of evidence and it is sensible for them to see the PCN in the basic and original format.