

## **NPAS CIRCULAR**

### **SERVICE OF THE NOTICE TO OWNER**

Section 7 of the London Local Authorities Act 2000 prohibits the service of a Notice to Owner (NtO) more than six months after the date of issue of the Penalty Charge notice (“PCN”), except in clearly defined circumstances such as when a second or third NtO has to be issued, perhaps as the result of an ownership update. In such cases the gap between the previous and subsequent NtO must still not be greater than six months. A copy of Section 7 is enclosed. Councils may be aware that the Department for Transport is currently consulting about whether to apply the six month time bar to councils in England and Wales.

Whilst this legislative requirement applies only to the 33 London boroughs at present, NPAS adjudicators are always concerned where a Notice to Owner has been sent after a delay of six months or longer. While each individual case must of course be considered on its merits, adjudicators are likely to take into account delay in sending any NtO, particularly where the position of the appellant has been prejudiced as a result.

Most would agree that sending out the Notice to Owner many months after a Penalty Charge has been issued is unsatisfactory to all parties. For example, it greatly reduces the ability of the motorist to enjoy any recollection of events on the day and relevant evidence may be lost or destroyed. We must also recognise that in a number of cases the Notice to Owner will be the first the motorist knows of the alleged contravention. There may be a number of reasons why councils suffer delays, such as problems with IT systems, DVLA returns or lack of staff, but these are not matters that the adjudicator can take into account when assessing the effect that a delay in service of the NtO may have had upon the appellant.