

PERTH AND KINROSS COUNCIL

The Environment Service

Parking Services

PCN Cancellation Policy

1. Introduction

Motorists in receipt of a Penalty Charge Notice (PCN) are legally entitled to challenge a Notice if they believe that a legal exemption applies. The process for this is detailed on the PCN itself. Any motorist challenging a PCN should ensure that they provide full details of the reason for their challenge, with supporting evidence where appropriate.

2. Legislation

The 1991 Road Traffic Act sets out 6 legal grounds under which a driver can make a representation against the issue of a PCN. A Local Authority will fully consider any representation if the conditions of any of these grounds are met;

1. The Appellant was not the driver/owner/keeper at the time of the contravention.*
2. The contravention did not occur.
3. The vehicle was taken without the owner's consent.
4. The Traffic Regulation Order was invalid.
5. The owner is a vehicle hire firm which has supplied the hirer's details.
6. The Penalty Charge exceeded the relevant amount.

** The Appellant must provide proof of sale/purchase or a copy of the DVLA registration form. The Appellant must also supply the name and address of the person who bought or sold the vehicle and the date of sale or purchase.*

The circumstances under which the PCN was issued will be investigated and if any of the above applies then the PCN will be cancelled. In the case of a vehicle hire company which has supplied the hirer's details, or proof is received of a transfer of ownership, the responsibility for the PCN will then transfer to the named individual.

3. Mitigation

Alongside the legal grounds for challenging a PCN, Local Authorities will consider any relevant mitigating factors presented by the Appellant. Some of the possible mitigating factors are as follows;

- Vehicle broken down
- Vehicle stolen
- Driver taken into custody
- Medical reason
- Emergency hospitalisation
- Faulty signs or lines
- Pay and Display machine fault
- Driver was loading / unloading

The above list is not exhaustive. Each case will be determined on its own merits and may, exceptionally, be upheld due to circumstances not listed above”.