

Consumer Protection (Private Car Parks) Bill

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TO

Make provision relating to the licensing of charging, publicly-available, privately-owned car parks; to require local authorities to introduce a licensing system for such car parks; to enable local authorities to recover the costs of such a licensing scheme from car park operators; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Duties of the Secretary of State

- (1) The Secretary of State must, within a period of twelve months beginning with the day on which this Act is passed, require local authorities in England to introduce a licensing scheme for charging, publicly-available, privately-owned car parks. 5
- (2) In this Act—
 - a “charging, publicly-available” car park means a car park where a consumer must pay a monetary amount for the use of space on a privately-owned, normally publicly-available premises for the purpose of parking a motor vehicle; 10
 - “private parking operator” means an operator of a charging, publicly-available car park.
- (3) The requirements on local authorities under subsection (1) must be set out in regulations made by the Secretary of State by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament. 15
- (4) The regulations must include—
 - (a) the criteria which private parking operators must satisfy to acquire a licence, to include but not be limited to commitments to—
 - (i) impose only fixed penalty charges in accordance with the licensing scheme, 20
 - (ii) not send correspondence which a reasonably-minded person would consider intimidating or threatening, and

- (iii) clearly display terms and conditions at each car parking site,
- (b) the maximum level of fixed penalty charges which can be imposed under the licensing scheme,
- (c) provision for the costs incurred by each local authority in setting up and administering the licensing process to be recovered by a levy on private parking operators operating within that local authority area, 5
- (d) provision for local authorities to permit exemptions from the licensing scheme,
- (e) details of the penalties which should apply to any non-licensed private parking operator which— 10
 - (i) issues penalty charge notices,
 - (ii) charges fees for individuals to park their vehicle, or
 - (iii) acquires vehicle registration details from the Driver and Vehicle Licensing Agency for the purpose of issuing penalty charge notices or charging fees, including third party operators requesting such details through a fully-licensed private parking operator, and 15
- (f) the maximum period for which a licence will be valid.
- (5) The regulations may also include— 20
 - (a) related consequential, saving, transitory or transitional provision, and
 - (b) any other related provision considered necessary by the Secretary of State.

2 Financial provisions

- (1) *There is to be paid out of money provided by Parliament any expenditure incurred in consequence of this Act by a Minister of the Crown, government department or other public authority.* 25
- (2) *There shall be paid into the Consolidated Fund any sums received by a Minister of the Crown by virtue of this Act.*

3 Short title, commencement and extent

- (1) This Act may be cited as the Consumer Protection (Private Car Parks) Act 2011. 30
- (2) This Act comes into force on the day on which it is passed.
- (3) This Act extends to England and Wales only.

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*Ordered to be brought in by
Henry Smith, Mr Mark Williams,
Anne Marie Morris, Gareth Johnson
and George Eustice.*

*Ordered, by The House of Commons,
to be Printed, 30 November 2010.*

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