

CLAMPING

– two frequently asked questions on clamping in a Pay and Display surface car park - answered.

I was clamped in a Pay & Display surface car park and had to pay a fee for the release of my car. Is this legal?

Yes this is legal provided there are clear signs in the car park advising motorists of the terms and conditions under which they use the car park.

Motorists should expect at a minimum to see large signs throughout the car park and clearly visible to inbound motorists advising that

- it is a P&D car park and all motorists are required to purchase a permit and display a current valid permit at all times while parked in the car park
- clear warning that failure to comply may result in your vehicle being clamped
- drivers of clamped vehicles will be required to pay a specified clamp release fee before clamps will be removed
- clamp release payments may only be made via telephone using a major credit or Laser card
- while every effort will be made to release clamps within a reasonable time (e.g. 60 minutes) of completion of the payment process that delays of up to 2 hours may be unavoidable
- whether or not the car park offers an appeals procedure for clamped motorists

The signs should provide the name and contact telephone numbers for the car park operator/manager and/or the parking enforcement contractor. Can I appeal the clamping of my car in a P&D surface car park?



The signs in the car parks clearly identify the management company for the particular car park location. You should gather all of the evidence to support your appeal including copies of permits, photographs of signs etc and write to them setting out your case. Set out your case in clear concise English. Avoid any temptation to vent your unhappiness. Focus on clear logical reasons as grounds of appeal e.g. P&D machine failed, tickets were mis-printed, machine refused to accept coins, signs were obscured/damaged/illegible, warden failed to see permit on dashboard etc.

If you write directly to the property owner they will refer the appeal to the car park management company so you are best advised to start with them. Keep copies of all correspondence.
