



# Transport (Scotland) Act 2019

## 2019 asp 17

### PART 8

#### RECOVERY OF UNPAID PARKING CHARGES

##### *Hire vehicles*

#### **104 No right to recover from vehicle-hire firm**

- (1) This section applies in the case of parking charges incurred in respect of the parking of a vehicle on relevant land if—
  - (a) the vehicle was at the time of parking hired to any person under a hire agreement with a vehicle-hire firm, and
  - (b) the keeper has been given a notice to keeper within the period mentioned in section 99(4) or 100(4) (as the case may be).
- (2) The creditor may not exercise the right under section 95 to recover from the keeper any unpaid parking charges specified in the notice to keeper if, within the period of 28 days beginning with the day after that on which that notice was given, the creditor is given—
  - (a) a statement signed by or on behalf of the vehicle-hire firm to the effect that at the material time the vehicle was hired to a named person under a hire agreement,
  - (b) a copy of the hire agreement, and
  - (c) a copy of a statement of liability signed by the hirer under that hire agreement.
- (3) The statement of liability required by subsection (2)(c) must—
  - (a) contain a statement by the hirer to the effect that the hirer acknowledges responsibility for any parking charges that may be incurred with respect to the vehicle while it is hired to the hirer,
  - (b) include an address given by the hirer (whether a residential, business or other address) as one at which documents may be given to the hirer,(and it is immaterial whether the statement mentioned in paragraph (a) relates also to other charges or penalties of any kind).

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*Status: This is the original version (as it was originally enacted).*

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- (4) A statement required by subsection (2)(a) or (c) must be in such form as the Scottish Ministers may by regulations prescribe.
- (5) The giving of documents referred to in subsection (2) must be by such means as the Scottish Ministers may by regulations prescribe.
- (6) In this section—
  - (a) “hire agreement” means an agreement which—
    - (i) provides for a vehicle to be let to a person (“the hirer”) for a period of any duration (whether or not the period is capable of extension by agreement between the parties), and
    - (ii) is not a hire-purchase agreement within the meaning of the Consumer Credit Act 1974,
  - (b) any reference to the currency of a hire agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of any period specified in the agreement but otherwise on terms and conditions specified in it, and
  - (c) “vehicle-hire firm” means any person engaged in the hiring of vehicles in the course of a business.

## **105 Right to recover from hirer**

- (1) If—
  - (a) the creditor is by virtue of section 104(2) unable to exercise the right to recover from the keeper any unpaid parking charges mentioned in the notice to keeper, and
  - (b) the conditions mentioned in subsection (2) are met,
 the creditor may recover those charges (so far as they remain unpaid) from the hirer.
- (2) The conditions are that—
  - (a) the creditor has within the relevant period given the hirer a notice in accordance with subsection (5) (a “notice to hirer”), together with a copy of the documents mentioned in section 104(2) and the notice to keeper,
  - (b) a period of 21 days beginning with the day on which the notice to hirer was given has elapsed, and
  - (c) the vehicle was not a stolen vehicle at the beginning of the period of parking to which the unpaid parking charges relate.
- (3) In subsection (2)(a), “the relevant period” is the period of 21 days beginning with the day after that on which the documents required by section 104(2) are given to the creditor.
- (4) For the purposes of subsection (2)(c) a vehicle is presumed not to be a stolen vehicle at the material time, unless the contrary is proved.
- (5) The notice to hirer must contain such information as the Scottish Ministers may by regulations prescribe.
- (6) The giving of documents referred to in subsection (2)(a) must be by such means as the Scottish Ministers may by regulations prescribe.

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(7) In this section, “the hirer” means the person who is the hirer in relation to the vehicle as referred to in section 104.