



Transport (Scotland) Act 2019

2019 asp 17

PART 8

RECOVERY OF UNPAID PARKING CHARGES

Hire vehicles

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.

Status: This is the original version (as it was originally enacted).

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