

**ANNEX A: Proposed minor corrections/clarifications to the withdrawn code to be incorporated into the new government code\* Any chapter headings or paragraph number references are from the Withdrawn Code**

Reference	Current Text	Suggested Changes	Justification	Clarification Suggested by
Opening: Specific Regulations and Codes of Practice	<b>The General Data Protection Regulation 2016 (GDPR)</b>	<b>The Data Protection Act 2018</b>  <i>To note, all other references to GDPR throughout the Code to also be replaced with the Data Protection Act 2018</i>	The Data Protection Act 2018 achieved Royal Assent on 23 May 2018 and applies to the processing of personal data, which is information relating to individuals.	Motorist groups
Introduction	The introduction of Schedule 4 of The Protection of Freedoms Act 2012 created a legal basis to claim unpaid parking charges from vehicle keepers and hirers in England and Wales <b>as though they were the driver.</b>	The introduction of Schedule 4 of The Protection of Freedoms Act 2012 created a legal basis to claim unpaid parking charges from vehicle keepers and hirers in England and Wales.	Legislative position misrepresented.	Motorist groups
Introduction	Operators will be expected to fully adhere to the new Code by the end of <b>2023</b>  We will review the Code of Practice within two years of it coming into force <b>by the end of 2023.</b>	Operators will be expected to fully adhere to the new Code by <b>[end of the transition period date to be inserted here once date for Code introduction is confirmed]</b> .  Government will review the Code of Practice within two years of it coming into force.	Date references will need to be changed throughout the Code.	MHCLG
1. Scope	This Code of Practice specifies requirements for the operation and management of	<b>1. Scope: Consider re-drafting as follows:</b>  This Code of Practice specifies requirements	MHCLG's rationale for using the term 'controlled land' in the Code was to	MHCLG and Motorist groups

	<p>private parking by companies engaged in managing activities <b>on four categories of controlled land:</b></p> <ul style="list-style-type: none"> <li>- <b>Public Use Car Parks – land/premises where the parking of vehicles by members of the public is invited, subject to such terms and conditions as may apply;</b></li> <li>- <b>Private Use Car Parks – land/premises where the parking of vehicles is not openly available to the public, but is permitted for a defined set of vehicles, for example those driven by the employees and/or customers of a business, residents of a development, attendees of an event, or permitted visitors e.g. to a doctor's surgery;</b></li> <li>- <b>Short-stay areas – land/premises where the stopping of a vehicle is permissible for a limited period,</b></li> </ul>	<p>for the operation and management of private parking by parking operators engaged in managing activities on <b>relevant land.</b></p> <p><b>Relevant land has the meaning given by paragraph 3 of Schedule 4 to the Protection of Freedoms Act 2012, but in relation to Scotland it is as set out in section 10 (3) of the Parking (Code of Practice) Act 2019.</b></p> <p>While this Code of Practice is for use by any private parking operator, it is of interest to private parking trade associations, consumer and motoring organisations and landowners.</p> <p>This Code of Practice does not apply to the management of on-street parking on public highways. Nothing in this Code of Practice overrules the provisions and enforcement of byelaws.</p> <p>This Code applies in England, Scotland and Wales.</p> <p>[Wording not to appear in the Code but for information - We propose removing the use of controlled land in the withdrawn Code exclusively. We will</p>	<p>capture Scotland as the definition of 'relevant land' under paragraph 3(3) of schedule 4 to Protection of Freedoms Act 2012 (PoFA) does not apply to Scotland. However, this issue is covered by s10(3) of the 2019 Act.</p> <p>Removal of reference to Civil Enforcement of Parking Contraventions (England) General Regulations 2007 due to since being superseded by other regulations.</p> <p>Simplification of sentence regarding byelaws to provide greater clarity.</p> <p>The word companies replaced by parking operators for consistency with the remainder of the Code and to ensure that the Code applies to all types of parking operators, not just companies.</p>	
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	<p><b>for example at airport and railway station drop-off and pick-up zones, but parking as defined in Clause 2 below is not; and</b></p> <ul style="list-style-type: none"> <li>- <b>Prohibited parking areas – controlled land where parking restrictions apply, for example where public parking is not invited, or on roads within airport perimeters where neither parking nor stopping is permitted.</b></li> </ul> <p><b>However, it is important to recognise that within these broad definitions of land/premises different terms and conditions may apply e.g. there might be bays reserved for Blue Badge parking, areas reserved for loading bays, restricted permit-holder only bays etc.</b></p> <p>While this Code of Practice is for use by any private parking operator, it is of interest to private parking trade</p>	<p>review each instance of controlled land in the withdrawn Code to ensure consistency of terminology.]</p>		
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	<p>associations, consumer and motoring organisations and landowners.</p> <p>This Code of Practice does not apply to the management of on-street parking on public highways <b>or where the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 apply.</b> Nothing in this Code of Practice overrules the provisions and enforcement of byelaws <b>where they apply.</b></p> <p>This Code applies in England, Scotland and Wales.</p>			
2. Terms and definitions	<p>2.31 relevant land:</p> <p>Any land (including land above or below ground level) other than:</p> <p>(a) a highway maintainable at public expense (within the meaning of section 329(1) of the Highways Act 1980;</p> <p>(b) a parking place which is provided or controlled by a traffic authority;</p>	<p><b>This Code of Practice specifies requirements for the operation and management of private parking by parking operators engaged in managing activities on relevant land.</b></p> <p><b>Relevant land has the meaning given by paragraph 3 of Schedule 4 to the Protection of Freedoms Act 2012, but in relation to Scotland it is as set out in section 10 (3)</b></p>	<p>Definition has been made so that it is consistent with s10(3) of Parking (Code of Practice) Act 2019 .</p> <p>The word companies replaced by parking operators for consistency with the remainder of the Code and to ensure that the Code applies to all types of parking operators, not just companies.</p>	MHCLG

	<p>(c)any land (not falling within paragraph (a) or (b)) on which parking a vehicle is subject to statutory control</p> <p>Relevant land may include land where parking is offered subject to terms and conditions, land where parking is limited to certain categories of driver and/or vehicle, or land where parking is discouraged.</p>	<b>of the Parking (Code of Practice) Act 2019.</b>		
2. Terms and definitions	<p>2.23 Definition of parking operator:</p> <p>A person who is for the time being entitled to recover unpaid parking charges from the driver of the vehicle, the creditor, on controlled land</p>	<p><b>a. a person who provides, operates or manages private parking facilities and is entitled to seek to recover unpaid parking charges from the driver, keeper or hirer of the vehicle, and/or:</b></p> <p><b>b. where they are instructed, third parties acting on behalf of a parking operator as defined in a) such as (but not limited to) debt recovery agencies and law firms.</b></p>	Changed to reflect the fact that the term “parking operator” as defined in the Code should, where appropriate, also include third parties acting on behalf of operators.	MHCLG
3. Signs and surface markings	<p>3. Signs and surface markings</p> <p>Operators’ attention is also drawn to existence of best practice guidance as contained in the <b>Surveillance Camera Code of</b></p>	Operators’ attention is also drawn to existence of best practice guidance as contained in the <b>Surveillance Camera Code of Practice</b> <i>[remove hyperlink]</i> , and the mandatory requirements of	<p>Guidance may change in the future thereby invalidating link.</p> <p><b>The Data Protection Act 2018</b> adapted the GDPR into UK domestic law.</p>	BPA, IPC, motorist groups and MHCLG

	<b>Practice</b> , and the mandatory requirements of the , where CCTV or ANPR cameras are deployed.	the <b>Data Protection Principles and the overarching Data Protection Act 2018.</b>		
3. Signs and surface markings	Clause 3.1.2  b) <b>whether</b> payment is required, or whether free parking is only available for a limited period	b) <b>if</b> payment is required, or whether free parking is only available for a limited period	Removes the need to mention payment if payment is not required.	BPA and IPC
4. Accessible parking	Clause 4.4  In designing accessible bays for Blue Badge holders parking operators must have regard to their duties under the Equality Act 2010 and should make the landowner aware of the best practice guidance that exists, <b>including British Standards BS 8300-1, Design of an accessible and inclusive built environment – Part 1: External environment - Code of Practice, and BS 8300-2, Design of an accessible and inclusive built environment – Part 2: Buildings - Code of Practice.</b>	Text changed in single Industry Code to remove reference to British Standards BS 8300-1, Design of an accessible and inclusive built environment.  Proposal to maintain the full text found in the Withdrawn Code	Highlighted text provides helpful reference to relevant standards.	MHCLG
6.3 Keying errors	Clause 6.3 Note 2:  Attention is drawn to the restrictions on the pursuit of parking charges in no	<i>Removed</i>	Delete reference as not relevant to section relating to keying errors	BPA and IPC

	stopping zones at Annex F.2: reasons for consent being granted to enforce no stopping restrictions may include security concerns e.g. Airport land.			
4. Accessible parking	Where parking is being provided as a service, parking operators need to have regard to the obligations placed upon them by the Equality Act 2010 and the <b>EHRC statutory code</b> , in particular to make reasonable adaptations to accommodate disabled people.	<i>Link to EHRC Statutory Code is broken and needs updating</i>	Link broken.	MHCLG
5.3 Prohibition on stopping	Parking operators must only pursue parking charges in instances that could be interpreted as stopping if they have explicit consent to do so on evidenced security and safety grounds from their conformity assessment body.	Parking operators must only pursue parking charges in instances that could be interpreted as stopping if they have explicit consent to do so on evidenced security and safety grounds from their <b>Accredited Parking Association</b> .	Conformity Assessment Bodies do not provide consent. Their role is to certify that products, services, or processes meet specific requirements and standards (e.g.: requirements of the Code of Practice). It is, therefore, more appropriate for the Accredited Parking Association to consent to operators enforcing no stopping.	MHCLG
6.1 On-site payment and	Clause 6.1.2:	Amend F.3 (f) by adding the following	Inconsistency between Clause 6.1.2 and Annex	BPA and IPC

<p>Annex F.3 Appeals</p>	<p>Where payment machines are installed within the controlled land, the following information must be displayed on, or near (i.e. adjacent to), the payment machine:</p> <p>c) the consequences of a machine being unavailable, i.e. whether alternative payment methods are available, the location of alternative machines and whether inability to pay due to machine failure absolves the driver from making payment or whether inability to pay means the driver is not permitted to park and is required to leave within the appropriate consideration period.</p> <p>Annex F.3 (f) (Appeals - Mitigating Circumstances):</p> <p>f) where one or more payment machines were out of operation, no alternative payment options were available (e.g. by phone) and the driver could not reasonably be expected to have accessed machines on the controlled land that were still in operation.</p>	<p>wording to the end of the clause:</p> <p><b>This is unless information displayed on or near to the payment machine states that inability to pay due to machine failure means the driver is not permitted to park</b></p>	<p>F.3 (f). The proposed additional wording at Annex F.3(f) removes inconsistency.</p>	
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8.1 Design and language	<p>Clause 8.1.2:</p> <p>The parking operator must ensure that a notice of parking charge informs the recipient: ... b) whether the notice is being issued under Protection of Freedoms Act 2012 provisions;</p> <p>Clause 8.1.1 (note):</p> <p>If the notice of parking charge is not being issued under the provisions of the Protection of Freedoms Act 2012 it must not reference them</p>	<p>Amend clause 8.1.2 to:</p> <p>The parking operator must ensure that a notice of parking charge informs the recipient: ... b) <b>that</b> the notice is being issued under Protection of Freedoms Act 2012 provisions, <b>where this is the case</b>;</p>	Addressing inconsistency between 8.1.2(b) and 8.1.1(note).	BPA, IPC and motorist groups
8.3 Process for appealing a notice of parking charge and annex F.3 Appeals	<p>Clause 8.3.4:</p> <p>In considering appeals, the parking operator's process must provide for consideration of mitigating circumstances, with no presumption that these are to be accepted, in accordance with the considerations at Annex F.3.</p> <p>Annex F.3:</p> <p>In considering appeals parking operators must recognise the following as mitigating circumstances warranting</p>	<p>Annex F.3 text changed to:</p> <p><b>In considering appeals parking operators must consider the following as mitigating circumstances, subject to evidence being provided.</b></p>	<p>Clause 8.3.4 is inconsistent with Annex F.3. Amendment of F.3 brings it in line with Clause 8.3.4 and generally clarifies the government's intent.</p>	BPA and IPC

	cancellation of a parking charge, subject to evidence being provided.			
11. Complaints handling	<p>Clause 11.1:</p> <p>The parking operator must have and follow a documented policy and procedure to receive, evaluate, make and record its decisions on complaints in a non-discriminatory manner, in accordance with the requirements of the accredited parking association (including escalation where the complainant is dissatisfied) to which it belongs, published on its website, including the action a complainant can take where dissatisfied with the operator's determination of their complaint. Where complaints will only be considered if received in writing (hard copy or by e-mail) the parking operator must ensure that the address to which complaints are to be sent is readily available e.g. on signs and on the operator's website.</p>	<p>The parking operator must have and follow a documented policy and procedure to receive, evaluate, make and record its decisions on complaints in a non-discriminatory manner, in accordance with the requirements of the accredited parking association (including escalation where the complainant is dissatisfied) to which it belongs, published on its website <b>if it has one</b>, including the action a complainant can take where dissatisfied with the operator's determination of their complaint. Where complaints will only be considered if received in writing (hard copy or by e-mail) the parking operator must ensure that the address to which complaints are to be sent is readily available e.g. on signs and on the operator's website <b>if it has one</b>.</p>	<p>This change reflects the fact that some small operators do not have a website.</p>	MHCLG

Section 13: Professional standards	Section 13:  It is the responsibility of the parking operator to ensure that staff, agents and sub-contractors used are competent to carry out the tasks they are employed to do and to ensure they act in compliance with this PAS.	It is the responsibility of the parking operator to ensure that staff, agents and sub-contractors used are competent to carry out the tasks they are employed to do and to ensure they act in compliance with this <b>Code of Practice</b> .	PAS no longer applies once Code is in place.	MHCLG, BPA, IPC and motorist groups
13.2 Identification of parking attendants	Clause 13.2.1  Parking attendants must be provided by the parking operator for whom they are working with an ID card <b>to a design approved by their accredited parking association</b> which includes...	Parking attendants must be provided by the parking operator for whom they are working with an ID card which includes...	Conformity Assessment Bodies will be validating ID cards so no need for reference to “a design approved by their accredited parking association”.	BPA and IPC
15. Self-ticketing/self-reporting	Clause 15.1:  a) written evidence that those third parties have been certified by a Conformity Assessment Body and have read, understood and accepted the practice they should follow in accordance with this Code, including the professional standards in Clause 13; and	a) written evidence that those third parties have been <b>registered by an Accredited Parking Association</b> and have read, understood and accepted the practice they should follow in accordance with this Code, including the professional standards in Clause 13; and	There is no need to certify individual self-tickers as Conformity Assessment Bodies will be certifying organisations who oversee them. Moreover, self-tickers do not need the certificate as they are not members of APAs nor do they request the DVLA registered vehicle keeper data.	BPA and IPC and MHCLG
15. Self-ticketing/Self reporting	Section 15 heading:  15. Self-ticketing/self-reporting	<b>15. Self-ticketing</b>	“Self-reporting” has been removed. There are no self-reporting clauses	BPA and IPC and MHCLG

			in this section and self-reporting is not specific to self-ticketing.	
Annex B, Table B1	Annex B, Table B1: <i>Specifies grace period of 10 minutes for [very] short stay locations</i>	<i>Annex B, Table B1 amended to remove grace period for [very] short stay locations.</i>	Change corrects inconsistency and brings Table B1 in line with Section 5.2 of the Code.	MHCLG
Annex B1 – Footnote 1	In exceptional circumstances the design of the controlled land may be such that a shorter – less than 5 minutes- may be appropriate. In such cases the Conformity Assessment Body must give written approval to the period, record the rationale for that decision and notify the [scrutiny body].	In exceptional circumstances the design of the controlled land may be such that a shorter – less than 5 minutes- may be appropriate. In such cases the <b>Accredited Parking Association</b> must give written approval to the period, record the rationale for that decision and notify the [scrutiny body].	Conformity Assessment Bodies do not provide approvals. Their role of Conformity Assessment Bodies is to certify that products, services, or processes meet specific requirements and standards (e.g.: requirements of the Code of Practice). It is, therefore, more appropriate for the Accredited Parking Association to consider and approve exceptional circumstances where shorter than 5 minutes consideration period may be appropriate.	MHCLG
Annex E.3 Wording used by debt recovery agents (DRAs)	Annex E.3: ...excessive use of “County Court <b>judgement</b> ” (CCJ)	...excessive use of “County Court <b>judgment</b> ” (CCJ)	When using your own judgement there should be an E. For a legal context it is spelt judgment	Motorist groups
Bibliography	Links to Surveillance Camera CoP and the GDPR	<i>Remove link to surveillance camera guidance and replace GDPR reference with</i>	Links are now out of date	MHCLG and motorist groups

		<i>the Data Protection Act 2018</i>		
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Where these terms appear in the withdrawn Code, they have been replicated here, including any changes proposed in Annex A and should be read in this context. Any terms that do not appear in the withdrawn Code have been added here to assist the reader.