

## Information note for Public consultation for Vehicle Clamping Act 2015 (Appeals Procedure) Regulations 2024.

### Background

The regulation of parking controllers and clamping operators is carried out under the **Vehicle Clamping Act 2015** and the **Vehicle Clamping and Signage Regulations 2017**. Parking controllers and clamping operators are obliged to carry out clamping activities in compliance with this legislation. Vehicle clamping legislation is applicable in both statutory (public) and non-statutory (private) clamping places. The National Transport Authority (NTA) is the prescribed regulator in the Vehicle Clamping Act 2015.

Vehicle clamping regulation functions for NTA involve:

- Regulation of clamping activities;
- Administration of vehicle clamping appeals to independent clamping appeals officers; and
- Investigation of complaints.

The Vehicle Clamping Act 2015, under Section 19, established a right to appeal for any person whose vehicle has been clamped or relocated within a clamping place. The appeal mechanism is in two stages:

- In the first instance to the parking controller (Section 20), and
- Where not satisfied with the decision of the parking controller, to a clamping appeals officer within an appeal process prescribed and facilitated by NTA (Section 22).

It is the specific legal prescription, through regulation, under section 22, of the current appeal procedure to a clamping appeals officer that is the subject of this public consultation.

Section 22(1) sets out that:

*“An appeal may be made to a clamping appeals officer by a person, not later than 30 days after receipt of the determination of appeal by the parking controller concerned, and shall state the grounds of appeal.”*

In accordance with the Section 22(2) of the Vehicle Clamping Act 2015, the National Transport Authority may prescribe procedures for hearing and determining appeals in relation to Section 22(1) of the same Act.

The commencement of the relevant sections of the 2015 Act, together with the Vehicle Clamping and Signage Regulations 2017, was 1 October 2017. NTA published a set of procedures for appeals to a clamping appeals officer at that time. These procedures determine the process that is followed by parking controllers and people submitting appeals. These procedures have gone through iterative change, including simplification and digitisation. It has now been recommended to complete a public consultation to commence the process of prescribing these procedures at law through simple regulation. This is permitted under section 22(2) above.

In addition to introducing these regulations to prescribe the appeals procedure, NTA wishes to amend an existing regulation within the **Vehicle Clamping and Signage Regulations 2017**.

Under regulation 14 (b) and 14 (c) of these regulations, several payment methods are set out for the release of a clamp or relocated vehicle. The existing regulation states:

*“(b) A clamping operator or, as the case may be, a parking controller shall ensure that such payment may be made by not less than two of the following methods:*

*(i) payment card (such as credit card or debit card);*

*(ii) voucher payment system, where such voucher payment system has been approved by the NTA;*

*(iii) cash; and*

*(iv) such other method as may be approved by the NTA.*

*(c) Where payment of the relevant charge is made by a payment card or by voucher payment system, no additional fee or charge for the making of the payment in that manner shall be imposed by the clamping operator or the parking controller, as the case may be.”*

It is proposed to amend regulation 14 to include a specific requirement to accept ‘electronic funds transfers’ as a specified method of payment, with the inclusion of a new subparagraph (ia) after subparagraph (i). Additionally, it is proposed that regulation 14(c) is amended so that this and any subsequent addition to the payment methods specified by NTA cannot incur any additional charges for the payer.

## **Proposal**

The proposal is to prescribe, through regulations, the procedures to be followed when submitting an appeal to a clamping appeals officer under section 22 of the **Vehicle Clamping Act 2015**.

The purpose of these regulations is to formally support the procedures for hearing an appeal from a person and to set out:

- The time periods applicable for submitting an appeal to a clamping appeals officer,
- The methods that are permitted to submit the appeals to the clamping appeals officer,
- The information that must accompany an appeal for it to be accepted and heard by a clamping appeals officer,
- The extent to which a clamping appeals officer may request information to hear an appeal and the extent to which a clamping appeals officer may examine the appeal, and
- The obligation placed upon appellants, parking controllers or clamping operators to provide information to the clamping appeals officer.

In addition to the prescribing of the procedure for appeals, these regulations will also amend regulation 14 of the **Vehicle Clamping and Signage Regulations 2017**. It is proposed to amend regulation 14(b) and 14(c) to include a specific requirement to accept 'electronic funds transfers' as a method of payment to release a clamp or a relocated vehicle and it is also proposed to confirm, through an amendment to regulation 14(c), that any such payment shall not incur any additional charges for the payer.

## **Submissions and Consultation Report**

Submissions should be made by selecting the "**Next Page**" option at the bottom of this webpage.

Alternatively, written submissions to the public consultation may be made by post:

**Vehicle Clamping Regulatory Consultation,  
National Transport Authority,  
Dún Scéine,  
Harcourt Lane,  
Dublin D02 WT20**

All submissions will be considered by the NTA Board. The public consultation report, including submissions, will be published on NTA's website.

### **Public Consultation Period**

The public consultation is open until **5pm on Friday 19<sup>th</sup> July 2024**.

### **Draft Regulations**

- [Draft Vehicle Clamping Act 2015 \(Appeals Procedure\) Regulations 2024](#)