

**WRITTEN QUESTION TO THE MINISTER FOR TRANSPORT AND TECHNICAL SERVICES
BY DEPUTY M. TADIER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 10th MARCH 2015**

Question

Is the Minister aware of a company calling itself 'CPARK' 'Car Parking and More', which issues parking fines on private land and states that if fines are not paid, it will contact Driver and Vehicle Standards for the driver's details before pursuing them for payment? Can the Department advise whether they have had any requests for such information from this or any other similar company; and whether it has handed over such details?

Answer

The parking of vehicles on private land is a significant issue, which should be taken seriously. Whether wilful or by negligence, such behaviour can cause serious inconvenience and incur significant cost for land owners.

The whole issue of parking on private land is a subject being looked at by the Minister of Home Affairs. The Home Affairs Department has developed law drafting instructions upon which they have sought advice from the Law Officers Department.

The company concerned has been known to the Department under its registered name Property Management Services Ltd, trading as PMS-Parking Management Services, since 2010.

Driver & Vehicle Standards (DVS) is obliged by legislation to supply details of registered owners to persons who have 'reasonable cause', this is set out in Article 19(2) of the Motor Vehicle Registration (General Provisions) (Jersey) Order 1993:

"19 Supply of registration particulars

*(2) Upon request made by a person who satisfies the Inspector that the person has reasonable cause for the request and upon payment of £8.20, the Inspector **shall** supply – [Emphasis added]*

(a) the name and address of the person recorded in the register as the owner of a registered motor vehicle; and

(b) such other particulars recorded in the register as are, in the opinion of the Inspector, relevant to the circumstances constituting the reasonable cause for the request."

DVS is required under the Article to provide certain information to parking enforcement agencies, including this one, who are acting as agents on the behalf of landowners where there is 'reasonable cause'. Parking unlawfully without permission or in breach of contract private land is considered 'reasonable cause'. This allows among other things, the injured party to pursue a legitimate claim through the Petty Debts Court.

Any parking enforcement agency wishing to make regular applications under the Article must make a written application to DVS detailing their business, who they are and the areas where they will be enforcing and details of their Data Protection Registration.

Data is not released lightly and the applicant must show “reasonable cause” for a release. Each application must be in writing, detailing the registration number, vehicle make and model, date of incident, location, reason for the request and in most cases photographic evidence is requested, accompanied with the stipulated payment fee for each request.

DVS is required to and legitimately provides information to parking organisations where there is ‘reasonable cause’, including States Departments, Ports of Jersey, Andium, States of Jersey Development Company and a small number private parking providers.

DVS provides a similar service to vehicle manufacturers when there is a safety recall for a particular model.