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Code of Practice for Parking Controllers and Clamping Operators

(October 2022)

1. Introduction

The regulation of clamping activities in clamping places, and matters relating to appeals and complaints in that regard, are statutory functions of the National Transport Authority (“NTA”) under the [Vehicle Clamping Act 2015](#) (as amended) (“the Act”). For the purpose of proper management of clamping activities in the public interest, NTA made the [Vehicle Clamping and Signage Regulations 2017](#) (“the Regulations”) under the Act. In addition to the above referenced legislation immobilisations carried out by An Garda Síochána or persons authorised by Local Authorities should also be carried out in compliance with section [101B of the Road Traffic Act](#) (as amended).

This Code of Practice (“the Code”) is established by NTA in accordance with section 12(1) of the Act, published on our website and available in printed form upon request.

The Act, the Regulations and the Code relate to all clamping activity by any person, individual or corporate. Those who are in control of parking at a location; private and commercial property owners, management companies and agents whether on private or public lands and engage a separate clamping operator to provide clamping services should be familiar with their role as parking controller, as it may apply to them.

The purpose of the Code is to set out practical, clear, objective and reasonable guidelines to be followed by parking controllers and clamping operators to assist them in maintaining compliance with the Act and the Regulations. This Code also

promotes good practice, which can extend beyond minimum legislative requirements.

The purpose of the Code is to:

- provide practical guidance to parking controllers and clamping operators regarding compliance with the Act and the Regulations; and
- establish standards in relation to the general behaviour, performance of duties and conduct of:
 - parking controllers in supervising the operations of clamping operators;
 - Clamping operators in carrying out clamping activities.

To be compliant, parking controllers and clamping operators must adhere to legislation across three main distinct areas:

1. Displaying compliant signage at clamping places;
2. Conducting clamping activities in accordance with legislation; and
3. Processing appeals in accordance with legislation.

The Code should be read in conjunction with the Act and the Regulations. However, in the event of any discrepancy, the provisions of the Act and the Regulations take precedence.

The Code may be relied upon, pursuant to subsections 12(5), 12(6), 12(7) and 26(3) of the Act, and is admissible in evidence to the court, where relevant to any proceedings taken by NTA for an offence under the Act.

NTA can monitor and, if necessary, enforce compliance with all matters concerning clamping activities in clamping places. This can be done by service of fixed payment notices, the issuance of Directions and the institution of Circuit Court proceedings, as appropriate.

The Act provides for the following specific offences / penalties:

- Contravention of a penal provision of clamping regulations: Class C fine – not exceeding €2,500
- Failure to comply with signage and/or signage regulations: Class C fine – not exceeding €2,500
- Imposing a charge greater than displayed on sign: Class B fine – not exceeding €4,000
- Imposing and/or attempting to impose a charge greater than the maximum release charges: Class B fine – not exceeding €4,000
- Providing a sign indicating a release charge greater than the maximum release charge: Class B fine – not exceeding €4,000
- Failure to comply with the requirements relating to parking controllers appeal procedure and regulations concerning same: Class B fine – not exceeding €4,000

The terminology and definitions used in this Code, which are not otherwise specified, may be found in the Act and the Regulations. Where the masculine pronoun is used, it may also refer to the feminine and *vice versa* as the case may be.

The Code has been produced after consultation with the Minister for Transport and having considered representations by the various stakeholders and the general public in accordance with Section 12(3) and (4) of the Act. This statutory function aligns within NTA's aim to promote improvement and maintenance of standards and to provide transparency, clarity and fairness for the public, together with the vehicle clamping industry.

This Code shall come into effect from [●] revoking and replacing any previous Codes of Practice. It will be monitored on an on-going basis and reviewed every three years. It will be modified, where required, to reflect changes in legislation and emerging practices.

2. Definitions and responsibilities

All persons carrying out clamping activities must familiarise themselves with the definitions, roles and responsibilities set out in the Act and the Regulations, some of which are briefly outlined below. The definitions in section 2 of the Act and regulation 3 of the Regulations give much greater detail in this regard.

A **clamp** (or an immobilisation device) is a device or appliance designed or adapted for fixing to a vehicle for the purpose of preventing it from being driven or otherwise put in motion.

Clamping is fixing a clamp to a parked vehicle.

A **clamping place** refers to an area within which any of the following **clamping activities** are in operation:

- Clamping;
- Removing a clamp from a vehicle;
- Relocating a vehicle; or
- Imposing charges associated with the removal of a clamp from a vehicle or the release of a relocated vehicle.

A clamping place may be statutory or non-statutory, or parts of each.

In very general terms, a statutory clamping place might be understood to be a public place, where the responsibility for its maintenance lies with a statutory road authority, for example, a local authority or state agency. A non-statutory clamping place might be understood as private property upon which motorists may park, if compliant with the rules applicable in that place as set out by a relevant parking controller.

It is highly recommended that all parking controllers and clamping operators

maintain clear and detailed maps showing the specific boundaries of each clamping place. This is very useful to clamping operators, parking controllers and NTA when investigating appeals and complaints by motorists or defending any proceedings taken.

Clamping activities tend to be carried out by:

- (i) commercial operators on behalf of others;
- (ii) private individuals on their own property; or
- (iii) private or commercial persons on property within their control.

Those conducting clamping activities are required to comply with the Act, the Regulations and the Code. For all persons described above, the legislative requirements remain the same.

A **parking controller**, in relation to each clamping place, means the person (individual or corporate) who is responsible for the enforcement of the law or rules applicable to parking in that clamping place. However, it does not include a member of An Garda Síochána or a traffic warden operating in their professional capacity only.

The parking controller has a range of specific responsibilities, which include:

- establishment of appropriate appeal procedures for motorists whose vehicles have been the subject of clamping activities. This appeal procedure can be either direct to the parking controller or through a contracted clamping operator; and
- provision of signage which satisfies the requirements of Section 11 of the Act and Part 5 of the Regulations.

Where a parking controller is contracted to carry out clamping activities on behalf of a client, it is strongly recommended that a formal documented agreement be in place. This agreement should set out clearly:

- the precise boundaries of the clamping place; and
- the specific clamping activities to be undertaken.

To support good practice, the positions of the signage in the clamping place should be detailed in this document.

A **clamping operator** is a person authorised by a parking controller to carry out clamping activities on behalf of the parking controller. This includes:

- an employee of a clamping operator;
- any other person engaged by a clamping operator to carry out clamping activities on their behalf; or
- a clamping officer under section 101B of the Road Traffic Act 1961 (as amended), which includes members of An Garda Síochána, traffic wardens or others authorised by a local authority to fix an immobilisation device (clamp).

The clamping operator also has a range of specific responsibilities, detailed later in the Code, which include:

- Detecting vehicles in a clamping place which are parked in breach of the applicable laws and/or rules;
- Immobilising and/or relocating those vehicles;
- Providing details to both An Garda Síochána and the parking controller when a vehicle has been relocated from a non-statutory clamping place;
- Removing the clamp / releasing the relocated vehicle within specific timeframes following receipt of the relevant charge;
- Maintaining evidence of the unlawful or wrongful parking which gave rise to the clamping/relocation; and
- Adhering to the uniform and identification requirements of the legislation.

Both the parking controller and the clamping operator have responsibility and accountability for some of the same matters including:

- providing ways to accept immediate payment for relevant charges from, or on

behalf of, a motorist; and

- records retention in line with Regulation 18 of the Regulations, together with the legal processing of personal data.

The use of the terms 'clamping operator' or 'parking controller' in the Code is intended to provide clarity around each role as they are separate. However, it is possible that one entity could fulfil both roles simultaneously, i.e. the person or company responsible for the enforcement of the rules or laws applicable within a clamping place can, also, carry out clamping activities in that place.

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3. Provision of statutory information

For the purposes of reviewing the activities of the sector and to provide information regarding compliance, NTA requires parking controllers and clamping operators to retain records and provide information in accordance with Regulations 18 and 19 of the Regulations.

The NTA may make an ad hoc request for records (including the documented client agreement above) which must be provided by the parking controller or clamping operator within 14 days of the request or as agreed by the NTA in writing

From the date of publication herein and in accordance with Regulation 19, NTA hereby requires parking controllers to provide an electronic report (e.g. MS Excel) covering all clamping activities which took place during the previous calendar year no later than 28 February of the following year.

Separately, ad hoc information may be required at any time during the year for the investigation of appeals complaints or otherwise.

This annual electronic report should contain the following:

- a) a list of all clamping places under the control of the parking controller, detailing –
 - a. the location of each clamping place;
 - b. the parking capacity (if any) of each clamping place;
 - c. all relevant charge(s) or charges applicable (if any) at each clamping place or at each zone of each clamping place (if any); and
- b) records relating to all clamping activities which took place over the previous calendar year clearly categorised by clamping place including:
 - a. the number of clamps applied;
 - b. the number of relocations carried out;
 - c. the number of appeals received;
 - d. the number of appeals allowed;
 - e. the number of appeals rejected.

4. Clamping information signs

The Act requires that in all clamping places where clamping activities are undertaken, clamping information signs must be clearly visible and legible to motorists prior to their deciding to park a vehicle. Such signage must be displayed in prominent places, i.e. places that are in plain sight and unobstructed.

There is a fundamental legal responsibility on parking controllers to install sufficient, legible, clamping information signage throughout each clamping place to provide motorists with full awareness of the clamping activities being carried out in the area. This must include the ramifications of not complying with the laws or rules operating in that specific clamping place. When stating terms, conditions, prohibitions, restrictions, consideration must be given to the use of effective wording to communicate the intention of the measures and the actions that are required on the part of a motorist to comply. By way of one example, use of the wording "Authorised Parking Only" is inappropriate. It gives rise to motorist confusion as to who authorises the parking, how to request that authorisation, what that authorisation requires and so on.

All clamping information signs, regardless of the status or location of the clamping place, must be in compliance with Part 5 of the Regulations.

In order to provide appropriate clarity and transparency to motorists, parking controllers must ensure that clamping information signs:

- clearly state, in summary form, the key terms, conditions, restrictions, prohibitions and charges, including the clamp release or relocation charges, which may be imposed, if any, in connection with the parking of a vehicle at that clamping place;

- identify where further details of the applicable terms, conditions, restrictions and prohibitions are available for review;
- are located at all vehicle entrances and signed pedestrian exit points;
- are clearly visible to motorists regardless of their direction of approach;
- are where possible illuminated and of a uniform colour scheme throughout the clamping place to ensure sufficient visibility and recognition for motorists;
- contain text of a size and font that is clearly visible to, and readable by a motorist who satisfies the eyesight requirements in the [Road Traffic \(Licensing of Drivers\) Regulations 2006](#);
- incorporate the clamping symbol as prescribed in the Regulations:



- display clamping information signage in prominent places, i.e. a place that is in plain and unobstructed sight. Where signs are attached to an upright a height of over 2m from the ground to the bottom of the sign is recommended.

It is good practice for a parking controller to:

- ensure, where possible, that parking restrictions are consistent within a clamping place to limit the potential for motorist confusion arising from different parking restrictions within different zones within the one clamping place;
- consider using clamping information signs and a clamping symbol that are larger than the minimum sizes stated in Part 5 of the Regulations, where possible, to raise awareness that clamping activities are being undertaken at the location;
- avoid duplication of information on signs;

- ensure that other methods of displaying clamping information to motorists (ticket vending machines, parking information notices, building entrances) do not provide information contradictory to applicable clamping information signage;
- provide two clamping information signs in view a motorist's vehicle irrespective of where that vehicle is located within a clamping place, where reasonably practicable; and
- develop a clamping information signage plan for a clamping place detailing the location, positioning, orientation, specification, dimensions, and content of each type of clamping related signage. This can be used for comparison in the event that an appeal or civil action is taken.

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5. Parking payment methods

Where payment is required as a condition of parking, selected payment methods should include a physical method of purchasing a ticket for display, virtual purchase of parking or a pre-paid purchase of a ticket/permit. It is recommended that more than one method of payment is available to motorist.

Pay and Display

- Clamping information signs should clearly outline that compliance with both criteria of the Pay & Display system is mandatory i.e., that a valid ticket must be purchased and displayed so that the expiry date and time are clearly legible from outside the vehicle.
- Motorists should be reminded at or on the ticket vending machine, and any pedestrian egress point, of the Pay and Display requirement.
- Where a clamping place is adjacent to a public road, ticket vending machines appropriate to the clamping place should be easily identifiable.
- A pay and display ticket shall as a minimum contain the following information on the same side of the ticket:
 - amount paid (if applicable);
 - parking expiry time and date (at least the month, day, hours and minutes); and
 - location of the parking terminal (identifier or address).

Pay and Go

With Pay and Go the motorist does not need to display a ticket in a vehicle. Inspections are based on information that allows for identification either by the parking space or the vehicle registration number. To obtain the right to park, the parking space, the vehicle registration number or other advised data has to be entered by the motorist into the terminal. The terminal shall always be able to deliver a printed or electronic receipt.

Ticket Vending Machines

Each ticket vending machine should have the following features:

- clear instructions for usage;
- signage on or immediately adjacent which sets out the applicable parking rules, tariffs and relevant operating hours;
- ample illumination to facilitate use when the ambient light conditions are low;
- unique reference for identification purposes;
- display a contact number to be used in the event of functionality issues;
- display the consequences of a machine being unavailable; and
- acceptance of at least two of the following payment methodologies:
 - coin;
 - banknote;
 - chip and pin;
 - contactless;
 - scheme smart cards;
 - vouchers; or
 - tokens.

Tickets issued by TVMs should:

- state the
 - expiry time and date;
 - location;
 - issuing organization;
 - fee paid;
- summarise any key parking rules applicable in that clamping place; and
- be fit for purpose, i.e. be of sufficient size with accessible print font to be easily read from outside the vehicle; and have appropriate light and heat immunity to avoid early fading.

Virtual Pay Parking

Virtual payment methods utilise online, mobile phone or similar technology to allow motorists pay for parking by setting up an account or making a one-off payment.

Parking controllers must ensure clamping information signage clearly explains the precise requirements for making payment for parking when using these systems.

This should include, where applicable:

- entry of the correct vehicle registration;
- details of any telephone network limitations;
- warning that transactions are not complete until a communication has been forwarded to the motorist by the system; and
- a warning that if the wrong registration is recorded or payment has not been received, their vehicle may be subject to clamping or relocation.

Parking controllers should take measures to minimise situations where a motorist has selected an incorrect vehicle on the system at the time of a parking payment. Good practice is that parking controllers ensure that their technology provides a summary of the proposed transaction clearly stating the vehicle registration number before proceeding with the transaction.

Where seasonal/single tickets or permits are issued via an on-line platform, a notification of the expiration of those parking permissions should be provided to the permit holder in good time to renew or replace same. Clamping information signage should display information stating the requirement for the possession of a permit to avail of parking.

Where physical permits, including scratch card parking permits, are in use, the instructions and rules for use and display should be clearly outlined on the permits themselves.

Multi – Unit Development Act 2011

Where a system of parking permits is in operation in a clamping place that can be defined as a multi-unit development or a residential unit in accordance with the Multi – Unit Development Act 2011, the identity of the parking controller must be clear to motorists. It should be communicated who is responsible for the administration and issuing of permits and for enforcement of clamping activities.

Procedures surrounding the provision of permits and the amending of permits in the event of a change of vehicles should be clearly communicated to motorists. It is recommended that procedures provide clarity on situations where a vehicle has been changed and a new permit has yet to be issued.

Where a motorist has engaged with a parking controller to advise of amendments to a permit as result of changing vehicle, the parking controller should exercise discretion before clamping activities are undertaken.

In line with best practice, where a resident permit expires, if prior notification has not been provided, a notification should be sent to the resident advising that the permit has expired and a reasonable period from the date of expiration should be allowed before clamping activities are undertaken.

Parking permits must be fit for purpose.

Visitors Parking

Where visitor parking is provided, and there is a requirement to gain permission from a parking controller or clamping operator to avail of this, it must be possible for *bona fide* visitors to register or otherwise comply with site rules without undue difficulty. Information on how to register must be clearly stated on signage adjacent to the visitor parking area.

6. Grace periods

Save for vehicles parked on a public road where clamping activities are carried out under section 101B of the Road Traffic Act 1961 (as amended), Regulation 5 of the Regulations provides a ten-minute grace period from the:

- detection of non-payment of a relevant parking fee; or
- expiry of a parking period for which the fee was already paid.

This grace period is provided to allow motorists in a clamping place time to pay the parking fee, where applicable. Therefore, ten minutes must be allowed to elapse from the time a payment contravention is detected before a clamp may be affixed.

To evidence a breach of the grace period, a clamping operator must be able to evidence the time of the first detection of the parked vehicle and that time must be recorded on the clamping notice. A clear and legible, date and time stamped colour photograph is required to evidence this.

It is good practice that a clear and legible, date and time stamped, colour photograph should also be taken of the vehicle, including the wheel to which the clamp may be affixed, immediately prior to the clamp being affixed. This will further evidence that the grace period had fully elapsed prior to application of the clamp, as well as potentially indicating the condition of the vehicle prior to contact clamping activities occurring.

Where the clamping operator fails to demonstrate that a grace period was observed by virtue of clear and legible, date and time stamped, colour photographs, for example, the validity of the clamping activity may be in doubt.

Grace periods should not be confused with "free" periods. A free period is a period of time whereby parking is allowed without charge or penalty. In the event that payment is required after a period of 'free' parking, a grace period of ten minutes is

then applicable. Clarity must be provided on relevant signage on when the period of free parking terminates.

Grace periods are only applicable where payment of a parking fee is a condition of parking a vehicle at that location. A vehicle may be subject to clamping activities at any time after the detection of a contravention that does not involve payment of a parking fee.

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7. Clamping notice

When fixing a clamp to a vehicle, a clamping notice must also be affixed to the vehicle in accordance with Section 13 of the Act. It must provide the motorist with specific details around the clamping activity.

The clamping notice must set out a summary of the contravention, using plain language, understandable by the average motorist. It is unwise to use industry terminology. The use of short, consistent, simple, layman's language for clamping notices and the rules and restrictions on clamping information signage will give greater certainty to motorists.

The time and date when that contravention was detected, together with the time and date the clamp was fixed to the vehicle, will show motorists that the 10 minute grace period was observed where applicable.

It is essential that the motorist has full clarity and transparency on the process to be followed to have the clamp removed, including contact details and any charges applicable.

The right to appeal the decision to clamp or relocate the vehicle, and detail of the appeal procedure of the parking controller, must also be clearly set out.

The unique reference or serial number for a particular clamping event by a specified clamping operator is crucial when investigating appeals and complaints by motorists or defending any proceedings taken.

The clamping notice must comply with Section 13 of the Regulations:

- remain fully legible regardless of weather or other relevant conditions;
- printed on water-proof material or contained within a transparent water-proof envelope or covering; and

- wholly contained in one sheet of paper or similar material.

If a clamping notice is incorrectly or inadequately formatted, completed or affixed to a vehicle, the validity of that notice is likely to be in doubt.

Unless affixed under section 101B of the Road Traffic Act 1961 (as amended), where a different form of immobilisation notice applies, the clamping notice must be substantially to the same effect as the prescribed format in Schedule 1 of the Regulations which is set out below:

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Clamping Notice

Section 13 of the Vehicle Clamping Act 2015

(Immobilisation of a vehicle parked in contravention of a prohibition or restriction imposed in respect of a clamping place)

Notice Number: [*insert unique reference or serial number*]

Location: [*insert*]

Date: [*insert*]

Time: [*insert*]

The vehicle bearing the identification mark [*insert vehicle identification mark*], having been found at [*insert time of detection*] on [*insert date of detection*] to be parked [*state nature of parking contravention or contraventions*] in contravention of a prohibition or restriction or prohibitions or restrictions imposed by [*insert name of parking controller or owner of clamping place*], has been fitted with a clamp by the undersigned in accordance with the provisions of the Vehicle Clamping Act 2015 and the Vehicle Clamping and Signage Regulations 2017.

Arrangements will be made for the removal of the clamp following payment by the owner of the vehicle (or person authorised by the owner) of the relevant charge of € [*insert charge*]. [*set out steps to be taken to secure the removal of the clamp*]

Signed: [*insert signature of clamping operator staff member*]

Staff Number: [*insert staff number of clamping operator staff member*]

Warning

No attempt should be made to drive this vehicle or otherwise put it in motion until the clamp has been removed.

Right of Appeal

A person whose vehicle has been clamped in a clamping place or relocated within or from a clamping place may, following payment of the relevant charge, appeal the decision to clamp or relocate the vehicle. [*insert details of the clamping operator's or parking controller's appeal procedures*]

This notice may be removed only by the owner of the vehicle (or person authorised by the owner).

It is common practice to affix a notice, apart from a clamping notice to the vehicle warning the motorist that the vehicle has been clamped. Any such notice should be:

- placed on the driver's side window to prevent a motorist attempting to drive the vehicle without noticing that a clamp has been fitted;
- capable of removal by any party without the need for specific solvents or equipment; and
- capable of removal by any party without any damage to the window.

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8. Application and removal of a clamp

Prior to undertaking clamping activities, including the application of a clamp, parking controllers and clamping operators must be proficient in the relevant aspects of the Act, the Regulations and the Code. They must be trained and competent in the safe and proper application and removal of clamps which are fit for purpose and appropriate for each vehicle to which they are affixed. Good practice is that clamps display the contact details for the relevant parking controller, to cover the event where a clamping notice or other identification has been removed from a vehicle.

Clamping operators must obtain clear and legible, date and time stamped, colour photographs evidencing the parking contravention(s) at the time a clamp is fixed to a vehicle; and at least one of these photographs must show the full registration number of the vehicle.

Clamping operators may also obtain video or other recordings but these must also be clear, and date and time stamped to be considered as evidence in any appeal, complaint or proceedings.

To be considered as evidence in any appeal, complaint or proceedings, evidence must not have been altered from the original.

Good practice would be that clamping operators take a clear and legible, date and time stamped photograph of the wheel immediately prior to a clamp being affixed in order to evidence the application of the grace period of 10 minutes from detection and the condition of the vehicle prior to any physical contact with it.

Damage caused to vehicles by clamping activities is not within the remit of NTA. Any such damage is either a civil matter between the clamping operator/parking controller and the motorist /vehicle owner; or within the remit of An Garda Síochána if criminal damage is alleged.

In the event that a clamping operator becomes aware that it is unable to comply with the 2 hour timeframe for removal of clamps after payment, set out in section 17 of the Act, clamping should stop until this requirement can again be upheld.

If the period of time from when payment was made to when the clamp was released for a vehicle is longer than the statutory period of 2 hours, a refund must issue without delay.

In the interests of public safety and welfare, good practice would require that every endeavour should be made to release a vehicle promptly where a clamping place is isolated or poorly illuminated or where it becomes apparent that the motorist or passengers may be elderly, have a disability or be carrying young children.

9. Relocation and release of a vehicle

Prior to undertaking clamping activities, including the removal or relocation of a vehicle, clamping operators should be proficient in the relevant aspects of the Act, the Regulations and the Code. They must be trained and competent in the safe and proper relocation or removal of vehicles.

Clamping operators must comply with Regulation 10 of the Regulations in obtaining clear and legible, date and time stamped, colour photographs evidencing the parking contravention(s) at the time a vehicle is removed or relocated; and at least one of these photographs must show the full registration number of the vehicle.

Clamping operators may also obtain video or other recordings but these must also be clear and legible, date and time stamped to be considered as evidence in any appeal, complaint or proceedings.

To be considered as evidence in any appeal, complaint or proceedings, evidence must not have been altered from the original.

If a vehicle has been relocated by a clamping operator from a non-statutory clamping place, unless that location is in clear view of the motorist whilst standing where the vehicle was originally parked, the clamping operator must advise the details of the relocation to the parking controller and An Garda Síochána.

Notification to An Garda Síochána, at the station with responsibility for the district from which the vehicle was removed, must be completed by telephone or by email, detailing the:

- registration number of the vehicle;
- the make, model and colour of the vehicle;
- the location from where the vehicle was removed; and
- the current location of the vehicle.

In the case of a telephone notification, an audio recording of the telephone call must be retained by the clamping operator.

The clamping operator must tell the owner of the vehicle, or the relevant motorist, the current location of the vehicle when they are contacted by that person.

Where a vehicle relocation decision is due exclusively to a failure by the motorist to pay the relevant parking fee, the vehicle must not be relocated to a location other than within that clamping place for a period of 24 hours from the time the contravention was detected. There are two exceptions to this:

1. a member of An Garda Síochána has requested that the vehicle be relocated;
or
2. a clamp had been removed from that vehicle, without authorisation, in the previous twelve months.

The purpose of immediate relocation is to remove an obstruction caused by a vehicle where clamping the vehicle is inappropriate.

10. Clamp release and relocation charges

Clamping operators/parking controllers must facilitate immediate payment of clamp removal charges and vehicle release charges, by or on behalf of motorists, 24 hours a day in the normal course of events. An example of where reasonable arrangements for making immediate payment might fail would be where a significant documented network outage occurred, i.e. something extrinsic to the control of the clamping operator and parking controller.

Payment must be available to motorists in accordance with Regulation 14 of the Regulations via at least two of the following methods:

- i. payment card (for example, credit card, debit card, contactless, virtual wallet);
- ii. cash;
- iii. NTA approved voucher payment system; or
- iv. any other method of payment approved by NTA.

No charges or surcharges are permitted beyond the maximum relevant charges set out below. This includes telephone call rates to facilitate payment which must be at the level of local call rates only.

Clamping activities in a non-statutory clamping place	Maximum relevant charge
Removal of a clamp only	€125
Release of relocated clamped vehicle within a clamping place	€150
Release of vehicle relocated to a pound	€150

If a clamping operator or parking controller cannot process payments using at least two of the methods regulated for clamping activities must not be carried out. In the

event that this is not possible for any reason, clamping operators/parking controllers should:

- Ensure the release of all clamps affixed to vehicles;
- Move relocated vehicles to their original location where that is possible taking into account any safety/obstruction issues or requests from An Garda Siochana; and
- Stop clamping and relocation until such time processing the immediate payment of relevant charges is possible.

This includes instances where card payment terminals or other mobile point of sale devices are offered as a method of payment. They must accept payments as intended in the immediate area of the clamped or relocated vehicle. If, for example, network coverage prevents this, clamping activities may not be carried out at that location unless two other payment methods are available to the motorist.

In line with good practice, a receipt should issue to the motorist or their representative as soon as is practicable after payment has been received.

11. Timeframes for release of a vehicle

Following receipt of the clamp release charge (or its waiver), the clamp must be removed as soon as is practicable, meaning as quickly as reasonably possible bearing in mind the particular circumstances at hand. However, this period must be absolutely within two hours of receipt of payment. Operational efficiency, therefore, and common sense must be applied by clamping operators and parking controllers in each case.

Likewise, following receipt of the relocation or release charge in accordance with Regulation 14 of the Regulations (or its waiver), the vehicle must be released, or made available for release, to its owner, as soon as is practicable. However, the limit in a relocation case is one hour from receipt of that payment. It is the responsibility of the clamping operator to facilitate the release of the vehicle to the owner. The exception to this is where a vehicle is relocated to a pound in which case the normal operating hours of the pound apply for access to a relocated vehicle.

If the clamping operator fails in the above vehicle release timeframes, the release charge must be refunded and the vehicle released at the earliest opportunity.

In the event that a clamping operator is unable to comply with these statutory timeframes and conditions, clamping activities must not be carried out.

In the interests of public safety and welfare, good practice would require that every endeavour should be made to release a vehicle promptly where a clamping place is isolated or poorly illuminated or where it becomes apparent that the motorist or passengers may be elderly, have a disability or be carrying young children.

12. Prohibition on clamping and relocating certain vehicles

There is prohibition of exercising clamping activities on certain classes of vehicles in accordance with Section 14 of the Act.

Emergency Service Vehicles

In general, vehicles authorised to operate by the emergency services must not be clamped or relocated, i.e. ambulance, fire brigade, Defence Forces or An Garda Síochána service vehicles, including safety camera vans.

Disabled Person's Parking Permit

In a statutory clamping place, a vehicle displaying a valid Disabled Person's Parking Permit must not be subjected to clamping activities, unless the parking controller or clamping operator has reasonable grounds for believing that the vehicle is not parked for the convenience of the person to whom the permit was granted.

As disabled persons may require extra time to comply with rules or restrictions in a clamping place, any decision is being made on the legitimacy of the parking should contemplate this.

13. Standards of conduct, behavior and performance of duties

All parking controllers, clamping operators and their employees must maintain a professional and respectful standard of behaviour when carrying out their duties, ensuring easy service access for all, including those with a disability.

Training should be given to any persons engaged in clamping activities to ensure the delivery of a professional service by competent staff. This should include appropriate training in managing difficult situations.

Staff involved in clamping activities must never use what may be perceived to be antagonistic or threatening language or behaviour. If a motorist or a member of the public behaves in a manner that is unreasonable or aggressive, staff members should endeavor to reduce tension. If this is not possible, staff members should withdraw from the scene and report the matter to the clamping operator or parking controller. If felt appropriate, staff members, the clamping operator or the parking controller should notify An Garda Síochána.

Each member of a clamping operator's staff, including trainees and supervisors, must be readily identifiable as working for the clamping operator when carrying out clamping activities. They must wear high visibility uniforms, which is required under Regulation 11 of the Regulations. Uniforms must visibly and legibly identify both the clamping operator and the individual staff member to motorists, vehicle owners, An Garda Síochána, traffic wardens or authorised persons. This can be achieved by way of a unique staff identification (ID) number (not a name) of appropriate size and legibility attached to the uniform in a visible position.

It is recommended that the uniform of any clamping operator staff include, at the very least, a florescent strip or section on both the front and rear, sufficient to ensure that the wearer is visible to motorists during any time of reduced visibility. It

is important to keep these uniforms neat and clean to present a professional image of the vehicle clamping sector to the public.

Each must also carry an ID card that complies with Regulation 11 of the Regulations and display the following:

- (a) the name and contact details of the clamping operator;
- (b) a full colour passport-type photograph of the individual;
- (c) unique staff ID number; and
- (d) the date of expiry of the identification card.

Motorists, vehicle owners, An Garda Síochána, traffic wardens or authorised persons are entitled to view the ID card.

Vehicles used during clamping activities must also clearly show their purpose, by displaying the name, contact details and website (if used) of the clamping operator; together with the words "Parking Enforcement Services" (and/or "Seirbhísí um Fhorfheidhmiú Páirceála" as set out in Regulation 12 of the Regulations.

Where a parking controller or clamping operator becomes aware or ought to have become aware that a vehicle has been clamped or relocated in error, they must immediately arrange for the vehicle to be released and waive any charge on the motorist in respect of that clamping activity.

14. Clamping appeals and complaints

At all times, parking controllers and clamping operators must act in accordance with the law; make reasonable and fair decisions, based on all relevant considerations and with due regard for the rights of motorists and vehicle owners; provide effective services, using appropriately trained and competent staff; and take proper account of established good practice.

Appeals

Parking controllers are primarily liable for compliance with the appeals procedures set out at section 20 of the Act, irrespective of a clamping operator's involvement.

The parking controller must notify the motorist of the free appeals procedure in place in relation to a clamping or relocation decision as detailed in section 7 above, *Clamping notice*. This must include the right to appeal to the parking controller in writing or via email/online form within 60 days of the vehicle first being clamped or relocated.

These appeal procedures must provide details of:

- (a) the person to whom an appeal may be made;
- (b) the format, including electronic, in which the appeal may be made;
- (c) the documentation to be submitted with an appeal;
- (d) the 60 day time period from when the vehicle was first clamped within which a person may lodge an appeal with the parking controller; and

invite the motorist or owner to clearly set out their grounds of appeal.

From the date of lodgment of an appeal, the parking controller has 21 calendar days to consider an appeal. It should be noted that the date of lodgment of the appeal may not necessarily be the date of receipt of what the parking controller deems to be all relevant documentation. However, there is no extension to the 21 day

consideration period contemplated under the Act. This is the same for all time periods in the Act.

To align with good practice, parking controllers, when deciding the outcome of an appeal by a motorist, should give reasonable consideration to the application of discretion and goodwill regarding the full grounds of appeal submitted including any mitigating circumstances raised.

Following consideration of the motorist's appeal, the parking controller must inform the appellant in writing of the determination of the appeal. The parking controller must ensure that an unsuccessful appellant is informed of the right to a further appeal directly to NTA, advising them to access NTA's website for information on how to proceed with the submission of such an appeal.

NTA appoints a panel of Clamping Appeals Officers, as prescribed by section 21 of the Act, to consider and determine appeals and complaints concerning clamping activities. Each Clamping Appeals Officer's role is independent of all parties including the appellant, the parking controller/clamping officer and NTA.

Where a determination made by a Clamping Appeals Officer requires a refund of relevant charge payment, this should be completed no later than 14 days following the notification of the determination to the parking controller.

Complaints

Each parking controller and clamping operator is expected to have well-developed complaints handling procedures in place. If problems are identified from conducting a complaint investigation, it is expected that resolutions will be put in place promptly and steps taken to ensure the same problem does not arise again.

NTA has put in place a procedure to consider complaints in accordance with Section of 18 of the Act. It has published a user-friendly complaints procedure on its website for the public in respect of—

1. the discharge of responsibilities by parking controllers,
2. the conduct, behaviour and identification of clamping operators,
3. unnecessary delay on the part of parking controllers or clamping operators in responding to complaints or other communication from members of the public, and
4. the identification of vehicles used by clamping operators (including logos, stickers and advertisements on such vehicles).

Where a motorist wishes to pursue a complaint regarding a parking controller or clamping operator, they should be advised that such a complaint can be made to NTA and that details of the clamping complaint procedure is available to them on NTA's website.

Parking controllers and clamping operators must assist NTA with the investigation of complaints submitted.