

**WRITTEN QUESTION TO H.M. ATTORNEY GENERAL
BY DEPUTY M. TADIER OF ST. BRELADE
ANSWER TO BE TABLED ON TUESDAY 14TH JUNE 2016**

Question

With reference to Question 8682, what legal basis exists for the issuing of parking tickets to vehicles parked on private land, are parking tickets issued in respect of vehicles parked on private land enforceable in court and has a ticket issued in such circumstances ever been enforced in a Jersey court of law?

Answer

This question is asked with reference to Question 8682 which was about a company which was said to issue “parking fines on private land”. I take it that the question now asked does not concern any fines imposed in the Magistrate’s Court pursuant to parking tickets issued under the Road Traffic Law; but that it relates to tickets or documents left by or on behalf of private landowners or occupiers on vehicles parked on private land seeking a monetary payment from the user of the vehicle.

When a person parks his or her car without permission on land owned or occupied by another he or she trespasses on that land, and does so on each occasion that the car is parked. This gives rise to a possessory action in Jersey law. Unauthorised entry on and use of someone else’s land is a civil wrong which is actionable in the Courts. A car in this respect is no different from anything else which may be left or deposited on someone else’s land without that other person’s express or implied consent. Unauthorized entry on and use of someone else’s land entitles the occupier to claim damages against the perpetrator in a civil court. There is no specific rule about how to calculate the amount (quantum) of damages for this civil wrong. Loss of use of, or damage to, the property may be an element, as may discomfort and annoyance to the owner/occupier, together with the costs associated with seeking to right the wrong. What this amounts to in money terms in any given case will depend upon the circumstances of that case.

In the context of a possessory action, what the question describes as a ‘parking ticket’ is in effect a written message from the occupier to the driver that the occupier will seek damages; but that, if a certain sum is paid, the occupier will desist from bringing an action for damages. It is then for the driver to assess whether he or she admits the civil wrong and, if so, regards the amount claimed as a fair reflection of the amount of damages involved. The driver will then decide whether to pay the amount claimed, or to resist a court action for recovery of that amount.

The amount involved would be within the jurisdiction of the Petty Debts Court (maximum £10,000). It is not known whether claims of this sort have been the subject of actions before the Petty Debts Court.

There may be cases also in which a driver has entered into a contract to park on private land and failed to comply with the terms and conditions of that contract. In such a case, there may be a civil claim, the precise detail of which will of course depend on the terms and conditions of the relevant contract.