



# London Local Authorities and Transport for London Act 2008

## 2008 CHAPTER iii

### PART 5

#### NON-PAYMENT OF PENALTY CHARGES

#### 15 Preliminary procedure where ownership details not known

- (1) This section applies where an authorised person has reason to believe that—
  - (a) there are, in relation to any one London authority by whom he is authorised, at least three penalty charges outstanding in relation to a vehicle which is stationary on a road in Greater London; and
  - (b) the circumstances described in subsection (4)(b) of section 14 (interpretation of Part 5) of this Act apply in relation to each penalty charge.
- (2) Where this section applies, the authorised person or a person acting under the authorised person's direction may—
  - (a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary; or
  - (b) move it, or require it to be moved, to another place on that road or another road and fix an immobilisation device to the vehicle in that other place.
- (3) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this section, the person fixing the device shall also fix to the vehicle a notice—
  - (a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;
  - (b) indicating the reason why the device has been fixed to the vehicle;
  - (c) specifying the steps to be taken in order to secure its release;
  - (d) giving contact information (including a telephone number) which may be used in order to request that the vehicle be released from the immobilisation device under subsection (10) below;

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- (e) giving such other information as may be prescribed by regulations made by the Secretary of State.
- (4) A vehicle to which an immobilisation device has been fixed in accordance with this section may only be released from that device by or under the direction of a person authorised by the relevant London authority to give such a direction.
- (5) A notice fixed to a vehicle in accordance with this section shall not be removed or interfered with except by or under the authority of—
  - (a) the owner, or person in charge, of the vehicle; or
  - (b) the relevant London authority or their authorised agent.
- (6) A person contravening subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) Any person who, without being authorised to do so in accordance with this section, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) Subject to subsection (9) below, section 70 of the 1991 Act (which makes exemptions from the operation of section 69 of that Act) shall, except for subsection (1)(b) and (c) apply in relation to the fixing of immobilisation devices under this section, and where it so applies, references to section 69(1) of that Act shall be taken to be references to subsection (1) above.
- (9) The reference in subsection (8) above to section 70 of the 1991 Act or to a provision of that section shall include a reference to any equivalent provision replacing that section or provision made by virtue of regulations under section 79 of the 2004 Act (immobilisation of vehicle where penalty charge payable).
- (10) Subject to subsection (4) above, a vehicle to which an immobilisation device has been fixed in accordance with this section shall be released from that device by an authorised person if—
  - (a) the London authority in question is requested to do so; and
  - (b) the conditions of subsection (11) or (12) below are satisfied.
- (11) The conditions of this subsection are that the person making the request (“the claimant”)—
  - (a) provides his name and address;
  - (b) provides satisfactory and verifiable proof of his name and address; and
  - (c) provides the name and address of the owner of the vehicle (if it is not him).
- (12) The conditions of this subsection are that—
  - (a) the claimant provides his name and address; and
  - (b) a bond in the prescribed sum is paid to the authorised person or to one of the London authorities specified by him and by whom he is authorised; and
  - (c) no bond has previously been paid under this subsection in respect of the outstanding penalty charges.
- (13) If a bond is paid to an authorised person or a London authority in accordance with subsection (12)(b) above, the authorised person shall issue to the claimant a certificate in the prescribed form, stating—
  - (a) that the certificate is issued under this section;

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- (b) the date on which the certificate was issued;
  - (c) the registered mark of the vehicle;
  - (d) the date on which the certificate expires;
  - (e) the effect of subsection (14) below;
  - (f) the contact details of the London authority to whom information should be provided to satisfy the provisions of subsection (16) or (17) below.
- (14) If a certificate issued under subsection (13) above is being displayed prominently in or on the vehicle to which it relates on or before the date on which it expires—
- (a) no immobilisation device may be fixed to the vehicle under this section; and
  - (b) the vehicle may not be removed under section 17 (immobilisation and removal of vehicles) of this Act.
- (15) A certificate issued under subsection (13) above shall expire at the end of the period of 21 days beginning with the date on which it was issued.
- (16) If the London authority referred to in subsection (13)(f) above is provided with satisfactory and verifiable proof of the name and address of the owner of the vehicle, the London authority shall return the bond to the person by whom it was paid and no further action may be taken in relation to the vehicle under this section in relation to the outstanding penalty charges in question.
- (17) The guidance that shall be published under section 25 (guidance) of this Act shall include provision about what may constitute “satisfactory and verifiable proof” for the purposes of subsections (11)(b) and (16) above.
- (18) A person shall be guilty of an offence if he—
- (a) intentionally obstructs a person exercising any power conferred on him under this section; or
  - (b) in providing proof or information under subsection (11) or (16) above—
    - (i) makes any statement which he knows is false in a material particular;
    - (ii) recklessly makes a statement which is false in a material particular; or
  - (c) displays in or on a vehicle a false certificate, purportedly issued under subsection (13) above.
- (19) A person guilty of an offence under subsection (18)(a) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (20) A person guilty of an offence under subsection (18)(b) or (c) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (21) Section 22 (issue of penalty charge notices, etc. on release or recovery of vehicle) of this Act makes provision about the service of fresh penalty charge notices and notices to owner after the release of a vehicle under this section.
- (22) The power of the Secretary of State to make regulations under subsection (3)(e) above is exercisable by statutory instrument.
- (23) Any such instrument is subject to annulment in pursuance of a resolution of either House of Parliament.