



# Transport Act 2000

## 2000 CHAPTER 38

### PART III

#### ROAD USER CHARGING AND WORKPLACE PARKING LEVY

### CHAPTER I

#### ROAD USER CHARGING

#### *Charging schemes*

#### **163 Preliminary**

- (1) In this Part “charging scheme” means a scheme for imposing charges in respect of the use or keeping of motor vehicles on roads.
- (2) Charges imposed in respect of any motor vehicle by a charging scheme under this Part shall be paid—
  - (a) by the registered keeper of the motor vehicle, or
  - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (3) A charging scheme may be made—
  - (a) by a non-metropolitan local traffic authority (“a local charging scheme”),
  - (b) jointly by more than one non-metropolitan local traffic authority (“a joint local charging scheme”),
  - (c) jointly by one or more non-metropolitan local traffic authorities and one or more London traffic authorities (“a joint local-London charging scheme”), or
  - (d) by the Secretary of State or the National Assembly for Wales (“a trunk road charging scheme”).
- (4) In this Part references to a non-metropolitan local traffic authority are to a local traffic authority for an area outside Greater London.

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(5) In this Part—

- (a) “the charging authority”, in relation to a charging scheme under this Part made or proposed to be made by one authority, means the authority by which the charging scheme is or is proposed to be made, and
  - (b) “the charging authorities”, in relation to a charging scheme under this Part made or proposed to be made jointly by more than one authority, means the authorities by which the charging scheme is or is proposed to be made.
- (6) The power to make joint local-London charging schemes conferred by this Part does not limit any of the powers in Schedule 23 to the Greater London Authority Act 1999 (road user charging in Greater London).

**164 Local charging schemes**

- (1) A local charging scheme may only be made in respect of roads for which the charging authority are the traffic authority.
- (2) A local charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of policies in the charging authority’s local transport plan.

**165 Joint local charging schemes**

- (1) A joint local charging scheme may only be made in respect of roads for which any of the charging authorities are the traffic authority.
- (2) A joint local charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of policies in the charging authorities' local transport plans.

**166 Joint local-London charging schemes**

- (1) A joint local-London charging scheme may only be made in respect of—
  - (a) roads for which the non-metropolitan local traffic authority, or any of the non-metropolitan local traffic authorities, by which it is made are the traffic authority, and
  - (b) roads in respect of which the London traffic authority, or any of the London traffic authorities, by which it is made may impose charges by a scheme under Schedule 23 to the Greater London Authority Act 1999 without the consent of the Secretary of State.
- (2) A joint local-London charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—
  - (a) policies in the local transport plan of the non-metropolitan local traffic authority, or the local transport plans of the non-metropolitan local traffic authorities, by which it is made, and
  - (b) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

## **167 Trunk road charging schemes**

- (1) A trunk road charging scheme may only be made—
  - (a) by the Secretary of State in respect of roads for which he is the traffic authority, or
  - (b) by the National Assembly for Wales in respect of roads for which it is the traffic authority.
- (2) A trunk road charging scheme may only be made in respect of a road if—
  - (a) the road is carried by a bridge, or passes through a tunnel, of at least 600 metres in length, or
  - (b) a local traffic authority or Transport for London has requested the charging authority to make the trunk road charging scheme in connection with a charging scheme under this Part, or a scheme under Schedule 23 to the Greater London Authority Act 1999, made or proposed by them.

### *Making of charging schemes*

## **168 Charging schemes to be made by order**

- (1) A charging scheme under this Part is made by order of the charging authority or of the charging authorities (acting jointly).
- (2) The charging authority or the charging authorities (acting jointly) may by order vary a charging scheme under this Part and the charging authority or any of the charging authorities may by order revoke such a scheme; but where a trunk road charging scheme is made at the request of a local traffic authority or Transport for London, it shall not be varied or revoked unless the local traffic authority, or Transport for London, have been consulted about its variation or revocation.
- (3) The appropriate national authority may make regulations about orders making, varying or revoking charging schemes under this Part, including (in particular)—
  - (a) provision specifying the form of orders,
  - (b) provision about the publication of proposals for orders making or varying such charging schemes and the making and consideration of objections to such proposals, and
  - (c) provision about the publication of notice of orders and of their effect.
- (4) Before making regulations under subsection (3) which relate to joint local-London charging schemes the Secretary of State shall consult the Greater London Authority about the regulations so far as they so relate.

## **169 Confirmation of charging schemes**

- (1) A charging scheme under this Part, other than a trunk road charging scheme, shall not come into force unless the order making it has been submitted to and confirmed by the appropriate national authority; and a variation of such a charging scheme shall not take effect until the order making the variation has been so submitted and confirmed.
- (2) Subsection (1) does not apply in such circumstances as may be specified in or determined in accordance with regulations made by the appropriate national authority.

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- (3) A joint local-London charging scheme shall not come into force unless the order making it has been submitted to and confirmed by the Greater London Authority; and a variation or revocation of such a charging scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.
- (4) Where confirmation of an order is required by this section, the order may be confirmed with or without modifications.
- (5) Where confirmation by both the Secretary of State and the Greater London Authority of an order making a joint local-London charging scheme, or a variation of such a charging scheme, is required by this section—
  - (a) the order shall not be submitted to the Secretary of State until it has been confirmed by the Greater London Authority,
  - (b) if the order has been confirmed by the Greater London Authority with modifications it is the modified order that must be submitted to the Secretary of State, and
  - (c) the order may not be confirmed with modifications by the Secretary of State until the modifications have been confirmed by the Greater London Authority.

#### **170 Charging schemes: consultation and inquiries**

- (1) The charging authority or the charging authorities (acting jointly) may at any time before an order making, varying or revoking a charging scheme under this Part is made, consult other persons about the charging scheme, variation or revocation.
- (2) The charging authority or the charging authorities (acting jointly)—
  - (a) may cause an inquiry to be held in relation to a charging scheme under this Part, or the variation or revocation of such a scheme, and
  - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (3) The appropriate national authority may at any time—
  - (a) before an order making or varying a charging scheme under this Part (other than a trunk road charging scheme) is made, or
  - (b) (where such an order has to be confirmed) before it is confirmed,
 consult other persons, or require the charging authority or authorities to consult other persons, about the charging scheme or variation.
- (4) The appropriate national authority—
  - (a) may cause an inquiry to be held in relation to a charging scheme under this Part (other than a trunk road charging scheme) or the variation of such a scheme, and
  - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (5) In the case of a joint local-London charging scheme—
  - (a) the Greater London Authority may, at any time before an order making, varying or revoking the charging scheme is confirmed by that Authority, consult other persons, or require the charging authorities to consult other persons, about the charging scheme, variation or revocation, and
  - (b) the Secretary of State shall not cause an inquiry to be held in relation to the charging scheme, or the variation of the charging scheme, or appoint the person or persons by whom such an inquiry is to be held, without the consent of the Greater London Authority.

- (6) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of this section.
- (7) Where an inquiry is held by virtue of this section in relation to a charging scheme, or the variation or revocation of such a scheme, the costs of the inquiry shall be paid—
  - (a) in the case of a trunk road charging scheme made by virtue of section 167(2)(b), by the local traffic authority which requested the making of the scheme (or Transport for London, if it did), and
  - (b) in any other case, by the charging authority or authorities;and the parties at the inquiry shall bear their own costs.

### *Contents of charging schemes*

## **171 Matters to be dealt with in charging schemes**

- (1) A charging scheme under this Part must—
  - (a) designate the roads in respect of which charges are imposed,
  - (b) specify or describe the events by reference to the happening of which a charge is imposed in respect of a motor vehicle being used or kept on a road,
  - (c) specify the classes of motor vehicles in respect of which charges are imposed,
  - (d) specify the charges imposed, and
  - (e) state whether or not the charging scheme is to remain in force indefinitely and, if it is not to remain in force indefinitely, the period for which it is to remain in force.
- (2) Subject to sections 164 to 167 and to any modifications made by virtue of section 169, the designation of the roads in respect of which charges are imposed by a charging scheme under this Part shall be such as the charging authority or authorities may determine.
- (3) Any charge imposed by a charging scheme under this Part in respect of the keeping of a motor vehicle on a road must also have effect in respect of the use of the motor vehicle on that road.
- (4) A charging scheme under this Part may make provision in relation to the manner in which charges are to be made, collected, recorded and paid.
- (5) The charges that may be imposed by a charging scheme under this Part include different charges (which may be no charge) for different cases, including (in particular)  
—
  - (a) different days,
  - (b) different times of day,
  - (c) different roads,
  - (d) different distances travelled, and
  - (e) different classes of motor vehicles.
- (6) In setting the charges imposed by a charging scheme under this Part, regard may be had to the purposes for which any of the net proceeds of the charging scheme may be applied (in accordance with Schedule 12).
- (7) A charging scheme under this Part may contain provision requiring—

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- (a) documents to be displayed while a motor vehicle is on a road in respect of which charges are imposed, or
- (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.

## **172 Charging schemes: exemptions etc**

- (1) The appropriate national authority may make regulations requiring charging schemes under this Part to contain provision for or in connection with—
  - (a) exemptions from charges,
  - (b) the application of reduced rates of charges, or
  - (c) the imposition of limits on the charges payable.
- (2) Subject to regulations under subsection (1) and to section 169(1) and (3), a charging scheme under this Part may contain provision of any of the descriptions specified in that subsection.
- (3) A road shall not be subject to charges imposed by more than one charging scheme under this Part, or by such a charging scheme and a scheme under Schedule 23 to the Greater London Authority Act 1999, at the same time.
- (4) A road shall not be subject to charges under a charging scheme under this Part if tolls are charged in respect of the use of the road.

### *Enforcement of charging schemes*

## **173 Penalty charges**

- (1) The appropriate national authority may by regulations make provision for or in connection with the imposition and payment of charges (“charging scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with charging schemes under this Part.
- (2) The regulations may include provision for or in connection with setting the rates of charging scheme penalty charges (which may include provision for discounts or surcharges).
- (3) Charging scheme penalty charges in respect of any motor vehicle shall be paid—
  - (a) by the registered keeper of the motor vehicle, or
  - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (4) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of charging scheme penalty charges.
- (5) A person commits an offence if with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by a charging scheme under this Part—
  - (a) he interferes with any equipment used for or in connection with charging under the charging scheme, or
  - (b) he causes or permits the registration plate of a motor vehicle to be obscured.
- (6) A person commits an offence if he makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, charges imposed by a charging scheme under this Part or charging scheme penalty charges.

- (7) A person commits an offence if he removes a notice of a charging scheme penalty charge which has been fixed to a motor vehicle in accordance with regulations under this section unless—
- (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority, or
  - (b) he does so under the authority of the registered keeper or such a person or of the charging authority or any of the charging authorities.
- (8) A person guilty of an offence under subsection (5) or (6) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding six months, or to both.
- (9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### **174 Examination, entry, search and seizure**

- (1) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer powers on persons specified in, or determined in accordance with, the regulations for or in connection with examining a motor vehicle for ascertaining—
- (a) whether any document required to be displayed while the motor vehicle is on a road in respect of which charges are imposed is so displayed,
  - (b) whether any equipment required to be carried in or fitted to the motor vehicle while the motor vehicle is on such a road is carried or fitted, is in proper working order or has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge, or
  - (c) whether any conditions relating to the use of any such equipment are satisfied.
- (2) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer power on any person authorised in writing by the charging authority, or any of the charging authorities, to enter a motor vehicle where he has reasonable grounds for suspecting that—
- (a) any equipment required to be carried in or fitted to it while it is on a road in respect of which charges are imposed has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by the charging scheme, or
  - (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or being identified as having failed to pay, such a charge.
- (3) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by a charging scheme under this Part by virtue of subsection (2).
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding six months,

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or to both.

- (5) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer power on any person authorised in writing by the charging authority, or any of the charging authorities, to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under section 173(5) or (6).
- (6) A charging scheme under this Part may not authorise an examination of, or entry into, a motor vehicle unless it is on a road.

### **175 Immobilisation etc**

- (1) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to make provision for or in connection with—
  - (a) the fitting of immobilisation devices to motor vehicles,
  - (b) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted,
  - (c) the removal and storage of motor vehicles,
  - (d) the release of motor vehicles from immobilisation devices or from storage,
  - (e) the satisfaction of conditions before the release of a motor vehicle, and
  - (f) the sale or destruction of motor vehicles not released.
- (2) A person commits an offence if he removes or interferes with an immobilisation notice fixed to a motor vehicle in accordance with provision included in a charging scheme under this Part by virtue of subsection (1) in contravention of such provision.
- (3) A person commits an offence if he removes or attempts to remove an immobilisation device fitted to a motor vehicle in accordance with provision included in a charging scheme under this Part by virtue of subsection (1) in contravention of such provision.
- (4) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by provision included in a charging scheme under this Part by virtue of subsection (1).
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) A person guilty of an offence under subsection (3) or (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section “immobilisation device” has the same meaning as in section 104 of the Road Traffic Regulation Act 1984.
- (8) A charging scheme under this Part may not authorise or require the fitting of an immobilisation device to, or the removal of, a motor vehicle unless it is on a road.

### *Supplementary*

### **176 Equipment etc**

- (1) The charging authority, or any of the charging authorities, in relation to a charging scheme under this Part may—



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- (a) install and maintain, or authorise the installation and maintenance of, any equipment, or
  - (b) construct and maintain, or authorise the construction and maintenance of, any buildings or other structures,
- used or to be used for or in connection with the operation of a charging scheme under this Part.
- (2) The appropriate national authority may by regulations approve standards for equipment installed, or authorised to be installed, by charging authorities for or in connection with the operation of charging schemes under this Part.
  - (3) No equipment may be installed for or in connection with the operation of a charging scheme under this Part if it is incompatible with a standard approved under subsection (2).

## **177 Traffic signs**

- (1) The appropriate national authority may direct the charging authority, or any of the charging authorities, in relation to a charging scheme under this Part (other than a trunk road charging scheme) to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with the scheme.
- (2) In the case of a joint local-London charging scheme the Greater London Authority may also exercise the power conferred by subsection (1); but any direction under this subsection shall not have effect if and to the extent that it is inconsistent with a direction under subsection (1).
- (3) The appropriate national authority may direct any local traffic authority to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with a trunk road charging scheme.
- (4) An authority which is or could be given a direction under this section may enter any land, and exercise any other powers which may be necessary, for placing and maintaining traffic signs, or causing traffic signs to be placed and maintained, in connection with any charging scheme in respect of which a direction is or could be given.
- (5) A direction under this section shall be given in writing and may be varied or revoked by the authority by which it was given.
- (6) In this section “traffic signs” has the meaning given by section 64 of the Road Traffic Regulation Act 1984 but also includes signposts and other signs and notices included in that term by section 71(2) of that Act.