



# London Local Authorities and Transport for London Act 2008

## 2008 CHAPTER iii

### PART 5

#### NON-PAYMENT OF PENALTY CHARGES

#### 14 Interpretation of Part 5

(1) In this Part of this Act—

“custodian” means a London authority or a person authorised by a London authority to keep vehicles removed under subsection (4) of section 17 (immobilisation and removal of vehicles) of this Act;

“NTO case” means a case where a penalty charge notice has been issued or served under—

- (a) section 66 of and Schedule 6 to the 1991 Act (parking penalties in London);
- (b) section 4 (penalty charge notices under Part II) of and Schedule 1 to the [London Local Authorities Act 1996 \(c. ix\)](#); or
- (c) regulations made under section 72 (civil penalties for road traffic contraventions) of the 2004 Act if the regulations make provision for the service of a notice to owner in respect of the penalty charge notice in question;

“penalty charge” means a penalty charge payable under regulations made under section 72 of the 2004 Act (civil penalties for road traffic contraventions) or under any other specified enactment and includes—

- (a) an avoided release fee within the meaning of subsection (6) of section 4 (unpaid charges on unlawful release of vehicle: Road Traffic Act 1991) of this Act; and
- (b) any increased charge liable to be paid under a specified enactment;

“prescribed” means prescribed by the joint committee established under section 73 of the 1991 Act (appointment of parking adjudicators) or, if, for the

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time being, there is no such committee, any other joint committee consisting of all the London borough councils and Transport for London;

“road” has the same meaning as in the 1984 Act (see section 142(1) of that Act);

“specified enactment” means—

- (a) section 66 of and Schedule 6 to the 1991 Act (parking penalties in London);
- (b) section 4 (penalty charge notices under Part II) of and Schedule 1 to the [London Local Authorities Act 1996 \(c. ix\)](#);
- (c) regulations made under section 144 of the [Transport Act 2000 \(c. 38\)](#) (civil penalties for bus lane contraventions);
- (d) section 4 (penalty charges for road traffic contraventions) of and Schedule 1 to the Act of 2003;
- (e) regulations made under paragraph 12 of Schedule 23 to the [Greater London Authority Act 1999 \(c. 29\)](#) (penalty charges for road user charging);
- (f) regulations made under section 72 of the 2004 Act.

(2) The reference in subsection (1) above to section 66 of the 1991 Act shall include a reference to that section as applied by section 77 of that Act.

(3) In this Part—

- (a) a reference in any provision to an authorised person is to a person authorised by a London authority for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
- (b) where a person has been authorised to act on behalf of a London authority in relation to any matter a reference to the London authority shall be taken to include a reference to that person; and
- (c) where an agreement for this purpose exists between two or more London authorities a person may be authorised to act on behalf of all the London authorities party to that agreement.

(4) Subject to subsection (6) below, for the purposes of this Part of this Act a penalty charge is “outstanding” if the London authority in question have not waived payment (whether by cancellation of a penalty charge notice or otherwise) and—

- (a) if a penalty charge notice has been issued or served and (in an NTO case) a notice to owner has been served—
  - (i) the penalty charge has not been paid;
  - (ii) the owner of the vehicle in question was the owner of the vehicle at the time the penalty charge was incurred; and
  - (iii) any of the circumstances in subsection (5) below apply without subsection (6) below applying; or
- (b) if a penalty charge notice has not been issued or served or (in an NTO case where a penalty charge notice has been issued or served), no notice to owner has been served—
  - (i) the penalty charge relates to a vehicle which, at the time the penalty charge was incurred, either fell within subsection (7) below or was registered but with no address or an incorrect address given for the registered keeper;
  - (ii) the London authority in question having taken reasonable steps have failed to ascertain the name and address of the person on whom a

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- penalty charge notice or notice to owner, as the case may be, could be served; and
- (iii) the penalty charge has not been paid before the end of the period of 35 days beginning with the day after the day on which the relevant time fell.
- (5) The circumstances mentioned in subsection (4)(a)(iii) above are—
- (a) the period allowed by the relevant specified enactment for making representations to the London authority in respect of the penalty charge has expired and no such representations have been made;
- (b) such representations have been made and—
- (i) the London authority have notified the person who made them that they reject the representations or the grounds of the representations, as the case may be; and
- (ii) the period allowed by the relevant specified enactment for making an appeal to an adjudicator in respect of the notification of rejection of representations has expired and no appeal has been made to an adjudicator;
- (c) if such an appeal has been made—
- (i) the appeal was unsuccessful; and
- (ii) the period of 28 days beginning with the date on which the appellant was notified of the decision on the appeal has expired.
- (6) If—
- (a) a warrant of execution has been issued in respect of a county court order which enables the recovery of a penalty charge or an increased charge; and
- (b) a bailiff has been instructed to levy execution of the order,
- the penalty charge in question shall not be treated for the purposes of this Part of this Act as “outstanding” unless the bailiff has agreed otherwise with the London authority which issued the penalty charge notice.
- (7) A vehicle falls within this subsection if at the relevant time—
- (a) the vehicle was not registered under the Vehicle Excise and Registration Act 1994 (c. 22); or
- (b) the vehicle was registered but no person was registered as its keeper.
- (8) In this section “relevant time” means the time at which the penalty charge became payable.
- (9) Regulations under section 72 of the 2004 Act may modify subsections (4) to (8) above in relation to penalty charges payable under regulations made under that section.
- (10) Subject to subsection (11) below—
- (a) the owner of a vehicle for the purposes of this Part of this Act shall be taken to be the person by whom the vehicle is kept; and
- (b) in determining, for the purposes of this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994 (c. 22).
- (11) Subsection (10) above shall not apply in relation to the references to the owner of a vehicle in paragraph 2(3)(g), (h), (i) and (j) of Schedule 2 to this Act.

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- (12) For the purposes of the provisions of this Act mentioned in subsection (11) above, the owner of the vehicle at any particular time means the person who would be liable to pay penalty charges in relation to that vehicle under the specified enactment in question.

## **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;
  - (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)

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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;
  - (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.

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- (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.

## **16 Preliminary procedure in other cases**

- (1) This section applies where a London authority have reason to believe that—
- (a) there are, in relation to that authority, at least three penalty charges outstanding in relation to a vehicle; and
  - (b) each of those penalty charges is outstanding because of the application of subsection (4)(a) of section 14 (interpretation of Part 5) of this Act; and
  - (c) a penalty charge notice or (in an NTO case) a notice to owner (including a penalty charge notice or notice to owner of the type referred to in subsections (2) and (3) of section 22 (issue of penalty charge notices, etc. on release or recovery of vehicle) of this Act was served in respect of each outstanding penalty charge.
- (2) Where this section applies, the London authority may serve a notice personally or by post or in such other manner as may be agreed between the parties on the person on whom a penalty charge notice or notice to owner, as the case may be, was served in the case of each outstanding penalty charge.
- (3) If the London authority have reason to believe that the owner of the vehicle is not the same person who was the owner of the vehicle when the last outstanding penalty charge was incurred, they may not serve a notice under subsection (2) above.
- (4) A notice under subsection (2) above shall—

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- (a) require that within the period of 7 days commencing with the date on which the notice was served—
    - (i) the outstanding penalty charges are paid to the London authority; or
    - (ii) a bond in the prescribed sum is paid to the London authority; and
  - (b) explain the consequences, under section 17 (immobilisation and removal of vehicles) of this Act, of failing to comply with those requirements; and
  - (c) inform the person on whom the notice is served of the rights, if those requirements are complied with, to make representations under paragraph 2 of Schedule 2 to this Act, and of appeal under paragraph 3 of the said Schedule 2.
- (5) If a bond is paid to the London authority in response to a notice under subsection (2) above, the London authority shall issue to the person on whom the notice was served a certificate in the prescribed form, stating—
- (a) that the certificate is issued under this section;
  - (b) the date on which the certificate was issued;
  - (c) the registration mark of the vehicle;
  - (d) the date on which the certificate expires;
  - (e) the effect of subsection (6) below;
  - (f) the effect of paragraph 2 (4) of the said Schedule 2.
- (6) If a certificate issued under subsection (5) 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 section 15 (preliminary procedure where ownership details not known) of this Act; and
  - (b) the vehicle may not be removed under the said section 17.
- (7) A certificate issued under subsection (5) above may expire no sooner than 14 days after the end of the period beginning with the date after which the relevant London authority are entitled, in accordance with paragraph 2(4) of the said Schedule 2, to disregard any representations received by them.
- (8) A person shall be guilty of an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, if he displays in or on a vehicle a false certificate, purportedly issued under subsection (5) above.

## **17 Immobilisation and removal of vehicles**

- (1) Subsection (4) below applies in respect of a vehicle which is stationary on a road in Greater London if—
- (a) no relevant certificate is being displayed prominently in or on the vehicle; and
  - (b) an authorised person has reason to believe that the conditions of subsection (2) or (3) below are met.
- (2) The conditions of this subsection are that—
- (a) an immobilisation device has been fixed to a vehicle under subsection (2) of section 15 (preliminary procedure where ownership details not known) of this Act; and
  - (b) the vehicle has not been released in accordance with subsection (10) of that section.
- (3) The conditions of this subsection are that—

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- (a) a notice has been served under subsection (2) of section 16 (preliminary procedure in other cases) of this Act;
  - (b) the period mentioned in subsection (4)(a) of that section has expired; and
  - (c) at least three of the outstanding penalty charges to which the notice related remain unpaid; and
  - (d) a bond has not been paid as mentioned in subsection (4)(a)(ii) of that section.
- (4) Where this subsection applies, the authorised person or a person acting under the authorised person's direction, may remove the vehicle and deliver it to a custodian.
- (5) Where subsection (4) above applies because an authorised person has reason to believe that the conditions of subsection (3) above are met, the authorised person or a person acting under the authorised person's direction may, before the vehicle is removed and delivered to a custodian—
- (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.
- (6) Subsections (3) to (9) of the said section 15 shall apply in relation to cases where action is taken under subsection (5) above as they do in relation to cases where action is taken under subsection (2) of that section except that in subsection (3)(d) as so applied, for the reference to subsection (10) of that section there is substituted a reference to subsection (7) below.
- (7) Subject to subsection (4) of the said section 15 (as applied by subsection (6) 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 (8) or (9) below are satisfied.
- (8) The conditions of this subsection are that the person making the request ("the claimant") pays—
- (a) all penalty charges that are outstanding in relation to the vehicle and which are owed to any of the London authorities by whom the authorised person who took the action (or directed that action be taken) under subsection (5) above is authorised; and
  - (b) such charge in respect of the release as may be prescribed.
- (9) The conditions of this subsection are that—
- (a) the claimant pays a bond in the prescribed sum to the authorised person or to one of the London authorities specified by him and by whom he is authorised;
  - (b) the claimant satisfies the authorised person that he intends to make representations under paragraph 2 of Schedule 2 to this Act by virtue of paragraph 1(1)(c) of that Schedule;
  - (c) no bond has previously been paid in respect of the outstanding penalty charges in question, either under this subsection or in response to the service of a notice under subsection (4) of section 16 (preliminary procedure in other cases) of this Act; and
  - (d) the claimant provides to the custodian satisfactory and verifiable proof of his name and address and the name and address of the owner of the vehicle (if it is not him).



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- (10) If a claimant takes possession of a vehicle, having satisfied the conditions of subsection (9) above, the custodian shall issue to the claimant a certificate in the prescribed form, stating—
- (a) that the certificate is issued under this section;
  - (b) the date on which the certificate was issued;
  - (c) the registration mark of the vehicle;
  - (d) the date on which the certificate expires;
  - (e) the effect of subsection (12) below;
  - (f) the effect of paragraph 2(4) of the said Schedule 2.
- (11) If a certificate issued under subsection (10) 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 the said section 15 or this section; and
  - (b) the vehicle may not be removed under this section.
- (12) A certificate issued under subsection (10) above may expire no sooner than 14 days after the end of the period beginning with the date after which the relevant London authority are entitled, in accordance with paragraph 2(4) of the said Schedule 2, to disregard any representations received by them.
- (13) A person shall be guilty of an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, if—
- (a) in giving a relevant person information required to establish whether a condition of subsection (9) above is met, he—
    - (i) makes a statement which he knows is false in a material particular; or
    - (ii) recklessly makes a statement which is false in a material particular; or
  - (b) he displays in or on a vehicle a false certificate, purportedly issued under subsection (10) above.
- (14) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with subsection (4) above in a case where subsection (3) above applies, the custodian may (whether or not any claim is made under section 19 (taking possession of a vehicle) or 21 (claim by the owner of a vehicle after its disposal) of this Act) recover from the person who was the owner of the vehicle when the vehicle was removed—
- (a) all penalty charges that are outstanding in relation to the vehicle and which are owed to any of the London authorities by whom the authorised person who removed the vehicle is authorised;
  - (b) such charge for its removal as may be prescribed;
  - (c) such charge as may be prescribed for each complete day or part of a day on which it has been held by the custodian; and
  - (d) if the vehicle has been disposed of, such charge as may be prescribed for its disposal.
- (15) Where, by virtue of subsection (14) above (except paragraph (d)), any sum is recoverable in respect of a vehicle by a custodian, the custodian shall be entitled to retain custody of it until that sum is paid.
- (16) In subsection (1) above “relevant certificate” means an unexpired certificate issued under—

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- (a) subsection (13) of the said section 15;
- (b) subsection (5) of the said section 16;
- (c) subsection (10) of this section;
- (d) subsection (3) of section 20 (payment of bond to secure removal) of this Act; or
- (e) paragraph 4(1) (representations and appeals in cases where bond is paid) of the said Schedule 2.

## **18 Disposal of removed vehicles and contents**

- (1) Subject to the provisions of this section, the custodian of a vehicle delivered to him as mentioned in subsection (4) of section 17 (immobilisation and removal of vehicles) of this Act may dispose of the vehicle and its contents (if any) by selling them or dealing with them as scrap, as he thinks fit.
- (2) Where the owner of a vehicle has disclaimed all rights of ownership of a vehicle and any contents, they may be disposed of pursuant to this section at any time.
- (3) In a case not falling within subsection (2) above, a vehicle or its contents shall not be disposed of pursuant to this section—
  - (a) before the end of the relevant period; and
  - (b) until the custodian has, for the purpose of ascertaining the owner of the vehicle, taken such of the steps specified in subsection (5) below as are applicable to the vehicle; and
  - (c) either—
    - (i) he has failed to ascertain the name and address of the owner; or
    - (ii) the owner has failed to comply with a notice complying with subsection (6) below served on him by post or such other means as may be agreed by the parties.
- (4) In subsection (3) above, the “relevant period” means—
  - (a) in the case where subsection (2) of the said section 17 applies, the period of eight weeks beginning with the date on which the vehicle was removed as mentioned in subsection (4) of that section;
  - (b) in the case where subsection (3) of the said section 17 applies, the period of five weeks beginning with that date.
- (5) The steps referred to in subsection (3)(b) above are—
  - (a) if the vehicle carries a United Kingdom registration mark, the custodian shall ascertain from the records kept by the Secretary of State under the Vehicle Excise and Registration Act 1994 (c. 22) the name and address of the person by whom the vehicle is kept;
  - (b) if the vehicle does not carry such a registration mark, the custodian shall make such inquiries as appear to him to be practicable to ascertain the identity of the owner of the vehicle.
- (6) A notice under subsection (3)(c)(ii) above shall be a notice addressed to the owner which—
  - (a) states—
    - (i) the outstanding penalty charges payable in respect of the vehicle;
    - (ii) the registration mark and make of the vehicle;

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- (iii) the place where the vehicle was found before it was removed;
  - (iv) the place to which the vehicle has been removed;
  - (v) the steps to be taken to obtain possession of the vehicle with its contents (if any) in accordance with section 19 (taking possession of a vehicle) of this Act;
  - (vi) that unless the vehicle with its contents (if any) is removed by the owner before the expiry of the period mentioned in paragraph (b) below, the custodian intends to dispose of it; and
- (b) requires the owner to remove the vehicle from the custody of the custodian before the expiry of the period of 21 days beginning with the date on which the notice was served.
- (7) The custodian shall be entitled to treat the registered keeper of the vehicle as the person entitled to its contents unless and to the extent that some other person satisfies him of his claim to all or part of them.
- (8) Where there is more than one claim to the vehicle or its contents, the custodian shall determine which person is entitled to the vehicle or its contents on the basis of the evidence provided to him.

## **19 Taking possession of a vehicle**

- (1) A person (“the claimant”) may take possession of a vehicle (with its contents) which has been removed and delivered to a custodian and has not been disposed of under section 18 (disposal of removed vehicles and contents) of this Act, if the conditions specified in subsection (2), (3) or (9) below are satisfied.
- (2) The conditions of this subsection are that the vehicle was removed in circumstances where subsection (2) of section 17 (immobilisation and removal of vehicles) of this Act applied; and the claimant—
- (a) provides his name and address;
  - (b) provides satisfactory and verifiable proof of his name and address;
  - (c) provides the name and address of the owner of the vehicle (if it is not him); and
  - (d) satisfies the custodian that—
    - (i) he is the owner of the vehicle; or
    - (ii) he is authorised by the owner to take possession of the vehicle.
- (3) The conditions of this subsection are that the vehicle was removed in circumstances where subsection (2) of the said section 17 applied; and
- (a) the claimant provides his name and address;
  - (b) the claimant satisfies the custodian that —
    - (i) he is the owner of the vehicle; or
    - (ii) that he is authorised by the owner to take possession of the vehicle;
  - (c) 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
  - (d) no bond has previously been paid under this subsection in respect of the outstanding penalty charges.
- (4) If a bond is paid to an authorised person or a London authority in accordance with subsection (3)(b) above, the authorised person shall issue to the claimant a certificate in the prescribed form, stating—

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- (a) that the certificate is issued under this section;
  - (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 (5) below;
  - (f) the contact details of the London authority to whom information should be provided to satisfy the provisions of subsection (7) below.
- (5) If a certificate issued under subsection (4) 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 section 15 (preliminary procedure where ownership details not known) of this Act; and
  - (b) the vehicle may not be immobilised or removed under the said section 17.
- (6) A certificate issued under subsection (4) above shall expire at the end of the period of 21 days beginning with the date on which it was issued.
- (7) If the London authority referred to in subsection (4)(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.
- (8) 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 (2)(b) and (7) above.
- (9) The conditions of this subsection are that the vehicle was removed in circumstances where subsection (3) of the said section 17 applied; and
- (a) the claimant satisfies the custodian that—
    - (i) he is the owner of the vehicle; or
    - (ii) he is authorised by the owner to take possession of the vehicle;
  - (b) all penalty charges in respect of the vehicle and which were outstanding at the time that the vehicle was removed under the said section 17 are paid to the relevant authority; and
  - (c) any charges in respect of the removal, storage or release from storage of the vehicle are paid.
- (10) A person shall be guilty of an offence if—
- (a) in providing proof under subsection (2) or (7) above he—
    - (i) makes any statement which he knows is false in a material particular;
    - or
    - (ii) recklessly makes a statement which is false in a material particular;
  - (b) he displays in or on a vehicle a false certificate, purportedly issued under subsection (4) above.
- (11) A person guilty of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) 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 possession has been taken of a vehicle under this section.

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## 20 Payment of bond to secure removal

- (1) If a person (“the claimant”) is offered the opportunity to do so by the custodian, and the conditions of subsection (2) below are satisfied, instead of paying all outstanding penalty charges and any other charges to the custodian, a person may pay to the custodian a bond in the prescribed sum in order to take possession of a vehicle (with its contents) under section 19 (taking possession of a vehicle) of this Act.
- (2) The conditions of this subsection are—
  - (a) that the claimant satisfies the custodian that—
    - (i) he is the owner of the vehicle or that he is authorised by the owner to take possession of the vehicle;
    - (ii) he intends to make representations under paragraph 2 of Schedule 2 to this Act by virtue of paragraph 1(1)(c) of that Schedule; and
  - (b) no bond has been paid under this section or in response to the service of a notice under subsection (4) of section 16 (preliminary procedure in other cases) of this Act on any previous occasion in respect of any of the outstanding penalty charges in question; and
  - (c) the claimant provides to the custodian satisfactory and verifiable proof of his name and address and the name and address of the owner of the vehicle (if it is not him).
- (3) If a claimant takes possession of a vehicle, having satisfied the conditions of subsection (2) above, the custodian shall issue to the claimant a certificate in the prescribed form, stating—
  - (a) that the certificate is issued under this section;
  - (b) the date on which the certificate was issued;
  - (c) the registration mark of the vehicle;
  - (d) the date on which the certificate expires;
  - (e) the effect of subsection (5) below;
  - (f) the effect of paragraph 2 (4) of the said Schedule 2.
- (4) If a certificate issued under subsection (3) 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 section 15 (preliminary procedure where ownership details not known) or 17 (immobilisation and removal of vehicles) of this Act; and
  - (b) the vehicle may not be removed under the said section 17.
- (5) A certificate issued under subsection (3) above may expire no sooner than 14 days after the end of the period beginning with the date after which the relevant London authority is entitled, in accordance with paragraph 2(4) of the said Schedule 2, to disregard any representations received by them.
- (6) A person shall be guilty of an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, if—
  - (a) in giving a relevant person information required to establish whether a condition of subsection (2) above is met, he—
    - (i) makes a statement which he knows is false in a material particular; or
    - (ii) recklessly makes a statement which is false in a material particular; or
  - (b) he displays in or on a vehicle a false certificate, purportedly issued under subsection (3) above.

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## **21 Claim by the owner of a vehicle after its disposal**

- (1) If, after a vehicle has been disposed of by a custodian pursuant to section 18 (disposal of removed vehicles and contents) of this Act, a person claims to have been the owner of the vehicle at the time when it was disposed of and the conditions specified in subsection (2) below are met, there shall be payable to him by the custodian a sum calculated in accordance with subsection (3) below.
- (2) The conditions are that—
  - (a) the claimant satisfies the custodian that he was the owner of the vehicle at the time it was disposed of; and
  - (b) the claim is made before the end of the period of one year beginning with the date on which the vehicle was disposed of.
- (3) The sum payable under subsection (1) above shall be calculated by deducting from the proceeds of sale the sums that would have been payable under subsection (9) of section 19 (taking possession of a vehicle) of this Act, had the vehicle been claimed by the owner immediately before its disposal, together with such charge as may be imposed by section 17 (immobilisation and removal of vehicles) of this Act in respect of the disposal of a vehicle.

## **22 Issue of penalty charge notices, etc. on release or recovery of vehicle**

- (1) This section applies in cases where—
  - (a) a vehicle is released from an immobilisation device under subsection (4) of section 15 (preliminary procedure where ownership details not known) of this Act;
  - (b) details are provided to a London authority in satisfaction of subsection (16) of the said section 15; or
  - (c) a claimant takes possession of a vehicle under section 19 (taking possession of a vehicle) of this Act in circumstances where subsection (2) of that section apply.
- (2) The relevant person may, if he is satisfied that the claimant is the owner of the vehicle, serve on the claimant personally a penalty charge notice or (in NTO cases) a notice to owner in respect of each relevant outstanding penalty charge.
- (3) A London authority may serve a penalty charge notice or (in NTO cases) a notice to owner in respect of each relevant outstanding penalty charge on the person whose name is given as the owner of the vehicle to the relevant person under subsection (11) or (16) of the said section 15 or subsection (2) or (7) of the said section 19 at the address given under the subsection in question.
- (4) A notice served under subsection (2) or (3) above shall, for the purposes of the enactment in respect of which the relevant outstanding penalty charge in question arose be deemed to have been issued or served in compliance with that enactment (including in compliance with any time limits under the enactment).
- (5) A penalty charge in respect of which a notice is served under subsection (2) or (3) above—
  - (a) ceases to be outstanding as described in subsection (4)(b) of section 14 (interpretation of Part 5) of this Act; but
  - (b) may become outstanding as described in subsections (4)(a), (5) and (6) of that section.

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- (6) If a penalty charge does become outstanding again as mentioned in subsection (5) above, then—
- (a) the procedure in section 16 (preliminary procedure in other cases) of this Act may apply in respect of the outstanding penalty charge; and
  - (b) the penalty charge notice or notice to owner in question shall count for the purposes of subsection (1)(c) of that section.
- (7) In this section—
- “relevant person” means—
- (a) an authorised person who releases a vehicle or directs another person to release the vehicle from an immobilisation device in accordance with subsection (10) of the said section 15; or
  - (b) a custodian from whom a vehicle is taken possession under subsection (1) of the said section 19, in the case where the conditions of subsection (2) of that section have been satisfied,
- as the case may be;
- “claimant” means a claimant for the purposes of the said section 15 or section 19, as the case may be.

## **23 Representations and appeals**

Schedule 2 to this Act shall have effect with respect to representations against penalty charge notices and appeals, and other matters supplementary to the provisions of this Part of this Act.

## **24 Levels of charges, financial provisions, etc.**

- (1) Different levels of charges (but not of bonds) payable or recoverable under this Part of this Act may be prescribed for different cases or classes of case.
- (2) Income and expenditure in respect of this Part of this Act shall be treated by the London authorities under such one or more of the relevant financial provisions as they think fit.
- (3) Regulations under section 88 of the 2004 Act may make provision about—
  - (a) the keeping of accounts and the preparation and publication of statements of account, of the income and expenditure of London authorities in connection with their functions under this Part of this Act; and
  - (b) as to the purposes for which any surpluses may be applied.
- (4) In determining, for the purposes of any provision of this Act, whether a penalty charge has been paid before the end of a particular period, it shall be taken to be paid when it is received by the London authority concerned.
- (5) For the purposes of subsection (2) above, “the relevant financial provisions” means—
  - (a) section 55 of the 1984 Act (financial provisions relating to designation orders);
  - (b) Schedule 2 to the [London Local Authorities Act 1996 \(c. ix\)](#) (financial provisions relating to Part II (bus lanes));
  - (c) regulations made under subsection (8)(d) of section 144 of the Transport Act 2000 (c. 38) (civil penalties for bus lane contraventions);

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- (d) Schedule 2 to the Act of 2003 (financial provisions relating to sections 4 (penalty charges for road traffic contraventions) and 8 to 11 (fixed penalties) of that Act);
- (e) paragraphs 15 to 18 of Schedule 23 to the Greater London Authority Act 1999 (c. 29) (accounts and funds, etc. for road user charging schemes);
- (f) regulations made under the said section 88 as mentioned in subsection (3) above.

## 25 Guidance

Before the appointed day, the London authorities shall publish guidance about the exercise of their functions under this Part of this Act and the London authorities shall have regard to the guidance in exercising those functions.