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SCHEDULES

SCHEDULE 6

Section 121

AMENDMENTS OF FINANCIAL PROVISIONS RELATING TO SCHEMES

PART 1

AMENDMENTS OF SCHEDULE 12 TO THE TRANSPORT ACT 2000

- 1 Schedule 12 to the TA 2000 (financial provisions relating to road user charging and workplace charging schemes) is amended as follows.

Commencement Information

- I1** Sch. 6 para. 1 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I2 Sch. 6 para. 1 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(t)

Application of proceeds by non-metropolitan local traffic authorities

- 2 (1) Paragraph 8 is amended as follows.
(2) In sub-paragraph (1) for “any early relevant scheme during the initial period of the scheme” substitute “any relevant scheme”.
(3) Omit sub-paragraphs (5) to (7).

Commencement Information

- I3** Sch. 6 para. 2 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I4 Sch. 6 para. 2 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(t)

Application of proceeds where paragraph 8 does not apply

- 3 Omit paragraph 9.

Commencement Information

- I5** Sch. 6 para. 3 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I6 Sch. 6 para. 3 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(t)

Plans and programmes for application of proceeds

- 4 (1) Paragraph 10 is amended as follows.

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- (2) In sub-paragraph (1)(b) for “the opening transport plan period” substitute “the opening five year period”.
- (3) For sub-paragraph (2)(b) substitute—
 - “(b) “the opening five year period” means the period which begins with that date and ends with the fifth financial year that commences on or after that date.”.
- (4) In sub-paragraph (3)—
 - (a) after “a scheme” insert “which relates to an area in Wales”;
 - (b) for “the appropriate national authority” substitute “the Welsh Ministers”.

Commencement Information

- I7** Sch. 6 para. 4 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I8** Sch. 6 para. 4 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(t)

Programme for application of proceeds after end of opening period

- 5 (1) Paragraph 11 is amended as follows.
- (2) For sub-paragraph (1) substitute—
 - “(1) If a relevant scheme made by one or more non-metropolitan local traffic authorities remains in force after the end of the opening five year period, the authority or each of the authorities shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.”.
- (3) In sub-paragraph (2) for “included in a local transport plan by virtue of sub-paragraph (1)” substitute “prepared in accordance with sub-paragraph (1)”.
- (4) In sub-paragraph (3) for “the opening plan period” substitute “the opening five year period”.

Commencement Information

- I9** Sch. 6 para. 5 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
- I10** Sch. 6 para. 5 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(t)

Application of proceeds by London traffic authorities

- 6 (1) Paragraph 12 is amended as follows.
- (2) In sub-paragraph (1) for the words from “only for application” to the end substitute—
 - “(a) in the case of a charging scheme under this Part, only for application for relevant transport purposes within the meaning of Schedule 23 to the Greater London Authority Act 1999;
 - (b) in the case of a licensing scheme under this Part, only for application in accordance with regulations made by the Secretary of State.”.

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(3) After sub-paragraph (1) insert—

“(1A) Paragraphs 19(1) and (2), 20(1) and (5), 23(1) and (3) and 24 of Schedule 23 to that Act apply in relation to a charging scheme under this Part as they apply in relation to a charging scheme under that Schedule.”.

(4) In sub-paragraph (2)—

- (a) omit paragraph (a);
- (b) for “a relevant scheme” substitute “a licensing scheme”.

Commencement Information

I11 Sch. 6 para. 6 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

I12 Sch. 6 para. 6 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(t)

Application of proceeds by Secretary of State and Welsh Ministers

7 (1) Paragraph 13 is amended as follows.

(2) In sub-paragraph (1)(b) omit the words from “and comes into force” to “the commencement of this Schedule”.

(3) Omit sub-paragraph (2).

(4) In sub-paragraph (3)—

- (a) for “Sub-paragraph (1)” substitute “Sub-paragraph (1)(a)”;
- (b) after “a scheme” insert “made by virtue of section 167(2)(a)”.

(5) In sub-paragraph (5)—

- (a) for “sub-paragraph (1)” substitute “sub-paragraph (1)(a)”;
- (b) after “a trunk road charging scheme” insert “made by virtue of section 167(2)(a)”.

Commencement Information

I13 Sch. 6 para. 7 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

I14 Sch. 6 para. 7 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(t)

Regulations and orders

8 (1) In consequence of the amendments made by paragraphs 3 and 7(3), section 197 of the TA 2000 is amended as follows.

(2) In subsections (3) and (4)(b) (regulations not to be made without consent of Treasury and approval of Parliament)—

- (a) omit “9(1) or”;
- (b) for “13(2) or (5)” substitute “13(5)”.

Commencement Information

I15 Sch. 6 para. 8 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

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I16 Sch. 6 para. 8 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(t)

PART 2

AMENDMENTS OF SCHEDULE 23 TO THE GREATER LONDON AUTHORITY ACT 1999

9 Schedule 23 to the GLA Act 1999 (road user charging) is amended as follows.

Commencement Information

I17 Sch. 6 para. 9 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Application of net proceeds

- 10 (1) Paragraph 16 is amended as follows.
- (2) In sub-paragraph (1)—
- (a) omit “which comes into force during the period of ten years beginning with the inception of the Authority”;
 - (b) omit “during the scheme's initial period”.
- (3) After sub-paragraph (1) insert—
- “(1A) Sub-paragraph (1) above is subject to paragraph 18(1A) and (1B) below.”.
- (4) Omit sub-paragraphs (2) to (4).
- (5) In sub-paragraph (6) for “(1) to (5)” substitute “(1) and (5)”.
- (6) Omit sub-paragraph (7).

Commencement Information

I18 Sch. 6 para. 10 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

11 In paragraph 17, omit sub-paragraphs (1), (2) and (6).

Commencement Information

I19 Sch. 6 para. 11 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

Apportionment of net proceeds

- 12 (1) Paragraph 18 is amended as follows.
- (2) In sub-paragraph (1) omit “Subject to any provision made by regulations under paragraph 16(2) above.”.
- (3) After sub-paragraph (1) insert—
- “(1A) In the case of a charging scheme which imposes charges in respect of a trunk road, the Secretary of State may require the scheme to include provision for

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the payment to the Secretary of State of such portion of the net proceeds as is—

- (a) provided for by the scheme, or
- (b) otherwise determined with the consent of the Secretary of State.

(1B) Any portion of the net proceeds paid to the Secretary of State by virtue of sub-paragraph (1A) shall be available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.”.

(4) In sub-paragraph (2)—

- (a) after “sub-paragraph (1)” insert “or (1A)”;
- (b) omit “or regulations under paragraph 16(2) above”.

Commencement Information

I20 Sch. 6 para. 12 in force at 9.2.2009 by S.I. 2009/107, art. 2(1), Sch. 1 Pt. 1

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