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STATUTORY INSTRUMENTS

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**2001 No. 2285**

**The Road User Charging (Charges and  
Penalty Charges) (London) Regulations 2001**

**PART II**

**PENALTY CHARGES**

**Imposition of penalty charges**

4.—(1) A charging scheme may provide that a penalty charge shall be imposed in respect of a vehicle where—

- (a) the vehicle has been used or kept on a road in the charging area to which the scheme applies;
- (b) the vehicle falls within a class in respect of which a charge is imposed by the charging scheme;
- (c) the road is a road in respect of which a charge is imposed by the charging scheme;
- (d) events have occurred by reference to the happening of which a charge is imposed by the charging scheme; and
- (e) the charge has not been paid in full within the time and in the manner in which it is required by the charging scheme to be paid.

(2) A charging scheme may further provide that penalty charges shall be imposed in respect of—

- (a) the release of a vehicle from an immobilisation device fixed to it in accordance with regulation 11;
- (b) the removal of a vehicle in accordance with regulation 12;
- (c) the storage and release from storage of a vehicle so removed; or
- (d) the sale or destruction of a vehicle so removed.

(3) If a charging scheme so provides a penalty charge shall be payable.

(4) A charging scheme shall specify the time and manner in which a penalty charge is to be paid and may provide that the amount of a penalty charge—

- (a) is to be reduced by such proportion as may be specified in that behalf in the scheme if it is duly paid within such time and in such manner or circumstances as may be so specified; or
- (b) is to be increased by such proportion as may be specified in that behalf in the scheme if it is not duly paid within such time and in such manner or circumstances as may be so specified.

**Setting the rates of penalty charges**

5.—(1) The rates of penalty charges (which may be no charge) imposed by a charging scheme shall be specified in the scheme.

- (2) Different rates of penalty charges may be specified for—
- (a) different classes of penalty charge;
  - (b) different days;
  - (c) different times of day;
  - (d) different parts of a charging area;
  - (e) different distances travelled;
  - (f) different classes of vehicles; or
  - (g) different circumstances in which penalty charges are imposed.

### **Liability for charges and penalty charges**

6.—(1) In this regulation—

- (a) “relevant vehicle” means a vehicle in respect of which charges or penalty charges are imposed by a charging scheme arising out of its having been used or kept on a road in a charging area designated by the scheme as a road in respect of which a charge is imposed; and
- (b) “relevant time” means the time at which a relevant vehicle was so used or kept on that road.

(2) The circumstances in which, and the persons by whom, charges and penalty charges imposed in respect of a relevant vehicle by a charging scheme are to be payable otherwise than by the registered keeper are those specified in paragraphs (3) to (6).

(3) Where the relevant vehicle is not registered under the Vehicle Excise and Registration Act 1994, charges and penalty charges shall be payable by the person by whom the relevant vehicle was used or kept on a road at the relevant time.

(4) Where at the relevant time the relevant vehicle was kept by a person who was a motor vehicle trader as defined by regulation 12A(6) of the Road Vehicles (Registration and Licensing) Regulations 1971<sup>(1)</sup> (“the 1971 Regulations”) and that person was not the registered keeper, charges and penalty charges shall be payable by that person.

(5) Where before the relevant time the registered keeper had notified the Secretary of State in writing, in accordance with regulation 12 or 12A of the 1971 Regulations, that there had been a change of ownership of the relevant vehicle so that it was no longer kept by him, charges and penalty charges shall be payable by the person by whom the vehicle was kept at the relevant time.

(6) Where at the relevant time—

- (a) the registered keeper of the relevant vehicle was a vehicle-hire firm;
- (b) the relevant vehicle was hired from that firm under a hiring agreement;
- (c) the person hiring it signed a statement of liability acknowledging his liability for any charges or penalty charges incurred under a charging scheme during the currency of the hiring agreement,

charges and penalty charges shall be payable by the hirer of the vehicle.

(7) The date on which the registered keeper shall be taken for the purposes of these Regulations to have notified the Secretary of State as mentioned in paragraph (5) shall be the date on which service on the Secretary of State is to be taken to have been effected in accordance with section 7 of the Interpretation Act 1978<sup>(2)</sup> of—

- (a) in a case where regulation 12 of the 1971 Regulations applies, notification of a change of ownership in accordance with paragraph (1A) of that regulation; or

(1) S.I. 1971/450; relevant amending instrument is S.I. 1997/401.

(2) 1978 c. 30.

- (b) in a case where regulation 12A(2) or (3) of the 1971 Regulations applies, the part of the registration document referred to in paragraph (2)(a) or, as the case may be, (3)(a), of regulation 12.