

2005 No. 56

LONDON GOVERNMENT

ROAD TRAFFIC

**The Transport for London (Consequential Provisions) Order
2005**

<i>Made</i> - - - -	<i>17th January 2005</i>
<i>Laid before Parliament</i>	<i>19th January 2005</i>
<i>Coming into force</i> - -	<i>14th February 2005</i>

The Secretary of State for Transport, in exercise of the powers conferred by sections 405(2), 406 and 420(1) of the Greater London Authority Act 1999(a), hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Transport for London (Consequential Provisions) Order 2005 and shall come into force on 14th February 2005.

Modification of the London Local Authorities Act 1995

2.—(1) Schedule 1 (which amends provisions of the London Local Authorities Act 1995(b) in respect of Transport for London) shall have effect.

(2) Paragraph 2 of Schedule 1 shall cease to have effect on the coming into force of the repeal of section 4 of the London Local Authorities Act 1995 by Part 1 of Schedule 12 to the Traffic Management Act 2004(c).

Modification of London Local Authorities Act 2000

3.—(1) Schedule 2 (which amends provisions of the London Local Authorities Act 2000(d) in respect of Transport for London) shall have effect.

(2) In the case of each of paragraphs 2 to 11 of Schedule 2 that paragraph shall cease to have effect on the coming into force of the repeal, by Part 1 of Schedule 12 to the Traffic Management Act 2004, of the section of the London Local Authorities Act 2000 to which the paragraph relates.

(a) 1999 c. 29.

(b) 1995 c. x.

(c) 2004 c. 18.

(d) 2000 c. vii; sections 4 and 16 were amended by the London Local Authorities Act 2004 (c. 19), sections 27(3) and 28, Schedule 5.

Signed by authority of the Secretary of State

Charlotte Atkins
Parliamentary Under Secretary of State,
Department for Transport

17th January 2005

SCHEDULE 1

Article 2(1)

AMENDMENTS TO THE LONDON LOCAL AUTHORITIES ACT 1995

1. The London Local Authorities Act 1995 shall be amended in accordance with the following provisions of this Schedule.

2. In section 4(4)(a)(iii) (stopping on or near pedestrian crossings) after “the Commissioner” there shall be inserted “, in the case of a crossing situated on a GLA road or GLA side road^(a), to Transport for London or, in any other case,”.

3.—(1) Section 9 (special temporary prohibitions) shall be amended as follows.

(2) In subsection (1)—

- (a) for the words from “A participating” to “in respect of” there shall be substituted “The relevant authority for”; and
- (b) for “in the borough of that council” there shall be substituted “may, by notice, make a special temporary waiting prohibition in respect of that road or part of a road”.

(3) After subsection (1) there shall be inserted—

“(1A) In this section the “relevant authority”, in relation to a road or part of a road—

- (a) in the case of a GLA road or GLA side road, means Transport for London, and
- (b) in any other case, means the participating council in whose area the road or part of a road lies.”

(4) In subsection (3) for “the participating council” there shall be substituted “the relevant authority”.

(5) In subsection (6)—

- (a) for “a participating council” there shall be substituted “a relevant authority”; and
- (b) for “the council” there shall be substituted “the authority”.

SCHEDULE 2

Article 3(1)

AMENDMENTS TO THE LONDON LOCAL AUTHORITIES ACT 2000

1. The London Local Authorities Act 2000 shall be amended in accordance with the following provisions of this Schedule.

2.—(1) Section 4 (service of penalty charge notice on the basis of information provided by camera etc) shall be amended as follows.

(a) As to the meaning of “GLA road”, see the Highways Act 1980 (c. 66) section 14D(1), inserted by the Greater London Authority Act 1999 section 263. As to the meaning of “GLA side road” see the Road Traffic Regulation Act 1984 (c. 27) section 124A(9), inserted by the Greater London Authority Act 1999 section 272.

(2) For subsection (2) there shall be substituted—

“(2) Where a participating council, on the basis of information provided by the use of a camera or any other device, has reason to believe that a penalty charge is payable under Part II of the 1991 Act in respect of a vehicle which is stationary—

- (a) in a designated parking place for which the council is the local authority within the meaning of section 45(7) of the Act of 1984(a); or
- (b) on a road, other than a GLA road or GLA side road, in a special parking area in the area of the council,

the council may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle.

(2A) Where Transport for London, on the basis of information provided by the use of a camera or other device, has reason to believe that a penalty charge is payable under Part II of the Act of 1991 in respect of a vehicle which is stationary—

- (a) on a GLA road or GLA side road in a designated parking place for which Transport for London is the local authority within the meaning of section 45(7) of the 1984 Act; or
- (b) on a GLA road or GLA side road in a special parking area but not in a designated parking place,

Transport for London may serve a penalty charge notice on the person appearing to it to be the owner of the vehicle.”

(3) In subsection (3) for “A participating council may not serve a penalty charge notice” there shall be substituted “A penalty charge notice may not be served”.

(4) In subsection (5)—

- (a) for “the council” (in the first place occurring) there shall be substituted “the council or, as the case may be, Transport for London”; and
- (b) for “the council who” (in the second place occurring) there shall be substituted “the body which”.

3.—(1) Section 5 (service of penalty charge notice where parking attendant prevented from issuing a notice) shall be amended as follows.

(2) For subsection (1) there shall be substituted—

“(1) Where a parking attendant attempts to issue a penalty charge notice in accordance with section 66(1) of the Act of 1991(b) but is prevented from doing so by any person—

- (a) Transport for London, if the attendant was acting on its behalf; or
- (b) in any other case the council on whose behalf the attendant was acting,

may serve a penalty charge notice on the person appearing to it or them to be the owner of the vehicle.”

(3) In subsection (2) for “A participating council may not serve a penalty charge notice” there shall be substituted “A penalty charge notice may not be served”.

(4) In subsection (4)—

- (a) in paragraph (a) for “the council” there shall be substituted “the council or, as the case may be, to Transport for London”; and
- (b) in paragraph (b) for “council who” there shall be substituted “body which”.

(a) I.e. the Road Traffic Regulation Act 1984: see the London Local Authorities Act 2000 section 3(1). Section 45(7) of the Road Traffic Regulation Act 1984 was amended by the Local Government Act 1985 (c. 51) Schedule 5, paragraph 4(19), by the Local Government (Wales) Act 1994 (c. 19) Schedule 7, paragraph 38(3), Schedule 18 and by the Greater London Authority Act 1999 section 281.

(b) I.e. the Road Traffic Act 1991 (c. 40): see the London Local Authorities Act 2000 section 3(1).

4. In section 6 (modification of section 5 of the London Local Authorities Act 1995 — parking outside designated parking places) after “participating councils” there shall be inserted “and to Transport for London”.

5.—(1) Section 7 (limitation on service of notice to owner) shall be amended as follows.

(2) In subsection (1)—

- (a) the words “a participating council may not serve” shall be omitted; and
- (b) after “relating to bus lanes)” there shall be inserted “may not be served”.

(3) In subsection (2)—

- (a) for “a participating council has cancelled a notice to owner” there shall be substituted “a notice to owner has been cancelled”; and
- (b) for “the council may not serve a fresh notice to owner” there shall be substituted “a fresh notice to owner may not be served”; and
- (c) for “the council are served” to the end of the subsection there shall be substituted “a notice under paragraph 8(5)(d) of that Schedule is served on the participating council which served the notice to owner or on Transport for London if it served it”.

(4) In subsection (3)—

- (a) for “a council” there shall be substituted “a relevant authority, that is to say a council or Transport for London, has issued a penalty charge notice and”; and
- (b) for “the council” in each place occurring there shall be substituted “the relevant authority”.

6.—(1) Section 8 (service of notices) shall be amended as follows.

(2) In subsection (1) after “by a participating council” there shall be inserted “or Transport for London”.

(3) In subsection (2) after “to the council” there shall be inserted “or Transport for London”.

7. In section 9 (unpaid charges on release or removal of vehicle)—

- (a) for “the area of a participating council” there shall be substituted “Greater London”; and
- (b) for “the council” there shall be substituted “a participating council or as the case may be of Transport for London”.

8.—(1) Section 10 (effect of removal or release) shall be amended as follows.

(2) In subsection (1) after “the council” there shall be inserted “or as the case may be Transport for London”.

(3) In subsection (2) after “participating council” there shall be inserted “or Transport for London”.

9.—(1) Section 11 (representations relating to unpaid charges) shall be amended as follows.

(2) In subsection (1) after “the participating council” there shall be inserted “or as the case may be to Transport for London (“the relevant authority”)”.

(3) In subsection (2) for “A council” there shall be substituted “The relevant authority”.

(4) In subsection (3) for “a council to whom representations are duly made” there shall be substituted “the relevant authority when representations are duly made to it”.

(5) In subsections (4) to (7) for “a participating council”, in each place occurring, there shall be substituted “the relevant authority”.

10.—(1) Section 12 (appeals relating to unpaid charges) shall be amended as follows.

(2) In subsection (1)—

- (a) after “participating council” there shall be inserted “or Transport for London”;
- (b) the word “council’s” shall be omitted.

(3) In subsection (2)—

- (a) after “the council” there shall be inserted “or Transport for London”; and
- (b) for “that they accepted” there shall be substituted “accepting”.

11.—(1) Section 13 (charge certificates relating to unpaid charges) shall be amended as follows.

(2) In subsection (1) for “the participating council concerned” there shall be substituted “the relevant authority”.

(3) After subsection (1) there shall be inserted—

“(1A) In this section “the relevant authority” means the participating council to whom the charge allegedly incurred is payable or, in a case where it is payable to Transport for London, means Transport for London.”

(4) In subsection (2)(b)(ii) for “the council” there shall be substituted “the relevant authority”.

(5) In subsections (2) and (4) for “the council concerned”, in both places occurring, there shall be substituted “the relevant authority”.

12.—(1) Section 16 (power to enter vehicles) shall be amended as follows.

(2) In subsection (1)—

- (a) for “in the area of a participating council” there shall be substituted “in Greater London”; and
- (b) after “parking attendant” there shall be inserted “acting on behalf of Transport for London or a participating council (in this section called “the relevant authority”).

(3) In subsection (2) for “the council” there shall be substituted “the relevant authority”.

(4) In subsection (3)—

- (a) for “a council” there shall be substituted “the relevant authority”; and
- (b) for “the council” there shall be substituted “the relevant authority”.

(5) In subsection (4) for “the council” in both places occurring there shall be substituted “the relevant authority”.

(6) After subsection (4) there shall be added—

“(5) In this section “authorised officer” in relation to Transport for London means—

- (a) an employee of Transport for London;
- (b) any person by whom in pursuance of arrangements made with it any function of Transport for London under this section falls to be discharged; or
- (c) any employee of such a person,

who is authorised in writing by Transport for London to act in relation to this section.”

EXPLANATORY NOTE

(This note is not part of the Order)

This Order modifies provisions of the London Local Authorities Acts 1995 and 2000 relating to parking so as to apply them to Transport for London as well as to London borough councils.

Schedule 1 amends the London Local Authorities Act 1995. *Paragraph 2* modifies section 4 of that Act (stopping on or near pedestrian crossings) so as to provide for notice of intention to prosecute a criminal offence to be given by the Metropolitan or City of London Commissioner of Police to Transport for London, where a crossing is situated on a GLA road or GLA side road. *Paragraph 3* extends the power to impose special temporary waiting prohibitions to Transport for London.

Schedule 2 amends the London Local Authorities Act 2000. *Paragraphs 2 and 3* modify sections 4 and 5 of that Act so as to enable Transport for London to serve penalty charge notices under the Road Traffic Act 1991 for parking contraventions on GLA roads and side roads on the basis of camera information and where a parking attendant is prevented from issuing a notice. *Paragraph 4* modifies section 6 of the London Local Authorities Act 2000 so as to apply a substituted version of section 5 of the London Local Authorities Act 1995 (parking outside designated parking places) to Transport for London.

Sections 7 and 8 of the London Local Authorities Act 2000 are modified by *paragraphs 5 and 6* so that limitations on the service of penalty charge notices under the Road Traffic Act 1991, and the power to serve charge certificates and notices under that Act by FAX or other electronic means, are applied to Transport for London. These limitations are also applied to Transport for London in relation to the enforcement of bus lane orders under Schedule 1 to the London Local Authorities Act 1996. Sections 9 to 13 of the London Local Authorities Act 2000 (provisions relating to the recovery of unpaid charges) are applied to Transport for London by *paragraphs 7 to 11*. Section 16 is modified by *paragraph 12* so as to enable authorised officers of Transport for London to enter vehicles which have been removed by parking attendants under section 99 of the Road Traffic Regulation Act 1984.

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

STATUTORY INSTRUMENTS

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The Transport for London (Consequential Provisions) Order
2005

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