

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.

(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(1); or
- (b) on 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(2) but is prevented from doing so by any person—

- (a) Transport for London, if the attendant was acting on its behalf; or

(1) 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.

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

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(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”.

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;

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- (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.”