

EXPLANATORY MEMORANDUM TO
THE TRANSPORT FOR LONDON (CONSEQUENTIAL PROVISIONS) ORDER 2007

2007 No. 2935

1. This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

This instrument amends the definition of “special event” in section 9(8) of the London Local Authorities Act 1995 by replacing the reference in that definition to “the participating council concerned” with a reference to “the relevant authority concerned”.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

This instrument makes a consequential amendment that was omitted in error from the Transport for London (Consequential Provisions) Order 2005 (“the 2005 Order”). The 2005 Order was reported for defective drafting in this respect in the Joint Committee’s Tenth Report of Session 2004-05.

4. **Legislative Background**

4.1 The Greater London Authority Act 1999 (“the GLA Act”) introduced GLA roads and GLA side roads and provided for Transport for London to be the highway authority in relation to all such roads. Section 406 of the GLA Act (read with section 405(2)) confers order making powers on a Minister of the Crown to make incidental and consequential amendments to other legislation for the purposes set out in that section.

4.2 The 2005 Order was made primarily in reliance on section 406 of the GLA Act and made consequential amendments to other primary legislation, including the London Local Authorities Act 1995 (“the 1995 Act”). The amendments to the 1995 Act were mainly to section 9 of that Act, which originally empowered participating councils to make special temporary waiting prohibitions in respect of a road or part of a road within a special parking area. The effect of the amendments made by the 2005 Order was to transfer to Transport for London the power to impose such prohibitions in respect of GLA roads and GLA side roads.

4.3 Section 9(3) of the 1995 Act (as amended by the 2005 Order) provides that a prohibition may only be made in the circumstances specified in that provision, including where the relevant authority is satisfied that waiting should be prohibited for the purpose of facilitating the holding of a special event. The phrase “special event” is defined in

section 9(8) with reference to the opinion of “the participating council concerned”. The 2005 Order should have changed that reference to a reference to “the relevant authority concerned”, so as to include Transport for London where relevant. That missed consequential amendment is now made by this instrument.

5. Territorial Extent and Application

This instrument applies to England.

6. European Convention on Human Rights

The Minister, Rosie Winterton, has made the following statement regarding Human Rights:

“In my view the provisions of the Transport for London (Consequential Provisions) Order 2007 are compatible with the Convention rights.”

7. Policy background

Following the establishment of Transport for London by the GLA Act, it became necessary to make amendments to existing legislation to reflect the conferral of certain transport functions on that new body. Although section 9 of the 1995 Act was so amended (in order to transfer to Transport for London the power to impose special temporary waiting prohibitions in respect of GLA roads and GLA side roads within special parking areas) a necessary amendment to a definition within that section was missed. That omission now needs to be corrected in order that the language in section 9 is fully consistent.

8. Impact

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

9. Contact

Renata Williams at the Department for Transport (Tel: 02079446483 or e-mail: Renata.williams@dft.gsi.gov.uk) can answer any queries regarding the instrument.