



London Local Authorities and Transport for London Act 2003

2003 CHAPTER iii

An Act to confer further powers upon local authorities in London and upon Transport for London; and for related purposes. [30th October 2003]

WHEREAS—

- (1) It is expedient that the powers of London borough councils and the Common Council of the City of London (hereinafter referred to as “London borough councils”) and of Transport for London should be extended and amended as provided in this Act:
- (2) It is expedient that London borough councils and Transport for London should have powers of enforcement in relation to certain road traffic offences:
- (3) It is expedient that further provision should be made in relation to parking in London:
- (4) It is expedient that provision be made about vehicle crossings over footways and verges:
- (5) It is expedient that provision be made enabling fixed penalty notices to be served in respect of certain offences:
- (6) It is expedient that provision be made about the removal of things unlawfully placed on the highway:
- (7) It is expedient that the other provisions contained in this Act should be enacted:
- (8) The purposes of this Act cannot be effected without the authority of Parliament:
- (9) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 (c. 70) and the other London borough councils have complied with the requirements of section 87 of the Local Government Act 1985 (c. 51):
- (10) In relation to the promotion of the Bill for this Act Transport for London have complied with the requirements of section 167 of and Schedule 13 to the Greater London Authority Act 1999 (c. 29):

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- (11) In relation to the promotion of the Bill for this Act the London borough councils have acted through their representation in the Association of London Government, a statutory joint committee whose membership is made up from members of all the London borough councils:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART 1

PRELIMINARY

1 Citation and commencement

- (1) This Act may be cited as the London Local Authorities and Transport for London Act 2003 and, except for—
- section 4 (Penalty charges for road traffic contraventions);
 - section 5 (Contraventions of lorry ban order: supplementary);
 - section 7 (Disapplication of offences); and
 - section 16 (Vehicle crossings over footways and verges),
- shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (2) The said sections 4, 5, 7 and 16 shall come into operation on the appointed day.
- (3) This Act and the London Local Authorities Acts 1990 to 2000 may be cited together as the London Local Authorities Acts 1990 to 2003.

2 Interpretation

- (1) In this Act—
- “the Act of 1984” means the Road Traffic Regulation Act 1984 (c. 27);
 - “borough council” means London borough council and includes the Common Council of the City of London in its capacity as a local authority and “borough” and “council” shall be construed accordingly.
- (2) Subject to paragraph 1(8) of Schedule 1 to this Act, the owner of a vehicle for the purposes of this Act, shall be taken to be the person by whom the vehicle is kept.
- (3) Subject to the said paragraph 1(8), in determining, for the purposes of this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994 (c. 22).

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3 Appointed day

- (1) In subsection (2) of section 1 (Citation and commencement) of this Act “the appointed day” means such day as may be fixed—
 - (a) in relation to a borough by resolution of the borough council; or
 - (b) in relation to a GLA road or a GLA side road by a decision of Transport for London,subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for the purpose of the application of different provisions of this Act to a borough.
- (3) Different days may be fixed under this section for the purpose of the application of the provisions of this Act to different GLA roads or GLA side roads.
- (4) But no day fixed under this section may be before the end of the period of two months beginning with the date on which this Act is passed.
- (5) The borough council or Transport for London shall cause to be published in a local newspaper circulating in their area and in the London Gazette notice—
 - (a) of the passing of any such resolution or taking of any such decision and of a day fixed thereby; and
 - (b) the general effect of the provisions of this Act coming into operation as from that day,and the day so fixed shall not be earlier than the expiration of three months from the publication of the said notice.
- (6) Either a photostatic or other reproduction certified by the officer appointed for that purpose by the borough council or by Transport for London to be a reproduction of a page or part of a page of any such newspaper or the London Gazette bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.
- (7) In subsection (5) above, “their area” in relation to Transport for London means the area of any borough council in which the GLA road or GLA side road to which the resolution or decision relates is situated.

PART 2

ROAD TRAFFIC AND HIGHWAYS

Penalty charges

4 Penalty charges for road traffic contraventions

- (1) This section applies where—
 - (a) in relation to a GLA road or GLA side road, Transport for London or, subject to subsection (3) below, the relevant borough council; or
 - (b) in relation to any other road in the area of a borough council, the relevant borough council or, subject to subsection (4) below, Transport for London,

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have reason to believe (whether or not on the basis of information provided by a camera or other device) that a penalty charge is payable under this section with respect to a motor vehicle.

- (2) Transport for London or, as the case may be, the relevant borough council may serve a penalty charge notice—
 - (a) in relation to a penalty charge payable by virtue of subsection (5) below, on the person appearing to them to be the owner of the vehicle; and
 - (b) in relation to a penalty charge payable by virtue of subsection (7) below, on either or both of the following—
 - (i) the person appearing to them to be the operator of the vehicle; and
 - (ii) the person appearing to them to be the person who was in control of the vehicle at the time of the contravention.
- (3) The relevant borough council shall not exercise the power exercisable by virtue of subsection (1)(a) above unless they have obtained the consent in writing of Transport for London.
- (4) Transport for London shall not exercise the power exercisable by virtue of subsection (1)(b) above unless they have obtained the consent in writing of the relevant borough council.
- (5) Subject to subsection (6) below, for the purposes of this section, a penalty charge is payable with respect to a motor vehicle by the owner of the vehicle if the person driving or propelling the vehicle—
 - (a) acts in contravention of a prescribed order; or
 - (b) fails to comply with an indication given by a scheduled section 36 traffic sign.
- (6) No penalty charge shall be payable under subsection (5)(a) above where—
 - (a) the person acting in contravention of the prescribed order also fails to comply with an indication given by a scheduled section 36 traffic sign; or
 - (b) the contravention of the prescribed order would also give rise to a liability to pay a penalty charge under section 77 of the Road Traffic Act 1991 (c. 40).
- (7) For the purposes of this section, a penalty charge is payable with respect to a vehicle by—
 - (a) the operator of the vehicle; and
 - (b) the person in control of the vehicle,
 if the person in control of the vehicle acts in contravention of the lorry ban order.
- (8) A penalty charge notice under this section must—
 - (a) state—
 - (i) the grounds on which the council or, as the case may be, Transport for London believe that the penalty charge is payable with respect to the vehicle;
 - (ii) the amount of the penalty charge which is payable;
 - (iii) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (iv) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;

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- (v) that, if the penalty charge is not paid before the end of the 28 day period, an increased charge may be payable;
 - (vi) the amount of the increased charge;
 - (vii) the address to which payment of the penalty charge must be sent; and
 - (viii) that the person on whom the notice is served may be entitled to make representations under paragraph 1 of Schedule 1 to this Act; and
 - (b) specify the form in which any such representations are to be made.
- (9) The Secretary of State may by regulations prescribe additional matters which must be dealt with in any penalty charge notice.
- (10) In subsection (8)(a)(iv) above, “specified proportion” means such proportion, applicable in all cases, as may be determined for the purposes of this section by the appointing authorities acting through the Joint Committee.
- (11) Schedule 1 to this Act shall have effect with respect to representations against penalty charge notices, and other matters supplementary to the provisions of this section.
- (12) Subject to subsection (13) below, sections 74 and 74A of the Road Traffic Act 1991 (c. 40) shall apply in relation to the levels of penalty charges under this section as they apply in relation to the levels of (among other charges) penalty charges under Part II of that Act.
- (13) Before setting the level of any charges under the said section 74 as applied by subsection (12) above, the borough councils and Transport for London shall consult such bodies as in their opinion are sufficiently representative of such road users as would be affected by the imposition of such charges.
- (14) No provision in this section shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes.
- (15) Schedule 2 to this Act shall have effect with respect to financial provisions relating to the provisions of this section.
- (16) In this section—
- “Joint Committee” means the Joint Committee established under section 73 of the Road Traffic Act 1991;
 - “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;
 - “prescribed order” means an order under section 6 or 9 of the Act of 1984 which makes provision for a relevant traffic control;
 - “relevant traffic control” means any requirement, restriction or prohibition (other than a requirement, restriction or prohibition under the lorry ban order) which is or may be conveyed by a scheduled traffic sign;
 - “road” has the same meaning as in the Act of 1984;
 - “scheduled section 36 traffic sign” means—
 - (a) a scheduled traffic sign of a type to which section 36 (Drivers to comply with traffic signs) of the Road Traffic Act 1988 (c. 52) applies by virtue of regulations made under section 64(5) of the Act of 1984; but
 - (b) does not include a traffic sign which indicates any prohibition or restriction imposed by the lorry ban order;
 - “scheduled traffic sign” means a traffic sign of a type described in Schedule 3 to this Act;