



Enforcement Operations Agreement

Schedule 2

Appendix 05 – Legislation Guidance

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Table of Contents

1. Consolidated Congestion Charging Scheme Order
2. Road User Charging (Charges and Penalty Charges) (London) Regulations 2001
3. Road User Charging (Enforcement and Adjudication) (London) Regulations 2001
4. Civil Enforcement of Parking Contraventions (England) General Regulations 2007
5. Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007
6. London Local Authorities Act 1996
7. Road Traffic (Parking Adjudicators) (London) Regulations 1993
8. London Local Authorities and Transport for London Act 2003
9. Greater London Low Emission Zone Charging Order 2006

IMPORTANT NOTICE

This document is intended to be used for guidance only and does not supersede the individual legal provisions covered by it.

Copies of all legislation referenced and contained in Appendix 5 are the most current versions available at the date of issue of this Agreement and encompass all relevant amendments and/or variations since enactment. Any and all subsequent amendments and/or revocations to the legislation will be deemed to form part of Appendix 5.

1.Consolidated Congestion Charging Scheme Order

To be The Central London Congestion Charging Scheme

The Consolidated Scheme Order

This document is the consolidated version of the **Greater London (Central Zone) Congestion Charging Order 2004**, which was made by Transport for London on 30 September 2004 and confirmed with modifications by the Mayor of London on 27 October 2004

and incorporates amendments made by—

- (1) **the Greater London (Central Zone) Congestion Charging (Variation No. 4) Order 2004**, made by Transport for London on 7 December 2004 and confirmed by the Mayor without modification on 31 March 2005
- (2) **the Greater London (Central Zone) Congestion Charging (Variation No. 5) Order 2004**, made by transport for London on 7 December 2004 and confirmed by the Mayor with modifications on 31 March 2005.
- (3) **the Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2005**, made by Transport for London on 9 May 2005 and confirmed by the Mayor with modifications on 29 September 2005.
- (4) **the Greater London (Central Zone) Congestion Charging (Variation No. 2) Order 2005**, made by Transport for London on 30 October 2005 and confirmed by the Mayor with modifications on 11 December 2005.
- (5) **the Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2006**, made by Transport for London on 26 January 2006 and confirmed by the Mayor with modifications on 16 May 2006.
- (6) **the Greater London (Central Zone) Congestion Charging (Variation) (No. 2) Order 2006**, made by Transport for London on 22 May 2006 and confirmed by the Mayor without modification on 22 August 2006.
- (7) **the Greater London (Central Zone) Congestion Charging (Variation No.3) Order 2006**, made by Transport for London on 8 August 2006 and confirmed by the Mayor without modification on 28 September 2006.
- (8) **the Greater London (Central Zone) Congestion Charging (Variation No. 4) Order 2006**, made by Transport for London on 7 December 2006 and confirmed by the Mayor without modification on 20 December 2006.
- (9) **the Greater London (Central Zone) Congestion Charging (Variation) Order 2007**, made by Transport for London on 25 May 2007 and confirmed by the Mayor without modification on 13 June 2007.
- (10) **the Greater London (Central Zone) Congestion Charging (Variation No. 2) Order 2007**, made by Transport for London on 6 June 2007 and confirmed by the Mayor with modification on 17 October 2007.
- (11) **the Greater London (Central Zone) Congestion Charging (Variation No. 3) Order 2007**, made by Transport for London on 17 July 2007 and confirmed by the Mayor without modification on 13 November 2007.
- (12) **the Greater London (Central Zone) Congestion Charging (Variation) Order 2009**, made by Transport for London on 30 January 2009 and confirmed by the Mayor with modifications on 21 September 2009.

(13) the Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) Order 2010, made by Transport for London on 20 May 2010 and confirmed by the Mayor without modification on 20 October 2010.

(14) the Greater London (Central Zone) Congestion Charging (Variation and Transitional Provisions) (No. 2) Order 2010, made by Transport for London on 20 May 2010 and confirmed by the Mayor with modifications on 20 October 2010.

Amendments in force up to **4 January 2011** have been incorporated into the text.

GREATER LONDON AUTHORITY ACT 1999
TRANSPORT ACT 2000

The Greater London (Central Zone) Congestion Charging Order 2004

Made 30th September 2004

Confirmed with modifications

Coming into force 1st November 2004

ARRANGEMENT OF INSTRUMENT

THE ORDER

Article

1. Citation and commencement
2. Scheme

SCHEDULE TO THE ORDER — SCHEME FOR CONGESTION CHARGING

ARTICLE

1. Interpretation
2. The charging area
3. Designation of roads in the charging area in respect of which charges are imposed
4. Imposition of charges
5. Non-chargeable and reduced rate vehicles etc
6. Payment of charges
- 6A. CC Auto Pay
7. Amount of charge payable by the purchase of a licence
8. Resident's vehicles
9. The register of non-chargeable, reduced rate and resident's vehicles
10. Refunds of charges

11. Amendment of licences
12. Penalty charge for non-payment of charge
13. Immobilisation of vehicles
14. Removal of vehicles
15. 10 year plan for net proceeds
16. Duration of scheme

ANNEXES TO THE SCHEME

1. The Deposited Plans
2. Non-chargeable and Reduced Rate Vehicles Etc.
 1. Greener Vehicles
 2. Motorbicycles, licensed hackney carriages and licensed private hire vehicles
 3. Vehicles exempt from vehicle excise duty
 4. Large passenger vehicles
 5. Vehicles used in the provision of particular public services
 6. Disabled persons' vehicles
 7. Other reduced rate vehicles
 8. Vehicles used by certain NHS employees
 9. Vehicles used for transporting certain NHS patients
 10. Vehicles used by firefighters for operational reasons
3. Residents' Vehicles
 1. Meaning of qualified resident
 2. Meaning of resident's vehicle
 3. Purchase of licences for residents' vehicles
 4. Temporary substitutions
 5. New residents
 6. Certificates of residence
 7. Licences void
 8. Holder ceasing to be a qualified resident
4. Transport for London's General Plan for Applying its Share of the Net Proceeds of this Scheme during the Opening Ten Year Period

Whereas—

- (1) the Greater London (Central Zone) Congestion Charging Order 2001 (“the Principal Order”) was made by Transport for London on 23rd July 2001 and confirmed with modifications by the Mayor of London on 26th February 2002;
- (2) the Principal Order was varied by further orders made by Transport for London and confirmed by the Mayor of London; and
- (3) it appears to Transport for London expedient, for the purposes of facilitating the achievement of policies and proposals in the Transport Strategy published pursuant to section 142 of the Greater London Authority Act 1999(a) by the Mayor of London on 10th July 2001, that it should make a further Order consolidating the Principal Order and the Orders which varied it:

Now, therefore, Transport for London, in exercise of the powers conferred on it by sections 295 and 420(1) of the Greater London Authority Act 1999, by Schedule 23 to that Act, and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Greater London (Central Zone) Congestion Charging Order 2004 and shall come into force on 1st November 2004.

Scheme

2. The Scheme in the Schedule to this Order shall have effect.

Signed by authority of Transport for London

Dated 30th September 2004

Managing Director of Surface Transport

SCHEDULE TO THE ORDER

Article 2

SCHEME FOR CONGESTION CHARGING IN CENTRAL LONDON

Revocation and interpretation

1.—(1) The Schemes contained in the following Orders are revoked—

- (a) the Greater London (Central Zone) Congestion Charging Order 2001;
- (b) the Greater London (Central Zone) Congestion Charging (Variation) Order 2002;

(a) 1999 c. 29; Schedule 23 was amended by the Transport Act 2000 (c. 38).

- (c) the Greater London (Central Zone) Congestion Charging (Variation No. 2) Order 2002;
- (d) the Greater London (Central Zone) Congestion Charging (Variation No. 3) Order 2002;
- (e) the Greater London (Central Zone) Congestion Charging (Variation) Order 2003;
- (f) the Greater London (Central Zone) Congestion Charging (Variation No. 2) Order 2003;
- (g) the Greater London (Central Zone) Congestion Charging (Variation) Order 2004;
- (h) the Greater London (Central Zone) Congestion Charging (Variation) (No. 2) Order 2004; and
- (i) the Greater London (Central Zone) Congestion Charging (Variation) (No. 3) Order 2004.

(2) In this Scheme—

- (a) "the 1994 Act" means the Vehicle Excise and Registration Act 1994(a);
- (b) "the central zone" means the area shown by stipple on the deposited plans;
- (c) "the charging area" means the area designated by article 2;
- (d) "charging day" shall be construed in accordance with article 4(3), "consecutive charging days" shall be construed in accordance with article 6(4) and "charging hours" means the hours between 7.00 am and 6.00 pm on a charging day;
- (e) "the deposited plans" means the portfolio of plans which has been deposited at the offices of Transport for London at Windsor House, 42-50 Victoria Street, London SW1H 0TL and consists of plans bearing the sheet numbers and drawing numbers, and signed by the person, specified in Annex 1 to this Scheme;
- (f) "designated road" means one of the designated roads specified in article 3(2);
- (g) "disabled person's badge" means any badge issued, or having effect as if issued, to an individual or to an institution under regulations for the time being in force under section 21 of the Chronically Sick and Disabled Persons Act 1970(b) or under section 14 of the Chronically Sick and Disabled Persons (Northern Ireland) Act 1978(c) and references to the holder of such a badge are to the individual to whom or, as the case may be, the institution to which the badge is issued;
- (h) "EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

(a) 1994 c. 22.

(b) 1970 c. 44.

(c) 1978 c. 53.

- (i) "EEA State" means a state which is a contracting Party to the EEA Agreement;
- (j) "free day" has the meaning given by article 4(4);
- (k) "licence" means a licence purchased under article 6(1);
- (ka) "longitudinal plane" means a vertical plane parallel to the longitudinal axis of a vehicle;
- (l) "motorbicycle" means a motor vehicle which is a motorbicycle for the purposes of paragraph 2 of Schedule 1 to the 1994 Act;
- (la) "motortricycle" means a motor vehicle which—
 - (i) is a motortricycle for the purposes of paragraph 2 of Schedule 1 to the 1994 Act;
 - (ii) does not exceed 1 metre in overall width; and
 - (iii) does not exceed 2 metres in overall length;
- (m) "nil licence" has the same meaning as in section 62(1) of the 1994 Act;
- (n) "non-chargeable vehicle" means a vehicle which is a non-chargeable vehicle by virtue of article 5 and paragraph 1, 2, 3 or 4 of Annex 2;
- (o) "outstanding" in relation to a penalty charge shall be construed in accordance with regulation 11(2) of the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001;
- (oa) "overall length" means the distance between transverse planes passing through the extreme forward and rearward projecting points of the vehicle inclusive of all parts of the vehicle and any fitting attached to it;
- (ob) "overall width" means the distance between longitudinal planes passing through the extreme lateral projecting points of the vehicle inclusive of all parts of the vehicle and any fitting attached to it, except any driving mirror;
- (p) "qualified resident" has the meaning given in paragraph 1 of Annex 3;
- (q) "reduced rate vehicle" means a vehicle which is a reduced rate vehicle by virtue of article 5 and paragraph 1, 4, 6, 6A or 7 of Annex 2;
- (r) "the register" means the register of non-chargeable, reduced rate and resident's vehicles to be maintained by Transport for London under article 9;
- (s) "registered in the GB records" in relation to a vehicle means that the vehicle is registered under section 21 of the 1994 Act in that part of the register (as defined by section 62(1) of that Act) which is maintained on behalf of the Secretary of State by the Driver and Vehicle Licensing Agency;
- (t) "registered in the NI records" in relation to a vehicle means that the vehicle is registered under section 21 of the 1994 Act in that part of the register (as defined by section 62(1) of that Act) which is maintained on behalf of the Secretary of State by Driver and Vehicle Licensing Northern Ireland;

- (u) "registered keeper" in relation to a vehicle means the person in whose name the vehicle is registered under the 1994 Act;
 - (ua) "registration period" has the meaning given by article 9(6)(b) and (7);
 - (v) "relevant vehicle" means a motor vehicle which is not a non-chargeable vehicle or a reduced rate vehicle;
 - (w) "the residents' discount zone" means the area comprising the central zone the areas shown by diagonal hatching on the deposited plans;
 - (x) "resident's vehicle" has the meaning given by paragraph 2 of Annex 3.
 - (xa) "transverse plane" means a vertical plane at right angles to the longitudinal axis of a vehicle;
 - (y) "type approved" shall be construed in accordance with article 2 of Council Directive 70/156/EEC; and
 - (z) "Type I test" means a test as described in section 5.3 of Annex I to Council Directive 70/220/EEC (test for simulating/verifying the average tailpipe emissions after a cold start) and carried out using the procedure described in Annex III of that Directive.
- (3) In this Scheme—
- (a) a reference in any provision to an authorised person is to a person authorised by Transport for London for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
 - (b) where a person has been authorised to act on behalf of Transport for London in relation to any matter a reference to Transport for London shall be taken to include a reference to that person.
- (4) For the purposes of this Scheme—
- (a) a sum of money shall be taken to have been paid on the date on which payment is received by Transport for London; and
 - (b) the seating capacity of a vehicle shall be determined in accordance with regulations for the time being in force and made under paragraph 3(5) of Schedule 1 to the 1994 Act.

The charging area

2. Greater London (exclusive of trunk roads) is hereby designated as the area to which this Scheme applies.

Designation of roads in the charging area in respect of which charges are imposed

3.—(1) The roads in respect of which charges are imposed by this Scheme are the designated roads specified in paragraph (2).

(2) The designated roads are—

- (a) all highways maintainable at the public expense; and
- (b) all Crown roads,

within the central zone.

(3) In this paragraph "highway maintainable at the public expense" and "Crown road" have the same meanings as in the Highways Act 1980^(a) and in section 131 of the Road Traffic Regulation Act 1984 respectively.

Imposition of charges

4.—(1) Subject to the following provisions of this Scheme, a charge of an amount determined in accordance with article 6(12), article 7 or paragraph 3 of Annex 3 is imposed by this Scheme in respect of each charging day on which a relevant vehicle is used or, except as provided by paragraph (2), kept on one or more designated roads at any time during charging hours.

(2) No charge is imposed by this Scheme in respect of the keeping of a relevant vehicle on a designated road in a parking place designated by an order made, or having effect as if made, under section 45(1) of the Road Traffic Regulation Act 1984^(b), by virtue of a permit issued by a local authority under section 45(2)(a) of that Act to a resident of its area.

(3) A charging day is any day of the year except a free day.

(4) Each of the following is a free day—

- (a) a Saturday or a Sunday;
- (b) New Year's Day;
- (c) Good Friday;
- (d) Christmas Day;
- (e) any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971^(c);

^(a) 1980 c. 66; as to the meaning of "highway maintainable at the public expense" see sections 328(3) and 329(1).

^(b) 1984 c. 27.

^(c) 1971 c. 80.

- (f) the earliest 3 days (whether or not consecutive days of the week) falling after 26th December which are not otherwise free days.

Non-chargeable and reduced rate vehicles etc.

5. Annex 2 to this Scheme, which sets out classes of non-chargeable and reduced rate vehicles and provides for vehicles to be treated as having been non-chargeable vehicles in certain circumstances, shall have effect.

Payment of charges

6.—(1) A charge imposed by this Scheme shall be paid by the purchase of a licence from Transport for London in accordance with the provisions of this article and except where paragraphs (9) and (10) or (11) apply, a licence shall be issued for a specified period falling on, or beginning with, a specified date.

(2) Paragraph (1) does not apply to a charge payable—

- (a) under paragraph (12)(c);
- (b) under article 9 for particulars of a vehicle to be entered in the register or for the renewal of a vehicle's registration;
- (c) under paragraph 6(2)(c) of Annex 3 for the issue of a certificate of residence; or
- (d) under article 11 for the amendment of a licence.

(3) A licence shall be purchased for one of the following periods—

- (a) a charging day;
- (b) a period of 5 consecutive charging days;
- (c) a period of 20 consecutive charging days;
- (d) a period of 252 consecutive charging days.

(4) For the purposes of this Scheme the charging days in a period are consecutive if the only days falling between them are free days.

(5) Except in a case where paragraph (11) applies—

- (a) a licence shall be purchased for a particular vehicle;
- (aa) that vehicle shall be identified by its registration mark;
- (ab) the purchaser of a licence shall specify to Transport for London the registration mark of the vehicle in respect of which the licence is to be issued;
- (ac) a licence shall not be valid for any vehicle having a registration mark different from the mark so specified;

(b) a licence for one charging day may only be purchased by CC Auto Pay in accordance with article 6A or, other than by CC Auto Pay,—

- (i) on the charging day concerned;
 - (ii) on a day falling within the period of 64 consecutive charging days immediately preceding that charging day; or
 - (iii) on or before the next consecutive charging day after the charging day concerned.
 - (c) a licence for a period of 5, 20 or 252 consecutive charging days or a licence for a resident's vehicle purchased by virtue of paragraph 3(2)(b) of Annex 3 may only be purchased—
 - (i) on the first charging day of the period concerned; or
 - (ii) on a day falling within the period of 64 consecutive charging days immediately preceding that charging day.
- (6) Charges imposed by this Scheme shall be paid as set out in sub-paragraphs (a) to (h) below or by such other means as Transport for London may in the particular circumstances of the case accept:
- (a) a charge for a daily licence—
 - (i) specified in article 7(1) (charge paid by CC Auto Pay), by CC Auto Pay only;
 - (ii) specified in article 7(2) (charge paid on or before the charging day concerned), by post, call centre, on-line, retail outlet or, if paid on the day of travel, text message;
 - (iii) specified in article 7(3) (charge paid after the charging day concerned but on or before the next consecutive charging day), by call centre or on-line;
 - (b) a charge for a licence for 5, 20 or 252 consecutive charging days as set out in article 6(3), by post, call centre, on-line or retail outlet;
 - (c) charges payable by fleet operators—
 - (i) as specified in article 6(12)(a) (charge for a daily licence), by direct debit;
 - (ii) as specified in article 6(12)(c) (additional annual charge per vehicle), by direct debit;
 - (d) a charge accompanying an application to enter particulars of a vehicle on the register under article 9—
 - (i) in relation to a vehicle falling within paragraph 1 or 7(1) of Annex 2, by post or call centre;
 - (ii) in relation to a vehicle falling within paragraph 4 or 6A of Annex 2, by post;
 - (e) a charge accompanying an application to renew the registration of a vehicle under article 9—
 - (i) in relation to a vehicle falling within paragraph 1, 4 or 6A of Annex 2, by post;

- (ii) in relation to a vehicle falling within paragraph 7(1) of Annex 2, by post or call centre;
- (f) a charge accompanying an application for the amendment of a licence under article 11, by post, call centre or online;
- (g) a charge in respect of a vehicle falling within paragraph 6 of Annex 2 (disabled persons' vehicles) as specified in paragraph 6(6)(a) of that Annex, by post;
- (h) a charge in respect of a resident's vehicle—
 - (i) as set out in paragraph 3(2)(a) of Annex 3 (licence for a single charging day), by CC Auto Pay;
 - (ii) relating to a licence for 5 consecutive charging days as set out in paragraph 3(2)(b)(i) of Annex 3, by post, call centre, on-line, retail outlet or text message;
 - (iii) relating to a licence for 20 consecutive charging days as set out in paragraph 3(2)(b)(i) of Annex 3, by post, call centre, on-line or retail outlet;
 - (iv) as set out in paragraph 3(2)(b)(ii) of Annex 3 (licence for a period of consecutive charging days expiring on last charging day of registration period of vehicle), by post, call centre, on-line or retail outlet;
 - (v) as specified in paragraph 6(2)(c) of Annex 3 (charge for certificate of residence) by post.
- (7) For the purposes of this paragraph and paragraph (6)—
 - (a) a charge is paid by CC Auto Pay if it is paid in accordance with the provisions of article 6A;
 - (b) a charge is paid by post if the form provided by Transport for London for payment of the particular charge is sent, duly completed and accompanied by a cheque, or completed to enable payment to be made by credit or debit card, by pre-paid post to the address given on the form;
 - (c) a charge is paid by call centre if it is paid by credit or debit card through the call centre provided for the purpose by Transport for London;
 - (d) a charge is paid on-line if it is paid by credit or debit card through the web-site provided for the purpose by Transport for London;
 - (e) a charge is paid by retail outlet if it is paid in cash or (if accepted at the particular outlet) by cheque or credit or debit card, at a shop, petrol station or other outlet authorised to accept payment by Transport for London;
 - (f) a charge is paid by text message if it is paid by sending a message by mobile telephone, using the facility provided for the purpose, by credit or debit card by a person who has previously arranged with Transport for London to pay by this method;
 - (g) "cheque" means a cheque, or postal order, crossed "account payee" and drawn in favour of "Congestion Charging London";

(h) “credit or debit card” means any credit or debit card the name of which is for the time being published by Transport for London on its congestion charging web site as being acceptable to it.(8) Where a licence is purchased otherwise than in cash and payment is not received by Transport for London (whether because a cheque is dishonoured or otherwise), the charge to which the licence relates shall be treated as not paid and the licence shall be void.

(9) Notwithstanding paragraph (1) a licence may, at the discretion of Transport for London, be purchased for a charging day which is to be specified after the grant of the licence in accordance with the conditions subject to which the licence is granted.

(10) Those conditions may in particular include conditions as to the time within which, and the manner in which, a charging day is to be specified for the licence.

(11) Notwithstanding paragraphs (1)and (5)(a), a fleet operator which has entered into an agreement with Transport for London may purchase licences which, to the extent provided for in that agreement, cover the use or keeping on a designated road of any relevant vehicle specified in the agreement on any charging day within a period so specified.

(12) An agreement under paragraph (11) shall be on such terms as Transport for London may in each case determine but—

(a) the amount of the charge per charging day for each licence shall be £9;

(b) a vehicle shall not be specified as mentioned in paragraph (11)—

(i) unless it is a relevant vehicle controlled and managed by the fleet operator for the purposes of a business which is carried on by the operator or by a person to whom the operator is a contractor and the minimum number of motor vehicles is so specified in relation to that business; or

(ii) if the vehicle is a specified vehicle under article 6A.

(c) the agreement shall provide for an additional annual charge of £10 to be paid to Transport for London in respect of each motor vehicle specified as mentioned in paragraph (11).

(13) In this article –

(a) "fleet operator" means a person who-

(i) controls and manages the minimum number of motor vehicles used for the purposes of a business carried on by that person, whether or not those vehicles are owned or driven by that person; or

(ii) is a contractor employed by another person to control and manage the minimum number of motor vehicles for the purposes of a business carried on by that person, whether or not the vehicles are owned or driven by that other person; and

(b) "the minimum number" is 6 or more.

CC Auto Pay

6A.—(1) A charge is paid by CC Auto Pay where the conditions set out in paragraph (2) are met.

(2) The conditions referred to in paragraph (1) are:

(a) that the charge concerned relates to a CC Auto Pay Account that has been registered with Transport for London;

(b) that the CC Auto Pay Account concerned has not been suspended or cancelled under paragraph (9);

(c) that the relevant vehicle concerned was on the charging day concerned a specified vehicle in relation to the CC Auto Pay Account concerned; and

(d) that on the billing day payment in relation to the CC Auto Pay Account concerned is made to Transport for London in accordance with paragraph (8).

(3) An application for registration for a CC Auto Pay Account—

(a) may only be made by a person of 18 years of age or over at the date of that application;

(b) shall include details of the credit or debit card from which Transport for London may take payment for charges under paragraphs (7) and (8);

(c) shall be made by such means as Transport for London may accept;

(d) shall include all such other information as Transport for London may reasonably require,

and Transport for London may refuse such an application where the applicant has previously registered for a CC Auto Pay Account that has subsequently been suspended or cancelled under paragraph (9) or in such other circumstances as Transport for London may determine.

(4) A vehicle is a specified vehicle under paragraph 2(c) if particulars of the vehicle are entered on the register of specified CC Auto Pay vehicles.

(5) An application to enter particulars of a vehicle or vehicles on the register of specified CC Auto Pay vehicles—

(a) shall identify the CC Auto Pay Account in relation to which the vehicle or vehicles are to be registered;

(b) shall include all such other information as Transport for London may reasonably require;

(c) shall be made by such means as Transport for London may accept; and

(d) shall be accompanied by a charge of £10 per vehicle in respect of which registration is sought,

provided that the maximum number of specified vehicles registered in relation to any CC Auto Pay Account shall be five, or such other number as Transport for London may determine and publish on its congestion charging web site.

(6) No vehicle may be a specified vehicle in relation to more than one CC Auto Pay Account and no vehicle that is specified as mentioned in article 6(11) shall be a specified vehicle under this article.

(7) In respect of each specified vehicle a charge of £10 shall be incurred annually on the anniversary of the date of entry of particulars of that specified vehicle in the register of specified CC Auto Pay vehicles.

(8) Transport for London shall on the billing day take the automatic payment from the credit or debit card specified under paragraph (3)(b) or such other credit or debit card as Transport for London may in the particular circumstances of the case accept.

(9) Where payment under paragraph (8) is declined for any reason—

(a) Transport for London may accept payment by any other means it considers suitable in the particular circumstances of the case; and

(b) where all outstanding charges under paragraph (8) are not paid within such period as Transport for London may specify Transport for London may suspend or cancel the CC Auto Pay Account to which those charges relate.

(10) In this article—

(a) the “automatic payment” means in respect of each CC Auto Pay Account a payment comprising the costs of—

(i) the purchase of a licence for each charge imposed under article 4 in respect of each specified vehicle that is a relevant vehicle registered to that CC Auto Pay Account; and

(ii) each charge under paragraph (7),

that have been incurred and that Transport for London has identified as being payable during the billing period immediately preceding the billing period within which the billing day concerned falls;

(b) “billing day” in respect of any billing period means a day falling no earlier than 5 working days after the last day of that billing period or such other day as Transport for

London may in the particular circumstances of the case determine on which Transport for London shall take the automatic payment under paragraph (8);

(c) “billing period” in relation to a CC Auto Pay Account means a period of one month or such other period as Transport for London may determine and specify on its congestion charging web site in each case beginning with the day on which Transport for London accepts an application for the registration of a CC Auto Pay Account or such other day as Transport for London may in the particular circumstances of the case accept;

(d) “CC Auto Pay Account” means an agreement entered into with Transport for London for the purposes of paying charges imposed under article 4 by the purchase of licences in arrears by recurring credit or debit card payment;

(e) “credit or debit card” means any credit or debit card the name of which is for the time being published by Transport for London on its congestion charging web site as being acceptable to it for the purpose of payment by CC Auto Pay; and

(f) “register of specified CC Auto Pay vehicles” means a register maintained by Transport for London of those vehicles in respect of which a successful application for registration has been made under paragraph (5).

(11) A CC Auto Pay Account shall be subject to such terms as Transport for London shall determine, provided that it does not conflict with the provisions of this article.

Amount of charge payable by the purchase of a licence

7.—(1) The charge for a licence where the charge is paid by CC Auto Pay shall be £9 per charging day.

(2) The charge for a licence where the charge is paid other than by CC Auto Pay on or before the charging day concerned or, in the case of a licence for a period of charging days, on or before the first charging day of the period concerned, shall be £10 per charging day.

(3) The charge for a licence where the charge is paid other than by CC Auto Pay after the charging day concerned but on or before the next charging day shall be £12 per charging day.

(4) The provisions of this article are without prejudice to those of article 6(12) (fleet vehicles) and of paragraph 3 of Annex 3 (charges for residents' vehicles).

Resident's vehicles

8. Annex 3 shall have effect.

The register of non-chargeable, reduced rate and resident's vehicles

9.—(1) Transport for London shall maintain a register of non-chargeable, reduced rate and resident's vehicles ("the register") for the purposes of the provisions of Annex 2 (non-chargeable and reduced rate vehicles etc.) and Annex 3 (residents' vehicles) which require particulars of a vehicle to be entered in the register.

(2) Particulars of a vehicle shall be removed from the register—

- (a) in the case of a vehicle registered under paragraph 6 of Annex 2 in relation to the holder of a disabled person's badge, when that person ceases to be an eligible person for the purposes of that paragraph;
- (b) in the case of any other vehicle, immediately following the last day of the registration period, unless Transport for London renews the registration for a further period on application to it;
- (c) in the case of any vehicle other than a resident's vehicle or a vehicle registered under paragraph 6 of Annex 2 in relation to the holder of a disabled person's badge, at the end of the period of 7 consecutive charging days beginning with the day on which a change in the keeper of the vehicle occurred, unless Transport for London renews the registration for a further period on application to it.

(3) An application to enter particulars of a vehicle on the register or to renew the registration of a vehicle (not being in either case a vehicle specified in relation to the holder of a disabled person's badge)—

- (a) shall include all such information as Transport for London may reasonably require;
- (b) shall be made by such means as Transport for London may accept;
- (c) shall, in the case of a reduced rate vehicle, be accompanied by a charge of £10;
- (d) if received later than the fifty-fifth charging day of the application period shall be treated as an application to register the vehicle for a registration period beginning—
 - (i) with the first day of the registration period applied for; or
 - (ii) a subsequent day determined by Transport for London being not later than the tenth charging day falling after the day on which the application was received; and
- (e) if received earlier than the first day of the application period shall not be valid unless Transport for London decides to treat the application as made on that day.

(4) Where the registered keeper of a vehicle or a qualified resident in relation to whom particulars of a vehicle are entered in the register is aware that the vehicle has ceased or will cease to be a non-chargeable vehicle, a reduced rate vehicle or a resident's vehicle, the keeper or, as the case may be, the qualified resident, shall notify Transport for London of the fact and Transport for London shall remove the particulars of the vehicle from the register forthwith or from the date notified to Transport for London as the date on which it will cease to be such a vehicle.

(5) If Transport for London is no longer satisfied that a vehicle is a non-chargeable vehicle, a reduced rate vehicle or a resident's vehicle, it shall—

- (a) notify—
 - (i) in the case of a resident's vehicle, the qualified resident in relation to whom the vehicle was registered;
 - (ii) in the case of a vehicle which has been specified under paragraph 6 of Annex 2 in relation to an eligible person, that eligible person; or
 - (iii) in any other case, the registered keeper

of its intention to remove the particulars of the vehicle from the register; and

- (b) thereafter remove the particulars of the vehicle from the register.

(6) In this article—

- (a) "application period" means, subject to paragraph (7), the period of 65 consecutive charging days ending—
 - (i) in the case of an application to renew a registration, with the charging day following the last day of the registration period; or
 - (ii) in the case of any other application with the first day of the registration period applied for;
- (b) "registration period" means, subject to paragraph (7), the period of 12 months (or such longer period not exceeding 15 months as Transport for London may in any class of case determine for the purpose of staggering the renewal of registrations) beginning with the day on which particulars of a vehicle are entered in the register or, as the case may be, the registration is renewed.

(7) Where particulars of a resident's vehicle are entered in the register in relation to a qualified resident who is the holder of a certificate of residence issued under paragraph 6 of Annex 3, the registration period shall be the period beginning with the day on which particulars of the vehicle are entered in the register and ending with the day on which the certificate of residence ceases to have effect in accordance with paragraph 6(3) of Annex 3.

(8) The first day of a registration period shall be a charging day.

(9) Where purported payment of a charge under sub-paragraph (3)(c) is made otherwise than in cash and payment is not received by Transport for London (whether because a cheque is dishonoured or otherwise) an application to enter a vehicle on the register or renew the registration of a vehicle shall not be valid and particulars of the vehicle shall be removed from the register.

(10) Nothing in this article shall prevent the making of a fresh application under Annex 2 or 3 for particulars of a vehicle to be entered in the register after they have been removed from it in accordance with any provision of this article.

Refunds of charges

10.—(1) The purchaser of a licence for a period of 5, 20 or 252 charging days may surrender the licence and obtain a refund in accordance with the following provisions of this article.

(2) An application for a refund shall be made on-line, by telephone or by post to Transport for London and,

(a) in the case of a licence for a period of 5 charging days—

(i) may not be made in relation to a licence for a resident's vehicle;

(ii) may only relate to a refund for the whole of that period;

(iii) must, in the case of an application made by telephone, be made on or before the charging day immediately preceding the first charging day to which the licence relates;

(iv) must, in the case of an application by post or on-line, be received by Transport for London no later than 6 consecutive charging days before the first charging day to which the licence relates;

(b) must, in the case of an application made on-line in respect of a licence for a period of 20 or 252 charging days, relate to a refund for the whole of that period and be made no later than 6 consecutive charging days before the first charging day to which the licence relates.

(3) The application shall be accompanied by—

(a) in the case of an application by post, one of the following documents -

(i) the receipt for the licence concerned (“the receipt”);

(ii) a photocopy of the receipt; or

(iii) a statement of the number of the receipt;

(b) in the case of an application made on-line or by telephone, a statement of the number of the receipt; and

(c) in the case of an application made by post or telephone in relation to a licence for a period of 20 or 252 days, a statement of the date from which the applicant wishes the licence to be surrendered,

and the applicant shall provide such further information to Transport for London as it may reasonably require.

(4) The amount of the refund for a charge shall be—

(a) in the case of a licence for a period of 5 days, the charge paid for the licence, less £10; and

(b) in the case of a licence for a period of 20 or 252 days, the product of the number of unexpired charging days multiplied by the charge paid per day, less £10.

(5) For the purposes of paragraph (4)(b) the number of unexpired charging days shall be the number of whole charging days in the period of the licence still to run from and including the refund date.

(6) In paragraph (5) "the refund date" means whichever is the later of the following—

(a) the date specified by the applicant under paragraph (3)(c); and

(b) in the case of an application for a refund made by post, the last day of the period of 7 consecutive charging days beginning with the day on which the application is received; or

(c) in the case of an application for a refund made by telephone, the next consecutive charging day after the day on which the application is made.

Amendment of licences

11.—(1) Subject to the following provisions of this article, on an application by the holder of a licence and on payment of a charge of £2.50, Transport for London may amend the licence so as to substitute—

(a) a different day as the first day of the period for which the licence is to run; or

(b) with effect from a specified date, a registration mark different from that specified under article 6(5)(a).

(2) Where purported payment of a charge under paragraph (1) is made otherwise than in cash and payment is not received by Transport for London (whether because a cheque is dishonoured or otherwise), the charge shall be treated as not paid and the licence to which it relates shall not be treated as having been amended.

(3) An application under paragraph (1) shall—

(a) be made on-line, by post or by telephone;

(b) include particulars of the receipt number of the licence and such evidence as Transport for London may reasonably require to show that the applicant is the holder of the licence; and

(c) specify a day to be substituted under paragraph (1)(a) which complies with paragraph (5) or, as the case may be, specify the registration mark to be substituted under paragraph (1)(b) and a date for the substitution which complies with paragraph (6);

and, in this article, "the application date" in relation to an application means the day on which an application which complies with the requirements of sub-paragraphs (a), (b) and (c) is received by Transport for London.

(4) An application under paragraph (1) shall be of no effect unless the application date falls—

- (a) in the case of a telephone application under sub-paragraph (1)(a), on or before the charging day immediately preceding the charging day for which the licence was originally purchased or, in the case of a licence for a period of days, the first day of the period for which the licence was originally purchased; or
- (b) in the case of a postal or on-line application under sub-paragraph (1)(a) or an on-line application under sub-paragraph (1)(b), the beginning of the period of 7 charging days ending with that day.

(5) No date may be substituted under paragraph (1)(a) which is—

- (a) earlier than—
 - (i) in the case of a postal or on-line application, the last day of the period of 8 charging days beginning with the application date or, if that date does not fall on a charging day, the first charging day falling after that date; or
 - (ii) in the case of a telephone application, the first charging day falling after the application date; or
- (b) later than the last day of the period of 65 charging days beginning with the application date or, if that date does not fall on a charging day, the first charging day falling after that date.

(6) No date may be specified for the purposes of paragraph (1)(b) which is earlier than—

- (a) in the case of a postal or on-line application, the last day of the period of 7 charging days beginning with the application date or, if that date does not fall on a charging day, the first charging day falling after that date; or
- (b) in the case of a telephone application, the first charging day falling after the application date.

Penalty charge for non-payment of charge

12.—(1) A penalty charge shall be payable for each charging day as respects which—

- (a) a relevant vehicle has been used or kept on a designated road in circumstances in which a charge is imposed by article 4; and
- (b) the charge has not been paid in full in accordance with the requirements of article 6.

(2) A penalty charge payable by virtue of paragraph (1) shall be paid within the period ("the payment period") of 28 days beginning with the date on which a penalty charge notice is served under regulation 12 of the Road User Charging (Enforcement and Adjudication)

(London) Regulations 2001^(a) in respect of the penalty charge and in a manner specified in the penalty charge notice.

(3) The amount of a penalty charge payable in accordance with paragraph (1) shall be £120 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount shall be reduced by one half to £60.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, the amount of the penalty charge to which it relates shall be increased by one half to £180.

Immobilisation of vehicles

13.—(1) This article applies where an authorised person has reason to believe that there are at least 3 penalty charges outstanding in relation to a relevant vehicle which is stationary on a road in the charging area.

(2) Where this article applies, the authorised person or a person acting under the authorised person's direction may—

- (a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary; or
- (b) move it, or require it to be moved, to another place on that road or another road and fix an immobilisation device to the vehicle in that other place.

(3) Where an immobilisation device is fixed to a vehicle in accordance with paragraph (2), the person fixing the device shall also fix to the vehicle an immobilisation notice—

- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device;
- (b) stating that the vehicle may only be released from the device by or under the direction of an authorised person;
- (c) stating that the notice must not be removed or interfered with except by or on the authority of an authorised person; and
- (d) specifying the steps to be taken to secure its release including the penalty charge payable under paragraph (4) and the person to whom and the means by which that charge may be paid.

(4) A vehicle to which an immobilisation device has been fixed in accordance with the provisions of this Scheme—

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (4)(a), shall be released—
 - (i) if all outstanding penalty charges are paid to Transport for London; and

^(a) S.I. 2001/2313, amended by S.I. 2003/108.

- (ii) if a penalty charge of £70 for the release of the vehicle from the immobilisation device is so paid.

Removal of vehicles

14.— (1) This article applies where an authorised person has reason to believe that there are at least 3 penalty charges outstanding in relation to a relevant vehicle which is stationary on a road in the charging area.

(2) Where this article applies, the authorised person or a person acting under the authorised person's direction, may remove the vehicle and deliver it to Transport for London or to a person authorised by Transport for London to keep vehicles so removed (a "custodian").

(3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (2), Transport for London or the custodian may (whether or not any claim is made under regulation 15 or 16 of the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001) recover from the person who was the owner of the vehicle when the vehicle was removed—

- (a) all penalty charges that are outstanding in relation to the vehicle;
- (b) a penalty charge of £200 for its removal;
- (c) a penalty charge of £40 for each complete day or part of a day on which it has been held by Transport for London or a custodian; and
- (d) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

10 year plan for net proceeds

15. Annex 4 to this Scheme constitutes the statement, under paragraph 19 of Schedule 23 to the Greater London Authority Act 1999, of Transport for London's general plan for applying its share of the net proceeds of this Scheme during the opening ten year period which Transport for London prepared and submitted to the Secretary of State for Transport, Local Government and the Regions and which was approved by him under paragraph 21 of Schedule 23 to the Greater London Authority Act 1999 on 6th March 2002.

Duration of scheme

16. This Scheme shall remain in force indefinitely.

ANNEX 1 TO THE SCHEME

Article 1(2)(e)

THE DEPOSITED PLANS

(1) Sheet No.	(2) Drawing No.	(3) Signatory
A	OSIC/WEZ2010/A	David Brown
1	OSIC/WEZ2010/1	David Brown
2	OSIC/WEZ2010/2	David Brown
3	OSIC/WEZ2010/3	David Brown
4	OSIC/WEZ2010/4	David Brown
5	OSIC/WEZ2010/5	David Brown
6	OSIC/WEZ2010/6	David Brown
7	OSIC/WEZ2010/7	David Brown
8	OSIC/WEZ2010/8	David Brown
9	OSIC/WEZ2010/9	David Brown
10	OSIC/WEZ2010/10	David Brown
11	OSIC/WEZ2010/11	David Brown
12	OSIC/WEZ2010/12	David Brown
13	OSIC/WEZ2010/13	David Brown
14	OSIC/WEZ2010/14	David Brown
15	OSIC/WEZ2010/15	David Brown
16	OSIC/WEZ2010/16	David Brown
17	OSIC/WEZ2010/17	David Brown
18	OSIC/WEZ2010/18	David Brown

19	OSIC/WEZ2010/19	David Brown
20	OSIC/WEZ2010/20	David Brown
21	OSIC/WEZ2010/21	David Brown
22	OSIC/WEZ2010/22	David Brown
23	OSIC/WEZ2010/23	David Brown
24	OSIC/WEZ2010/24	David Brown
25	OSIC/WEZ2010/25	David Brown
26	OSIC/WEZ2010/26	David Brown
27	OSIC/WEZ2010/27	David Brown
28	OSIC/WEZ2010/28	David Brown
29	OSIC/WEZ2010/29	David Brown
30	OSIC/WEZ2010/30	David Brown
31	OSIC/WEZ2010/31	David Brown
32	OSIC/WEZ2010/32	David Brown
33	OSIC/WEZ2010/33	David Brown
34	OSIC/WEZ2010/34	David Brown
35	OSIC/WEZ2010/35	David Brown
36	OSIC/WEZ2010/36	David Brown
37	OSIC/WEZ2010/37	David Brown
38	OSIC/WEZ2010/38	David Brown
39	OSIC/WEZ2010/39	David Brown
40	OSIC/WEZ2010/40	David Brown
41	OSIC/WEZ2010/41	David Brown
42	OSIC/WEZ2010/42	David Brown

43	OSIC/WEZ2010/43	David Brown
44	OSIC/WEZ2010/44	David Brown
45	OSIC/WEZ2010/45	David Brown
46	OSIC/WEZ2010/46	David Brown
47	OSIC/WEZ2010/47	David Brown
48	OSIC/WEZ2010/48	David Brown

ANNEX 2 TO THE SCHEME

Article 5

NON-CHARGEABLE AND REDUCED RATE VEHICLES ETC.

Greener Vehicles

1.—(1) A greener vehicle is a reduced rate vehicle if the condition specified in sub-paragraph (3) is met.

(2) A vehicle is a greener vehicle if—

- (a) it is a light passenger vehicle within the meaning of sub-paragraph (4)(c);
- (b) it is registered in the GB or NI records on the basis of a UK approval certificate or, in the case of a vehicle registered in a country other than the United Kingdom, in the appropriate records of that country on the basis of an EC certificate of conformity or equivalent certificate issued by the appropriate national approval authority, that specifies an applicable CO₂ emissions figure for that vehicle of 100 grams per kilometre or less; and
- (c) it was—
 - (i) type approved either on or after 1 September 2009; or
 - (ii) type approved before 1 September 2009 and is certified by the appropriate national approval authority as having been manufactured to satisfy Euro 5 emissions standards when applying the Type I test; or
 - (iii) purchased as new on or after 1 January 2011 and first registered in the GB or NI records, or in the case of a vehicle registered in a country other than the United Kingdom in the appropriate records of that country, on or after that date.

(3) The condition referred to in sub-paragraph (1) is that particulars of the vehicle are entered in the register in accordance with article 9 of this Scheme.

(4) In this article—

- (a) “applicable CO₂ emissions figure” means—
 - (i) where the UK approval certificate, EC certificate of conformity or equivalent certificate issued by the appropriate national approval authority specifies only one CO₂ emissions figure, that figure;
 - (ii) where it specifies more than one such figure, the figure specified as the CO₂ emissions (combined) figure; or
 - (iii) where it specifies separate CO₂ emissions figures in terms of grams per kilometre driven for different fuels, the lowest figure specified or, in a case falling within paragraph (ii), the lowest CO₂ emissions (combined) figure specified;
- (b) “Euro 5 emissions standards” means the emissions limit values set out in the rows corresponding with Category M in Table 1 of Annex I to Regulation (EC) no. 715/2007;
- (c) “light passenger vehicle” means a vehicle type approved as a class M₁ vehicle (vehicle with at least four wheels used for carriage of passengers and comprising no

more than 8 seats in addition to the driver's seat) within the meaning of Annex II of Council Directive 2007/46/EC other than a motor caravan, ambulance or hearse;

- (d) "motor caravan", "ambulance" and "hearse" have the meaning given in Annex II.A of Council Directive 70/156/EEC.

Motorbicycles, licensed hackney carriages and licensed private hire vehicles

2.—(1) A vehicle which falls within any of the following descriptions is a non-chargeable vehicle—

- (a) a motorbicycle;
- (b) a vehicle licensed as a hackney carriage under section 6 of the Metropolitan Public Carriage Act 1869**(a)**;
- (c) a vehicle being used as a private hire vehicle, so long as the conditions specified in sub-paragraph (2) are met.

(2) The conditions are that—

- (a) the vehicle has been hired to carry one or more passengers and is being lawfully used as a private hire vehicle for the purpose of carrying out that hiring;
- (b) the booking for the hiring was accepted by an operator holding a London PHV operator's licence at an operating centre specified in that licence;
- (c) the vehicle is shown in the record kept by the operator pursuant to regulation 12 of the Operators' Licences Regulations as a vehicle available to the operator for the carrying out of bookings accepted by the operator at that centre;
- (d) the driver is shown in the record kept by the operator pursuant to regulation 13 of the Operators' Licences Regulations as a driver so available;
- (e) particulars of the booking have been entered pursuant to regulation 11 of the Operators' Licences Regulations in the record kept by the operator pursuant to regulation 10 of those Regulations; and
- (f) particulars of the vehicle are for the time being entered in the register on the application of the operator.

(3) In this paragraph—

- (a) "London PHV operator's licence" has the meaning given by section 36 of the Private Hire Vehicles (London) Act 1998**(b)**;

(a) 32 & 33 Vict c. 115; section 6 was substituted by the Greater London Authority Act 1999, Schedule 20, paragraph 5(3).

(b) 1998 c. 34.

- (b) "the Operators' Licences Regulations" means the Private Hire Vehicles (London) (Operators' Licences) Regulations 2000^(a); and
- (c) references to a vehicle being used as a private hire vehicle and to the operator of a vehicle shall be construed in accordance with section 1 of the Private Hire Vehicles (London) Act 1998.

Vehicles exempt from vehicle excise duty

3.—(1) A vehicle which is an exempt vehicle for the purposes of the 1994 Act by virtue of its falling within any of the following paragraphs of Schedule 2 to that Act is a non-chargeable vehicle if, in the case of a vehicle registered in the GB records condition A is met or, in the case of a vehicle registered in the NI records, conditions A and B are both met—

- (a) paragraph 3A (police vehicles);
- (b) paragraphs 4 and 5 (fire engines etc.);
- (c) paragraphs 6, 7 and 8 (ambulances and health service vehicles);
- (d) paragraph 11 (lifeboat vehicles);
- (e) paragraphs 18, 19 and 20 (certain vehicles used by or for the carriage of disabled persons).

(2) If Transport for London is satisfied that, if a vehicle registered under legislation relating to the registration of vehicles in a member State had been registered under the 1994 Act, it would have been an exempt vehicle under paragraph 6 (ambulances), 18 (invalid vehicles) or 20 (vehicles used for the carriage of disabled people by a recognised body), that vehicle is a non-chargeable vehicle if condition B is met.

(3) In this paragraph—

- (a) condition A is that a nil licence is in force for the vehicle and is displayed on the vehicle in accordance with section 33 of the 1994 Act; and
- (b) condition B is that particulars of the vehicle are for the time being entered in the register.

Large passenger vehicles

4.—(1) In this paragraph "large passenger vehicle" means a vehicle constructed or adapted for the carriage of passengers and their effects and having a seating capacity of 9 or more persons.

(2) A large passenger vehicle is a reduced rate vehicle if it is—

(a) S.I. 2000/3146.

- (a) registered in the GB records and licensed as a bus under paragraph 3 of Schedule 1 to the 1994 Act^(a);
 - (b) registered under the 1994 Act and the condition specified in sub-paragraph (3) is met; or
 - (c) registered under legislation relating to the registration of vehicles in an EEA State and the condition specified in sub-paragraph (3) is met.
- (3) The condition is that particulars of the vehicle are for the time being entered in the register in accordance with article 9 of this Scheme.

Vehicles used in the provision of particular public services

5.—(1) A vehicle which falls within one of the descriptions specified in sub-paragraph (2) and is in use for the purposes specified in that description is a non-chargeable vehicle if both the conditions specified in sub-paragraph (3) are met.

(2) The descriptions are—

- (a) a vehicle used for fire, police, national health service, ambulance or national security purposes and not falling within paragraph 2(1)(a), (b) or (c) of this Annex;
- (b) a vehicle used for the purposes of an operational function of any of the following councils where it is necessary for the purpose of discharging the function, that the vehicle should be used or kept on a designated road—
 - (i) the Common Council of the City of London;
 - (ii) the Council of the City of Westminster;
 - (iii) the Council of the London borough of Camden;
 - (iv) the Council of the London borough of Hackney;
 - (v) the Council of the London borough of Islington;
 - (vi) the Council of the London borough of Lambeth;
 - (vii) the Council of the London borough of Southwark; or
 - (viii) the Council of the London borough of Tower Hamlets;
- (c) a vehicle used for the purposes of an operational function of the Royal Parks Agency in relation to any Royal Park (as defined by section 132AA of the Road Traffic Regulation Act 1984^(b));
- (d) a vehicle used for the purposes of an operational function of the Crown Estate Paving Commission;

(a) Paragraph 3 of Schedule 1 to the Vehicle Excise and Registration Act 1994 was substituted by the Finance Act 1995 Schedule 4 paragraph 8.

(b) 1984 c. 27; section 132AA was inserted by the Greater London Authority 1999 section 293.

- (e) a vehicle used for the purposes of lifeboat haulage or HM Coastguard and not falling within paragraph 2(1)(d) of this Annex;
- (f) operational vehicles of the Port of London Authority used to attend an emergency on the River Thames.

- (g) an emergency response unit of—
 - (i) Transport for London; or
 - (ii) any London borough council,

used for the purpose of responding to an emergency.

(3) The conditions referred to in sub-paragraph (1) are that—

- (a) Transport for London is satisfied on an application by the body for the purposes of which the vehicle is used that the vehicle falls within a description specified in sub-paragraph (2); and
- (b) particulars of the vehicle are for the time being entered in the register.

(4) For the purposes of sub-paragraph (2)(b), (c) or (d) a vehicle is in use for an operational function if and only if it is in use for one or more of the following purposes—

- (a) street cleaning;
- (b) road maintenance;
- (c) waste collection;
- (d) waste disposal;
- (e) the management or maintenance of parks and open spaces;
- (f) mobile libraries;
- (g) dog wardens;
- (h) pest control;
- (i) meals on wheels;
- (j) parking enforcement;
- (k) schools transport, and

except where the vehicle is in use for the purpose specified in paragraph (f) or (i) of this sub-paragraph, no charge is imposed on the persons for whose benefit the function is performed.

(5) Any vehicle which belongs to any of Her Majesty's forces or is in use for the purposes of any of those forces is a non-chargeable vehicle provided the condition in sub-paragraph (3)(b) is met.

Disabled persons' vehicles

6.—(1) In this paragraph—

- (a) "eligibility certificate" means a certificate issued under sub-paragraph (6) below;
- (b) "eligible individual" means an individual who is the holder of an eligibility certificate;
- (c) "eligible institution" means an institution which is the holder of an eligibility certificate;
- (d) "eligible person" means an eligible individual or an eligible institution;
- (e) "specified vehicle" means a vehicle which is specified under this paragraph by an eligible person in relation to a charging day.

(2) A vehicle being used or kept on a designated road is a reduced rate vehicle if it falls within Case A, Case B or Case C.

(3) A vehicle falls within Case A if—

- (a) it is being driven by, or carrying, an eligible individual and that individual's eligibility certificate is being displayed on it; and
- (b) it is a specified vehicle in relation to that certificate for the charging day on which it is being used on a designated road.

(4) A vehicle falls within Case B if—

- (a) it is being kept on a designated road in order that it may be available to be driven by, or to carry, an eligible individual;
- (b) it is being driven on a designated road to a place within the central zone for the purpose of collecting such an individual from that place; or
- (c) having been used to take such an individual to such a place, it is being driven out of the central zone,

and in each case it is a specified vehicle in relation to that individual's eligibility certificate for the charging day on which it is being used or kept on a designated road.

(5) A vehicle falls within Case C if—

- (a) a disabled person's badge is being displayed on it in compliance with regulation 15 or 16 (display of an institutional badge when a vehicle is being driven or parked) of the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000^(a);
- (b) the holder of the badge is an eligible institution; and
- (c) it is a specified vehicle in relation to that institution's eligibility certificate for the day on which it is being used or kept on a designated road.

(a) S.I. 2000/682.

(6) Transport for London may issue an eligibility certificate to an individual or an institution—

- (a) on payment of a charge of £10; and
- (b) on its being satisfied that the individual or institution is the holder of a disabled person's badge issued, on the ground of the individual's reduced mobility, by a member State in accordance with Council Recommendation 98/376/EC(b).

(7) Not more than one eligibility certificate may be held by any individual at any time and not more than one eligibility certificate may be held by an institution for each disabled badge held by it at any time.

(8) In the following provisions of this paragraph "the relevant badge" in relation to an eligibility certificate means the disabled person's badge, or parking card, by virtue of which the certificate was issued.

(9) An eligibility certificate issued within the period of 21 days beginning with the date on which the relevant badge was issued shall cease to have effect on the expiration of the period of 12 months beginning with that date.

(10) In any other case an eligibility certificate shall cease to have effect on whichever is the earlier of—

- (a) the anniversary date of the issue of the relevant badge which falls within a period of not less than 12 months nor more than 24 months beginning with the date on which the eligibility certificate was issued; or
- (b) the last day of the period of 21 days beginning with the day on which the relevant badge ceases to have effect.

(11) Where an eligibility certificate ceases to have effect in accordance with sub-paragraph (9) or (10) a new certificate may be issued to the holder in accordance with sub-paragraph (6).

(12) No charge shall be payable under sub-paragraph (6)(a) for the issue of a new eligibility certificate under sub-paragraph (11) if the application for the certificate is received by Transport for London within the period of 90 days beginning with the date on which the expiring certificate ceased to have effect.

(13) Where purported payment of a charge under sub-paragraph (6) is made otherwise than in cash and payment is not received by Transport for London (whether because a cheque is dishonoured or otherwise), the charge shall be treated as not paid and any eligibility certificate issued in relation to the charge shall be void and of no effect.

(b) Council Recommendation of 4th June 1998 on a parking card for people with disabilities, O.J. EN 12. 6. 98 L 167 page 25.

(14) An eligible person may—

- (a) specify up to 2 vehicles for any charging day in relation to the eligibility certificate held by that person; and
- (b) subject to sub-paragraph (16) specify a different vehicle in place of a specified vehicle.

(15) Unless a vehicle has been specified for a particular charging day or days it remains specified for all charging days until a different vehicle has been specified in place of it.

(16) Not more than 2 vehicles may be treated as reduced rate vehicles for the purposes of this paragraph in relation to any eligible person in respect of any charging day.

(17) A vehicle shall not be treated as specified in relation to an eligibility certificate on any particular day unless particulars of it—

- (a) appeared in the register at the time at which it was used; or
- (b) were entered in the register by the end of that day.

Motortricycles

6A.—(1) Transport for London may issue an eligibility certificate to a person on its being satisfied that the vehicle to which the certificate relates is a motortricycle for the purposes of article 1(2) of this Scheme.

(2) A motortricycle is a reduced rate vehicle if the following conditions are met—

- (a) there is in relation to the vehicle a current eligibility certificate issued under sub-paragraph (1); and
- (b) particulars of the vehicle are entered in the register in accordance with article 9 of this Scheme.

Other reduced rate vehicles

7.—(1) A vehicle which falls within any of the following descriptions is a reduced rate vehicle if the condition specified in sub-paragraph (2) is met—

- (a) a recovery vehicle or breakdown vehicle;
- (b) a vehicle for which a nil licence is in force by virtue of its being an exempt vehicle for the purposes of the 1994 Act in accordance with paragraph 20G (electrically propelled vehicles) of Schedule 2 to that Act;
- (c) a plug-in hybrid electric vehicle.

(2) The condition referred to in sub-paragraph (1) is that particulars of the vehicle are entered in the register in accordance with article 9 of this Scheme.

(3) In this paragraph—

- (a) "breakdown vehicle" means a vehicle which is—
 - (i) constructed, adapted or equipped to provide roadside assistance or recovery services and in use to provide such services; and
 - (ii) operated by an accredited recovery organisation;
 - (b) "accredited recovery organisation" means an organisation accredited—
 - (i) by a certified accreditation body as operating to BS EN ISO 9002: 1994 in accordance with the Specification for the application of BS EN ISO 9002 to quality management systems in the Roadside Assistance and Recovery Industry published by the British Standards Institution or any British Standard or Specification for the time being replacing or amending the same; or
 - (ii) by a certified accreditation body in an EEA State to an equivalent specification published by a national standards body in an EEA State;
 - (c) "certified accreditation body" means a body that is certified by the UK Accreditation Service to undertake audits in accordance with BS EN ISO 9002 or an equivalent body in an EEA State; and
 - (d) "recovery vehicle" means—
 - (i) a vehicle licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act; or
 - (ii) a vehicle registered under legislation relating to the registration of vehicles in an EEA State as respects which Transport for London is satisfied that, had it been registered under the 1994 Act, it would have fallen to be licensed as a recovery vehicle under paragraph 5 of Schedule 1 to the 1994 Act.
- (4) A "plug-in hybrid electric vehicle" is a vehicle—
- (a) that is registered in the GB or NI records on the basis of a UK approval certificate or, in the case of a vehicle registered in a country other than the United Kingdom, in the appropriate records of that country on the basis of an EC certificate of conformity or equivalent certificate issued by the appropriate national approval authority, that specifies an applicable CO₂ emissions figure for that vehicle of 75 grams per kilometre or less; and
 - (b) that Transport for London is satisfied—
 - (i) operates wholly or partly by means of an electrically powered propulsion system that draws motive power from a battery that can be fully recharged from an external source of electricity;
 - (ii) has a maximum speed in excess of 60 miles per hour; and
 - (iii) is capable under normal operating conditions of travelling 10 miles or more using electrical power only.
- (5) In sub-paragraph (4) "applicable CO₂ emissions figure" has the meaning given in paragraph 1(4)(a) of Annex 2.

Vehicles used by certain NHS employees

8.—(1) A relevant vehicle not falling within any of the preceding paragraphs of this Annex which was on any occasion used by an NHS employee on designated roads during charging hours shall be treated as having been a non-chargeable vehicle on that occasion if—

- (a) the charge imposed by article 4 of this Scheme in respect of the use of the vehicle on that occasion was duly paid other than by CC Auto Pay;
- (b) the charge was reimbursed to the employee by the relevant NHS employer in addition to other travel expenses falling to be so reimbursed in relation to that occasion;
- (c) the condition referred to in sub-paragraph (3) was met; and
- (d) the relevant NHS employer subsequently issued a certificate to Transport for London that conditions (a), (b) and (c) were met.

(2) Where Transport for London, on receiving such a certificate, is satisfied that a vehicle falls to be treated as having been a non-chargeable vehicle in accordance with this paragraph, it shall refund the charge incurred to the relevant NHS employer.

(3) The condition referred to in sub-paragraph (1)(c) is met on an occasion if the vehicle was used on that occasion on designated roads either—

- (a) by an NHS employee for the purpose of transporting in the course of employment—
 - (i) bulky, heavy or fragile equipment or supplies;
 - (ii) patients' notes or other clinically confidential material;
 - (iii) controlled drugs;
 - (iv) clinical waste, radioactive materials, contaminated sharps or non-medicinal poisons;
 - (v) prescription only medicines or waste medicinal products; or
 - (vi) clinical specimens, body fluids, tissues or organs; or
- (b) by an NHS employee who was on call, for the purpose of enabling that employee to provide services required in consequence of an emergency or other extraordinary circumstances.

(4) In this paragraph—

- (a) "controlled drugs" has the meaning for the time being given by the Misuse of Drugs Act 1971(a);
- (b) "medicinal product" has the meaning for the time being given by the Medicines Act 1968(b);

(a) 1971 c. 38; as to controlled drugs see section 2 and Schedule 2.

(b) 1968 c. 67; as to medicinal product see section 130 (amended by the Animal Health and Welfare Act 1984 sections 13(2) and 16, Schedule 1, paragraph 3 and Schedule 2 and by S.I. 1994/3119).

- (c) "NHS employee" means—
 - (i) an individual employed by or providing services on behalf of or seconded to a relevant NHS employer;
 - (ii) an individual performing primary medical services as, or on behalf of, a primary care contractor.
- (d) "non-medicinal poison" has the meaning for the time being given by the Poisons Act 1972(a);
- (e) "primary care contractor" means—
 - (i) a general medical services contractor within the meaning of section 86 of the National Health Service Act 2006(b);
 - (ii) a contractor within the meaning of regulation 2 of the National Health Service (Personal Medical Services Agreements) Regulations 2004(c);
 - (iii) an APMS contractor within the meaning of direction 1 of the Alternative Provider Medical Services Directions 2004(d); or
 - (iv) a Primary Care Trust who provides primary medical services under section 18 of the National Health Service Act 2006(e); and
- (f) the "relevant NHS employer" in relation to an NHS employee means the Primary Care Trust, National Health Service Trust, NHS Foundation Trust, primary care contractor or other National Health Service organisation by which the employee is employed, on behalf of which the employee is providing services, or to which the employee has been seconded.

Vehicles used for transporting certain NHS patients

9.—(1) A relevant vehicle not falling within any of the preceding paragraphs of this Annex which was on any occasion used on designated roads to transport a relevant patient during charging hours shall be treated as having been a non-chargeable vehicle on that occasion if—

- (a) the charge imposed by article 4 of this Scheme in respect of the use of the vehicle on that occasion was duly paid other than by CC Auto Pay;
- (b) the vehicle was used for the purpose of transporting the patient to attend an appointment relating to establishing a diagnosis or to treatment provided by or on behalf of a health authority, primary care trust, National Health Service Trust or other National Health Service organisation ("the relevant NHS body");

(a) 1972 c. 66; as to non-medicinal poison see section 11(1) and the Poisons List Order 1982, S.I. 1982/217.

(b) 2006 c.41.

(c) S.I. 2004/627.

(d) Directions made on 21st April 2004.

(e) 2006 c.41.

- (c) the charge was reimbursed to the patient by the relevant NHS body; and
- (d) the relevant NHS body subsequently issued a certificate to Transport for London that conditions (b) and (c) were both met.

(2) Where Transport for London, on receiving such a certificate is satisfied that a vehicle falls to be treated as a non-chargeable vehicle in accordance with this paragraph, it shall refund the charge incurred to the relevant NHS body.

(3) In this paragraph "relevant patient" means a patient as respects whom both of the following conditions are satisfied—

- (a) the patient—
 - (i) has a compromised immune system;
 - (ii) requires regular therapy or assessment; or
 - (iii) requires recurrent surgical intervention; and
- (b) the patient is clinically assessed as too ill, weak or disabled to travel to an appointment on public transport.

Vehicles used by firefighters for operational reasons

10.—(1) A relevant vehicle not falling within any of the preceding paragraphs of this Annex which was on any occasion used on designated roads during charging hours shall, subject to the provisions of this paragraph, be treated as having been a non-chargeable vehicle on that occasion if—

- (a) a charge imposed by article 4 of this Scheme in respect of the use of the vehicle on that occasion was duly paid;
- (b) the vehicle was used on that occasion on designated roads by a firefighter employed by the London Fire and Emergency Planning Authority ("the LFEPA") who, whilst on duty was required for operational reasons to proceed to another fire station; and
- (c) the LFEPA subsequently issues a certificate to Transport for London that conditions (a) and (b) were both met.

(2) Where Transport for London, on receiving such a certificate, is satisfied that a vehicle falls to be treated as having been a non-chargeable vehicle in accordance with this paragraph it shall refund the charge incurred to the LFEPA.

ANNEX 3 TO THE SCHEME

Article 8

RESIDENTS' VEHICLES

Meaning of qualified resident

1.—(1) In this Scheme "qualified resident" means an individual as respects whom Transport for London is for the time being satisfied, by the production of such evidence as it may reasonably require, that the requirements specified in sub-paragraph (2) are met.

(2) The requirements are that—

- (a) the individual has attained the age of 17 years;
- (b) the individual's only or main residence is at premises primarily used for residential purposes situated in the residents' discount zone;
- (c) subject to sub-paragraph (3), the name of the individual is shown in the register of parliamentary electors or the register of local government electors prepared and published under section 9 of the Representation of the People Act 1983^(a) for the constituency or local government area in which those premises are situated and those premises are shown as the individual's qualifying address;
- (d) the individual is normally present at those premises during at least 4 nights a week; and
- (e) the individual—
 - (i) has satisfied (b) and (d) above in relation to those premises for a period of at least 13 weeks; or
 - (ii) intends to continue to satisfy (b) and (d) above in relation to those premises for a period which, taken with any period during which the individual has already done so, will amount to a period of at least 13 weeks.

(3) Sub-paragraph (2)(c) does not apply where the individual is, for reasons not connected with his place of residence, not eligible to be an elector at parliamentary or local government elections or there has been insufficient time for the individual's name to be included in the register.

(4) Where a qualified resident ceases to reside at the premises in relation to which Transport for London was satisfied that the requirements in sub-paragraph (2)(b) to (e) were met but resides at other premises within the residents' discount zone, that person shall cease to be a qualified resident unless that person has notified the change of residence to Transport for London and Transport for London is satisfied that those requirements are met in relation to those other premises.

(a) 1983 c. 2.

Meaning of resident's vehicle

2.— (1) For the purposes of this Scheme a vehicle is a "resident's vehicle" and an individual is a qualified resident in relation to that vehicle if —

- (a) the vehicle is a relevant vehicle and the individual is a qualified resident; and
 - (i) the individual is the registered keeper of the vehicle;
 - (ii) the individual's employer is the registered keeper; or
 - (iii) the vehicle is hired by or leased to the individual or the employer; and
- (b) the vehicle meets the requirements specified in sub-paragraph (2).

(2) The requirements are that—

- (a) in the case of a vehicle registered under the 1994 Act in the name of, or hired by or leased to, the employer of a qualified resident, Transport for London is satisfied by the production of such evidence as it may reasonably require that the vehicle is kept for the exclusive use of the resident and members of the resident's household residing at the same address as the resident;
- (b) in the case of a vehicle of which a qualified resident is the registered keeper the address of the registered keeper shown on the vehicle registration document must be the same as that of the premises referred to in paragraph 1(2)(b);
- (c) particulars of the vehicle are for the time being entered in the register and;
- (d) the vehicle is either—
 - (i) a vehicle constructed or adapted for the carriage of persons and their luggage and effects and having a seating capacity not exceeding 13 persons; or
 - (ii) a vehicle constructed or adapted for the carriage of goods or burden of any description and having a height not exceeding 2.44 metres.

(3) At no time may particulars of more than one vehicle be entered in the register, in relation to any one individual who is a qualified resident.

Purchase of licences for residents' vehicles

3.—(1) An individual shall be entitled to purchase a licence for a resident's vehicle in accordance with the following provisions of this paragraph.

(2) A licence may be purchased under this paragraph—

- (a) by an individual for a single charging day falling on or before the last day of the registration period for the vehicle provided that the charge is paid by CC Auto Pay in accordance with article 6A;
- (b) by an individual who is a qualified resident in relation to the vehicle—

(i) for a period of 5 or 20 consecutive charging days, provided that in either case the last day of the period does not fall after the last day of the registration period for the vehicle; or

(ii) for a period of consecutive charging days expiring on the last charging day of the registration period for the vehicle.

(3) The charge for a licence for a resident's vehicle purchased under this paragraph shall be—

(a) where the charge is paid by CC Auto Pay, £0.90 per charging day; or

(b) where the charge is paid otherwise than by CC Auto Pay—

(i) for a period of 5 consecutive charging days, £5;

(ii) for a period of 20 consecutive charging days, £20; and

(iii) for a period of consecutive charging days expiring on the last charging day of the registration period for the vehicle, £1 per charging day.

(4) At no time may licences purchased by virtue of this paragraph be in force for more than one resident's vehicle for the same charging day, in relation to the same qualified resident.

Temporary substitutions

4.—(1) This paragraph applies where—

(a) a qualified resident—

(i) notifies Transport for London that the resident's vehicle registered in relation to that resident ("the original vehicle") has become, or is about to become, temporarily unavailable for use by that resident owing to its undergoing or being about to undergo repair or servicing by a vehicle repairer;

(ii) notifies Transport for London that another vehicle ("the substitute vehicle"), being a vehicle hired by the resident or made available by the repairer or insurer of the original vehicle, is from a specified date to be temporarily used by the resident in place of the original vehicle;

(iii) notifies Transport for London that the last day of such temporary use is to be a specified date (which may from time to time be varied in advance) falling within the period of 30 days beginning with the date notified under sub-paragraph (ii); and

(iv) incurs expenditure on the purchase of licences for the substitute vehicle covering the period beginning with the date specified under sub-paragraph (ii) and ending with the date specified under sub-paragraph (iii); and

- (b) Transport for London satisfies itself that the requirements of paragraph (a) are met and that the substitute vehicle meets requirements (a) and (e) of paragraph 2(2).

(2) Where this paragraph applies—

- (a) any licences purchased for the original vehicle at rates determined in accordance with paragraph 3 for charging days falling within the period of substitution shall be of no effect during that period; and
- (b) if Transport for London receives a claim from the qualified resident not later than the last day of the period of 30 days beginning with the date specified under sub-paragraph (1)(a)(iii), the qualified resident shall be entitled to a refund of the amount specified in sub-paragraph (3).

(3) The amount is a sum equal to the total expenditure incurred as mentioned in sub-paragraph (1)(a)(iv) less the expenditure which the qualified resident would have had to incur in accordance with paragraph 3(1) on the purchase of licences covering the use of a vehicle on each charging day falling within the period of substitution for which the qualified resident purchases licences for the substitute vehicle.

New residents

5.—(1) This paragraph applies where—

- (a) an individual ("the new resident") having begun to reside or, in the case of an individual who has ceased to be a qualified resident under paragraph 1(4), to reside at other premises in the residents' discount zone to be treated as a qualified resident and for particulars of a vehicle ("the relevant vehicle") to be entered on the register as a resident's vehicle in relation to that individual;
- (b) within the period of 90 days beginning with the day on which that application is received by Transport for London ("the initial period"), the new resident incurs expenditure of amounts specified in article 7 on the purchase of licences for the relevant vehicle for charging days falling within the initial period; and
- (c) Transport for London subsequently, on the basis of evidence furnished to it within the initial period,—
 - (i) satisfies itself that the new resident became a qualified resident on or before the first day of the initial period; and
 - (ii) enters particulars of the vehicle in the register as a resident's vehicle in relation to the new resident and notifies the new resident accordingly.

(2) Where this paragraph applies, the new resident shall be entitled to a refund of an amount equal to the difference between—

- (a) the total expenditure incurred as mentioned in sub-paragraph (1)(b); and
- (b) the expenditure which the new resident would have had to incur in accordance with paragraph 3 on the purchase of licences covering the use of a vehicle on each

charging day falling within the initial period for which the new resident has purchased a licence under article 7.

Certificates of residence

6.—(1) Where Transport for London is satisfied that the requirements in sub-paragraph (2) are met in relation to an individual it may issue a certificate of residence to that individual.

(2) The requirements are that—

- (a) the requirements in paragraph 1(2) are met in relation to the individual;
- (b) particulars of a resident's vehicle are not entered in the register in relation to the individual; and
- (c) a charge of £10 has been paid to Transport for London.

(3) A certificate of residence shall cease to have effect on whichever of the following falls first—

- (a) the expiration of the period of 12 months beginning with the day on which the certificate is issued;
- (b) the day on which Transport for London notifies the holder that it is no longer satisfied that the requirements in paragraph 1(2) are met in relation to the holder.

(4) This sub-paragraph applies where—

- (a) the holder of a certificate of residence hires a vehicle for a period not exceeding 30 charging days and incurs expenditure of amounts specified in article 7 on the purchase of licences for the vehicle for charging days falling within the period of the hiring;
- (b) before the hiring began, the holder had notified Transport for London that the hiring was to take place and given particulars of the first and last days of the period of the hiring; and
- (c) within the period of 30 days beginning with the last day of the hiring the holder submitted a claim, giving any particulars reasonably required by Transport for London for the purpose of verifying the claim, to Transport for London for a refund in accordance with sub-paragraph (5).

(5) Where Transport for London is satisfied that sub-paragraph (4) applies, the holder shall be entitled to a refund of an amount equal to the difference between—

- (a) the total expenditure incurred as mentioned in sub-paragraph (4)(a); and
- (b) the expenditure which the holder would have had to incur in accordance with paragraph 3 on the purchase of licences covering the use of a vehicle on each charging day falling within the hiring period for which the hirer has purchased a licence under article 7, other than charging days on which particulars of a resident's vehicle were entered in the register in relation to the holder.

Licences void

7. Where an individual purchases a licence for an amount determined in accordance with paragraph 3(1) and the provisions of this Annex do not entitle the individual to do so, the licence shall be void.

Holder ceasing to be a qualified resident

8. If the holder of a licence purchased under this Annex ceases to be a qualified resident, the licence shall thereupon cease to have effect, but without prejudice to the holder's right to a refund in accordance with article 10.

ANNEX 4 TO THE SCHEME

Article 15

TRANSPORT FOR LONDON'S GENERAL PLAN FOR APPLYING ITS SHARE OF THE NET PROCEEDS OF THIS SCHEME DURING THE OPENING TEN YEAR PERIOD

Subject to the Scheme Order being confirmed early in 2002, the earliest date that the proposed congestion charging scheme could commence is early 2003 i.e. 12 months from the confirmation. This plan therefore covers the ten year period 2003/04 to 2013/14 with particular reference to the early part of this period. It is estimated that the net revenues from the scheme will be of the order of £130m per year.

Over the early part of the ten year horizon of the Transport Strategy, it is envisaged that the net revenues from the proposed central London congestion charging scheme would help fund or bring forward improvements across Greater London with particular emphasis on the following areas:

(1) Bus network improvements to overcome unreliability and slow journey times, improve passenger information, and offer a real alternative to the car. Initiatives could include:

- Further bus priority and protection against congestion on bus routes across Greater London;
- Enhanced enforcement of bus regulations and further introduction of 24-hour bus stop clearways across Greater London;
- New orbital bus services in inner and outer London;
- New services to areas more than five minutes walk from a bus stop;
- Further expansion of Countdown; and
- Expansion of stop-specific bus timetables across Greater London.

These initiatives would help contribute to the Government's targets for reducing road congestion, increasing bus use, and reducing greenhouse gas emissions.

(Additional information is provided in the Transport Strategy - Chapter 4F – *A Better Bus Network*).

(2) Accelerating or extending accessibility improvements so that all Londoners, regardless of their mobility, can enjoy the benefits of living in, working in or visiting the Capital. Initiatives could include:

- Accelerating the introduction of accessible buses;
- More wide-spread implementation of 'bus boarder' kerb designs; and
- Enhancements to the Taxicard scheme.

These initiatives would help contribute to the Government's targets for increased bus use and social inclusion.

(Additional information is provided in the Transport Strategy - Chapter 4F – *A Better Bus Network* and Chapter 4O – *Accessible Transport*).

(3) Interchange improvements and other initiatives to improve the integration of the transport network; making it easier for people to access the public transport system via walking, cycling, taxi and private hire vehicle. Initiatives could include:

- Measures to make it easier to get to and from bus stops and on and off buses;
- Improved linkages between Tramlink and the wider south London transport network; and
- Improved integration of mainstream and community transport services and integration of taxis with other modes.

These initiatives would help contribute to the Government's targets for increased rail, light rail and bus use.

(Additional information is provided in the Transport Strategy - Chapter 4P – *Integration: The Seamless Journey*).

(4) Contributing to the costs of developing possible tram or high quality segregated bus schemes, which could provide a high quality alternative to the use of the private car, particularly for orbital journeys, and can offer widespread access improvements to town centres and regeneration areas. Initiatives could include:

- Advancing the completion of the East London Transit, Greenwich Waterfront Transit, Uxbridge Road Transit and Cross River Transit schemes;
- Making a start on possible extensions to the Croydon Tramlink network to assist the regeneration of the Wandle Valley; and
- Making a start on possible further extensions to the Docklands Light Railway, especially to facilitate regeneration.

This would help contribute to the Government's targets for reducing road congestion and rail overcrowding as well as to double light rail use.

(Additional information is provided in the Transport Strategy - Chapter 4Q- *Expanding London's Transport System: Major Projects* and Chapter 4D - *Docklands Light Railway and Croydon Tramlink*).

(5) Safety and security improvement schemes to improve personal safety during the course of a journey and to reduce transport-related crime and the fear of crime. Initiatives could include:

- Providing better lighting on streets, at bus stops, cycle parking areas, and in passenger waiting areas;
- Expansion of CCTV, help points and alarms on the bus, rail and Underground network;
- Improved staff training to help operating staff to safeguard the security of passengers and themselves;
- Expansion of 20mph zones, home zones and Safer Routes to School initiatives; and
- Expansion of the use of speed enforcement cameras to secure greater compliance with speed limits.

This would help contribute to the Government's targets to reduce crime and the number of people killed or seriously injured in road accidents and to increase bus and rail use.

(Additional information is provided in the Transport Strategy - Chapter 4P - *Integration – The Seamless Journey*).

(6) Accelerating road and bridge maintenance programmes to improve the quality of street conditions. The focus will be on the priorities identified via a three-year priority street maintenance plan.

This would help contribute to the Government's targets to maintain the strategic road network in optimum condition.

(Additional information is provided in the Transport Strategy - Chapter 4G – *Streets for All: Improving London's Roads and Streets*).

(7) Increasing late night public transport to meet the growing demands for night-time travel. Initiatives could include:

- Expansion in the frequency and coverage of the 24-hour bus network;
- Enhancing safety and security on buses via increased provision of on-bus CCTV;
- Extensions of the operating hours of the Underground, particularly at the weekend; and
- Raising more stations in London to the 'Secure Stations' standard (a Government-sponsored scheme to accredit safe stations).

This would help contribute to the Government's targets to reduce road congestion and overcrowding on the Underground and also to increase bus and rail use, and reduce crime.

(Additional information is provided in the Transport Strategy - Chapter 4C - *London Underground* and Chapter 4F - *A Better Bus Network*).

(8) Additional funding for borough transport initiatives to develop bus priority, walking, cycling, road safety and parking schemes through the Local Implementation Plan (LIP) process. Initiatives could include:

- Expansion of bus priority measures on local bus routes;
- Extension of improved pedestrian and cycling facilities;
- Development of Green Travel Plans with local schools and businesses; and
- New parking and traffic enforcement measures on local roads.

This would help contribute to the Government's targets to reduce road congestion, increase bus use, reduce the number of people killed and seriously injured, and to reduce greenhouse gases.

(Additional information is provided in the Transport Strategy - Chapter 4G – *Streets for All: Improving London's Roads and Streets*).

(9) Restructuring fares on public transport to make it more attractive and thus encourage a shift from the car, promote the more effective use of capacity, promote social inclusion, improve transport integration, and make public transport more efficient. Initiatives could include:

- Development of targeted fares options using Smartcards;
- Simplification initiatives; and
- Targeted initiatives to make fares more affordable.

These initiatives would help contribute to the Government's targets for reducing road congestion, increasing bus and rail use, and reducing greenhouse gas emissions.

(Additional information is provided in the Transport Strategy - Chapter 4B – *Fares and Tickets to Make Public Transport More Attractive*).

(10) Improvements to the walking and cycling environment to reduce dependency on the car - particularly for short trips, to reduce congestion and pollution, and improve health. Initiatives could include:

- Expansion of the implementation of pedestrian phases at traffic signal junctions where appropriate;
- Development of north to south and east to west pedestrian routes across central London;
- Expansion of high quality cycle routes; and
- Expansion of the provision of secure cycle parking facilities, particularly at shopping centres and transport interchanges.

These initiatives would help contribute to the Government's targets for improving health, reducing crime, reducing road congestion, and reducing greenhouse gas emissions.

(Additional information is provided in the Transport Strategy - Chapter 4I – *Promoting Walking* and Chapter 4J – *Promoting Cycling*).

(11) Improvements to the street environment to reduce the adverse effects of vehicular traffic, such as: noise, intrusion, poor air quality, community severance, intimidation, fear of crime and accidents, and difficulties of parking and loading. Initiatives could include:

- Expansion of Streets-for-People areas; and
- Town centre environmental improvement schemes.

These initiatives would help contribute to the Government's targets for reducing road congestion, reducing the number of people killed or seriously injured, improving air quality, and reducing greenhouse gas emissions.

(Additional information is provided in the Transport Strategy - Chapter 4G – *Streets for All: Improving London's Roads and Streets*).

During the later part of the Transport Strategy's ten year horizon, an increased emphasis is proposed on using the net revenues from the proposed central London congestion charging scheme to contribute to funding or financing transport infrastructure improvements including:

Helping develop and fund expanded Underground and rail capacity with new services across central London, together with improved orbital rail services (see Transport Strategy Chapter 4Q– *Expanding London's Transport System – Major Projects*);

New Thames Gateway river crossings (see Transport Strategy Chapter 4Q– *Expanding London's Transport System – Major Projects*);

Schemes to provide improved access to London's town centres (see proposals across Chapter 4 – *Improving London's Transport System*);

Further possible tram or high quality segregated bus schemes (see Transport Strategy Chapter 4Q– *Expanding London's Transport System – Major Projects* and Chapter 4D – *Docklands Light Railway and Croydon Tramlink*); and

Selected improvements to London's road system (see Transport Strategy Chapter 4G – *Streets for All: Improving London's Roads and Streets*).

2. Road User Charging (Charges and Penalty Charges) (London) Regulations 2001

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)

2001 No 2285

LONDON GOVERNMENT

ROAD TRAFFIC

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

Made 22nd June 2001

Laid before Parliament 25th June 2001

Coming into force 16th July 2001

The Secretary of State for Transport, Local Government and the Regions, in exercise of the powers conferred by paragraphs 12(1) and (2), 13(b), 26 and 27 of Schedule 23 to the Greater London Authority Act 1999 and by section 420(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:--

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part I Preliminary/1 Citation and commencement

Part I

Preliminary

1 Citation and commencement

These Regulations may be cited as the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 and shall come into force on 16th July 2001.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see above.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part I Preliminary/2 Interpretation

2 Interpretation

(1) In these Regulations--

"authorised person" means, subject to regulation 3, a local authority, an employee of a local authority or of Transport for London, a constable or any other person authorised in writing by a charging authority to act as an authorised person for the purposes of these Regulations;

"custodian" in relation to a vehicle removed under these Regulations means--

- (a) if the vehicle has in accordance with regulation 12(2) been delivered to the charging authority, that authority; or
- (b) if the vehicle has been so delivered to another person authorised by the charging authority to keep vehicles so removed in his custody, that other person;

["the Enforcement Regulations" means the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001;]

"hiring agreement" has the same meaning as in section 66 of the Road Traffic Offenders Act 1988;

"outstanding" in relation to a penalty charge shall be construed in accordance with regulation 11(2);

"penalty charge" means a charge imposed by a charging scheme by virtue of regulation 4;

["the Registration and Licensing Regulations 2002" means the Road Vehicles (Registration and Licensing) Regulations 2002;]

"vehicle" means motor vehicle; and

"vehicle-hire firm" has the same meaning as in section 66 of the Road Traffic Offenders Act 1988.

(2) For the purposes of these Regulations the registered keeper shall be presumed to be the owner of a vehicle registered under the Vehicle Excise and Registration Act 1994.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

Amendment

Para (1): definition "the Enforcement Regulations" inserted by SI 2003/109, regs 2, 3(1), (2)(a).

Date in force: 17 February 2003: see SI 2003/109, reg 1.

Para (1): definition "the Registration and Licensing Regulations 2002" inserted by SI 2003/109, regs 2, 3(1), (2)(b).

Date in force: 17 February 2003: see SI 2003/109, reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part I Preliminary/3 Authorised persons

3 Authorised persons

(1) An authorised person who is about to exercise, is in course of exercising or has exercised, any

power conferred on him under these Regulations shall, if so requested, produce his authority.

(2) A person authorised only for particular purposes under these Regulations shall not be taken to be an authorised person in relation to any other purpose.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part II Penalty Charges/4 Imposition of penalty charges

Part II

Penalty Charges

4 Imposition of penalty charges

(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 in which any penalty charge imposed by it under paragraph (1) is to be paid and shall provide that the amount of such a penalty charge--

(a) is to be reduced by the amount or proportion and to the sum specified in that behalf in the scheme if it is duly paid within such shorter time as is so specified; and

(b) is to be increased by the amount or proportion and to the sum so specified if not duly paid before

the end of the relevant period as defined by regulation 17(2) or (3), as the case may be, of the Enforcement Regulations.]

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

Amendment

Para (4): substituted by SI 2003/109, regs 2, 4.

Date in force: 17 February 2003: see SI 2003/109, reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part II Penalty Charges/5 Setting the rates of penalty charges

5 Setting the rates of penalty charges

- (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.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part II Penalty Charges/6 Liability for charges and penalty charges

6 Liability for charges and penalty charges

(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 vehicle trader as defined by regulation 20(6) of the Registration and Licensing Regulations 2002] 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 21, 22, 23, 24 or 25 of the Registration and Licensing Regulations 2002], 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 of--

[(a) in a case where regulation 21 of the Registration and Licensing Regulations 2002 applies, the information specified in regulation 21(2)(b) of those Regulations;

(b) in a case where regulation 22 of the Registration and Licensing Regulations 2002 applies, parts of the registration document in accordance with regulation 22(2)(b);

(c) in a case where regulation 23 of the Registration and Licensing Regulations 2002 applies, notification in accordance with regulation 23(2);

(d) in a case where regulation 24 of the Registration and Licensing Regulations 2002 applies, the information and declarations in accordance with regulation 24(5)(a); or

(e) in a case where regulation 25 of the Registration and Licensing Regulations 2002 applies, notification in accordance with regulation 25(1)(a)].

NOTES**Initial Commencement***Specified date*

Specified date: 16 July 2001: see reg 1.

Amendment

Para (4): words from "a vehicle trader" to "Registration and Licensing Regulations 2002" in square brackets substituted by SI 2003/109, regs 2, 5(1), (2).

Date in force: 17 February 2003: see SI 2003/109, reg 1.

Para (5): words "regulation 21, 22, 23, 24 or 25 of the Registration and Licensing Regulations 2002" in square brackets substituted by SI 2003/109, regs 2, 5(1), (3).

Date in force: 17 February 2003: see SI 2003/109, reg 1.

Para (7): sub-paras (a)-(e) substituted, for sub-paras (a), (b) as originally enacted, by SI 2003/109, regs 2, 5(1), (4).

Date in force: 17 February 2003: see SI 2003/109, reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part III Examination of Vehicles Etc/7 Examining vehicles

Part III**Examination of Vehicles Etc****7 Examining vehicles**

(1) An authorised person may examine a vehicle for the purpose of ascertaining whether any document required by a charging scheme to be displayed while a vehicle is on a road in a charging area is so displayed.

(2) An authorised person may examine a vehicle for the purpose of ascertaining--

(a) whether any equipment required by a charging scheme to be carried in or fitted to a vehicle while the vehicle is on a road in a charging area--

(i) is so carried or fitted,

(ii) is in proper working order, or

(iii) has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge; or

(b) whether any conditions relating to the use of such equipment are satisfied.

NOTES**Initial Commencement**

Specified date

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part III Examination of Vehicles Etc/8 Entering vehicles

8 Entering vehicles

(1) An authorised person may enter a vehicle which is on a road where he has reasonable grounds for suspecting that--

(a) any equipment required to be carried in or fitted to the vehicle while it is on a road in respect of which charges are imposed has been interfered with by a person who intends to avoid payment of, or to be identified as having failed to pay, a charge imposed by the charging scheme; or

(b) there is in the vehicle a false document which has been made or used by a person who intends to avoid payment of, or to be identified as having failed to pay, such a charge.

(2) The power conferred by paragraph (1) shall not be exercised by an authorised person who is not a constable, except in the presence of a constable.

NOTES**Initial Commencement*****Specified date***

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part III Examination of Vehicles Etc/9 Power of seizure

9 Power of seizure

(1) An authorised person may seize anything (if necessary by detaching it from a vehicle) and detain it as evidence of commission of an offence under paragraph 25 of Schedule 23 to the Greater London Authority Act 1999.

(2) The power conferred by paragraph (1) shall not be exercised by an authorised person who is not a constable, except in the presence of a constable.

NOTES**Initial Commencement*****Specified date***

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part IV Immobilisation and Removal of Vehicles/10 Power to immobilise vehicles

Part IV

Immobilisation and Removal of Vehicles

10 Power to immobilise vehicles

(1) As mentioned in paragraph (2), a charging scheme may make provision for any case in which an authorised person has reason to believe that, in respect of a vehicle which is stationary on a road in a charging area--

- (a) the vehicle is being used or kept on that road in contravention of the scheme; or
- (b) there are such number of penalty charges outstanding with respect to the vehicle as may be specified in that behalf in the scheme,

and that such other circumstances apply as may be specified in the scheme.

(2) The scheme may provide that an authorised person or a person acting under his direction may--

- (a) fit an immobilisation device to the vehicle while it remains in the place where it is found; or
- (b) move it, or require it to be moved, to another place on that road or another road and fit an immobilisation device to the vehicle in that other place.

(3) Where an immobilisation device is fitted to a vehicle in accordance with this regulation, the person fitting the device shall also fix to the vehicle an immobilisation notice--

- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device;
- (b) stating that the vehicle may only be released from the device by or under the direction of an authorised person;
- (c) stating that the notice must not be removed or interfered with except by or on the authority of an authorised person; and
- (d) specifying the steps to be taken to secure its release including the penalty charges payable under the charging scheme and the person to whom and the means by which those charges may be paid.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part IV Immobilisation and Removal of Vehicles/11 Release of immobilised vehicles

11 Release of immobilised vehicles

(1) Where a charging scheme makes provision for the immobilisation of vehicles the scheme shall provide that, where an immobilisation device is fitted to a vehicle in accordance with the scheme, the

person fitting the device shall also fix to the vehicle an immobilisation notice indicating that the vehicle shall be released--

- (a) if all outstanding penalty charges, or such outstanding penalty charges as the relevant charging scheme may prescribe for the purposes of this sub-paragraph, are paid to the charging authority;
- (b) if any penalty charge imposed by the relevant charging scheme for the release of the vehicle from the immobilisation device is paid; and
- (c) where at the time the device is fitted the vehicle is being kept on a road in the charging area in circumstances where a charge is payable, if that charge is also paid to the charging authority.

[(2) For the purposes of these Regulations a penalty charge is outstanding in relation to a vehicle if--

- (a) it is a penalty charge imposed by a charging scheme in respect of the use or keeping of the vehicle in the charging area to which the scheme relates;
- (b) it has either not been paid before the end of the relevant period as defined by regulation 17(2) or (3) as the case maybe, of the Enforcement Regulations or it has not been cancelled; and
- (c) it is not the subject of an outstanding appeal.

(3) For the purposes of paragraph (2)(c), a penalty charge is to be treated as being the subject of an outstanding appeal if--

- (a) no representations against the penalty charge notice have been made to the charging authority as mentioned in regulation 13(1) of the Enforcement Regulations, but the period specified in regulation 13(2) of the Enforcement Regulations has not ended;
- (b) such representations have been made and the charging authority has not served notice in accordance with regulation 13(6) of the Enforcement Regulations of their decision as to whether or not they accept that the ground on which the representations were made has been established;
- (c) such representations have been made and the charging authority has served notice under regulation 13(6) of the Enforcement Regulations that they do not accept that the ground on which the representations were made has been established and no appeal to an adjudicator has been made, but the period for making an appeal to an adjudicator specified in regulation 16(1)(a) of those Regulations has not ended; or
- (d) such an appeal has been made but has not been determined.]

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

Amendment

Paras (2), (3): substituted by SI 2003/109, regs 2, 6.

Date in force: 17 February 2003: see SI 2003/109, reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part IV Immobilisation and Removal of Vehicles/12 Power to

remove vehicles

12 Power to remove vehicles

(1) As mentioned in paragraph (2), a charging scheme may make provision for any case where an authorised person has reason to believe that in respect of a motor vehicle which is stationary on a road in a charging area--

- (a) the vehicle is being used or kept on that road in contravention of the scheme;
- (b) there are such number of penalty charges outstanding with respect to the vehicle as may be specified in that behalf in the scheme; or
- (c) an immobilisation device has been fixed to the vehicle in accordance with regulation 10 and the outstanding penalty charges have not been paid in accordance with regulation 11,

and that such other circumstances apply as may be specified in the scheme.

(2) A charging scheme may provide that, in such a case, the authorised person or a person acting under his direction, may remove the vehicle and deliver it to the charging authority or to a person authorised by that authority to keep vehicles so removed.

(3) A vehicle removed by virtue of paragraph (2) may be driven, towed or removed by an authorised person, or a person acting under his direction, by such means as are reasonable in the circumstances and any necessary steps may be taken in relation to the vehicle in order to facilitate its removal.

(4) The contents of a vehicle removed by virtue of this regulation may be removed by an authorised person, or a person acting under his direction, from the vehicle where--

- (a) it is reasonable to do so to facilitate removal of the vehicle;
- (b) there is good reason for storing them at a different place from the vehicle; or
- (c) their condition requires them to be disposed of without delay.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part IV Immobilisation and Removal of Vehicles/13 Disposal of removed vehicles and contents

13 Disposal of removed vehicles and contents

(1) Subject to the provisions of this regulation, the custodian of a vehicle delivered to him as mentioned in regulation 12(2) may dispose of the vehicle or its contents by selling them or dealing with them as scrap, as he thinks fit.

(2) Where the owner of a vehicle has disclaimed all rights of ownership of a vehicle or its contents, they may be disposed of pursuant to this regulation at any time.

(3) In a case not falling within paragraph (2), a vehicle or its contents shall not be disposed of pursuant to this regulation before the end of the period of five weeks beginning with the date on which the vehicle was removed as mentioned in regulation 12(2) and until the custodian has, for the purpose of ascertaining the owner of the vehicle, taken such of the steps specified in paragraph (4) as are applicable to the vehicle and either--

- (a) he has failed to ascertain the name and address of the owner, or
- (b) the owner has failed to comply with a notice complying with paragraph (5) served on him by post or such other means as agreed by the parties.

(4) The steps referred to in paragraph (3) are--

- (a) if the vehicle carries a United Kingdom registration mark, the custodian shall ascertain from the records kept by the Secretary of State under the Vehicle Excise and Registration Act 1994 the name and address of the person by whom the vehicle is kept;
- (b) if the vehicle does not carry such a registration mark, the custodian shall make such inquiries as appear to him to be practicable to ascertain the identity of the owner of the vehicle.

(5) A notice under paragraph (3)(b) shall be a notice addressed to the owner which--

- (a) states--
 - (i) the outstanding penalty charges payable in respect of the vehicle;
 - (ii) the registration mark and make of the vehicle;
 - (iii) the place where the vehicle was found before it was removed;
 - (iv) the place to which the vehicle has been removed;
 - (v) the steps to be taken to obtain possession of the vehicle in accordance with regulation 15;
 - (vi) that unless the vehicle is removed by the owner on or before the date specified under sub-paragraph (b), the custodian intends to dispose of it; and
- (b) requires the owner to remove the vehicle from the custody of the custodian within 21 days of the date on which the notice was served.

(6) The custodian shall be entitled to treat the registered keeper of the vehicle as the person entitled to its contents unless and to the extent that some other person satisfies him of their claim to all or part of them.

(7) Where there is more than one claim to the vehicle or its contents, the custodian shall determine which person is entitled to the vehicle or its contents on the basis of the evidence provided to him.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part IV Immobilisation and Removal of Vehicles/14 Recovery of

penalty charges in relation to removed vehicles

14 Recovery of penalty charges in relation to removed vehicles

(1) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with regulation 12(2), the charging authority or the custodian may (whether or not any claim is made under regulation 15 or 16) recover from the person who was the owner of the vehicle when the vehicle was removed the charges prescribed by the scheme for--

- (a) its removal and storage; and
- (b) if the vehicle has been disposed of, its disposal.

(2) Where, by virtue of paragraph (1)(a), any sum is recoverable in respect of a vehicle by a custodian, the authority or the custodian shall be entitled to retain custody of it until that sum is paid.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part IV Immobilisation and Removal of Vehicles/15 Taking possession of a vehicle

15 Taking possession of a vehicle

(1) A person ("the claimant") may take possession of a vehicle (with its contents) which has been removed and delivered to a custodian and has not been disposed of under regulation 13, if the conditions specified in paragraph (2) are satisfied.

(2) The conditions are that--

- (a) the claimant satisfies the custodian that he is the owner of the vehicle or that he is authorised by the owner to take possession of the vehicle;
- (b) all outstanding penalty charges in respect of the vehicle are paid to the charging authority; and
- (c) any penalty charges imposed by the charging scheme in respect of the removal, storage or release from storage of the vehicle are paid.

(3) On giving the claimant possession of a vehicle pursuant to this regulation, the charging authority or custodian shall give the claimant a statement of the right of the owner (or the person in charge of the vehicle at the time it was immobilised or, where it was not immobilised, it was removed) to appeal pursuant to regulations made by the Lord Chancellor under paragraphs 12(3) and 28 of Schedule 23 to the Greater London Authority Act 1999, of the steps to be taken in order to appeal and of the address to which representations made as mentioned in those Regulations should be sent.

NOTES

Initial Commencement

Specified date

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Part IV Immobilisation and Removal of Vehicles/16 Claim by the owner of a vehicle after its disposal

16 Claim by the owner of a vehicle after its disposal

(1) If, after a vehicle has been disposed of by a custodian pursuant to regulation 13, a person claims to have been the owner of the vehicle at the time when it was disposed of and the conditions specified in paragraph (2) are fulfilled, there shall be payable to him by the custodian a sum calculated in accordance with paragraph (3).

(2) The conditions are that--

(a) the person claiming satisfies the custodian that he was the owner of the vehicle at the time it was disposed of; and

(b) the claim is made before the end of the period of one year beginning with the date on which the vehicle was disposed of.

(3) The sum payable under paragraph (1) shall be calculated by deducting from the proceeds of sale the sums that would have been payable under regulation 15(2) had the vehicle been claimed by the owner immediately before its disposal together with such penalty charge as may be imposed by the charging scheme in respect of the disposal of a vehicle.

NOTES**Initial Commencement*****Specified date***

Specified date: 16 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/Signature(s)

Signed by authority of the Secretary of State for Transport, Local Government and the Regions

David Jamieson

Parliamentary Under-Secretary of State,

Department for Transport, Local Government and the Regions

22nd June 2001

UK Parliament SIs 2000-2009/2001/2251-2300/Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285)/EXPLANATORY NOTE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations deal with the procedures relating to the imposition of charges and penalty charges for road user charging in Greater London under Schedule 23 to the Greater London Authority Act 1999. The Regulations cover requirements about the imposition, setting and liability for charges and penalty charges, examination of, and entry to vehicles, powers of seizure, powers of immobilisation, removal and disposal of vehicles, recovery of penalty charges in relation to removed vehicles, taking possession of vehicles and claims by owners of vehicles after their disposal.

Part II (regulations 4 to 6) covers the imposition, setting and liability for charges and penalty charges.

Part III (regulations 7 to 9) specify powers for an authorised person to examine vehicles, to enter vehicles and to seize items in accordance with prescribed conditions.

Part IV (regulations 10 to 16) concerns powers for the immobilisation of vehicles, the release of immobilised vehicles, removal of vehicles, disposal of removed vehicles, recovery of penalty charges in relation to removed vehicles, claimants' entitlement to take possession of vehicles and claims by owners of vehicles after their disposal.

3. Road User Charging (Enforcement and Adjudication) (London) Regulations 2001

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)

2001 No 2313

LONDON GOVERNMENT

ROAD TRAFFIC

Road User Charging (Enforcement and Adjudication) (London) Regulations 2001

Made 26th June 2001

Laid before Parliament 27th June 2001

Coming into force 30th July 2001

The Lord Chancellor, in exercise of the powers conferred on him by paragraphs 12(3), 28 and 30 of Schedule 23 to the Greater London Authority Act 1999 and by section 420(1) of that Act, and of all other powers enabling him in that behalf, hereby makes the following Regulations:--

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part I Preliminary/1 Citation and commencement

Part I

Preliminary

1 Citation and commencement

These Regulations may be cited as the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 and shall come into force on 30th July 2001.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see above.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part I Preliminary/2 Interpretation

2 Interpretation

(1) In these Regulations--

"the 1999 Act" means the Greater London Authority Act 1999;

"adjudicator" means a road user charging adjudicator appointed in accordance with regulation 3;

"Charges and Penalty Charges Regulations" means the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001;

"hiring agreement" has the same meaning as in section 66 of the Road Traffic Offenders Act 1988;

["outstanding" in relation to a penalty charge shall be construed in accordance with regulation 11(2) of the Charges and Penalty Charges Regulations;]

"penalty charge notice" has the meaning given in regulation 12;

"person liable" in relation to a vehicle means the registered keeper of that vehicle or the person who is liable, in accordance with the Charges and Penalty Charges Regulations, to pay a charge or penalty charge imposed by a charging scheme;

"relevant person" in Part III has the meaning given in regulation 9;

"vehicle" means a motor vehicle; and

"vehicle-hire firm" has the same meaning as in section 66 of the Road Traffic Offenders Act 1988.

(2) In determining for the purposes of any provision of these Regulations whether a charge or penalty charge has been paid before the end of a particular period, it shall be taken to be paid when it is received by the charging authority.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para (1): definition "outstanding" inserted by SI 2003/108, regs 2, 3.

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part II Adjudicators/3 Appointment of adjudicators

Part II

Adjudicators

3 Appointment of adjudicators

(1) The Lord Chancellor shall appoint persons to act as road user charging adjudicators for the purposes of these Regulations.

[(2) To be qualified for appointment as an adjudicator, a person must satisfy the judicial-appointment eligibility condition within the meaning of section 50 of the Tribunals, Courts and Enforcement Act 2007 on

a 5-year basis.]

- (3) Each adjudicator shall be appointed for such period as the Lord Chancellor may specify.
- (4) Each adjudicator shall hold and vacate office in accordance with the terms of his appointment.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para (2): substituted by SI 2008/1956, reg 2.

Date in force: 20 August 2008: see SI 2008/1956, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part II Adjudicators/4 Administrative support and defrayal of expenses

4 Administrative support and defrayal of expenses

- (1) The Authority shall provide, or make arrangements for the provision of, accommodation and administrative staff and facilities for adjudicators and determine the places where they are to sit.
- (2) The expenses incurred by the Authority under paragraph (1) and on remunerating adjudicators shall be defrayed--
 - (a) in a year in which only one charging scheme is for the time being in force in Greater London by the charging authority for that scheme;
 - (b) where two or more charging schemes are in force, by the charging authorities for those schemes in such proportions as they may agree or, in default of agreement as may be determined by an arbitrator nominated by the Chartered Institute of Arbitrators on the application of any charging authority.
- (3) Where the Authority is satisfied that there has been, or is likely to be, a failure on the part of the charging authorities to agree on the proportions in which the expenses recoverable by the Authority are to be defrayed under paragraph (2)(b), it may give the charging authorities such directions as it considers appropriate to require them to refer the matter to arbitration under that paragraph.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part II Adjudicators/5 Procedure to be followed by adjudicators

5 Procedure to be followed by adjudicators

- (1) The Schedule to these Regulations shall have effect as to the procedure to be followed in relation to proceedings before adjudicators.
- (2) Subject to the provisions of that Schedule, an adjudicator may regulate his own procedure.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part II Adjudicators/6 Evidence produced by a prescribed device

6 Evidence produced by a prescribed device

- (1) Evidence of a fact relevant to Schedule 23 proceedings may be given by the production of--
 - (a) a record produced by a prescribed device, and
 - (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by a constable or by a person authorised in that behalf by the charging authority who installed the device by means of which the evidence was produced.

- (2) In paragraph (1)--

"Schedule 23 proceedings" means proceedings for an offence under Schedule 23 to the 1999 Act or proceedings before an adjudicator in relation to failure to comply with the provisions of a charging scheme; and

"prescribed device" means a camera or other device designed to produce a record--

- (a) of the presence of a particular vehicle which is being used or kept on a road in a charging area in respect of which charges are imposed; and
- (b) of the date and time at which it is present,

and includes any equipment used in conjunction with the camera or other device for the purpose of producing such a record.

- (3) A document purporting to be a record of the kind mentioned in paragraph (1) or to be a certificate signed as mentioned in that paragraph shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part II Adjudicators/7 Recovery of amounts payable under an adjudication

7 Recovery of amounts payable under an adjudication

Any amount which is payable under an adjudication of an adjudicator shall, if a county court so orders, be recoverable by the person to whom the amount is payable, as if it were payable under a county court order.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part II Adjudicators/8 Reports by adjudicators

8 Reports by adjudicators

Each adjudicator shall make an annual report to [the Secretary of State for Transport] on the discharge of his functions.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Words "the Secretary of State for Transport" in square brackets substituted by SI 2003/108, regs 2, 4.

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part III Representations and Appeals in Relation to the Removal or Immobilisation of Vehicles/9 Persons to whom Part III applies

Part III

Representations and Appeals in Relation to the Removal or Immobilisation of Vehicles

9 Persons to whom Part III applies

This part of these Regulations applies to a person (in this Part referred to as a "relevant person") who--

- (a) pays or causes to be paid a penalty charge to secure the release of a vehicle from an

immobilisation device in accordance with a charging scheme and the Charges and Penalty Charges Regulations;

(b) pays or causes to be paid a penalty charge to recover a vehicle after it has been removed from a road in a charging area in accordance with a charging scheme and the Charges and Penalty Charges Regulations;

(c) receives any sum after a vehicle has been sold or destroyed in accordance with a charging scheme and the Charges and Penalty Charges Regulations; or

(d) is informed that the proceeds of its disposal do not exceed the amount of the penalty charges payable in respect of the vehicle in accordance with a charging scheme and the Charges and Penalty Charges Regulations.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part III Representations and Appeals in Relation to the Removal or Immobilisation of Vehicles/10 Right to make representations

10 Right to make representations

(1) A relevant person shall, on the happening of an event such as is referred to in paragraph (a), (b), (c) or (d) of regulation 9, thereupon be informed by notice in writing, by or on behalf of the charging authority, of his right to make representations under this regulation and his right of appeal under regulation 11.

(2) A relevant person may make representations in writing to the charging authority on one or more of the grounds mentioned in paragraph (3).

(3) The grounds are--

(a) that in the particular circumstances of the case, the immobilisation, removal or disposal of the vehicle was not authorised by the charging scheme or the Charges and Penalty Charges Regulations;

(b) in a case where an immobilisation device was fitted to the vehicle or the vehicle was removed on the ground that the vehicle was being used or kept on a road in contravention of the charging scheme, that the vehicle was on that occasion being used or kept on the road by a person who was in control of the vehicle without the consent of the person liable;

(c) that the penalty charge paid to secure the release or recovery of the vehicle exceeded the amount applicable in the circumstances of the case;

[(d) in a case where the vehicle was fitted with an immobilisation device or was removed and penalty charges were outstanding with respect to the vehicle, that--

(i) those penalty charges were all incurred before the person liable in relation to the vehicle at the time of its immobilisation or removal had become the person liable in relation to that vehicle; or

(ii) the number of penalty charges incurred after he had become the person liable was fewer than such number as may be specified for the purposes of regulation 10(1)(b) or 12(1)(b), as the case

may be, of the Charges and Penalty Charges Regulations; or]

(e) that the relevant person is a vehicle-hire firm and--

(i) the vehicle in question was at the time the device was fitted to it or the vehicle was removed hired from that firm under a hiring agreement; and

(ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge incurred in respect of the vehicle during the currency of the hiring agreement.

(4) A charging authority may disregard any representations received by them after the end of the period of 28 days beginning with the date on which the relevant person is informed in accordance with paragraph (1) of his right to make representations.

(5) It shall be the duty of a charging authority to whom representations are duly made under this regulation, before the end of the period of 56 days beginning with the day on which they receive the representations--

(a) to consider them and any supporting evidence which the person making them provides; and

(b) to serve on that person a notice of their decision as to whether or not they accept that the ground in question has been established.

(6) Where a charging authority serve notice under paragraph (5)(b) that they accept that a ground has been established they shall (when serving that notice or as soon as practicable thereafter) refund any penalty charge or charges--

(a) paid to secure the release of the vehicle from an immobilisation device;

(b) paid to recover the vehicle after it had been removed from a road;

(c) deducted from the proceeds of sale of the vehicle,

except to the extent (if any) to which those sums were properly paid or deducted.

(7) Where a charging authority serve notice under paragraph (5)(b) that they do not accept that a ground has been established, that notice shall--

(a) inform the relevant person of his right to appeal to an adjudicator under regulation 11;

(b) indicate the nature of the adjudicator's power to award costs against any person appealing to him under that regulation;

(c) describe in general terms the form and manner in which such an appeal is required to be made; and

(d) provide such other information as the charging authority consider appropriate.

(8) Where a charging authority fail to comply with paragraph (5) before the end of the period of 56 days there mentioned--

(a) they shall be deemed to have accepted that the ground in question has been established and to have served notice to that effect under paragraph (6); and

(b) paragraph (6) shall have effect as if they required any refund to be made immediately after the end of that period.

(9) Any notice required to be served under this regulation may be served personally or by post or in such form as is agreed between the charging authority and the relevant person.

(10) Where the person on whom any document is required to be served by paragraph (5) is a body corporate, the document is duly served if it is sent by post or any such form as is agreed to the secretary or clerk to that body.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para (3): sub-para (d) substituted by SI 2003/108, regs 2, 5.

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part III Representations and Appeals in Relation to the Removal or Immobilisation of Vehicles/11 Right to appeal to an adjudicator

11 Right to appeal to an adjudicator

(1) Where a charging authority serve notice under regulation 10(5)(b) that they do not accept that a ground on which representations were made under that regulation has been established, the person making those representations may appeal to an adjudicator against the authority's decision, before--

- (a) the end of the period of 28 days beginning with the date of service of the notice; or
- (b) such longer period as an adjudicator may allow following consultation with the charging authority.

[(1A) An adjudicator may allow a longer period for an appeal under paragraph (1)(b) whether or not the period specified in paragraph (1)(a) has already expired.]

(2) On an appeal under this regulation, the adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in regulation 10(3) and, if he concludes--

- (a) that any of the representations are justified; and
- (b) that the charging authority would have been under the duty imposed by regulation 10(6) to refund any sum if they had served notice that they accepted that the ground in question had been established,

he shall direct the authority to make the necessary refund.

(3) It shall be the duty of a charging authority to whom such a direction is given to comply with it.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para (1A): inserted by SI 2003/108, regs 2, 6.

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/12 Penalty charge notices

Part IV

Recovery of Penalty Charges

12 Penalty charge notices

(1) Where a charge with respect to a vehicle under a charging scheme has not been paid by the time by which it is required by the scheme to be paid [and, in those circumstances, the scheme provides for the payment of a penalty charge], the charging authority may serve a notice ("a penalty charge notice").

(2) A penalty charge notice shall be served on the registered keeper of the vehicle unless, in accordance with the Charges and Penalty Charges Regulations, the penalty charge to which it relates is payable by another person, in which case the penalty charge notice shall be served on that other person.

(3) A penalty charge notice must state--

(a) the amount of the penalty charge to which it relates;

(b) the date and time at which the charging authority claim that the vehicle was used or kept on a road in a charging area in circumstances in which, by virtue of a charging scheme, a charge was payable in respect of the vehicle;

(c) the grounds on which the charging authority believe that the penalty charge is payable with respect to the vehicle;

[(d) the time, in accordance with the charging scheme under which it is imposed, and the manner in which the penalty charge must be paid;

(e) the amount of the reduced penalty charge if it is duly paid in the time specified in the charging scheme;

(ea) the amount of the increased penalty charge if:

(i) the penalty charge is not paid; or

(ii) no representations are made under regulation 13,

before the end of the relevant period as defined by regulation 17(2)(a);]

(f) the address to which payment of the penalty charge must be sent;

(g) that the person on whom the notice is served ("the recipient") may be entitled to make representations under regulation 13; and

(h) the effect of regulation 16.

NOTES**Initial Commencement*****Specified date***

Specified date: 30 July 2001: see reg 1.

Amendment

Para (1): words "and, in those circumstances, the scheme provides for the payment of a penalty charge" in square brackets inserted by SI 2003/108, regs 2, 7(1), (2).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

Para (3): sub-paras (d), (e), (ea) substituted, for sub-paras (d), (e) as originally enacted, by SI 2003/108, regs 2, 7(1), (3).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/13 Representations against penalty charge notice

13 Representations against penalty charge notice

(1) Where it appears to the recipient that one or other of the grounds mentioned in paragraph (3) are satisfied, he may make representations [in writing] to that effect to the charging authority who served the penalty charge notice on him.

(2) The charging authority may disregard any such representations which are received by them after the end of the period of 28 days beginning with the date on which the penalty charge notice was served.

(3) The grounds are--

(a) that the recipient--

(i) never was the registered keeper in relation to the vehicle in question;

(ii) had ceased to be the person liable before the date on which the vehicle was used or kept on a road in a charging area; or

(iii) became the person liable after that date;

(b) that the charge payable for the use or keeping of the vehicle on a road on the occasion in question was paid at the time and in the manner required by the charging scheme;

(c) that . . . no penalty charge is payable [under the charging scheme];

(d) that the vehicle had been used or kept, or permitted to be used or kept, on a road by a person who was in control of the vehicle without the consent of the registered keeper;

(e) that the penalty charge exceeded the amount applicable in the circumstances of the case;

(f) that the recipient is a vehicle-hire firm and--

- (i) the vehicle in question was at the material time hired from that firm under a hiring agreement; and
- (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice imposed in relation to the vehicle during the currency of the hiring agreement.

(4) Where the ground mentioned in paragraph (3)(a)(ii) is relied on in any representations made under this regulation, those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the person making the representations (if that information is in his possession).

(5) Where the ground mentioned in paragraph (3)(a)(iii) is relied on in any representations made under this regulation, those representations must include a statement of the name and address of the person from whom the vehicle was acquired by the person making the representations (if that information is in his possession).

(6) It shall be the duty of a charging authority to whom representations are duly made under this regulation--

- (a) to consider them and any supporting evidence which the person making them provides; and
- (b) to serve on that person notice of their decision as to whether or not they accept that the ground in question has been established.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para (1): words "in writing" in square brackets inserted by SI 2003/108, regs 2, 8(1), (2).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

Para (3): in sub-para (c) words omitted revoked by SI 2003/108, regs 2, 8(1), (3)(a).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

Para (3): in sub-para (c) words "under the charging scheme" in square brackets inserted by SI 2003/108, regs 2, 8(1), (3)(b).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/14 Cancellation of penalty charge notice

14 Cancellation of penalty charge notice

- (1) Where representations are made under regulation 13 and the charging authority concerned accept

that the ground in question has been established they shall--

- (a) cancel the penalty charge notice; and
- (b) state in the notice served under regulation 13(6) that the penalty charge notice has been cancelled.

(2) The cancellation of a penalty charge notice under this regulation shall not be taken to prevent the charging authority concerned from serving a fresh penalty charge notice on the same or another person.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/15 Rejection of representations against penalty charge notice

15 Rejection of representations against penalty charge notice

(1) Where any representations are made under regulation 13 but the charging authority concerned do not accept that a ground has been established, the notice served under regulation 13(6) ("the notice of rejection") must--

- (a) state that a charge certificate may be served under regulation 17 unless before the end of the period of 28 days beginning with the date of service of the notice of rejection--
 - (i) the penalty charge is paid; or
 - (ii) the person on whom the notice is served appeals to an adjudicator against the penalty charge;
- (b) indicate the nature of an adjudicator's power to award costs against any person appealing to him; and
- (c) describe in general terms the form and manner in which an appeal to an adjudicator must be made.

(2) A notice of rejection may contain such other information as the charging authority consider appropriate.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/16 Adjudication by an adjudicator

16 Adjudication by an adjudicator

(1) Where a charging authority serve notice under regulation 13(6) that they do not accept that a ground on which representations were made under that regulation has been established, the person making those representations may appeal to an adjudicator against the charging authority's decision before--

- (a) the end of the period of 28 days beginning with the date of service of that notice; or
- (b) such longer period as an adjudicator may allow[, following consultation with the charging authority].

[(1A) An adjudicator may allow a longer period for an appeal under paragraph (1)(b) whether or not the period specified in paragraph (1)(a) has already expired.]

(2) On an appeal under this regulation, the adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in regulation 13(3) and may give the charging authority concerned such directions as he considers appropriate.

(3) It shall be the duty of any charging authority to whom a direction is given under paragraph (2) to comply with it.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para (1): in sub-para (b) words ", following consultation with the charging authority" in square brackets inserted by SI 2003/108, regs 2, 9(1), (2).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

Para (1A): inserted by SI 2003/108, regs 2, 9(1), (3).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/17 Charge certificates

17 Charge certificates

(1) Where a penalty charge notice is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the charging authority serving the notice may serve on that person a statement (a "charge certificate") to the effect that the penalty charge in question is increased [to the sum specified] in the charging scheme under which it was incurred.

[(1A) A charging authority which has served a charge certificate on any person may cancel the charge certificate and serve or cancel such further charge certificates as it thinks fit.]

(2) The relevant period, in relation to a penalty charge notice, is the period of 28 days beginning--

(a) where no representations are made under regulation 13, with the date on which the penalty charge notice is served;

(b) where--

(i) such representations are made;

(ii) a notice of rejection is served by the charging authority concerned; and

(iii) no appeal against the notice of rejection is made,

with the date on which the notice of rejection is served; or

(c) where there has been an unsuccessful appeal against a notice of rejection, with the date on which notice of the adjudicator's decision is served on the appellant.

(3) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of his decision, the relevant period in relation to a penalty charge notice is the period of 14 days beginning with the date on which the appeal is withdrawn.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para (1): words "to the sum specified" in square brackets substituted by SI 2003/108, regs 2, 10(1), (2).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

Para (1A): inserted by SI 2003/108, regs 2, 10(1), (3).

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/18 Enforcement of charge certificate

18 Enforcement of charge certificate

Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the charging authority concerned may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication)
(London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/19 Invalid notices

19 Invalid notices

- (1) This regulation applies where--
 - (a) a county court makes an order under regulation 18;
 - (b) the person against whom it is made makes a statutory declaration complying with paragraph (2);
and
 - (c) that declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court's order is served on him, served on the county court which made the order.
- (2) The statutory declaration must state that the person making it--
 - (a) did not receive the penalty charge notice in question;
 - (b) made representations to the charging authority concerned under regulation 13 but did not receive a notice of rejection from that authority; or
 - (c) appealed to an adjudicator under regulation 16 against the rejection by that authority of representations made by him under regulation 13 but had no response to the appeal.
- (3) Paragraph (4) applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on him serving his statutory declaration within the period of 21 days allowed for by paragraph (1).
- (4) Where this paragraph applies, the district judge may allow such longer period for service of the statutory declaration as he considers appropriate.
- (5) Where a statutory declaration is served under paragraph (1)(c)--
 - (a) the order of the court shall be deemed to have been revoked;
 - (b) the charge certificate shall be deemed to have been cancelled;
 - (c) in the case of a declaration under paragraph (2)(a), the penalty charge notice to which the charge certificate relates shall be deemed to have been cancelled; and
 - (d) the district judge shall serve written notice of the effect of service of the declaration on the person making it and on the charging authority concerned.
- (6) Service of a declaration under paragraph (2)(a) shall not be taken to prevent the charging authority from serving a fresh penalty charge notice on the same or another person.
- (7) Where a declaration has been served under paragraph (2)(b) or (c), the charging authority shall refer the case to the adjudicator who may give such directions as he considers appropriate.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/20 Enforcement by execution

20 Enforcement by execution

(1) Subject to paragraph (2),

(a) an unpaid penalty charge which is recoverable in accordance with regulation 18 as if it were payable under a county court order; and

(b) a sum to be paid by a person (other than a charging authority) under an adjudication of an adjudicator which is recoverable in accordance with regulation 7 as if it were payable under a county court order,

shall be treated for purposes of enforcement by execution as if they were specified debts in the Enforcement of Road Traffic Debts Order 1993 ("the 1993 Order").

[(2) For the purposes of the enforcement of an unpaid penalty charge referred to in paragraph (1)(a) or the enforcement of the payment of a sum referred to in paragraph (1)(b)--

(a) any reference in the 1993 Order to "the authority" shall be a reference to a charging authority; and

(b) the reference in article 3(1) of the 1993 Order to "the time for serving a statutory declaration" shall be a reference to, as the case may be--

(i) the period of 21 days allowed by regulation 19(1)(c); or

(ii) where a longer period has been allowed pursuant to regulation 19(4), that period.]

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para (2): substituted by SI 2003/108, regs 2, 11.

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Part IV Recovery of Penalty Charges/21 Service by post

21 Service by post

[Except as provided for in the Schedule, any] penalty charge notice, charge certificate or other notice under these Regulations may be served by post (or in such other form as is agreed between the person to be served and the charging authority) and, where the person on whom it is to be served is a body corporate, is duly served if it is sent by post to the secretary or clerk of that body.

NOTES**Initial Commencement***Specified date*

Specified date: 30 July 2001: see reg 1.

Amendment

Words "Except as provided for in the Schedule, any" in square brackets substituted by SI 2003/108, regs 2, 12.

Date in force: 17 February 2003: see SI 2003/108, reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/Signature(s)

Irvine of Lairg, C

26th June 2001

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/SCHEDULE Procedure in Adjudication Proceedings/Part I Interpretation

SCHEDULE**PROCEDURE IN ADJUDICATION PROCEEDINGS****Regulation 5****Part Part I****Interpretation of Schedule****1**

(1) In this Schedule--

"appeal" means an appeal under regulation 11(1) or 16(1);

"document exchange" means a document exchange providing a system of delivery of documents by reference to numbered boxes at document exchanges (DX);

"FAX" means the making of a facsimile copy of a document by the transmission of electronic signals;

"hearing" means an oral hearing;

"proper officer" means a member of the administrative staff appointed under regulation 4(1) to perform the functions of the proper officer under this Schedule; and

"register" means the register required to be kept under paragraph 21.

(2) In this Schedule in relation to an appeal or any process connected with an appeal--

"appellant" means the person bringing the appeal;

"disputed decision" means the decision appealed against;

"the charging authority" means the charging authority who made the disputed decision; and

"the original representations" means the representations to the charging authority under regulation 10 or 13.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/SCHEDULE Procedure in Adjudication Proceedings/Part II Procedure Relating to Appeals

Part PartII

Initiating an appeal

2

(1) An appeal shall be made by delivering a notice of appeal to the proper officer.

(2) A notice of appeal--

(a) must state the name and address of the appellant;

(b) may specify some other address as being the address at which the appellant wishes documents to be sent to him in connection with the appeal;

(c) must state the date and any reference number of the decision and the name of the charging authority; and

(d) may include any representation which the appellant desires to make in addition to the original representations.

(3) If the notice of appeal is delivered to the proper officer later than the time limit specified in regulation 11 or 16 (as the case may be), the appellant must include in the notice a statement of the reasons on which he relies for justifying the delay, and the adjudicator shall treat any such statement of reasons for delay as a request for extending that time limit.

(4) The appellant or his authorised representative shall sign the notice of appeal.

Action upon receipt of notice of appeal and copy of such notice

3

(1) Upon receiving a notice of appeal the proper officer shall--

- (a) send an acknowledgement of its receipt to the appellant;
 - (b) enter particulars of it in the register; and
 - (c) send to the charging authority a copy of the notice of appeal and any directions extending the time limit for appealing.
- (2) Upon receipt of a copy of the notice of appeal sent under this paragraph, the charging authority shall within 7 days deliver to the proper officer a copy of--
- (a) the original representations;
 - (b) the relevant penalty charge notice (if any); and
 - (c) the notice served under regulation 10 or 13 as the case may be.

Further representations

4

- (1) Any party may deliver representations to the proper officer at any time before the appeal is determined.
- (2) The adjudicator may invite a party to deliver to the proper officer at any time representations dealing with any matter relating to an appeal within such time and in such manner as may be specified.
- (3) Where a party fails to respond to an invitation under sub-paragraph (2), the adjudicator may (without prejudice to any other power he may have) draw such inferences as appear to him proper.
- (4) Any representations delivered under this paragraph shall be signed by, or by the authorised representative of, the party in question.
- (5) Where the appellant delivers representations to the proper officer under this paragraph, the proper officer shall send a copy of the representations to the charging authority.
- (6) Where the charging authority deliver representations to the proper officer under this paragraph, they shall at the same time send a copy of the representations to the appellant.
- (7) This paragraph is without prejudice to the powers of an adjudicator under paragraph 8.

Right to make representations

5

- (1) The adjudicator may require the attendance of any person (including a party to the proceedings) as a witness, at a time and place specified by him, at the hearing of an appeal and require him to answer any questions or produce any documents in his custody or control which relate to any matter in the proceedings.
- (2) A person in respect of whom a requirement has been made under sub-paragraph (1) may apply to the adjudicator to vary or set aside the requirement.
- (3) A person shall not be bound to comply with a requirement under sub-paragraph (1) unless he has been given at least 7 days' notice of the hearing or, if less than 7 days, he has informed the adjudicator that he accepts such notice as he has been given.
- (4) A person shall not be bound to comply with a requirement under sub-paragraph (1) unless the

necessary expenses of his attendance are paid or tendered to him.

- (5) No person shall be required to give any evidence or produce any documents under sub-paragraph (1) which he could not be required to give or produce in the trial of an action in a court of law.

Disposal of an appeal without a hearing

6

- (1) Subject to the provisions of this paragraph, the adjudicator may dispose of an appeal without a hearing.
- (2) The adjudicator shall not dispose of an appeal without a hearing if either party has requested a hearing unless--
- (a) the party who made the request withdraws the request before notice of a hearing has been sent to the other party under paragraph 7;
 - (b) both parties have subsequently consented to the appeal being disposed of without a hearing; or
 - (c) the party requesting the hearing having been sent a notice of the hearing of an appeal in accordance with paragraph 7, fails to attend or be represented at the hearing.
- (3) The adjudicator shall not dispose of an appeal without a hearing until after the expiration of 4 weeks beginning with the day on which an acknowledgement is sent in accordance with paragraph 3 unless both parties consent to the disposal taking place on an earlier date.

Notice of time and place of hearing

7

- (1) This paragraph shall have effect where a hearing is to be held for the purpose of disposing of an appeal.
- (2) The proper officer shall fix the time and place of the hearing and, not less than 21 days before the date so fixed (or such shorter time as the parties agree), notify each party in writing or in such other manner as he thinks fit.
- (3) The adjudicator may alter the time and place of any hearing and the proper officer shall, not less than 7 days before the date on which the hearing is then to be held (or such shorter time as the parties agree), notify each party of the altered time and place in writing or in such other manner as he thinks fit.
- (4) This paragraph applies to an adjourned hearing but, if the time and place of the adjourned hearing are announced before the adjournment, no further notice shall be required.

Admission to a hearing

8

- (1) Subject to the provisions of this paragraph, a hearing shall be held in public.
- (2) The adjudicator may direct that the whole or any part of a hearing be held in private if he is satisfied that by reason of--
- (a) the likelihood of disclosure of intimate personal or financial circumstances;
 - (b) the likelihood of disclosure of commercially sensitive information or information obtained in confidence; or

(c) exceptional circumstances not falling within paragraphs (a) or (b);

it is just and reasonable for him so to do.

(3) Where the hearing is in private the adjudicator may admit such persons as he considers appropriate.

(4) . . .

(5) Without prejudice to any other powers he may have, an adjudicator may exclude from the hearing of an appeal, or part of it, any person whose conduct has disrupted or is likely, in the opinion of the adjudicator, to disrupt the hearing.

Appearances at a hearing

9

(1) The following persons shall be entitled to appear at a hearing relating to an application--

(a) the registered keeper;

(b) a person who has duly made representations in respect of the appeal; and

(c) the charging authority.

(2) Any other person may appear at a hearing at the discretion of the adjudicator.

(3) Any person entitled or permitted to appear at a hearing may do so on his own behalf or be represented by counsel, a solicitor or, at the discretion of the adjudicator, by any other person.

Procedure at a hearing

10

(1) At the beginning of the hearing of an appeal the adjudicator shall explain the order of proceedings which he proposes to adopt.

(2) Subject to the provisions of this paragraph, the adjudicator shall conduct the hearing of an appeal in such manner as he considers most suitable to the clarification of the issues before him and generally to the just handling of the proceedings; he shall so far as appears to him appropriate seek to avoid formality in the proceedings.

(3) At the hearing of an appeal--

(a) the parties shall be entitled to give evidence, to call witnesses and to address the adjudicator both on the evidence and generally on the subject matter of the appeal;

(b) the adjudicator may receive evidence of any fact which appears to him to be relevant notwithstanding that such evidence would be inadmissible in proceedings before a court of law.

(4) Without prejudice to paragraph 6(2)(c), where a party who has been sent a notice of the hearing of an appeal or has otherwise been notified of the hearing in accordance with paragraph 7 fails to attend the hearing, the adjudicator may dispose of the appeal in his absence.

Decisions on appeals

11

(1) Where an appeal is disposed of at a hearing, the decision of the adjudicator may be given orally at

the end of the hearing or reserved.

(2) Where an appeal has been disposed of whether at a hearing or otherwise, the decision shall be recorded forthwith in the register with (save in the case of a decision by consent) a statement of the reasons for the decision and the proper officer shall send a copy of the entry to each party.

Review of adjudicator's decision

12

(1) An adjudicator shall have power on the application of a party, to review and revoke or vary any decision to dismiss or allow an appeal or any decision as to costs on the grounds (in any such case) that--

(a) the decision was wrongly made as a result of an error on the part of his administrative staff;

(b) a party who had failed to appear or to be represented at a hearing had good and sufficient reason for his failure to appear;

(c) where the decision has been made after a hearing, new evidence has become available since the conclusion of the hearing the existence of which could not reasonably have been known or foreseen; or

(d) such a review is required in the interests of justice.

(2) An adjudicator shall have power, on the application of a party, to review and revoke or vary any interlocutory decision.

(3) An application under this paragraph shall be made to the proper officer within 14 days after the date on which the decision was sent to the parties, and must state the grounds in full.

(4) The parties shall have the opportunity to be heard on any application for review under this paragraph; and if, having reviewed the decision, the adjudicator directs the decision to be set aside, he shall substitute such decision as he thinks fit or order a re-determination by either the same or a different adjudicator.

(5) Paragraph 11 applies to a decision under sub-paragraph (1) as it applies to a decision made on the disposal of an appeal.

Costs

13

(1) An adjudicator shall not normally make an order awarding costs and expenses, but may, subject to paragraph (2) make such an order--

(a) against a party (including an appellant who has withdrawn his appeal or a charging authority who have consented to an appeal being allowed) if he is of the opinion that that party has acted frivolously or vexatiously or that his conduct in making, pursuing or resisting an appeal was wholly unreasonable; or

(b) against a charging authority where he considers that the disputed decision was wholly unreasonable.

(2) An order shall not be made under sub-paragraph (1) against a party unless that party has been given an opportunity of making representations against the making of the order.

(3) An order under sub-paragraph (1) shall require the party against whom it is made to pay to the other party a specified sum in respect of the costs and expenses incurred by that other party in connection with the proceedings.

Consolidation of proceedings**14**

(1) Where there are pending two or more appeals and at any time it appears to an adjudicator that--

- (a) some common question of law or fact arises in both or all appeals; or
- (b) for some other reason it is desirable to make an order under this paragraph,

the adjudicator may order that all of the appeals or those specified in the order shall be considered together and may give such consequential directions as may appear to him to be necessary.

(2) An order shall not be made under this paragraph unless all parties concerned have been given an opportunity of making representations against the making of the order.

Miscellaneous powers of adjudicators**15**

(1) An adjudicator may, if he thinks fit--

- (a) extend the time appointed by or under this Schedule for doing any act notwithstanding that the time appointed has expired;
- (b) if an appellant at any time gives notice of the withdrawal of his appeal, dismiss the proceedings;
- (c) if a charging authority consent to an appeal being allowed, allow the appeal without a hearing;
- (d) if both or all of the parties agree in writing on the terms of a decision to be made by an adjudicator, decide accordingly; or
- (e) adjourn a hearing.

(2) An adjudicator may exercise the powers conferred by this Schedule (other than paragraph 12) or by regulation 11(1)(b) or 16(1)(b) on his own motion or on the application of a party.

Clerical errors**16**

Unintentional errors or slips in any document recording a direction or decision of an adjudicator may be corrected by the proper officer on the direction of the adjudicator.

Service of documents**17**

(1) This paragraph has effect in relation to any notice or other document required or authorised by this Schedule to be sent to a party to an appeal.

(2) Any such document shall be regarded as having been sent to that party if it is--

- (a) delivered to him;
- (b) left at his proper address;
- (c) sent by post to him at that address; or

- (d) transmitted to him by FAX or other means of electronic data transmission in accordance with sub-paragraphs (3), (4) and (5).
- (3) A document may be transmitted by FAX where the party has indicated in writing to the proper officer that he is willing to regard a document as having been duly sent to him if it is transmitted to a specified FAX number and the document is transmitted to that number.
- (4) In the case of a charging authority, an indication under sub-paragraph (3) can be expressed to apply to any appeal to which they are a respondent.
- (5) Sub-paragraphs (3) and (4) shall apply with appropriate modification to a transmission of electronic data other than by FAX as it applies to a transmission by FAX.
- (6) Where the proper address includes a numbered box number at a document exchange, delivery of a document may be effected by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents on every business day to that exchange.
- (7) Any document which is left at a document exchange in accordance with sub-paragraph (6) shall, unless the contrary is proved, be deemed to have been delivered on the second business day after the day on which it is left.
- (8) For the purposes of this Schedule and of section 7 of the Interpretation Act 1978 in its application to this paragraph--
- (a) the proper address of the appellant is the address specified in his notice of appeal pursuant to paragraph 2(2)(b) or, if no such address is so specified, the address specified pursuant to paragraph 2(2)(a); and
- (b) the proper address of a charging authority in proceedings to which they are the respondent is such address as the charging authority from time to time specify in a notice delivered to the proper officer as their proper address in all such proceedings.
- (9) If no address for service has been specified, the proper address for the purposes of this Schedule and of section 7 of the Interpretation Act 1978 shall be--
- (a) in the case of an individual, his usual or last known address;
- (b) in the case of a partnership, the principal or last known place of business of the partnership within the United Kingdom; or
- (c) in the case of an incorporated or unincorporated body, the registered or principal office of the body.
- (10) An appellant may at any time by notice to the proper officer change his proper address for service for the purposes of this Schedule and of section 7 of the Interpretation Act 1978.
- (11) A party may by notice in writing delivered to the proper officer vary or revoke any indication given by him under sub-paragraph (3).

Delivery of documents to proper officer

18

- (1) This paragraph has effect in relation to any notice or other document required or authorised to be delivered to the proper officer and is without prejudice to paragraph 4(3).

- (2) Any such document may be transmitted to him by FAX or other means of electronic data transmission.
- (3) Where the address of the proper officer includes a box number at a document exchange, the delivery of such a document may be effected by leaving the document addressed to that numbered box at that document exchange or at another document exchange which transmits documents on every business day to that exchange.
- (4) Any document which is left at a document exchange in accordance with sub-paragraph (3) shall, unless the contrary is proved, be deemed to have been delivered on the second business day after the day on which it is left.
- (5) Paragraphs 2(4) and 4(4)--
- (a) shall in the case of a document transmitted by FAX, be satisfied if a copy of the signature of the relevant person appears on the transmitted copy; and
- (b) shall not apply in relation to a document transmitted by other means of electronic data transmission.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

Amendment

Para 8: sub-para (4) revoked by SI 2008/2683, art 6(1), Sch 1, para 165.

Date in force: 3 November 2008: see SI 2008/2683, art 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/SCHEDULE Procedure in Adjudication Proceedings/Part III References to an Adjudicator Under Regulation 19(7)

Part PartIII

Interpretation of Part III of Schedule

19

- (1) This Part of this Schedule has effect for the purpose of specifying the procedure where an order of a county court is deemed to have been revoked under regulation 19(5) and the charging authority have referred the case to an adjudicator under regulation 19(7).
- (2) In relation to a case so referred, for the purposes of this Part of this Schedule, a relevant person is the person against whom the county court order has been made.

Procedure for references under regulation 19(7)

20

- (1) Where a case has been referred to an adjudicator under regulation 19(7)--

- (a) the proper officer shall enter particulars of the case in the register;
 - (b) without prejudice to his powers under regulation 19(7), the adjudicator shall give directions as to the conduct of the proceedings unless he decides that no such directions are necessary.
- (2) An adjudicator may in particular--
- (a) if it appears to him that an appeal has been made by the relevant person in relation to the subject matter of the case, direct that the case proceed as an appeal; or
 - (b) if it appears to him that an appeal has been made by the relevant person in relation to the subject matter of the case and that the appeal has been dismissed, direct that the case proceed as an application under paragraph 12 to review that decision.
- (3) Where an adjudicator gives a direction under sub-paragraph (2)(a), Part II of this Schedule shall apply to the proceedings as if paragraphs 2 and 3 of this Schedule were omitted.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/SCHEDULE Procedure in Adjudication Proceedings/Part IV The Register

Part PartIV

The register

21

- (1) The proper officer shall keep a register of all appeals and of the decisions made on them.
- (2) The register--
 - (a) shall be kept at the principal office of the proper officer;
 - (b) shall be open to the inspection of any person without charge at all reasonable hours; and
 - (c) may be kept electronically.
- (3) A document purporting to be certified by the proper officer to be a true copy of any entry in the register shall be evidence of the entry and of matters stated therein.

NOTES

Initial Commencement

Specified date

Specified date: 30 July 2001: see reg 1.

UK Parliament SIs 2000-2009/2001/2301-2350/Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (SI 2001/2313)/EXPLANATORY NOTE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the procedures for the enforcement and adjudication of road user charging schemes in Greater London under Schedule 23 to the Greater London Authority Act 1999. In particular, the Regulations cover requirements relating to the notification, adjudication and enforcement of penalty charges, the determination of disputes, appeals against determinations, the appointment of persons to hear any such appeals and the admissibility of evidence in proceedings under Schedule 23.

These Regulations should be read in conjunction with the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (SI 2001/2285) (copies of which are obtainable from the Stationery Office).

Regulation 3 relates to the appointment of adjudicators who hear appeals. They are to be appointed by the Lord Chancellor.

Regulation 4 explains the arrangements for administrative support and defrayal of expenses by the Greater London Authority.

Regulation 5 and the Schedule provide for the procedure in adjudication proceedings.

Regulation 6 specifies that evidence of a relevant fact may be given by the production of a record produced by a prescribed device and a certificate in the appropriate form.

Regulation 7 provides that amounts payable under an adjudication shall, if a county court so orders, be recoverable by the person to whom the amount is payable, as if it were payable under a county court order.

Regulation 8 provides for each adjudicator to make an annual report to the Secretary of State for Transport, Local Government and the Regions.

Part III (regulations 9 to 11) relates to the right to make representations and appeals in relation to the removal or immobilisation of vehicles.

Part IV (regulations 12 to 21) specifies the steps which can be taken by a charging authority when a penalty charge has not been paid. There is provision for representations to be made against penalty charge notices and in specified circumstances for cancellation of penalty charge notices, rejection of representations against penalty charge notices, appeals to an adjudicator, service of charge certificates and a procedure for resolving disputes about invalid notices.

4. Civil Enforcement of Parking Contraventions (England) General Regulations 2007

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)

2007 No 3483

ROAD TRAFFIC, ENGLAND

Civil Enforcement of Parking Contraventions (England) General Regulations 2007

Made 10th December 2007

Laid before Parliament 14th December 2007

Coming into force 31st March 2008

These Regulations are made by the Secretary of State for Transport, in exercise of the powers conferred by sections 72, 73(3), 79, 88 and 89 of the Traffic Management Act 2004, by paragraph 6 of Schedule 9 to that Act, and by the Lord Chancellor, in exercise of the powers conferred on him by sections 78, 81, 82 and 89 of that Act.

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 1 Preliminary/1 Citation, commencement and application

Part 1

Preliminary

1 Citation, commencement and application

- (1) These Regulations may be cited as the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 and shall come into force on 31st March 2008.
- (2) These Regulations apply only to England.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see para (1) above.

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 1 Preliminary/2 Interpretation

2 Interpretation

- (1) In these Regulations--

"the 2004 Act" means the Traffic Management Act 2004;

"the 28-day period" has the meaning given by regulation 10(4);

"adjudicator" means an adjudicator appointed under Part 4 of these Regulations;

"applicable discount" and "applicable surcharge" mean the amount of any discount or, as the case may be, surcharge set in accordance with Schedule 9 to the 2004 Act;

"charge certificate" has the meaning given by regulation 21(1);

"enforcement authority" in relation to a penalty charge or the immobilisation of a vehicle means the enforcement authority in relation to the alleged contravention in consequence of which the charge was incurred or the vehicle was immobilised;

"notice to owner", subject to regulations 21(4) and 23(9) has the meaning given by regulation 19;

"outstanding" in relation to a penalty charge shall be construed in accordance with paragraphs (2) to (4);

"owner" in relation to a vehicle includes any person who falls to be treated as the owner of the vehicle by virtue of regulation 5(3);

"pedestrian crossing contravention" means a parking contravention consisting of an offence referred to in paragraph 3(2)(c), 3(2)(h)(i), 4(2)(c) or 4(2)(i)(i) of Schedule 7 to the 2004 Act (prohibition on stopping of vehicles on or near pedestrian crossings);

"penalty charge" means a penalty charge relating to a parking contravention and payable in accordance with regulation 4;

"penalty charge notice" has the meaning given by regulation 8(1);

"regulation 10 penalty charge notice" has the meaning given by regulation 10;

"the English enforcement authorities" means Transport for London and those enforcement authorities which are London authorities or other local authorities in England and "the non-London enforcement authorities" means the English enforcement authorities other than Transport for London and the London authorities; and

"the Representations and Appeals Regulations" means the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007.

[(1A) . . .]

(2) For the purposes of these Regulations a penalty charge is outstanding in relation to a vehicle if--

(a) the charge has not been paid and the enforcement authority to which the charge is payable has not waived payment, whether by cancellation of the penalty charge notice or notice to owner or otherwise;

(b) the owner of the vehicle when it was immobilised was also the owner of the vehicle when the penalty charge was imposed; and

(c) either--

(i) a notice to owner or regulation 10 penalty charge notice has been served in respect of the charge and the conditions in paragraph (3) are satisfied; or

(ii) no notice to owner or regulation 10 penalty charge notice has been served in respect of the charge and the conditions in paragraph (4) are satisfied.

(3) The conditions referred to in paragraph (2)(c)(i) are that--

(a) the penalty charge was imposed, in accordance with these Regulations, by an enforcement authority in respect of a parking contravention;

(b) the penalty charge is the subject of a charge certificate served under regulation 21 which has not been set aside in accordance with regulation 23.

(4) The conditions referred to in paragraph (2)(c)(ii) are that--

(a) the penalty charge related to a vehicle which, when the penalty charge became payable,--

(i) was not registered under the Vehicle Excise and Registration Act 1994; or

(ii) was so registered, but without the inclusion in the registered particulars of the correct name and address of the keeper of the vehicle;

(b) having taken all reasonable steps, the enforcement authority to which the penalty charge was payable was unable to ascertain the name and address of the keeper of the vehicle and was consequently unable to serve a notice to owner under regulation 19 or a regulation 10 penalty charge notice; and

(c) the period of 42 days beginning with the date on which the penalty charge became payable has expired.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

Amendment

Para (1A): inserted by SI 2008/1513, regs 2, 3.

Date in force: 3 July 2008: see SI 2008/1513, reg 1.

Para (1A): revoked by SI 2009/478, regs 3, 4.

Date in force: 31 March 2009: see SI 2009/478, reg 1.

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 1 Preliminary/3 Service by post

3 Service by post

(1) Subject to paragraph (5), any notice (except a penalty charge notice served under regulation 9) or charge certificate under these Regulations--

(a) may be served by first class (but not second class) post; and

- (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by first class post to the secretary or clerk of that body.
- (2) Service of a notice or charge certificate contained in a letter sent by first class post which has been properly addressed, pre-paid and posted shall, unless the contrary is proved, be taken to have been effected on the second working day after the day of posting.
- (3) In paragraph (2), "working day" means any day except--
- (a) a Saturday or a Sunday;
 - (b) New Year's Day;
 - (c) Good Friday;
 - (d) Christmas Day;
 - (e) any other day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971.
- (4) A document may be transmitted to a vehicle hire firm (as defined in regulation 5(4)) by a means of electronic data transmission where--
- (a) the vehicle hire firm has indicated in writing to the person sending the notice or document that it is willing to regard a document as having been duly sent to it if it is transmitted to a specified electronic address; and
 - (b) the document is transmitted to that address.
- (5) Nothing in this regulation applies to the service of any notice or order made by a county court.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 2 Penalty Charges/4 Imposition of penalty charges

Part 2

Penalty Charges

4 Imposition of penalty charges

Subject to the provisions of these Regulations a penalty charge is payable with respect to a vehicle where there has been committed in relation to that vehicle--

- (a) a parking contravention within paragraph 2 of Schedule 7 to the 2004 Act (contraventions relating to parking places in Greater London);
- (b) a parking contravention within paragraph 3 of that Schedule (other parking contraventions in Greater London) in a civil enforcement area in Greater London; or

- (c) a parking contravention within paragraph 4 of that Schedule (parking contraventions outside Greater London) in a civil enforcement area outside Greater London.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 2 Penalty Charges/5 Person by whom a penalty charge is to be paid

5 Person by whom a penalty charge is to be paid

- (1) Where a parking contravention occurs, the person by whom the penalty charge for the contravention is to be paid shall be determined in accordance with the following provisions of this regulation.
- (2) In a case not falling within paragraph (3), the penalty charge shall be payable by the person who was the owner of the vehicle involved in the contravention at the material time.
- (3) Where--
- (a) the vehicle is a mechanically propelled vehicle which was, at the material time, hired from a vehicle-hire firm under a hiring agreement;
 - (b) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement; and
 - (c) in response to a notice to owner served on him, the owner of the vehicle made representations on the ground specified regulation 4(4)(d) of the Representations and Appeals Regulations and the enforcement authority accepted those representations,

the penalty charge shall be payable by the person by whom the vehicle was hired and that person shall be treated as if he were the owner of the vehicle at the material time for the purposes of these Regulations.

- (4) In this regulation--
- (a) "hiring agreement" and "vehicle-hire firm" have the same meanings as in section 66 of the Road Traffic Offenders Act 1988; and
 - (b) "the material time" means the time when the contravention giving rise to the penalty charge is said to have occurred.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 2 Penalty Charges/[6 Evidence of contravention]

[6 Evidence of contravention]

[A penalty charge shall not be imposed except on the basis of--

- (a) a record produced by an approved device; or
- (b) information given by a civil enforcement officer as to conduct observed by that officer.]

NOTES

Amendment

Substituted by SI 2009/478, regs 3, 5.

Date in force: 31 March 2009: see SI 2009/478, reg 1.

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 2 Penalty Charges/7 Criminal proceedings for parking contraventions in civil enforcement areas

7 Criminal proceedings for parking contraventions in civil enforcement areas

- (1) No criminal proceedings may be instituted and no fixed penalty notice may be served in respect of any parking contravention occurring in a civil enforcement area, except a pedestrian crossing contravention.
- (2) A penalty charge shall not be payable in relation to a pedestrian crossing contravention where--
 - (a) the conduct constituting the contravention is the subject of criminal proceedings; or
 - (b) a fixed penalty notice, as defined by section 52 of the Road Traffic Offenders Act 1988, has been given in respect of that conduct.
- (3) Where, notwithstanding the provisions of paragraph (2)--
 - (a) a penalty charge has been paid in respect of a pedestrian crossing contravention; and
 - (b) the circumstances are as mentioned in paragraph (2)(a) or (b),

the enforcement authority shall, as soon as reasonably practicable after those circumstances come to its notice, refund the amount of the penalty charge.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England)

General Regulations 2007 (SI 2007/3483)/Part 2 Penalty Charges/8 Penalty charge notices

8 Penalty charge notices

- (1) In these Regulations a "penalty charge notice" means a notice which--
- (a) was served in accordance with regulation 9 or 10 in relation to a parking contravention; and
 - (b) complies with the requirements of the Schedule which apply to it as well as those of regulation 3 of the Representations and Appeals Regulations which so apply.
- (2) The Schedule has effect with regard to penalty charge notices.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England)
General Regulations 2007 (SI 2007/3483)/Part 2 Penalty Charges/9 Penalty charge notices--service by a
civil enforcement officer

9 Penalty charge notices--service by a civil enforcement officer

Where a civil enforcement officer has reason to believe that a penalty charge is payable with respect to a vehicle which is stationary in a civil enforcement area, he may serve a penalty charge notice--

- (a) by fixing it to the vehicle; or
- (b) giving it to the person appearing to him to be in charge of the vehicle.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England)
General Regulations 2007 (SI 2007/3483)/Part 2 Penalty Charges/10 Penalty charge notices--service by
post

10 Penalty charge notices--service by post

- (1) An enforcement authority may serve a penalty charge notice by post where--
- (a) on the basis of a record produced by an approved device, the authority has reason to believe that a penalty charge is payable with respect to a vehicle which is stationary in a civil enforcement area;

(b) a civil enforcement officer attempted to serve a penalty charge notice in accordance with regulation 9 but was prevented from doing so by some person; or

(c) a civil enforcement officer had begun to prepare a penalty charge notice for service in accordance with regulation 9, but the vehicle concerned was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had served it in accordance with regulation 9,

and references in these Regulations to a "regulation 10 penalty charge notice" are to a penalty charge notice served by virtue of this paragraph.

(2) For the purposes of paragraph (1)(c), a civil enforcement officer who observes conduct which appears to constitute a parking contravention shall not thereby be taken to have begun to prepare a penalty charge notice.

(3) A regulation 10 penalty charge notice shall be served on the person appearing to the enforcement authority to be the owner of the vehicle involved in the contravention in consequence of which the penalty charge is payable.

(4) Subject to paragraph (6), a regulation 10 penalty charge notice may not be served later than the expiration of the period of 28 days beginning with the date on which, according to a record produced by an approved device, or information given by a civil enforcement officer, the contravention to which the penalty charge notice relates occurred (in these Regulations called "the 28-day period").

(5) Paragraph (6) applies where--

(a) within 14 days of the appropriate date the enforcement authority has requested the Secretary of State to supply the relevant particulars in respect of the vehicle involved in the contravention and those particulars have not been supplied before the expiration of the 28-day period;

(b) an earlier regulation 10 penalty charge notice relating to the same contravention has been cancelled under regulation 23(5)(c); or

(c) an earlier regulation 10 penalty charge notice relating to the same contravention has been cancelled under regulation 5 of the Representations and Appeals Regulations.

(6) Where this paragraph applies, notwithstanding the expiration of the 28-day period, an enforcement authority shall continue to be entitled to serve a regulation 10 penalty charge notice--

(a) in a case falling within paragraph (5)(a), for a period of six months beginning with the appropriate date; or

(b) in a case falling within paragraph (5)(b) or (c), for a period of 4 weeks beginning with the appropriate date.

(7) In this regulation--

(a) "the appropriate date" means--

(i) in a case falling within paragraph (5)(a), the date referred to in paragraph (4);

(ii) in a case falling within paragraph (5)(b), the date on which the district judge serves notice in accordance with regulation 23(5)(d); or

(iii) in a case falling within paragraph (5)(c) the date on which the previous regulation 10 penalty charge notice was cancelled; and

(b) "relevant particulars" means particulars relating to the identity of the keeper of the vehicle contained in the register of mechanically propelled vehicles maintained by the Secretary of State under the Vehicle Excise and Registration Act 1994.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 2 Penalty Charges/11 Removal of or interference with a penalty charge notice

11 Removal of or interference with a penalty charge notice

(1) A penalty charge notice fixed to a vehicle in accordance with regulation 9(a) shall not be removed or interfered with except by or under the authority of--

- (a) the owner or person in charge of the vehicle; or
- (b) the enforcement authority.

(2) A person contravening paragraph (1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 3 Immobilisation of Vehicles/12 Power to immobilise vehicles

Part 3

Immobilisation of Vehicles

12 Power to immobilise vehicles

(1) Subject to regulation 13 (limitations on the power to immobilise vehicles), where a penalty charge notice has been served in accordance with regulation 9, a civil enforcement officer or a person acting under his direction may fix an immobilisation device to the vehicle concerned while it remains in the place where it was found.

(2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this regulation, the person fixing the device shall also fix to the vehicle a notice--

- (a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be

made to drive it or otherwise put it in motion until it has been released from that device;

- (b) specifying the steps to be taken in order to secure its release; and
- (c) warning that unlawful removal of an immobilisation device is an offence.

(3) A notice fixed to a vehicle in accordance with this regulation shall not be removed or interfered with except by or under the authority of--

- (a) the owner, or person in charge, of the vehicle; or
- (b) the enforcement authority.

(4) A person contravening paragraph (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

(5) Any person who, without being authorised to do so in accordance with these Regulations, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this regulation shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 3 Immobilisation of Vehicles/13 Limitations on the power to immobilise vehicles

13 Limitations on the power to immobilise vehicles

(1) An immobilisation device must not be fixed to a vehicle if there is displayed on the vehicle--

- (a) a current disabled person's badge; or
- (b) a current recognised badge.

(2) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1)(a), the vehicle was not being used--

- (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- (b) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984 (use where a disabled persons' concession would be available),

the person in charge of the vehicle shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(3) If, in a case in which an immobilisation device would have been fixed to a vehicle but for paragraph (1)(b), the vehicle was not being used--

(a) in accordance with regulations under section 21A of the Chronically Sick and Disabled Persons Act 1970; and

(b) in circumstances falling within section 117(1A)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person's concession would be available by virtue of displaying a non-GB badge),

the person in charge of the vehicle shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) An immobilisation device must not be fixed to a vehicle which is in a parking place in respect of a contravention consisting of, or arising out of, a failure--

(a) to pay a parking charge with respect to the vehicle;

(b) properly to display a ticket or parking device; or

(c) to remove the vehicle from a parking place by the end of the period for which the appropriate charge was paid,

until the appropriate period has elapsed since the service of a penalty charge notice under regulation 9 in respect of the contravention.

(5) For the purposes of paragraph (4) the appropriate period is--

(a) in the case of a vehicle as respects which there are 3 or more penalty charges outstanding, 15 minutes;

(b) in any other case 30 minutes.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 3 Immobilisation of Vehicles/14 Release of immobilised vehicles

14 Release of immobilised vehicles

(1) A vehicle to which an immobilisation device has been fixed in accordance with regulation 12 may only be released from that device by or under the direction of a person authorised by the enforcement authority to give such a direction.

(2) Subject to paragraph (1), such a vehicle shall be released from the device on payment in any manner specified in the notice fixed to the vehicle under regulation 12(2) of--

(a) the penalty charge payable in respect of the parking contravention; and

(b) such charge in respect of the release as may be required by the enforcement authority.

NOTES

Initial Commencement***Specified date***

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 4 Adjudicators/15 Discharge of functions relating to adjudicators in Greater London

Part 4**Adjudicators****15 Discharge of functions relating to adjudicators in Greater London**

(1) The functions of the London local authorities and Transport for London relating to adjudicators under section 81 of the 2004 Act and under regulations 17 and 18 shall be discharged jointly, under arrangements made under section 101(5) of the Local Government Act 1972, by a single joint committee appointed by those authorities and Transport for London under section 102(1)(b) of that Act.

(2) The arrangements for the discharge of functions by a single joint committee under section 73 of the Road Traffic Act 1991 which were--

- (a) made between the London local authorities and Transport for London; and
- (b) subsisting immediately before the coming into force of these Regulations,

shall continue in force and have effect as if made under this regulation, until such time as they are varied or replaced.

NOTES**Initial Commencement*****Specified date***

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 4 Adjudicators/16 Discharge of functions relating to adjudicators outside Greater London

16 Discharge of functions relating to adjudicators outside Greater London

(1) The functions of the non-London enforcement authorities relating to adjudicators under section 81 of the 2004 Act and under regulations 17 and 18 shall be discharged jointly, under arrangements made under section 101(5) of the Local Government Act 1972, by a joint committee or joint committees appointed under section 102(1)(b) of that Act of which at least three of the non-London enforcement authorities are constituent authorities.

(2) The constituent authorities of a joint committee may include county or county borough councils in Wales.

(3) Any arrangements for the discharge of functions by a joint committee under section 73 of the Road Traffic Act 1991, as that section was applied to local authorities outside Greater London, which were--

- (a) made between local authorities outside Greater London; and
- (b) subsisting immediately before the coming into force of these Regulations,

shall continue in force and shall have effect as if made under this regulation, until such time as those arrangements are varied or replaced.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 4 Adjudicators/17 Appointment of adjudicators

17 Appointment of adjudicators

(1) The relevant enforcement authorities shall appoint such number of adjudicators for the purposes of Part 6 of the 2004 Act on such terms as they may decide.

(2) Any decision by those authorities to appoint a person as an adjudicator shall not have effect without the consent of the Lord Chancellor.

(3) Any decision by those authorities--

- (a) not to re-appoint a person as an adjudicator; or
- (b) to remove a person from his office as an adjudicator,

shall not have effect without the consent of the Lord Chancellor and of the Lord Chief Justice.

(4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under paragraph (3).

(5) Adjudicators who--

- (a) were appointed under section 73 of the Road Traffic Act 1991, whether by the London local authorities and Transport for London or by local authorities outside Greater London; and
- (b) held office immediately before the coming into force of this regulation,

shall be treated as having been appointed under this regulation on the same terms as those on which they held office at that time.

(6) Each adjudicator shall make an annual report to the relevant enforcement authorities in accordance with such requirements as may be imposed by those authorities.

(7) The relevant authorities shall make and publish an annual report to the Secretary of State on the discharge by the adjudicators of their functions.

NOTES**Initial Commencement***Specified date*

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 4 Adjudicators/18 Expenses of the relevant authorities

18 Expenses of the relevant authorities

(1) In default of a decision by any of the enforcement authorities under section 81(9)(a) of the 2004 Act as to the proportions in which their expenses under section 81 of that Act are to be defrayed, the authorities concerned shall refer the issue to an arbitrator nominated by the Chartered Institute of Arbitrators for him to determine.

(2) Where the Secretary of State is satisfied that there has been a failure on the part of any of the relevant enforcement authorities to agree those proportions, he may give to the relevant joint committee such directions as are in his opinion necessary to secure that the issue is referred to arbitration in accordance with paragraph (1).

(3) In this regulation "the relevant joint committee" means the joint committee constituted under regulation 15 or 16 of which the enforcement authorities in default are constituent authorities.

NOTES**Initial Commencement***Specified date*

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 5 Enforcement of Penalty Charges/19 The notice to owner

Part 5**Enforcement of Penalty Charges****19 The notice to owner**

(1) Subject to regulation 20, where--

(a) a penalty charge notice has been served with respect to a vehicle under regulation 9; and

(b) the period of 28 days specified in the penalty charge notice as the period within which the penalty charge is to be paid has expired without that charge being paid,

the enforcement authority concerned may serve a notice ("a notice to owner") on the person who appears to them to have been the owner of the vehicle when the alleged contravention occurred.

(2) A notice to owner served under paragraph (1) must, in addition to the matters required to be

included in it under regulation 3(3) of the Representations and Appeals Regulations, state--

- (a) the date of the notice, which must be the date on which the notice is posted;
- (b) the name of the enforcement authority serving the notice;
- (c) the amount of the penalty charge payable;
- (d) the date on which the penalty charge notice was served;
- (e) the grounds on which the civil enforcement officer who served the penalty charge notice under regulation 9 believed that a penalty charge was payable with respect to the vehicle;
- (f) that the penalty charge, if not already paid, must be paid within "the payment period" as defined by regulation 3(3)(a) of the Representations and Appeals Regulations;
- (g) that if, after the payment period has expired, no representations have been made under regulation 4 of the Representations and Appeals Regulations and the penalty charge has not been paid, the enforcement authority may increase the penalty charge by the applicable surcharge; and
- (h) the amount of the increased penalty charge.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 5 Enforcement of Penalty Charges/20 Time limit for service of a notice to owner

20 Time limit for service of a notice to owner

(1) A notice to owner may not be served after the expiry of the period of 6 months beginning with the relevant date.

(2) The relevant date--

- (a) in a case where a notice to owner has been cancelled under regulation 23(5)(c) of these Regulations, is the date on which the district judge serves notice in accordance with regulation 23(5)(d);
- (b) in case where a notice to owner has been cancelled under regulation 5 of the Representations and Appeals Regulations, is the date of such cancellation;
- (c) in a case where payment of the penalty charge was made, or had purportedly been made, before the expiry of the period mentioned in paragraph (1) but the payment or purported payment had been cancelled or withdrawn, is the date on which the enforcement authority is notified that the payment or purported payment has been cancelled or withdrawn;
- (d) in any other case, is the date on which the relevant penalty charge notice was served under regulation 9.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 5 Enforcement of Penalty Charges/21 Charge certificates

21 Charge certificates

(1) Where a notice to owner is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the authority serving the notice may serve on that person a statement (a "charge certificate") to the effect that the penalty charge in question is increased by the amount of the applicable surcharge.

(2) The relevant period, in relation to a notice to owner, is the period of 28 days beginning--

(a) where no representations are made under regulation 4 of the Representations and Appeals Regulations, with the date on which the notice to owner is served;

(b) where--

(i) such representations are made;

(ii) a notice of rejection is served by the authority concerned; and

(iii) no appeal against the notice of rejection is made,

with the date on which the notice of rejection is served;

(c) where an adjudicator has, under regulation 7(4) of the Representations and Appeals Regulations, recommended the enforcement authority to cancel the notice to owner, with the date on which the enforcement authority notifies the appellant under regulation 7(5) of those Regulations that it does not accept the recommendation; or

(d) in a case not falling within subparagraph (c) where there has been an unsuccessful appeal to an adjudicator under the Representations and Appeals Regulations against a notice of rejection, with the date on which notice of the adjudicator's decision is served on the appellant.

(3) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator serves notice of his decision, the relevant period in relation to a notice to owner is the period of 14 days beginning with the date on which the appeal is withdrawn.

(4) In this regulation--

(a) references to a "notice to owner" include a regulation 10 penalty charge notice; and

(b) "notice of rejection" has the meaning given by regulation 2 of the Representations and Appeals Regulations.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 5 Enforcement of Penalty Charges/22 Enforcement of charge certificate

22 Enforcement of charge certificate

Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the enforcement authority may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 5 Enforcement of Penalty Charges/23 Invalid notices

23 Invalid notices

(1) This regulation applies where--

- (a) a county court makes an order under regulation 22;
- (b) the person against whom it is made makes a witness statement complying with paragraph (2); and
- (c) that statement is served on the county court which made the order, before the end of--
 - (i) the period of 21 days beginning with the date on which notice of the county court's order is served on him; or
 - (ii) such longer period as may be allowed under paragraph (4).

(2) The witness statement must state one and only one of the following--

- (a) that the person making it did not receive the notice to owner in question;
- (b) that he made representations to the enforcement authority under regulation 4 of the Representations and Appeals Regulations but did not receive from that authority a notice of rejection in accordance with regulation 6 of those Regulations;
- (c) that he appealed to an adjudicator under regulation 7 of those Regulations against the rejection by the enforcement authority of representations made by him under regulation 4 of those Regulations but--
 - (i) he had no response to the appeal;

- (ii) the appeal had not been determined by the time that the charge certificate had been served; or
 - (iii) the appeal was determined in his favour; or
 - (d) that he has paid the penalty charge to which the charge certificate relates.
- (3) Paragraph (4) applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on his serving his witness statement within the period of 21 days allowed for by paragraph (1).
- (4) Where this paragraph applies, the district judge may allow such longer period for service of the witness statement as he considers appropriate.
- (5) Where a witness statement is served under paragraph (1)(c)--
- (a) the order of the court shall be deemed to have been revoked;
 - (b) the charge certificate shall be deemed to have been cancelled;
 - (c) in the case of a statement under paragraph (2)(a), the notice to owner to which the charge certificate relates shall be deemed to have been cancelled; and
 - (d) the district judge shall serve written notice of the effect of service of the statement on the person making it and on the enforcement authority concerned.
- (6) Subject to regulation 20, service of a witness statement under paragraph (2)(a) shall not prevent the enforcement authority from serving a fresh notice to owner.
- (7) Where a witness statement has been served under paragraph (2)(b), (c) or (d), the enforcement authority shall refer the case to the adjudicator who may give such directions as he considers appropriate and the parties shall comply with those directions.
- (8) A witness statement under this regulation may be served on the county court by email in accordance with Section I of Practice Direction 5B in Part 5 of the Civil Procedure Rules 1998.
- (9) In this regulation--
- (a) references to a "notice to owner" include a regulation 10 penalty charge notice; and
 - (b) "witness statement" means a statement which is a witness statement for the purposes of the Civil Procedure Rules 1998 and which is supported by a statement of truth in accordance with Part 22 of those Rules.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 6 Financial Provisions/24 Setting the levels of charges applicable in Greater London

Part 6

Financial Provisions

24 Setting the levels of charges applicable in Greater London

- (1) The functions conferred on the London local authorities by Part 2 of Schedule 9 to the 2004 Act (charges applicable in Greater London) in relation to parking contraventions shall be exercised by those authorities jointly by means of the single joint committee set up in pursuance of regulation 15 ("the Joint Committee").
- (2) No person who represents Transport for London on that joint committee shall take any part in any proceedings of the Joint Committee so far as they relate to the discharge by the Joint Committee of functions conferred on the London local authorities by Part 2 of Schedule 9 to the 2004 Act.
- (3) Any arrangements in force immediately before the coming into force of these Regulations for the discharge of functions under sections 74 and 74A of the Road Traffic Act 1991 by means of the joint committee set up under section 73 of that Act shall continue in force and have effect as if made under this regulation, until such time as they are varied or replaced.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 6 Financial Provisions/25 Modification of section 55 of the Road Traffic Regulation Act 1984

25 Modification of section 55 of the Road Traffic Regulation Act 1984

- (1) Section 55 of the Road Traffic Regulation Act 1984 shall apply to enforcement authorities subject to the following modifications.
- (2) For subsection (1) there shall be substituted--
- "(1) An enforcement authority which is a London authority shall keep an account of--
- (a) their income and expenditure under this Part of this Act in respect of designated parking places;
 - (b) their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 2 of Schedule 7 to the 2004 Act (parking places); and
 - (c) their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 3 of that Schedule (other parking matters).
- (1A) An enforcement authority which is not a London authority shall keep an account of--
- (a) their income and expenditure under this Part of this Act in respect of designated parking places in their area which are not in a civil enforcement area for parking contraventions;
 - (b) their income and expenditure under this Part of this Act in respect of designated parking places in their area which are in a civil enforcement area for parking contraventions; and

(c) their income and expenditure as an enforcement authority in relation to parking contraventions within paragraph 4 of Schedule 7 to the 2004 Act (contraventions outside London)."

(3) After subsection (3A) there shall be inserted--

"(3ZA) An enforcement authority which is a London authority shall, after each financial year, send a copy of the account kept by them under subsection (1) to the Mayor of London.

(3ZB) A copy of an account required to be sent under subsection (3ZA) shall be sent as soon as is reasonably practicable after the conclusion of the audit of the authority's accounts for the financial year in question."

(4) In subsection (10) before the definition of "London authority" there shall be inserted--

"the 2004 Act" means the Traffic Management Act 2004;

"enforcement authority" means an authority which is an enforcement authority for the purposes of paragraph 1(2), 2(5) or 8(5) of Schedule 8 to the 2004 Act (parking contraventions);".

(5) After subsection (10) there shall be inserted the following subsections--

"(11) A reference in this section to the income and expenditure of an authority as an enforcement authority is to their income and expenditure in connection with their functions under Part 6 of the 2004 Act (civil enforcement).

(12) A reference in this section to a civil enforcement area for parking contraventions is to be construed in accordance with Schedule 8 to the 2004 Act."

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Part 6 Financial Provisions/26 Surpluses to be carried forward

26 Surpluses to be carried forward

Where, immediately before the coming into force of these Regulations there is a surplus in an account which is--

(a) kept under section 55 of the Road Traffic Regulation Act 1984 as modified in relation to that authority by an order made under Schedule 3 to the Road Traffic Act 1991; and

(b) kept by a local authority which is not a London authority,

the surplus shall be carried forward and treated as a surplus arising under section 55 as it is modified by

regulation 25.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/Signature(s)

Signed by authority of the Lord Chancellor

Bridget Prentice

Parliamentary Under Secretary of State

Ministry of Justice

10th December 2007

Signed by authority of the Secretary of State

Rosie Winterton

Minister of State

Department for Transport

10th December 2007

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/SCHEDULE Penalty Charges Notices

SCHEDULE

PENALTY CHARGES NOTICES

Regulation 8

Contents of a penalty charge notice served under regulation 9

1

A penalty charge notice served under regulation 9 must, in addition to the matters required to be included in it by regulation 3(2) of the Representations and Appeals Regulations, state--

- (a) the date on which the notice is served;
- (b) the name of the enforcement authority;
- (c) the registration mark of the vehicle involved in the alleged contravention;

- (d) the date and the time at which the alleged contravention occurred;
- (e) the grounds on which the civil enforcement officer serving the notice believes that a penalty charge is payable;
- (f) the amount of the penalty charge;
- (g) that the penalty charge must be paid not later than the last day of the period of 28 days beginning with the date on which the penalty charge notice was served;
- (h) that if the penalty charge is paid not later than the last day of the period of 14 days beginning with the date on which the notice is served, the penalty charge will be reduced by the amount of any applicable discount;
- (i) the manner in which the penalty charge must be paid; and
- (j) that if the penalty charge is not paid before the end of the period of 28 days referred to in subparagraph (g), a notice to owner may be served by the enforcement authority on the owner of the vehicle.

Contents of a regulation 10 penalty charge notice

2

A regulation 10 penalty charge notice, in addition to the matters required to be included in it by regulation 3(4) of the Representations and Appeals Regulations, must state--

- (a) the date of the notice, which must be the date on which it is posted;
- (b) the matters specified in paragraphs 1(b), (c), (d), (f) and (i);
- (c) the grounds on which the enforcement authority believes that a penalty charge is payable;
- (d) that the penalty charge must be paid not later than the last day of the period of 28 days beginning with the date on which the penalty charge notice is served;
- (e) that if the penalty charge is paid not later than the applicable date, the penalty charge will be reduced by the amount of any applicable discount;
- (f) that if after the last day of the period referred to in subparagraph (d)--
 - (i) no representations have been made in accordance with regulation 4 of the Representations and Appeals Regulations; and
 - (ii) the penalty charge has not been paid,

the enforcement authority may increase the penalty charge by the amount of any applicable surcharge and take steps to enforce payment of the charge as so increased;

- (g) the amount of the increased penalty charge; and
- (h) that the penalty charge notice is being served by post for whichever of the following reasons applies--
 - (i) that the penalty charge notice is being served by post on the basis of a record produced by an approved device;
 - (ii) that it is being so served, because a civil enforcement officer attempted to serve a penalty

charge notice by affixing it to the vehicle or giving it to the person in charge of the vehicle but was prevented from doing so by some person; or

(iii) that it is being so served because a civil enforcement officer had begun to prepare a penalty charge notice for service in accordance with regulation 9, but the vehicle was driven away from the place in which it was stationary before the civil enforcement officer had finished preparing the penalty charge notice or had served it in accordance with regulation 9.

3

In paragraph 2 for the purposes of subparagraph (e) the "applicable date" is--

(a) in the case of a penalty charge notice served by virtue of regulation 10(1)(a) (on the basis of a record produced by an approved device), the last day of the period of 21 days beginning with the date on which the notice was served;

(b) in any other case, the last day of the period of 14 days beginning with that date.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)/EXPLANATORY NOTE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, together with the Civil Enforcement of Parking (Representations and Appeals) (England) Regulations 2007 (SI 2007/3482), provide for the civil enforcement of parking contraventions in England (including Greater London) in accordance with Part 6 of the Traffic Management Act 2004. Part 6 and the two sets of Regulations accordingly supersede the provisions of Part II and Schedule 3 of the Road Traffic Act 1991.

Part 1 of these Regulations makes provision for preliminary matters including the citation, commencement and application of the Regulations (*regulation 1*), their interpretation (*regulation 2*), including in particular when a penalty charge is to be treated as "outstanding" for the purposes of these Regulations (see *regulation 13(5)(a)*), and the service of documents by post (*regulation 3*). Nothing in *regulation 3* applies to the service of any notice or order made by a county court.

Part 2 relates to penalty charges. *Regulation 4* enables penalty charges to be imposed for parking contraventions. A penalty charge is payable by the owner of the vehicle concerned (*regulation 5(1) and (2)*), except that *regulation 5(3) and (4)* makes special provision with respect to hired vehicles. In accordance with *regulation 6*, a penalty charge is not to be imposed except on the basis of a record produced by an "approved device" (see section 92(1) of the Traffic Management Act 2004 and the Civil Enforcement of Parking Contraventions (Approved Devices) (England) Order 2007 (SI 2007/3486) or information given by a civil enforcement officer as to conduct observed by him. *Regulation 7* prohibits criminal proceedings and fixed penalty notices under the Road Traffic Offenders Act 1988 in respect of parking contraventions in civil enforcement areas; but an exception is made for pedestrian crossing

contraventions. Where such a contravention is the subject of criminal proceedings or of a fixed penalty notice, the issue of a penalty charge notice under the Regulations is prohibited and any penalty charge which has been paid must be refunded.

Regulation 8 defines a penalty charge notice and introduces the Schedule which makes detailed provision as to such notices including their content. *Regulation 9* enables a civil enforcement officer, where he has reason to believe that a penalty charge is payable for a stationary vehicle in a civil enforcement area, to fix a penalty charge notice to the vehicle or hand one to the person appearing to him to be in charge of it. *Regulation 10* makes provision for the service of a penalty charge notice by post, on the basis of the evidence of an approved device or where a civil enforcement officer has been prevented by some person from serving one in accordance with regulation 9 or had begun to prepare a penalty charge notice in accordance with regulation 9, but the vehicle was driven away before it had been served under regulation 9, and for the time limits applicable to notices served by post. *Regulation 11* makes it an offence to interfere with a penalty charge notice served by its being fixed to a vehicle, except by or under the authority of the owner or person in charge of the vehicle or the enforcement authority.

Provision is made by *Part 3* as to the immobilisation of vehicles. *Regulation 12* defines the circumstances in which an immobilisation device may be fixed to a vehicle, requires a notice to be fixed to the vehicle at the time of immobilisation and creates the offences of interfering with the notice or the immobilisation device. *Regulation 13* specifies exceptions to the general power to immobilise and *regulation 14* specifies the pre-requisites for the release of a vehicle from an immobilisation device.

Part 4 provides for the appointment of adjudicators by enforcement authorities and for the functions of those authorities relating to adjudicators to be discharged through joint committees. By *regulation 15* the London authorities are required to discharge these functions through a single joint committee and provision is made for the arrangements for the joint discharge of functions under the Road Traffic Act 1991 by those authorities to be continued in force under the new legislation until superseded. *Regulation 16* requires the non-London English authorities to act through one or more joint committees (with a minimum membership of 3 authorities each) and also provides for arrangements under the 1991 Act to be continued as between English enforcement authorities until superseded. Enforcement authorities are required by *regulation 17* to appoint a sufficient number of adjudicators and provision is made for parking adjudicators holding office under the 1991 Act immediately before the coming into force of these Regulations to continue in office.

Part 5 is concerned with the enforcement of penalty charges. *Regulations 19 and 20* provide for the service of a notice to owner by an enforcement authority in respect of an unpaid penalty charge and specify the contents of a notice to owner and the time limit for service. Provision is made by *regulations 21, 22 and 23* for the service of charge certificates in respect of unpaid penalty charges (where a notice to owner or penalty charge notice under regulation 10 has been served and the avenues of appeal have not been pursued or have been pursued unsuccessfully), for charge certificates to be enforced through a county court and for county court orders to be set aside where the respondent serves a witness statement stating one of the matters mentioned in *regulation 23(2)*.

In *Part 6*, *regulation 24* requires the function of setting the levels of charges under Schedule 9 to the Traffic Management Act 2004 to be discharged by the London local authorities through a joint committee. *Regulation 25* applies section 55 of the Road Traffic Regulation Act 1984, with modifications, to the income and expenditure of enforcement authorities under Part 6 of the Traffic Management Act 2004 and *regulation 26* provides for the carrying forward of the surpluses of non-London authorities in accounts kept under section 55 as that section applied to those authorities under orders made under Schedule 3 to the Road Traffic Act 1991.

A full impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Traffic Management Division, Department for Transport, 2/06 Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone 020 7944 8692) and can be found on the website of the Department for Transport at www.dft.gov.uk/.

**5. Civil Enforcement of Parking
Contraventions (England)
Representations and Appeals Regulations
2007**

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)

2007 No 3482

ROAD TRAFFIC, ENGLAND

Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007

Made 10th December 2007

Coming into force 31st March 2008

The Lord Chancellor makes these Regulations, in exercise of the powers conferred upon him by section 101B of the Road Traffic Regulation Act 1984 and by sections 80 and 89 of the Traffic Management Act 2004:

In accordance with section 134(5) of the Road Traffic Regulation Act 1984 and section 89(5) of the Traffic Management Act 2004, a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 1 Preliminary/1 Citation, commencement and application

Part 1

Preliminary

1 Citation, commencement and application

(1) These Regulations may be cited as the Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 and shall come into force on 31st March 2008.

(2) These Regulations apply only to England.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see para (1) above.

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 1 Preliminary/2 Interpretation

2 Interpretation

(1) In these Regulations--

"the 1984 Act" means the Road Traffic Regulation Act 1984;

"the 2004 Act" means the Traffic Management Act 2004;

"appellant", in relation to an appeal under these Regulations or any process connected with such an appeal, means the person bringing the appeal;

"the General Regulations" means the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

"notice of rejection" means a notice served by an enforcement authority rejecting, or not accepting, representations made to it under regulation 4, 8 or 11;

"notice to owner" has the meaning given in paragraph (2);

"penalty charge" and "penalty charge notice" have the same meanings as in the General Regulations (see regulation 2(1) of those Regulations);

"owner", in relation to a vehicle, includes any person who, by virtue of regulation 5(3) of the General Regulations, falls to be treated as the owner of the vehicle for the purposes of those Regulations;

"procedural impropriety" has the meaning given by regulation 4(5); and

"recipient" has the meaning given in paragraph (2).

(2) In these Regulations (except regulation 3)--

(a) references to a "notice to owner" shall be taken--

(i) in a case where a penalty charge notice has been served under regulation 9 of the General Regulations, as references to a notice to owner as defined by regulation 2(1) of those Regulations;

(ii) in a case where a penalty charge notice has been served under regulation 10 of the General Regulations, as references to that penalty charge notice; and

(b) references to "the recipient" in relation to a notice to owner as so defined shall be taken as references to the person on whom the notice to owner was served.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 2 Representations and Appeals in Relation to Notices to Owner/3 Scope of Part 2 and duty to notify rights to make representations and to appeal

Part 2

Representations and Appeals in Relation to Notices to Owner

3 Scope of Part 2 and duty to notify rights to make representations and to appeal

(1) Regulations 4 to 7 have effect where a penalty charge which has become payable under the General Regulations has not been paid and either--

- (a) a penalty charge notice has been served by a civil enforcement officer under regulation 9 of the General Regulations, and a notice to owner served by the enforcement authority under regulation 19 of those Regulations; or
- (b) a penalty charge notice has been served under regulation 10 of the General Regulations.

(2) A penalty charge notice served under regulation 9 of the General Regulations must, in addition to the matters required to be included in it under paragraph 1 of the Schedule to the General Regulations, include the following information--

- (a) that a person on whom a notice to owner is served will be entitled to make representations to the enforcement authority against the penalty charge and may appeal to an adjudicator if those representations are rejected; and
- (b) that, if representations against the penalty charge are received at such address as may be specified for the purpose before a notice to owner is served--
 - (i) those representations will be considered;
 - (ii) but that, if a notice to owner is served notwithstanding those representations, representations against the penalty charge must be made in the form and manner and at the time specified in the notice to owner.

(3) A notice to owner served under regulation 19 of the General Regulations must, in addition to the matters required to be included in it under that regulation, include the following information--

- (a) that representations on the basis specified in regulation 4 against payment of the penalty charge may be made to the enforcement authority, but that any representations made outside the period of 28 days beginning with the date on which the notice is served ("the payment period") may be disregarded;
- (b) the nature of the representations which may be made under regulation 4;
- (c) the address (including if appropriate any email address or FAX telephone number, as well as the postal address) to which representations must be sent and the form in which they must be made;
- (d) that if representations which have been made--
 - (i) within the payment period; or
 - (ii) outside that period but not disregarded,

are not accepted by the enforcement authority the recipient of the notice may appeal against the authority's decision to an adjudicator; and

- (e) in general terms, the form and manner in which an appeal may be made.

(4) A penalty charge notice served under regulation 10 of the General Regulations must, in addition to the matters required to be included in it under paragraph 2 of the Schedule to those Regulations, include the following information--

- (a) that representations on the basis specified in regulation 4 may be made to the enforcement

authority against the imposition of the penalty charge but that representations made outside the period of 28 days beginning with the date on which the penalty charge notice is served ("the representations period") may be disregarded;

- (b) the nature of the representations which may be made under regulation 4;
- (c) the address (including if appropriate any email address or FAX telephone number, as well as the postal address) to which representations must be sent and the form in which they must be made;
- (d) that if representations which have been made--
 - (i) within the representations period; or
 - (ii) outside that period but not disregarded,

are not accepted by the enforcement authority the recipient of the penalty charge notice may appeal against the authority's decision to an adjudicator;

(e) where the penalty charge notice is served by virtue of regulation 10(1)(a) of the General Regulations (evidence produced by an approved device), the effect of paragraphs (5) and (6).

(5) The recipient of a penalty charge notice served by virtue of regulation 10(1)(a) of the General Regulations may, by notice in writing to the enforcement authority, request it--

- (a) to make available at one of its offices specified by him, free of charge and at a time during normal office hours so specified, for viewing by him or by his representative, the record of the contravention produced by the approved device pursuant to which the penalty charge was imposed; or
- (b) to provide him, free of charge, with such still images from that record as, in the authority's opinion, establish the contravention.

(6) Where the recipient of the penalty charge notice makes a request under paragraph (5), the enforcement authority shall comply with the request within a reasonable time.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 2 Representations and Appeals in Relation to Notices to Owner/4 Representations against notice to owner

4 Representations against notice to owner

- (1) The recipient may make representations against a notice to owner to the enforcement authority which served the notice on him.
- (2) Any representations under this regulation must--
 - (a) be made in such form as may be specified by the enforcement authority;
 - (b) be to either or both of the following effects--

- (i) that, in relation to the alleged contravention on account of which the notice to owner was served, one or more of the grounds specified in paragraph (4) applies; or
 - (ii) that, whether or not any of those grounds apply, there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should cancel the penalty charge and refund any sum paid to it on account of the penalty charge.
- (3) In determining the form for making representations, an enforcement authority which is a London authority must act through the joint committee through which, in accordance with regulation 15 of the General Regulations, it exercises its functions relating to adjudicators.
- (4) The grounds referred to in paragraph (2)(b)(i) are--
- (a) that the alleged contravention did not occur;
 - (b) that the recipient--
 - (i) never was the owner of the vehicle in question;
 - (ii) had ceased to be its owner before the date on which the alleged contravention occurred; or
 - (iii) became its owner after that date;
 - (c) that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner;
 - (d) that the recipient is a vehicle-hire firm and--
 - (i) the vehicle in question was at the material time hired from that firm under a hiring agreement; and
 - (ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice served in respect of any parking contravention involving the vehicle during the currency of the hiring agreement;
 - (e) that the penalty charge exceeded the amount applicable in the circumstances of the case;
 - (f) that there has been a procedural impropriety on the part of the enforcement authority;
 - (g) that the order which is alleged to have been contravened in relation to the vehicle concerned, except where it is an order to which Part VI of Schedule 9 to the 1984 Act applies, is invalid;
 - (h) in a case where a penalty charge notice was served by post on the basis that a civil enforcement officer was prevented by some person from fixing it to the vehicle concerned or handing it to the owner or person in charge of the vehicle, that no civil enforcement officer was so prevented;
 - (i) that the notice to owner should not have been served because--
 - (i) the penalty charge had already been paid in full;
 - (ii) the penalty charge had been paid, reduced by the amount of any discount set in accordance with Schedule 9 to the 2004 Act, within the period specified in paragraph 1(h) of the Schedule to the General Regulations.
- (5) In these Regulations "procedural impropriety" means a failure by the enforcement authority to observe any requirement imposed on it by the 2004 Act, by the General Regulations or by these

Regulations in relation to the imposition or recovery of a penalty charge or other sum and includes in particular--

- (a) the taking of any step, whether or not involving the service of any document, otherwise than--
 - (i) in accordance with the conditions subject to which; or
 - (ii) at the time or during the period when,

it is authorised or required by the General Regulations or these Regulations to be taken; and

- (b) in a case where an enforcement authority is seeking to recover an unpaid charge, the purported service of a charge certificate under regulation 21 of the General Regulations before the enforcement authority is authorised to serve it by those Regulations.

(6) Where the ground mentioned in paragraph (4)(b)(ii) is relied on in any representations made under this regulation, those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the person making the representations (if that information is in his possession).

(7) Where the ground mentioned in paragraph (4)(b)(iii) is relied on in any representations made under this regulation, those representations must include a statement of the name and address of the person from whom the vehicle was acquired by the person making the representations (if that information is in his possession).

(8) Where the ground mentioned in paragraph (4)(d) is relied on in any representations made under this regulation, those representations must include a statement of the name and address of the person to whom the vehicle was hired at the material time.

(9) In this regulation "hiring agreement" and "vehicle-hire firm" have the same meanings as in section 66 of the Road Traffic Offenders Act 1988.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 2 Representations and Appeals in Relation to Notices to Owner/5 Duty of enforcement authority to which representations are made

5 Duty of enforcement authority to which representations are made

(1) The enforcement authority may disregard any representations which are received by it after the end of the period of 28 days beginning with the date on which the relevant notice to owner was served.

(2) Where representations are made to an enforcement authority by virtue of regulation 4(1) and in accordance with regulation 4(2), it shall subject to paragraph (1) be the duty of the enforcement authority--

- (a) to consider the representations and any supporting evidence which the person making them provides; and

- (b) within the period of 56 days beginning with the date on which the representations were served on

it, to serve on that person notice of its decision as to whether or not it accepts that--

- (i) one or more of the grounds specified in regulation 4(4) applies; or
- (ii) there are compelling reasons why, in the particular circumstances of the case, the notice to owner should be cancelled and any sum paid in respect of it should be refunded.

(3) Where the enforcement authority accepts that a ground specified in regulation 4(4) applies or that there are such compelling reasons it shall--

- (a) cancel the notice to owner; and
- (b) state in the notice served under paragraph (2)(b) that the notice to owner has been cancelled and at the same time refund any sum paid in relation to the notice.

(4) The cancellation of a notice to owner under this regulation shall not be taken to prevent the enforcement authority from serving, in accordance with the General Regulations, a fresh notice to owner on another person.

(5) If the enforcement authority fails to comply with paragraph (2)(b) within the period of 56 days there specified, it shall be deemed for the purposes of these Regulations to have accepted--

- (a) that such of the grounds referred to in paragraph (2)(b)(i) as were relied upon in the representations apply; or
- (b) in a case where paragraph (2)(b)(ii) is relied upon, that there are compelling reasons of the kind referred to in that paragraph,

and paragraph (3) shall apply accordingly.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 2 Representations and Appeals in Relation to Notices to Owner/6 Rejection of representations against notice to owner

6 Rejection of representations against notice to owner

(1) Where representations are made under regulation 4 and the enforcement authority serves a notice of rejection under regulation 5(2)(b), that notice shall--

- (a) state that a charge certificate may be served unless before the end of the period of 28 days beginning with the date of service of the notice of rejection--
 - (i) the penalty charge is paid; or
 - (ii) the person on whom the notice is served appeals to an adjudicator against the penalty charge;
- (b) indicate the nature of an adjudicator's power to award costs; and

(c) describe in general terms the form and manner in which an appeal to an adjudicator must be made.

(2) A notice of rejection served in accordance with paragraph (1) may contain such other information as the enforcement authority considers appropriate.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 2 Representations and Appeals in Relation to Notices to Owner/7 Appeals to an adjudicator in relation to decisions under regulation 5

7 Appeals to an adjudicator in relation to decisions under regulation 5

(1) Where an authority serves a notice of rejection under regulation 5(2)(b) in relation to representations made under regulation 4, the person who made those representations may appeal to an adjudicator against the authority's decision--

- (a) before the end of the period of 28 days beginning with the date of service of the notice of rejection; or
- (b) within such longer period as an adjudicator may allow.

(2) If, on an appeal under this regulation, the adjudicator after considering the representations in question together with any other representations made to the effect referred to in regulation 4(2)(b) and any representations made by the enforcement authority, concludes that a ground specified in regulation 4(4) applies, he shall allow the appeal and may give such directions to the enforcement authority as he may consider appropriate for the purpose of giving effect to his decision, and such directions may in particular include directions requiring--

- (a) the cancellation of the penalty charge notice;
- (b) the cancellation of the notice to owner; and
- (c) the refund of such sum (if any) as may have been paid to the enforcement authority in respect of the penalty charge.

(3) It shall be the duty of an enforcement authority to which such a direction is given to comply with it forthwith.

(4) If the adjudicator does not allow the appeal but is satisfied that there are compelling reasons why, in the particular circumstances of the case, the notice to owner should be cancelled he may recommend the enforcement authority to cancel the notice to owner.

(5) It shall be the duty of an enforcement authority to which a recommendation is made under paragraph (4) to consider afresh the cancellation of the notice to owner taking full account of all observations made by the adjudicator and, within the period of thirty-five days beginning with the date on which the recommendation was given ("the 35-day period"), to notify the appellant and the adjudicator as to whether or not it accepts the adjudicator's recommendation.

(6) If the enforcement authority notifies the appellant and the adjudicator that it does not accept the adjudicator's recommendation, it shall at the same time inform them of the reasons for its decision.

(7) No appeal to the adjudicator shall lie against the decision of the enforcement authority under paragraph (6).

(8) If the enforcement authority accepts the adjudicator's recommendation it shall forthwith cancel the notice to owner and refund to the appellant any sum paid in respect of the penalty charge.

(9) If the enforcement authority fails to comply with the requirements of paragraph (5) within the 35-day period, the authority shall be taken to have accepted the adjudicator's recommendation and shall cancel the notice to owner and refund to the appellant any sum paid in respect of the penalty charge immediately after the end of that period.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 3 Representations and Appeals in Relation to the Immobilisation of Vehicles/8 Right to make representations

Part 3

Representations and Appeals in Relation to the Immobilisation of Vehicles

8 Right to make representations

(1) This regulation applies to the owner or person in charge of a vehicle where--

(a) in accordance with regulation 12 of the General Regulations an immobilisation device has been fixed to a vehicle found in a civil enforcement area; and

(b) he secures the release of the vehicle from the device on payment of an amount in accordance with regulation 14 of those Regulations.

(2) A person to whom paragraph (1) applies shall immediately upon the release of the vehicle be informed--

(a) of his right to make representations to the enforcement authority in accordance with this regulation; and

(b) of his right to appeal to an adjudicator if his representations are not accepted,

and that information must include a statement of the effect of paragraphs (4) and (5).

(3) The enforcement authority shall give that information, or cause it to be given, in writing.

(4) A person to whom paragraph (1) applies may make representations to the effect--

(a) that one or more of the grounds specified in paragraph (5) apply; or

(b) that, whether or not any of those grounds apply, there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should refund some or all of the amount paid to secure the release of the vehicle,

and any such representations shall be in such form as may be specified by the enforcement authority.

(5) The grounds are--

(a) that the vehicle had not been permitted to remain at rest in a civil enforcement area in circumstances in which a penalty charge was payable under regulation 4 of the General Regulations;

(b) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;

(c) that the place where the vehicle was at rest was not in a civil enforcement area;

(d) that, in accordance with regulation 13 (limitations on the power to immobilise vehicles) of the General Regulations, there was in the circumstances of the case no power under those Regulations to immobilise the vehicle at the time at which it was immobilised or at all;

(e) that the penalty charge or other charge paid to secure the release of the vehicle exceeded the amount applicable in the circumstances of the case; or

(f) that there has been a procedural impropriety on the part of the enforcement authority.

(6) In determining the form for making representations an enforcement authority which is a London authority must act through the joint committee through which, in accordance with regulation 15 of the General Regulations, it exercises its functions relating to adjudicators.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 3 Representations and Appeals in Relation to the Immobilisation of Vehicles/9 Duty of enforcement authority to which representations are made

9 Duty of enforcement authority to which representations are made

(1) The enforcement authority may disregard any representations which are received by it after the end of the period of 28 days beginning with the date on which the person making them is informed under regulation 8(2) of his right to make representations.

(2) Subject to paragraph (1), it shall be the duty of the enforcement authority, if representations are made to it in accordance with regulation 8(4), before the end of the period of 56 days beginning with the date on which it receives the representations--

(a) to consider them and any supporting evidence which the person making them provides; and

(b) to serve on that person notice of its decision as to whether or not it accepts that--

(i) a ground specified in regulation 8(5) applies; or

(ii) there are compelling reasons why, in the particular circumstances of the case, some or all of the sums paid to secure the release of the vehicle should be refunded.

(3) Where an authority serves notice under paragraph (2)(b)(i) that it accepts that such a ground applies it shall (when serving that notice) refund any sums that the person to whom the vehicle was released was required to pay under regulation 14 of the General Regulations, except to the extent (if any) to which those sums were properly paid.

(4) Where an authority serves notice under paragraph (2)(b)(ii) that it accepts that there are such compelling reasons, it shall refund the sums referred to in paragraph (3) or such of them as it considers appropriate.

(5) Where an authority serves a notice of rejection under paragraph (2)(b), that notice shall--

(a) inform the person on whom it is served of his right to appeal to an adjudicator under regulation 10;

(b) indicate the nature of an adjudicator's power to award costs; and

(c) describe in general terms the form and manner in which such an appeal is required to be made.

(6) Where an authority fails to comply with paragraph (2) before the end of the period of 56 days mentioned there--

(a) it shall be deemed to have accepted the representations and to have served notice to that effect under paragraph (2)(b); and

(b) it shall immediately after the end of that period refund all such sums as are mentioned in paragraph (3).

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 3 Representations and Appeals in Relation to the Immobilisation of Vehicles/10 Appeals to an adjudicator in relation to decisions under regulation 9

10 Appeals to an adjudicator in relation to decisions under regulation 9

(1) Where an authority serves a notice of rejection under regulation 9(2)(b) in relation to representations made under regulation 8(4), the person making those representations may, before the end of--

(a) the period of 28 days beginning with the date of service of that notice; or

(b) such longer period as an adjudicator may allow,

appeal to a adjudicator against the authority's decision.

(2) On an appeal under this regulation, the adjudicator shall consider the representations in question

and any additional representations which are made by the appellant together with any representations made to him by the enforcement authority.

(3) If the adjudicator concludes--

(a) that any of the grounds referred to in regulation 8(5) apply; and

(b) that the enforcement authority would have been under the duty imposed by regulation 9(3) to refund any sum if it had served notice that it accepted that the ground in question applied,

he shall direct that authority to refund that sum.

(4) It shall be the duty of an enforcement authority to which a direction is given under paragraph (3) to comply with it forthwith.

(5) If the adjudicator gives no direction under paragraph (3) but is satisfied that there are compelling reasons why, in the particular circumstances of the case, some or all of the sums paid to secure the release of the vehicle should be refunded, he may recommend the enforcement authority to make such a refund.

(6) It shall be the duty of an enforcement authority to which a recommendation is made under paragraph (5) to consider afresh the making of a refund of those sums taking full account of any observations by the adjudicator and, within the period of thirty-five days beginning with the date on which the direction was given ("the 35-day period"), to notify the appellant and the adjudicator as to whether or not it accepts the adjudicator's recommendation.

(7) If the enforcement authority notifies the appellant and the adjudicator that it does not accept the adjudicator's recommendation it shall at the same time inform them of the reasons for its decision.

(8) No appeal to the adjudicator shall lie against the decision of the enforcement authority under paragraph (7).

(9) If the enforcement authority accepts the adjudicator's recommendation it shall make the recommended refund within the 35-day period.

(10) If the enforcement authority fails to comply with the requirements of paragraph (6) within the 35-day period, the authority shall be taken to have accepted the adjudicator's recommendation and shall make the recommended refund immediately after the end of that period.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 4 Representations and Appeals in Relation to Removed Vehicles/11 Right to make representations about a removed vehicle

Part 4

Representations and Appeals in Relation to Removed Vehicles

11 Right to make representations about a removed vehicle

(1) This regulation applies to a person where, as respects a vehicle which has been found in a civil enforcement area for parking contraventions and removed under regulations made under section 99 of the 1984 Act--

- (a) he is required to pay an amount on recovery of the vehicle under section 101A of that Act;
- (b) he receives a sum in respect of the vehicle under section 101A(2) of that Act;
- (c) he is informed that the proceeds of sale of the vehicle did not exceed the aggregate amount mentioned in that provision; or
- (d) he is informed that the vehicle was disposed of without there being any proceeds of sale.

(2) A person to whom paragraph (1) applies shall immediately upon the happening of an occurrence referred to in paragraph (1) be informed--

- (a) of his right to make representations to the enforcement authority in accordance with this regulation; and
- (b) of his right to appeal to an adjudicator if his representations are not accepted,

and that information must include a statement of the effect of paragraphs (4) and (5).

(3) The enforcement authority shall give that information, or cause it to be given, in writing.

(4) A person to whom paragraph (1) applies may make representations to the effect--

- (a) that one or more of the grounds specified in paragraph (5) apply; or
- (b) that, whether or not any of those grounds apply, there are compelling reasons why, in the particular circumstances of the case, the enforcement authority should--
 - (i) refund some or all of the amount paid to secure the release of the vehicle or deducted from the proceeds of sale; or
 - (ii) waive its right to recover all or any of the sums due to it on account of the removal or disposal of the vehicle,

and any such representations shall be in such form as may be specified by the enforcement authority.

(5) The grounds referred to in paragraph (4)(a) are--

- (a) that the vehicle had not been permitted to remain at rest in a civil enforcement area for parking contraventions in circumstances in which a penalty charge was payable by virtue of regulation 4 of the General Regulations;
- (b) that a civil enforcement officer had not, in accordance with regulation 9 of the General Regulations, fixed a penalty charge notice to the vehicle or handed such a notice to the person appearing to him to be in charge of the vehicle, before the vehicle was removed;
- (c) that, at the time the vehicle was removed, the power to remove the vehicle conferred by paragraph (2) of regulation 5C of the Removal and Disposal of Vehicles Regulations 1986 was, by virtue of paragraph (3) of that regulation, not exercisable;
- (d) that the vehicle had been permitted to remain at rest in the place where it was by a person who was in control of the vehicle without the consent of the owner;
- (e) that the place where the vehicle was at rest was not in a civil enforcement area for parking

contraventions;

(f) that the penalty charge or other charge paid to secure the release of the vehicle exceeded the amount applicable in the circumstances of the case; or

(g) that there has been a procedural impropriety on the part of the enforcement authority.

(6) In determining the form for making representations the London authorities must act through the joint committee through which, in accordance with regulation 15 of the General Regulations, they exercise their functions relating to adjudicators.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 4 Representations and Appeals in Relation to Removed Vehicles/12 Duty of enforcement authority to which representations are made

12 Duty of enforcement authority to which representations are made

(1) The enforcement authority may disregard any representations under regulation 11 which are received by it after the end of the period of 28 days beginning with the date on which the person making them is informed under regulation 11(2) of his right to make representations.

(2) Subject to paragraph (1), if representations are made to it in accordance with regulation 11(4), it shall be the duty of the enforcement authority, before the end of the period of 56 days beginning with the date on which it receives the representations--

(a) to consider them and any supporting evidence which the person making them provides; and

(b) to serve on that person notice of its decision as to whether or not it accepts that--

(i) a ground specified in regulation 11(5) applies; or

(ii) there are compelling reasons of the kind referred to in regulation 11(4)(b).

(3) Where an authority serves notice under paragraph (2)(b)(i) that it accepts that a ground specified in regulation 11(5) applies it shall (when serving that notice)--

(a) refund any sums that--

(i) the person to whom the vehicle was released was required to pay under section 101A(1) of the 1984 Act; or

(ii) were deducted from the proceeds of sale of the vehicle in accordance with section 101A(2) of that Act,

except to the extent (if any) to which those sums were properly paid or deducted; and

(b) inform the person making representations that it has waived the right to recover any sum which

might otherwise have been due to it by way of a penalty charge or on account of the removal, storage or disposal of the vehicle.

(4) Where an authority serves notice under paragraph (2)(b)(ii) that it accepts that there are such compelling reasons, it shall (when serving that notice)--

(a) refund the sums referred to in paragraph (3)(a) or such of them as it considers appropriate in the circumstances of the case; and

(b) inform the person making representations that it has waived the right to recover any sum which might otherwise have been due to it by way of a penalty charge or on account of the removal, storage or disposal of the vehicle.

(5) An authority which has waived its right to recover a sum loses its right to do so.

(6) Where an authority serves notice under paragraph (2)(b) that it does not accept that paragraph (2)(b)(i) or (ii) is fulfilled, that notice shall--

(a) inform the person on whom it is served of his right to appeal to an adjudicator under regulation 13;

(b) indicate the nature of an adjudicator's power to award costs; and

(c) describe in general terms the form and manner in which such an appeal is required to be made.

(7) Where an authority fails to comply with paragraph (2) before the end of the period of 56 days mentioned there it shall be treated as having accepted the representations and as having served notice to that effect under paragraph (2)(b) and paragraph (3) shall apply accordingly.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 4 Representations and Appeals in Relation to Removed Vehicles/13 Appeals to an adjudicator in relation to decisions under regulation 12

13 Appeals to an adjudicator in relation to decisions under regulation 12

(1) Where an authority serves a notice of rejection under regulation 12(2)(b) in relation to representations under regulation 11(4), the person making those representations may, before--

(a) the end of the period of 28 days beginning with the date of service of that notice; or

(b) such longer period as an adjudicator may allow,

appeal to an adjudicator against the authority's decision.

(2) On an appeal under this regulation, the adjudicator shall consider the representations in question and any additional representations that are made by the appellant.

(3) If the adjudicator concludes--

- (a) that any of the grounds referred to in subparagraphs (a) to (g) of regulation 11(5) applies; and
- (b) that the enforcement authority would have been under the duty imposed by regulation 12(3) to refund any sum if it had served notice that it accepted that the ground in question applied,

he shall direct that authority to refund that sum.

(4) It shall be the duty of an enforcement authority to which a direction is given under paragraph (3) to comply with it forthwith and the enforcement authority shall cease to have any right to recover any sum which might otherwise have been due to it by way of a penalty charge or on account of the removal, storage or disposal of the vehicle.

(5) If the adjudicator gives no direction under paragraph (3) but is satisfied that there are compelling reasons why, in the particular circumstances of the case, some or all of the sums paid to secure the release of the vehicle, or deducted from the proceeds of sale, should be refunded, he may recommend the enforcement authority to make such a refund.

(6) It shall be the duty of an enforcement authority to which a recommendation is made under paragraph (5) to consider afresh the making of a refund of those sums taking full account of any observations by the adjudicator and, within the period ("the 35-day period") of thirty-five days beginning with the date on which the direction was given, to notify the appellant and the adjudicator as to whether or not it accepts the adjudicator's recommendation.

(7) If the enforcement authority notifies the appellant and the adjudicator that it does not accept the adjudicator's recommendation, it shall at the same time inform them of the reasons for its decision.

(8) No appeal to the adjudicator shall lie against the decision of the enforcement authority under paragraph (7).

(9) If the enforcement authority accepts the adjudicator's recommendation it shall make the recommended refund within the 35-day period.

(10) If the enforcement authority fails to comply with the requirements of paragraph (6) within the 35-day period, the authority shall be taken to have accepted the adjudicator's recommendation and shall make the recommended refund immediately after the end of that period.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 5 Offences and Procedure/14 False representations

Part 5

Offences and Procedure

14 False representations

(1) A person who makes any representation under Part 2 or 3 of these Regulations, or under the Schedule so far as it relates to an appeal under Part 2 or 3, which is false in a material particular, and

does so recklessly or knowing it to be false, is guilty of an offence.

(2) A person convicted of an offence under paragraph (1) shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Part 5 Offences and Procedure/15 Procedure to be followed by adjudicators, service of documents and recovery of sums payable

15 Procedure to be followed by adjudicators, service of documents and recovery of sums payable

(1) The Schedule to these Regulations shall have effect as to procedure and the service of documents in adjudication proceedings.

(2) Subject to the provisions of that Schedule, an adjudicator may regulate his own procedure.

(3) Any amount which is payable--

(a) under an adjudicator's adjudication;

(b) by virtue of any other provision of these Regulations which requires an enforcement authority to refund any sum,

shall, if a county court so orders, be recoverable by the person to whom the amount is payable as if it were payable under a county court order.

(4) Paragraph (3) does not apply to a penalty charge which remains payable following an adjudication under regulation 7.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/Signature(s)

Signed by authority of the Lord Chancellor

Bridget Prentice

Parliamentary Under Secretary of State,

Ministry of Justice

10th December 2007

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/SCHEDULE Procedure in Adjudication Proceedings/Part 1 Interpretation

SCHEDULE

PROCEDURE IN ADJUDICATION PROCEEDINGS

Regulation 15

Part Part1

Interpretation of Schedule

1

(1) In this Schedule--

"appeal" means an appeal under regulation 7(1), 10(1) or 13(1);

"document exchange" means a document exchange providing a system of delivery of documents by reference to numbered boxes at document exchanges;

"fax" means the making of a facsimile copy of a document by the transmission of electronic signals;

"hearing" means an oral hearing;

"proper officer" means a member of the administrative staff provided under section 81(4)(a) of the 2004 Act appointed to perform the functions of the proper officer under this Schedule;

"register" means the register required to be kept under paragraph 21;

"registered keeper" means the person in whose name a vehicle is registered under the Vehicle Excise and Registration Act 1994; and

"working day" means any day except a Saturday, a Sunday, Good Friday, Christmas Day or a bank holiday in England by virtue of the Banking and Financial Dealings Act 1971.

(2) In this Schedule in relation to an appeal or any process connected with an appeal--

"disputed decision" means the decision appealed against;

"the enforcement authority" means the enforcement authority which made the disputed decision; and

"the original representations" means the representations to the enforcement authority under regulation 4(1), 8(4) or 11(4).

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/SCHEDULE Procedure in Adjudication Proceedings/Part 2 Procedure Relating to Appeals

Part Part2

Initiating an appeal

2

- (1) An appeal shall be made by delivering a notice of appeal to the proper officer.
- (2) A notice of appeal--
 - (a) must be in writing signed by the appellant or someone authorised by him to sign on his behalf;
 - (b) must state the name and address of the appellant;
 - (c) may specify some other address as being the address to which the appellant wishes documents to be sent to him in connection with the appeal;
 - (d) must state the date and any reference number of the disputed decision and the name of the enforcement authority; and
 - (e) may include any representations which the appellant desires to make in addition to the original representations.
- (3) If the notice of appeal is delivered to the proper officer later than the time limit specified in regulation 7(1)(a), 10(1)(a) or 13(1)(a) (as the case may be), the appellant must include in the notice a statement of the reasons on which he relies for justifying the delay, and the adjudicator shall treat any such statement of reasons for delay as a request for extending that time limit.

Action upon receipt of notice of appeal and copy of such notice

3

- (1) Upon receiving a notice of appeal the proper officer shall--
 - (a) send an acknowledgement of its receipt to the appellant; and
 - (b) enter particulars of the appeal in the register.
- (2) If he is satisfied that the notice is in accordance with paragraph 2, the proper officer shall send to the enforcement authority a copy of the notice of appeal and any directions extending the time limit for appealing.
- (3) Upon receipt of a copy of the notice of appeal sent to it under subparagraph (2), the enforcement authority shall within 7 days deliver to the proper officer copies of--
 - (a) the original representations;
 - (b) the relevant penalty charge notice (if any); and
 - (c) the relevant notice of rejection.

(4) If a notice of appeal is received by the proper officer and he considers that it may not be in accordance with paragraph 2, he shall refer the issue of its validity to an adjudicator.

(5) If the adjudicator determines that a notice of appeal referred to him under subparagraph (4) is in accordance with paragraph 2, the proper officer shall deal with it in accordance with subparagraph (2).

(6) If--

(a) a notice of appeal is delivered outside the appeal period with a request to extend the appeal period and the adjudicator declines to direct that the period be extended; or

(b) the adjudicator determines that a notice of appeal is not in accordance with paragraph 2,

the proper officer shall inform the appellant that the adjudicator has declined the request for an extension or, as the case may be, of the reasons why the adjudicator considers that the notice does not accord with paragraph 2 and shall record the action taken in the register.

Further representations

4

(1) Any party may deliver representations in relation to the matters referred to in regulation 4(2)(b), 8(4) or 11(4), as appropriate in the circumstances, to the proper officer at any time before the appeal is determined.

(2) The adjudicator may invite a party to deliver to the proper officer representations dealing with such matters relating to the appeal as may be specified and any such representations shall be so delivered within the time and in the manner specified.

(3) Where a party fails to respond to an invitation under subparagraph (2), the adjudicator may draw such inferences as appear to him proper.

(4) Any representations delivered under this paragraph shall be signed by the party in question or someone authorised by him to sign on his behalf.

(5) Where the appellant delivers representations to the proper officer under this paragraph, the proper officer shall send a copy of the representations to the enforcement authority.

(6) Where the enforcement authority delivers representations to the proper officer under this paragraph, it shall at the same time send a copy of the representations to the appellant.

(7) This paragraph is without prejudice to the powers of an adjudicator under paragraph 10.

Adjudicator's power to require attendance of witnesses and production of documents

5

(1) The adjudicator may, by notice in writing sent to any person (including a party to the proceedings), require that person--

(a) to attend, at a time and place specified by the adjudicator, to give evidence at the hearing of an appeal; and

(b) to produce any documents in his custody or under his control, relating to any matter in the proceedings,

and any such notice shall contain a statement of the effect of subparagraphs (2) to (6) below.

- (2) A person in respect of whom a requirement has been made under subparagraph (1) may apply to the adjudicator to vary or set aside the requirement.
- (3) A person shall not be bound to comply with a requirement under subparagraph (1) unless he has been given at least 7 days' notice of the hearing or, if less than 7 days, he has informed the adjudicator that he accepts such notice as he has been given.
- (4) No person, other than the appellant, shall be bound to comply with a requirement under subparagraph (1) unless the necessary expenses of his attendance are paid or tendered to him.
- (5) No person shall be required to give any evidence or produce any documents under subparagraph (1) which he could not be required to give or produce in the trial of an action in a court of law.
- (6) Any person who fails to comply with a requirement made under subparagraph (1) is guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Disposal of an appeal without a hearing

6

- (1) Subject to the following provisions of this paragraph, the adjudicator may dispose of an appeal without a hearing.
- (2) The adjudicator shall not dispose of an appeal without a hearing if, in his opinion, the appeal raises issues of public importance such as to require that a hearing be held.
- (3) The adjudicator shall not dispose of an appeal without a hearing if either party has requested a hearing unless--
 - (a) the party who made the request withdraws the request before notice of a hearing has been sent to the other party under paragraph 7;
 - (b) both parties have subsequently consented to the appeal being disposed of without a hearing; or
 - (c) the party requesting the hearing having been sent a notice of the hearing of an appeal in accordance with paragraph 7, fails to attend or be represented at the hearing.
- (4) Where the adjudicator is minded to dispose of an appeal without a hearing, he shall not do so unless and until either--
 - (a) there has elapsed a period of 28 days beginning with the date on which an acknowledgement is sent in accordance with paragraph 3(1) during which neither party has requested a hearing; or
 - (b) both parties have consented to its disposal without a hearing.

Notice of time and place of hearing

7

- (1) This paragraph shall have effect where a hearing is to be held for the purpose of disposing of an appeal.
- (2) The proper officer shall--
 - (a) fix the time and place of the hearing; and
 - (b) not less than 21 days before the time so fixed, or such shorter time as the parties agree--

- (i) send to each party a notice that the hearing is to be at that time and place; or
- (ii) inform them of those matters in such other manner as he thinks fit.

(3) The adjudicator may alter the time and place of any hearing, and the proper officer shall, not less than 7 days before the date on which the hearing is then to be held, or such shorter time as the parties agree--

- (a) send to each party notice of the new time and place of the hearing; or
- (b) inform them of those matters in such other manner as he thinks fit.

(4) This paragraph applies to an adjourned hearing; but, if before the adjournment the time and place of the adjourned hearing are notified to all persons expected to attend, no further notice shall be required.

Admission to a hearing

8

- (1) Subject to the provisions of this paragraph, a hearing shall be held in public.
- (2) The adjudicator may direct that the whole or any part of a hearing be held in private if he is satisfied that it is just and reasonable for him so to do by reason of--
 - (a) the likelihood of disclosure of intimate personal or financial circumstances;
 - (b) the likelihood of disclosure of commercially sensitive information or information obtained in confidence; or
 - (c) exceptional circumstances not falling within paragraph (a) or (b).
- (3) The following persons shall be entitled to attend the hearing of an appeal which is held in private--
 - (a) any other adjudicator; and
 - (b) (for the purpose of discharging his functions as a member of that Council) a member of the Council on Tribunals.
- (4) The adjudicator, with the consent of the parties, may permit any other person to attend the hearing of an appeal which is held in private or, where part of it is so held, that part.
- (5) Without prejudice to any other powers he may have, an adjudicator may exclude from the hearing of an appeal, or part of it, any person whose conduct has disrupted or is likely, in the opinion of the adjudicator, to disrupt the hearing.

Appearances at a hearing

9

- (1) The appellant and the enforcement authority shall be entitled to appear at the hearing of an appeal.
- (2) Any other person may appear at a hearing at the discretion of the adjudicator.
- (3) At the hearing of an appeal, the appellant may conduct his case himself (with assistance from any person if he wishes) or may be represented, by a solicitor, counsel or any other person.
- (4) If in any particular case the adjudicator is satisfied that there are sufficient reasons for doing so, he

may prohibit a particular person from assisting or representing either party at the hearing.

Procedure at a hearing

10

- (1) At the beginning of the hearing of an appeal the adjudicator shall explain the order of proceedings which he proposes to adopt.
- (2) Subject to the provisions of this paragraph, the adjudicator shall conduct the hearing of an appeal in such manner as he considers most suitable to the clarification of the issues before him and generally to the just handling of the proceedings; he shall so far as appears to him appropriate seek to avoid formality in the proceedings.
- (3) At the hearing of an appeal--
 - (a) the parties shall be entitled to give evidence, to call witnesses and to address the adjudicator both on the evidence and generally on the subject matter of the appeal;
 - (b) the adjudicator may receive evidence of any fact which appears to him to be relevant notwithstanding that such evidence would be inadmissible in proceedings before a court of law.
- (4) Without prejudice to paragraph 6(3)(c), where a party who has been sent a notice of the hearing of an appeal or has otherwise been notified of the hearing in accordance with paragraph 7 fails to attend the hearing, the adjudicator may dispose of the appeal in his absence.

Decisions on appeals

11

- (1) The adjudicator must give the reasons for his decision on an appeal.
- (2) Where an appeal is disposed of at a hearing, the adjudicator may give his decision and the reasons orally at the end of the hearing, or may reserve his decision and give it and his reasons subsequently in writing.
- (3) Upon the decision being given (whether at a hearing or otherwise), the proper officer shall--
 - (a) as soon as practicable record the decision in the register, together with the adjudicator's reasons and any directions given; and
 - (b) send a copy of the register entry to each party.

Review of adjudicator's decision

12

- (1) The adjudicator may, on the application of a party, review--
 - (a) any interlocutory decision; or
 - (b) any decision to determine that a notice of appeal does not accord with paragraph 2 or to dismiss or allow an appeal, or any decision as to costs, on one or more of the following grounds--
 - (i) the decision was wrongly made as the result of an administrative error;
 - (ii) the adjudicator was wrong to reject the notice of appeal;

- (iii) a party who failed to appear or be represented at a hearing had good and sufficient reason for his failure to appear;
 - (iv) where the decision was made after a hearing, new evidence has become available since the conclusion of the hearing, the existence of which could not reasonably have been known of or foreseen;
 - (v) where the decision was made without a hearing, new evidence has become available since the decision was made, the existence of which could not reasonably have been known of or foreseen; or
 - (vi) the interests of justice require such a review.
- (2) An application under subparagraph (1) must--
- (a) be delivered to the proper officer within the period of 14 days beginning with the date on which the copy of the register entry is served on the parties; and
 - (b) state the grounds in full.
- (3) The parties shall have the opportunity to be heard on any application for review under subparagraph (1).
- (4) Having reviewed the decision the adjudicator may direct that it be confirmed, that it be revoked or that it be varied.
- (5) If, having reviewed a decision, the adjudicator directs that it be revoked, he shall substitute a new decision or order a re-determination by himself, the original adjudicator or a different adjudicator.
- (6) Paragraph 11 shall apply to the confirmation, revocation or variation of a decision under this paragraph as it applies to a decision made on the disposal of an appeal.

Costs

13

- (1) The adjudicator shall not normally make an order awarding costs and expenses, but may, subject to subparagraph (2) make such an order--
- (a) against a party (including an appellant who has withdrawn his appeal or an enforcement authority which has consented to an appeal being allowed) if he is of the opinion that that party has acted frivolously or vexatiously or that his conduct in making, pursuing or resisting an appeal was wholly unreasonable; or
 - (b) against an enforcement authority where he considers that the disputed decision was wholly unreasonable.
- (2) An order shall not be made under subparagraph (1) against a party unless that party has been given an opportunity of making representations against the making of the order.
- (3) An order under subparagraph (1) shall require the party against whom it is made to pay to the other party a specified sum in respect of the costs and expenses incurred by that other party in connection with the proceedings.

Consolidation of proceedings

14

- (1) Where there are pending two or more appeals and at any time it appears to an adjudicator that--
- (a) some common question of law or fact arises in both or all appeals; or
 - (b) for some other reason it is desirable to make an order under this paragraph,

the adjudicator may order that all of the appeals or those specified in the order shall be considered together and may give such consequential directions as may appear to him to be necessary.

- (2) An order shall not be made under this paragraph unless all parties concerned have been given an opportunity of making representations against the making of the order.

Miscellaneous powers of adjudicators

15

- (1) An adjudicator may, if he thinks fit--
- (a) extend the time appointed by or under this Schedule for the doing of any act notwithstanding that the time appointed has expired;
 - (b) if an appellant at any time gives notice of the withdrawal of his appeal, dismiss the proceedings;
 - (c) if an enforcement authority consents to an appeal being allowed, allow the appeal;
 - (d) if both or all of the parties agree in writing on the terms of a decision to be made by an adjudicator, decide accordingly; or
 - (e) adjourn a hearing.

- (2) An adjudicator may exercise the powers conferred by this Schedule (other than paragraph 12) on his own motion or on the application of a party.

Clerical errors

16

Clerical mistakes in any document recording a direction or decision of the adjudicator, or errors in such a document arising from an accidental slip or omission, may be corrected by the proper officer on the direction of the adjudicator.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/SCHEDULE Procedure in Adjudication Proceedings/Part 3 Service of Documents and Notices

Part Part3

Service of documents on the parties

17

- (1) This paragraph has effect in relation to any notice or other document required or authorised by these Regulations to be sent to a party to an appeal.
- (2) Any document shall be regarded as having been sent to that party if it is--
 - (a) delivered to him;
 - (b) left at his proper address;
 - (c) sent by first class post to him at that address; or
 - (d) transmitted to him by fax or other means of electronic data transmission in accordance with subparagraph (3).
- (3) A document may be transmitted to a party by fax or by other means of electronic data transmission where--
 - (a) the party has indicated in writing to the party sending the notice or document that he is willing to regard a document as having been duly sent to him if it is transmitted to a specified fax telephone number or, as the case may be, a specified electronic address; and
 - (b) the document is transmitted to that number or address.
- (4) In the case of an enforcement authority, an indication under subparagraph (3)(a) may be expressed to apply in relation to any appeal to which it is the respondent.
- (5) Where the proper address includes a box number at a document exchange, the delivery of such a document may be effected by leaving the document addressed to that box number--
 - (a) at that document exchange; or
 - (b) at a document exchange which transmits documents every working day to that exchange,and any such document so left shall, unless the contrary is proved, be taken to have been delivered on the second working day after the day on which it was left.
- (6) For the purposes of this Schedule, and of section 7 (references to service by post) of the Interpretation Act 1978 ("the 1978 Act") in its application to this paragraph--
 - (a) the proper address of the appellant is the address for service specified pursuant to paragraph 2(2)(c) or, if no address is so specified, the address specified pursuant to regulation 2(2)(b), and
 - (b) the proper address of an enforcement authority in proceedings in which it is the respondent is such address as the authority may from time to time specify in a notice delivered to the proper officer as being the authority's address for service in all such proceedings.
- (7) If no address for service has been specified, the proper address for the purposes of this Schedule, and section 7 of the 1978 Act, shall be--
 - (a) in the case of an individual, his usual or last known address;
 - (b) in the case of a partnership, the principal or last known place of business of the firm within the United Kingdom;
 - (c) in the case of an incorporated or unincorporated body, the registered or principal office of the body.

(8) A party may at any time, by notice in writing delivered to the proper officer, change his proper address for the purposes of this Schedule and section 7 of the 1978 Act.

(9) A party may, by notice in writing delivered to the other party and the proper officer, vary or revoke any indication given under subparagraph (3)(a).

(10) Unless the contrary is proved, a notice or document--

(a) left at the proper address of a party shall be taken to have been delivered on the second working day after the day on which it was left;

(b) sent by fax or other means of electronic data transmission shall be taken to have been delivered on the second working day after the day on which it was transmitted.

Delivery of notices or documents to the proper officer

18

(1) This paragraph has effect in relation to any notice or other document required or authorised by or under this Schedule to be delivered to the proper officer.

(2) Any such notice or document may be delivered to the proper officer by being transmitted to the proper officer by fax or other means of electronic data transmission, but only to a telephone number or, as the case may be, electronic address for the time being published by the proper officer for the purpose of receiving such notices or documents.

(3) Any notice or document so transmitted shall, unless the contrary is proved, be taken to have been delivered on the second working day after the day on which it was transmitted.

(4) Where the address of the proper officer includes a box number at a document exchange the delivery of such a document may be effected by leaving the document addressed to that box number--

(a) at that document exchange; or

(b) at a document exchange which transmits documents every working day to that exchange,

and any such document so left shall be taken, unless the contrary is proved, to have been delivered on the second working day after the day on which it was left.

(5) Paragraphs 2(2)(a) and 4(4)--

(a) shall, in the case of a document transmitted by fax, be satisfied if a copy of the signature of the relevant person appears on the transmitted copy; and

(b) shall not apply in relation to a document transmitted by other means of electronic data transmission.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/SCHEDULE Procedure in Adjudication

Proceedings/Part 4 Directions as to Invalid Notices

Part Part4

Scope of Part 4

19

Paragraph 20 applies to a case where--

- (a) the order of a county court which has been made against a person ("a relevant person") is deemed under regulation 23 of the General Regulations to have been revoked following the making of a witness statement; and
- (b) the enforcement authority has referred the case to the adjudicator for directions.

Procedure

20

(1) Where a case to which this paragraph applies is referred to the adjudicator--

- (a) the proper officer shall enter particulars of the case in the register; and
- (b) the adjudicator shall give directions as to the conduct of the proceedings unless he decides that no such directions are necessary.

(2) The adjudicator may, in particular--

- (a) if it appears to him that no appeal has been made by the relevant person in relation to the subject matter of the case, direct that the case proceed as an appeal and, in that event, this Schedule (except paragraphs 2 and 3) shall apply as if an appeal had been duly made by the relevant person; or
- (b) if it appears to him that an appeal has been made by the relevant person in relation to the subject matter of the case and that the appeal has been dismissed, direct that the case proceed as an application under paragraph 12 to review that decision.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/SCHEDULE Procedure in Adjudication Proceedings/Part 5 The Register

Part Part5

The register

21

- (1) The proper officer shall establish and maintain, in accordance with the following provisions of this paragraph, a register for the purpose of recording proceedings conducted under these Regulations.
- (2) The register shall be kept open for inspection by any person without charge at all reasonable hours at the principal office of the adjudicators.
- (3) The register may be kept in electronic form.
- (4) If the register is kept in electronic form, the duty to allow inspection is to be treated as a duty to allow inspection of a reproduction in legible form of the recording of the entry the inspection of which is being sought.
- (5) A document purporting to be certified by the proper officer to be a true copy of any entry of a decision in a register shall be evidence of the entry and of the matters contained in it.

NOTES

Initial Commencement

Specified date

Specified date: 31 March 2008: see reg 1(1).

UK Parliament SIs 2000-2009/2007/3451-3500/Civil Enforcement of Parking Contraventions (England) Representations and Appeals Regulations 2007 (SI 2007/3482)/EXPLANATORY NOTE

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision entitling persons who are or may be liable to pay penalty charges in respect of parking contraventions, or who pay charges to secure the release of vehicles which have been immobilised or removed on account of such contraventions, to make representations to enforcement authorities regarding their liability for the charges and to appeal to an adjudicator if the representations are not accepted. These Regulations should be read in conjunction with the Civil Enforcement of Parking Contraventions (England) General Regulations (SI 2007/3483). Both sets of Regulations apply only to England.

Part 1 contains preliminary provisions.

Part 2 concerns representations and appeals against penalty charge notices and notices to owner given under the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 ("the General Regulations"), which were made jointly by the Secretary of State and the Lord Chancellor under Part 6 of the Traffic Management Act 2004.

Regulation 3 defines the scope of *Part 2* and specifies the information to be given to the recipients of penalty charge notices and notices to owner.

Regulation 4 confers on the recipient of a notice to owner or penalty charge notice given under regulation 10 of the General Regulations the right to make representations to the enforcement authority which served it. The form of the representations and the grounds on which they may be made are specified.

Regulations 5 and 6 set out the duties of an enforcement authority to which representations are made, according as it accepts or rejects the representations.

Regulation 7 enables a person who has made representations under *regulation 4* to appeal to an adjudicator against an enforcement authority's rejection of his representations.

Part 3 makes provision for representations and appeals in relation to vehicles which have been immobilised in accordance with the General Regulations.

Regulation 8 confers, on the owner or person in charge of a vehicle who secures its release from an immobilisation device, a right to make representations to the enforcement authority. The enforcement authority is required to inform the person securing the release of the vehicle of his rights in writing. The basis for making representations is specified in *regulation 8(4) and (5)*. *Regulation 9* sets out the duties of an enforcement authority to which representations are made and *regulation 10* provides for an appeal to be made to an adjudicator where representations under *regulation 9* are rejected.

Part 4 makes provision for the making of representations and appeals in relation to vehicles which have been removed and stored or disposed of, in accordance with the Road Traffic Regulation Act 1984 and regulations made under it.

Regulation 11 specifies the persons to whom the regulation applies, requires such persons to be informed of their right to make representations and to appeal to an adjudicator, confers on such persons a right to make representations to the enforcement authority and specifies the basis on which they may be made. *Regulation 12* specifies the duties of an enforcement authority in relation to representations received by it under *regulation 11* and *regulation 13* confers a right to appeal to an adjudicator where the enforcement authority rejects representations made to it under *regulation 11*.

Part 5 relates to offences and procedure. *Regulation 14* creates an offence of making false or reckless representations under Parts 2 and 3 of these Regulations. *Regulation 15* introduces *the Schedule* which makes detailed provision as to the procedure to be followed in adjudication proceedings and the service of documents in such proceedings. Otherwise the procedure is in the discretion of the adjudicator.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from Traffic Management Division, Department for Transport, 1/06 Great Minster House, 76 Marsham Street, London SW1P 4DR (telephone 020 7944 8693) and can be found on the website of the Department for Transport at www.dft.gov.uk/.

6.London Local Authorities Act 1996

UK Parliament Acts/L/LO-LT/London Local Authorities Act 1996 (1996 c ix)/Part II Bus Lanes (ss 3-9)/3 Interpretation of Part II

Part II
Bus Lanes

NOTES

Amendment

Repealed by the Transport Act 2000, s 274, Sch 31, Pt II.

Date in force: to be appointed: see the Transport Act 2000, s 275(1).

3 Interpretation of Part II

(1) *In this Part of this Act--*

...

"bus lane" has the meaning given in regulation 23 of the Traffic Signs Regulations 1994 and any regulation amending or revoking and re-enacting that regulation;

"bus lane offence" means an offence under section 8, 11 or 13 of the Road Traffic Regulation Act 1984 or section 36 of the Road Traffic Act 1988 which relates to the contravention of or failure to comply with an order or traffic sign in so far as it makes provision for or indicates a reservation of all or part of a carriageway of a road as a bus lane;

"Joint Committee" means the Joint Committee [appointed pursuant to regulation 15 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007];

"prescribed device" means a device prescribed under section 20(9) of the Road Traffic Offenders Act 1988 or a device of a description specified in regulations made for the purposes of this section by the Secretary of State;

"road" has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984;

"vehicle" means a mechanically propelled vehicle intended or adapted for use on roads.

(2) *For the purposes of this Part of and Schedule 1 to this Act, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept.*

(3) *In determining, for the purposes of this Part of and Schedule 1 to 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.*

NOTES

Initial Commencement

Specified date

Specified date: 17 December 1996: see s 1(1).

Amendment

Repealed by the Transport Act 2000, s 274, Sch 31, Pt II.

Date in force: to be appointed: see the Transport Act 2000, s 275(1).

Sub-s (1): definition "the Act of 1991" (omitted) repealed by SI 2007/2053, art 5(1), (2)(a) (as inserted by SI 2008/757, art 5).

Date in force: this repeal applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 5(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

Sub-s (1): in definition "Joint Committee" words "appointed pursuant to regulation 15 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007" in square brackets substituted by SI 2007/2053, art 5(1), (2)(b) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 5(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

UK Parliament Acts/L/LO-LT/London Local Authorities Act 1996 (1996 c ix)/Part II Bus Lanes (ss 3-9)/4 Penalty charge notices under Part II

4 Penalty charge notices under Part II

[(1) *Where--*

(a) *in relation to any GLA road or GLA side road, Transport for London or, subject to subsection (1A), the relevant council;*

(b) *in relation to any other road in Greater London, the relevant council or, subject to subsection (1B), Transport for London,*

on the basis of information provided by the use of a prescribed device, have reason to believe that a penalty charge is payable under this Part of this Act with respect to a vehicle by the owner of the vehicle, that council or, as the case may be, Transport for London, may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle.

(1A) *The relevant council shall not exercise the power conferred by subsection (1)(a) unless it has obtained the consent in writing of Transport for London.*

(1B) *Transport for London shall not exercise the power conferred by subsection (1)(b) unless it has obtained the consent in writing of the relevant council.*

(1C) *In subsections (1) to (1B), "relevant council" means the council in whose area the contravention or failure occurred.]*

(2) *For the purposes of this Part of this Act, a penalty charge is payable. . . with respect to a vehicle [, by the owner of the vehicle,] if the person in charge of the vehicle acts in contravention of or fails to comply with an order under section 6 or 9 or regulations under section 12 of the Road Traffic Regulation Act 1984 in so far as provision is made thereby for the reservation of all or part of a carriageway of a road as a bus lane [and the penalty charge shall be paid--*

(a) *where the contravention or failure is in respect of a GLA road or a GLA side road, to Transport for London;*

(b) *in any other case, to the council in whose area the contravention or failure occurs].*

(3) *A penalty charge notice under this Part of this Act must state--*

(a) *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;*

(b) *the amount of the penalty charge which is payable;*

(c) *that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;*

(d) *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;*

(e) *that, if the penalty charge is not paid before the end of the 28 day period, an enforcement notice may be served by the council [or, as the case may be, Transport for London] on the person appearing to them to be the owner of the vehicle;*

(f) *the address to which payment of the penalty charge must be sent; and*

(g) *the effect of paragraph 2 of Schedule 1 to this Act.*

(4) *In subsection (3)(d) 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.*

NOTES

Initial Commencement

Specified date

Specified date: 17 December 1996: see s 1(1).

Amendment

Repealed by the Transport Act 2000, s 274, Sch 31, Pt II.

Date in force: to be appointed: see the Transport Act 2000, s 275(1).

Sub-ss (1)-(1C): substituted, for sub-s (1) as originally enacted, by SI 2001/690, art 2, Schedule, para 2(a).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Sub-s (2): words omitted repealed by SI 2001/690, art 2, Schedule, para 2(b)(i).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Sub-s (2): words ", by the owner of the vehicle," in square brackets inserted by the London Local Authorities Act 2000, s 48, Sch 2, para 1.

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Sub-s (2): words from "and the penalty" to "or failure occurs" in square brackets inserted by SI 2001/690, art 2, Schedule, para 2(b)(ii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Sub-s (3): in para (a) words "or, as the case may be, Transport for London" in square brackets inserted by SI 2001/690, art 2, Schedule, para 2(c).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Sub-s (3): in para (e) words "or, as the case may be, Transport for London" in square brackets inserted by SI 2001/690, art 2, Schedule, para 2(c).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Sub-s (4): words "the appointing authorities" in square brackets substituted by SI 2001/690, art 2, Schedule, para 2(d).

Date in force: 1 April 2001: see SI 2001/690, art 1.

UK Parliament Acts/L/LO-LT/London Local Authorities Act 1996 (1996 c ix)/Part II Bus Lanes (ss 3-9)/5 Exemption of fire brigade, ambulance and police vehicles under Part II

5 Exemption of fire brigade, ambulance and police vehicles under Part II

No provision in this Part of this Act shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes.

NOTES

Initial Commencement

Specified date

Specified date: 17 December 1996: see s 1(1).

Amendment

Repealed by the Transport Act 2000, s 274, Sch 31, Pt II.

Date in force: to be appointed: see the Transport Act 2000, s 275(1).

UK Parliament Acts/L/LO-LT/London Local Authorities Act 1996 (1996 c ix)/Part II Bus Lanes (ss 3-9)/6 Enforcement notices, etc, under Part II

6 Enforcement notices, etc, under Part II

(1) Schedule 1 to this Act shall have effect with respect to penalty charges under this Part of this Act, enforcement notices and other matters supplementary to the provisions of this Part of this Act; and the functions of traffic adjudicators under that Schedule shall be discharged by the persons who are appointed as [adjudicators under regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007].

[(2) The Road Traffic (Parking Adjudicators) (London) Regulations 1993 shall (despite the repeal of section 73(11) and (12) of the Road Traffic Act 1991 under which the Regulations were made) continue in force for the purpose of applying in relation to proceedings before traffic adjudicators under this Act, and for that purpose section 73(11) to (13) shall continue to have effect.]

[(3) Regulations 12(6) and (7) (reports by adjudicators and joint committee), 19 (power to require attendance and production of documents) and 25 (recovery of amount payable under an adjudication) of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 shall apply--

- (a) to traffic adjudicators as they apply to adjudicators appointed under those Regulations; and
- (b) to the Joint Committee as they apply to the Joint Committee appointed under those Regulations,

but regulation 25 of those Regulations shall not apply to a penalty charge under this Part of this Act which remains payable following an adjudication under paragraph 6 of Schedule 1 to this Act.]

NOTES

Initial Commencement

Specified date

Specified date: 17 December 1996: see s 1(1).

Amendment

Repealed by the Transport Act 2000, s 274, Sch 31, Pt II.

Date in force: to be appointed: see the Transport Act 2000, s 275(1).

Sub-s (1): words "adjudicators under regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007" in square brackets substituted by SI 2007/2053, art 5(1), (3)(a) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 5(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

Sub-s (2): substituted by SI 2007/2053, art 5(3)(b) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 5(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

Sub-s (3): substituted by SI 2007/2053, art 5(1), (3)(c) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 5(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

Subordinate Legislation

Road Traffic (Parking Adjudicators) (London) (Amendment) Regulations 1999, SI 1999/1205 (made under sub-s (2)).

UK Parliament Acts/L/LO-LT/London Local Authorities Act 1996 (1996 c ix)/Part II Bus Lanes (ss 3-9)/7 Financial provisions under Part II

7 Financial provisions under Part II

Schedule 2 to this Act shall have effect with respect to financial provisions relating to the provisions of this Part of this Act.

NOTES**Initial Commencement*****Specified date***

Specified date: 17 December 1996: see s 1(1).

Amendment

Repealed by the Transport Act 2000, s 274, Sch 31, Pt II.

Date in force: to be appointed: see the Transport Act 2000, s 275(1).

UK Parliament Acts/L/LO-LT/London Local Authorities Act 1996 (1996 c ix)/Part II Bus Lanes (ss 3-9)/[8 Setting the levels of penalty charges]

[8 Setting the levels of penalty charges]

[Part 2 of Schedule 9 (except paragraph 6) to the Traffic Management Act 2004 and regulation 24 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 shall apply to the levels of charges under this Act as they apply to the levels of charges relating to parking contraventions under the 2004 Act.]

NOTES**Amendment**

Substituted by SI 2007/2053, art 5(1), (4) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 5(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

UK Parliament Acts/L/LO-LT/London Local Authorities Act 1996 (1996 c ix)/Part II Bus Lanes (ss 3-9)/9 Penalty charge not payable in certain cases

9 Penalty charge not payable in certain cases

No penalty charge shall be payable under this Part of this Act in respect of any conduct where--

(a) a notice is given to the driver under section 54(2) or (4) of the Road Traffic Offenders Act 1988 in respect of a bus lane offence constituted by that conduct; or

(b) notification of an intention to prosecute the driver in respect of such an offence is given by the Commissioner of Police of the Metropolis or of the City of London;

[(a) where the alleged offence took place on a GLA road or a GLA side road, to Transport for London;

(b) in any other case, to the council of the borough in which the alleged offence took place,

before the expiry of the period of 14 days beginning with the day on which the alleged offence takes place].

NOTES**Initial Commencement***Specified date*

Specified date: 17 December 1996: see s 1(1).

Amendment

Repealed by the Transport Act 2000, s 274, Sch 31, Pt II.

Date in force: to be appointed: see the Transport Act 2000, s 275(1).

Second sub-ss (a), (b) and subsequent words in square brackets substituted by SI 2001/690, art 2, Schedule, para 4.

Date in force: 1 April 2001: see SI 2001/690, art 1.

UK Parliament Acts/L/LO-LT/London Local Authorities Act 1996 (1996 c ix)/SCHEDULE 1 Enforcement Notices, etc, under Part II (Bus Lanes) of this Act

SCHEDULE 1**ENFORCEMENT NOTICES, ETC, UNDER PART II (BUS LANES) OF THIS ACT****Sections 4, 6***Enforcement notices***1**

(1) Where--

(a) a penalty charge notice has been served with respect to a vehicle under section 4 (Penalty charge notices under Part II) of this Act . . .; and

(b) the period of 28 days for payment of the penalty charge has expired without that charge being paid; . . .

(c) . . .

[the enforcing authority] may serve a notice (in this Schedule referred to as an "enforcement notice")--

(i) on the person who appears to them to have been the owner of the vehicle when the conduct giving rise to the service of the penalty charge is alleged to have taken place; . . .

(ii) . . .

(2) An enforcement notice must state--

(a) the amount of the penalty charge payable;

(b) the grounds on which [the enforcing authority] believe that a penalty charge is payable with respect to the vehicle;

(c) that the penalty charge must be paid before the end of the period of 28 days beginning with the

date on which the enforcement notice is served;

- (d) that failure to pay the penalty charge may lead to an increased charge being payable;
- (e) the amount of that increased charge;
- (f) that the person on whom the notice is served may be entitled to make representations under paragraph 2 below; and
- (g) the effect of paragraph 6 below.

(3) The Secretary of State may by regulations prescribe additional matters which must be dealt with in any enforcement notice.

Representations against . . . enforcement notice

2

(1) Where it appears to a person on whom . . . an enforcement notice has been served under paragraph 1 above (in this Schedule referred to as "the recipient") that one or other of the grounds mentioned in sub-paragraph (4) below is satisfied, he may make representations to that effect to [the enforcing authority].

(2) Any representations under this paragraph must be made in such form as may be specified by [the enforcing authorities], acting through the Joint Committee.

(3) [The enforcing authority] may disregard any such representations which are received by them after the end of the period of 28 days beginning with the date on which the . . . enforcement notice in question was served.

(4) The grounds referred to in sub-paragraph (1) above are--

(a) . . . that the recipient--

- (i) never was the owner of the vehicle in question;
- (ii) had ceased to be its owner before the date on which the penalty charge was alleged to have become payable; or
- (iii) became its owner after that date;

(b) that there was no breach of an order or regulations of the type described in subsection (2) of the said section 4; [or]

[(c) that at the time the alleged breach of such order or regulations took place the person who was in control of the vehicle was in control of the vehicle without the consent of the owner].

(5) Where the ground mentioned in sub-paragraph (4)(a)(ii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the person making the representations (if that information is in his possession).

(6) Where the ground mentioned in sub-paragraph (4)(a)(iii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person from whom the vehicle was acquired by the person making the representations (if that information is in his possession).

(7) . . .

(8) . . .

(9) . . .

(10) It shall be the duty of [the enforcing authority] to whom representations are duly made under this paragraph--

- (a) to consider them and any supporting evidence which the person making them provides; and
- (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.

Cancellation of penalty charge notice or enforcement notice

3

(1) Where representations are made under paragraph 2 above and [the enforcing authority] accept that the ground in question has been established they shall--

- (a) cancel the . . . or enforcement notice; and
- (b) state in the notice served under sub-paragraph (10) of paragraph 2 above that the . . . or enforcement notice has been cancelled.

(2) The cancellation of [an] enforcement notice under this paragraph shall not be taken to prevent [the enforcing authority] serving a fresh penalty charge notice or enforcement notice on another person.

. . .

4

. . .

Rejection of representations against enforcement notice

5

Where any representations are made under paragraph 2 above but [the enforcing authority] do not accept that a ground has been established, the notice served under sub-paragraph (10) of the said paragraph 2 (in this Schedule referred to as "the notice of rejection") must--

- (a) state that a charge certificate may be served under paragraph 8 below unless before the end of the period of 28 days beginning with the date of service of the notice of rejection--
 - (i) the penalty charge is paid; or
 - (ii) the person on whom the notice is served appeals to a traffic adjudicator against the penalty charge; and

(b) describe in general terms the form and manner in which such an appeal must be made; and may contain such other information as [the enforcing authority] consider appropriate.

Adjudication by traffic adjudicator

6

(1) Where [an enforcing authority] serve a notice of rejection, the person who made the representations

under paragraph 2 above in respect of which that notice was served may, before--

- (a) the end of the period of 28 days beginning with the date of service of that notice; or
- (b) such longer period as a traffic adjudicator may allow,

appeal to a traffic adjudicator against [the decision of the enforcing authority].

(2) On an appeal under this paragraph, the traffic adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in paragraph 2(4) above and may give [the enforcing authority] such directions as he considers appropriate.

(3) It shall be the duty of [the enforcing authority] to whom a direction is given under sub-paragraph (2) above to comply with it forthwith.

Admissibility of certain evidence

7

(1) Evidence of a fact relevant to proceedings under paragraph 6 above may be given by the production of--

- (a) a record produced by a prescribed device; and
- (b) (in the same or another document) a certificate as to the circumstances in which the record was produced signed by an authorised officer of the [enforcing authority].

(2) A record produced or measurement made by a prescribed device shall not be admissible as evidence of a fact relevant to proceedings under paragraph 6 above unless--

- (a) the device is of a type approved by the Secretary of State; and
- (b) any conditions subject to which the approval was given are satisfied.

(3) Any approval given by the Secretary of State for the purposes of this paragraph may be given subject to conditions as to the purposes for which, and the manner and other circumstances in which, any device of the type concerned is to be used.

(4) In proceedings under paragraph 6 above, evidence--

- (a) of a measurement made by a device, or of the circumstances in which it was made; or
- (b) that a device was of a type approved for the purposes of this paragraph, or that any conditions subject to which an approval was given were satisfied;

may be given by the production of a document which is signed as mentioned in sub-paragraph (1) above and which, as the case may be, gives particulars of the measurement or of the circumstances in which it was made, or states that the device was of such a type or that, to the best of the knowledge and belief of the person making the statement, all such conditions were satisfied.

(5) For the purposes of this paragraph a document purporting to be a record of the kind mentioned in sub-paragraph (1) above, or to be a certificate or other document signed as mentioned in that sub-paragraph or in sub-paragraph (4) above, shall be deemed to be such a record, or to be so signed, unless the contrary is proved.

(6) Nothing in sub-paragraph (1) or (4) above makes a document admissible as evidence in proceedings under paragraph 6 above unless a copy of it has not less than 7 days before the hearing,

been served on the appellant; and nothing in those paragraphs makes a document admissible as evidence of anything other than the matters shown on a record produced by a prescribed device if that person, not less than three days before the hearing or within such further time as the traffic adjudicator may in special circumstances allow, serves a notice on [the enforcing authority] requiring attendance at the hearing or trial of the person who signed the document.

Charge certificates

8

(1) Where [an] enforcement notice is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, [the enforcing authority] may serve on that person a statement (in this paragraph referred to as a "charge certificate") to the effect that the penalty charge in question is increased by 50 per cent.

(2) . . .

(3) The relevant period, in relation to an enforcement notice is the period of 28 days beginning--

(a) where no representations are made under paragraph 2 above, with the date on which the enforcement notice is served;

(b) where such representations are made and a notice of rejection is served by [the enforcing authority] and no appeal against the notice of rejection is made with the date on which the notice of rejection is served; or

(c) where there has been an unsuccessful appeal against a notice of rejection, with the date on which notice of the adjudicator's decision is served on the appellant.

(4) Where an appeal against a notice of rejection is made but is withdrawn before the decision of the adjudicator is made the relevant period in relation to an enforcement notice is the period of 14 days beginning with the date on which the appeal is withdrawn.

Enforcement of charge certificate

9

(1) Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, [the enforcing authority] may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

(2) Any notice of any county court order made under this paragraph and being served on any person shall be accompanied by a copy of the penalty charge notice and, where appropriate, the enforcement notice to which the penalty charge relates.

[(3) Sections 82 and 83 of the Traffic Management Act 2004 shall have effect as though an increased penalty charge recoverable under sub-paragraph (1) above were a traffic contravention debt for the purposes of those sections.]

Invalid notices

10

(1) This paragraph applies where--

(a) a county court makes an order under paragraph 9 above;

- (b) the person against whom it is made makes a statutory declaration complying with sub-paragraph (2) below; and
- (c) that declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court's order is served on him, served on the county court which made the order.
- (2) The statutory declaration must state that the person making it--
- (a) did not receive the enforcement notice in question;
- (b) made representations to [the enforcing authority] under paragraph 2 above but did not receive a notice of rejection from [that authority]; or
- (c) appealed to a traffic adjudicator under paragraph 6 above against the rejection by [that authority] of representations made by him under paragraph 2 above but had no response to the appeal.
- (3) Sub-paragraph (4) below applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on him serving his statutory declaration within the period of 21 days allowed for by sub-paragraph (1) above.
- (4) Where this sub-paragraph applies, the district judge may allow such longer period for service of the statutory declaration as he considers appropriate.
- (5) Where a statutory declaration is served under sub-paragraph (1)(c) above--
- (a) the order of the court shall be deemed to have been revoked;
- (b) the charge certificate shall be deemed to have been cancelled;
- (c) in the case of a statutory declaration under sub-paragraph (2)(a) above, the enforcement notice to which the charge certificate relates shall be deemed to have been cancelled; and
- (d) the district judge shall serve written notice of the effect of service of the statutory declaration on the person making it and on [the enforcing authority].
- (6) Service of a declaration under sub-paragraph (2)(a) above shall not prevent [the enforcing authority] serving a fresh enforcement notice but if, when it was served, the relevant order under paragraph 9 was accompanied by a copy of the enforcement notice to which the charge certificate relates, a fresh enforcement notice in the same terms shall be deemed to have been served on the person making the declaration on the same day as the declaration was served.
- (7) Where a declaration has been served under sub-paragraph (2)(b) or (c) above, [the enforcing authority] shall refer the case to the traffic adjudicator who may give such direction as he considers appropriate.

Offence of giving false information

11

- (1) A person who, in response to [an] enforcement notice served under this Schedule makes any representation under paragraph 2 or 6 above which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.
- (2) Any person guilty of such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

Service by post

12

Any charge certificate, or notice under Part II (Bus lanes) of this Act or this Schedule--

- (a) may be served by post; and
- (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by post to the secretary or clerk of that body.

[Interpretation**13**

In this Schedule "the enforcing authority", in relation to any penalty charge notice, enforcement notice or charge certificate, means--

- (a) where the notice was served by a council, or the certificate relates to a notice so served, that council;
- (b) where the notice was served by Transport for London, or the certificate relates to a notice so served, Transport for London.]

NOTES**Initial Commencement*****Specified date***

Specified date: 17 December 1996: see s 1(1).

Amendment

Para 1: in sub-para (1)(a) words omitted repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 2(a).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 1: in sub-para (1)(b) word omitted repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 2(b).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 1: sub-para (1)(c) repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 2(c).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 1: in sub-para (1) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(a).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 1: in sub-para (1)(i) word omitted repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 2(d).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 1: sub-para (1)(ii) repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 2(e).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 1: in sub-para (2)(b) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(b).

Date in force: 1 April 2001: see SI 2001/690, art 1.

In the heading preceding para 2 words omitted repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 3(a).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 2: in sub-para (1) words omitted repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 3(b).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 2: in sub-para (1) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(c)(i).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 2: in sub-para (2) words "the enforcing authorities" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(c)(ii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 2: in sub-para (3) words "The enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(c)(iii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 2: in sub-para (3) words omitted repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 3(c).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 2: in sub-para (4)(a) words omitted repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 3(d).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 2: in sub-para (4)(b) word "or" in square brackets inserted by the London Local Authorities Act 2000, s 48, Sch 2, para 3(e).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 2: sub-para (4)(c) substituted by the London Local Authorities Act 2000, s 48, Sch 2, para 3(f).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 2: sub-paras (7), (8), (9) repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 3(g).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 2: in sub-para (10) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(c)(iii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 3: in sub-para (1) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(d).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 3: in sub-para (1)(a), (b) words omitted repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 4.

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 3: in sub-para (2) word "an" in square brackets substituted by the London Local Authorities Act 2000, s 48, Sch 2, para 5.

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 3: in sub-para (2) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(d).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 4: repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 6.

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 5: words "the enforcing authority" in square brackets in both places they occur substituted by SI 2001/690, art 2, Schedule, para 5(e).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 6: in sub-para (1) words "an enforcing authority" and "the decision of the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(f)(i).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 6: in sub-para (2) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(f)(ii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 6: in sub-para (3) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(f)(iii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 7: in sub-para (1)(b) words "enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(g)(i).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 7: in sub-para (6) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(g)(ii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 8: in sub-para (1) word "an" in square brackets substituted by the London Local Authorities Act 2000, s 48, Sch 2, para 7(a).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 8: in sub-para (1) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(h)(i).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 8: sub-para (2) repealed by the London Local Authorities Act 2000, s 48, Sch 2, para 7(b).

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 8: in sub-para (3)(b) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(h)(ii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 9: in sub-para (1) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(i).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 9: sub-para (3) substituted by SI 2007/2053, art 5(1), (5) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 5(1) (as amended by SI 2008/757, arts 3(b), 5).

Para 10: in sub-para (2)(b) words "the enforcing authority" and "that authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(j)(i).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 10: in sub-para (2)(c) words "that authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(j)(i).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 10: in sub-para (5)(d) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(j)(ii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 10: in sub-para (6) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(j)(iii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 10: in sub-para (7) words "the enforcing authority" in square brackets substituted by SI 2001/690, art 2, Schedule, para 5(j)(iii).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Para 11: in sub-para (1) word "an" in square brackets substituted by the London Local Authorities Act 2000, s 48, Sch 2, para 8.

Date in force: 20 September 2000: see the London Local Authorities Act 2000, s 1(1).

Para 13: inserted by SI 2001/690, art 2, Schedule, para 5(k).

Date in force: 1 April 2001: see SI 2001/690, art 1.

Modification

Modified, in relation to the definition of "authorised officer" in relation to a borough council, by the London Local Authorities Act 2004, s 28, Sch 5.

See Further

See further, the London Local Authorities Act 2000, s 7 (as amended by SI 2005/56, art 3(1), Sch 2, paras 1, 5), in relation to limitations on the ability of a "participating council" (defined by s 2 of the 2000 Act as the common council in its capacity as a local authority and the council of any London borough other than Barnet) or Transport for London to serve a notice under this Schedule.

7.Road Traffic (Parking Adjudicators) (London) Regulations 1993

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)

1993 No 1202

Road Traffic (Parking Adjudicators) (London) Regulations 1993

Made - - - 4th May 1993

The Secretary of State for Transport, in exercise of the powers conferred by section 73(11) and (12) of the Road Traffic Act 1991, and all other enabling powers and after consultation with the Council on Tribunals in accordance with the requirements of section 8 of the Tribunals and Inquiries Act 1992 hereby makes the following Regulations:--

NOTES

Continuation

Notwithstanding the repeal of the Road Traffic Act 1991, s 73(11), (12), by the Traffic Management Act 2004, s 98, Sch 12, Pt 1, these Regulations continue to have effect by virtue of the London Local Authorities Act 1996, s 6(2) and the London Local Authorities and Transport for London Act 2003, Sch 1, para 10(2), (3) (as amended by SI 2007/2053, arts 5(1), (3)(b), 8(1), (4)(b)(ii) (as inserted by SI 2008/757, art 5)).

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part I Preliminary/1 Citation and Commencement

Part I

Preliminary

1 Citation and Commencement

These Regulations may be cited as the Road Traffic (Parking Adjudicators) (London) Regulations 1993 and shall come into force on 1st July 1993.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see above.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part I Preliminary/2 Interpretation

2 Interpretation

(1) In these Regulations--

"the Act" means the Road Traffic Act 1991;

["The 1996 Act" means the London Local Authorities Act 1996;]

"appeal" means an appeal under section 72 of, or paragraph 5 of Schedule 6 to, the Act [or an appeal under paragraph 6 of Schedule 1 to the 1996 Act];

"the adjudicator" means a parking adjudicator appointed under section 73(3)(a) of the Act [and includes a person so appointed when discharging the functions of a traffic adjudicator under Schedule 1 to the 1996 Act];

"document exchange" means a document exchange which is for the time being a document exchange approved by the Lord Chancellor under order 65, rule 5(4) of the Rules of the Supreme Court 1965;

"FAX" means the making of a facsimile copy of a document by the transmission of electronic signals;

"hearing" means an oral hearing;

"proper officer" means a member of the administrative staff provided under section 73 of the Act appointed to perform the duties of the proper officer under these Regulations; and

"register" means the register of appeals and decisions kept in pursuance of these Regulations.

(2) In these Regulations, in relation to an appeal or any process connected with an appeal,--

"appellant" means the person making the appeal;

"disputed decision" means the decision against which an appeal is brought under these Regulations;

["local authority" (except in regulation 3) means--

- (a) in a case where Transport for London made the disputed decisions, Transport for London;
- (b) in any other case, the London authority which made the disputed decision;] and

"the original representations" means the representations to the local authority under section 71 of, or paragraph 2 of Schedule 6 to, the Act [or under paragraph 2 of Schedule 1 to the 1996 Act].

(3) Unless the context otherwise requires, any reference in these Regulations to--

- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations, and
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

Amendment

Para (1): definition "The 1996 Act" inserted by SI 1999/1205, regs 2, 3(1)(a).

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

Para (1): in definition "appeal" words "or an appeal under paragraph 6 of Schedule 1 to the 1996 Act" in square brackets inserted by SI 1999/1205, regs 2, 3(1)(b).

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

Para (1): in definition "the adjudicator" words from "and includes" to "the 1996 Act" in square brackets inserted by SI 1999/1205, regs 2, 3(1)(c).

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

Para (2): definition "local authority" substituted, for definition "the local authority" as originally enacted, by SI 2000/1547, art 5.

Date in force: 3 July 2000: see SI 2000/1547, art 1.

Para (2): in definition "the original representations" words "or under paragraph 2 of Schedule 1 to the 1996 Act" in square brackets inserted by SI 1999/1205, regs 2, 3(2).

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/3 Initiating an appeal

Part II

Procedure relating to appeals

3 Initiating an appeal

- (1) An appeal shall be made by delivering a notice of appeal to the proper officer.
- (2) A notice of appeal--
 - (a) must state the name and address of the appellant;
 - (b) may specify some other address as being the address to which he wishes documents to be sent to him in connection with the appeal;
 - (c) must state the date and any reference number of the decision and the name of the local authority who made the disputed decision; and
 - (d) may include any representations which the appellant desires to make in addition to the original representations.
- (3) If the notice of appeal is delivered to the proper officer later than the time limit mentioned in section 72(1) of, or paragraph 5(1) of Schedule 6 to, the Act [or mentioned in paragraph 6(1) of Schedule 1 the 1996 Act] (as the case may be), the appellant must include in the notice a statement of the reasons on which he relies for justifying the delay, and the adjudicator shall treat any such statement of reasons for delay as a request for extending that time limit.
- (4) The appellant or his authorised representative shall sign the notice of appeal.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

Amendment

Para (3): words "or mentioned in paragraph 6(1) of Schedule 1 to the 1996 Act" in square brackets inserted by SI 1999/1205, regs 2, 4.

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/4 Action upon receipt of notice of appeal and copy of such notice

4 Action upon receipt of notice of appeal and copy of such notice

(1) Upon receiving a notice of appeal the proper officer shall--

- (a) send an acknowledgement of its receipt to the appellant;
- (b) enter particulars of it in the register; and
- (c) send to the local authority a copy of the notice of appeal and any direction extending the time limit for appealing.

(2) Upon receipt of a copy of a notice of appeal sent under this regulation, the local authority shall within 7 days deliver to the proper officer a copy of--

- (a) the original representations;
- (b) a copy of the relevant charge notice (if any); and
- [(c) copy of the notice served under section 71(6) of, or paragraph 2(7) of Schedule 6 to, the Act or under paragraph 2(10) of Schedule 1 to the 1996 Act (as the case may be).]

NOTES**Initial Commencement*****Specified date***

Specified date: 1 July 1993: see reg 1.

Amendment

Para (2): sub-para (c) substituted by SI 1999/1205, regs 2, 5.

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/5 Further representations

5 Further representations

- (1) Any party may deliver representations to the proper officer at any time before an appeal is determined.
- (2) The adjudicator may invite a party to deliver to the proper officer representations dealing with any matter relating to an appeal within such time and in such a manner as may be specified.
- (3) Where a party fails to respond to an invitation under paragraph (2), the adjudicator may (without prejudice to any other powers he may have) draw such inferences as appear to him proper.
- (4) Any representations delivered under this regulation shall be signed by, or by the authorised representative, of the party in question.
- (5) Where the appellant delivers representations to the proper officer under this regulation, the proper officer shall send a copy of the representations to the local authority.
- (6) Where the local authority delivers representations to the proper officer under this regulation, it shall at the same time send a copy of the representations to the appellant.
- (7) This regulation is without prejudice to the powers of an adjudicator under regulation 9.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/6 Power to require attendance of witnesses

6 Power to require attendance of witnesses

- (1) The adjudicator may require the attendance of any person (including a party to the proceedings) as a witness, at a time and place specified by him, at the hearing of an appeal and require him to answer any questions or produce any documents in his custody or control which relate to any matter in the proceedings.
- (2) Every document containing a requirement under paragraph (1) shall contain a reference to the fact that, under section 73(14) of the Act [or under section 73(14) of the Act as applied by section 6(3) of the 1996 Act (as the case may be),] any person who without reasonable excuse fails to comply with this requirement shall be liable on summary conviction to a fine, and the document shall state the amount of the current maximum fine.
- (3) A person in respect of whom a requirement has been made under paragraph (1) may apply to the adjudicator to vary or set aside the requirement.
- (4) A person shall not be bound to comply with a requirement under paragraph (1) unless he has been given at least 7 days' notice of the hearing or, if less than 7 days, he has informed the adjudicator that he accepts such notice as he has been given.
- (5) A person other than an appellant shall not be bound to comply with the requirement under paragraph (1) unless the necessary expenses of his attendance are paid or tendered to him.
- (6) No person shall be required to give any evidence or produce any document under paragraph (1) which he could not be required to give or produce on the trial of an action in a court of law.

NOTES**Initial Commencement***Specified date*

Specified date: 1 July 1993: see reg 1.

Amendment

Para (2): words from "or under section 73(14)" to "(as the case may be)," in square brackets inserted by SI 1999/1205, regs 2, 6.

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/7 Disposing of an appeal without a hearing

7 Disposing of an appeal without a hearing

- (1) Subject to paragraph (2), the adjudicator may dispose of an appeal without a hearing.
- (2) The adjudicator shall not dispose of an appeal without a hearing if either party has requested a hearing unless--
 - (a) the party who made the request withdraws his request before notice of a hearing has been sent to the other party under regulation 8; or
 - (b) both parties have subsequently consented to the appeal being disposed of without a hearing.
- (3) The adjudicator shall not dispose of an appeal without a hearing until after the expiration of 4 weeks beginning on the day an acknowledgement is sent in accordance with regulation 4 unless both parties consent to the disposal taking place on an earlier date.
- (4) Notwithstanding anything in paragraphs (2) and (3), if both parties, having been sent a notice of the hearing of an appeal in accordance with regulation 8, fail to attend or be represented at the hearing, the adjudicator may subsequently dispose of the appeal without a hearing.

NOTES**Initial Commencement***Specified date*

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/8 Notice of time and place of hearing

8 Notice of time and place of hearing

- (1) This regulation shall have effect where a hearing is to be held for the purpose of disposing of an appeal.

(2) The proper officer shall fix the time and place of the hearing and, not less than 21 days before the date so fixed (or such shorter time as the parties agree), send to each party a notice that the hearing is to be at such time and place or notify them in such other manner as he thinks fit.

(3) The adjudicator may alter the time and place of any hearing and the proper officer shall, not less than 7 days before the date the hearing is then to be held (or such shorter time as the parties agree), send to each party notice of the time and place of the hearing as altered or notify them in such other manner as he thinks fit.

(4) This regulation applies to an adjourned hearing but, if the time and place of the adjourned hearing are announced before the adjournment, no further notice shall be required.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/9 Procedure at a hearing

9 Procedure at a hearing

(1) At the beginning of the hearing of an appeal the adjudicator shall explain the order of proceeding which he proposes to adopt.

(2) Subject to the provisions of this regulation, the adjudicator shall conduct the hearing of an appeal in such manner as he considers most suitable to the clarification of the issues before him and generally to the just handling of the proceedings; he shall so far as appears to him appropriate seek to avoid formality in the proceedings.

(3) Any hearing of an appeal by the adjudicator shall be in public except where the adjudicator is satisfied that, by reason of exceptional circumstances, it is just and reasonable for the hearing, or part of the hearing, to be in private.

[(4) Any adjudicator appointed under section 73(3)(a) of the Act shall be entitled to attend the hearing of an appeal whether or not it is in private.]

(5) The adjudicator, with the consent of the parties, may permit any other person to attend the hearing of an appeal which is held in private.

(6) Without prejudice to any other powers he may have, the adjudicator may exclude from the hearing of an appeal, or part of it, any person whose conduct has disrupted or is likely, in the opinion of the adjudicator, to disrupt the hearing.

(7) At the hearing of an appeal, the appellant may conduct his case himself ([with assistance from any person] if he wishes) or may appear and be represented by any person whether or not legally qualified.

However, if in any particular case the adjudicator is satisfied that there are good and sufficient reasons for doing so, he may refuse to permit a particular person to assist or represent the appellant at the hearing.

(8) At the hearing of an appeal--

(a) the parties shall be entitled to give evidence, to call witnesses, to question any witnesses and to

address the adjudicator both on the evidence and generally on the subject matter of the appeal; and

(b) the adjudicator may receive evidence of any fact which appears to him to be relevant notwithstanding that such evidence would be inadmissible in proceedings before a court of law.

(9) Without prejudice to regulation 7(4), a party who has been sent a notice of the hearing of an appeal or otherwise notified of the hearing in accordance with regulation 8 fails to attend or be represented at the hearing, the adjudicator may dispose of the appeal in his absence.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

Amendment

Para (4): substituted by SI 2008/2683, art 6(1), Sch 1, para 64.

Date in force: 3 November 2008: see SI 2008/2683, art 1.

Para (7): words "with assistance from any person" in square brackets substituted by SI 1999/1205, regs 2, 7.

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/10 Decisions on appeals

10 Decisions on appeals

(1) Where an appeal is disposed of at a hearing, the decision of the adjudicator may be given orally at the end of the hearing or reserved.

(2) Where an appeal has been disposed of whether at a hearing or otherwise, the decision shall be recorded forthwith in the register with (save in the case of a decision by consent) a statement of the reasons for the decision and the proper officer shall send a copy of the entry to each party.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/11 Review of adjudicator's decision

11 Review of adjudicator's decision

(1) The adjudicator shall have power on the application of a party, to review and revoke or vary any

decision to dismiss or allow an appeal or any decision as to costs on the grounds (in each case) that--

- (a) the decision was wrongly made as the result of an error on the part of his administrative staff;
 - (b) a party who had failed to appear or be represented at a hearing had good and sufficient reason for his failure to appear;
 - (c) where the decision was made after a hearing, new evidence has become available since the conclusion of the hearing the existence of which could not have been reasonably known of or foreseen;
 - (d) where the decision was made without a hearing, new evidence has become available since the decision was made, the existence of which could not [have been reasonably known of or foreseen]; or
 - (e) the interests of justice require such a review.
- (2) An adjudicator shall have power, on the application of a party, to review and revoke or vary any interlocutory decision.
- (3) An application under this regulation shall be made to the proper officer within 14 days after the date on which the decision was sent to the parties, and must state the grounds in full.
- (4) The parties shall have the opportunity to be heard on any application for review under this regulation; and if, having reviewed the decision, the adjudicator directs the decision to be set aside, he shall substitute such decision as he thinks fit or order a re-determination by either the same or a different adjudicator.
- (5) Regulation 10 shall apply to a decision under paragraph (1) as it applies to a decision made on the disposal of an appeal.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

Amendment

Para (1): in sub-para (d) words "have been reasonably known of or foreseen" in square brackets substituted by SI 1999/1205, regs 2, 8.

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/12 Costs

12 Costs

- (1) The adjudicator shall not normally make an order awarding costs and expenses, but may, subject to paragraph (2) make such an order--
- (a) against a party (including an appellant who has withdrawn his appeal or a local authority that has consented to an appeal being allowed) if he is of the opinion that that party has acted frivolously or vexatiously or that his conduct in making, pursuing or resisting an appeal was wholly unreasonable; or

(b) against the local authority, where it considers that the disputed decision was wholly unreasonable.

(2) An order shall not be made under paragraph (1) against a party unless that party has been given an opportunity of making representations against the making of the order.

(3) An order under paragraph (1) shall require the party against whom it is made to pay the other party a specified sum in respect of the costs and expenses incurred by that other party in connection with the proceedings.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/13 Consolidation of proceedings

13 Consolidation of proceedings

(1) Where there are pending two or more appeals, then, should it at any time appear to the adjudicator that--

(a) some common question of law or fact arises in both or all the appeals; or

(b) for some other reason it is desirable to make an order under this regulation,

the adjudicator may order that some (as specified in the orders) or all of the appeals shall be considered together and may give such consequential directions as necessary.

(2) An order shall not be made under this regulation unless all parties concerned have been given an opportunity to make representations against the making of such an order.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/14 Miscellaneous powers of the adjudicator

14 Miscellaneous powers of the adjudicator

(1) The adjudicator may, if he thinks fit--

(a) extend the time appointed by or under these Regulations for doing any act notwithstanding that the time appointed may have expired;

- (b) if the appellant at any time gives notice of the withdrawal of his appeal, dismiss the proceedings;
 - (c) if a local authority consents to an appeal being allowed, allow the appeal;
 - (d) if both or all of the parties agree in writing on the terms of a decision to be made by an adjudicator, decide accordingly; or
 - (e) adjourn a hearing.
- (2) The powers of the adjudicator conferred by--
- (a) these Regulations (other than regulation 11);
 - (b) section 72(1)(b) of the Act;
 - [(c) paragraph 5(1)(b) of Schedule 6 to the Act, and
 - (d) paragraph 6(1)(b) of Schedule 1 to the 1996 Act,]

may be exercised on his own motion or on the application of a party.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

Amendment

Para (2): sub-paras (c), (d) substituted, for sub-para (c) as originally enacted, by SI 1999/1205, regs 2, 9.

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/15 Clerical errors

15 Clerical errors

Clerical mistakes in any document recording a direction or decision of the adjudicator, or errors arising in such a document from an accidental slip or omission, may be corrected by the proper officer on the direction of the adjudicator.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/16 Service of documents

16 Service of documents

- (1) This regulation has effect in relation to any notice or other document required or authorised by these Regulations to be sent to a party to an appeal.
- (2) Subject to paragraph (3), any such document shall be regarded as having been sent to that party if it is--
 - (a) delivered to him;
 - (b) left at his proper address;
 - (c) sent by post to him at that address;
 - (d) transmitted to him by FAX or other means of electronic data transmission in accordance with paragraphs (3), (4) and (5).
- (3) A document may be transmitted by FAX where the party has indicated in writing to the proper officer that he is willing to regard a document as having been duly sent to him if it is transmitted to a specified FAX number and the document is transmitted to that number.
- (4) In the case of a local authority, an indication under paragraph (3) can be expressed to apply to any appeal to which it is a respondent.
- (5) Paragraphs (3) and (4) shall apply with appropriate modification to a transmission of electronic data other than by FAX as it applies to a transmission by FAX.
- (6) Where the proper address includes a numbered box number at a document exchange, delivery of a document may be effected by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange; and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been delivered on the second business day after the day on which it is left.
- (7) For the purposes of these Regulations and of section 7 of the Interpretation Act 1978 in its application to this regulation--
 - (a) the proper address of the appellant is the address specified in his notice of appeal pursuant to paragraph (2)(b) of regulation 3 or (if no such address is so specified) the address specified pursuant to paragraph (2)(a) of that regulation; and
 - (b) the proper address of a local authority in proceedings in which it is the respondent is such address as the local authority from time to time specifies in a notice delivered to the proper officer as being the proper address in all such proceedings.
- (8) If no address for service has been specified, the proper address for the purposes of these Regulations and section 7 of the Interpretation Act 1978 shall be--
 - (a) in the case of an individual, his usual or last known address, or
 - (b) in the case of a partnership, the principal or last known place of business of the firm within the United Kingdom, or
 - (c) in the case of an incorporated or unincorporated body, the registered or principal office of the body.
- (9) An appellant may at any time by notice to the proper officer change his proper address for service

for the purposes of these Regulations and section 7 of the Interpretation Act 1978.

(10) A party may by notice in writing delivered to the proper officer vary or revoke any indication given by him under paragraph (3).

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part II Procedure relating to appeals/17 Delivery of documents to the proper officer

17 Delivery of documents to the proper officer

(1) This regulation has effect in relation to any notice or other document required or authorised to be delivered to the proper officer and is without prejudice to regulation 5(3).

(2) Any such document may be transmitted to him by FAX or other means of electronic data transmission.

(3) Where the address of the proper officer includes a numbered box number at a document exchange, the delivery of such a document may be effected by leaving the document addressed to that numbered box at that document exchange or at a document exchange which transmits documents every business day to that exchange; and any document which is left at a document exchange in accordance with this paragraph shall, unless the contrary is proved, be deemed to have been delivered on the second business day after the day on which it is left.

(4) Regulations 3(4) and 5(4)--

(a) shall in the case of a document transmitted by FAX, be satisfied if a copy of the signature of the relevant person appears on the transmitted copy; and

(b) shall not apply in relation to a document transmitted by other means of electronic data transmission.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part III References to the Adjudicator under paragraph 8(7) of Schedule 6 to the Act/[18 Interpretation of Part III]

Part III

References to the Adjudicator under paragraph 8(7) of Schedule 6 to the Act

[18 Interpretation of Part III]

[This Part of these Regulations shall have effect for determining the procedure where--

- (a) an order of a county court is deemed to have been revoked under paragraph 8(5) of Schedule 6 to the Act and the local authority concerned has referred the case to the adjudicator under paragraph 8(7) of that Schedule; or
- (b) an order of a county court is deemed to have been revoked under paragraph 10(5) of Schedule 1 to the 1996 Act and the local authority concerned has referred the case to the adjudicator under paragraph 10(7) of that Schedule,

and in relation to a case so referred, for the purposes of this Part of these Regulations, a relevant person is the person against whom the county court order has been made.]

NOTES**Amendment**

Substituted by SI 1999/1205, regs 2, 10.

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part III References to the Adjudicator under paragraph 8(7) of Schedule 6 to the Act/19 Procedure

19 Procedure

- (1) Where a case has been referred to the adjudicator under paragraph 8(7) of Schedule 6 to the Act [or under paragraph 10(7) of Schedule 1 to the 1996 Act]--
 - (a) the proper officer shall enter particulars of the case in the register; and
 - (b) without prejudice to his powers under that provision, the adjudicator shall give directions as to the conduct of the proceedings unless he decides that no such directions are necessary.
- (2) The adjudicator may, in particular--
 - (a) if it appears to him that no appeal has been made by the relevant person in relation to the subject matter of the case, direct that the case proceed as an appeal; or
 - (b) if it appears to him that an appeal has been made by the relevant person in relation to the subject matter of the case and that the appeal has been dismissed, direct that the case proceed as an application under regulation 11 to review that decision.
- (3) Where the adjudicator gives a direction under paragraph (2)(a), Part II of these Regulations shall apply to the proceedings with appropriate modification as if regulation 3 and 4 had been omitted.

NOTES**Initial Commencement**

Specified date

Specified date: 1 July 1993: see reg 1.

Amendment

Para (1): words "or under paragraph 10(7) of Schedule 1 to the 1996 Act" in square brackets inserted by SI 1999/1205, regs 2, 11.

Date in force: 1 June 1999: see SI 1999/1205, reg 1.

UK Parliament SIs 1990-1999/1993/1201-1250/Road Traffic (Parking Adjudicators) (London) Regulations 1993 (SI 1993/1202)/Part IV The Register/20 The register

Part IV

The Register

20 The register

- (1) The register shall be kept at the principal office of the adjudicator and shall be open to the inspection of any person without charge at all reasonable hours.
- (2) The register need not be kept in visible or legible form.
- (3) If the register is kept otherwise than in a legible form, the duty to allow inspection is to be treated as a duty to allow inspection of a reproduction in legible form of the recording of the entry the inspection of which is being sought.
- (4) A document purporting to be certified by the proper officer to be a true copy of any entry of a decision in the register shall be evidence of the entry and of matters contained therein.

NOTES

Initial Commencement

Specified date

Specified date: 1 July 1993: see reg 1.

8. London Local Authorities and Transport for London Act 2003

UK Parliament Acts/L/LO-LT/London Local Authorities and Transport for London Act 2003 (2003 c iii)/Part 1 Preliminary (ss 1-3)/2 Interpretation

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).

NOTES

Initial Commencement

Specified date

Specified date: 30 December 2003: see s 1(1).

UK Parliament Acts/L/LO-LT/London Local Authorities and Transport for London Act 2003 (2003 c iii)/Part 2 Road Traffic and Highways (ss 4-19)/4 Penalty charges for road traffic contraventions

Part 2

Road Traffic and Highways

Penalty charges

NOTES

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

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,*

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 [regulation 4(b) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007].

(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;

(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 [borough councils and Transport for London] 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, [Part 2 of Schedule 9 to the Traffic Management Act 2004 (c 18)] shall apply in relation to the levels of penalty charges under this section as it applies in relation to the levels of penalty charges under that Part of that Schedule].

(13) Before setting the level of any charges under the said [Part 2 of Schedule 9] 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 [appointed pursuant to regulation 15 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007];

"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;

"traffic sign" has the meaning given by section 64(1) of the Act of 1984.

(17) In this section and section 5 (Contraventions of lorry ban order: supplementary) of this Act--

"driver's notice" means a penalty charge notice served under subsection (2)(b)(ii) above on the person appearing to have been the person in control of the vehicle at the time of the alleged contravention of the lorry ban order;

"the lorry ban order" means the Greater London (Restriction of Goods Vehicles) Traffic Order 1985 made by the Greater London Council under section 6 of the Act of 1984, as amended, replaced or substituted by any subsequent order;

"operator of a vehicle" means the holder of any operator's licence in respect of that vehicle under section 2 of the Goods Vehicles (Licensing of Operators) Act 1995 (c 23);

"operator's notice" means a penalty charge notice served under subsection (2)(b)(i) above on the person appearing to be the operator of a vehicle;

"relevant borough council" means the borough council in whose area the alleged contravention or failure occurred.

(18) In determining, for the purposes of any provision of this Act, whether a penalty charge has been paid before the end of a particular period, it shall be taken to be paid when it is received by the council concerned, or as the case may be, Transport for London.

(19) The Secretary of State may, by regulations, amend Schedule 3 to this Act by--

(a) adding any traffic signs to the list of traffic signs in the Schedule; or

(b) making any other amendments to the Schedule as may be necessary as a consequence of any amendment, replacement or substitution of the Traffic Signs Regulations and General Directions 2002 (SI 2002/3113).

NOTES

Initial Commencement

To be appointed

To be appointed: see s 1(2).

Appointment

Appointment (in so far as relating to contraventions of the lorry ban order (The Greater London (Restriction of Goods Vehicles) Traffic Order 1985): 1 April 2004: see the London Gazette, 29 December 2003.

Appointment (in so far as relating to contraventions within the London Borough of Lambeth): 1 November

2005: see the London Gazette, 19 July 2005.

Appointment (in so far as relating to contraventions within the London Borough of Westminster): 21 November 2005: see the London Gazette, 11 August 2005.

Appointment (in so far as relating to contraventions within the London Borough of Hackney): 1 December 2006: see the London Gazette, 11 September 2006.

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

Sub-s (6): in para (b) words "regulation 4(b) of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007" in square brackets substituted by SI 2007/2053, art 8(1), (2)(a) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 8(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

Sub-s (10): words "borough councils and Transport for London" in square brackets substituted by the London Local Authorities and Transport for London Act 2008, s 27(a).

Date in force: 21 September 2008: see the London Local Authorities and Transport for London Act 2008, s 1(2).

Sub-s (12): words from "Part 2 of" to "of that Schedule" in square brackets substituted by SI 2007/2053, art 8(1), (2)(b) (as inserted by SI 2008/757, art 5 and substituted by SI 2011/2938, art 2).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 8(1) (as amended by SI 2008/757, arts 2, 3(b), 5 and by SI 2011/2938, art 2).

Sub-s (13): words "Part 2 of Schedule 9" in square brackets substituted by SI 2007/2053, art 8(1), (2)(c) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 8(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

Sub-s (16): in definition "Joint Committee" words "appointed pursuant to regulation 15 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007" in square brackets substituted by SI 2007/2053, art 8(1), (2)(d) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 8(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

See Further

See further, in relation to the application of this section, with modifications, for the purposes of the London Olympic Games and Paralympic Games Act 2006: the London Olympic Games and Paralympic Games Act 2006, ss 16A, 16B (as inserted by the London Olympic Games and Paralympic Games (Amendment) Act 2011, s 7).

UK Parliament Acts/L/LO-LT/London Local Authorities and Transport for London Act 2003 (2003 c iii)/Part 2 Road Traffic and Highways (ss 4-19)/6 Limitation on service of penalty charge notice

6 Limitation on service of penalty charge notice

(1) *Subject to the provisions of this section, no penalty charge notice may be served under this Act after the expiry of the period of 28 days beginning with the date on which the alleged contravention or failure to comply occurred.*

(2) *[Subsection (2A) below applies] where--*

(a) *a penalty charge notice has been cancelled under paragraph 2 of Schedule 1 to this Act; or*

(b) *a penalty charge notice has been cancelled in compliance with a direction given by a traffic adjudicator under paragraph 4(2) of the said Schedule; or*

(c) *a penalty charge notice is deemed to have been cancelled under paragraph 7(8)(c) of the said Schedule (deemed cancellation where a statutory declaration under paragraph 7(2)(a) of that Schedule is served under paragraph 7(1)(c)); or*

(d) *payment of the penalty charge has been made or has purportedly been made before the expiry of the period mentioned in subsection (1) above but the payment or purported payment is subsequently cancelled or withdrawn].*

[(2A) Subject to subsection (3) below, the borough council or Transport for London, as the case may be, may not serve a fresh penalty charge notice after the expiry of the period of 28 days from--

(a) *the date of the cancellation of the penalty charge notice; or*

(b) *in a case falling within subsection (2)(c) above, the date on which the council or body are served with notice under paragraph 7(8)(d) of the said Schedule; or*

(c) *in a case falling within subsection (2)(d) above, the date on which the council or body received notification that the payment or purported payment had been cancelled or withdrawn.]*

(3) *Subsection (6) below applies where the following conditions are met.*

(4) *The first condition is that where a borough council or Transport for London, as the case may be, has before the expiry of 14 days from--*

(a) *the date on which the alleged contravention or failure to comply occurred; or*

(b) *the date of the cancellation of the penalty charge notice in the case where a penalty charge notice has been cancelled--*

(i) *under paragraph 2 of the said Schedule; or*

(ii) *in compliance with a direction given by a traffic adjudicator under paragraph 4(2) of the said Schedule; or*

(c) *the date on which the borough council or Transport for London, as the case may be, are served with notice under paragraph 7(8)(d) of the said Schedule where the penalty charge notice is deemed to have been cancelled under paragraph 7(8)(c), [or*

(d) *the date on which the council or body receives a notification that the payment or purported payment has been cancelled or withdrawn in the circumstances mentioned in subsection (2)(d) above,]*

made a request to the Secretary of State for the supply of relevant particulars.

(5) *The second condition is that those particulars have not been supplied to the borough council or Transport for London, as the case may be, before the date after which that council or body would not be entitled to serve a penalty charge notice or a fresh penalty charge notice by virtue of [subsection (1) or (2A) above].*

(6) *Where this subsection applies, the borough council or Transport for London, as the case may be, shall continue to be entitled to serve a penalty charge notice or a fresh penalty charge notice for a further period of 6 months beginning with the date mentioned in subsection (5) above.*

(7) *In this section, "relevant particulars" are particulars relating to the identity of the owner of the vehicle contained in the register of mechanically propelled vehicles maintained by the Secretary of State under the Vehicle Excise and Registration Act 1994 (c 22).*

NOTES

Initial Commencement

Specified date

Specified date: 30 December 2003: see s 1(1).

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

Sub-s (2): words "Subsection (2A) below applies" in square brackets substituted by the London Local Authorities and Transport for London Act 2008, s 7(1), (2)(a).

Date in force: 21 September 2008: see the London Local Authorities and Transport for London Act 2008, s 1(2).

Sub-s (2): para (d) and word "or" immediately preceding it substituted by the London Local Authorities and Transport for London Act 2008, s 7(1), (2)(b).

Date in force: 21 September 2008: see the London Local Authorities and Transport for London Act 2008, s 1(2).

Sub-s (2A): inserted by the London Local Authorities and Transport for London Act 2008, s 7(1), (3).

Date in force: 21 September 2008: see the London Local Authorities and Transport for London Act 2008, s 1(2).

Sub-s (4): para (d) and word "or" immediately preceding it inserted by the London Local Authorities and Transport for London Act 2008, s 7(1), (4).

Date in force: 21 September 2008: see the London Local Authorities and Transport for London Act 2008, s 1(2).

Sub-s (5): words "subsection (1) or (2A) above" in square brackets substituted by the London Local Authorities and Transport for London Act 2008, s 7(1), (5).

Date in force: 21 September 2008: see the London Local Authorities and Transport for London Act 2008, s 1(2).

See Further

See further, in relation to the application of this section, with modifications, for the purposes of the London Olympic Games and Paralympic Games Act 2006: the London Olympic Games and Paralympic Games Act 2006, ss 16A, 16B (as inserted by London Olympic Games and Paralympic Games (Amendment) Act 2011, s 7).

UK Parliament Acts/L/LO-LT/London Local Authorities and Transport for London Act 2003 (2003 c iii)/Part 2
Road Traffic and Highways (ss 4-19)/7 Disapplication of offences

7 Disapplication of offences

(1) *This section applies to the following roads--*

- (a) *GLA roads and GLA side roads; and*
- (b) *any other road in the area of a borough council.*

(2) *Section 8 of the Act of 1984 shall apply in respect of a road to which this section applies as if after subsection (1A), the following subsection were inserted--*

"(1B) Subsection (1) above does not apply in relation to any person who acts in contravention of or fails to comply with--

- (a) *an order under section 6 of this Act; or*
- (b) *the lorry ban order within the meaning of section 4 of the **London Local Authorities and Transport for London Act 2003** (penalty charges for road traffic contraventions),*

if as a result a penalty charge is payable under subsection (5) or, as the case may be, subsection (7) of section 4 of that Act."

(3) *Section 11 of the Act of 1984 shall apply in respect of a road to which this section applies as if after subsection (2), the following subsection were inserted--*

*"(2A) This section does not apply in relation to any person who acts in contravention of or fails to comply with an experimental traffic order if as a result a penalty charge is payable under section 4(5) of the **London Local Authorities and Transport for London Act 2003** (penalty charges for road traffic contraventions)."*

(4) *Section 36 of the Road Traffic Act 1988 (c 52) shall apply in respect of a road to which this section applies as if after subsection (1), the following subsection were inserted--*

*"(1A) Subsection (1) above does not apply in relation to any such person who fails to comply with the indication given by the sign if as a result a penalty charge is payable under section 4(5) of the **London Local Authorities and Transport for London Act 2003** (penalty charges for road traffic contraventions)."*

NOTES

Initial Commencement

To be appointed

To be appointed: see s 1(2).

Appointment

Appointment (in so far as relating to contraventions of the lorry ban order (The Greater London

(Restriction of Goods Vehicles) Traffic Order 1985): 1 April 2004: see the London Gazette, 29 December 2003.

Appointment (in so far as relating to contraventions within the London Borough of Lambeth): 1 November 2005: see the London Gazette, 19 July 2005.

Appointment (in so far as relating to contraventions within the London Borough of Westminster): 21 November 2005: see the London Gazette, 11 August 2005.

Appointment (in so far as relating to contraventions within the London Borough of Hackney): 1 December 2006: see the London Gazette, 11 September 2006.

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

See Further

See further, in relation to the application of this section, with modifications, for the purposes of the London Olympic Games and Paralympic Games Act 2006: the London Olympic Games and Paralympic Games Act 2006, ss 16A, 16B (as inserted by London Olympic Games and Paralympic Games (Amendment) Act 2011, s 7).

UK Parliament Acts/L/LO-LT/London Local Authorities and Transport for London Act 2003 (2003 c iii)/SCHEDULE 1 Penalty Charge Notices etc under Section 4 (Penalty Charges for Road Traffic Contraventions) of this Act

SCHEDULE 1

PENALTY CHARGE NOTICES ETC UNDER SECTION 4 (PENALTY CHARGES FOR ROAD TRAFFIC CONTRAVENTIONS) OF THIS ACT

NOTES

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

Section 4

NOTES

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

Representations against penalty charge notice

1

(1) *Where it appears to a person on whom a penalty charge notice has been served under section 4 (Penalty charges for road traffic contraventions) of this Act (in this Schedule referred to as "the recipient") that one or other of the grounds mentioned in sub-paragraph (4) below is satisfied, he may make*

representations to that effect to the enforcing authority.

(2) Any representations under this paragraph must be made in such form as may be specified by the enforcing authority, acting through the Joint Committee (within the meaning of subsection (16) of the said section 4).

(3) The enforcing authority may disregard any such representations which are received by them after the end of the period of 28 days beginning with the date on which the penalty charge notice in question was served.

(4) The grounds referred to in sub-paragraph (1) above are--

(a) that the recipient--

(i) never was the owner of the vehicle in question;

(ii) had ceased to be its owner before the date on which the penalty charge was alleged to have become payable; or

(iii) became its owner after that date;

(b) that there was no--

(i) contravention of a prescribed order; or

(ii) failure to comply with an indication; or

(iii) contravention of the lorry ban order,

under subsection (5) or (7) of the said section 4 as the case may be;

(c) that at the time the alleged contravention or failure took place the person who was in control of the vehicle was in control of the vehicle without the consent of the owner;

(d) that the recipient is a vehicle-hire firm and--

(i) the vehicle in question was at the material time hired from that firm under a vehicle hiring agreement; and

(ii) the person hiring it had signed a statement of liability acknowledging his liability in respect of any penalty charge notice issued in respect of the vehicle during the currency of the hiring agreement; or

(e) that the penalty charge exceeded the amount applicable in the circumstances of the case.

(5) Where the ground mentioned in sub-paragraph (4)(a)(ii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person to whom the vehicle was disposed of by the person making the representations (if that information is in his possession).

(6) Where the ground mentioned in sub-paragraph (4)(a)(iii) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the person from whom the vehicle was acquired by the person making the representations (if that information is in his possession).

(7) It shall be the duty of the enforcing authority to whom representations are duly made under this paragraph--

- (a) *to consider them and any supporting evidence which the person making them provides; and*
- (b) *to serve on that person notice of their decision as to whether they accept that the ground in question has been established.*

(8) *Where the ground that is accepted is that mentioned in sub-paragraph (4)(d) above, the person hiring the vehicle shall be deemed to be its owner for the purposes of this Act.*

(9) *In this paragraph, "vehicle hiring agreement" and "vehicle-hire firm" have the same meanings as in section 66 of the Road Traffic Offenders Act 1988 (c 53) (Hired vehicles).*

Cancellation of penalty charge notice

2

(1) *Where representations are made under paragraph 1 above and the enforcing authority accept that the ground in question has been established they shall--*

- (a) *cancel the penalty charge notice; and*
- (b) *state in the notice served under sub-paragraph (7) of paragraph 1 above that the penalty charge notice has been cancelled.*

(2) *The cancellation of a penalty charge notice under this paragraph shall not be taken to prevent the enforcing authority serving a fresh penalty charge notice on another person.*

Rejection of representations against penalty charge notice

3

Where any representations are made under paragraph 1 above but the enforcing authority do not accept that a ground has been established, the notice served under sub-paragraph (7) of the said paragraph 1 (in this Schedule referred to as "the notice of rejection") must--

- (a) *state that a charge certificate may be served under paragraph 5 below unless before the end of the period of 28 days beginning with the date of service of the notice of rejection--*
 - (i) *the penalty charge is paid; or*
 - (ii) *the person on whom the notice is served appeals to a traffic adjudicator against the penalty charge; and*

(b) *describe in general terms the form and manner in which such an appeal must be made,*

and may contain such other information as the enforcing authority consider appropriate.

Adjudication by traffic adjudicator

4

(1) *Where an enforcing authority serve a notice of rejection, the person who made the representations under paragraph 1 above in respect of which that notice was served may, before--*

- (a) *the end of the period of 28 days beginning with the date of service of that notice; or*
- (b) *such longer period as a traffic adjudicator may allow,*

appeal to a traffic adjudicator against the decision of the enforcing authority.

(2) On an appeal under this paragraph, the traffic adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in paragraph 1(4) above and may give the enforcing authority such directions as he considers appropriate.

(3) It shall be the duty of the enforcing authority to whom a direction is given under sub-paragraph (2) above to comply with it forthwith.

Charge certificates

5

(1) Where a penalty charge notice is served on any person and the penalty charge to which it relates is not paid before the end of the relevant period, the enforcing authority may serve on that person a statement (in this paragraph referred to as a "charge certificate") to the effect that the penalty charge in question is increased by 50 per cent.

(2) The relevant period, in relation to a penalty charge notice is the period of 28 days beginning--

(a) where no representations are made under paragraph 1 above, with the date on which the penalty charge notice is served;

(b) where such representations are made and a notice of rejection is served by the enforcing authority and no appeal against the notice of rejection is made with the date on which the period within which an appeal could have been made expires; or

(c) where there has been an unsuccessful appeal against a notice of rejection, with the date on which notice of the adjudicator's decision is served on the appellant.

(3) Where an appeal against a notice of rejection is made but is withdrawn before the decision of the adjudicator is made the relevant period in relation to a penalty charge notice is the period of 14 days beginning with the date on which the appeal is withdrawn.

Enforcement of charge certificate

6

(1) Where a charge certificate has been served on any person and the increased penalty charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the enforcing authority may, if a county court so orders, recover the increased charge as if it were payable under a county court order.

(2) Any notice of any county court order made under this paragraph and being served on any person shall be accompanied by a copy of the penalty charge notice to which the penalty charge relates.

[(3) Sections 82 and 83 of the Traffic Management Act 2004 shall have effect as though an increased penalty charge recoverable under sub-paragraph (1) were a traffic contravention debt for the purposes of those sections.]

Invalid notices

7

(1) This paragraph applies where--

(a) a county court makes an order under paragraph 6 above;

(b) the person against whom it is made makes a statutory declaration complying with sub-paragraph

(2) below; and

(c) that declaration is, before the end of the period of 21 days beginning with the date on which notice of the county court's order is served on him, served on the county court which made the order.

(2) The statutory declaration must state that the person making it--

(a) did not receive the penalty charge notice in question;

(b) made representations to the enforcing authority under paragraph 1 above but did not receive a notice of rejection from that authority; or

(c) appealed to a traffic adjudicator under paragraph 4 above against the rejection by that authority of representations made by him under paragraph 1 above but had no response to the appeal.

(3) A statutory declaration under this paragraph is invalid and sub-paragraph (8) below shall not apply in relation to the declaration if one or more of the following grounds is met--

(a) the person who made the declaration claims that more than one of the grounds mentioned in sub-paragraph (2) above is met;

(b) the declaration is not signed by any person purporting to make it;

(c) the declaration is not signed by or does not contain an address for a person purporting to be a witness to the signature of the person making it.

(4) The Secretary of State may by regulations amend sub-paragraph (3) above by the addition of further grounds for a statutory declaration to be invalid.

(5) Sub-paragraph (7) below applies where it appears to a district judge, on the application of a person on whom a charge certificate has been served, that it would be unreasonable in the circumstances of his case to insist on him serving his statutory declaration within the period of 21 days allowed for by sub-paragraph (1) above.

(6) In considering an application under sub-paragraph (5) above the district judge must take into consideration any representations made by the enforcing authority before the expiry of the period of 14 days beginning on the date on which copies of the application and the statutory declaration are served by the court on the enforcing authority.

(7) Where this sub-paragraph applies, the district judge may allow such longer period for service of the statutory declaration as he considers appropriate.

(8) Subject to sub-paragraphs (3) above and (10) below, where a statutory declaration is served under sub-paragraph (1)(c) above--

(a) the order of the court shall be deemed to have been revoked;

(b) the charge certificate shall be deemed to have been cancelled;

(c) in the case of a statutory declaration under sub-paragraph (2)(a) above, the penalty charge notice to which the charge certificate relates shall be deemed to have been cancelled; and

(d) the district judge shall serve written notice of the effect of service of the statutory declaration on the person making it and on the enforcing authority.

(9) Service of a declaration under sub-paragraph (2)(a) above shall not prevent the enforcing authority serving a fresh penalty charge notice but if, when it was served, the relevant order under paragraph 6 was accompanied by a copy of the penalty charge notice to which the charge certificate relates, a fresh penalty

charge notice in the same terms shall be deemed to have been served on the person making the declaration on the same day as the declaration was served.

(10) *Where--*

(a) *sub-paragraph (7) above applies; and*

(b) *the order of the court is deemed to have been revoked under sub-paragraph (8) above,*

the enforcing authority concerned shall not be liable to pay the person making the declaration any sums other than the increased charge which was payable under the county court order.

(11) *Where a declaration has been served under sub-paragraph (2)(b) or (c) above, the enforcing authority shall refer the case to the traffic adjudicator who may give such direction as he considers appropriate.*

Offence of giving false information

8

(1) *A person who, in response to a penalty charge notice served under section 4 (Penalty charges for road traffic contraventions) of this Act makes any representation under paragraph 1 or 4 above which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.*

(2) *Any person guilty of such an offence shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.*

Service by post

9

Any charge certificate, or notice under section 4 (Penalty charges for road traffic contraventions) of this Act or this Schedule--

(a) *may be served by post; and*

(b) *where the person on whom it is to be served is a body corporate, is duly served if it is sent by post to the secretary or clerk of that body.*

Traffic Adjudicators

10

(1) *Functions of traffic adjudicators under this Schedule shall be discharged by the persons who are appointed as [adjudicators under regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)].*

[(2) *The Road Traffic (Parking Adjudicators) (London) Regulations 1993 shall (despite the repeal of section 73(11) and (12) of the Road Traffic Act 1991, under which the Regulations were made) continue in force for the purpose of applying to proceedings before traffic adjudicators under this Act, and for that purpose section 73(11) to (13) shall continue to have effect.*

(3) *Regulations 12(6) and (7) (reports by adjudicators and joint committee), 19 (power to require attendance and production of documents) and 25 (recovery of amount payable under an adjudication) of the Bus Lane Contraventions (Penalty Charges, Adjudication and Enforcement) (England) Regulations 2005 shall apply--*

- (a) to traffic adjudicators as they apply to adjudicators appointed under those Regulations; and
- (b) to the Joint Committee as they apply to the Joint Committee appointed pursuant to those Regulations,

but regulation 25 of those Regulations shall not apply to a penalty charge under section 4 of this Act which remains payable following an adjudication under this Schedule.]

Interpretation

11

In this Schedule "the enforcing authority", in relation to any penalty charge notice or charge certificate, means--

- (a) where the notice was served by a borough council, or the certificate relates to a notice so served, that council;
- (b) where the notice was served by Transport for London, or the certificate relates to a notice so served, Transport for London.

NOTES

Initial Commencement

To be appointed

To be appointed: see s 1(1), (2).

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

Para 6: sub-para (3) substituted by SI 2007/2053, art 8(1), (4)(a) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 8(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

Para 10: in sub-para (1) words "adjudicators under regulation 17 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (SI 2007/3483)" in square brackets substituted by SI 2007/2053, art 8(1), (4)(b)(i) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 8(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

Para 10: sub-paras (2), (3) substituted by SI 2007/2053, art 8(1), (4)(b)(ii) (as inserted by SI 2008/757, art 5).

Date in force: this amendment applies for a transitional period beginning with 31 March 2008: see SI 2007/2053, arts 1(2), 8(1) (as amended by SI 2008/757, arts 2, 3(b), 5).

See Further

See further, in relation to the application of this Schedule, with modifications, for the purposes of the London Olympic Games and Paralympic Games Act 2006: the London Olympic Games and Paralympic Games Act 2006, ss 16A, 16B (as inserted by London Olympic Games and Paralympic Games (Amendment) Act 2011, s 7).

UK Parliament Acts/L/LO-LT/London Local Authorities and Transport for London Act 2003 (2003 c iii)/SCHEDULE 3 Scheduled Traffic Signs for the Purposes of Section 4 (Penalty Charges for Road Traffic Contraventions) of this Act

SCHEDULE 3

SCHEDULED TRAFFIC SIGNS FOR THE PURPOSES OF SECTION 4 (PENALTY CHARGES FOR ROAD TRAFFIC CONTRAVENTIONS) OF THIS ACT

NOTES

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

Section 4

NOTES

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

1

Column 1 of the table below sets out the description of the sign, which corresponds with the description as set out in the Traffic Signs Regulations and General Directions 2002 (SI 2002 No 3113) "(the 2002 Regulations)" of the requirement, restriction or prohibition conveyed by the relevant traffic sign.

2

Column 2 of the table sets out the corresponding number given to the diagram illustrating the relevant traffic sign in those regulations.

3

The signs include permitted variants of the signs as described in the 2002 Regulations.

4

The traffic sign with diagram number 616 is a scheduled traffic sign for the purposes of section 4 (Penalty charges for road traffic contraventions) of this Act only if it indicates a restriction or prohibition which may be indicated by another sign listed in the table.

(1)	(2)
Description	Diagram Number
Vehicular traffic must proceed in the direction indicated by the arrow	606
Vehicular traffic must turn ahead in the direction indicated by the arrow	609
Vehicular traffic must comply with the requirements prescribed in regulation 15	610
No right turn for vehicular traffic	612

No left turn for vehicular traffic	613
No U-turns for vehicular traffic	614
Priority must be given to vehicles from the opposite direction	615, 615.1
No entry for vehicular traffic	616
All vehicles prohibited except non-mechanically propelled vehicles being pushed by pedestrians	617
Entry to pedestrian zone restricted (Alternative types)	618.2
Entry to and waiting in pedestrian zone restricted (Alternative types)	618.3
Entry to and waiting in pedestrian zone restricted (Variable message sign)	618.3A
Motor vehicles prohibited	619
Motor vehicles except solo motor cycles prohibited	619.1
Solo motor cycles prohibited	619.2
Goods vehicles exceeding the maximum gross weight indicated on the goods vehicle symbol prohibited	622.1A
One way traffic	652
Route for use by buses and pedal cycles only	953
Route for use by tramcars only	953.1
Part of the carriageway outside a school entrance where vehicles should not stop	1027.1
Marking conveying the requirements prescribed by regulation 29(2) and Part II of Schedule 19	1043, 1044

NOTES

Initial Commencement

To be appointed

To be appointed: see s 1(1), (2).

Amendment

Repealed by the Traffic Management Act 2004, s 98, Sch 12, Pt 1.

Date in force: to be appointed: see the Traffic Management Act 2004, s 99(1).

9. GREATER LONDON AUTHORITY ACT 1999 TRANSPORT ACT 2000

Greater London Low Emission Zone Charging Order 2006

GREATER LONDON AUTHORITY ACT 1999

TRANSPORT ACT 2000

Greater London Low Emission Zone Charging Order 2006

Made 13 November 2006

Confirmed with modifications 2007

Coming into force In accordance with article 1

ARRANGEMENT OF INSTRUMENT

THE ORDER

1. Citation and commencement
2. Scheme

SCHEDULE TO THE ORDER

GREATER LONDON LOW EMISSION ZONE CHARGING SCHEME

1. Interpretation
2. Charging area
3. Designation of roads in charging area
4. Relevant vehicles
5. Emissions standards
6. Imposition of charges
7. Payment of charges
8. Amount of charge
9. Register of compliant and non-chargeable vehicles
10. Refunds of charges
11. Application of charge to different date or vehicle
12. Penalty charge for non-payment of charge
13. Immobilisation of vehicles
14. Removal of vehicles
15. Ten year plan for net proceeds
16. Duration of scheme

ANNEXES TO THE SCHEME

1. Deposited Plans

2. Emissions Limit Values for Compliant Vehicles
3. Transport for London's General Plan for Applying its Share of any Net Proceeds of this Scheme during the Opening Ten Year Period

Whereas—

- (1) It appears to Transport for London expedient, for the purposes of facilitating the achievement of policies and proposals in the Mayor of London's Transport and Air Quality Strategies published pursuant to sections 142 and 362 respectively of the Greater London Authority Act 1999(a), that it should make the following Order:
- (2) Under paragraph 9(7) of Schedule 23 to the Greater London Authority Act 1999 the Secretary of State has consented that the Scheme in the Schedule to this Order may impose charges in respect of trunk roads:

Now, therefore, Transport for London, in exercise of the powers conferred on it by sections 295 and 420(1) of the Greater London Authority Act 1999, by Schedule 23 to that Act, and of all other powers enabling it in that behalf, hereby makes the following Order:—

Citation and commencement

1. This Order may be cited as the Greater London Low Emission Zone Charging Order 2006 and shall come into force on whichever is the later of the following days—

- (a) the day immediately following the day on which the Mayor confirms this Order;
- (b) the day on which the Secretary of State approves the plan set out in Annex 3 to the Scheme in the Schedule to this Order.

Scheme

2. The Scheme in the Schedule to this Order shall have effect.

Signed by authority of Transport for London

Dated 13 November 2006

Peter Hendy
Commissioner, Transport for London

(a) 1999 c. 29; Schedule 23 was amended by the Transport Act 2000 (c. 38).

SCHEDULE TO THE ORDER

Article 2

GREATER LONDON LOW EMISSION ZONE CHARGING SCHEME

Interpretation

1. In this Scheme—

- (a) “1994 Act” means the Vehicle Excise and Registration Act 1994(a);
- (b) “boundary plan” means a plan defining part of the boundary of the low emission zone;
- (c) “charge” means a charge imposed by article 6 except to the extent that this Scheme otherwise provides or that context otherwise requires;
- (d) “charging area” means the area designated by article 2;
- (e) “charging day” means the period of twenty four hours from midnight to midnight;
- (f) “class” in relation to any vehicle shall be construed in accordance with paragraph 2 of Annex 2;
- (g) “compliant vehicle” has the meaning given by article 4(3);
- (h) “deposited plans” means the portfolio of plans comprising the zone plan and the boundary plans—
 - (i) deposited at the offices of Transport for London at Faith Lawson House, 15-17 Dacre Street, London, SW1 0NR; and
 - (ii) consisting of the plans bearing the sheet numbers or letters, drawing numbers, and revision letters, if any, and signed by the person named in relation to each plan, specified in Annex 1 to the Scheme;
- (i) “designated road” means one of the designated roads specified in article 3(2);
- (j) “low emission zone” means the area shown shaded on the zone plan the boundaries of which are defined on the boundary plans;
- (k) “non-chargeable vehicle” has the meaning given by article 4(4);
- (l) “outstanding” in relation to a penalty charge shall be construed in accordance with regulation 11(2) of the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001(b);
- (m) “penalty charge” has the meaning given in regulation 2(1) of the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001;
- (n) “register” means the register of compliant and non-chargeable vehicles to be maintained by Transport for London under article 9(1);
- (o) “registered keeper” means—
 - (i) in relation to a vehicle registered in the United Kingdom, the person in whose name the vehicle is registered under the 1994 Act; or
 - (ii) in relation to any other vehicle, the person by whom the vehicle is kept;
- (p) “relevant vehicle” has the meaning given by article 4;
- (q) “standards” in relation to a vehicle means the emissions standards set out in article 5 and Annex 2;
- (r) “working day” means a day other than—
 - (i) a Saturday or Sunday;

(a) 1994 c. 22.

(b) S.I. 2001/2285, amended by S.I. 2003/109.

- (ii) New Year's Day;
 - (iii) Good Friday;
 - (iv) Christmas Day;
 - (v) any other day which is a bank holiday;
 - (vi) the earliest 3 days falling after 26th December which are not bank holidays, and in this paragraph "bank holiday" means a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(a);
 - (s) "zone plan" means the plan showing the low emission zone.
- (2) In this Scheme—
- (a) a reference in any provision to an instrument of the European Community is to that instrument as amended at the date on which this Scheme comes into effect;
 - (b) a reference in any provision to an authorised person is to a person authorised by Transport for London for the purposes of that provision and different persons may be authorised for the purposes of different provisions; and
 - (c) where a person has been authorised to act on behalf of Transport for London in relation to any matter a reference to Transport for London shall be taken to include a reference to that person.
- (3) For the purposes of this Scheme—
- (a) a sum of money shall be taken to have been paid on the date on which payment is received by Transport for London; and
 - (b) the number of seats of a vehicle shall be taken to be the same as the seating capacity of the vehicle calculated in accordance with the principles set out in regulation 44 of the Road Vehicles (Registration and Licensing) Regulations 2002(b).

Charging area

2. Greater London is hereby designated as the area to which this Scheme applies.

Designation of roads in charging area

- 3.—(1) Charges are imposed by this Scheme in respect of the designated roads.
(2) All roads within the low emission zone are designated roads.

Relevant vehicles

- 4.—(1) A relevant vehicle is a vehicle falling within a specified class that is not—
- (a) a compliant vehicle; or
 - (b) a non-chargeable vehicle.
- (2) The classes specified for the purposes of paragraph (1) are Class M₂, Class M₃, Class N₁ subclasses (ii) and (iii), Class N₂ and Class N₃.
- (3) A vehicle is a compliant vehicle if—
- (a) the vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme; and
 - (b) particulars of the vehicle are for the time being entered in the register.
- (4) A vehicle is a non-chargeable vehicle if—
- (a) the vehicle falls within one of the classes of non-chargeable vehicles specified in paragraph (5); and

(a) 1971 c. 80.
(b) S.I. 2002/2742.

- (b) particulars of the vehicle are for the time being entered in the register.
- (5) The following classes of vehicle are specified for the purposes of paragraph (4)(a)—
- (a) Any vehicle which belongs to any of Her Majesty’s forces or is in use for the purposes of any of those forces;
 - (b) any vehicle that Transport for London is satisfied is used for naval, military or air force purposes and not registered under the 1994 Act, while it is being used on a road by a member of a visiting force or a member of a headquarters or organisation;
 - (c) any vehicle constructed before 1st January 1973;
 - (d) any showman’s vehicle that is neither a trailer nor a semi-trailer and is permanently fitted with a special type of body or superstructure forming part of the equipment of the show of the person in whose name the vehicle is registered;
 - (e) any vehicle in respect of which Transport for London is satisfied that it is not a vehicle constructed or adapted for general use on roads.
- (6) In this article—
- (a) “member of a visiting force” and “member of a headquarters or organisation” have the meaning given in paragraph 1(2) of Schedule 5 to the Road Vehicles (Registration and Licensing) Regulations 2002;
 - (b) “showman’s vehicle” means a vehicle that is—
 - (i) registered under the 1994 Act or, in a country other than the United Kingdom, in accordance with that country’s rules governing the registration of such vehicles, in the name of a person following the business of a travelling showman; and
 - (ii) used solely by that person for the purposes of his business and no other purpose;
 - (c) “trailer” and “semi-trailer” have the meaning given by regulation 3 of the Road Vehicles (Construction and Use) Regulations 1986(a).

Emissions standards

5. A vehicle meets the standards required of a compliant vehicle for the purposes of this Scheme if Transport for London is satisfied—

- (a) before 3 January 2012 that the vehicle meets the emissions standards specified for that vehicle in Table 1 of Annex 2; and
- (b) on or after 3 January 2012 that the vehicle meets the emissions standards specified for that vehicle in Table 2 of Annex 2.

Imposition of charges

6.—(1) Subject to the following provisions of this Scheme, a charge of an amount specified in article 8 is imposed in respect of—

- (a) a relevant vehicle of class N₃ for each charging day within the period beginning with 4th February 2008 and ending on 6th July 2008 on which it is at any time used on one or more designated roads;
- (b) a relevant vehicle of class M₃, N₂ or N₃ for each charging day within the period beginning with 7th July 2008 and ending on 2nd January 2012 on which it is so used;
- (c) any relevant vehicle for each charging day which falls after 2nd January 2012 on which it is so used.

(a) S.I. 1986/1078.

Payment of charges

7.—(1) A charge shall be paid to Transport for London in accordance with the following provisions.

- (2) A charge may be paid only in respect of—
 - (a) a single charging day; and
 - (b) a particular vehicle.
- (3) A vehicle referred to in paragraph (2)(b) shall be identified by its registration mark; and—
 - (a) the payer of a charge shall specify to Transport for London the registration mark of the vehicle in respect of which that charge is paid;
 - (b) a payment shall not be valid in respect of any vehicle having a registration mark different from the mark so specified.
- (4) A charge may only be paid—
 - (a) on a day falling within the period of 64 working days immediately preceding the charging day concerned;
 - (b) on that charging day; or
 - (c) on or before the next working day after that charging day.
- (5) The charge shall be paid by one of the following means—
 - (a) if the charge is paid on or before the charging day concerned—
 - (i) by post;
 - (ii) by call centre; or
 - (iii) on-line; and
 - (b) if the charge is paid on or before the next working day after the charging day concerned—
 - (i) by call centre; or
 - (ii) on-line.
- (6) For the purposes of this paragraph and paragraph (5)—
 - (a) a charge is paid by post if the form provided by Transport for London for payment of the particular charge is sent, duly completed and accompanied by a cheque, or completed to enable payment to be made by credit or debit card, by pre-paid post to the address given on the form;
 - (b) a charge is paid by call centre if it is paid by credit or debit card through the call centre provided for the purpose by Transport for London;
 - (c) a charge is paid on-line if it is paid by credit or debit card through the web-site provided for the purpose by Transport for London;
 - (d) “cheque” means a cheque, or postal order, crossed “account payee” and drawn in favour of “Transport for London Low Emission Zone”;
 - (e) “credit or debit card” means—
 - (i) “Visa”, “MasterCard”, “Delta”, “Maestro”; or
 - (ii) any other credit or debit card the name of which is for the time being published by Transport for London on its web-site as being acceptable to it.
- (6A) Notwithstanding article 1(3)(a), where a charge is paid by cheque in accordance with paragraph (6)(a), the cheque and the duly completed form must be received by Transport for London not later than 10 working days before the charging day concerned.
- (7) Where payment is not received by Transport for London (whether because a cheque is dishonoured or otherwise), the charge shall be treated as not paid.

Amount of charge

- 8.** The amount of the charge imposed by article 6 shall be—
- (a) in respect of a relevant vehicle of classes M₃, N₂ or N₃, £200 per charging day;
 - (b) in respect of a relevant vehicle of class M₂ and class N₁ sub-classes (ii) and (iii), £100 per charging day.

Register of compliant and non-chargeable vehicles

9.—(1) Transport for London shall maintain a register of compliant and non-chargeable vehicles (“the register”) for the purposes of article 4(3) and (4) which require particulars of such vehicles to be entered in the register.

- (2) An application to enter particulars of a vehicle on the register—
- (a) shall include all such information as Transport for London may reasonably require; and
 - (b) shall be made by such means as Transport for London may accept.
- (3) If Transport for London is satisfied that a vehicle—
- (a) complies with the standards required of a compliant vehicle; or
 - (b) falls within a class of non-chargeable vehicle,

it shall enter particulars of the vehicle in the register.

(4) If Transport for London is satisfied that a vehicle, particulars of which are entered in the register, no longer—

- (a) complies with the standards required of a compliant vehicle; or
- (b) falls within a class of non-chargeable vehicle,

it may remove the particulars of the vehicle from the register.

(5) Where the registered keeper of such a vehicle is aware that the vehicle has ceased or will cease to—

- (a) comply with the standards required of a compliant vehicle; or
- (b) fall within a class of non-chargeable vehicle,

the registered keeper shall notify Transport for London of the fact and Transport for London may remove the particulars of the vehicle from the register forthwith, or from the date notified to Transport for London as the date on which it will cease to be such a vehicle.

(6) Nothing in this article shall prevent the making of a fresh application under paragraph (2) for particulars of a vehicle to be entered in the register after they have been removed from it in accordance with any provision of this article.

Refunds of charges

10.—(1) A person who has paid a charge may obtain a refund in accordance with the following provisions of this article.

(2) An application for a refund shall be made by post to Transport for London at the address specified for the purpose on the receipt for payment of the charge (“the receipt”).

(3) The application shall state the date in respect of which the charge was paid and be accompanied by one of the following documents—

- (a) the receipt;
- (b) a photocopy of the receipt;
- (c) a statement of the number of the receipt; or
- (d) the registration document issued by the Secretary of State under the 1994 Act for the vehicle to which the charge relates or, in the case of a vehicle registered in a country other than the United Kingdom, an equivalent registration document issued by the appropriate body in that country,

and the applicant shall provide such further information to Transport for London as it may reasonably require.

(4) An application for a refund shall not be valid unless it is received by Transport for London at least 7 working days before the date in respect of which the charge was paid.

Application of charge to different date or vehicle

11.—(1) Subject to the following provisions of this article, on an application by a person who has paid a charge, Transport for London may treat that charge as if it had been paid in respect of—

- (a) a day other than the day in respect of which the charge was originally paid; or
- (b) a registration mark different from that specified under article 7(3).

(2) An application under paragraph (1) shall—

- (a) be made either by post or by telephone;
- (b) include particulars of the receipt number for payment of the charge and such evidence as Transport for London may reasonably require to show that the applicant is the person who has paid that charge; and
- (c) specify a day in respect of which the charge is to be applied under paragraph (1)(a) which complies with paragraph (5) or, as the case may be, specify the registration mark in respect of which the charge is to be applied under paragraph (1)(b).

(3) In this article “the application date” in relation to an application means the day on which an application which complies with the requirements of paragraph (2) is received by Transport for London.

(4) An application under paragraph (1)(a) shall be of no effect unless the application date falls—

- (a) in the case of a postal application, before the beginning of the period of 7 working days ending with the day for which the charge was originally paid; or
- (b) in the case of a telephone application, on or before the day for which the charge was originally paid.

(5) No day may be specified under paragraph (2)(c) which is—

- (a) earlier than—
 - (i) in the case of a postal application, the last day of the period of 8 working days beginning with the application date; or
 - (ii) in the case of a telephone application, the day after the application date; or
- (b) later than the last day of the period of 65 working days beginning with the application date.

Penalty charge for non-payment of charge

12.—(1) A penalty charge shall be payable for each charging day as respects which—

- (a) a relevant vehicle has been used on a designated road in circumstances in which a charge is imposed by article 6;
- (b) the charge has not been paid in full in the manner in which and within the time by which it is required to be paid by article 7.

(2) A penalty charge payable by virtue of paragraph (1) shall be paid within the period (“the payment period”) of 28 days beginning with the date on which a penalty charge notice is served under regulation 12 of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001(a) in respect of the penalty charge and in a manner specified in the penalty charge notice.

(3) The amount of a penalty charge payable in accordance with paragraph (1) shall be—

(a) S.I. 2001/2313, amended by S.I. 2003/108.

- (a) in respect of relevant vehicles of classes M₃, N₂ and N₃, £1,000 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount shall be reduced by one half to £500; or;
- (b) in respect of relevant vehicles of class M₂ and class N₁ sub-classes (ii) and (iii), £500 but, if the penalty charge is paid before the end of the fourteenth day of the payment period, the amount shall be reduced by one half to £250.

(4) Where a charge certificate is issued in accordance with regulation 17(1) of the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001, the amount of the penalty charge to which it relates shall be increased by one half to—

- (a) in respect of relevant vehicles of classes M₃, N₂ and N₃, £1,500; or
- (b) in respect of relevant vehicles of class M₂ and class N₁ sub-classes (ii) and (iii), £750.

Immobilisation of vehicles

13.—(1) This article applies where an authorised person has reason to believe that there are at least 3 penalty charges outstanding in relation to a relevant vehicle which is stationary on a road in the charging area.

(2) Where this article applies, the authorised person or a person acting under the authorised person's direction may—

- (a) fix an immobilisation device to the vehicle while it remains in the place where it is stationary; or
- (b) move it, or require it to be moved, to another place on that road or another road and fix an immobilisation device to the vehicle in that other place.

(3) Where an immobilisation device is fixed to a vehicle in accordance with paragraph (2), the person fixing the device shall also fix to the vehicle an immobilisation notice—

- (a) indicating that the device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from the device;
- (b) stating that the vehicle may only be released from the device by or under the direction of an authorised person;
- (c) stating that the notice must not be removed or interfered with except by or on the authority of an authorised person; and
- (d) specifying the steps to be taken to secure its release including the penalty charge payable under paragraph (4) and the person to whom and the means by which that charge may be paid.

(4) A vehicle to which an immobilisation device has been fixed in accordance with the provisions of this Scheme—

- (a) may be released only by or under the direction of an authorised person; and
- (b) subject to paragraph (4)(a), shall be released—
 - (i) if all outstanding penalty charges are paid to Transport for London; and
 - (ii) if a penalty charge of £100 for the release of the vehicle from the immobilisation device is so paid.

Removal of vehicles

14.—(1) This article applies where an authorised person has reason to believe that there are at least 3 penalty charges outstanding in relation to a relevant vehicle which is stationary on a road in the charging area.

(2) Where this article applies, the authorised person or a person acting under the authorised person's direction, may remove the vehicle and deliver it to Transport for London or to a person authorised by Transport for London to keep vehicles so removed (a “custodian”).

(3) Where a vehicle has been removed and delivered into the custody of a custodian in accordance with paragraph (2), Transport for London or the custodian may (whether or not any claim is made under regulation 15 or 16 of the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001) recover from the person who was the owner of the vehicle when the vehicle was removed—

- (a) all penalty charges that are outstanding in relation to the vehicle;
- (b) a penalty charge of £250 for its removal;
- (c) a penalty charge of £100 for each complete day or part of a day on which it has been held by Transport for London or a custodian; and
- (d) if the vehicle has been disposed of, a penalty charge of £70 for its disposal.

Ten year plan for net proceeds

15. Annex 3 to this Scheme constitutes the statement, under paragraph 19 of Schedule 23 to the Greater London Authority Act 1999, of Transport for London's general plan for applying its share of the net proceeds, if any, of this Scheme during the opening ten year period, which Transport for London has prepared and submitted to the Secretary of State for Transport for approval.

Duration of scheme

16. This Scheme shall remain in force indefinitely.

ANNEX 1 TO THE SCHEME
DEPOSITED PLANS

Article 1(h)

<i>(1)</i> <i>Sheet.</i>	<i>(2)</i> <i>Drawing No. & revision letter</i>	<i>(3)</i> <i>Signatory</i>
A	G060245A-DD-300 Revision B	David Brown
1	G060254A-DD-001	Peter Hendy
2	G060254A-DD-002	Peter Hendy
3	G060254A-DD-003	Peter Hendy
5	G060254A-DD-005 Revision A	Ken Livingstone
6	G060254A-DD-006 Revision A	Ken Livingstone
7	G060254A-DD-007 Revision A	Ken Livingstone
8	G060254A-DD-008 Revision A	Ken Livingstone
9	G060254A-DD-009 Revision B	David Brown
9A	G060245A-DD-009A	David Brown
9B	G060245A-DD-009B	David Brown
9C	G060245A-DD-009C	David Brown
9D	G060245A-DD-009A	David Brown
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11	G060254A-DD-011	Peter Hendy
12	G060254A-DD-012	Peter Hendy
13	G060254A-DD-013 Revision A	David Brown
14	G060254A-DD-014 Revision A	David Brown
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257	G060254A-DD-257	Peter Hendy

ANNEX 2 TO THE SCHEME

Article 5

EMISSIONS STANDARDS FOR COMPLIANT VEHICLES

- 1.—(1) Subject to paragraph (3) a vehicle meets the standards set out in Table 1 if—
- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the EC emissions standard specified for that vehicle in column (e) of the Table;
 - (b) in respect of a vehicle approved as a light duty vehicle for emissions purposes under Council Directive 70/220/EEC^(a), the vehicle has been adapted, by means of an exhaust after-treatment system or otherwise, so that the limit values for the emission of particulate matter specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table; or
 - (c) in respect of all other vehicles, the limit values for the emission of particulate matter specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.
- (2) Subject to paragraph (3) a vehicle meets the standards set out in Table 2 if—
- (a) the vehicle is certified by the appropriate national approval authority as having been manufactured to satisfy the EC emissions standard specified for that vehicle in column (e) of the Table; or
 - (b) the vehicle has been adapted, by means of an exhaust after-treatment system or otherwise, so that the limit values for the emission of particulate matter specified for the vehicle in column (f) would not be exceeded during the appropriate test or tests specified in column (g) of the Table.
- (3) (a) In respect of a vehicle falling within a class specified in row (4) or row (7) of Table 1 or Table 2 the Type I test shall not be considered an appropriate test for the purposes of determining whether the vehicle is a compliant vehicle unless that vehicle has been approved as a light duty vehicle for emissions purposes under Council Directive 70/220/EEC.
- (b) In respect of a vehicle—
- (i) falling within a class specified in rows (4) to (8) inclusive of Table 1 or rows (4) or (5) of Table 2; and
 - (ii) fitted with an exhaust after-treatment system,
- the ESC test shall not be considered an appropriate test for the purposes of determining whether the vehicle is a compliant vehicle.

Table 1 —BEFORE 3 JANUARY 2012

<i>(a)</i> Row No.	<i>(b)</i> Class of vehicle	<i>(c)</i> Maximum mass of vehicle, where relevant (kilograms)	<i>(d)</i> Reference mass of vehicle, where relevant (kilograms)	<i>(e)</i> EC emissions standard	<i>(f)</i> Limit values for mass of particulate matter emissions	<i>(g)</i> Appropriate tests
(1)	M ₂	not exceeding 2,500		Euro 3	0.05 g/km	Type I
(2)	M ₂	exceeding 2,500 and not	exceeding 1,305 and not	Euro 3	0.07 g/km	Type I

(a) O.J. No. L 76, 6.4.1970, p.1, as amended.

		exceeding 3,500	exceeding 1,760			
(3)	M ₂	exceeding 2,500 and not exceeding 3,500	Exceeding 1,760	Euro 3	0.10 g/km	Type I
(4)	M ₂	exceeding 3,500	not exceeding 2,840	Euro 3 or Euro III	0.10 g/km (Type I), 0.10g/kWh (ESC) or 0.16g/kWh (ETC)	Type I, ESC or ETC
(5)	M ₂	exceeding 3,500	Exceeding 2,840	Euro III	0.10 g/kWh (ESC) or 0.16g/kWh (ETC)	ESC or ETC
(6)	M ₃ , N ₃			Euro III	0.10 g/kWh (ESC) or 0.16g/kWh (ETC)	ESC or ETC
(7)	N ₂		not exceeding 2,840	Euro 3 or Euro III	0.10 g/km (Type I), 0.10g/kWh (ESC) or 0.16g/kWh (ETC)	Type I, ESC or ETC
(8)	N ₂		exceeding 2,840	Euro III	0.10 g/kWh (ESC) or 0.16g/kWh (ETC)	ESC or ETC
(9)	N ₁ sub-class (ii)			Euro 3	0.07 g/km	Type I
(10)	N ₁ sub-class (iii)			Euro 3	0.10 g/km	Type I

Table 2 —ON OR AFTER 3 JANUARY 2012

<i>(a)</i> Row No.	<i>(b)</i> Class of vehicle	<i>(c)</i> Maximum mass of vehicle, where relevant (kilograms)	<i>(d)</i> Reference mass of vehicle, where relevant (kilograms)	<i>(e)</i> EC emissions standard	<i>(f)</i> Limit values for mass of particulate matter emissions	<i>(g)</i> Appropriate tests
(1)	M ₂	not exceeding 2,500		Euro 3	0.05 g/km	Type I
(2)	M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,305 and not exceeding 1,760	Euro 3	0.07 g/km	Type I
(3)	M ₂	exceeding 2,500 and not exceeding 3,500	exceeding 1,760	Euro 3	0.10g/km	Type I
(4)	M ₂	exceeding 3,500	not exceeding 2,840	Euro 3 or Euro III	0.10 g/km (Type I), 0.10g/kWh (ESC) or 0.16g/kWh (ETC)	Type I, ESC or ETC
(5)	M ₂	exceeding 3,500	exceeding 2,840	Euro III	0.10 g/kWh (ESC) or 0.16g/kWh (ETC)	ESC or ETC

(6)	M ₃ , N ₃			Euro IV	0.02 g/kWh (ESC) and 0.03 g/kWh (ETC)	both ESC and ETC
(7)	N ₂		not exceeding 2,840	Euro 4 or Euro IV	0.06g/km (Type I) or 0.02 g/kWh (ESC) and 0.03 g/kWh (ETC)	Type I or both ESC and ETC
(8)	N ₂		exceeding 2,840	Euro IV	0.02 g/kWh (ESC) and 0.03 g/kWh (ETC)	both ESC and ETC
(9)	N ₁ sub-class (ii)			Euro 3	0.07 g/km	Type I
(10)	N ₁ sub-class (iii)			Euro 3	0.10 g/km	Type I

2. For the purposes of this Scheme—

- (a) “ambulances” has the meaning given in Annex II.A of Council Directive 70/156/EEC(a);
- (b) “chassis dynamometer test” means a test carried out by means of a chassis dynamometer using a test cycle that Transport for London is satisfied replicates so far as practicable the standard ETC test cycle;
- (c) “Class M₂” comprises vehicles powered by compression-ignition engine and designed and constructed to have more than eight seats in addition to the drivers seat and intended for the carriage of passengers, and having a maximum mass not exceeding 5,000 kilograms;
- (d) “Class M₃” comprises vehicles powered by compression-ignition engine and designed and constructed to have more than eight seats in addition to the drivers seat and intended for the carriage of passengers, and having a maximum mass exceeding 5,000 kilograms;
- (e) “Class N₁ sub-class (ii)” comprises:
 - (i) ambulances and hearses having a maximum mass exceeding 2,500 kilograms and which, applying item 2 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as class N₁ sub-class (ii) vehicles for emissions purposes;
 - (ii) motor caravans having a maximum mass exceeding 2,500 kilograms; and
 - (iii) vehicles designed and constructed for the carriage of goods
in each case powered by compression-ignition engine and having a reference mass exceeding 1,305 kilograms but not exceeding 1,760 kilograms and a maximum mass not exceeding 3,500 kilograms;
- (f) “Class N₁ sub-class (iii)” comprises:
 - (i) ambulances and hearses having a maximum mass exceeding 2,500 kilograms and which, applying item 2 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as class N₁ sub-class (iii) vehicles for emissions purposes;
 - (ii) motor caravans having a maximum mass exceeding 2,500 kilograms; and
 - (iii) vehicles designed and constructed for the carriage of goods,

(a) O.J. No. L42, 23.2.1970, p.1, as amended.

in each case powered by compression-ignition engine and having a reference mass exceeding 1,760 kilograms and a maximum mass not exceeding 3,500 kilograms;

- (g) “Class N₂” comprises:
 - (i) ambulances and hearses which, applying item 2 or item 41 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as class N₂ vehicles for emissions purposes;
 - (ii) motor caravans; and
 - (iii) vehicles designed and constructed for the carriage of goods, in each case powered by compression-ignition engine and having a maximum mass exceeding 3,500 kilograms but not exceeding 12,000 kilograms;
- (h) “Class N₃” comprises:
 - (i) ambulances and hearses which, applying item 41 of Appendix 1, Annex XI, Council Directive 70/156/EEC, would be treated as class N₃ vehicles for emissions purposes;
 - (ii) motor caravans; and
 - (iii) vehicles designed and constructed for the carriage of goods, in each case powered by compression-ignition engine and having a maximum mass exceeding 12,000 kilograms;
- (i) “engine test bench ETC test” means a test as described in section 2.14 of Annex I to Council Directive 88/77/EEC and carried out using the procedure described in Appendices 2 and 3, Annex III of that Directive; and
- (j) “ESC test” means a test as described in section 2.12 of Annex I to Council Directive 88/77/EEC^(a) and carried out using the procedure described in Appendix 1, Annex III of that Directive;
- (k) “ETC test” means an engine test bench ETC test or a chassis dynamometer test;
- (l) “exhaust after-treatment system” means a system installed downstream of the engine of a vehicle for the purposes of reducing emissions of particulate matter, and operating by means of a particulate filter or trap, NO_x catalyst system, or both;
- (m) “Euro 3” means the emissions limit values set out in the rows corresponding with Category A in the first of the tables at section 5.3.1.4 of Annex I to Council Directive 70/220/EEC;
- (n) “Euro 4” means the emissions limit values set out in the rows corresponding with Category B in the first of the tables at section 5.3.1.4 of Annex I to Council Directive 70/220/EEC;
- (o) “Euro III” means the emissions limit values set out in Row A of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (p) “Euro IV” means the emissions limit values set out in Row B1 of Table 1 and Table 2 of section 6.2.1 of Annex I to Council Directive 88/77/EEC;
- (q) “g/km” means grams per kilometre;
- (r) “g/kWh” means grams per kilowatt-hour;
- (s) “hearses” has the meaning given in Annex II.A of Council Directive 70/156/EEC;
- (t) “maximum mass” in relation to a vehicle means the technically permissible maximum laden mass as specified by the manufacturer;
- (u) “motor caravans” has the meaning given in Annex II.A of Council Directive 70/156/EEC;
- (v) “reference mass” in relation to a vehicle means the mass of the vehicle with bodywork and, in the case of a towing vehicle, with coupling device, if fitted by the manufacturer, in running order, or mass of the chassis or chassis with cab, without bodywork and/or coupling device if the manufacturer does not fit the bodywork and/or coupling device

(a) O.J. No. L 36, 9.2.1988, p.33, as amended.

(including liquids and tools, and spare wheel if fitted, and with the fuel tank filled to 90% and the other liquid containing systems, except those for used water, to 100% of the capacity specified by the manufacturer), increased by a uniform mass of 100 kilograms;

- (w) “NO_x” means oxides of nitrogen; and
- (x) “Type I test” means a test as described in section 5.3 of Annex I to Council Directive 70/220/EEC (test for simulating/verifying the average tailpipe emissions after a cold start) and carried out using the procedure described in Annex III of that Directive.

ANNEX 3 TO THE SCHEME

Article 15

**TRANSPORT FOR LONDON'S GENERAL PLAN FOR APPLYING ITS SHARE
OF ANY NET PROCEEDS OF THIS SCHEME DURING THE OPENING TEN
YEAR PERIOD**

Subject to the Scheme Order being confirmed in May 2007, the earliest date that the proposed Greater London Low Emission Zone charging scheme ("LEZ") could commence is February 2008. This plan therefore covers the ten year period 2008 to 2018 with particular reference to the early part of this period.

It is not anticipated that the proposed LEZ would generate any net revenues. Indeed, the more vehicles that are compliant with the LEZ standards, the less revenue Transport for London would make from the daily charge and penalty notices. The objective of the LEZ is to take steps towards meeting London's air quality objectives and limit values, and by so doing reduce exposure of people to excessive levels of particulate matter ('PM'), and the illnesses these cause or exacerbate. This would be done by applying a substantial daily charge so that operators would make an economic decision whether or not to take their vehicles into the zone. The charge would be set at such a level as to encourage operators to modify or replace their vehicles, and so maximise the air quality and health benefits of the LEZ.

However, in the unlikely event that net revenues were generated from the proposed LEZ over the opening ten year period, it is envisaged that these revenues would be used to support value for money measures consistent with the objectives of the Mayor's Transport and Air Quality Strategies and so help bring improvements across Greater London. These improvements could include:

(1) Air quality technology and monitoring improvements. Initiatives could include:

- Further development, testing and subsequent introduction of new technology for the London bus fleet to reduce emissions, including fuel cell buses, hybrid buses and exhaust emissions reduction technology;
- Continued implementation of the Mayor's Taxi Emissions Strategy;
- Enhancement of equipment and/or expansion of sites in the London air quality monitoring network; and
- Funding measures in borough Air Quality Action Plans.

These initiatives would help contribute to the Government's objectives for improving air quality, improving health and reducing greenhouse gas emissions.

(2) Traffic management initiatives to ensure efficient use of the road network and to improve air quality. Initiatives could include:

- Additional funding of boroughs in the implementation of the Traffic Management Act and development of Road Network Management Plans to ensure greater journey reliability;
- Promotion of Workplace and School Travel Plans;
- Promotion of car-sharing and car club schemes;
- Additional action to reduce the number of buses and coaches leaving their engines idling when stationary at designated stands; and
- Enhanced enforcement systems for red routes, Congestion Charging, the Low Emission Zone and yellow-box junctions to improve traffic flows.

These initiatives would help contribute to the Government's objectives for improving air quality, making better use of the existing road network, reducing greenhouse gas emissions and reducing road congestion.