

# London Local Authorities and Transport for London

## **DRAFT BILL PREPARED FOR THE PURPOSES OF PARAGRAPH 2 OF SCHEDULE 13 TO THE GREATER LONDON AUTHORITY ACT 1999**

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A  
**BILL**

to confer further powers upon local authorities in London and upon Transport for London; and for related purposes.

**W**HEREAS-

- (1) It is expedient that further and better provision should be made for the improvement and development of local government services in London and for the benefit of persons residing therein and that the powers of London borough councils and the Common Council of the City of London (hereinafter referred to as “London borough councils”) and of Transport for London should be extended and amended as provided in this Act:
- (2) It is expedient that London borough councils and Transport for London should have powers of enforcement in relation to certain road traffic offences:
- (3) It is expedient that further provision should be made in relation to parking in London:
- (4) It is expedient that provision be made about vehicle crossings over footways and verges:
- (5) It is expedient that provision be made about street works:
- (6) It is expedient that provision be made enabling fixed penalty notices to be served in respect of certain offences:
- (7) It is expedient that the other provisions contained in this Act should be enacted:
- (8) The purposes of this Act cannot be effected without the authority of Parliament:
- (9) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972(c.70) and the other participating councils (namely, the Common Council of the City of London and all the other London borough councils) have complied with the requirements of section 87 of the London Government Act 1985(c.51):

- (10) In relation to the promotion of the Bill for this Act Transport for London have complied with the requirements of section 167 of and Schedule 13 to the Greater London Authority Act 1999 (c.29):
- (11) In relation to the promotion of the Bill for this Act the London borough councils have acted through their representation in the Association of London Government, a statutory joint committee whose membership is made up from members of all the London borough councils:

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

## **PART I PRELIMINARY**

### **1 Citation and commencement**

- (1) This Act may be cited as the London Local Authorities and Transport for London Act 2002 and except where otherwise provided shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (2) The London Local Authorities Acts 1990 to 2000 and this Act may together be cited as the London Local Authorities Acts 1990 to 2002.

### **2 Interpretation**

- (1) In this Act, except as otherwise expressly provided or unless the context otherwise requires –
- “the Act of 1984” means the Road Traffic Regulation Act 1984 (c. 27); and
- “borough council” means London borough council and includes the Common Council in its capacity as a local authority and “borough” and “council” shall be construed accordingly.
- (2) For the purposes of 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 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 (1994 c.22).

## **PART 2**

### **ROAD TRAFFIC AND HIGHWAYS**

#### **3 Penalty charges for road traffic contraventions**

- (1) Where –
- (a) in relation to a GLA road or GLA side road, Transport for London, or, subject to subsection (2) below, the relevant council; or
  - (b) in relation to any other road in Greater London, the relevant council, or subject to subsection (3) 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 notice is payable under this section with respect to a vehicle by the owner of the vehicle or the person in charge of the vehicle, Transport for London, or, as the case may be, the relevant council may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle, or as the case may be, the person in charge of the vehicle.
- (2) The relevant council shall not exercise the power conferred by subsection (1)(a) above unless it has obtained the consent in writing of Transport for London.
- (3) Transport for London shall not exercise the power conferred by subsection (1)(b) above unless it has obtained the consent in writing of the relevant council.
- (4) For the purposes of this section, a penalty charge is payable by the owner of a vehicle with respect to a vehicle if the person in charge of the vehicle –

- (a) acts in contravention of a prescribed order; or
  - (b) acts in contravention of the lorry ban order; or
  - (c) fails to comply with an indication given by a scheduled section 36 traffic sign.
- (5) For the purposes of this section, a penalty charge is payable by the person in charge of a vehicle with respect to a vehicle if that person acts in contravention of the lorry ban order.
- (6) The following provisions of the London Local Authorities Act 1996 (c. ix) shall apply as though references therein to penalty charges under Part II of that Act included references to penalty charges under this section and as though references to penalty charge notices served under section 4 of that Act included references to penalty charge notices served under this section or section 4 (London Lorry Ban) of this Act.
- (7) Those provisions are –
- (a) subsections (3) and (4) of section 4 (Penalty charge notices under Part II);
  - (b) section 6 (Enforcement notices, etc., under Part II);
  - (c) section 8 (Fixing of penalty charges); and
  - (d) Schedule 1 (except paragraph 7 thereof).
- (8) 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.
- (9) **Schedule 1** to this Act shall have effect with respect to financial provisions relating to the provisions of this section.
- (10) In this section –

“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;

“prescribed order” means an order under section 6 or 9 of the Act of 1984 which makes provision for a relevant traffic control;

“relevant council” means the council in whose area the contravention or failure occurred;

“relevant traffic control” means any requirement, restriction or prohibition 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 scheduled traffic sign of a type to which section 36 (Drivers to comply with traffic signs) of the Road Traffic Act 1988 applies by virtue of regulations made under section 64(3) of the Act of 1984;

“scheduled traffic sign” means a traffic sign of the type described in **Schedule 2** to this Act”;

“traffic sign” has the meaning given by section 64(1) of the Act of 1984.

- (11) In determining, for the purposes of any provision of this Act, or any provision of the London Local Authorities Act 1996 as applied by subsection (6) above, 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.
- (12) The Secretary of State may, by regulations, amend Schedule 2 to this Act by adding any traffic signs to the list of traffic signs in the Schedule.

#### **4 London Lorry Ban**

- (1) This section applies to a penalty charge which is payable by virtue of subsection (4)(b) of **section 3** (Penalty charges for road traffic contraventions) of this Act.
- (2) In addition to the matters which must be stated in a penalty charge notice by virtue of subsection (3) of section 4 (penalty charge notices under Part II) of the London Local Authorities Act 1996 as applied by subsection (6) of the said section 3, a penalty charge notice in respect of a penalty charge to which this section applies shall also state that before the end of the period of 14 days beginning with the date of the notice, the owner of the vehicle must provide the council, or as the case may be, Transport for London, with the name and address of the person who was in charge of the vehicle when the contravention took place.
- (3) The council, or as the case may be, Transport for London, may, in respect of a penalty charge notice in respect of a penalty charge to which this section applies, require any person to give any information which it is in his power to give and which may lead to the identification of the driver.
- (4) Any person who in response to a requirement stated in a penalty charge notice by virtue of subsection (2) above fails to comply with the requirement shall be guilty of an offence unless he shows to the satisfaction of the court that he did not know, and could not with reasonable diligence have ascertained, who was the driver of the vehicle; and a person who fails to comply with the requirements of subsection (3) above shall be guilty of an offence.
- (5) A person guilty of an offence under subsection (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### **5 Disapplication of offences**

- (1) Section 8 of the Act of 1984 shall apply in the area of a council as if after subsection (1A), the following subsection was inserted:-

“(1B) Subsection (1) above does not apply in relation to a prescribed order under **section 3** (Penalty charges for road traffic contraventions) of the London Local Authorities Act 2002 or in relation to the lorry ban order (as defined in that section).”

- (2) Section 11 of the Act of 1984 shall apply in the area of a council as if after subsection (2), the following subsection was inserted:-

“(2A) This section does not apply in relation to any prescribed order under **section 3** (Penalty charges for road traffic contraventions) of the London Local Authorities Act 2002 or in relation to the lorry ban order (as defined in that section).”

- (3) Section 36 of the Road Traffic Act 1988 (c.52) shall apply in the area of a council as if after subsection (1), the following subsection was inserted:-

“(1A) Subsection (1) above does not apply in relation to a scheduled section 36 traffic sign within the meaning of **section 3** (Penalty charges for road traffic contraventions) of the London Local Authorities Act 2002.”

## **6 Hired vehicles**

- (1) This section applies where -
- (a) a penalty charge notice has been served under **section 3** (Penalty charges for road traffic contraventions) of this Act on a vehicle-hire firm;
  - (b) at the time of the alleged contravention the vehicle in respect of which the notice was served was let to another person by the vehicle-hire firm under a hiring agreement to which this section applies; and
  - (c) within the period allowed for representations the firm provides the council by or on whose behalf the notice was served with the documents mentioned in subsection (2) below.

- (2) Those documents are a statement on an official form, signed by or on behalf of the firm, stating that at the time of the alleged contravention the vehicle concerned was hired under a hiring agreement to which this section applies, together with -
- (a) a copy of that hiring agreement, and
  - (b) a copy of a statement of liability signed by the hirer under that hiring agreement.
- (3) In this section a “statement of liability” means a statement made by the hirer under a hiring agreement to which this section applies to the effect that the hirer acknowledges that he will be liable, as the owner of the vehicle, in respect of any section 3 contravention which may be committed with respect to the vehicle during the currency of the hiring agreement and giving such information as may be prescribed by the council or Transport for London, as the case may be.
- (4) In any case where this section applies, **section 3** (Penalty charges for road traffic contraventions) and **section 4** (London Lorry Ban) of this Act and the provisions of the London Local Authorities Act 1996 as applied by subsection (5) of that section shall have effect as if -
- (a) any reference to the owner of the vehicle were a reference to the hirer under the hiring agreement, and
  - (b) accordingly references in the said sections 3 and 4, and the said provisions so applied (with the exceptions mentioned below) to a penalty charge notice include references to a notice served under the said sections 3 and 4 as they apply by virtue of this section.

This subsection does not apply to references to a penalty charge notice in this section.

- (5) In any case where this section applies, a person authorised in that behalf by the council or by Transport for London, as the case may be, to whom the documents mentioned in subsection (2) above are provided may, at any reasonable time within six months after service of the penalty charge notice

(and on the production of his authority) require the firm to produce the originals of the hiring agreement and statement of liability in question.

- (6) If a vehicle-hire firm fails to produce the original of a document when required to do so under subsection (5) above, this section shall thereupon cease to apply (and the said sections 3 and 4 and the said provisions so applied shall apply accordingly in any such case after that time as it applies in a case where the person on whom the penalty charge notice was served has failed to make representations in response to the notice within the period allowed).
- (7) This section applies to a hiring agreement under the terms of which the vehicle concerned is let to the hirer for a fixed period of less than six months (whether or not that period is capable of extension by agreement between the parties or otherwise); and any reference in this section to the currency of the hiring agreement includes a reference to any period during which, with the consent of the vehicle-hire firm, the hirer continues in possession of the vehicle as hirer, after the expiry of the fixed period specified in the agreement, but otherwise on the terms and conditions so specified.
- (8) In this section –

“hiring agreement” refers only to an agreement which contains the prescribed particulars and does not include a hire-purchase agreement within the meaning of the Consumer Credit Act 1974, and

“prescribed particulars” means such particulars as may be prescribed by regulations under section 84 of the Road Traffic Offenders Act 1988 (c.53) and which qualify an agreement as a hiring agreement under section 66(8) of that Act;

“section 3 contravention” means a contravention of an order or a failure to comply with an indication given by a scheduled section 36 traffic sign, in respect of which contravention or failure a penalty charge is payable under **section 3** (Penalty charge for road traffic contraventions) of this Act;

“vehicle-hire firm” means any person engaged in hiring vehicles in the course of a business.

#### **7 Parking: application of revenue**

Section 55 of the Road Traffic Regulation Act 1984 (c. 27) shall apply in respect of a borough council and Transport for London as if, at the end of paragraph (f) of subsection (4) the following paragraph were inserted:-

“(fa) in the case of a London authority, meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them.”

#### **8 False applications for parking authorisations**

- (1) Proceedings for an offence under section 115(2) of the Road Traffic Regulation Act 1984, insofar as that subsection relates to any authorisation which may be issued by a borough council or by Transport for London, may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge: but no such proceedings shall be brought by virtue of this section more than 3 years after the commission of the offence.
- (2) For the purposes of subsection (1) above a certificate signed by or on behalf of the prosecutor, the borough council, or, as the case may be, Transport for London and stating the date on which evidence such as is mentioned in that subsection came to his or their knowledge, shall be conclusive evidence of that fact; and a certificate stating that matter and purporting to be so signed shall be deemed to be signed unless the contrary is proved.

#### **9 Parking at dropped footways and vehicle crossovers**

- (1) This section shall apply to any part of the carriageway of a road in a special parking area in a borough adjacent to a dropped footway or a vehicle crossover and which is not subject to an order under section 6 or section 9 of

the Road Traffic Regulation Act 1984 prohibiting the stopping of vehicles in that part of the road.

(2) A driver of a vehicle shall not at any time cause it to stop on a part of a road to which this section applies and the prohibition under this subsection shall be enforceable as if it had been imposed by an order under the said section 6.

(3) Nothing in subsection (2) above shall require the placing of any traffic signs in connection with the prohibition thereby imposed .

(4) In this section -

“dropped footway” means any part of the footway where it has been lowered to meet the level of the carriageway for the purpose of assisting pedestrians crossing the road; and

“vehicle crossover” means any part of a kerbed footway or a verge over which the occupier of any premises adjoining or having access to the road habitually takes or permits to be taken a vehicle to or from those premises

#### **10 Road Traffic Act 1991: statutory declarations**

(1) Paragraph 8 of schedule 6 to the Road Traffic Act 1991 (c.40) applies in the area of a borough as follows.

(2) After subsection (3) the following subsections are inserted:-

“(3A) An application under subsection (3) must state the grounds of the application.

(3B) On the same date that the application is made, the person who makes the application must serve a copy of the application on the London Authority concerned.

(3C) The district judge must take into consideration -

(a) the grounds of the application; and

(b) any representations made by the London Authority before the expiry of the period of 21 days beginning on the date when the application was made.”

(3) In sub-paragraph (5), at the beginning the words “Subject to sub-paragraph (5A) below” are inserted.

(4) After sub-paragraph (5) the following sub-paragraph is inserted :-

“(5A) Sub-paragraph (5) above shall not apply if the court considers that the statutory declaration is invalid for any reason or is untrue.”.

## **11 Vehicle crossings over footways and verges**

(1) Where –

- (a) the occupier of any premises adjoining or having access to a highway habitually takes or permits to be taken a mechanically propelled vehicle across a kerbed footway or a verge in the highway to or from those premises; and
- (b) the highway authority has not served a notice on the owner and occupier of the premises under section 184 (1) or (3) of the Act of 1980; and
- (c) the highway authority has not constructed a vehicle crossing under section 40 of the Highways Act 1971 or section 184 of the Act of 1980 (which replaces the said section); and
- (d) no crossing was constructed before the commencement of the said section 40,

the relevant authority may serve a notice within the period specified in the notice, being no sooner than 28 days from the date on which the notice is served, requiring the occupier to cease taking or permitting to be taken mechanically propelled vehicles across the kerbed footway or verge.

(2) In determining whether to exercise their powers under subsection (1) above, the relevant authority shall have regard to –

- (a) the need to prevent damage to a footway or verge;

- (b) the need to ensure so far as practicable, safe access to and egress from premises;
  - (c) the need to facilitate, so far as practicable, the passage of vehicular traffic in and parking of vehicles on highways; and
  - (d) the need to prevent obstruction of the footway or verge.
  
- (3) A notice under subsection (1) above shall inform the person on whom it is served of his right to object to the notice and shall state the effect of subsection (9) below.
  
- (4) A person on whom a notice under subsection (1) above is served may within 28 days from the date of his being served therewith object to the notice on any of the following grounds which are appropriate in the circumstances of the particular case :-
  - (a) that the notice is not justified by the terms of subsection (1) above;
  - (b) that there has been some defect or error in, or in connection with, the notice;
  - (c) that the requirement in the notice is unreasonable.
  
- (5) An objection under subsection (1) above shall be made by notice to the relevant authority, and the notice shall state the grounds of objection.
  
- (6) Where objection is made to a notice given by a relevant authority under subsection (1) above, that authority shall send a copy of the notice and of the notice of objection to the Minister.
  
- (7) If objection is made to such a notice and the objection is not withdrawn the notice does not become effective until it has been confirmed by the Minister, and the Minister after considering the objection may confirm the notice without modification or subject to such modifications as he thinks fit.

- (8) Subject to subsection (7) above, such a notice becomes effective at the expiration of the period during which the person served therewith may object to it.
- (9) Where a notice under subsection (1) above has become effective, the authority by whom the notice was served may execute such works as may be necessary to prevent mechanically propelled vehicles from being taken across the footway or verge, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the premises in question.
- (10) If a person -
- (a) knowingly uses a footway or verge as a crossing in contravention of a notice given under subsection (1) above; or
  - (b) knowingly permits it to be so used ; or
  - (c) without reasonable excuse removes, damages, alters or defaces any works executed under subsection (9) above;
- he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.
- (11) In this section –
- “the Act of 1980” means the Highways Act 1980 (c.66);
- “highway” means a highway maintainable at the public expense by a borough council or by Transport for London;
- “Minister” has the same meaning as in section 329 of the Act of 1980; and
- “relevant authority” means
- (a) Transport for London in respect of a kerbed footway or verge in a highway maintained by them; and
  - (b) the borough council, in respect of any kerbed footway or verge in any highway maintained by them.

## **12 Reinstatement of streets and statutory undertakers' works**

- (1) The permanent reinstatement of a maintainable street in Greater London shall, under section 71 of the Act of 1991 include, in particular, the reinstatement of the surface of the street, so far as is reasonably practicable, so that the appearance of any part of the street which has been broken up and reinstated matches the appearance of the surface of the street in the vicinity of that part of the street.
- (2) Where the object of subsection (1) cannot be achieved by the reinstatement of the part of the street which has been broken up by the undertaker concerned, the undertaker shall be under a duty to carry out works to such other part of the street as is necessary to ensure that it can be achieved.
- (3) Regulations and codes of practice under section 71 of the 1991 Act may, in relation to maintainable streets in Greater London, prescribe requirements relating to works to be carried out to such part of a street, other than the part of the street which is to be broken up by the undertaker, as is necessary to ensure that the appearance of the surface of the part of the street which is to be reinstated matches, so far as is reasonably practicable, the appearance of the surface of the street in the vicinity of the area to be reinstated.
- (4) In this section and in **section 13** (Provision of facilitating apparatus by statutory undertakers) of this Act –
  - “the Act of 1991” means the New Roads and Street Works Act 1991(c.22);
  - “maintainable street” means a street maintainable by a local highway authority;
  - “undertaker” has the same meaning given to it under section 48(4) and (5) of the Act of 1991.

- (5) This section shall come into operation at the end of the period of six months beginning with the date on which this Act is passed.

**13 Provision of facilitating apparatus by statutory undertakers**

- (1) This section applies where -
- (a) an undertaker, under section 54 of the 1991 Act, gives advanced notice to a street authority of the execution of works for a major project involving the breaking up of a maintainable street in Greater London and the placing or replacing of apparatus in the street; or
  - (b) an application is made by an undertaker for a street works licence which would permit such a project.
- (2) Where this section applies, the street authority may require the undertaker –
- (a) to place facilitating apparatus in the street; or
  - (b) to enable the street authority to place facilitating apparatus in the street;
- when the undertaker carries out his works, and the undertaker shall comply with any such requirement.
- (3) Subject to subsection (4) below, any such requirement shall be made by the street authority -
- (a) no later than 28 days before the expiry of the period of advanced notice given by the undertaker under section 54 of the Act of 1991; or
  - (b) as a condition of the street works licence, as the case may be.
- (4) Subsection (3) above does not apply in the case where the period of advanced notice given under the said section 54 is less than 56 days. In such cases, the street authority may make such requirement any time before the expiry of the period of the advanced notice.

- (5) Any additional cost reasonably incurred by the undertaker in executing works required under subsection (2)(a) above shall be borne by the street authority.
- (6) Where an undertaker is aggrieved by any requirement made by a street authority under subsection (2) above on either of the grounds mentioned in subsection (7) below, he may make an application for a determination from the Secretary of State under subsection (8) below.
- (7) The grounds are –
  - (a) that the requirement is unreasonable because the disadvantages caused by the delay which will be caused to the completion of his works outweighs any advantages which may be gained by the requirement being met;
  - (b) that the requirement is unreasonable because there is some technical reason why it cannot be met.
- (8) On an application for a determination under this subsection, the Secretary of State may make such determination as he thinks fit.
- (9) An undertaker shall not be liable to conviction for an offence under sections 54(5) or section 55(5) of the Act of 1991 in respect of the carrying out of works required under subsection (2) above.
- (10) An undertaker executing works required under subsection (2)(a) above shall afford the street authority reasonable facilities for ascertaining whether he is complying with any requirements under that subsection.
- (11) An undertaker who fails to afford the street authority such facilities commits an offence in respect of each failure and is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (12) Subject to subsection (13) below, the street authority shall indemnify the undertaker against any loss in respect of compensation payable by the undertaker under section 82 of the Act of 1991 insofar as such compensation

is payable in relation to the execution of works required under subsection (2)(a) above.

- (13) Subsection (12) above does not apply in respect of damage or loss which is attributable to misconduct or negligence on the part of the undertaker or on the part of any person for whom he is responsible.
- (14) For the purposes of subsection (13) above, the person for whom a person is responsible are his contractors and any person in his employ or that of his contractors.
- (15) Subject to subsection (16) below, any facilitating apparatus placed under subsection (2) above shall remain the property of the street authority.
- (16) The street authority may enter into agreements with undertakers for the acquisition of facilitating apparatus or any interest therein.
- (17) The Secretary of State may issue or approve for the purposes of this section a code of practice giving practical guidance as to the exercise by street authorities of the power conferred by subsection (2) above; and in exercising that power a street authority shall have regard to the code of practice.
- (18) This section shall come into operation on such date as the Secretary of State first issues a code of practice under subsection (17) above or at the end of the period of six months beginning with the date on which this Act is passed, whichever is the sooner.
- (19) In this section –
  - “facilitating apparatus” means such apparatus as may be placed in a street which is suitable for the purpose of enabling other apparatus to be placed in the street at a later date –
    - (a) without the need to break up the street; or
    - (b) reducing significantly the extent to which the street needs to be broken up;

“major project” means a project which has been identified specifically in the annual operating programme of the undertaker or highway authority, or which, though not specifically identified in such programme, would normally be planned at least six months in advance of works commencing;

“street authority” has the same meaning as in section 49 of the Act of 1991; and

“undertaker” has the same meaning as in section 48(4) of the Act of 1991.

#### **14 Fixed penalty offences**

(1) Where on any occasion

- (a) an authorised officer of a council; or
- (b) an authorised officer of Transport for London,

finds a person who he has reason to believe has on that occasion committed an offence under any of the enactments mentioned in columns (1) and (2) of table 1 set out in **schedule 3** to this Act and described in column (3) of that table, the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.

(2) The powers of an authorised officer of a council under subsection (1) above may be exercised only in relation to offences alleged to have been committed in respect of a highway in respect of which the council is highway authority.

(3) The powers of an authorised officer of Transport for London under subsection (1) above may be exercised only in relation to offences alleged to have been committed in respect of a GLA road or a GLA side road.

- (4) **Sections 15** (Fixed penalty notices) and **16** (Fixed penalties: Reserve powers of Secretary of State) of this Act shall apply in respect of fixed penalty notices under this section.
- (5) The Secretary of State may, by regulations, amend **Schedule 6** to this Act by the addition of further offences to the list of offences therein described.

**15 Fixed penalty notices**

- (1) The provisions of this section shall have effect in relation to notices (in this section referred to as “fixed penalty notices”) which may be given under **section 14** (Fixed penalty offences) of this Act.
- (2) Where a person is given a fixed penalty notice in respect of an offence—
  - (a) no proceedings shall be instituted for that offence before the expiration of fourteen days following the date of the notice; and
  - (b) he or she shall not be convicted of that offence if he or she pays the fixed penalty before the expiration of that period.
- (3) A notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
  - (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
  - (b) the amount of the fixed penalty; and
  - (c) the name of the person to whom and the address at which the fixed penalty may be paid; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (4) Where a letter is sent in accordance with subsection (3) above, payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.

- (5) The form of notices under this section shall be such as the Secretary of State may by order prescribe.
- (6) It shall be the duty of the councils and Transport for London to set the levels of fixed penalties payable to them.
- (7) Different levels may be set for different areas in London and for different cases or classes of case.
- (8) In setting the level of fixed penalty under subsection (7) above the councils and Transport for London may take account of –
  - (a) any reasonable costs or expected costs incurred or to be incurred in connection with the administration of the provisions of the enactment under which the particular fixed penalty offence is created; and
  - (b) the cost or expected cost of enforcing the provisions of the relevant enactment.
- (9) Levels of fixed penalties set by the councils and Transport for London in accordance with this section may only come into force in accordance with **section 16** (Fixed penalties: reserve power of Secretary of State) of this Act.
- (10) The councils and Transport for London shall publish, in such manner as the Secretary of State may determine, the levels of fixed penalties which have been set by the councils and Transport for London in accordance with this section.
- (11) The fixed penalty payable in pursuance of a fixed penalty notice under this section shall be paid to the council or Transport for London, as the case may be.
- (12) The functions conferred on borough councils and Transport for London by subsections (6) and (10) above shall be discharged by the joint committee.

(13) **Schedule 1** to this Act shall have effect with respect to financial provisions relating to the provisions of this section.

(14) In this section, “the joint committee” means a single joint committee under section 101(5) of the Local Government Act 1972 formed by the borough councils and Transport for London and nominated as the joint committee for the purposes of this section by the Association of London Government, such nomination to be made before the end of the period of two months commencing on the date on which this Act is passed.

**16 Fixed penalties: reserve powers of Secretary of State**

(1) Where the borough councils and Transport for London set any levels of fixed penalties under subsection (6) of **section 15** (Fixed penalty notices) of this Act, they shall notify the Secretary of State of the levels of fixed penalties so set.

(2) Where notification of any levels of fixed penalties is required to be given under subsection (1) above, the levels of fixed penalties shall not come into force until after the expiration of –

(a) the period of one month beginning with the day on which the notification is given, or

(b) such shorter period as the Secretary of State may allow.

(3) If, before the expiration of that period, the Secretary of State gives notice to the joint committee that he objects to the levels of fixed penalties on the grounds that some or all of them are or may be excessive, those levels of fixed penalties shall not come into force unless and until the objection has been withdrawn.

(4) If, at any time before the levels of fixed penalties required to be notified under subsection (1) above to the Secretary of State have come into force, the Secretary of State considers that some or all of them are excessive, he may make regulations setting the levels of fixed penalties.

- (5) Levels of fixed penalties set under subsection (4) above must be no higher than those notified under subsection (1) above.
- (6) Regulations under subsection (4) above are without prejudice to the duty imposed on borough councils and Transport for London by subsection (6) of **section 15** (Fixed penalty notices) of this Act; but where the Secretary of State makes any such regulations the borough councils and Transport for London must not set any further fixed penalties under the said subsection (6) until after the expiration of the period of twelve months beginning with the day on which the regulations are made.

### **PART 3**

#### **SUPPLEMENTARY**

#### **17 Authorised officers**

- (1) In this Act “authorised officer” means any employee of the borough council or of Transport for London who is authorised in writing by the council or, as the case may be, Transport for London to act in relation to the relevant provision of this Act .
- (2) In subsection (1) above, the reference to any employee of the council or of Transport for London includes references to -
- (a) any person by whom, in pursuance of arrangements made with the council or Transport for London, any functions under this Act fall to be discharged; and
  - (b) any employee of any such person.

#### **18 Obstruction of authorised officer**

- (1) Any person who-
- (a) intentionally obstructs any authorised officer acting in the exercise of his powers under this Act; or
  - (b) without reasonable cause fails to give any authorised officer any assistance or information which the officer may reasonably require

of him for the purposes of the exercise of the officer's functions under any provision of the Act;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (2) Subsection (1)(b) above applies in relation to a constable as it applies in relation to an authorised officer.
- (3) A person shall be guilty of an offence if, in giving any information which is required of him by virtue of subsection (1)(b) above –
  - (1) he makes any statement which he knows is false in a material particular; or
  - (2) he recklessly makes a statement which is false in a material particular.
- (4) A person guilty of an offence under subsection (3) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

## **19 Defence of due diligence**

- (1) In proceedings for an offence under this Act it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, no later than 7 clear days before the hearing, he has served in the prosecutor, a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person

## **20 Liability of Directors, etc.**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

- (2) Where the affairs of the body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## **21 Regulations**

- (1) Any power to make regulations conferred by this Act includes power to make provision in respect of such cases only as may be specified in the regulations and to make different provision for different circumstances.
- (3) Any power to make regulations conferred by this Act shall be exercised by statutory instrument.
- (3) Any statutory instrument made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**SCHEDULE 1**

FINANCIAL PROVISIONS RELATING TO SECTION 3 (PENALTY CHARGES FOR ROAD TRAFFIC CONTRAVENTIONS) AND SECTION 15 (FIXED PENALTY NOTICES) OF THIS ACT

1. Transport for London and each borough council shall keep accounts of their income and expenditure in respect of -
  - (a) **section 3** (Penalty charges for road traffic contraventions) of this Act; and
  - (b) the administration and enforcement of each of the enactments listed in **schedule 3** to this Actand (except where otherwise provided) the following provisions of this schedule shall have effect with respect to each of those accounts.
  
2. At the end of each financial year any deficit in the account shall be made good out of -
  - (a) in the case of a borough council, their general fund; and
  - (b) in the case of Transport for London, the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 in calculating Transport for London's component budget for the financial year in question;and (subject to paragraphs 3 and 4 below) any surplus shall be applied for all or any of the purposes specified in paragraph 7 below, and in so far as it is not so applied, shall be appropriated to the carrying out of some specific project falling within those purposes and carried forward until applied to carrying it out.
  
3. Any amount not applied by a borough council in any financial year may, if that council so determine, be carried forward in the account kept under paragraph 1 above to the next financial year.

4. Any amount not applied by Transport for London in any financial year may, if Transport for London so determine, be carried forward in the account kept under paragraph 1 above to the next financial year.
5.
  - (1) This paragraph applies to accounts kept under paragraph 1(a) above.
  - (2) Transport for London and each borough council shall, after each financial year, report to the Mayor of London on any action taken by them, pursuant to paragraph 2 or 3 above, in respect of any deficit or surplus in their account for the year.
6. The report under paragraph 5 above shall be made as soon after the end of the financial year to which it relates as possible.
7. The purposes referred to in paragraph 2 above are –
  - (a) the making good
    - (i) in the case of a borough council, to their general fund;  
and
    - (ii) in the case of Transport for London, to the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 in calculating Transport for London’s component budget for the financial year in question;  
of any amount charged to that fund under paragraph 2 above in the four years immediately preceding the financial year in question;
  - (b) meeting costs incurred whether by the council or by some other person, in the provision or operation of, or of facilities for, public passenger transport services;
  - (c) the purposes of a project connected with the carrying out by the appropriate highway authority (whether or not the borough council) of any operation which, within the meaning of the Highways Act 1980 constitutes the improvement of a highway in the council’s area; and

- (d) meeting costs incurred by the borough council or Transport for London in respect of the maintenance of roads maintainable by them at the public expense.
- (e) meeting all or any part of the cost of the doing by the council or Transport for London in their area of anything -
  - (i) which facilitates the implementation of the London transport strategy; and
  - (ii) which is for the time being specified in that strategy as a purpose for which a surplus may be applied by virtue of this paragraph; and
- (f) making to any other London authority contributions towards the cost of the doing by that other authority or anything towards the doing of which in its own area the authority making the contribution has power –
  - (i) to apply any surplus on the account required to be kept under paragraph 1 above; or
  - (ii) to incur expenditure required to be brought into that account.

8. In paragraph 7 above –

“London authority” means Transport for London or a borough council;  
and

“the London transport strategy” means the transport strategy prepared and published under section 142 (the Mayor’s transport strategy) of the Greater London Authority Act 1999.

9. For the purposes of paragraph 7 above, Transport for London’s area shall be taken to be Greater London.

**SCHEDULE 2**

**SCHEDULED TRAFFIC SIGNS FOR THE PURPOSES OF SECTION 3  
(PENALTY CHARGES FOR ROAD TRAFFIC CONTRAVENTIONS)**

1. Column 1 of the table below sets out the description as set out in the Traffic Signs Regulations 1994 (S.I. 1994 No. 1519) 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.

<b>1. Description</b>	<b>2. Diagram Number</b>
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 of 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
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	618.3A

(Variable message sign)	
Motor vehicles prohibited	619
Motor vehicles except motorcycles without sidecars prohibited	619.1
Motorcycles 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
Stopping place for buses on part of the carriageway also used by through traffic where other vehicles are prohibited from stopping at various times	1025.1
Stopping place for buses in a lay-by where other vehicles are prohibited from stopping at various times	1025.3
Part of the carriageway outside a school entrance which should be kept clear of stationary vehicles	1027.1
Area of carriageway at a junction, other than a roundabout, which vehicles must not enter in a manner which causes any part of the vehicle to remain stationary within that area due to the presence of stationary vehicles, etc (Alternative types)	1043, 1044

## SCHEDULE 3

## OFFENCES IN RESPECT OF WHICH FIXED PENALTY NOTICES MAY BE SERVED UNDER SECTION 15 (FIXED PENALTY NOTICES) OF THIS ACT

	(1) Act	(2) Section	(3) Description of Offence
1	Highways Act 1980	132(1)	Painting or otherwise inscribing or affixing picture etc on upon the surface of a highway or upon a tree, structure or works on a highway
2		137(1)	Wilful obstruction of highway
3		138	Erecting a building, fence or hedge on highway
4		139(3)	Depositing builder's skip on highway without permission
5		139(4)(a)	Failure to secure lighting or other marking of builder's skip
6		139(4)(b)	Failure to secure marking of builder's skip with name and address
7		139(4)(c)	Failure to secure removal of builder's skip
8		139(4)(d)	Failure to comply with conditions of permission
9		140(3)	Failure to remove or reposition builder's skip
10		141(3)	Failure to comply with notice requiring removal of tree or shrub
11		147A(2)	Using of stall etc for road side sales in certain circumstances
12		148(a)	Depositing material etc. on a made-up carriageway
13		148(b)	Depositing material etc. within 15 feet from centre of made-up carriageway
14		148(c)	Depositing anything on highway to the interruption of user
15		148(d)	Pitching of booths, stalls or stands or encamping on highway
16		151(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer
17		152(4)	Failure to comply with notice requiring removal of projection from buildings
18		153(5)	Failure to comply with notice requiring alteration of door, gate or bar opening outwards onto street
19		155(2)	Keeping of animals straying or lying on side of highway
20		161(1)	Depositing things on highway which cause injury or danger
21		169(5)	Erecting scaffolding or other structure without licence or failing to comply with terms of licence or perform duty under subsection (4)

