



# London Local Authorities and Transport for London Act 2003

## 2003 CHAPTER iii

### PART 2

#### ROAD TRAFFIC AND HIGHWAYS

##### *Penalty charges*

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

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

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- (3) The relevant borough council shall not exercise the power exercisable by virtue of subsection (1)(a) above unless they have obtained the consent in writing of Transport for London.
- (4) Transport for London shall not exercise the power exercisable by virtue of subsection (1)(b) above unless they have obtained the consent in writing of the relevant borough council.
- (5) Subject to subsection (6) below, for the purposes of this section, a penalty charge is payable with respect to a motor vehicle by the owner of the vehicle if the person driving or propelling the vehicle—
  - (a) acts in contravention of a prescribed order; or
  - (b) fails to comply with an indication given by a scheduled section 36 traffic sign.
- (6) No penalty charge shall be payable under subsection (5)(a) above where—
  - (a) the person acting in contravention of the prescribed order also fails to comply with an indication given by a scheduled section 36 traffic sign; or
  - (b) the contravention of the prescribed order would also give rise to a liability to pay a penalty charge under section 77 of the Road Traffic Act 1991 (c. 40).
- (7) For the purposes of this section, a penalty charge is payable with respect to a vehicle by—
  - (a) the operator of the vehicle; and
  - (b) the person in control of the vehicle,if the person in control of the vehicle acts in contravention of the lorry ban order.
- (8) A penalty charge notice under this section must—
  - (a) state—
    - (i) the grounds on which the council or, as the case may be, Transport for London believe that the penalty charge is payable with respect to the vehicle;
    - (ii) the amount of the penalty charge which is payable;
    - (iii) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
    - (iv) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;
    - (v) that, if the penalty charge is not paid before the end of the 28 day period, an increased charge may be payable;
    - (vi) the amount of the increased charge;
    - (vii) the address to which payment of the penalty charge must be sent; and
    - (viii) that the person on whom the notice is served may be entitled to make representations under paragraph 1 of Schedule 1 to this Act; and
  - (b) specify the form in which any such representations are to be made.
- (9) The Secretary of State may by regulations prescribe additional matters which must be dealt with in any penalty charge notice.
- (10) In subsection (8)(a)(iv) above, “specified proportion” means such proportion, applicable in all cases, as may be determined for the purposes of this section by the appointing authorities acting through the Joint Committee.

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- (11) Schedule 1 to this Act shall have effect with respect to representations against penalty charge notices, and other matters supplementary to the provisions of this section.
- (12) Subject to subsection (13) below, sections 74 and 74A of the Road Traffic Act 1991 (c. 40) shall apply in relation to the levels of penalty charges under this section as they apply in relation to the levels of (among other charges) penalty charges under Part II of that Act.
- (13) Before setting the level of any charges under the said section 74 as applied by subsection (12) above, the borough councils and Transport for London shall consult such bodies as in their opinion are sufficiently representative of such road users as would be affected by the imposition of such charges.
- (14) No provision in this section shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes.
- (15) Schedule 2 to this Act shall have effect with respect to financial provisions relating to the provisions of this section.
- (16) In this section—
- “Joint Committee” means the Joint Committee established under section 73 of the Road Traffic Act 1991;
  - “motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;
  - “prescribed order” means an order under section 6 or 9 of the Act of 1984 which makes provision for a relevant traffic control;
  - “relevant traffic control” means any requirement, restriction or prohibition (other than a requirement, restriction or prohibition under the lorry ban order) which is or may be conveyed by a scheduled traffic sign;
  - “road” has the same meaning as in the Act of 1984;
  - “scheduled section 36 traffic sign” means—
    - (a) a scheduled traffic sign of a type to which section 36 (Drivers to comply with traffic signs) of the Road Traffic Act 1988 (c. 52) applies by virtue of regulations made under section 64(5) of the Act of 1984; but
    - (b) does not include a traffic sign which indicates any prohibition or restriction imposed by the lorry ban order;
  - “scheduled traffic sign” means a traffic sign of a type described in Schedule 3 to this Act;
  - “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);

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“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 ([S.I. 2002 No. 3113](#)).

## 5 Contraventions of lorry ban order: supplementary

- (1) An operator’s notice shall state that before the end of the period of 14 days beginning with the date of the notice, the operator of the vehicle must provide the relevant borough council, or as the case may be, Transport for London, with the name and address of the person who was in control of the vehicle when the alleged contravention of the lorry ban order took place.
- (2) Any person who in response to a requirement stated in a penalty charge notice by virtue of subsection (1) above fails to comply with the requirement shall be guilty of an offence unless he shows to the satisfaction of the court that—
  - (a) he was not the operator of the vehicle at the time the alleged contravention of the lorry ban order took place; or
  - (b) he did not know, and could not with reasonable diligence have ascertained, who was the person in control of the vehicle.
- (3) Any person who in response to a requirement stated in a penalty charge notice by virtue of subsection (1) above gives information which is false in a material particular and does so recklessly or knowing it to be false in that particular shall be guilty of an offence.
- (4) Any person guilty of an offence under subsection (2) or (3) above shall be liable on summary conviction—
  - (a) in the case of subsection (2) to a fine not exceeding level 3 on the standard scale; and
  - (b) in the case of subsection (3) to a fine not exceeding level 5 on the standard scale.
- (5) In the case where an operator’s notice is served on the person appearing to be the operator of the vehicle, the provisions of this Act mentioned below shall have effect as follows—
  - (a) for paragraph 1(4)(a) of Schedule 1 there shall be substituted—
    - “(a) that the recipient was not the operator of the vehicle at the time the alleged contravention of the order took place;”;
  - (b) paragraph 1(4)(c) and (d), (5) and (6) of Schedule 1 shall be omitted; and
  - (c) after paragraph 1(4) of Schedule 1 the following sub-paragraph shall be inserted—

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“(4A) Where the ground mentioned in sub-paragraph (4)(a) above is relied on in any representations made under this paragraph, those representations must include a statement of the name and address of the operator of the vehicle at the time of the alleged contravention or failure to comply (if that information is in his possession).”.

(6) In the case where a driver’s notice is served on the person appearing to have been in control of the vehicle at the time of the alleged contravention, the provisions of this Act mentioned below shall have effect as follows—

(a) for paragraph 1(4)(a) of Schedule 1 there shall be substituted—

“(a) that the recipient was not the person in control of the vehicle at the time the alleged contravention of the lorry ban order took place;”;

(b) paragraph 1(4)(c) and (d), (5) and (6) of Schedule 1 shall be omitted; and

(c) after paragraph 1(4) of Schedule 1 the following sub-paragraph shall be inserted—

“(4A) Where the ground mentioned in sub-paragraph (4)(a) 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 in control of the vehicle at the time of the alleged contravention or failure to comply (if that information is in his possession).”.

(7) In the case where, under paragraph 1(4) of Schedule 1 to this Act as so applied and having effect in accordance with subsections (5) or (6) above the relevant borough council or as the case may be Transport for London is provided with the name and address of—

(a) the operator of the vehicle; or

(b) the person who was in control of the vehicle at the time of the alleged contravention of the lorry ban order,

they may serve a fresh penalty charge notice in accordance with paragraph 2(2) of that Schedule on either of those persons, or both.

## **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) Subject to the provisions of this section, 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)),

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 the date of

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the cancellation of the penalty charge notice or, in a case falling within paragraph (c) above, the date on which that council or body are served with notice under paragraph 7(8)(d) of the said Schedule.

- (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),

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 (2) 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).

## 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.”

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(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).”.