



London Local Authorities and Transport for London Act 2003

2003 CHAPTER iii

PART 2

ROAD TRAFFIC AND HIGHWAYS

Penalty charges

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

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- (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—
- “(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.