



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 6

#### LOCAL AND LONDON CHARGING SCHEMES

##### *Involvement of Integrated Transport Authorities*

#### **103 Power of ITAs to make charging schemes**

- (1) Section 163 of the TA 2000 (charging schemes: preliminary) is amended as follows.
- (2) In subsection (3) (authorities by which charging schemes may be made)—
  - (a) after paragraph (b) insert—
    - “(bb) jointly by an Integrated Transport Authority and one or more eligible local traffic authorities (“a joint local-ITA charging scheme”),”;
  - (b) for “or” at the end of paragraph (c) substitute—
    - “(cc) jointly by an Integrated Transport Authority, one or more eligible local traffic authorities and one or more London traffic authorities (“a joint ITA-London charging scheme”), or”.
- (3) After subsection (4) insert—
  - “(4A) In this Part “eligible local traffic authority” means, in relation to any Integrated Transport Authority for an integrated transport area, a local traffic authority which is a council falling within subsection (4B) for—
    - (a) an area which lies within the Authority’s area,
    - (b) an area which adjoins the Authority’s area,
    - (c) an area which adjoins an area falling within paragraph (b).
  - (4B) The councils are—
    - (a) a county council in England,

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- (b) a council for a non-metropolitan district comprised in an area for which there is no county council,
- (c) a metropolitan district council.”.

#### **104 Local charging schemes to implement policies of ITAs**

- (1) Section 164 of the TA 2000 (local charging schemes) is amended as follows.
- (2) In subsection (2)—
  - (a) after “A local charging scheme” insert “which has effect wholly outside an integrated transport area”;
  - (b) for “policies in the charging authority’s local transport plan” substitute “local transport policies of the charging authority”.
- (3) After subsection (2) insert—
 

“(3) A local charging scheme which has effect wholly within an integrated transport area may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of—

  - (a) the charging authority, and
  - (b) the Integrated Transport Authority for the integrated transport area.
- (4) For the purposes of this section and sections 165 and 166—
  - (a) a charging scheme has effect wholly outside an integrated transport area if none of the roads in respect of which it is made is in such an area;
  - (b) any reference to a charging scheme which has effect wholly, or partly, within an integrated transport area is to be read accordingly.”.

#### **105 Joint local charging schemes to implement policies of ITAs**

- (1) Section 165 of the TA 2000 (joint local charging schemes) is amended as follows.
- (2) In subsection (2)—
  - (a) after “A joint local charging scheme” insert “which has effect wholly outside an integrated transport area”;
  - (b) for “policies in the charging authorities’ local transport plans” substitute “local transport policies of the charging authorities”.
- (3) After subsection (2) insert—
 

“(3) A joint local charging scheme which has effect wholly or partly within an integrated transport area may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of—

  - (a) the charging authorities, and
  - (b) the Integrated Transport Authority for the integrated transport area.
- (4) Section 164(4) has effect for the purposes of this section.”.

## **106 Joint local-ITA charging schemes**

After section 165 of the TA 2000 (joint local charging schemes) insert—

### **“165A Joint local-ITA charging schemes**

- (1) A joint local-ITA charging scheme may only be made—
  - (a) in respect of roads for which any of the charging authorities are the traffic authority, and
  - (b) if at least one of the roads in respect of which it is made is within the integrated transport area of the Integrated Transport Authority.
- (2) A joint local-ITA charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of local transport policies of the charging authorities.”.

## **107 Joint local-London charging schemes to implement policies of ITAs**

(1) Section 166 of the TA 2000 (joint local-London charging schemes) is amended as follows.

(2) In subsection (2)—

- (a) after “A joint local-London charging scheme” insert “which has effect wholly outside an integrated transport area”;
- (b) for “policies in the local transport plan” substitute “local transport policies”;
- (c) omit “the local transport plans of”.

(3) After subsection (2) insert—

- “(3) A joint local-London charging scheme which has effect partly within an integrated transport area may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—
- (a) local transport policies of the non-metropolitan local traffic authority, or the non-metropolitan local traffic authorities, by which the scheme is made,
  - (b) local transport policies of the Integrated Transport Authority for the integrated transport area, and
  - (c) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

(4) Section 164(4) has effect for the purposes of this section.”.

## **108 Joint ITA-London charging schemes**

After section 166 of the TA 2000 (joint local-London charging schemes) insert—

### **“166A Joint ITA-London charging schemes**

- (1) A joint ITA-London charging scheme may only be made—
  - (a) in respect of roads falling within subsection (2), and

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- (b) if at least one of the roads in respect of which it is made is within the integrated transport area of the Integrated Transport Authority.
- (2) The roads are—
  - (a) roads for which the eligible local traffic authority, or any of the eligible local traffic authorities, by which the scheme is made are the traffic authority, and
  - (b) roads in respect of which the London traffic authority, or any of the London traffic authorities, by which the scheme is made may impose charges by a scheme under Schedule 23 to the Greater London Authority Act 1999 without the consent of the Secretary of State.
- (3) A joint ITA-London charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—
  - (a) local transport policies of the eligible local traffic authority, or the eligible local traffic authorities, by which the scheme is made,
  - (b) local transport policies of the Integrated Transport Authority by which the scheme is made, and
  - (c) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.”.

## **109 Consequential amendments**

Schedule 5 (further amendments relating to the powers of Integrated Transport Authorities in respect of local charging schemes) has effect.

### *Miscellaneous amendments*

## **110 Abolition of requirement for confirmation of English schemes**

- (1) Section 169 of the TA 2000 (confirmation of charging schemes) is amended as follows.
- (2) In subsection (1)—
  - (a) after “A charging scheme under this Part” insert “which relates wholly or partly to Wales”;
  - (b) for “the appropriate national authority” substitute “the Welsh Ministers”.
- (3) In subsection (2) for “the appropriate national authority” substitute “the Welsh Ministers”.
- (4) Omit subsection (5).

## **111 Consultation and inquiries for English schemes**

- (1) Section 170 of the TA 2000 (charging schemes: consultation and inquiries) is amended as follows.
- (2) For subsection (1) substitute—
  - “(1A) Where the charging authority or any of the charging authorities are—
    - (a) a local traffic authority for an area in England, or

(b) an Integrated Transport Authority,  
that authority or those authorities (acting alone or jointly) must consult such local persons, and such representatives of local persons, as they consider appropriate about the charging scheme.

(1B) In subsection (1A)—

“local persons” means any persons who are likely to be affected by, or interested in, the making of the scheme;

“representatives” means any persons who appear to the charging authority or charging authorities to be representative of local persons.

(1C) In any other case, the charging authority or the charging authorities (acting jointly) may, at any time before an order making, varying or revoking a charging scheme under this Part is made, consult such persons as they consider appropriate about the charging scheme, variation or revocation.”.

(3) In subsection (3)—

(a) for “The appropriate national authority” substitute “The Welsh Ministers”;

(b) in paragraph (a) after “a charging scheme under this Part” insert “which relates wholly or partly to Wales”.

(4) In subsection (4)—

(a) for “The appropriate national authority” substitute “The Welsh Ministers”;

(b) in paragraph (a) after “a charging scheme under this Part” insert “which relates wholly or partly to Wales”.

(5) Omit subsection (5)(b) and the word “and” preceding it.

## 112 Charges

(1) In section 171(5) of the TA 2000 (different charges for different cases) after paragraph (e) insert “, and

(f) different methods or means of recording, administering, collecting or paying the charge.”.

(2) In Schedule 23 to the GLA Act 1999 (road user charging) in paragraph 10(4) (the charges)—

(a) after “different charges (which may be no charge) for” insert “different cases, including (in particular)”;

(b) after paragraph (e) insert—

“(f) different methods or means of recording, administering, collecting or paying the charge.”.

## 113 Supplementary provision as to charging schemes

(1) Section 172 of the TA 2000 (charging schemes: exemptions etc) is amended as follows.

(2) After subsection (2) insert—

“(2A) The appropriate national authority may by regulations—

(a) make provision requiring charging schemes under this Part to provide that in specified circumstances—

(i) persons of a specified description may pay, and

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- (ii) where those persons so choose, the charging authorities must collect,  
the charges imposed by such schemes in a specified manner;
  - (b) make provision for or in connection with the arrangements to be made by charging authorities with any person for the purpose of enabling charges to be paid, and collected, as mentioned in paragraph (a).
- (2B) In subsection (2A) “specified” means specified in the regulations.”.
- (3) For subsection (3) substitute—
- “(3) A road shall not be subject to—
  - (a) charges imposed by more than one charging scheme under this Part at the same time;
  - (b) charges imposed by such a charging scheme and a scheme under Schedule 23 to the Greater London Authority Act 1999 at the same time, except with the consent of the Authority.”.
- (4) In consequence of the amendments made by subsections (1) to (3), the heading to section 172 becomes “Charging schemes: supplementary provision as to contents”.
- (5) Schedule 23 to the GLA Act 1999 (road user charging) is amended as follows.
- (6) In paragraph 9 (the charging area and the roads), at the end of sub-paragraph (4) insert “, except with the consent of the Authority.”.
- (7) After paragraph 10 (the charges) insert—

*“Manner of payment of charges*

10A (1) Regulations may—

- (a) make provision requiring a charging scheme to provide that in specified circumstances—
    - (i) persons of a specified description may pay, and
    - (ii) where those persons so choose, the charging authorities must collect,  
the charges imposed by the scheme in a specified manner;
  - (b) make provision for or in connection with the arrangements to be made by the charging authority with any person for the purpose of enabling charges to be paid, and collected, as mentioned in paragraph (a).
- (2) In sub-paragraph (1) “specified” means specified in the regulations.”.

## **114 Suspension of charging schemes**

After section 172 of the TA 2000 insert—

### *“Suspension of charging schemes*

#### **172A Suspension of charging schemes**

- (1) The charging authority or the charging authorities (acting jointly) may suspend the operation of a charging scheme under this Part if they consider that it is necessary to do so—
  - (a) in the event of an emergency, to enable or facilitate any action taken in response to the emergency;
  - (b) to enable or facilitate a temporary event to take place.
- (2) A suspension under this section is for such period as the charging authority or authorities consider necessary—
  - (a) in the case of an emergency, to enable or facilitate the response to the emergency (but in any event no longer than 30 days);
  - (b) in the case of a temporary event, to enable or facilitate the event to take place, together with any associated works undertaken before or after it.
- (3) A charging scheme may be suspended under this section in whole or in part; and if a scheme is suspended in part that suspension may be in respect of—
  - (a) any road in respect of which charges are imposed;
  - (b) any event by reference to the happening of which a charge is imposed;
  - (c) any class of motor vehicle in respect of which charges are imposed.
- (4) The charging authority or authorities must publish a notice of any suspension under this section.
- (5) A notice under subsection (4)—
  - (a) must be published in such manner as the charging authority or authorities consider appropriate to bring the suspension to the attention of all persons who are likely to be affected by it;
  - (b) must state the period for which the scheme is to be suspended.
- (6) In the case of a suspension under subsection (1)(a), the charging authority or authorities—
  - (a) must keep under review the need for the suspension to continue, and
  - (b) may increase or reduce the period of the suspension (but they may not increase it so as to suspend the scheme for a period of more than 30 days).”.

#### **115 Interference with functioning of equipment**

- (1) In section 173 of the TA 2000 (penalty charges), in subsection (5)(a) after “interferes with any equipment” insert “, or with the functioning of any equipment,”.
- (2) In section 174 of the TA 2000 (examination, entry, search and seizure)—
  - (a) in subsection (1)(b) for the words from “or has been interfered with” to the end of the paragraph substitute—
    - “(bb) whether any such equipment, or the functioning of any such equipment, has been interfered with with intent to avoid

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- payment of a charge, or to avoid any person being identified as having failed to pay a charge, or”;
- (b) in subsection (2)(a) after “has been interfered with” insert “, or the functioning of any such equipment has been interfered with,”;
  - (c) in subsection (2)(a) and (b) after “to avoid payment of, or” insert “to avoid any person”.
- (3) Schedule 23 to the GLA Act 1999 (road user charging) is amended as follows.
- (4) In paragraph 25(1)(a) (offences) after “interferes with any equipment” insert “, or with the functioning of any equipment,”.
- (5) In paragraph 26 (examination of motor vehicles etc)—
- (a) in sub-paragraphs (1)(b)(iii) and (2)(a) and (b) after “to avoid payment of, or” insert “to avoid any person”;
  - (b) after sub-paragraph (2) insert—
    - “(2A) The references in sub-paragraphs (1)(b)(iii) and (2)(a) to interfering with equipment include references to interfering with the functioning of it.”.

## **116 Use of equipment for charging schemes**

- (1) Section 176 of the TA 2000 (equipment etc) is amended as follows.
- (2) In subsection (2)—
- (a) the words from “approve standards for equipment” to the end of the subsection become paragraph (a) of that subsection;
  - (b) after paragraph (a) insert “, or
    - (b) regulate the manner in which such equipment is used.”.
- (3) In subsection (3)—
- (a) the words from “installed for or in connection with” to the end of the subsection become paragraph (a) of that subsection;
  - (b) for “subsection (2)” substitute “subsection (2)(a)”;
  - (c) after paragraph (a) insert—
    - “(b) used for or in connection with the operation of such a scheme otherwise than in accordance with regulations under subsection (2)(b).”.
- (4) In Schedule 23 to the GLA Act 1999 (road user charging) paragraph 29 (approval of equipment) is amended as follows.
- (5) In sub-paragraph (1)—
- (a) the words from “the equipment” to the end of the sub-paragraph become paragraph (a);
  - (b) after paragraph (a) insert “, or
    - (b) the equipment is used in accordance with directions given by the Authority.”.
- (6) After sub-paragraph (3) insert—
- “(3A) Where the Secretary of State considers that—



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- (a) directions under sub-paragraph (1)(b) above regarding the use of equipment in connection with a charging scheme are incompatible with regulations under section 176(2)(b) of the Transport Act 2000, and
  - (b) the incompatibility is detrimental to the interests of persons resident in England outside Greater London,
- he may give notice of that fact to the Authority.
- (3B) Where the Secretary of State has given notice under sub-paragraph (3A) above to the Authority, the equipment in question may no longer be used in connection with a charging scheme except with the authorisation of the Secretary of State.”
- (7) In each of sub-paragraphs (4) and (5) after “sub-paragraph (3)” insert “or (3B)”.
- (8) In consequence of the amendments made by subsections (5) to (7), the heading preceding paragraph 29 becomes “Approval of equipment and directions for use”.

## **117 Power of national authority to require information from charging authorities**

- (1) After section 177 of the TA 2000 insert—

### **“177A Power to require information**

- (1) The appropriate national authority may direct a local traffic authority or Integrated Transport Authority to provide it, within a specified period, with specified information connected with any aspect of the performance or proposed performance of their functions under this Chapter.
  - (2) The information that may be specified in such a direction must be information which the authority have in their possession or can reasonably be expected to acquire.
  - (3) A direction under this section may be given to two or more authorities or to authorities of a description specified in the direction.”
- (2) In Schedule 23 to the GLA Act 1999 (road user charging) after paragraph 34A (information) insert—

### *“Power to require information*

- 34B (1) The Secretary of State may direct—

- (a) Transport for London,
- (b) any London borough council, or
- (c) the Authority,

to provide the Secretary of State, within a specified period, with specified information connected with any aspect of the performance or proposed performance of their functions under this Schedule.

- (2) The information that may be specified in such a direction must be information which the body have in their possession or can reasonably be expected to acquire.

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- (3) A direction under this section may be given to two or more of the bodies mentioned in sub-paragraph (1) or to such of those bodies as are specified in the direction.”.

## **118 Information: England and Wales**

- (1) Section 194 of the TA 2000 (information) is amended as follows.
- (2) In subsection (1) for the words from “the charging authority or licensing authority” to the end of the subsection substitute “a traffic authority or Integrated Transport Authority for or in connection with the performance or proposed performance of any of their functions under this Part or with respect to a relevant scheme or proposed relevant scheme”.
- (3) For subsection (2) substitute—
- “(2) Information obtained by a traffic authority or Integrated Transport Authority for or in connection with any of their functions other than functions under this Part may be used by them for or in connection with the performance or proposed performance of any of their functions under this Part or with respect to a relevant scheme or proposed relevant scheme.”.
- (4) In subsection (3) (which provides for the disclosure of information and refers to the charging scheme) for “the” in the second place where it occurs substitute “a”.
- (5) After subsection (4) insert—
- “(5) The Secretary of State or the Welsh Ministers may charge a reasonable fee in respect of the cost of supplying information under subsection (1) or (3).
- (6) Where a traffic authority or Integrated Transport Authority asks the Secretary of State to obtain overseas registration information from an overseas registration authority with a view to the Secretary of State disclosing that information under subsection (1) or (3), the Secretary of State may charge a reasonable fee in respect of the cost of obtaining, or seeking to obtain, the information.
- (7) In this section—
- “overseas registration authority” means any authority of a country or territory outside the United Kingdom with responsibility under the law of that country or territory for maintaining a register of vehicles;
- “overseas registration information” means information derived from particulars contained in a register of vehicles that is maintained by an overseas registration authority;
- “relevant scheme” means a charging scheme or licensing scheme under this Part.”.
- (6) In Schedule 23 to the GLA Act 1999 (road user charging) paragraph 34A (information) is amended as follows.
- (7) In sub-paragraph (1) for the words from “a charging authority” to the end of the sub-paragraph substitute “Transport for London or a London borough council for or in connection with the performance or proposed performance of any of their functions under this Schedule or with respect to a charging scheme or proposed charging scheme”.

(8) For sub-paragraph (2) substitute—

“(2) Information obtained by Transport for London or a London borough council for or in connection with their functions other than their functions under this Schedule may be used by them for or in connection with the performance or proposed performance of any of their functions under this Schedule or with respect to a charging scheme or proposed charging scheme.”.

(9) After sub-paragraph (4) insert—

“(5) The Secretary of State may charge a reasonable fee in respect of the cost of supplying information under sub-paragraph (1) or (3).

(6) Where Transport for London or a London borough council asks the Secretary of State to obtain overseas registration information from an overseas registration authority with a view to the Secretary of State disclosing that information under sub-paragraph (1) or (3), the Secretary of State may charge a reasonable fee in respect of the cost of obtaining, or seeking to obtain, the information.

(7) In this paragraph—

“overseas registration authority” means any authority of a country or territory outside the United Kingdom with responsibility under the law of that country or territory for maintaining a register of vehicles;

“overseas registration information” means information derived from particulars contained in a register of vehicles that is maintained by an overseas registration authority.”.

## **119 Information: Scotland**

(1) The Secretary of State may charge a reasonable fee in respect of the cost of supplying information to—

- (a) the charging authority, or any of the charging authorities, in relation to a charging scheme made under Part 3 of the [Transport \(Scotland\) Act 2001 \(2001 asp 2\)](#);
- (b) any person with whom such an authority has entered into arrangements under section 61(b) of that Act.

(2) The reference to information in subsection (1) is a reference to information obtained by the Secretary of State in the exercise of any function that relates to reserved matters (within the meaning of the Scotland Act [1998 \(c. 46\)](#)).

## **120 London charging schemes: 10 year plan for share**

(1) In Schedule 23 to the GLA Act 1999 (road user charging) paragraphs 19 to 24 are amended as follows.

(2) In paragraph 19 (charging authority’s 10 year plan for their share of proceeds of scheme) omit sub-paragraphs (3)(a) and (4).

(3) In paragraph 20 (charging authority’s 4 year programme for their share)—

- (a) omit sub-paragraphs (2)(a), (3) and (4);

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- (b) in sub-paragraph (5) after “prepared and” insert “(where so required)”.
- (4) In paragraph 21 (Authority’s 10 year plan for the redistributed portion)—
  - (a) in sub-paragraph (2) omit “and submit to the Secretary of State”;
  - (b) omit sub-paragraph (4).
- (5) In paragraph 22 (Authority’s 4 year programmes for the redistributed portion)—
  - (a) omit sub-paragraph (3);
  - (b) in sub-paragraph (4) omit “and approved” in both places where those words occur.
- (6) In paragraph 23 (non-compliance with paragraph 20 or 22)—
  - (a) in sub-paragraph (1) after “prepared and” insert “(where so required)”;
  - (b) in sub-paragraph (2) omit “and approved”.
- (7) In paragraph 24 (4 year programmes: amendment, replacement and voluntary statements)—
  - (a) in sub-paragraph (1) after “prepared and” insert “(where so required)”;
  - (b) in paragraph (c) of sub-paragraph (3), omit the words from “and, if approved” to the end;
  - (c) in sub-paragraph (5)(a) after “prepared and” insert “(where so required)”;
  - (d) omit sub-paragraphs (6)(a) and (7);
  - (e) in sub-paragraph (8) after “prepared and” in both places where those words occur insert “(where so required)”;
  - (f) in sub-paragraph (10)—
    - (i) after “prepared and” in the first place where those words occur insert “(where so required)”;
    - (ii) omit “prepared and approved” in the second place where those words occur;
    - (iii) at the beginning of paragraph (a) insert “prepared and approved”;
    - (iv) at the beginning of paragraph (b) insert “prepared”.

## **121 Other amendments relating to schemes**

Schedule 6 (amendments of the financial provisions relating to road user charging and workplace parking levy schemes) has effect.