

Draft Regulations laid before Parliament under section 150(6) of the Local Government and Housing Act 1989 for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

1998 No.

LOCAL GOVERNMENT, ENGLAND AND WALES

The Local Authorities (Transport Charges) Regulations 1998

<i>Made</i>	- - - -	<i>1998</i>
<i>Coming into force</i>		
<i>in accordance with</i>		
<i>regulation 1(2)</i>	- -	<i>1998</i>

Whereas a draft of these Regulations has been laid before and approved by resolution of each House of Parliament in accordance with section 150(6) of the Local Government and Housing Act 1989(1); Now therefore, the Secretary of State for the Environment, Transport and the Regions, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred by sections 150 and 152(5) of that Act and of all other powers enabling them in that behalf, hereby make the following Regulations:—

Citation and commencement

1.—(1) These Regulations may be cited as the Local Authorities (Transport Charges) Regulations 1998.

(2) These Regulations shall come into force on the twenty-eighth day after the day on which they are made.

Interpretation

2. In these Regulations—

“the 1980 Act” means the Highways Act 1980(2);

“the 1984 Act” means the Road Traffic Regulation Act 1984(3);

“local highway authority” has the meaning given by section 329(1) of the 1980 Act;

“local traffic authority” has the meaning given by section 121A of the 1984 Act;

(1) 1989 c. 42.

(2) 1980 c. 66.

(3) 1984 c. 27. Section 16A was inserted by the Schedule to the Road Traffic Regulation (Special Events) Act 1994 (c. 11). Section 121A was inserted, and the definition of “road” in section 142(1) was substituted, by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraphs 70 and 78.

“relevant event” has the meaning given by section 16A(1) of the 1984 Act;

“road” has the meaning given by section 142(1) of the 1984 Act;

“special event” has the meaning given by section 9(8) of the London Local Authorities Act 1995(4);

“travel concession”—

(a) in relation to a London borough council or the Common Council of the City of London, has the meaning given by section 50(9) of the London Regional Transport Act 1984(5); and

(b) in relation to any other authority has the meaning given by section 112(1)(f) of the Transport Act 1985(6); and

“travel concession permit” has the meaning given by section 51(3)(c) of the London Regional Transport Act 1984.

Power to impose charges

3.—(1) Subject to regulation 5 of these Regulations, a relevant authority having a function mentioned in column (2) of an item in a table in the Schedule to these Regulations may impose a charge in respect of their dealing in pursuance of that function with any matter of a description specified in that column of that item.

(2) A charge imposed under this regulation in relation to any matter is payable by the person mentioned in column (3) of the item in the table in which the matter is specified.

Amount of charge

4. Subject to regulation 5 of these Regulations, the amount of a charge is to be at the relevant authority’s discretion and, in determining the amount, the authority shall have regard to the cost to them of dealing with matters of the description in question.

Charges in connection with travel concessions in London

5. Notwithstanding the provisions of regulations 3 and 4 of these Regulations, no charge shall be imposed by a London borough council or the Common Council of the City of London for the issue of—

(a) a travel concession permit; or

(b) a duplicate permit issued in replacement of a travel concession permit,

unless all the London borough councils and the Common Council of the City of London have agreed to impose a charge and have agreed the amount of the charge.

(4) 1995 c.x.
(5) 1984 c. 32.
(6) 1985 c. 67.

Signed by authority of the Secretary of State

1998

Parliamentary Under Secretary of State,
Department of the Environment, Transport and
the Regions

Signed by authority of the Secretary of State for Wales

1998

Parliamentary Under Secretary of State, Welsh
Office

THE SCHEDULE

Regulation 3

**TABLE 1—
HIGHWAYS**

(1) <i>Item</i>	(2) <i>Matter for which a charge may be made</i>	(3) <i>Person by whom the charge is payable</i>
1.	Consideration by a local highway authority of an application by any person for permission to deposit, or cause to be deposited, a skip on any highway pursuant to section 139(1) and (2) of the 1980 Act	The person making the application
2.	Consideration by a local highway authority of an application for a licence in writing to erect or retain on or over a highway any scaffolding or other structure, in connection with any building or demolition work or the alteration, repair, maintenance or cleaning of any building, which obstructs the highway pursuant to section 169(1) and (2) of the 1980 Act	The person making the application
3.	Consideration by a local highway authority of an application for consent temporarily to deposit building materials, rubbish or other things in a street that is a highway maintainable at the public expense or to make a temporary excavation in it, and the undertaking of site inspections to monitor compliance with such consent pursuant to section 171(1), (2), (4) and (5) of the 1980 Act	The person making the application
4.	Consideration by a relevant authority of an application for consent for the obligation to erect a hoarding or fence in accordance with section 172(1)	The person making the application

(1) Item	(2) Matter for which a charge may be made	(3) Person by whom the charge is payable
	of the 1980 Act ⁽⁷⁾ to be dispensed with pursuant to subsection (2) of that section	
5.	Anything done by a relevant authority in connection with site inspections to monitor compliance with duties imposed by section 172(3) and by section 173(1) of the 1980 Act on a person who has erected a hoarding or fence	The person who has erected the hoarding or fence
6.	Consideration by a relevant authority of an application for consent under section 179(1) of the 1980 Act ⁽⁸⁾ to construct works to which that section applies under any part of any street	The person making the application
7.	Consideration by a relevant authority of an application for consent to make an opening in the footway of a street as an entrance to a cellar or vault thereunder pursuant to section 180(1) of the 1980 Act	The person making the application
8.	Consideration by a relevant authority of an application for consent to carry out any works in a street to provide means for the admission of light to premises situated under, or abutting on, the street pursuant to section 180(2) of the 1980 Act	The person making the application
9.	Consideration by a local highway authority of a request in respect of a highway maintainable at the public expense to execute such works as are specified in the request for constructing a vehicle crossing over a footway or verge in that highway pursuant to section 184 of the 1980 Act	The person making the request

⁽⁷⁾ Subsection (1) was amended by the Local Government Act 1985 (c. 51), Schedule 4, paragraph 7.

⁽⁸⁾ Subsection (1) was amended by the Local Government (Miscellaneous Provisions) Act 1982 (c. 30), section 22.

(1) <i>Item</i>	(2) <i>Matter for which a charge may be made</i>	(3) <i>Person by whom the charge is payable</i>
10.	Anything done by a local highway authority in connection with the clearance of accident debris pursuant to sections 41 and 130 of the 1980 Act in respect of accidents occurring on or after 1st April 1999	The person responsible for the deposit of the debris

TABLE 2—**ROAD TRAFFIC REGULATION**

(1) <i>Item</i>	(2) <i>Matter for which a charge may be made</i>	(3) <i>Person by whom the charge is payable</i>
1.	Consideration by a local traffic authority of an application pursuant to any provision contained in an order under section 1, 6, 9 or 14 of the 1984 Act ⁽⁹⁾ for an exemption from any prohibition or restriction imposed by the order on the stopping, parking, waiting, loading or unloading of vehicles on a road	The person making the application
2.	Anything done by a local traffic authority in consequence of a request to revoke or amend an order under section 6, 32(1)(b) or 45 of the 1984 Act ⁽¹⁰⁾ so that a particular length of road may cease to be a place where vehicles may be parked in accordance with the order	The person making the request
3.	Anything done by a local traffic authority in connection	The person making the request

(9) Section 1 was amended by the New Roads and Street Works Act 1991 (c. 22), Schedule 8, paragraph 17 and Schedule 9 and by the Environment Act 1995 (c. 25), Schedule 22, paragraph 36(1); section 6 was amended by the Local Government Act 1985 (c. 51), Schedule 5, paragraph 4(3), by the New Roads and Street Works Act 1991, Schedule 8, paragraph 21 and Schedule 9 and by the Environment Act 1995, Schedule 22, paragraph 36(2); section 9 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(4), by the New Roads and Street Works Act 1991, Schedule 8, paragraph 23 and by the Road Traffic Act 1991 (c. 40) Schedule 4, paragraph 24; and section 14 was substituted by Schedule 1 to the Road Traffic (Temporary Restrictions) Act 1991 (c. 26).

(10) Section 45 was amended by the Local Government Act 1985, Schedule 5, paragraph 4(19) and Schedule 8; by the Road Traffic Regulation (Parking) Act 1986 (c. 27), section 1; by the New Roads and Street Works Act 1991, Schedule 8, paragraph 44; and by the Local Government (Wales) Act 1994 (c. 19), Schedule 7, paragraph 38(3) and Schedule 18.

(1) <i>Item</i>	(2) <i>Matter for which a charge may be made</i>	(3) <i>Person by whom the charge is payable</i>
	with or in consequence of a request to vary an order under section 1, 6, 9 or 14 of the 1984 Act so as to create an exemption or exclusion from a prohibition or restriction imposed by the order on the stopping, parking, waiting, loading or unloading of vehicles on a road	
4.	Anything done by a local traffic authority in connection with or in consequence of the making of an order under section 14(1), or the giving of a notice under section 14(2), of the 1984 Act for the reason mentioned in section 14(1)(a)	The person undertaking the works by reason of which the order was made or the notice given
5.	Anything done by a local traffic authority in connection with or in consequence of an order made or to be made by them under section 16A of the 1984 Act	The person promoting the relevant event by reason of which the order has been, or is to be, made
6.	Anything done by a local authority in connection with or in consequence of a request to the authority, the chief officer of police or any other person specified by or under an order made under section 49(4) of the 1984 Act to suspend the use of a parking place or any part of it	The person making the request
7.	Consideration by a local traffic authority of a request that, under section 65(1) of the 1984 Act ⁽¹¹⁾ , it cause or permit a traffic sign (not being a sign which fulfils the conditions specified in section 65(3A) (i) and (ii)) to be placed on or near a road to indicate the route to specified land or premises	The person making the request

(11) Section 65(1) was substituted by the New Roads and Street Works Act 1991 Schedule 8, paragraph 48 and section 65(3A) was inserted by the Local Government and Housing Act 1989 section 153(1).

(1) <i>Item</i>	(2) <i>Matter for which a charge may be made</i>	(3) <i>Person by whom the charge is payable</i>
8.	The placing by a local traffic authority of a traffic sign pursuant to section 65(1) of the 1984 Act in accordance with a request of the kind referred to in the preceding paragraph	The person making the request
9.	Anything done by a London borough council or the Common Council of the City of London in connection with or in consequence of a special temporary waiting restriction made or to be made by them under section 9 of the London Local Authorities Act 1995	The person holding the special event by reason of which the special temporary waiting restriction is made or to be made

TABLE 3—

TRAVEL CONCESSIONS

(1) <i>Item</i>	(2) <i>Matter for which a charge may be made</i>	(3) <i>Person by whom the charge is payable</i>
1.	The issue by a county council, district council, passenger transport authority or passenger transport executive in England, a county council or county borough council in Wales, to a person eligible to receive travel concessions under a scheme established under section 93 of the Transport Act 1985, of— (a) any permit or other document as evidence of entitlement to receive travel concessions; or (b) a duplicate of any such permit or other document in replacement of one which has been lost, stolen, damaged or destroyed	The person to whom the permit or other document or duplicate thereof is issued
2.	The issue by a London borough council or the Common Council of the City of London of a travel	The person to whom the travel concession permit is issued

(1) Item	(2) Matter for which a charge may be made	(3) Person by whom the charge is payable
3.	concession permit pursuant to section 52(4) of the London Regional Transport Act 1984 or pursuant to section 53(2)(b) of that Act in accordance with arrangements under section 50(1) The issue by a London borough council or the Common Council of the City of London of a duplicate travel concession permit in replacement of a travel concession permit which was issued under section 52(4) or 53(2)(b) of the London Regional Transport Act 1984 and which has been lost, stolen, damaged or destroyed	The person to whom the duplicate travel concession permit is issued

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations authorise local authorities to impose charges on specified persons for dealing with certain matters in pursuance of various statutory functions relating to highways, road traffic regulation and travel concessions (see regulation 3 and the Schedule). Regulation 4 leaves the amount of any charge to the discretion of the local authority imposing it, but requires them to have regard to the cost of dealing with matters of the description in question. Regulation 5 provides that a charge for the issue of a travel concession permit or a replacement permit is only to be imposed by a London borough council or the Common Council of the City of London if all the borough councils and the Common Council have agreed to the imposition of the charge and its amount.