

GREATER LONDON AUTHORITY ACT 1999

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part IV: Transport

Chapter Xiv: Road Traffic

390. The general law on road traffic regulation, consolidated in the Road Traffic Regulation Act 1984 ("RTRA 1984"), is varied considerably in its application to London. The Local Government Act 1985 (which abolished the Greater London Council and the metropolitan county councils) transferred most of the traffic authority functions of the GLC (many of which extended to all roads in Greater London except trunk roads) to the London borough councils.
391. Part II of the Road Traffic Act 1991 made further provision about traffic in London, by creating a network of priority ("red") routes and a new statutory office of Traffic Director for London to carry out the red route programme. The Act also provided for a separate system of enforcing parking restrictions in London without the sanction of the criminal law.
392. Traffic regulation law, unlike highways law, is entirely a creature of statute. It enables traffic authorities - in this case TfL - to regulate the way in which the public use highways and other roads to which the public has access. It is principally concerned with the regulation of vehicles, whether moving or stationary, but also extends to all other types of traffic.

Sections 271 to 274: Transport for London as a traffic authority

393. *Section 271* makes TfL the traffic authority for GLA roads. For roads in Greater London that are not GLA roads or trunk roads, the traffic authority is the relevant London borough or the Common Council.
394. *Section 272* creates a new class of road called "GLA side roads", for which TfL will also be the traffic authority, but not the highway authority. It inserts a new section 124A into the RTRA 1984 (RTRA 1984) to provide for the Secretary of State to designate roads which are to be GLA side roads (in the same way that section 227 provides for him to designate the first GLA road network). Sections 14B and 14C of the Highways Act 1980 (inserted by sections 258 and 259 of this Act) which enable the Mayor to change and keep records of the GLA road network, can be applied to GLA side roads by order of the Secretary of State.
395. *Section 273* provides for TfL to place traffic signs on nearby roads (for which the relevant London borough council is the traffic authority) in connection with a GLA road. The signs may be placed on any structure on that road, whether or not the structure belongs to TfL. TfL may carry this out in connection with traffic regulation and experimental traffic orders and in other circumstances (e.g. temporary traffic orders under section 14 of the RTRA 1984), provided they consult the London Borough Council which is the traffic authority for the road. (Experimental traffic orders are used

where the effects of the order cannot be confidently predicted. They also provide for the fine-tuning of the measures without the need to amend the order and for its effect to be monitored before decisions are taken on whether or not to make it permanent.) [Section 274](#) extends to TfL the powers of a London borough council to affix traffic signs to walls.

396. These sections also provide that responsibility for maintaining, altering or removing traffic signs rests with the traffic authority responsible for the order which enabled the placing of those signs. They further provide that where the sign is on or near a GLA road, or is erected as described above, TfL will be the traffic authority for that sign.
397. Where TfL exercises its powers in relation to traffic signs otherwise than in connection with a traffic regulation order or an experimental traffic order, it can remove or reposition those signs whether or not they were placed by TfL. Where TfL removes or repositions a sign placed by another authority, that sign will vest in TfL. The traffic authority for the road where the sign has been placed or repositioned by TfL cannot alter or remove the sign except with the consent of TfL or by direction of the Secretary of State.

Sections 275 to 278: Traffic control systems in Greater London

398. [Sections 275 to 278](#) transfer the Secretary of State's statutory functions for traffic control systems in Greater London to TfL for all roads other than trunk roads. (Traffic control systems can be defined as electronic systems which provide regulation, instruction, information or guidance to road users and to authorities from installations on or adjacent to the highway. They include traffic signals and signalled pedestrian crossings together with their associated control and monitoring computer systems, vehicle and pedestrian detectors, variable message signs, closed circuit television cameras, speed cameras and emergency telephones). The sections provide for existing traffic signals, and their maintenance and operation, to be devolved to London borough councils. Such councils can also set up and operate new traffic signals, with TfL's consent.
399. The sections also provide for the transfer to TfL, from the Secretary of State (and vice versa) of traffic control systems in Greater London. Where the Secretary of State decides that he wants to pass to TfL the traffic control systems for a trunk road or roads in Greater London, he can transfer (i) all the systems relating to that road, and (ii) the maintenance and operation of those systems. The Act also provides for the transfer from TfL to the Secretary of State of the entire traffic control system for all the roads in Greater London and for this to be reversed with the agreement of the Secretary of State and TfL. On all roads in Greater London other than trunk roads, wherever a traffic sign is a light signal, TfL is to be deemed to be the traffic authority for those roads in the application of sections 65, 73, 74, 74A and 75 of the RTRA 1984 to such traffic signs.

Sections 279 and 280: Road safety and traffic reduction

400. [Section 279](#) amends section 39 of the Road Traffic Act 1988 (powers of Secretary of State and local authorities to give road safety information and training) so as -
- (a) to confer on TfL a discretionary power to prepare and carry out a programme of road safety measures; and to contribute to the cost of measures taken by other bodies; and
 - (b) to impose a duty on TfL to carry out studies into accidents on GLA roads involving vehicles and, in the light of those studies, to take measures to prevent such accidents.
401. [Section 280](#) amends the Road Traffic Reduction Act 1997 (not yet in force), which places a duty on boroughs to assess road traffic levels, to set targets for reducing traffic levels or the growth of these levels, and to report to the Secretary of State. Reports

prepared by a London borough, under the provisions of the 1997 Act must take account of the Mayor's transport strategy and the borough's local implementation plan. The Mayor may give directions or issue guidance to London councils on matters on which the Secretary of State may issue guidance (provided that the guidance or directions do not conflict with the Secretary of State's guidance). The councils must comply with the Mayor's directions and have regard to his guidance. When a London borough sends a report to the Secretary of State under the 1997 Act, it must send a copy of the report to the Mayor.

Sections 281 to 287: Parking

402. *Sections 281 to 287* amend the RTRA 1984 and the Road Traffic Act 1991 in relation to parking.
403. *Section 281* enables TfL and London borough councils (with the consent of TfL) to designate paying parking places on GLA roads. The ability of borough councils to designate parking places on their own roads is unaffected.
404. *Section 282* amends section 55 of the RTRA 1984 so as to require TfL to operate a parking account of its income and expenditure in respect of parking places on the highway and to enable the Mayor to specify in his transport strategy purposes for which surpluses can be spent and enables London authorities to make contributions to each other and to form a joint committee for that purpose.
405. *Section 283* amends section 73 of the Road Traffic Act 1991 so as to require TfL to join with the London borough councils in the appointment of a joint committee to appoint parking adjudicators. *Section 284* substitutes for section 74 of the 1991 Act new sections 74 and 74A with regard to the fixing of additional parking charges, that is to say penalty charges, charges for removal, storage and disposal of vehicles, and charges for removing wheel clamps. TfL or the London borough councils must set the levels of additional parking charges on those roads for which they are the traffic authority. The charges may vary between different areas. The Secretary of State will have the final say on the levels of additional parking charges proposed by TfL or the London borough councils.
406. TfL and the London borough councils must publish their parking charges in a form determined by the Mayor. In setting these levels the London borough councils must act through the joint committee constituted under section 73. No TfL member of that committee may take part in any proceedings relating to functions under section 74 or 74A of the 1991 Act.
407. *Section 285* provides that applications to the Secretary of State for an order designating a special parking area ("SPA") can only be made by TfL to the extent that the area is to consist of GLA roads or trunk roads, and by a borough council to the extent that the area is to consist of other roads. (In SPAs offences involving the contravention of waiting restrictions indicated by yellow lines, and some other parking offences, become "decriminalised" and replaced by a system of penalty charges similar to that used for designated parking places. To date, SPAs have been designated in all London boroughs, with limited exclusions.)
408. *Section 286* adds a new section 76A to the Road Traffic Act 1991 to provide that the Mayor can change the boundaries of SPAs within Greater London, with the consent of the traffic authority for any road affected and where the effect is to bring all or any part of a Royal Park within a special parking area with the consent of the Secretary of State. The Mayor cannot bring within a SPA any area designated in an order of the Secretary of State on grounds of national security. The Mayor will accordingly be able to decriminalise parking on almost all GLA roads without having to ask the Secretary of State to make an order under section 76 of the 1991 Act. *Section 287* amends section 82 of the 1991 Act (interpretation).

These notes refer to the Greater London Authority Act 1999 (c.29) which received Royal Assent on 11th November 1999

Sections 288 to 290: School crossing patrols and parking attendants

409. Outside the Metropolitan Police District (MPD), school crossing patrols are the statutory responsibility of local authorities. In the MPD that responsibility rests with the Commissioner of Police of the Metropolis. *Section 288* transfers this from the Commissioner to the London borough councils.
410. *Section 289* transfers from the Secretary of State to the GLA the power to prescribe what uniforms parking attendants will wear when exercising prescribed functions, and widens the definition of local authorities for this purpose to include the GLA.
411. *Section 290* adds a new subsection to section 95 of the RTRA 1984 so as to enable a police authority and TfL to make arrangements for traffic wardens to act as parking attendants on GLA roads.

Sections 291 to 294: Miscellaneous and supplementary provisions

412. *Section 291* inserts a new section 121B into the RTRA 1984 so that a borough council exercising road traffic powers which affect a GLA road or a road in another London borough must notify TfL and where the road is in another borough the council of that borough as well. TfL is given a power to direct a borough not to proceed with the proposal so long as TfL or another borough objects. Where TfL or another borough objects, the GLA can give consent to the proposal after consideration of the objection.
413. *Section 293* provides for consultation between the Secretary of State and the local traffic authority and Transport for London, if one proposes to carry out functions likely to affect a road for which the other is responsible. Where consultation would not be reasonably practicable, they may go ahead and then inform the other party afterwards.
414. *Section 294* repeals various enactments relating to traffic in London.