



Transport Act 2000

2000 CHAPTER 38

PART III

ROAD USER CHARGING AND WORKPLACE PARKING LEVY

CHAPTER I

ROAD USER CHARGING

Charging schemes

163 Preliminary

- (1) In this Part “charging scheme” means a scheme for imposing charges in respect of the use or keeping of motor vehicles on roads.
- (2) Charges imposed in respect of any motor vehicle by a charging scheme under this Part shall be paid—
 - (a) by the registered keeper of the motor vehicle, or
 - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (3) A charging scheme may be made—
 - (a) by a non-metropolitan local traffic authority (“a local charging scheme”),
 - (b) jointly by more than one non-metropolitan local traffic authority (“a joint local charging scheme”),
 - (c) jointly by one or more non-metropolitan local traffic authorities and one or more London traffic authorities (“a joint local-London charging scheme”), or
 - (d) by the Secretary of State or the National Assembly for Wales (“a trunk road charging scheme”).
- (4) In this Part references to a non-metropolitan local traffic authority are to a local traffic authority for an area outside Greater London.

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(5) In this Part—

- (a) “the charging authority”, in relation to a charging scheme under this Part made or proposed to be made by one authority, means the authority by which the charging scheme is or is proposed to be made, and
 - (b) “the charging authorities”, in relation to a charging scheme under this Part made or proposed to be made jointly by more than one authority, means the authorities by which the charging scheme is or is proposed to be made.
- (6) The power to make joint local-London charging schemes conferred by this Part does not limit any of the powers in Schedule 23 to the Greater London Authority Act 1999 (road user charging in Greater London).

164 Local charging schemes

- (1) A local charging scheme may only be made in respect of roads for which the charging authority are the traffic authority.
- (2) A local charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of policies in the charging authority’s local transport plan.

165 Joint local charging schemes

- (1) A joint local charging scheme may only be made in respect of roads for which any of the charging authorities are the traffic authority.
- (2) A joint local charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of policies in the charging authorities' local transport plans.

166 Joint local-London charging schemes

- (1) A joint local-London charging scheme may only be made in respect of—
 - (a) roads for which the non-metropolitan local traffic authority, or any of the non-metropolitan local traffic authorities, by which it 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 it 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.
- (2) A joint local-London charging scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—
 - (a) policies in the local transport plan of the non-metropolitan local traffic authority, or the local transport plans of the non-metropolitan local traffic authorities, by which it is made, and
 - (b) 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.

167 Trunk road charging schemes

- (1) A trunk road charging scheme may only be made—
 - (a) by the Secretary of State in respect of roads for which he is the traffic authority, or
 - (b) by the National Assembly for Wales in respect of roads for which it is the traffic authority.
- (2) A trunk road charging scheme may only be made in respect of a road if—
 - (a) the road is carried by a bridge, or passes through a tunnel, of at least 600 metres in length, or
 - (b) a local traffic authority or Transport for London has requested the charging authority to make the trunk road charging scheme in connection with a charging scheme under this Part, or a scheme under Schedule 23 to the Greater London Authority Act 1999, made or proposed by them.

Making of charging schemes

168 Charging schemes to be made by order

- (1) A charging scheme under this Part is made by order of the charging authority or of the charging authorities (acting jointly).
- (2) The charging authority or the charging authorities (acting jointly) may by order vary a charging scheme under this Part and the charging authority or any of the charging authorities may by order revoke such a scheme; but where a trunk road charging scheme is made at the request of a local traffic authority or Transport for London, it shall not be varied or revoked unless the local traffic authority, or Transport for London, have been consulted about its variation or revocation.
- (3) The appropriate national authority may make regulations about orders making, varying or revoking charging schemes under this Part, including (in particular)—
 - (a) provision specifying the form of orders,
 - (b) provision about the publication of proposals for orders making or varying such charging schemes and the making and consideration of objections to such proposals, and
 - (c) provision about the publication of notice of orders and of their effect.
- (4) Before making regulations under subsection (3) which relate to joint local-London charging schemes the Secretary of State shall consult the Greater London Authority about the regulations so far as they so relate.

169 Confirmation of charging schemes

- (1) A charging scheme under this Part, other than a trunk road charging scheme, shall not come into force unless the order making it has been submitted to and confirmed by the appropriate national authority; and a variation of such a charging scheme shall not take effect until the order making the variation has been so submitted and confirmed.
- (2) Subsection (1) does not apply in such circumstances as may be specified in or determined in accordance with regulations made by the appropriate national authority.

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- (3) A joint local-London charging scheme shall not come into force unless the order making it has been submitted to and confirmed by the Greater London Authority; and a variation or revocation of such a charging scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.
- (4) Where confirmation of an order is required by this section, the order may be confirmed with or without modifications.
- (5) Where confirmation by both the Secretary of State and the Greater London Authority of an order making a joint local-London charging scheme, or a variation of such a charging scheme, is required by this section—
 - (a) the order shall not be submitted to the Secretary of State until it has been confirmed by the Greater London Authority,
 - (b) if the order has been confirmed by the Greater London Authority with modifications it is the modified order that must be submitted to the Secretary of State, and
 - (c) the order may not be confirmed with modifications by the Secretary of State until the modifications have been confirmed by the Greater London Authority.

170 Charging schemes: consultation and inquiries

- (1) 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 other persons about the charging scheme, variation or revocation.
- (2) The charging authority or the charging authorities (acting jointly)—
 - (a) may cause an inquiry to be held in relation to a charging scheme under this Part, or the variation or revocation of such a scheme, and
 - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (3) The appropriate national authority may at any time—
 - (a) before an order making or varying a charging scheme under this Part (other than a trunk road charging scheme) is made, or
 - (b) (where such an order has to be confirmed) before it is confirmed,
 consult other persons, or require the charging authority or authorities to consult other persons, about the charging scheme or variation.
- (4) The appropriate national authority—
 - (a) may cause an inquiry to be held in relation to a charging scheme under this Part (other than a trunk road charging scheme) or the variation of such a scheme, and
 - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (5) In the case of a joint local-London charging scheme—
 - (a) the Greater London Authority may, at any time before an order making, varying or revoking the charging scheme is confirmed by that Authority, consult other persons, or require the charging authorities to consult other persons, about the charging scheme, variation or revocation, and
 - (b) the Secretary of State shall not cause an inquiry to be held in relation to the charging scheme, or the variation of the charging scheme, or appoint the person or persons by whom such an inquiry is to be held, without the consent of the Greater London Authority.

- (6) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of this section.
- (7) Where an inquiry is held by virtue of this section in relation to a charging scheme, or the variation or revocation of such a scheme, the costs of the inquiry shall be paid—
 - (a) in the case of a trunk road charging scheme made by virtue of section 167(2)(b), by the local traffic authority which requested the making of the scheme (or Transport for London, if it did), and
 - (b) in any other case, by the charging authority or authorities;and the parties at the inquiry shall bear their own costs.

Contents of charging schemes

171 Matters to be dealt with in charging schemes

- (1) A charging scheme under this Part must—
 - (a) designate the roads in respect of which charges are imposed,
 - (b) specify or describe the events by reference to the happening of which a charge is imposed in respect of a motor vehicle being used or kept on a road,
 - (c) specify the classes of motor vehicles in respect of which charges are imposed,
 - (d) specify the charges imposed, and
 - (e) state whether or not the charging scheme is to remain in force indefinitely and, if it is not to remain in force indefinitely, the period for which it is to remain in force.
- (2) Subject to sections 164 to 167 and to any modifications made by virtue of section 169, the designation of the roads in respect of which charges are imposed by a charging scheme under this Part shall be such as the charging authority or authorities may determine.
- (3) Any charge imposed by a charging scheme under this Part in respect of the keeping of a motor vehicle on a road must also have effect in respect of the use of the motor vehicle on that road.
- (4) A charging scheme under this Part may make provision in relation to the manner in which charges are to be made, collected, recorded and paid.
- (5) The charges that may be imposed by a charging scheme under this Part include different charges (which may be no charge) for different cases, including (in particular)
 - (a) different days,
 - (b) different times of day,
 - (c) different roads,
 - (d) different distances travelled, and
 - (e) different classes of motor vehicles.
- (6) In setting the charges imposed by a charging scheme under this Part, regard may be had to the purposes for which any of the net proceeds of the charging scheme may be applied (in accordance with Schedule 12).
- (7) A charging scheme under this Part may contain provision requiring—

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- (a) documents to be displayed while a motor vehicle is on a road in respect of which charges are imposed, or
- (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.

172 Charging schemes: exemptions etc

- (1) The appropriate national authority may make regulations requiring charging schemes under this Part to contain provision for or in connection with—
 - (a) exemptions from charges,
 - (b) the application of reduced rates of charges, or
 - (c) the imposition of limits on the charges payable.
- (2) Subject to regulations under subsection (1) and to section 169(1) and (3), a charging scheme under this Part may contain provision of any of the descriptions specified in that subsection.
- (3) A road shall not be subject to charges imposed by more than one charging scheme under this Part, or by such a charging scheme and a scheme under Schedule 23 to the Greater London Authority Act 1999, at the same time.
- (4) A road shall not be subject to charges under a charging scheme under this Part if tolls are charged in respect of the use of the road.

Enforcement of charging schemes

173 Penalty charges

- (1) The appropriate national authority may by regulations make provision for or in connection with the imposition and payment of charges (“charging scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with charging schemes under this Part.
- (2) The regulations may include provision for or in connection with setting the rates of charging scheme penalty charges (which may include provision for discounts or surcharges).
- (3) Charging scheme penalty charges in respect of any motor vehicle shall be paid—
 - (a) by the registered keeper of the motor vehicle, or
 - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (4) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of charging scheme penalty charges.
- (5) A person commits an offence if with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by a charging scheme under this Part—
 - (a) he interferes with any equipment used for or in connection with charging under the charging scheme, or
 - (b) he causes or permits the registration plate of a motor vehicle to be obscured.
- (6) A person commits an offence if he makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, charges imposed by a charging scheme under this Part or charging scheme penalty charges.

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- (7) A person commits an offence if he removes a notice of a charging scheme penalty charge which has been fixed to a motor vehicle in accordance with regulations under this section unless—
- (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority, or
 - (b) he does so under the authority of the registered keeper or such a person or of the charging authority or any of the charging authorities.
- (8) A person guilty of an offence under subsection (5) or (6) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
 - (b) imprisonment for a term not exceeding six months, or to both.
- (9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

174 Examination, entry, search and seizure

- (1) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer powers on persons specified in, or determined in accordance with, the regulations for or in connection with examining a motor vehicle for ascertaining—
- (a) whether any document required to be displayed while the motor vehicle is on a road in respect of which charges are imposed is so displayed,
 - (b) whether any equipment required to be carried in or fitted to the motor vehicle while the motor vehicle is on such a road is carried or fitted, is in proper working order or has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge, or
 - (c) whether any conditions relating to the use of any such equipment are satisfied.
- (2) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer power on any person authorised in writing by the charging authority, or any of the charging authorities, to enter a motor vehicle where he has reasonable grounds for suspecting that—
- (a) any equipment required to be carried in or fitted to it while it is on a road in respect of which charges are imposed has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by the charging scheme, or
 - (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or being identified as having failed to pay, such a charge.
- (3) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by a charging scheme under this Part by virtue of subsection (2).
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
 - (b) imprisonment for a term not exceeding six months,

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or to both.

- (5) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer power on any person authorised in writing by the charging authority, or any of the charging authorities, to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under section 173(5) or (6).
- (6) A charging scheme under this Part may not authorise an examination of, or entry into, a motor vehicle unless it is on a road.

175 Immobilisation etc

- (1) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to make provision for or in connection with—
 - (a) the fitting of immobilisation devices to motor vehicles,
 - (b) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted,
 - (c) the removal and storage of motor vehicles,
 - (d) the release of motor vehicles from immobilisation devices or from storage,
 - (e) the satisfaction of conditions before the release of a motor vehicle, and
 - (f) the sale or destruction of motor vehicles not released.
- (2) A person commits an offence if he removes or interferes with an immobilisation notice fixed to a motor vehicle in accordance with provision included in a charging scheme under this Part by virtue of subsection (1) in contravention of such provision.
- (3) A person commits an offence if he removes or attempts to remove an immobilisation device fitted to a motor vehicle in accordance with provision included in a charging scheme under this Part by virtue of subsection (1) in contravention of such provision.
- (4) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by provision included in a charging scheme under this Part by virtue of subsection (1).
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) A person guilty of an offence under subsection (3) or (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section “immobilisation device” has the same meaning as in section 104 of the Road Traffic Regulation Act 1984.
- (8) A charging scheme under this Part may not authorise or require the fitting of an immobilisation device to, or the removal of, a motor vehicle unless it is on a road.

Supplementary

176 Equipment etc

- (1) The charging authority, or any of the charging authorities, in relation to a charging scheme under this Part may—

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- (a) install and maintain, or authorise the installation and maintenance of, any equipment, or
 - (b) construct and maintain, or authorise the construction and maintenance of, any buildings or other structures,
- used or to be used for or in connection with the operation of a charging scheme under this Part.
- (2) The appropriate national authority may by regulations approve standards for equipment installed, or authorised to be installed, by charging authorities for or in connection with the operation of charging schemes under this Part.
 - (3) No equipment may be installed for or in connection with the operation of a charging scheme under this Part if it is incompatible with a standard approved under subsection (2).

177 Traffic signs

- (1) The appropriate national authority may direct the charging authority, or any of the charging authorities, in relation to a charging scheme under this Part (other than a trunk road charging scheme) to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with the scheme.
- (2) In the case of a joint local-London charging scheme the Greater London Authority may also exercise the power conferred by subsection (1); but any direction under this subsection shall not have effect if and to the extent that it is inconsistent with a direction under subsection (1).
- (3) The appropriate national authority may direct any local traffic authority to place and maintain traffic signs, or cause traffic signs to be placed and maintained, in connection with a trunk road charging scheme.
- (4) An authority which is or could be given a direction under this section may enter any land, and exercise any other powers which may be necessary, for placing and maintaining traffic signs, or causing traffic signs to be placed and maintained, in connection with any charging scheme in respect of which a direction is or could be given.
- (5) A direction under this section shall be given in writing and may be varied or revoked by the authority by which it was given.
- (6) In this section “traffic signs” has the meaning given by section 64 of the Road Traffic Regulation Act 1984 but also includes signposts and other signs and notices included in that term by section 71(2) of that Act.

CHAPTER II

WORKPLACE PARKING LEVY

Licensing schemes

178 Preliminary

- (1) In this Part “licensing scheme” means a scheme for imposing charges in respect of the provision of workplace parking places at premises in the area covered by the scheme to be paid on licences covering the provision of a maximum number of such parking places at the premises.
- (2) Charges imposed in respect of any premises by a licensing scheme under this Part shall be paid—
 - (a) by the occupier of the premises, or
 - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (3) In this Part “licence” means a licence under a licensing scheme under this Part.
- (4) A licence relating to premises must cover the provision at the premises of the number of workplace parking places requested by the applicant for the licence; and in this Part “licensed unit”, in relation to a licence relating to premises, means each unit comprised in the maximum number of workplace parking places which may be provided at the premises under the cover of the licence.
- (5) A licensing scheme may be made—
 - (a) by a non-metropolitan local traffic authority (“a local licensing scheme”),
 - (b) jointly by more than one non-metropolitan local traffic authority (“a joint local licensing scheme”), or
 - (c) jointly by one or more non-metropolitan local traffic authorities and one or more London traffic authorities (“a joint local-London licensing scheme”).
- (6) In this Part—
 - (a) “the licensing authority”, in relation to a licensing scheme under this Part made or proposed to be made by one authority, means the authority by which the licensing scheme is or is proposed to be made, and
 - (b) “the licensing authorities”, in relation to a licensing scheme under this Part made or proposed to be made jointly by more than one authority, means the authorities by which the licensing scheme is or is proposed to be made.
- (7) The power to make joint local-London licensing schemes conferred by this Part does not limit any of the powers in Schedule 24 to the Greater London Authority Act 1999 (workplace parking levy in Greater London).

179 Local licensing schemes

- (1) A local licensing scheme may cover the whole or any part of the area of the licensing authority.

- (2) A local licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of policies in the licensing authority's local transport plan.

180 Joint local licensing schemes

- (1) A joint local licensing scheme may cover the whole or any part of the combined area of the licensing authorities.
- (2) A joint local licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of policies in the licensing authorities' local transport plans.

181 Joint local-London licensing schemes

- (1) A joint local-London licensing scheme may cover—
- (a) the whole or any part of the area of the non-metropolitan local traffic authority, or combined area of the non-metropolitan local traffic authorities, by which it is made, and
 - (b) the whole or any part of any area to which a scheme under Schedule 24 to the Greater London Authority Act 1999 made by the London traffic authority, or any of the London traffic authorities, by which it is made could apply.
- (2) A joint local-London licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—
- (a) policies in the local transport plan of the non-metropolitan local traffic authority, or the local transport plans of the non-metropolitan local traffic authorities, by which it is made, and
 - (b) 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.

182 Workplace parking places

- (1) For the purposes of this Part a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time occupied by a motor vehicle (other than an exempt vehicle) used—
- (a) by a relevant person,
 - (b) by an employee, agent, supplier, business customer or business visitor of a relevant person,
 - (c) by a pupil or student attending a course of education or training provided by a relevant person, or
 - (d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body,
- for attending a place at which the relevant person carries on business at or in the vicinity of the premises.
- (2) In this section “relevant person” means—
- (a) the person who provides the parking place in question (“the provider”),

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- (b) any person with whom the provider has entered into arrangements to provide the parking place (whether or not for that person’s own use), or
 - (c) any person who is associated with the provider or a person within paragraph (b).
- (3) For the purposes of subsection (2)(c) any two persons are associated if and only if—
- (a) one is a company of which the other (directly or indirectly) has control, or
 - (b) both are companies of which a third person (directly or indirectly) has control.
- (4) For the purposes of this section—
- “business” includes—
- (a) any trade, profession, vocation or undertaking,
 - (b) the functions of any office holder,
 - (c) the provision of any course of education or training, and
 - (d) the functions of, or any activities carried on by, a government department or a local authority or other statutory body,
- “business customer”, in relation to a relevant person, means a client or customer of the relevant person who is attending at any premises occupied by the relevant person for the purposes of a business carried on by that client or customer,
- “business visitor”, in relation to a relevant person, means an individual who —
- (a) in the course of his employment, or
 - (b) in the course of carrying on a business or for the purposes of a business carried on by him,
- is visiting the relevant person or any premises occupied by the relevant person,
- “employee” means a person employed under a contract of service or apprenticeship, whether express or implied, and (if express) whether oral or in writing, and
- “supplier”, in relation to a relevant person, means—
- (a) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person, or
 - (b) any agent or sub-contractor of such a person.
- (5) The appropriate national authority may make regulations amending the preceding provisions of this section for the purpose of adding, removing or varying cases where, for the purposes of this Part, a workplace parking place is provided.

Making of licensing schemes

183 Licensing schemes to be made by order

- (1) A licensing scheme under this Part is made by order of the licensing authority or of the licensing authorities (acting jointly).
- (2) The licensing authority or the licensing authorities (acting jointly) may by order vary a licensing scheme under this Part and the licensing authority or any of the licensing authorities may by order revoke such a scheme.
- (3) The appropriate national authority may make regulations about orders making, varying or revoking licensing schemes under this Part, including (in particular)—

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- (a) provision specifying the form of orders,
 - (b) provision about the publication of proposals for orders making or varying such licensing schemes and the making and consideration of objections to such proposals, and
 - (c) provision about the publication of notice of orders and of their effect.
- (4) Before making regulations under subsection (3) which relate to joint local-London licensing schemes the Secretary of State shall consult the Greater London Authority about the regulations so far as they so relate.

184 Confirmation of licensing schemes

- (1) A licensing scheme under this Part shall not come into force unless the order making it has been submitted to and confirmed by the appropriate national authority; and a variation of such a licensing scheme shall not take effect until the order making the variation has been so submitted and confirmed.
- (2) Subsection (1) does not apply in such circumstances as may be specified in or determined in accordance with regulations made by the appropriate national authority.
- (3) A joint local-London licensing scheme shall not come into force unless the order making it has been submitted to and confirmed by the Greater London Authority; and a variation or revocation of such a licensing scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.
- (4) Where confirmation of an order is required by this section, the order may be confirmed with or without modifications.
- (5) Where confirmation by both the Secretary of State and the Greater London Authority of an order making a joint local-London licensing scheme, or a variation of such a licensing scheme, is required by this section—
- (a) the order shall not be submitted to the Secretary of State until it has been confirmed by the Greater London Authority,
 - (b) if the order has been confirmed by the Greater London Authority with modifications it is the modified order that must be submitted to the Secretary of State, and
 - (c) the order may not be confirmed with modifications by the Secretary of State until the modifications have been confirmed by the Greater London Authority.

185 Licensing schemes: consultation and inquiries

- (1) The licensing authority or the licensing authorities (acting jointly) may at any time before an order making, varying or revoking a licensing scheme under this Part is made, consult other persons about the licensing scheme, variation or revocation.
- (2) The licensing authority or the licensing authorities (acting jointly)—
- (a) may cause an inquiry to be held in relation to a licensing scheme under this Part, or the variation or revocation of such a scheme, and
 - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (3) The appropriate national authority may at any time—
- (a) before an order making or varying a licensing scheme under this Part is made,
- or

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- (b) (where such an order has to be confirmed) before it is confirmed, consult other persons, or require the licensing authority or authorities to consult other persons, about the licensing scheme or variation.
- (4) The appropriate national authority—
 - (a) may cause an inquiry to be held in relation to a licensing scheme under this Part or the variation of such a scheme, and
 - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (5) In the case of a joint local-London licensing scheme—
 - (a) the Greater London Authority may, at any time before an order making, varying or revoking the licensing scheme is confirmed by that Authority, consult other persons, or require the licensing authorities to consult other persons, about the licensing scheme, variation or revocation, and
 - (b) the Secretary of State shall not cause an inquiry to be held in relation to the licensing scheme, or the variation of the licensing scheme, or appoint the person or persons by whom such an inquiry is to be held, without the consent of the Greater London Authority.
- (6) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of this section.
- (7) Where an inquiry is held by virtue of this section in relation to a licensing scheme or the variation or revocation of such a scheme—
 - (a) the costs of the inquiry shall be paid by the licensing authority or authorities, and
 - (b) the parties at the inquiry shall bear their own costs.

Contents of licensing schemes and licences

186 Matters to be dealt with in licensing schemes

- (1) A licensing scheme under this Part must—
 - (a) designate the area covered by the licensing scheme (“the licensing area”),
 - (b) state the days on which, and hours during which, a licence is required,
 - (c) specify the charges payable on licences (expressed as a specified sum of money for each licensed unit), and
 - (d) state whether or not the licensing scheme is to remain in force indefinitely and, if it is not to remain in force indefinitely, the period for which it is to remain in force.
- (2) Subject to sections 179 to 181 and to any modifications made by virtue of section 184, the designation by a licensing scheme under this Part of the boundaries of the licensing area shall be such as the licensing authority or authorities may determine.
- (3) The charges that may be imposed by a licensing scheme under this Part include different charges (which may be no charge) for different cases, including (in particular) —
 - (a) different days,
 - (b) different times of day,
 - (c) different parts of the licensing area,

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- (d) different classes of motor vehicles, and
 - (e) different numbers of licensed units.
- (4) In setting the charges imposed by a licensing scheme under this Part, regard may be had to the purposes for which any of the net proceeds of the licensing scheme may be applied (in accordance with Schedule 12).
- (5) A licensing scheme may include provision for or in connection with—
- (a) the making of an application for a licence,
 - (b) the grant of a licence,
 - (c) the issue of a licence, and
 - (d) the variation or revocation of a licence.

187 Licensing schemes: exemptions etc

- (1) The appropriate national authority may make regulations requiring licensing schemes under this Part to contain provision for or in connection with—
- (a) exemptions from licensing,
 - (b) the application of reduced rates of charges payable on licences, or
 - (c) the imposition of limits on the charges payable on a licence.
- (2) Subject to regulations under subsection (1) and to section 184(1) and (3), a licensing scheme under this Part may contain provision of any of the descriptions specified in that subsection.
- (3) The same premises shall not be subject to more than one licensing scheme under this Part, or to such a licensing scheme and a scheme under Schedule 24 to the Greater London Authority Act 1999, at the same time.
- (4) In subsection (1) the reference to exemptions from licensing includes (as well as exemptions in respect of any description of premises, persons or motor vehicles) exemption of a specified number of parking places provided at any premises from being workplace parking places, either generally or in the case of any description of premises, persons or motor vehicles.

188 Licences

- (1) A licence must—
- (a) state the name of the person to whom it is granted,
 - (b) identify the premises to which it relates,
 - (c) specify the maximum number of motor vehicles (not counting exempt vehicles) which may be parked at those premises at any one time, and
 - (d) state the amount of the charge paid on the licence and set out the calculation of that amount.
- (2) A licence may be granted subject to conditions.
- (3) A licence may not be granted for a period of more than one year.
- (4) A person commits an offence if he intentionally provides false or misleading information in or in connection with an application for a licence.
- (5) A person guilty of an offence under subsection (4) is liable—

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- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
- (b) on conviction on indictment, to a fine.

Enforcement of licensing schemes

189 Penalty charges

- (1) The appropriate national authority may by regulations make provision for or in connection with the imposition and payment of charges (“licensing scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with licensing schemes under this Part.
- (2) The regulations may include provision for or in connection with setting the rates of licensing scheme penalty charges (which may include provision for discounts or surcharges).
- (3) Licensing scheme penalty charges in respect of any premises shall be paid—
 - (a) by the occupier of the premises, or
 - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (4) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of licensing scheme penalty charges.

190 Rights of entry

- (1) Where a person duly authorised in writing by the licensing authority, or any of the licensing authorities, in relation to a licensing scheme under this Part has reason to believe that workplace parking places are being provided at any premises in the licensing area, he may at any reasonable time enter the premises for ascertaining—
 - (a) whether any workplace parking places are being provided at the premises without a licence or a licence covering all the workplace parking places being provided, or
 - (b) whether there is or has been any contravention of the conditions of a licence in respect of the premises.
- (2) A person duly authorised in writing by the licensing authority, or any of the licensing authorities, in relation to a licensing scheme under this Part may at any reasonable time enter any premises for the purpose of issuing notice of a licensing scheme penalty charge.
- (3) A person authorised under subsection (1) or (2) to enter any premises shall, if so required, produce evidence of his authority before so entering.
- (4) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by subsection (1) or (2).
- (5) A person guilty of an offence under subsection (4) is liable—
 - (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

- (6) Where any land is damaged in the exercise of a right of entry conferred under subsection (1) or (2), compensation in respect of that damage may be recovered by any person interested in the land from the authority on whose behalf the entry was effected.
- (7) The provisions of section 118 of the Town and Country Planning Act 1990 shall apply in relation to compensation under subsection (6) as they apply in relation to compensation under Part IV of that Act.

CHAPTER III

GENERAL AND SUPPLEMENTARY

191 Financial provisions about schemes

Schedule 12 contains financial provisions about charging schemes and licensing schemes.

192 Powers of authorities

The charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme under this Part may—

- (a) incur expenditure in or in connection with the establishment or operation of the charging scheme or licensing scheme, or
- (b) enter into arrangements (including arrangements for forming or participating in companies) with any person in respect of the operation of the charging scheme or licensing scheme or relating to the installation or operation of any equipment used for or in connection with the operation of the charging scheme or licensing scheme.

193 Guidance

- (1) The appropriate national authority may issue guidance to non-metropolitan local traffic authorities and London traffic authorities in relation to the discharge of their functions with respect to charging schemes and licensing schemes under this Part; and such authorities shall, in exercising those functions, have regard to any such guidance.
- (2) Before issuing guidance under this section which relates to joint local-London charging schemes or joint local-London licensing schemes the Secretary of State shall consult the Greater London Authority about the guidance so far as it so relates.
- (3) Guidance issued under this section shall be published in such manner as the appropriate national authority by which it is issued considers appropriate; and the appropriate national authority may at any time vary or revoke guidance issued by it under this section.

194 Information

- (1) Information obtained by—
 - (a) any Minister of the Crown or government department,
 - (b) the National Assembly for Wales, or

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- (c) any local authority or other statutory body,
 may be disclosed to the charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme under this Part for or in connection with the exercise of any of their functions with respect to the charging scheme or licensing scheme.
- (2) Information obtained by the charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme under this Part for or in connection with any of their functions other than their functions with respect to the charging scheme or licensing scheme may be used by them for or in connection with the exercise of any of their functions with respect to the charging scheme or licensing scheme.
- (3) Any information—
- (a) which has been or could be disclosed to an authority under subsection (1) for or in connection with the exercise of any of their functions with respect to the charging scheme or licensing scheme, or
 - (b) which has been or could be used by an authority by virtue of subsection (2) for or in connection with the exercise of any of those functions,
- may be disclosed to any person with whom the authority has entered into arrangements under section 192(b).
- (4) Information disclosed to a person under subsection (3)—
- (a) may be disclosed to any other person for or in connection with the charging scheme or licensing scheme, but
 - (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a)) otherwise than for or in connection with the charging scheme or licensing scheme.

195 Determination of disputes, appeals and evidence

- (1) The Lord Chancellor may by regulations make provision for or in connection with—
- (a) appeals against decisions relating to licences under licensing schemes under this Part or any failure to make such a decision,
 - (b) the determination of disputes relating to charging schemes or licensing schemes under this Part,
 - (c) appeals against such determinations or any failure to make such a determination, and
 - (d) the appointment of persons to hear any such appeals.
- (2) The Lord Chancellor may by regulations make provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Part, or proceedings in respect of a failure to comply with the provisions of a charging scheme or licensing scheme under this Part, to be given by the production of—
- (a) a record produced by a device specified in, or determined in accordance with, the regulations, and
 - (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced signed by a person so specified or determined.

196 Crown application

- (1) Chapter I applies in relation to Crown roads (within the meaning of section 131 of the Road Traffic Regulation Act 1984) as in relation to other roads.
- (2) The provisions of this Part and of regulations and schemes under it bind the Crown.
- (3) No contravention by the Crown of any of those provisions makes the Crown criminally liable; but—
 - (a) the High Court may, on the application of a charging authority, declare unlawful any act or omission of the Crown which constitutes such a contravention, and
 - (b) (subject to subsection (4)) those provisions apply to motor vehicles or persons in the public service of the Crown as they apply to other motor vehicles or persons.
- (4) No power of entry conferred by—
 - (a) regulations made under section 174(2), or
 - (b) section 190(1) or (2),is exercisable in relation to any motor vehicle in the public service of the Crown or any premises held or used by or on behalf of the Crown.
- (5) Nothing in this section affects Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

197 Part III: regulations and orders

- (1) Any power to make regulations under this Part—
 - (a) is exercisable by statutory instrument,
 - (b) includes power to make different provision for different cases, and
 - (c) may be exercised so as to make incidental, consequential, supplementary or transitional provision or savings.
- (2) The power to make an order making, varying or revoking a trunk road charging scheme is exercisable by statutory instrument.
- (3) Regulations under paragraph 9(1) or 13(2) or (5) of Schedule 12 shall not be made without the consent of the Treasury.
- (4) Regulations shall not be made by the Secretary of State under—
 - (a) section 182(5), or
 - (b) paragraph 9(1) or 13(2) or (5) of Schedule 12,unless a draft of the regulations has been laid before, and approved by a resolution of, the House of Commons.
- (5) A statutory instrument containing regulations made by the Secretary of State or the Lord Chancellor under any other provision of this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The references in subsections (4) and (5) to regulations made by the Secretary of State include regulations made by him jointly with the National Assembly for Wales.

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198 Interpretation of Part III

(1) In this Part—

“the appropriate national authority” means—

- (a) the Secretary of State in relation to charging schemes and licensing schemes relating only to England,
- (b) the National Assembly for Wales in relation to charging schemes and licensing relating only to Wales, and
- (c) the Secretary of State and the National Assembly for Wales, acting jointly, in relation to charging schemes and licensing schemes relating to both England and Wales,

“bridge” means a bridge or viaduct and includes the abutments of a bridge,
“charging authority” and “charging authorities” have the meanings given by section 163(5),

“charging scheme” has the meaning given by section 163(1),

“charging scheme penalty charges” shall be construed in accordance with section 173(1),

“exempt vehicle”, in relation to a licensing scheme, means a motor vehicle exempt from licensing under the scheme by virtue of regulations under subsection (1) of section 187 or provision included in the scheme by virtue of subsection (2) of that section,

“financial year” means a period of twelve months ending with 31st March,

“joint local charging scheme” shall be construed in accordance with section 163(3)(b),

“joint local licensing scheme” shall be construed in accordance with section 178(5)(b),

“joint local-London charging scheme” shall be construed in accordance with section 163(3)(c),

“joint local-London licensing scheme” shall be construed in accordance with section 178(5)(c),

“licence” shall be construed in accordance with section 178(3),

“licensed unit” has the meaning given by section 178(4),

“licensing area” shall be construed in accordance with section 186(1)(a),

“licensing authority” and “licensing authorities” have the meanings given by section 178(6),

“licensing scheme” has the meaning given by section 178(1),

“licensing scheme penalty charges” shall be construed in accordance with section 189(1),

“local charging scheme” shall be construed in accordance with section 163(3)(a),

“local licensing scheme” shall be construed in accordance with section 178(5)(a),

“local traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984,

“London traffic authority” means Transport for London, a London borough council or the Common Council of the City of London,

“motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian

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controlled vehicles and electrically assisted pedal cycles) shall apply as it applies for the purposes of the Road Traffic Acts,

“non-metropolitan local traffic authority” shall be construed in accordance with section 163(4),

“operation” includes enforcement (related expressions being construed accordingly),

“registered keeper”, in relation to a charge imposed in respect of motor vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994 at the time of the act, omission, event or circumstances in respect of which the charge is imposed,

“road” has the same meaning as in the Road Traffic Regulation Act 1984,

“trunk road charging scheme” shall be construed in accordance with section 163(3)(d), and

“workplace parking place” shall be construed in accordance with section 182.

- (2) Any reference in this Part to an authority’s local transport plan shall, where the authority is the council of a metropolitan district, be construed as a reference to the local transport plan made jointly by the Passenger Transport Authority for the passenger transport area in which the district is included and the councils for the metropolitan districts comprised in that area.
- (3) Any reference in this Part to a class of motor vehicles is a reference to a class defined or described, by reference to any characteristics of the motor vehicles or to any other circumstances whatsoever, in regulations made by the appropriate national authority.

199 Amendments of Greater London Authority Act

Schedule 13 contains amendments of Schedules 23 and 24 to the Greater London Authority Act 1999 in consequence of the provisions of this Part and minor amendments of those Schedules.

200 Exemption from local non-domestic rating

In Schedule 5 to the Local Government Finance Act 1988 (local non-domestic rating: exemptions), after paragraph 18A insert—

“Property used for road user charging schemes

18B (1) A hereditament which is occupied (as mentioned in section 65 of this Act) is exempt to the extent that—

- (a) it consists of a road in respect of which charges are imposed by a charging scheme under Schedule 23 to the Greater London Authority Act 1999 or Part III of the Transport Act 2000, or
- (b) it is used solely for or in connection with the operation of such a scheme.

(2) But office buildings are not exempt under sub-paragraph (1)(b) above.”