

**Changes to legislation:** Transport Act 2000, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 12

Section 191.

#### ROAD USER CHARGING AND WORKPLACE PARKING LEVY: FINANCIAL PROVISIONS

##### *Introductory*

- 1 (1) In this Schedule “relevant scheme” means a charging scheme or licensing scheme under this Part.
- (2) In this Schedule—
- (a) “the relevant authority”, in relation to a relevant scheme made by one authority, means the authority by which the scheme is made, and
  - (b) “the relevant authorities”, in relation to a relevant scheme made jointly by more than one authority, means the authorities by which the scheme is made.

##### **Commencement Information**

- II** Sch. 12 para. 1 partly in force; Sch. 12 para. 1 not in force at Royal Assent see s. 275(1); Sch. 12 para. 1 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

##### *Net proceeds*

- 2 (1) In this Schedule “net proceeds”, in relation to a relevant scheme and a financial year, means the amount (if any) by which—
- (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
  - (b) the expenses incurred for or in connection with the scheme which are so attributable.
- (2) For the purposes of this Schedule—
- (a) the amounts received under or in connection with a relevant scheme, and
  - (b) the expenses incurred for or in connection with a relevant scheme,
- and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations made by the appropriate national authority.
- (3) Regulations under sub-paragraph (2) may, in particular, provide that—
- (a) any such costs of constructing, improving or maintaining roads in respect of which charges are imposed by trunk road charging schemes, and any such costs of managing traffic on those roads, as are specified by or determined in accordance with the regulations, or
  - (b) any such payments made for or in respect of the construction, improvement or maintenance of those roads, or the management of traffic on them, as are so specified or determined,

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are to be regarded, to the extent so specified or determined, as expenses incurred for or in connection with the trunk road charging schemes.

- (4) Where a trunk road charging scheme is made by virtue of section 167(2)(b) [<sup>F1</sup> or (3)(c)], the relevant authority and the local traffic authority [<sup>F2</sup>, Integrated Transport Authority [<sup>F3</sup>, combined authority or combined county authority]] which requested the making of the scheme (or Transport for London, if it did) may agree that—
- (a) the expenses incurred for or in connection with the trunk road charging scheme shall be taken to include specified expenses incurred for or in connection with the charging scheme in connection with which the trunk road charging scheme was requested, and
  - (b) the expenses incurred for or in connection with that other charging scheme shall be taken to include specified expenses incurred for or in connection with the trunk road charging scheme.

#### Textual Amendments

- F1** Words in Sch. 12 para. 2(4) inserted (14.4.2024) by Environment (Air Quality and Soundscapes) (Wales) Act 2024 (asc 2), s. 30(2)(f), Sch. 2 para. 2
- F2** Words in Sch. 12 para. 2(4) substituted (17.12.2009) by Local Democracy, Economic Development and Construction Act 2009 (c. 20), s. 148(6), Sch. 6 para. 115(2); S.I. 2009/3318, art. 2(c)
- F3** Words in Sch. 12 para. 2(4) substituted (26.12.2023) by Levelling-up and Regeneration Act 2023 (c. 55), s. 255(2)(c), Sch. 4 para. 148(2) (with s. 247)

#### Commencement Information

- I2** Sch. 12 para. 2 partly in force; Sch. 12 para. 2 not in force at Royal Assent see s. 275(1); Sch. 12 para. 2 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), Sch. 3 Pt. I (subject to the savings in Sch. 3 Pt. II)

### *Apportionment*

- 3 (1) A relevant scheme which is—
- (a) a joint local charging scheme or licensing scheme, <sup>F4</sup>...
  - [<sup>F4</sup>(aa) a joint local-ITA charging scheme,]
  - (b) a joint local-London charging scheme or licensing scheme, [<sup>F5</sup> or
  - (c) a joint ITA-London charging scheme,]
- shall provide for the net proceeds of the scheme to be apportioned between the relevant authorities.
- (2) Where a trunk road charging scheme is made by virtue of section 167(2)(b) [<sup>F6</sup> or (3)(c)]—
- (a) the trunk road charging scheme, or
  - (b) the charging scheme in connection with which the trunk road charging scheme was requested,
- or both, may provide for the net proceeds of the scheme to be apportioned between the relevant authority and the local traffic authority [<sup>F7</sup>, Integrated Transport Authority [<sup>F8</sup>, combined authority or combined county authority]] which requested the making of the scheme (or Transport for London, if it did).

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#### Textual Amendments

- F4** Sch. 12 para. 3(1)(aa) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 12\(2\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)
- F5** Sch. 12 para. 3(1)(c) and word inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 12\(2\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)
- F6** Words in Sch. 12 para. 3(2) inserted (14.4.2024) by [Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024 \(asc 2\)](#), s. 30(2)(f), [Sch. 2 para. 3](#)
- F7** Words in Sch. 12 para. 3(2) substituted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 115\(3\)](#); S.I. 2009/3318, art. 2(c)
- F8** Words in Sch. 12 para. 3(2) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 148\(2\)](#) (with s. 247)

#### Commencement Information

- I3** Sch. 12 para. 3 partly in force; Sch. 12 para. 3 not in force at Royal Assent see s. 275(1); Sch. 12 para. 3 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 4 References in the following provisions of this Schedule to an authority's share of the net proceeds of a relevant scheme are—
- (a) where the net proceeds of the scheme are apportioned as provided by paragraph 3, to so much of the net proceeds of the scheme as are apportioned to the authority, and
  - (b) otherwise, to the net proceeds of the scheme.

#### Commencement Information

- I4** Sch. 12 para. 4 partly in force; Sch. 12 para. 4 not in force at Royal Assent see s. 275(1); Sch. 12 para. 4 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

#### *Accounts and funds*

- 5 Regulations made by the appropriate national authority may make provision for—
- (a) the keeping of accounts relating to trunk road charging schemes, and
  - (b) the preparation and publication of statements of such accounts.

#### Commencement Information

- I5** Sch. 12 para. 5 partly in force at 1.8.2001; Sch. 12 para. 5 not in force at Royal Assent see s. 275(1); Sch. 12 para. 5 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 6
- (1) An account relating to a relevant scheme which is not a trunk road charging scheme shall be kept for each financial year by the relevant authority or jointly by the relevant authorities.
  - (2) A statement of every such account shall be prepared for each financial year by the relevant authority or authorities and published in the annual accounts of the relevant authority, or of each of the relevant authorities, for the financial year.
  - (3) Regulations made by the appropriate national authority may make—

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- (a) further provision relating to accounts required to be kept under this paragraph (including provision requiring or allowing the keeping of consolidated accounts relating to more than one relevant scheme), and
- (b) further provision relating to the preparation and publication of statements of such accounts.

#### Commencement Information

**I6** Sch. 12 para. 6 partly in force; Sch. 12 para. 6 not in force at Royal Assent see s. 275(1); Sch. 12 para. 6 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 7
- (1) At the end of each financial year any deficit in an account required to be kept under paragraph 6 shall be made good by the relevant authority or authorities.
  - (2) Any surplus in such an account may (so far as not made available for any purpose in accordance with this Schedule) be applied by the relevant authority or authorities towards making good any amount used to make good a deficit in respect of the account in the ten years immediately preceding the financial year.
  - (3) So much of any surplus as remains after the application of sub-paragraph (2) shall be carried forward in the account to the next financial year.
  - (4) A relevant scheme made by more than one authority must make provision specifying or for determining—
    - (a) the proportion of any deficit which each authority shall make good, and
    - (b) the proportion of any surplus which each authority may apply in accordance with sub-paragraph (2).
  - (5) Any deficit required to be made good shall be made good—
    - (a) in the case of a Welsh county council or county borough council, from its general account,
    - (b) in the case of Transport for London, from its gross income, and
    - (c) in the case of any other non-metropolitan local traffic authority or London traffic authority, [<sup>F9</sup>or an Integrated Transport Authority][<sup>F10</sup>, combined authority or combined county authority], from its general fund.

#### Textual Amendments

- F9** Words in Sch. 12 para. 7(5)(c) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 13\(2\)](#); [S.I. 2009/107, art. 2\(2\)](#), Sch. 2 Pt. 1; [S.I. 2009/579, art. 2\(k\)](#)
- F10** Words in [Sch. 12 para. 7\(5\)\(c\)](#) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 148\(2\)](#) (with s. 247)

#### Commencement Information

**I7** Sch. 12 para. 7 partly in force; Sch. 12 para. 7 not in force at Royal Assent see s. 275(1); Sch. 12 para. 7 in force (E.) at 1.2.2001 by [S.I. 2001/57, art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

#### *Application of proceeds by non-metropolitan local traffic authorities*

- 8
- (1) This paragraph applies to a non-metropolitan local traffic authority's share of the net proceeds of [<sup>F11</sup>any relevant scheme].

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- (2) The share of the net proceeds is available only—
- (a) for application by the authority for the purpose of directly or indirectly facilitating the achievement of [<sup>F12</sup>local transport policies of the authority], or
  - (b) for application by any authority falling within sub-paragraph (3) selected by the authority whose share it is in accordance with sub-paragraph (4).
- (3) The authorities which fall within this sub-paragraph are—
- (a) other non-metropolitan local traffic authorities
  - [<sup>F13</sup>(aa) Integrated Transport Authorities][<sup>F14</sup>, combined authorities and combined county authorities];
  - (b) London traffic authorities and the Greater London Authority.
- (4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—
- (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of [<sup>F15</sup>any of its local transport policies],
  - [<sup>F16</sup>(aa) by an Integrated Transport Authority [<sup>F17</sup>, combined authority or combined county authority] for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or]
  - (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the <sup>M1</sup>Greater London Authority Act 1999,
- in a way which will benefit the whole or any part of the area of the non-metropolitan local traffic authority whose share it is.

<sup>F18</sup>(5) .....

<sup>F18</sup>(6) .....

<sup>F18</sup>(7) .....

#### Textual Amendments

- F11** Words in Sch. 12 para. 8(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 2\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F12** Words in Sch. 12 para. 8(2)(a) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 1 para. 8\(2\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(a)
- F13** Sch. 12 para. 8(3)(aa) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 5 para. 14\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)
- F14** Words in Sch. 12 para. 8(3)(aa) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(2\)\(c\), Sch. 4 para. 148\(3\)](#) (with s. 247)
- F15** Words in Sch. 12 para. 8(4)(a) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 1 para. 8\(2\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(a)
- F16** Sch. 12 para. 8(4)(aa) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 5 para. 14\(3\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)
- F17** Words in Sch. 12 para. 8(4)(aa) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\), s. 255\(2\)\(c\), Sch. 4 para. 148\(4\)](#) (with s. 247)
- F18** Sch. 12 para. 8(5)-(7) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\), s. 134\(4\), Sch. 6 para. 2\(3\), Sch. 7 Pt. 5](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

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#### Modifications etc. (not altering text)

- C1** Sch. 12 para. 8 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), art. 1, [Sch. 2 para. 17\(a\)](#) (with art. 7(4))
- C2** Sch. 12 para. 8 excluded by S.I. 2011/41, art. 42A(2) (as inserted) (14.9.2016) by [The River Mersey \(Mersey Gateway Bridge\) \(Amendment\) Order 2016 \(S.I. 2016/851\)](#), arts. 1, [3\(3\)](#)

#### Commencement Information

- I8** Sch. 12 para. 8 partly in force; Sch. 12 para. 8 not in force at Royal Assent see s. 275(1); Sch. 12 para. 8 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

#### Marginal Citations

- M1** 1999 c. 29.

<sup>F19</sup>g

#### Textual Amendments

- F19** Sch. 12 para. 9 repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 3\(3\)](#), [Sch. 7 Pt. 5](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

#### Commencement Information

- I9** Sch. 12 para. 9 partly in force; Sch. 12 para. 9 not in force at Royal Assent see s. 275(1); Sch. 12 para. 9 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 10 (1) A relevant scheme made by one or more non-metropolitan local traffic authorities must include—
- (a) a general plan relating to the application of their shares of the net proceeds of the relevant scheme during the opening ten year period, and
  - (b) a detailed programme for the application of their shares of the net proceeds of the relevant scheme during [<sup>F20</sup>the opening five year period].
- (2) In this Schedule—
- (a) “the opening ten year period” means the period which begins with the date on which the relevant scheme comes into force and ends with the tenth financial year that commences on or after that date, and
  - [<sup>F21</sup>(b) “the opening five year period” means the period which begins with that date and ends with the fifth financial year that commences on or after that date.]
- (3) The order making a scheme [<sup>F22</sup>which relates to an area in Wales] shall not come into force unless and until the general plan and detailed programme required by subparagraph (1) have been approved by [<sup>F23</sup>the Welsh Ministers].

#### Textual Amendments

- F20** Words in Sch. 12 para. 10(1)(b) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 4\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F21** Sch. 12 para. 10(2)(b) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 4\(3\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F22** Words in Sch. 12 para. 10(3) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 4\(4\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

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**F23** Words in Sch. 12 para. 10(3) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 4\(4\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

**Modifications etc. (not altering text)**

**C3** Sch. 12 para. 10 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), art. 1, [Sch. 2 para. 17\(b\)](#) (with art. 7(4))

**Commencement Information**

**I10** Sch. 12 para. 10 partly in force; Sch. 12 para. 10 not in force at Royal Assent see s. 275(1); Sch. 12 para. 10 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

- 11 <sup>F24</sup>(1) If a relevant scheme made by one or more non-metropolitan local traffic authorities remains in force after the end of the opening five year period, the authority or each of the authorities shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.]
- (2) Any programme <sup>F25</sup>prepared in accordance with sub-paragraph (1)] in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 10(1)(a).
- (3) Except with the consent of the appropriate national authority in any particular case, a non-metropolitan local traffic authority may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to the general fund or general account of the relevant authority which made the scheme) in any financial year beginning after the end of <sup>F26</sup>the opening five year period] unless it is complying with sub-paragraph (1).

**Textual Amendments**

**F24** Sch. 12 para. 11(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 5\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

**F25** Words in Sch. 12 para. 11(2) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 5\(3\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

**F26** Words in Sch. 12 para. 11(3) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 5\(4\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

**Modifications etc. (not altering text)**

**C4** Sch. 12 para. 11 applied (with modifications) (1.2.2005) by [The Local Authorities' Plans and Strategies \(Disapplication\) \(England\) Order 2005 \(S.I. 2005/157\)](#), art. 1, [Sch. 2 para. 17\(c\)](#) (with art. 7(4))

**Commencement Information**

**I11** Sch. 12 para. 11 partly in force; Sch. 12 para. 11 not in force at Royal Assent see s. 275(1); Sch. 12 para. 11 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

*<sup>F27</sup>Application of proceeds by Integrated Transport Authorities*

**Textual Amendments**

**F27** Sch. 12 para. 11A-11C and crossheading inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 5 para. 15](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(k)

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- 11A (1) This paragraph applies to an Integrated Transport Authority's [<sup>F28</sup>, combined authority's or combined county authority's] share of the net proceeds of any relevant scheme.
- (2) The share of the net proceeds is available only—
- (a) for application by the Authority for the purpose of directly or indirectly facilitating the achievement of any of the Authority's local transport policies, or
  - (b) for application in accordance with sub-paragraph (4) by an authority falling within sub-paragraph (3) selected by the Authority.
- (3) The authorities which fall within this sub-paragraph are—
- (a) non-metropolitan local traffic authorities;
  - (b) London traffic authorities and the Greater London Authority.
- (4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—
- (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or
  - (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999,
- in a way which will benefit the whole or any part of the [<sup>F29</sup>integrated transport area of the Integrated Transport Authority or (as the case may be) the area of the combined authority][<sup>F30</sup> or combined county authority].

#### Textual Amendments

- F28** Words in Sch. 12 para. 11A(1) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 148\(5\)\(a\)](#) (with s. 247)
- F29** Words in Sch. 12 para. 11A(4) substituted (17.12.2009) by [Local Democracy, Economic Development and Construction Act 2009 \(c. 20\)](#), s. 148(6), [Sch. 6 para. 115\(6\)\(b\)](#); S.I. 2009/3318, art. 2(c)
- F30** Words in Sch. 12 para. 11A(4) inserted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 148\(5\)\(b\)](#) (with s. 247)

- 11B (1) A relevant scheme made by an Integrated Transport Authority [<sup>F31</sup>, a combined authority or a combined county authority] must include—
- (a) a general plan relating to the application of its share of the net proceeds of the relevant scheme during the opening ten year period, and
  - (b) a detailed programme for the application of its share for the net proceeds of the relevant scheme during the opening five year period.
- (2) See paragraph 10(2) for the meaning of “the opening ten year period” and “the opening five year period”.

#### Textual Amendments

- F31** Words in Sch. 12 para. 11B(1) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 148\(6\)](#) (with s. 247)



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- 11C (1) If a relevant scheme made by an Integrated Transport Authority [<sup>F32</sup>, a combined authority or a combined county authority] remains in force after the end of the opening five year period, the Authority shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.
- (2) Any programme prepared in accordance with sub-paragraph (1) in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 11B(1)(a).
- (3) Except with the consent of the Secretary of State in any particular case, an Integrated Transport Authority [<sup>F33</sup>, a combined authority or a combined county authority] may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to its general fund) in any financial year beginning after the end of the opening five year period unless it is complying with sub-paragraph (1).]

**Textual Amendments**

- F32** Words in Sch. 12 para. 11C(1) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 148\(6\)](#) (with s. 247)
- F33** Words in Sch. 12 para. 11C(3) substituted (26.12.2023) by [Levelling-up and Regeneration Act 2023 \(c. 55\)](#), s. 255(2)(c), [Sch. 4 para. 148\(6\)](#) (with s. 247)

*Application of proceeds by London traffic authorities*

- 12 (1) The share of the net proceeds of a relevant scheme of a London traffic authority is available.
- [<sup>F34</sup>(a) in the case of a charging scheme under this Part, only for application for relevant transport purposes within the meaning of Schedule 23 to the Greater London Authority Act 1999;
- (b) in the case of a licensing scheme under this Part, only for application in accordance with regulations made by the Secretary of State.]
- [<sup>F35</sup>(1A) Paragraphs 19(1) and (2), 20(1) and (5), 23(1) and (3) and 24 of Schedule 23 to that Act apply in relation to a charging scheme under this Part as they apply in relation to a charging scheme under that Schedule.]
- (2) Regulations under sub-paragraph (1) shall provide for—
- [<sup>F36</sup>(a) . . . . .
- (b) paragraphs 22 to 30 of Schedule 24 to that Act,
- to apply in relation to [<sup>F37</sup>a licensing scheme] with any such modifications as the Secretary of State considers appropriate.
- (3) Before making regulations under sub-paragraph (1) the Secretary of State shall consult the Greater London Authority.

**Textual Amendments**

- F34** Words in Sch. 12 para. 12(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 6\(2\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

**Changes to legislation:** Transport Act 2000, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- F35** Sch. 12 para. 12(1A) inserted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 6 para. 6(3)**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F36** Sch. 12 para. 12(2)(a) repealed (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), Sch. 6 para. 6(4)(a), **Sch. 7 Pt. 5**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F37** Words in Sch. 12 para. 12(2) substituted (9.2.2009 for E., 1.4.2009 for W.) by Local Transport Act 2008 (c. 26), s. 134(4), **Sch. 6 para. 6(4)(b)**; S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)

#### Commencement Information

- I12** Sch. 12 para. 12 wholly in force at 1.8.2001; Sch. 12 para. 12 not in force at Royal Assent see s. 275(1); Sch. 12 para. 12 in force (E.) at 1.2.2001 by S.I. 2001/57, art. 3(2), **Sch. 3 Pt. I** (subject to the savings in Sch. 3 Pt. II)

#### *Application of proceeds by Secretary of State<sup>F38</sup> ...*

#### Textual Amendments

- F38** Words in Sch. 12 para. 13 cross-heading omitted (14.4.2024) by virtue of Environment (Air Quality and Soundscapes) (Wales) Act 2024 (asc 2), s. 30(2)(f), **Sch. 2 para. 4**

- 13 (1) In the case of a trunk road charging scheme—
- (a) which is made by virtue of paragraph (a) of subsection (2) of section 167, or
  - (b) which is made by virtue of paragraph (b) of that subsection<sup>F39</sup> ...,
- the [<sup>F40</sup>relevant authority's][<sup>F40</sup>Secretary of State's] share of the net proceeds is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.
- <sup>F41</sup>(2) .....
- (3) [<sup>F42</sup>Sub-paragraph (1)(a)] applies during the period of ten years beginning with the coming into force of a scheme [<sup>F43</sup>made by virtue of section 167(2)(a)].
  - (4) The [<sup>F44</sup>appropriate national authority][<sup>F44</sup>Secretary of State] may by regulations make provision as to circumstances in which—
    - (a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or
    - (b) a different scheme is, or is not, to be regarded as coming into force,
 for the purposes of determining when the period specified in sub-paragraph (3) begins or expires in the case of a scheme.
  - (5) Except where [<sup>F45</sup>sub-paragraph (1)(a)] applies, the [<sup>F46</sup>relevant authority's][<sup>F46</sup>Secretary of State's] share of the net proceeds of a trunk road charging scheme [<sup>F47</sup>made by virtue of section 167(2)(a)] is available to be applied only as may be specified in, or determined in accordance with, regulations made by the [<sup>F48</sup>appropriate national authority][<sup>F48</sup>Secretary of State].
  - (6) The provision that may be made by regulations under sub-paragraph (5) includes provision for sub-paragraph (3) to apply with the substitution for the number of years for the time being mentioned in it of a number of years greater than ten.

**Changes to legislation:** Transport Act 2000, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

### Textual Amendments

- F39** Words in Sch. 12 para. 13(1)(b) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 7\(2\)](#), [Sch. 7 Pt. 5](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F40** Words in Sch. 12 para. 13(1) substituted (W.) (14.4.2024) by [Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024 \(asc 2\)](#), s. 30(2)(f), [Sch. 2 para. 5\(a\)](#)
- F41** Sch. 12 para. 13(2) repealed (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 7\(3\)](#), [Sch. 7 Pt. 5](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F42** Words in Sch. 12 para. 13(3) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 7\(4\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F43** Words in Sch. 12 para. 13(3) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 7\(4\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F44** Words in Sch. 12 para. 13(4) substituted (W.) (14.4.2024) by [Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024 \(asc 2\)](#), s. 30(2)(f), [Sch. 2 para. 5\(b\)](#)
- F45** Words in Sch. 12 para. 13(5) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 7\(5\)\(a\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F46** Words in Sch. 12 para. 13(5) substituted (W.) (14.4.2024) by [Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024 \(asc 2\)](#), s. 30(2)(f), [Sch. 2 para. 5\(c\)\(i\)](#)
- F47** Words in Sch. 12 para. 13(5) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), s. 134(4), [Sch. 6 para. 7\(5\)\(b\)](#); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(t)
- F48** Words in Sch. 12 para. 13(5) substituted (W.) (14.4.2024) by [Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024 \(asc 2\)](#), s. 30(2)(f), [Sch. 2 para. 5\(c\)\(ii\)](#)

### Commencement Information

- I13** Sch. 12 para. 13 partly in force; Sch. 12 para. 13 not in force at Royal Assent see s. 275(1); Sch. 12 para. 13 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#))

## *F<sup>49</sup> Application of proceeds by Welsh Ministers*

### Textual Amendments

- F49** [Sch. 12 paras. 14, 15](#) and cross-heading inserted (W.) (14.4.2024) by [Environment \(Air Quality and Soundscapes\) \(Wales\) Act 2024 \(asc 2\)](#), s. 30(2)(f), [Sch. 2 para. 6](#)

- 14 (1) In the case of a trunk road charging scheme—
- which is made by virtue of subsection (3) of section 167, and
  - which is made wholly or partly for the purpose of reducing or limiting air pollution,
- the Welsh Ministers must publish a statement and lay it before Senedd Cymru as soon as reasonably practicable after the scheme is made.
- (2) The statement must—
- state that the scheme is made wholly or partly for the purpose of limiting or reducing air pollution;
  - provide an estimate of the net proceeds of the scheme for at least the first five financial years in which the scheme will be in operation;
  - specify how the Welsh Ministers propose to apply their share of those net proceeds, and

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- (d) provide an assessment of the expected effect of those proposals on air quality (if any).
- 15 (1) In the case of a trunk road charging scheme—
- (a) which is made by virtue of subsection (3) of section 167, and
  - (b) which is not made (either wholly or partly) for the purpose of reducing or limiting air pollution,
- the Welsh Ministers’ share of the net proceeds of the scheme is available only for application for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.
- (2) Where the scheme is made by virtue of paragraph (a) of subsection (3) of section 167, sub-paragraph (1) applies only during the period of ten years beginning with the coming into force of the scheme.
- (3) The Welsh Ministers may by regulations make provision as to circumstances in which—
- (a) the same scheme is to be regarded as continuing in force in spite of a variation of the scheme or the revocation and replacement (with or without modifications) of the scheme, or
  - (b) a different scheme is, or is not, to be regarded as coming into force,
- for the purposes of determining when the period specified in sub-paragraph (2) begins or expires in the case of a scheme.
- (4) Where sub-paragraph (1) no longer applies to a scheme made by virtue of paragraph (a) of subsection (3) of section 167, the Welsh Ministers’ share of the net proceeds of the scheme is available to be applied only as may be specified in, or determined in accordance with, regulations made by the Welsh Ministers.
- (5) The provision that may be made by regulations under sub-paragraph (4) includes provision for sub-paragraph (2) to apply with the substitution for the number of years for the time being mentioned in it of a number of years greater than ten.]

**Changes to legislation:**

Transport Act 2000, SCHEDULE 12 is up to date with all changes known to be in force on or before 22 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by [S.I. 2019/93, Sch. 1 para. 9\(1C\)\(b\)](#) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- [Sch. 16 para. 34\(4\)\(a\)para. 34\(4\)\(b\)\(c\)](#) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)