



# London Olympic Games and Paralympic Games (Amendment) Act 2011

## 2011 CHAPTER 22

### *Traffic*

#### **7 Enforcement of moving traffic contraventions in Greater London**

- (1) After section 16 of the London Olympic Games and Paralympic Games Act 2006 insert—

##### **“16A Enforcement of moving traffic contraventions in Greater London**

- (1) The provisions of the London Local Authorities and Transport for London Act 2003 (“the 2003 Act”) referred to in subsection (2) apply in relation to an Olympic traffic contravention as they apply in relation to a contravention of a prescribed order within the meaning of section 4 of that Act.
- (2) The provisions of the 2003 Act are—
- (a) section 4 (penalty charges for road traffic contraventions),
  - (b) section 6 (limitation on service of penalty charge notice),
  - (c) section 7 (disapplication of offences),
  - (d) Schedule 1 (penalty charge notices: representations etc.), and
  - (e) Schedule 2 (penalty charge notices: financial provisions),
- and section 2 of that Act (interpretation) so far as it relates to any of those provisions.
- (3) An “Olympic traffic contravention” is a contravention of any of the following that applies to a road in Greater London—
- (a) an order made by virtue of section 14(1) or (4),
  - (b) a notice issued by virtue of section 14(5B), or
  - (c) an order made under section 16A of the Road Traffic Regulation Act 1984 (road closures or restrictions for certain events) as applied by section 16 of this Act.

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*Changes to legislation: There are currently no known outstanding effects for the London Olympic Games and Paralympic Games (Amendment) Act 2011, Section 7. (See end of Document for details)*

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- (4) But a contravention of an order or notice referred to in subsection (3) is not an Olympic traffic contravention in so far as Part 6 of the Traffic Management Act 2004 applies in relation to it by virtue of section 15 or 16.
- (5) For the purposes of this section, section 4 of the 2003 Act has effect as if—
- (a) in subsection (10) (power to set level of discount for early payment of penalty charge), for “the borough councils and Transport for London acting through the Joint Committee” there were substituted “ the Olympic Delivery Authority ”, and
  - (b) for subsection (13) there were substituted the subsection (13) set out in section 16B(1).
- (6) For the purposes of this section, section 7 of the 2003 Act has effect as if after subsection (3) there were inserted the subsections (3A) and (3B) set out in section 16B(2).
- (7) The Secretary of State may direct the enforcement authority for a road in Greater London to exercise its power under section 4(2) or 6(6) of the 2003 Act in respect of an Olympic traffic contravention.
- (8) Where the enforcement authority is Transport for London, the Secretary of State may give a direction under subsection (7) only with the consent of the Mayor of London.
- (9) If an enforcement authority for a road fails to comply with a direction under subsection (7), the Olympic Delivery Authority may, with the consent of the Secretary of State, act as the enforcement authority for that road.
- (10) If the Authority acts as the enforcement authority for a road by virtue of subsection (9), it may recover from the enforcement authority, as if it were a debt, the reasonable cost of acting.
- (11) In this section, “enforcement authority” means whichever of Transport for London or the relevant borough council under the 2003 Act is for the time being entitled to exercise the power under section 4(2) of that Act.
- (12) For the purposes of this section, the provisions of the 2003 Act referred to in subsection (2) are to be treated as being fully in force.

### **16B Section 16A: supplemental**

- (1) The subsection (13) of section 4 of the London Local Authorities and Transport for London Act 2003 (“the 2003 Act”) referred to in section 16A(5) (b) is as follows—
- “(13) For the purposes of subsection (12), Part 2 of that Schedule has effect as it would if there were substituted for it the Part 2 set out as follows—

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## “PART 2

### CHARGES APPLICABLE IN GREATER LONDON

- (1) It is the duty of the Olympic Delivery Authority (“the Authority”) to set the levels of charges applicable to Olympic traffic contraventions (within the meaning of section 16A of the London Olympic Games and Paralympic Games Act 2006).
  - (2) Different levels of charges may be set for different areas in Greater London and for different cases or classes of case.
  - (3) Before setting the level of any charges the Authority must consult—
    - (a) Transport for London, and
    - (b) the London local authorities.
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- (1) The Authority must submit to the Secretary of State for approval the levels of charges that it proposes to set.
  - (2) If—
    - (a) the Authority fails to discharge its duty under paragraph 2, or
    - (b) the Secretary of State does not approve the levels of charges proposed by the Authority,the levels of charges must be set by the Secretary of State.

The Authority must publish, in such manner as the Secretary of State may determine, the levels of charges set in accordance with this Part of this Schedule.””””

(2) The subsections (3A) and (3B) of section 7 of the 2003 Act referred to in section 16A(6) are as follows—

“(3A) Section 16 of the Act of 1984 shall apply in respect of a road to which this section applies as if after subsection (1) there were inserted—

“(1A) Subsection (1) does not apply in relation to any person who acts in contravention of or fails to comply with a restriction or prohibition imposed under section 14 of this Act if as a result a penalty charge is payable under section 4(5) of the London Local Authorities and Transport for London Act 2003.”

(3B) Section 16C of the Act of 1984 shall apply in respect of a road to which this section applies as if after subsection (1) there were inserted—

“(1A) Subsection (1) does not apply in relation to any person who acts in contravention of or fails to comply with an order under section 16A of this Act if as a result a penalty charge is payable under section 4(5) of the London Local Authorities and Transport for London Act 2003.””””””””

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- (2) Consultation undertaken before the commencement of subsection (1) (including consultation undertaken before the passing of this Act) is as effective for the purposes of paragraph 2(3) of Schedule 9 to the Traffic Management Act 2004 as modified in accordance with that subsection as consultation undertaken after that commencement.

**Changes to legislation:**

There are currently no known outstanding effects for the London Olympic Games and Paralympic Games (Amendment) Act 2011, Section 7.