



# London Local Authorities and Transport for London Act 2003

## 2003 CHAPTER iii

### PART 2

#### ROAD TRAFFIC AND HIGHWAYS

##### *Fixed penalties*

### **8 Fixed penalty offences**

- (1) Where on any occasion an authorised officer of a borough council or Transport for London finds a person who he has reason to believe has on that occasion committed an offence under any of the enactments—
  - (a) mentioned in columns (1) and (2) of the table set out in Schedule 4 to this Act; and
  - (b) described in column (3) of that table;the officer may give that person a notice offering him the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty.
- (2) The powers of an authorised officer of a borough council under subsection (1) above may be exercised only in relation to offences alleged to have been committed in respect of a highway in respect of which the council is highway authority.
- (3) The powers of an authorised officer of Transport for London under subsection (1) above may be exercised only in relation to offences alleged to have been committed in respect of a GLA road or a GLA side road.
- (4) Sections 9 (Fixed penalty notices), 10 (Levels of fixed penalties) and 11 (Fixed penalties: reserve powers of Secretary of State) of this Act shall apply in respect of fixed penalty notices under this section.

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- (5) Schedule 2 to this Act shall have effect with respect to financial provisions relating to the administration and enforcement of this section and sections 9 to 11 (Fixed penalties) of this Act.
- (6) The Secretary of State may, by regulations, amend Schedule 4 to this Act by the addition of further offences to the list of offences therein described.

## **9 Fixed penalty notices**

- (1) The provisions of this section shall have effect in relation to notices (“fixed penalty notices”) which may be given under section 8 (Fixed penalty offences) of this Act.
- (2) Where a person is given a fixed penalty notice in respect of an offence—
  - (a) no proceedings shall be instituted for that offence before the expiration of 14 days following the date of the notice; and
  - (b) he shall not be convicted of that offence if he pays the fixed penalty before the expiration of that period.
- (3) A fixed penalty notice under this section shall give such particulars of the circumstances alleged to constitute the offence as are necessary for giving reasonable information of the offence and shall state—
  - (a) the period during which, by virtue of subsection (2) above, proceedings will not be taken for the offence;
  - (b) the amount of the fixed penalty; and
  - (c) the name of the person to whom and the address at which the fixed penalty may be paid; and, without prejudice to payment by any other method, payment of the fixed penalty may be made by pre-paying and posting to that person at that address a letter containing the amount of the penalty (in cash or otherwise).
- (4) Where a letter is sent in accordance with subsection (3) above, payment shall be regarded as having been made at the time at which that letter would be delivered in the ordinary course of post.
- (5) The form of notices under this section shall be such as the Secretary of State may by regulations prescribe.
- (6) The fixed penalty payable in pursuance of a fixed penalty notice under this section shall be paid to the borough council or Transport for London, as the case may be.
- (7) In any proceedings a certificate which—
  - (a) purports to be signed by or on behalf of the chief finance officer of the council, or as the case may be, Transport for London; and
  - (b) states that payment of a fixed penalty was or was not received by a date specified in the certificate,shall be evidence of the facts stated.

## **10 Levels of fixed penalties**

- (1) It shall be the duty of the borough councils and Transport for London to set the levels of fixed penalties payable to them.
- (2) Different levels may be set for different areas in Greater London and for different cases or classes of case.

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- (3) In setting the level of fixed penalty under subsection (1) above the borough councils and Transport for London may take account of—
  - (a) any reasonable costs or expected costs incurred or to be incurred in connection with the administration of the provisions of the enactment under which the particular fixed penalty offence is created; and
  - (b) the cost or expected cost of enforcing the provisions of the relevant enactment.
- (4) Levels of fixed penalties set by the borough councils and Transport for London in accordance with this section may only come into force in accordance with section 11 (Fixed penalties: reserve powers of Secretary of State) of this Act.
- (5) The borough councils and Transport for London shall publish, in the same manner as they publish levels of additional parking charges which have been set in accordance with the provisions of section 74 of the Road Traffic Act 1991 (c. 40), the levels of fixed penalties which have been set by them in accordance with this section.
- (6) Before setting the levels of fixed penalties under this section, the borough councils and Transport for London shall establish a single joint committee under section 101(5) of the Local Government Act 1972 (c. 70).
- (7) The functions conferred on borough councils and Transport for London by this section and section 11 (Fixed penalties: reserve powers of Secretary of State) of this Act shall be discharged by the joint committee.

## **11 Fixed penalties: reserve powers of Secretary of State**

- (1) Where the borough councils and Transport for London set any levels of fixed penalties under subsection (1) of section 10 (Levels of fixed penalties) of this Act, they shall notify the Secretary of State of the levels of fixed penalties so set.
- (2) Where notification of any levels of fixed penalties is required to be given under subsection (1) above, the levels of fixed penalties shall not come into force until after the expiration of—
  - (a) the period of one month beginning with the day on which the notification is given; or
  - (b) such shorter period as the Secretary of State may allow.
- (3) If, before the expiration of that period, the Secretary of State gives notice to the joint committee that he objects to the levels of fixed penalties on the grounds that some or all of them are or may be excessive, those levels of fixed penalties shall not come into force unless and until the objection has been withdrawn.
- (4) If, at any time before the levels of fixed penalties required to be notified under subsection (1) above to the Secretary of State have come into force, the Secretary of State considers that some or all of them are excessive, he may make regulations setting the levels of fixed penalties.
- (5) Levels of fixed penalties set under subsection (4) above must be no higher than those notified under subsection (1) above.
- (6) Where the Secretary of State makes any such regulations the borough councils and Transport for London must not set any further fixed penalties under the said subsection (1) until after the expiration of the period of 12 months beginning with the day on which the regulations are made.