



# London Local Authorities and Transport for London Act 2003

## 2003 CHAPTER iii

### PART 2

#### ROAD TRAFFIC AND HIGHWAYS

##### *Parking*

#### **12 Parking: application of revenue**

Section 55 of the Act of 1984 shall apply as if, at the end of sub-paragraph (d)(ii) of subsection (4) the following sub-paragraph were inserted—

“and

- (iii) in the case of a London authority, meeting costs incurred by the authority in respect of the maintenance of roads maintained at the public expense by them.”.

#### **13 False applications for parking authorisations**

(1) Insofar as subsection (2) of section 115 of the Act of 1984 (mishandling of parking documents and related offences) relates to any authorisation which may be issued by a borough council or by Transport for London—

- (a) proceedings for an offence under that section may be brought within a period of six months from the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to his knowledge, but
- (b) no such proceedings shall be brought by virtue of this section more than three years after the commission of the offence.

(2) For the purposes of subsection (1) above a certificate signed by or on behalf of the prosecutor and stating the date on which evidence such as is mentioned in that subsection came to his knowledge, shall be conclusive evidence of that fact; and a

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certificate purporting to be so signed shall be deemed to be so signed unless the contrary is proved.

#### **14 Parking at dropped footways**

- (1) This section shall apply to any part of the carriageway of—
  - (a) any GLA road or GLA side road in a special parking area; and
  - (b) any other road in a special parking area in the area of a borough council, which is adjacent to a dropped footway.
- (2) But this section shall not apply in respect of any part of the carriageway during any period in which—
  - (a) an order under section 6 or section 9 of the Act of 1984 (which make provision about road traffic regulation orders) prohibits or permits the waiting of vehicles on it; or
  - (b) an order under section 45 of the Act of 1984 (Designation of parking places on highways) provides for its use as a designated parking place.
- (3) A driver of a vehicle shall not at any time cause it to wait on a part of a road to which this section applies and the prohibition under this subsection shall be enforceable as if it had been imposed by an order under the said section 6.
- (4) In the case where—
  - (a) residential premises have a driveway which is not shared by other premises; and
  - (b) the purpose of the dropped footway is to assist vehicles to enter or leave the road from or to the driveway,

the relevant borough council or Transport for London, as the case may be, may not issue a penalty charge notice in respect of any breach of the prohibition under subsection (3) above unless requested to do so by the occupier of the premises.
- (5) Nothing in subsection (3) above shall require the placing of any traffic signs in connection with the prohibition thereby imposed.
- (6) Nothing in this section shall prohibit the driver of a vehicle from causing it to wait in the circumstances mentioned in subsection (3) above—
  - (a) if the vehicle is being used for fire brigade, ambulance or police purposes;
  - (b) if the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to wait in order to avoid an accident;
  - (c) for so long as may be necessary for the purpose of enabling persons to board or alight from the vehicle;
  - (d) for so long as may be necessary (up to a maximum of 20 minutes) for the delivery or collection of goods or merchandise or the loading or unloading of the vehicle at any premises if that cannot reasonably be carried out as respects those premises without waiting as mentioned in subsection (3) above; or
  - (e) if the vehicle is being used for a purpose to which subsection (7) below applies and cannot be used for that purpose without so waiting.
- (7) This subsection applies to any purpose connected with—
  - (a) any building operation, demolition or excavation;
  - (b) the collection of waste by or on behalf of any council;
  - (c) the removal of any obstruction to traffic;

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- (d) the maintenance, improvement or reconstruction of the road; or
  - (e) the laying, erection, alteration, repair or cleaning of—
    - (i) any traffic sign, traffic light or street light;
    - (ii) any sewer or any main, pipe, cable or apparatus for the supply of water, gas or electricity; or
    - (iii) any telegraph or telephone wire, cable, post or support.
- (8) In this section—
- “dropped footway” means any part of the footway or verge where it has been lowered to meet the level of the carriageway of a road for the purpose of—
- (a) assisting pedestrians crossing the road; or
  - (b) assisting vehicles to enter or leave the road across the footway or verge;
- “special parking area” means a special parking area designated by an order made by the Secretary of State under section 76(1) of the Road Traffic Act 1991 (c. 40);
- “road” has the same meaning as in section 142(1) of the Act of 1984.

## 15 Penalty charges under Road Traffic Act 1991: statutory declarations

- (1) Paragraph 8 of Schedule 6 to the Road Traffic Act 1991 applies as follows insofar as it relates to matters arising from the issuing of a penalty charge notice under section 66 (Parking penalties in London) of that Act by a parking attendant employed by—
- (a) a borough council or Transport for London; or
  - (b) any person with whom a borough council or Transport for London have made arrangements for the purposes of section 63A (Parking attendants) of the Act of 1984.
- (2) After sub-paragraph (2) the following sub-paragraphs are inserted—
- “(2A) A statutory declaration under this paragraph is invalid and sub-paragraph (5) below shall not apply in relation to the declaration if one or more of the following grounds is met—
- (a) the person who made the declaration claims that more than one of the grounds mentioned in sub-paragraph (2) above is met;
  - (b) the declaration is not signed by any person purporting to make it;
  - (c) the declaration is not signed by or does not contain an address for a person purporting to be a witness to the signature of the person making it.
- (2B) The Secretary of State may by regulations amend sub-paragraph (2A) above by the addition of further grounds for a statutory declaration to be invalid.”.
- (3) After sub-paragraph (3) the following sub-paragraph is inserted—
- “(3A) In considering an application under sub-paragraph (3) above the district judge must take into consideration any representations made by the London authority before the expiry of the period of 14 days beginning on the date on which copies of the application and the statutory declaration are served by the court on the London authority.”.

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(4) In sub-paragraph (5), at the beginning the words “Subject to sub-paragraphs (2A) above and (5A) below” are inserted.

(5) After sub-paragraph (5) the following sub-paragraph is inserted—

“(5A) Where—

- (a) sub-paragraph (4) above applies; and
- (b) the order of the court is deemed to have been revoked under sub-paragraph (5) above,

the London authority concerned shall not be liable to pay the person making the declaration any sums other than the increased charge which was payable under the county court order.”.