



London Local Authorities Act 1995

1995 CHAPTER x

PART II

PARKING

7 Recovery of unpaid penalty charges

- (1) The Secretary of State may make regulations for securing, subject to subsection (2) below, that—
- (a) where a vehicle found in the borough of a participating council is in the custody of a competent authority under section 101 of the Act of 1984 and a person claiming the vehicle pursuant to subsection (4A) of that section is liable for the payment of any earlier penalty charge relating to that vehicle which remains unpaid, the claimant shall not be entitled to remove the vehicle from the authority's custody unless, in addition to the penalty charge and other sums specified in the said subsection (4A), he also pays the earlier penalty charge; and
 - (b) where a vehicle to which an immobilisation device has been fixed under section 69 of the Act of 1991 is in the borough of a participating council, there shall be no obligation to release the vehicle from that device pursuant to subsection (4) of that section unless, in addition to the charges payable under that subsection, there is paid any unpaid earlier penalty charge relating to that vehicle for the payment of which the person making payment pursuant to that subsection and, if not the same person, the person in charge of the vehicle at the time the immobilisation device was fixed, is liable.
- (2) Regulations under this section—
- (a) may make provision for appeals to the parking adjudicator in respect of unpaid penalty charges; and
 - (b) may contain such exemptions and exceptions as appear to the Secretary of State to be appropriate and shall in any event make provision whereby there is no requirement for the payment of an earlier penalty charge in order to permit the removal of a vehicle from the custody of a competent authority or, as the

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case may be, to secure the release of a vehicle from an immobilisation device if—

- (i) representations have been made in relation to that charge to the relevant authority under section 71 of or Schedule 6 to the Act of 1991 within the period of time provided by subsection (5) of that section or paragraph 2 (3) of that Schedule, as the case may be, and have not yet been considered by that authority; or
 - (ii) an appeal has been made in relation to that charge to the adjudicator under section 72 of or Schedule 6 to that Act within the period of time provided by subsection (1) of that section or paragraph 5 (1) of that Schedule, as the case may be, and has not yet been considered by the adjudicator.
- (3) Regulations under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section “parking adjudicator” means a parking adjudicator appointed under section 73 of the Act of 1991.