



# London Local Authorities Act 2000

## 2000 CHAPTER vii

### PART II

#### PARKING

#### **3 Interpretation of Part II**

(1) In this Part of this Act—

“the Act of 1984” means the Road Traffic Regulation Act 1984;

“the Act of 1991” means the Road Traffic Act 1991;

“designated parking place” means a parking place in the area of a participating council which is designated as a parking place under an order made under section 6, 9 or 45 of the Act of 1984;

“parking adjudicator” means a parking adjudicator appointed under section 73(3) of the Act of 1991;

“parking attendant” has the same meaning as in section 63A of the Act of 1984;

“special parking area” means a special parking area designated by an order made by the Secretary of State under section 76(1) of the Act of 1991.

(2) For the purposes of this Part of this Act, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept.

(3) In determining, for the purposes of this Part of this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994.

#### **4 Service of penalty charge notice on the basis of information provided by camera, etc**

(1) This section does not apply to the council of the Royal Borough of Kensington and Chelsea.

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- (2) Where a participating council, on the basis of information provided by the use of a camera or any other device, has reason to believe that a penalty charge relating to a stationary vehicle in a designated parking place or a special parking area in the area of the council is payable under Part II of the Act of 1991 with respect to the vehicle, they may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle.
- (3) A participating council may not serve a penalty charge notice under this section after the expiry of the period of 28 days beginning with the date on which the penalty charge allegedly became payable.
- (4) Subject to subsection (5) below, the Act of 1991 shall apply to a penalty charge notice served under this section as though it were a penalty charge notice issued under section 66(1) of that Act.
- (5) In the application of the Act of 1991 to a penalty charge notice served under this section—
  - (a) for the reference to the parking attendant in section 66(3)(a) there shall be substituted a reference to the council;
  - (b) for the reference in paragraph 1(2)(b) of Schedule 6 to the parking attendant who issued the penalty charge notice there shall be substituted a reference to the council who served the penalty charge notice; and
  - (c) for the purpose of section 66(3)(d), the date of the notice shall be the date on which the penalty charge notice was served.
- (6) A notice served under this section may be served in the same manner as a notice to owner under paragraph 10 of Schedule 6 to the Act of 1991.

## **5 Service of penalty charge notice where parking attendant prevented from issuing a notice**

- (1) Where a parking attendant attempts to issue a penalty charge notice in accordance with section 66(1) of the Act of 1991 but is prevented from doing so by any person, the council may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle.
- (2) A participating council may not serve a penalty charge notice under this section after the expiry of the period of 28 days beginning with the date on which the penalty charge allegedly became payable.
- (3) Subject to subsection (4) below, the Act of 1991 shall apply to a penalty charge notice served under this section as though it were a penalty charge notice served under section 66(1) of that Act.
- (4) In the application of the Act of 1991 to penalty charge notices served under this section—
  - (a) for the reference to the parking attendant in section 66(3)(a) there shall be substituted a reference to the council;
  - (b) for the reference in paragraph 1(2)(b) of Schedule 6 to the parking attendant who issued the penalty charge notice there shall be substituted a reference to the council who served the penalty charge notice;

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- (c) for the purpose of section 66(3)(d) as applied by this section, the date of the penalty charge notice shall be the date on which the penalty charge notice was served; and
  - (d) in paragraph 2(4) of Schedule 6, the following additional ground shall be inserted:—
    - “(g) that, in the case of a penalty charge notice served under section 5 of the London Local Authorities Act 2000, the parking attendant was not prevented from serving the penalty charge notice in accordance with section 66(1) of this Act.”.
- (5) A notice served under this section may be served in the same manner as a notice to owner under paragraph 10 of Schedule 6 to the Act of 1991.

## **6 Parking outside designated parking places**

In its application to participating councils, section 5 of the London Local Authorities Act 1995 shall have effect as follows:—

### **“5 Designated parking places**

- (1) There shall be a prohibition on the waiting of vehicles in the circumstances mentioned in subsection (2) below and such prohibition shall be enforceable as if it had been imposed by an order under section 6 of the Act of 1984.
- (2) The circumstances in which the waiting of vehicles is prohibited under subsection (1) above are where—
  - (a) the vehicle is on the carriageway of a road and wholly or partly within a special parking area; and
  - (b) no part of the vehicle is within 50 centimetres of the edge of the carriageway; and
  - (c) the vehicle is not wholly within a designated parking place or any other part of a road in respect of which the waiting of vehicles is specifically authorised.
- (3) Nothing in subsection (1) above shall require the placing of any traffic signs in connection with the prohibition thereby imposed.
- (4) Nothing in this section shall prohibit the driver of a vehicle from causing it to stop in the circumstances mentioned in subsection (2) above—
  - (a) if the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to stop in order to avoid an accident;
  - (b) if the vehicle is stopped for the purpose of making a left or right turn;
  - (c) if the vehicle is being used for fire brigade, ambulance or police purposes;
  - (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 stopping in the circumstances mentioned in subsection (2) above;
  - (e) for so long as may be necessary to enable the vehicle, if it cannot be used for such purpose without stopping in the circumstances mentioned in subsection (2) above, to be used in connection with any building

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operation, demolition or excavation, the collection of waste by any participating council, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the road, or the laying, erection, alteration, repair or cleaning of any traffic sign or sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports;

- (f) for so long as may be necessary for the purpose of enabling persons to board or alight from the vehicle.”.

## 7 Limitation on service of notice to owner

- (1) Subject to subsections (2) and (3) below, a participating council may not serve a notice to owner under paragraph 1(1) of Schedule 6 to the Act of 1991 (which makes provision, among other things, for the service of notices to owner in respect of unpaid penalty charges) or Schedule 1 to the London Local Authorities Act 1996 (which makes provision relating to the enforcement of the provisions in that Act relating to bus lanes) after the expiry of the period of six months from the date on which the relevant penalty charge notice was issued.

- (2) Subject to subsection (3) below, where—

- (a) a notice to owner has been cancelled under paragraph 3 of the said Schedule 6; or  
 (b) a participating council has cancelled a notice to owner in compliance with a direction given by a parking adjudicator under paragraph 5(2) of the said Schedule 6; or  
 (c) a notice to owner is deemed to have been cancelled under paragraph 8(5)(c) of the said Schedule 6 (deemed cancellation where a statutory declaration under paragraph 8(2)(a) of that Schedule is served under paragraph 8(1)(c)),

the council may not serve a fresh notice to owner after the expiry of the period of six months from the date of the cancellation of the notice to owner or, in a case falling within paragraph (c) above, the date on which the council are served with notice under paragraph 8(5)(d) of the said Schedule 6.

- (3) Where a council has before the expiry of 56 days from—

- (a) the date on which the penalty charge notice was issued; or  
 (b) the date of the cancellation of the notice to owner in the case where a notice to owner has been cancelled under paragraph 3 of the said Schedule 6 or in compliance with a direction given by a parking adjudicator under paragraph 5(2) of the said Schedule 6; or  
 (c) the date on which the council are served with notice under paragraph 8(5)(d) of the said Schedule 6 where the notice to owner is deemed to have been cancelled under paragraph 8(5)(c),

made a request to the Secretary of State for the supply of relevant particulars relating to the identity of the owner of the vehicle contained in the register of mechanically propelled vehicles maintained by him under the Vehicle Excise and Registration Act 1994 and those particulars have not been supplied to the council before the date after which the council would not be entitled to serve a notice to owner or fresh notice to owner by virtue of subsection (1) or (2) above, the council shall continue to be entitled to serve a notice to owner or fresh notice to owner for a further period of 9 months beginning with that date.

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## **8 Service of notices**

- (1) Any charge certificate or notice under Schedule 6 to the Act of 1991 (which makes provision, among other things, in relation to parking penalties) or this Act may be served by a participating council by transmission by FAX or other means of electronic data transmission in accordance with subsections (2) and (3) below.
- (2) A charge certificate or notice may be transmitted by FAX where the person on whom the charge certificate or notice is served has indicated in writing to the council that he is willing to regard a document as having been duly sent to him if it is transmitted to a specified FAX number and the document is transmitted to that number.
- (3) Subsection (2) above shall apply with appropriate modification to a transmission of electronic data other than by FAX as it applies to a transmission by FAX.
- (4) In this section, “FAX” means the making of a facsimile copy of a document by the transmission of electronic signals.

## **9 Unpaid charges on release or removal of vehicle**

This section and sections 10 (Effect of removal or release) to 14 (Miscellaneous provisions relating to unpaid charges) of this Act shall apply in the area of a participating council where a vehicle has been removed by a parking attendant under section 99 of the Act of 1984 and regulations made thereunder or an immobilisation device has been fixed to a vehicle by a parking attendant or another person acting under his direction under section 69 or 77 of the Act of 1991 and the owner or person in charge of the vehicle lawfully removes it from the custody of the council or secures its release from the immobilisation device but does not, at the time the vehicle is so removed or released, pay any charges allegedly incurred of the kind mentioned in—

- (a) section 101(4A)(a) or (b) of the Act of 1984; or
  - (b) section 69(4)(a) or (b) of the Act of 1991; or
  - (c) section 77(2) or (5) of the Act of 1991,
- (hereinafter referred to as “charges allegedly incurred”).

## **10 Effect of removal or release**

- (1) The removal or release of a vehicle in the circumstances mentioned in section 9 (Unpaid charges on release or removal of vehicle) of this Act shall not affect the liability of the owner or person in charge of the vehicle (hereinafter referred to as “the relevant person”) to pay the charges allegedly incurred but when the relevant person removes the vehicle or secures its release he shall thereupon be informed of his right under section 11 (Representations relating to unpaid charges) of this Act to make representations to the council and of the effect of sections 12 (Appeals relating to unpaid charges) and 13 (Charge certificates relating to unpaid charges) of this Act.
- (2) The participating council shall give that information, or shall cause it to be given, in writing.

## **11 Representations relating to unpaid charges**

- (1) The relevant person may make representations to the participating council on one or more of the following grounds:—

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- (a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest—
    - (i) in a designated parking place in circumstances specified in section 66(2)(a), (b) or (c) of the Act of 1991; or
    - (ii) in a special parking area (other than in a designated parking place) in circumstances in which an offence would have been committed in respect of the vehicle but for section 76(3) of the Act of 1991;
  - (b) that the vehicle had been permitted to remain at rest in the place in question by a person who was in control of the vehicle without the consent of the owner;
  - (c) that the place at which the vehicle was at rest was neither a designated parking place nor in a special parking area;
  - (d) in a case where the vehicle is released from an immobilisation device that, by virtue of an exemption given by section 70 of the Act of 1991, neither section 69 nor 77(4) of that Act applied to the vehicle at the time in question; or
  - (e) that the penalty or other charge in question exceeded the amount applicable in the circumstances of the case.
- (2) A council may disregard any representations which are received by them after the end of the period of 28 days beginning with the date on which the person making them is informed, under subsection (1) of section 10 (Effect of removal or release) of this Act, of his right to make representations.
- (3) It shall be the duty of a council to whom representations are duly made under this section, before the end of the period of 56 days beginning with the date on which they receive the representations—
- (a) to consider them and any supporting evidence which the person making them provides; and
  - (b) to serve on that person notice of their decision as to whether they accept that the ground in question has been established.
- (4) Where a participating council serve notice under subsection (3)(b) above that they accept that a ground has been established any charges allegedly incurred which were not paid at the time the vehicle was removed or released shall cease to be payable except to the extent (if any) to which those sums were properly payable and section 13 (Charge certificates relating to unpaid charges) of this Act shall not apply in relation to those charges except to the said extent.
- (5) Where a participating council serve notice under subsection (3)(b) above that they do not accept that a ground has been established, that notice shall—
- (a) inform the person on whom it is served of his right to appeal to a parking adjudicator under section 12 (Appeals relating to unpaid charges) of this Act;
  - (b) indicate the nature of a parking adjudicator's power to award costs against any person appealing to him under that section; and
  - (c) describe in general terms the form and manner in which such an appeal is required to be made.
- (6) Where a participating council fail to comply with subsection (3) above before the end of the period of 56 days mentioned there—
- (a) they shall be deemed to have accepted that the ground in question has been established and to have served notice to that effect under subsection (4) above; and

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- (b) immediately after the end of that period, subsection (4) above shall have effect in relation to any charges incurred in the manner set out in that subsection.
- (7) A participating council may disregard any representations made under Schedule 6 to the Act of 1991 in respect of any charges allegedly incurred where representations are made in respect of those charges under this section.

## **12 Appeals relating to unpaid charges**

- (1) Where a participating council serve notice under subsection (3)(b) of section 11 (Representations relating to unpaid charges) of this Act that they do not accept that a ground on which representations were made under that subsection has been established, the person making those representations may, before—
- (a) the end of the period of 28 days beginning with the date of service of that notice; or
  - (b) such longer period as a parking adjudicator may allow;
- appeal to a parking adjudicator against the council's decision.
- (2) On an appeal under this section, the parking adjudicator shall consider the representations in question and any additional representations which are made by the appellant on any of the grounds mentioned in subsection (1) of the said section 11 of this Act and, if he concludes that any of the representations are justified he shall direct that any charges which would have ceased to remain payable under subsections (4) or (6) of the said section 11 of this Act if the council had served notice that they accepted that the ground in question had been established shall so cease to remain payable and that section 13 (Charge certificates relating to unpaid charges) of this Act shall not apply in respect of those charges.

## **13 Charge certificates relating to unpaid charges**

- (1) Where any charge allegedly incurred is not paid before the end of the relevant period, the participating council concerned may serve on the relevant person who removed it or secured its release a statement (hereinafter referred to as a “charge certificate”) to the effect that any penalty charge in question is increased by 50 per cent and informing the person on whom the charge certificate is served of subsection (4) below.
- (2) The relevant period is the period of 28 days beginning—
- (a) where no representations are made under subsection (1) of section 11 (Representations relating to unpaid charges) of this Act, with the date on which the vehicle is released or removed from the custody of the council concerned;
  - (b) where—
    - (i) such representations are made;
    - (ii) the council serve notice under subsection (3)(b) of the said section 11 of this Act that they do not accept that a ground has been established (hereinafter referred to as “a notice of rejection”); and
    - (iii) no appeal against the notice of rejection is made under section 12 (Appeals relating to unpaid charges) of this Act with the date on which the notice of rejection is served; or
  - (c) where there has been an unsuccessful appeal against a notice of rejection, with the date on which notice of the adjudicator's decision is served on the appellant.

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- (3) Where an appeal against a notice of rejection is made but is withdrawn before the adjudicator gives notice of his decision, the relevant period is the period of 14 days beginning with the date on which the appeal is withdrawn.
- (4) Where a charge certificate has been served on any person and any increased penalty charge or any other charge provided for in the certificate is not paid before the end of the period of 14 days beginning with the date on which the certificate is served, the council concerned may, if a county court so orders, recover the increased penalty charge or other charge as if it were payable under a county court order.
- (5) Subject to section 8 (Service of notices) of this Act, any charge certificate under this section—
  - (a) may be served by post; and
  - (b) where the person on whom it is to be served is a body corporate, is duly served if it is sent by post to the secretary or clerk of that body.

#### **14 Miscellaneous provisions relating to unpaid charges**

- (1) Schedule 6 to the Act of 1991 (which provides, among other things, for parking penalties) shall not apply in relation to penalty charge notices issued in any case where the provisions of this section apply.
- (2)
  - (a) A person who makes any representation under section 11 (Representations relating to unpaid charges) or section 12 (Appeals relating to unpaid charges) of this Act which is false in a material particular and does so recklessly or knowing it to be false in that particular is guilty of an offence.
  - (b) Any person convicted of an offence under this subsection shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (3)
  - (a) Any notice required to be served under this subsection may be served by post.
  - (b) Where the person on whom any document is required to be served by subsection (3) of the said section 11 of this Act is a body corporate, the document is duly served if it is sent by post to the secretary or clerk of that body.

#### **15 Parking on footways, grass verges, etc**

- (1) Section 15 of the Greater London Council (General Powers) Act 1974 (As to parking on footways, grass verges, etc.) shall apply in the area of a participating council in accordance with the following subsections.
- (2) Subsection (1) is replaced by the following subsection:—
  - “(1) Save as provided in subsections (3), (4), (7) and (11), any person who causes or permits any vehicle to be parked in Greater London with one or more wheels on any part of an urban road other than a carriageway, shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.”.
- (3) In subsection (3) in paragraph (d), after the word “goods” the words “for a period not exceeding 20 minutes or such longer period as the council may permit” are inserted.
- (4) In subsection (4)—

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- (a) the words “any such footway, grass verge, garden, space or land as is referred to in subsection (1) of this section and is in or on any highway” are replaced by the words “any part of an urban road which is a highway other than a carriageway”; and
  - (b) the words “footway, grass verge, garden, space or land” are replaced by the words “urban road”.
- (5) In subsection (5) the words “footway, grass verge, garden, space or land” are replaced by the words “urban road”.
- (6) In subsection (7) at the end of paragraph (b) the following paragraph is inserted—
- “(c) The highway authority may charge such fees for the specification of vehicles under sub-paragraph (xii) of the foregoing paragraph as they may determine and as may be sufficient in the aggregate to cover in whole or in part the reasonable administrative or other costs in connection with their functions under that sub-paragraph.”

## **16 Powers of entry**

- (1) This section applies where a vehicle has been removed from a road in the area of a participating council by a parking attendant under section 99 of the Act of 1984 and regulations made thereunder.
- (2) An authorised officer may, at any time after the removal of the vehicle and before the vehicle is lawfully removed from the custody of the council or is disposed of under section 101 of the Act of 1984, enter the vehicle for the purpose of removing anything in it in the interests of the safety of persons or property outside the vehicle or for the prevention of damage to or loss of the vehicle or any of its contents.
- (3) Subject to subsection (4) below, a council shall retain and keep safe anything removed under subsection (2) above and shall deliver it to any person claiming it who satisfies the council that he is the owner of it or of the vehicle in question.
- (4) Where the vehicle from which anything is removed under subsection (2) above is disposed of under section 101(1) of the Act of 1984 the council may also, in any manner they think fit, dispose of the thing removed if it has not been claimed by any person who satisfies the council that he is its owner.