

## SCHEDULES

### SCHEDULE 7

Section 81.

#### MINOR AND CONSEQUENTIAL AMENDMENTS IN RELATION TO LONDON

##### *The Tribunals and Inquiries Act 1971 (c. 62)*

- 1 In paragraph 30 of the Tribunals and Inquiries Act 1971, in Part I of Schedule 1 (tribunals under direct supervision of the Council on Tribunals) after “30” there shall be inserted “(a)”, and at the end of that paragraph there shall be inserted the words “and
- (b) a parking adjudicator appointed under section 73(3)(a) of the Road Traffic Act 1991.”

##### *The Greater London Council (General Powers) Act 1974 (c. xxiv)*

- 2 In section 15 of the Greater London Council (General Powers) Act 1974 (parking on footways etc.) in subsection (12)(b) for the words “under section 84” there shall be substituted the words “made by virtue of section 84(1)(a)”.

##### *The Road Traffic Regulation Act 1984 (c. 27)*

- 3 In section 7 of the Road Traffic Regulation Act 1984 (provisions supplementary to section 6), in subsection (6) for the words “Secretary of State for the Home Department” there shall be substituted the words “the Commissioner of Police for any police area in which is situated any road or part of a road to which the order is to relate”.
- 4 In that Act, after section 13 there shall be inserted—

##### *“Temporary suspension*

#### **13A Temporary suspension of provisions under s. 6 or 9 orders**

- (1) The Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London may temporarily suspend the operation of any provision of an order made under section 6 or 9 of this Act so far as that provision relates to any road or part of a road in Greater London which is within his area, in order to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic in consequence of extraordinary circumstances.
- (2) Subject to subsection (3) below, the period of suspension under subsection (1) above shall not continue for more than 7 days.
- (3) If the Secretary of State gives his consent to the period of suspension being continued for more than 7 days, the suspension shall continue until the end

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of such period as may be specified by the Secretary of State in giving his consent.”

5 (1) Section 55 of that Act (financial provisions relating to designation orders) shall be amended as follows.

(2) In subsection (1), for the words from “designated” to the end there shall be substituted the words “for which they are the local authority and which are—

(a) in the case of the council of a London borough and the Common Council of the City of London, parking places on the highway; and

(b) in the case of any other authority, designated parking places.”

(3) After subsection (3) there shall be inserted—

“(3A) The council of each London borough and the Common Council of the City of London shall, after each financial year, report to the Secretary of State on any action taken by them, pursuant to subsection (2) or (3) above, in respect of any deficit or surplus in their account for the year.

(3B) The report under subsection (3A) above shall be made as soon after the end of the financial year to which it relates as is reasonably possible.”

(4) In subsection (4)(c), the words from “to the council” to “City of London” shall be omitted.

6 (1) Section 105 of that Act (exemptions from provisions relating to immobilisation of vehicles) shall be amended as follows.

(2) In subsection (2) after the words “of any vehicle” there shall be inserted the words “found otherwise than in Greater London”.

(3) After subsection (2) there shall be inserted—

“(2A) The exemption under subsection (1)(b) above shall not apply in the case of any vehicle found in Greater London if the meter bay in which it was found was not authorised for use as such at the time when it was left there.”

(4) In subsection (3) for the words “subsection (2)(a)” there shall be substituted the words “subsections (2)(a) and (2A)”.

7 In section 122 of that Act (exercise of functions by local authorities) there shall be added at the end—

“(3) The duty imposed by subsection (1) above is subject to the provisions of Part II of the Road Traffic Act 1991.”

*The Local Government Act 1985 (c. 51)*

8 (1) For paragraph 5 of Schedule 5 to the Local Government Act 1985 (designation of routes in London) there shall be substituted—

“5 (1) For the purpose of facilitating the movement of traffic in Greater London, the Secretary of State may by order designate a road in that area.

(2) Before doing so, he shall consult—

(a) the council of the London borough in which the road is;

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- (b) the council of any other London borough or of any county where there is a road which he considers is likely to be affected by the designation; and
    - (c) such other persons (if any) as he considers it appropriate to consult.
  - (3) No council of a London borough shall exercise any power under the Highways Act 1980 or the Road Traffic Regulation Act 1984 in a way which will affect, or be likely to affect, a designated road unless the requirements of sub-paragraph (4) below have been satisfied.
  - (4) The requirements are that—
    - (a) the council concerned has given notice to the Director, in such manner as he may require, of its proposal to exercise the power in the way in question; and
    - (b) either—
      - (i) the Director has approved the proposal; or
      - (ii) the period of one month beginning with the date on which he received notice of the proposal has expired without his having objected to it.
  - (5) The Secretary of State may by an instrument in writing exclude any power from the application of this paragraph to the extent specified in the instrument.
  - (6) Any such instrument may, in particular, exclude a power as respects—
    - (a) all or any of the London boroughs;
    - (b) all or any of the designated roads; or
    - (c) the exercise of the power in such manner or circumstances as may be specified in the instrument.
  - (7) This paragraph does not apply to the exercise of a power under section 14 or sections 32 to 38 of the 1984 Act in relation to a road which is not a designated road.
  - (8) If the council of a London borough exercises any power in contravention of this paragraph, the Director may take such steps as he considers appropriate to reverse or modify the effect of the exercise of that power.
  - (9) Any reasonable expenses incurred by the Director in taking any steps under sub-paragraph (8) shall be recoverable by him from the council as a civil debt.
  - (10) In this paragraph—
    - “designated road” means a road designated under this paragraph; and
    - “Director” means the Traffic Director for London.”
- 9 (1) Paragraph 6 of that Schedule (guidance as to exercise of traffic powers) shall be amended as follows.
- (2) In sub-paragraph (5) for the words “summarily as a civil debt” there shall be substituted the words “as a debt due to the Crown”.
  - (3) After sub-paragraph (6), there shall be inserted—

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“(7) Sub-paragraphs (3) to (6) above shall not apply in relation to the exercise of any power, by the council of a London borough, in complying with the duty imposed on them by section 57(1) of the Road Traffic Act 1991 (implementation of local plans).”

10 In paragraph 10(6) of that Schedule (recovery of sums expended by the Secretary of State in connection with traffic control systems) for the words “summarily as a civil debt” there shall be substituted the words “as a debt due to the Crown”.

11 In paragraph 11 of that Schedule (recovery of sums expended by the Secretary of State to obtain information) for the words “summarily as a civil debt” there shall be substituted the words “as a debt due to the Crown”.

*The New Roads and Street Works Act 1991 (c. 22)*

12 In section 64 of the New Roads and Street Works Act 1991 (traffic-sensitive streets), after subsection (3) there shall be added—

“(4) Where any council of a London borough or the Common Council of the City of London are asked by the Traffic Director for London to designate a street as a traffic-sensitive street and they decline to do so, the Director may appeal to the Secretary of State who may direct that the street be designated.”