

## SCHEDULES

### SCHEDULE 5

Section 109

#### ITAs AND CHARGING SCHEMES: MINOR AND CONSEQUENTIAL AMENDMENTS

##### *Introductory*

- 1 Part 3 of the TA 2000 (road user charging and workplace parking levy) is amended as follows.

##### *Preliminary: power to make schemes does not limit other powers*

- 2 In section 163(6) after “joint local-London charging schemes” insert “and joint ITA-London charging schemes”.

##### *Conditions for making trunk road schemes*

- 3 In section 167(2)(b) after “a local traffic authority” insert “, an Integrated Transport Authority”.

##### *Charging schemes to be made by order*

- 4 (1) Section 168 is amended as follows.
- (2) In subsection (2)—
- (a) after “a local traffic authority” insert “, an Integrated Transport Authority”;
  - (b) after “the local traffic authority” insert “or the Integrated Transport Authority”.
- (3) In subsection (4) after “joint local-London charging schemes” insert “or joint ITA-London charging schemes”.

##### *Confirmation of charging schemes*

- 5 In section 169(3) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

##### *Consultation and inquiries*

- 6 (1) Section 170 is amended as follows.
- (2) In subsection (5) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.
- (3) In subsection (7)(a) after “local traffic authority” insert “or Integrated Transport Authority”.

### *Traffic signs*

- 7 In section 177(2) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

### *Guidance*

- 8 (1) Section 193 is amended as follows.
- (2) In subsection (1) after “non-metropolitan local traffic authorities” insert “, Integrated Transport Authorities”.
- (3) In subsection (2) after “joint local-London charging schemes” insert “, joint ITA-London charging schemes”.

### *Interpretation*

- 9 In section 198(1) insert each of the following definitions at the appropriate place—
- ““eligible local traffic authority” has the meaning given by section 163(4A),”;
- ““joint local-ITA charging scheme” shall be construed in accordance with section 163(3)(bb),”;
- ““joint ITA-London charging scheme” shall be construed in accordance with section 163(3)(cc),”.

### *Financial provisions*

- 10 Schedule 12 is amended as follows.
- 11 In paragraph 2(4) (net proceeds) after “local traffic authority” insert “or Integrated Transport Authority”.
- 12 (1) Paragraph 3 (apportionment) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for the word “or” at the end of paragraph (a) substitute—  
““(aa) a joint local-ITA charging scheme,”;
- (b) at the end of paragraph (b) insert “or  
(c) a joint ITA-London charging scheme,”.
- (3) In sub-paragraph (2) after “local traffic authority” insert “or Integrated Transport Authority”.
- 13 (1) Paragraph 7 (accounts and funds) is amended as follows.
- (2) In sub-paragraph (5)(c) after “London traffic authority,” insert “or an Integrated Transport Authority,”.
- 14 (1) Paragraph 8 (application of proceeds by non-metropolitan local traffic authorities) is amended as follows.
- (2) In sub-paragraph (3) for the word “and” at the end of paragraph (a) substitute—  
““(aa) Integrated Transport Authorities,”.
- (3) In sub-paragraph (4) for the word “or” at the end of paragraph (a) substitute—

“(aa) by an Integrated Transport Authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or”.

15 After paragraph 11 insert—

*“Application of proceeds by Integrated Transport Authorities*

11A (1) This paragraph applies to an Integrated Transport Authority’s share of the net proceeds of any relevant scheme.

(2) The share of the net proceeds is available only—

- (a) for application by the Authority for the purpose of directly or indirectly facilitating the achievement of any of the Authority’s local transport policies, or
- (b) for application in accordance with sub-paragraph (4) by an authority falling within sub-paragraph (3) selected by the Authority.

(3) The authorities which fall within this sub-paragraph are—

- (a) non-metropolitan local traffic authorities;
- (b) London traffic authorities and the Greater London Authority.

(4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—

- (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or
- (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999,

in a way which will benefit the whole or any part of the integrated transport area of the Authority.

11B (1) A relevant scheme made by an Integrated Transport Authority must include—

- (a) a general plan relating to the application of its share of the net proceeds of the relevant scheme during the opening ten year period, and
- (b) a detailed programme for the application of its share for the net proceeds of the relevant scheme during the opening five year period.

(2) See paragraph 10(2) for the meaning of “the opening ten year period” and “the opening five year period”.

11C (1) If a relevant scheme made by an Integrated Transport Authority remains in force after the end of the opening five year period, the Authority shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Any programme prepared in accordance with sub-paragraph (1) in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 11B(1)(a).
- (3) Except with the consent of the Secretary of State in any particular case, an Integrated Transport Authority may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to its general fund) in any financial year beginning after the end of the opening five year period unless it is complying with sub-paragraph (1).”