

## SCHEDULES

### SCHEDULE 13

Section 199.

#### AMENDMENTS OF SCHEDULES 23 AND 24 TO GREATER LONDON AUTHORITY ACT

##### *Road user charging*

- 1 Schedule 23 to the Greater London Authority Act 1999 (road user charging in Greater London) has effect subject to the following amendments.
  - 2 (1) Paragraph 1 (interpretation) is amended as follows.
    - (2) In sub-paragraph (1), in the definition of “net proceeds”, for the words from “, means” to the end substitute “and a financial year, means the amount (if any) by which—
      - (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
      - (b) the expenses incurred for or in connection with the scheme which are so attributable;”.
    - (3) In that sub-paragraph, after the definition of “prescribed”, insert—

““registered keeper”, in relation to a charge imposed in respect of a motor vehicle, means the person in whose name the vehicle was registered under the Vehicle Excise and Registration Act 1994 at the time of the act, omission, event or circumstances in respect of which the charge is imposed;”.
    - (4) In that sub-paragraph, in the definition of “regulations”, after “means” insert “(except where otherwise provided)”.
    - (5) In that sub-paragraph, in the definition of “traffic sign”, for “same meaning as in the Road Traffic Regulation Act 1984 (see in particular section 64 of that Act)” substitute “meaning given by section 64 of the Road Traffic Regulation Act 1984 but also includes signposts and other signs and notices included in that term by section 71(2) of that Act”.
    - (6) For sub-paragraph (2) substitute—

“(2) For the purposes of this Schedule—
      - (a) the amounts received under or in connection with a charging scheme, and
      - (b) the expenses incurred for or in connection with such a scheme, and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations under this sub-paragraph.”
- 3 (1) Paragraph 4 (making of charging scheme) is amended as follows.
  - (2) After paragraph (a) of sub-paragraph (3) insert—

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- “(aa) require such an authority to publish its proposals for the scheme and to consider objections to the proposals;”.
- (3) After paragraph (d) of that sub-paragraph insert—
- “(da) require the authority by whom any such order is made to publish notice of the order and of its effect;”.
- (4) Omit paragraph (e) of that sub-paragraph.
- (5) After that sub-paragraph insert—
- “(4) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of sub-paragraph (3)(b) above.
- (5) Where an inquiry is held by virtue of sub-paragraph (3)(b) above for the purposes of any order containing a charging scheme—
- (a) the costs of the inquiry shall be paid by the charging authority; and
- (b) the parties at the inquiry shall bear their own costs.
- (6) The charging authority may enter any land, and exercise any other powers which may be necessary, for placing and maintaining, or causing to be placed and maintained, traffic signs in connection with the charging scheme.”
- 4 In sub-paragraph (2) of paragraph 11 (exemptions, reduced rates etc.), after “above” insert “and to paragraphs 4 and 6 above”.
- 5 After that paragraph insert—
- “Documents and equipment*
- 11A A charging scheme may require—
- (a) documents to be displayed while a motor vehicle is on a road in respect of which charges are imposed; or
- (b) equipment to be carried in or fitted to a motor vehicle while it is on such a road.”
- 6 (1) Paragraph 12 (penalty charges) is amended as follows.
- (2) In sub-paragraph (1), for “, notification, payment, adjudication or enforcement” substitute “and payment”.
- (3) After sub-paragraph (2) insert—
- “(3) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.”
- 7 For paragraph 13 substitute—
- “13 Charges imposed in respect of any motor vehicle by a charging scheme (including penalty charges imposed in respect of any motor vehicle) shall be paid—
- (a) by the registered keeper of the motor vehicle; or
- (b) in prescribed circumstances, by such person as is prescribed.”

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- 8 In paragraph 14 (installation of equipment), for the words from “install” to “used or” substitute—
- “(a) install and maintain, or authorise the installation and maintenance of, any equipment; or
  - (b) construct and maintain, or authorise the construction and maintenance of, buildings or other structures,
- used or”.
- 9 (1) Paragraph 15 (accounts and funds) is amended as follows.
- (2) In sub-paragraphs (1) and (2), for “of their income and expenditure in respect of” substitute “relating to”.
- (3) In sub-paragraph (3)—
- (a) for the words from the beginning to “year, each” substitute “Each”, and
  - (b) for “that year” substitute “each financial year”.
- (4) After sub-paragraph (4) insert—
- “(4A) Regulations may make further provision relating to—
- (a) accounts required to be kept under sub-paragraph (1) or (2) above (including provision requiring or allowing the keeping of consolidated accounts relating to more than one charging scheme); and
  - (b) the preparation and publication of statements of such accounts.”
- (5) In sub-paragraph (5)(b), after “account” insert “(after the application of any of the net proceeds in accordance with the following provisions)”.
- 10 (1) Paragraph 25 (offences) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) insert “or” at the end of paragraph (a), and
  - (b) omit paragraph (c) and the word “or” before it.
- (3) After that sub-paragraph insert—
- “(1A) A person who makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by a charging scheme or a penalty charge is guilty of an offence.”
- (4) In sub-paragraph (2), after “sub-paragraph (1)” insert “or (1A)”.
- (5) After that sub-paragraph insert—
- “(3) A person is guilty of an offence if he removes a penalty charge notice which has been fixed to a motor vehicle in accordance with regulations under paragraph 12 above unless—
- (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority; or
  - (b) he does so under the authority of the registered keeper or such a person or of the charging authority.

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- (4) A person guilty of an offence under sub-paragraph (3) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.”
- 11 (1) Paragraph 26 (examination of motor vehicles etc.) is amended as follows.
- (2) In sub-paragraph (1)(b)(iii), for “unlawfully” substitute “with intent to avoid payment of, or being identified as having failed to pay, a charge”.
- (3) For sub-paragraph (2) substitute—
- “(2) Regulations may make provision conferring power on any person authorised in writing by the charging authority to enter a motor vehicle where he has reasonable grounds for suspecting, in relation to a motor vehicle which is on a road, that—
- (a) any equipment required to be carried in or fitted to the motor vehicle while it is on a road in respect of which charges are imposed has been interfered with with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by the charging scheme; or
- (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or being identified as having failed to pay, such a charge.”
- (4) After that sub-paragraph insert—
- “(3) A person who intentionally obstructs a person exercising any power conferred on him by virtue of sub-paragraph (2) above is guilty of an offence.
- (4) A person guilty of an offence under sub-paragraph (3) above shall be liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
- (b) imprisonment for a term not exceeding six months,
- or to both.
- (5) Regulations may make provision conferring power on any person authorised in writing by the charging authority to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under paragraph 25 above.”
- 12 (1) Paragraph 27 (removal or immobilisation of motor vehicles) shall be renumbered as sub-paragraph (1) of that paragraph and amended as follows.
- (2) After paragraph (a) insert—
- “(aa) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted;”.
- (3) Insert at the end “; and
- (e) the sale or destruction of motor vehicles not released.
- (2) A person who removes or interferes with an immobilisation notice in contravention of provision made by virtue of sub-paragraph (1) above is guilty of an offence.

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- (3) A person who removes or attempts to remove an immobilisation device fixed to a motor vehicle in accordance with provision made by virtue of sub-paragraph (1) above in contravention of such provision is guilty of an offence.
  - (4) A person who intentionally obstructs a person exercising any power conferred on him by provision made by virtue of sub-paragraph (1) above is guilty of an offence.
  - (5) A person guilty of an offence under sub-paragraph (2) above shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale.
  - (6) A person guilty of an offence under sub-paragraph (3) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.”
- 13 In paragraph 28 (determination of disputes and appeals), for “Regulations may” substitute “The Lord Chancellor may by regulations”.
- 14 In paragraph 29(6) (approval of equipment), for the words after “regulations” substitute “under section 176(2) of the Transport Act 2000.”
- 15 In paragraph 30 (evidence), for “Regulations may” substitute “The Lord Chancellor may by regulations”.
- 16 In paragraph 34 (guidance), insert at the end—  
“(3) Guidance issued under this paragraph shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.”
- 17 After that paragraph insert—

*“Information*

- 34A (1) Information obtained by—
- (a) any Minister of the Crown or government department, or
  - (b) any local authority or other statutory body,
- may be disclosed to a charging authority for or in connection with the exercise of any of their functions with respect to a charging scheme.
- (2) Information obtained by a charging authority for or in connection with any of their functions other than their functions with respect to a charging scheme may be used by the authority for or in connection with the exercise of any of their functions with respect to a charging scheme.
- (3) Any information—
- (a) which has been or could be disclosed to a charging authority under sub-paragraph (1) above for or in connection with the exercise of any of their functions with respect to a charging scheme, or
  - (b) which has been or could be used by an authority by virtue of sub-paragraph (2) above for or in connection with the exercise of any of those functions,

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may be disclosed to any person with whom the authority has entered into arrangements under paragraph 32(b) above.

- (4) Information disclosed to a person under sub-paragraph (3) above—
- (a) may be disclosed to any other person for or in connection with the charging scheme; but
  - (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the charging scheme.”

- 18 In paragraph 38 (variation and revocation of charging schemes)—
- (a) omit “, exercisable in the same manner, and subject to the same conditions and limitations,”, and
  - (b) insert at the end “; and paragraph 4 above (apart from sub-paragraphs (3) (f) and (6)) applies in relation to the variation or revocation of a charging scheme as to the making of a charging scheme.”

*Workplace parking levy*

- 19 Schedule 24 to the Greater London Authority Act 1999 (workplace parking levy in Greater London) has effect subject to the following amendments.

- 20 (1) Paragraph 1 (interpretation) is amended as follows.
- (2) In sub-paragraph (1), in the definition of “licence”, omit “by the occupier of those premises”.
  - (3) In that sub-paragraph, in the definition of “net proceeds”, for the words from “, means” to the end substitute “and a financial year, means the amount (if any) by which—
    - (a) the amounts received under or in connection with the scheme which are attributable to the financial year, exceed
    - (b) the expenses incurred for or in connection with the scheme which are so attributable;”.
  - (4) In that sub-paragraph, omit the definition of “occupier”.
  - (5) In that sub-paragraph, in the definition of “regulations”, after “means” insert “(except where otherwise provided)”.
  - (6) For sub-paragraph (2) substitute—
 

“(2) For the purposes of this Schedule—

    - (a) the amounts received under or in connection with a licensing scheme, and
    - (b) the expenses incurred for or in connection with such a scheme, and the extent to which they are attributable to any financial year, shall be determined in accordance with regulations under this sub-paragraph.”

- 21 In paragraph 3(1) (provision of workplace parking places)—
- (a) for the words from “the cases” to “time being” substitute “a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time”, and
  - (b) for paragraph (d) substitute—

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- “(d) where a body whose affairs are controlled by its members is a relevant person, by a member of the body engaged in the carrying on of any business of the body.”
- 22 (1) Paragraph 7 (making of licensing scheme) is amended as follows.
- (2) After paragraph (a) of sub-paragraph (3) insert—
- “(aa) require such an authority to publish its proposals for the scheme and to consider objections to the proposals;”.
- (3) After paragraph (d) of that sub-paragraph insert—
- “(da) require the authority by whom any such order is made to publish notice of the order and of its effect.”
- (4) Omit paragraph (e) of that sub-paragraph.
- (5) After that sub-paragraph insert—
- “(4) Subsections (2) and (3) of section 250 of the Local Government Act 1972 (witnesses at local inquiries) apply in relation to any inquiry held by virtue of sub-paragraph (3)(b) above.
- (5) Where an inquiry is held by virtue of sub-paragraph (3)(b) above for the purposes of any order containing a licensing scheme—
- (a) the costs of the inquiry shall be paid by the licensing authority; and
- (b) the parties at the inquiry shall bear their own costs.”
- 23 For paragraph 15 substitute—
- “15 A licence may not be granted for a period of more than one year.”
- 24 Renumber paragraph 16 (licensing: procedure) as sub-paragraph (1) of that paragraph and after that sub-paragraph insert—
- “(2) A person who intentionally provides false or misleading information in or in connection with an application for a licence is guilty of an offence and liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment, to a fine.”
- 25 In paragraph 17(3) and (4) (exemptions, reduced rates etc.), after “(2) above” insert “and to paragraphs 7 and 9 above”.
- 26 (1) Paragraph 18 (penalty charges) is amended as follows.
- (2) In sub-paragraph (1), for “, notification, payment, adjudication or enforcement” substitute “and payment”.
- (3) After sub-paragraph (2) insert—
- “(3) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of penalty charges.”
- 27 For paragraph 19 substitute—

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- “19 Charges imposed in respect of any premises by a licensing scheme (including penalty charges imposed in respect of any premises) shall be paid—
- (a) by the occupier of the premises; or
  - (b) in prescribed circumstances, by such person as is prescribed.”
- 28 In paragraph 20 (determination of disputes and appeals), for “Regulations may” substitute “The Lord Chancellor may by regulations”.
- 29 (1) Paragraph 21 (accounts and funds) is amended as follows.
- (2) In sub-paragraphs (1) and (2), for “of their income and expenditure in respect of” substitute “relating to”.
  - (3) In sub-paragraph (3)—
    - (a) for the words from the beginning to “year, each” substitute “Each”, and
    - (b) for “that year” substitute “each financial year”.
  - (4) After sub-paragraph (4) insert—
 

“(4A) Regulations may make further provision relating to—

    - (a) accounts required to be kept under sub-paragraph (1) or (2) above (including provision requiring or allowing the keeping of consolidated accounts relating to more than one licensing scheme); and
    - (b) the preparation and publication of statements of such accounts.”
  - (5) In sub-paragraph (5)(b), after “account” insert “(after the application of any of the net proceeds in accordance with the following provisions)”.
- 30 In paragraph 31 (rights of entry)—
- (a) in sub-paragraph (4), for “wilfully” substitute “intentionally” and for “level 5 on the standard scale” substitute “the statutory maximum”, and
  - (b) in sub-paragraph (6), for “(7)” substitute “(5)”.
- 31 In paragraph 32 (evidence), for “Regulations may” substitute “The Lord Chancellor may by regulations”.
- 32 In paragraph 35 (guidance), insert at the end—
- “(3) Guidance issued under this paragraph shall be published in such manner as the Authority consider appropriate; and the Authority may at any time vary or revoke such guidance.”
- 33 After that paragraph insert—

*“Information*

- 35A (1) Information obtained by—
- (a) any Minister of the Crown or government department, or
  - (b) any local authority or other statutory body,
- may be disclosed to a licensing authority for or in connection with the exercise of any of their functions with respect to a licensing scheme.
- (2) Information obtained by a licensing authority for or in connection with any of their functions other than their functions with respect to a



licensing scheme may be used by the authority for or in connection with the exercise of any of their functions with respect to a licensing scheme.

(3) Any information—

- (a) which has been or could be disclosed to a licensing authority under sub-paragraph (1) above for or in connection with the exercise of any of their functions with respect to a licensing scheme, or
- (b) which has been or could be used by an authority by virtue of sub-paragraph (2) above for or in connection with the exercise of any of those functions,

may be disclosed to any person with whom the authority has entered into arrangements under paragraph 33(b) above.

(4) Information disclosed to a person under sub-paragraph (3) above—

- (a) may be disclosed to any other person for or in connection with the licensing scheme; but
- (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a) above) otherwise than for or in connection with the licensing scheme.”

34 In paragraph 39 (variation and revocation of licensing schemes)—

- (a) omit “, exercisable in the same manner, and subject to the same conditions and limitations,”, and
- (b) insert at the end “; and paragraph 7 above applies in relation to the variation or revocation of a licensing scheme as to the making of a licensing scheme.”