



Road Traffic Act 1991

1991 CHAPTER 40

PART II

TRAFFIC IN LONDON

Priority routes

50 Designation of priority routes

- (1) The Secretary of State may by order (“a priority route order”) designate any road in London as a priority route.
- (2) The Secretary of State shall exercise his powers under subsection (1) above so as to provide for a network of priority routes in London (“the priority route network”) with a view to improving the movement of traffic.
- (3) Before making a priority route order, the Secretary of State shall consult—
 - (a) the London authority within whose area the proposed priority route is;
 - (b) the relevant Commissioner or, if appropriate, both Commissioners; and
 - (c) London Regional Transport.
- (4) Where it appears to the Secretary of State that the designation of any road as a priority route is likely to affect a road within the area of—
 - (a) a London authority other than that consulted under subsection (3)(a) above; or
 - (b) a county council,he shall also consult that other London authority, or that county council, before making the proposed priority route order.

51 The Secretary of State’s traffic management guidance

- (1) The Secretary of State shall issue to the London authorities and the Director guidance (“the Secretary of State’s traffic management guidance”) with respect to the

Status: This is the original version (as it was originally enacted).

management of traffic in London, and in particular with respect to priority routes and the priority route network.

- (2) Any such guidance may—
 - (a) include provision—
 - (i) setting out the Secretary of State’s objectives in designating priority routes; and
 - (ii) with respect to the role of the Director; and
 - (b) be varied at any time by the Secretary of State.
- (3) Before issuing or varying any such guidance, the Secretary of State shall consult—
 - (a) such associations of London authorities (if any) as he thinks appropriate;
 - (b) the two Commissioners;
 - (c) the Disabled Persons Transport Advisory Committee; and
 - (d) London Regional Transport.
- (4) In preparing any such guidance, the Secretary of State shall have regard to the needs of people with a disability.

52 The Traffic Director for London

- (1) The Secretary of State shall appoint a person to be known as the Traffic Director for London (in this Act referred to as “the Director”).
- (2) Schedule 5 to this Act shall have effect with respect to the Director.
- (3) In addition to the specific duties imposed on him by this or any other enactment, the Director shall have the general duty—
 - (a) of co-ordinating the introduction and maintenance of traffic management measures taken by highway authorities in relation to priority routes established under this Part of this Act; and
 - (b) of monitoring the operation of those measures.
- (4) The Director shall keep under review the manner in which the London authorities exercise their functions under Part III of the New Roads and Street Works Act 1991 in relation to priority routes or roads which, in his opinion, are likely to affect traffic using any priority route.
- (5) The Secretary of State shall set objectives which he expects the Director to meet in exercising his functions.
- (6) The Secretary of State shall publish, in such manner as he considers appropriate, any objectives which he sets under subsection (5) above.
- (7) The Director shall exercise his functions—
 - (a) so as to meet any such objectives, so far as it is reasonably practicable for him to do so; and
 - (b) in accordance with any directions which the Secretary of State may from time to time see fit to give him.
- (8) Any objectives set for the Director under subsection (5) above and any directions given to him under subsection (7) above may be specific or general.

- (9) The Secretary of State shall publish, in such manner as he considers appropriate, any directions which he gives to the Director under subsection (7) above.

53 The Director’s network plan

- (1) As soon as is reasonably practicable after first receiving a copy of the Secretary of State’s traffic management guidance, the Director shall prepare and submit to him, and to each of the London authorities, his plans for the design and operation of the priority route network (“the network plan”).
- (2) The Director may divide the network plan into such parts as he considers appropriate and prepare and submit those parts separately.
- (3) In preparing the network plan, or any part of it, the Director shall have regard to the Secretary of State’s traffic management guidance and to the needs of people with a disability.
- (4) Before submitting the network plan, or any part of it, the Director shall consult—
- (a) the Secretary of State;
 - (b) the relevant Commissioner or, if appropriate, both Commissioners;
 - (c) any London authority within whose area there is any road which, in the opinion of the Director, is likely to be affected;
 - (d) such county councils (if any) as he thinks appropriate;
 - (e) such associations of London authorities (if any) as he thinks appropriate; and
 - (f) London Regional Transport.
- (5) The network plan shall, in particular, include provision with respect to—
- (a) the Director’s overall objectives for particular priority routes;
 - (b) the traffic management measures which he expects to see taken in relation to priority routes in general or particular priority routes;
 - (c) the Director’s requirements as to the timetable for the phased introduction of the priority route network; and
 - (d) the operation and maintenance of traffic management measures taken in respect of priority routes.
- (6) The Director may from time to time vary the network plan, but before doing so he shall consult the persons mentioned in subsection (4) above.
- (7) In preparing any variation, the Director shall have regard to the Secretary of State’s traffic management guidance and to the needs of people with a disability.
- (8) After varying the network plan, the Director shall submit it to the Secretary of State and to each of the London authorities.
- (9) The Director shall—
- (a) keep the network plan under review; and
 - (b) have regard to the desirability of varying it, particularly in the light of any further guidance issued by the Secretary of State under section 51 of this Act.

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

Local plans and trunk road local plans

54 Duty of London authorities to prepare local plans

- (1) Each London authority shall, after first receiving a copy of—
 - (a) the Secretary of State’s traffic management guidance; and
 - (b) the network plan,
 prepare a statement (“the local plan”) of their proposals with respect to the operation of those priority routes which are within their area and with respect to which they are the highway authority.
- (2) A local plan shall be in such form as may be specified by the Director.
- (3) Where the Director prepares and submits the network plan in parts, subsection (1) above applies separately with respect to each part of the network plan.
- (4) A local plan shall be prepared in accordance with the timetable set out in the network plan by virtue of section 53(5)(c) of this Act.
- (5) Where the Secretary of State asks a London authority to make provision in their local plan with respect to a trunk road within their area which is a priority route, that authority may make, or (as the case may be) vary, their local plan so that it also has effect in relation to that trunk road.
- (6) In preparing their local plan, a London authority shall have regard to—
 - (a) the Secretary of State’s traffic management guidance; and
 - (b) the network plan.
- (7) A London authority’s local plan shall, in particular—
 - (a) indicate which of their powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 they propose to exercise in relation to the priority routes to which their plan relates and the manner in which they propose to exercise them;
 - (b) identify any orders made under the Act of 1984 which are, in their opinion, inconsistent with their plan and indicate their proposals for varying or revoking them;
 - (c) indicate—
 - (i) which of their powers under the Act of 1980 or the Act of 1984 they propose to exercise in relation to those other roads in their area which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which their plan relates; and
 - (ii) the manner in which they propose to exercise them;
 - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;
 - (e) specify—
 - (i) the period which they consider will be required to implement their plan, on the assumption that it is approved by the Director; and
 - (ii) a timetable (“the local plan timetable”) for implementing the different elements of their plan;
 - (f) specify a programme of maintenance of those traffic management measures which are derived from the exercise, on or in relation to the priority routes to which their plan relates, of powers under the Acts of 1980 and 1984;

- (g) specify the amount of the expenditure which, in the opinion of the authority, they will incur as a direct result of implementing their plan; and
 - (h) deal with any other matter which they consider relevant to the proper and effective implementation of their plan.
- (8) In preparing their local plan, a London authority shall consult—
- (a) the relevant Commissioner or, if appropriate, both Commissioners;
 - (b) London Regional Transport;
 - (c) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the authority to be appropriate; and
 - (d) any other London authority within whose area there is situated any road which is not a priority route but which is, in the authority’s opinion, likely to be affected by any of the priority routes to which their plan relates.
- (9) A London authority shall submit their local plan to the Director for his approval.
- (10) The Director shall not approve a local plan unless he is satisfied—
- (a) that it is consistent with the Secretary of State’s traffic management guidance and with the network plan;
 - (b) in the case of any provision which is inconsistent with the network plan or the Secretary of State’s traffic management guidance, that that provision is nevertheless appropriate for inclusion in the local plan;
 - (c) with the costing of the authority’s proposals; and
 - (d) with the local plan timetable.
- (11) Every London authority shall—
- (a) keep their local plan under review; and
 - (b) consider whether it needs to be varied, particularly in the light of—
 - (i) any further guidance issued by the Secretary of State under section 51 of this Act; and
 - (ii) any variation of the network plan made by the Director under section 53(6) of this Act.

55 The Director’s trunk road local plans

- (1) Where any priority route, or part of a priority route, is a trunk road, the Secretary of State may give a direction to the Director requiring him to prepare a statement of the Director’s proposals with respect to the operation of that priority route or of such part of it as may be specified in the direction.
- (2) Subsection (1) above does not apply in relation to any trunk road in relation to which provision has been made by a London authority (under section 54(5) of this Act) in their local plan.
- (3) A statement prepared under subsection (1) above is referred to in this Part of this Act as a “trunk road local plan”.
- (4) The Director may from time to time vary any trunk road local plan.
- (5) In preparing any trunk road local plan or variation, the Director shall have regard to the Secretary of State’s traffic management guidance and the network plan and shall consult—
 - (a) the Secretary of State;

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

- (b) the relevant Commissioner or, if appropriate, both Commissioners;
 - (c) any London authority within whose area is situated—
 - (i) any priority route to which the trunk road local plan will apply; or
 - (ii) any road which is not a priority route but which, in the opinion of the Director, is likely to be affected by any priority route to which the trunk road local plan will apply;
 - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to him to be appropriate; and
 - (e) London Regional Transport.
- (6) Any trunk road local plan shall—
- (a) indicate which powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 the Director proposes should be exercised in relation to the priority routes to which the plan relates and the manner in which he proposes they should be exercised;
 - (b) identify any orders made under the Act of 1984 which are, in his opinion, inconsistent with the plan and indicate his proposals for their variation or revocation;
 - (c) indicate—
 - (i) which powers under the Act of 1980 or the Act of 1984 he proposes should be exercised in relation to those other roads within London which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which the plan relates; and
 - (ii) the manner in which he proposes they should be exercised;
 - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;
 - (e) specify—
 - (i) the period which he considers will be required to implement the plan; and
 - (ii) a timetable for implementing the different elements of the plan;
 - (f) specify a programme of maintenance of those traffic management measures, which are derived from the exercise, on or in relation to the priority routes to which the plan relates, of powers under the Acts of 1980 and 1984; and
 - (g) deal with any other matter which the Director considers relevant to the proper and effective implementation of the plan.
- (7) The Director shall, in relation to each of his trunk road local plans—
- (a) keep the plan under review; and
 - (b) consider whether it needs to be varied, particularly in the light of—
 - (i) any further guidance issued by the Secretary of State under section 51 of this Act; and
 - (ii) any variation of the network plan which he makes under section 53(6) of this Act.

56 The Minister's trunk road local plans

- (1) Where any priority route, or part of a priority route, is a trunk road with respect to which—
- (a) no provision has been made in a local plan; and

- (b) no direction has been given under section 55(1) of this Act, the Secretary of State shall prepare a statement of his own proposals (“the Minister’s trunk road local plan”) with respect to the operation of that priority route or any part of it.
- (2) A Minister’s trunk road local plan may be varied at any time by the Secretary of State.
- (3) In preparing any such plan or variation, the Secretary of State shall consult—
- (a) the Director;
 - (b) any London authority within whose area is situated—
 - (i) any priority route to which the plan will apply; or
 - (ii) any road which is not a priority route but which, in the opinion of the Secretary of State, is likely to be affected by any priority route to which the plan will apply;
 - (c) the relevant Commissioner or, if appropriate, both Commissioners;
 - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to him to be appropriate; and
 - (e) London Regional Transport.
- (4) A Minister’s trunk road local plan shall, in particular—
- (a) indicate which powers under the Highways Act 1980 or the Road Traffic Regulation Act 1984 the Secretary of State proposes should be exercised in relation to the priority routes to which the plan relates and the manner in which he proposes they should be exercised;
 - (b) identify any orders made under the Act of 1984 which are, in his opinion, inconsistent with the plan and indicate his proposals for their variation or revocation;
 - (c) indicate—
 - (i) which powers under the Act of 1980 or the Act of 1984 he proposes should be exercised in relation to those other roads within London which are (or would otherwise be) likely to affect, or be affected by, traffic using any of the priority routes to which the plan relates; and
 - (ii) the manner in which he proposes they should be exercised;
 - (d) indicate how the proposals referred to in paragraphs (a), (b) and (c) relate, in particular, to the needs of people with a disability;
 - (e) specify—
 - (i) the period which he considers will be required to implement the plan; and
 - (ii) a timetable for implementing the different elements of the plan;
 - (f) specify a programme of maintenance of those traffic management measures which are derived from the exercise, on or in relation to the priority routes to which the plan relates, of powers under the Acts of 1980 and 1984; and
 - (g) deal with any other matter which he considers relevant to the proper and effective implementation of the plan.
- (5) Where the Secretary of State considers that the implementation of any part of the plan requires a London authority to exercise any of its powers he may, in writing, ask the authority to exercise such powers as he may specify in his request.
- (6) Where—
- (a) the Secretary of State has sent such a request to a London authority; but

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

- (b) the authority have not, in his opinion, exercised the powers in question within a reasonable period,
the Secretary of State may direct them to do so.
- (7) Where a London authority have failed to comply with a direction under subsection (6) above within such period as the Secretary of State considers could reasonably be required by them, he may himself exercise the powers in question.
- (8) Anything done by the Secretary of State in the exercise of those powers shall be treated for all purposes as if it had been done by the authority.
- (9) Where the Secretary of State proposes to exercise any of the powers of a London authority by virtue of subsection (7) above, he may direct that authority not to exercise those or any other such powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (10) Where, having intervened under subsection (7) above, the Secretary of State is satisfied that continued intervention by him is unnecessary—
 - (a) he shall notify the authority accordingly in writing; and
 - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.
- (11) Any reasonable administrative expenses incurred by the Secretary of State in the exercise of his powers under subsection (7) above shall be recoverable by him from the London authority as a civil debt.

57 Implementation of local plans

- (1) Where the Director has approved a London authority's local plan, or has himself prepared a local plan on behalf of a London authority under section 61 of this Act, it shall be the duty of that authority to—
 - (a) implement the plan as soon as is reasonably practicable; and
 - (b) continue to act in a manner which is compatible with it.
- (2) Every London authority shall provide the Director with such information, in such form and manner, as he may reasonably require with respect to the implementation or otherwise of their local plan.
- (3) Where a London authority's local plan has effect in relation to a trunk road, by virtue of section 54(5) of this Act, the duty imposed by subsection (1) above shall apply in relation to the plan so far as it has that effect only if the Director, with the consent of the Secretary of State, gives a direction to that effect.

58 Implementation by Director of certain plans

- (1) Where the Secretary of State gives a direction to the Director requiring him to implement any trunk road local plan, or Minister's trunk road local plan, or part of any such plan, it shall be the duty of the Director to implement the provisions of the plan or (as the case may be) of that part of the plan, so far as they have effect in relation to any trunk road, as soon as is reasonably practicable.
- (2) Any direction given under subsection (1) above may require any provision to which it applies to be implemented to such limited extent as may be specified in the direction.

- (3) In so doing, the Director shall have all the powers which the Secretary of State would have in relation to any trunk road with respect to which the plan has effect, so far as may be necessary or expedient for the purpose of implementing the provisions of the plan.
- (4) Anything done by the Director in purported exercise of those powers shall be taken to have been done by the Secretary of State.
- (5) Where the Director considers that the implementation of any part of the plan requires a London authority to exercise any of its powers he may, in writing, ask the authority to exercise such powers as he may specify in his request.
- (6) Where—
 - (a) the Director has sent such a request to a London authority; but
 - (b) the authority have not, in his opinion, exercised the powers in question within a reasonable period,the Director may direct them to do so.
- (7) Where a London authority have failed to comply with a direction under subsection (6) above within such period as the Director considers could reasonably be required by them, he may himself exercise the powers in question.
- (8) Anything done by the Director in the exercise of those powers shall be treated for all purposes as if it had been done by the London authority.
- (9) Where the Director proposes to exercise any of the powers of a London authority by virtue of subsection (7) above, he may direct that authority not to exercise those or any other such powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (10) Where, having intervened under subsection (7) above, the Director is satisfied that continued intervention by him is unnecessary—
 - (a) he shall notify the London authority accordingly in writing; and
 - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.
- (11) Any reasonable administrative expenses incurred by the Director in the exercise of his powers under subsection (7) above shall be recoverable by him from the London authority as a civil debt.
- (12) Where the Secretary of State implements any of the provisions of a trunk road local plan, he shall have in relation to those provisions the powers conferred upon the Director by subsections (5) to (11) above.

59 Variation of local plans

- (1) A London authority may vary their local plan, but only with the written consent of the Director.
- (2) The Director may give a direction to any London authority requiring them to vary their local plan in such manner as may be specified in the direction.
- (3) In varying their local plan, a London authority shall have regard to the Secretary of State's traffic management guidance and to the network plan.

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

- (4) Before varying their local plan, a London authority shall consult—
 - (a) the relevant Commissioner or, if appropriate, both Commissioners;
 - (b) London Regional Transport;
 - (c) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the authority to be appropriate; and
 - (d) any other London authority within whose area there is situated any road which is not a priority route but which is, in the authority’s opinion, likely to be affected by the proposed variation.
- (5) Where a London authority fail, within a reasonable time, to comply with any direction given under subsection (2) above, the Director may vary the local plan on their behalf.
- (6) Before varying a local plan on behalf of a London authority the Director shall consult—
 - (a) that authority;
 - (b) the relevant Commissioner or, if appropriate, both Commissioners;
 - (c) London Regional Transport;
 - (d) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the Director to be appropriate; and
 - (e) any other London authority within whose area there is situated any road which is not a priority route but which is, in his opinion, likely to be affected by the proposed variation.
- (7) Any reasonable administrative expenses incurred by the Director under subsection (5) above shall be recoverable by him from the London authority concerned as a civil debt.

60 Proposed action by London authorities likely to affect priority routes

- (1) No London authority 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 priority route unless the requirements of subsection (3) below have been satisfied.
- (2) Subsection (1) above does not apply where the exercise of the power—
 - (a) accords with the provisions of the authority’s approved local plan; or
 - (b) is in response to a request made, or direction given, under this Act by the Director or the Secretary of State.
- (3) The requirements mentioned in subsection (1) above are that—
 - (a) the authority have given notice to the Director, in such manner as he may require, of their proposal to exercise the power in the way in question; and
 - (b) either—
 - (i) the Director has approved their 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.
- (4) The Secretary of State may by an instrument in writing exclude any power from the application of this section to the extent specified in the instrument.
- (5) Any such instrument may, in particular, exclude a power as respects—
 - (a) all or any of the London authorities;
 - (b) all or any of the priority routes; or

- (c) the exercise of the power in such manner or circumstances as may be specified in the instrument.
- (6) If a London authority exercise any power in contravention of this section, the Director may take such steps as he considers appropriate to reverse or modify the effect of the exercise of that power.
- (7) Any reasonable expenses incurred by the Director in taking any steps under subsection (6) above shall be recoverable by him from the London authority concerned as a civil debt.

61 Intervention powers

- (1) Where it appears to the Director that a London authority have failed—
 - (a) to prepare a local plan in accordance with the requirements of section 54 of this Act; or
 - (b) to submit their local plan to him in accordance with those requirements,he may direct the authority to do so within such period as he may specify in the direction.
- (2) Where the Director has given such a direction, but the London authority concerned have not complied with it within a reasonable time, he may himself prepare a local plan on their behalf.
- (3) Where the Director refuses to approve a local plan under section 54 of this Act, the London authority concerned shall prepare and submit a new local plan under that section unless the Director serves written notice on them of his intention to exercise his powers under subsection (5) below.
- (4) In preparing any local plan in compliance with subsection (3) above, the London authority shall comply with any directions given to them by the Director.
- (5) If the Director—
 - (a) has refused to approve a local plan which has been prepared in accordance with the requirements of section 54 of this Act; and
 - (b) has served on the London authority concerned a notice of the kind mentioned in subsection (3) above,he may himself prepare a local plan on behalf of that authority.
- (6) Where the Director prepares a local plan on behalf of a London authority under this section—
 - (a) he shall consult—
 - (i) that authority;
 - (ii) the relevant Commissioner or, if appropriate, both Commissioners;
 - (iii) London Regional Transport;
 - (iv) such organisations representing the interests of people with a disability who may be affected by the plan as appear to the Director to be appropriate; and
 - (v) any other London authority within whose area there is situated any road which is not a priority route but which is, in his opinion, likely to be affected by any of the priority routes to which the plan relates; and

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

- (b) any reasonable administrative expenses incurred by him in preparing the plan shall be recoverable by him from the authority as a civil debt.

62 Failure to implement local plans

- (1) Where it appears to the Director that a London authority—
 - (a) have not implemented, or are unlikely to implement, their local plan in accordance with the local plan timetable; or
 - (b) have not implemented, or are unlikely to implement, it in a satisfactory manner,he may direct the authority to take such steps as are required to implement it in accordance with the local plan timetable, or (as the case may be) to implement it in a satisfactory manner, in accordance with such other timetable as he may draw up and specify in the direction.
- (2) Where it appears to the Director that a London authority have acted in a manner which is incompatible with their local plan, he may direct them to take such steps as he considers appropriate with a view to securing, so far as is reasonably practicable, that the effects of that action are removed.
- (3) Where a London authority have failed to comply with a direction under subsection (1) or (2) above, the Director may (with the consent of the Secretary of State) take any steps which still remain to be taken by the authority in accordance with the terms of the direction.
- (4) The Secretary of State may limit his consent to the implementation by the Director of part only of the local plan, and where he does so the Director's powers under subsection (3) above shall be limited to implementing that part.
- (5) For the purposes of enabling him to exercise the powers given to him by subsection (3) above, the Director shall have all the powers which the London authority concerned have in connection with the implementation of their local plan.
- (6) Anything done by the Director in the exercise of those powers shall be treated for all purposes as if it had been done by the London authority.
- (7) Where the Director proposes to exercise any of the powers of a London authority by virtue of subsection (5) above, he may direct that authority not to exercise those or any other powers, in such circumstances or in relation to such matters, as may be specified in the direction.
- (8) Where, having intervened under subsection (3) above, the Director is satisfied that continued intervention by him is unnecessary—
 - (a) he shall notify the London authority accordingly in writing; and
 - (b) with effect from the date on which that notice is served by him, any direction given by him with respect to his intervention shall cease to have effect.
- (9) Any reasonable administrative expenses incurred by the Director in the exercise of his powers under this section shall be recoverable by him from the London authority as a civil debt.

Parking in London

63 The Secretary of State’s parking guidance

- (1) The Secretary of State shall issue guidance (“the Secretary of State’s parking guidance”) to the London authorities with a view to those authorities co-ordinating their action with respect to parking in London.
- (2) It shall be the duty of the joint planning committee for London established under section 5 of the Local Government Act 1985—
 - (a) to make proposals to the Secretary of State (if it thinks fit) as to the content of the Secretary of State’s parking guidance; and
 - (b) to keep that guidance under review, with a view to making from time to time such further proposals as it considers appropriate.
- (3) Before issuing or varying any guidance under this section, the Secretary of State shall consult—
 - (a) the two Commissioners;
 - (b) London Regional Transport;
 - (c) the Disabled Persons Transport Advisory Committee;
 - (d) such associations of London authorities (if any) as he thinks appropriate; and
 - (e) such other persons (if any) as he thinks appropriate.
- (4) In connection with the preparation of the Secretary of State’s parking guidance regard shall be had to the needs of people with a disability.
- (5) The Secretary of State’s parking guidance may, in particular, include provision with respect to appropriate levels for—
 - (a) parking charges;
 - (b) penalty charges;
 - (c) charges made by London authorities for the removal, storage and disposal of vehicles; and
 - (d) charges in respect of the release of vehicles from immobilisation devices fixed under section 69 of this Act.
- (6) The Secretary of State’s parking guidance may be varied at any time by the Secretary of State.

64 Charges at designated parking places

- (1) In section 46 of the Road Traffic Regulation Act 1984 (charges at, and regulation of, designated parking places), in subsection (1) after the word “made” there shall be inserted the words “with respect to any parking place outside Greater London”.
- (2) After subsection (1) of that section there shall be inserted the following subsection—

“(1A) Subject to Parts I to III of Schedule 9 to this Act, where the authority by whom a designation order is made with respect to any parking place in Greater London impose charges to be paid for vehicles left in a parking place designated by the order, those charges shall be prescribed by the designation order or by a separate order made by the authority.”

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

65 Contravention of certain orders relating to parking places in London not to be criminal offence

- (1) In section 47 of the Road Traffic Regulation Act 1984 (offences relating to designated parking places) the words “;but this subsection does not apply in relation to any designated parking place in Greater London” shall be added at the end of subsection (1).
- (2) In section 8 of that Act (contravention of orders under section 6 to be an offence), the following subsection shall be inserted after subsection (1)—

“(1A) Subsection (1) above does not apply in relation to any order under section 6 of this Act so far as it designates any parking places.”
- (3) The provisions of section 11 of that Act (contravention of experimental traffic order) shall become subsection (1) of that section and the following subsection shall be inserted as subsection (2)—

“(2) This section does not apply in relation to any experimental traffic order so far as it designates any parking places in Greater London.”

66 Parking penalties in London

- (1) Where, in the case of a stationary vehicle in a designated parking place, a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle, he may—
 - (a) fix a penalty charge notice to the vehicle; or
 - (b) give such a notice to the person appearing to him to be in charge of the vehicle.
- (2) For the purposes of this Part of this Act, a penalty charge is payable with respect to a vehicle, by the owner of the vehicle, if—
 - (a) the vehicle has been left—
 - (i) otherwise than as authorised by or under any order relating to the designated parking place; or
 - (ii) beyond the period of parking which has been paid for;
 - (b) no parking charge payable with respect to the vehicle has been paid; or
 - (c) there has, with respect to the vehicle, been a contravention of, or failure to comply with, any provision made by or under any order relating to the designated parking place.
- (3) A penalty charge notice must state—
 - (a) the grounds on which the parking attendant believes that a penalty charge is payable with respect to the vehicle;
 - (b) the amount of the penalty charge which is payable;
 - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
 - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;
 - (e) that, if the penalty charge is not paid before the end of the 28 day period, a notice to owner may be served by the London authority on the person appearing to them to be the owner of the vehicle;
 - (f) the address to which payment of the penalty charge must be sent.

- (4) In subsection (3)(d) above “specified proportion” means such proportion, applicable to all cases, as may be determined by the London authorities acting through the Joint Committee.
- (5) A penalty charge notice fixed to a vehicle in accordance with this section shall not be removed or interfered with except by or under the authority of—
 - (a) the owner, or person in charge, of the vehicle; or
 - (b) the London authority for the place in which the vehicle in question was found.
- (6) A person contravening subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) Schedule 6 to this Act shall have effect with respect to penalty charges, notices to owners and other matters supplementing the provisions of this section.

67 Recovery of vehicles or of proceeds of disposal

- (1) Section 101 of the Road Traffic Regulation Act 1984 shall be amended as follows.
- (2) In subsection (1) for “(5)” there shall be substituted “(5A)”.
- (3) In subsection (4) after the words “before a vehicle” there shall be inserted the words “found outside Greater London”.
- (4) After that subsection there shall be inserted—

“(4A) If, before a vehicle found in Greater London is disposed of by an authority in pursuance of subsections (1) to (3) above, the vehicle is claimed by a person who satisfies the authority that he is its owner and pays—

 - (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and
 - (b) such sums in respect of the removal and storage of the vehicle—
 - (i) as the authority may require; or
 - (ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed,

the authority shall permit him to remove the vehicle from their custody within such period as they may specify or, where paragraph (b)(ii) applies, as may be prescribed.”
- (5) In subsection (5) after the words “which a vehicle” there shall be inserted the words “found outside Greater London”.
- (6) After that subsection there shall be inserted—

“(5A) If, before the end of the period of one year beginning with the date on which a vehicle found in Greater London is sold by an authority in pursuance of this section, any person satisfies that authority that at the time of the sale he was the owner of the vehicle, that authority shall pay him any sum by which the proceeds of sale exceed the aggregate of—

 - (a) any penalty charge payable in respect of the parking of the vehicle in the place from which it was removed; and
 - (b) such sums in respect of the removal, storage and disposal of the vehicle—
 - (i) as the authority may require; or

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

(ii) in the case of sums payable to a competent authority which is not a local authority, as may be prescribed.”

(7) In subsection (6) for the words “and (5)” there shall be substituted the words “to (5A)”.

68 Charges for removal, storage and disposal of vehicles

(1) Section 102 of the Road Traffic Regulation Act 1984 shall be amended as follows.

(2) In subsection (2)—

- (a) in paragraphs (b) and (c) after the words “local authority” there shall be inserted the words “other than a London authority”; and
- (b) after paragraph (c) there shall be added—

“and

- (d) a London authority shall be entitled to recover from any person responsible, such charges in respect of the removal, storage and disposal of a vehicle removed from a parking place designated under section 6, 9 or 45 of this Act or otherwise provided or controlled by that authority as they may require.”

(3) In subsection (8)—

- (a) in the definition of “appropriate authority”, for paragraph (b) there shall be substituted—

“(b) in relation to a vehicle removed (by a person other than a constable or person acting in aid of a police force) from a place outside Greater London, which is a parking place provided or controlled by a local authority, or from a place (not being a parking place) on a road or land in the open air, means the local authority in whose area that place is,”;

- (b) in that definition, the words following paragraph (b) shall be omitted; and
- (c) at the end of that subsection there shall be added—

“and

“London authority” means any council of a London borough or the Common Council of the City of London.”

(4) The following subsection shall be added at the end—

“(9) For the purposes of—

- (a) subsection (2)(d) above, and
- (b) paragraph (b) in the definition of “appropriate authority” in subsection (8) above,

a parking place provided under a letting or arrangements made by a local authority in pursuance of section 33(4) of this Act shall be treated as provided by that authority.”

69 Immobilisation of vehicles in parking places

(1) Where, in the case of a stationary vehicle in a designated parking place, a parking attendant has reason to believe that the vehicle has been permitted to remain at rest

there in any of the circumstances specified in section 66(2) (a), (b) or (c) of this Act, he or another person acting under his direction may fix an immobilisation device to the vehicle.

- (2) On any occasion when an immobilisation device is fixed to a vehicle in accordance with this section, the person fixing the device shall also fix to the vehicle a notice—
 - (a) indicating that such a device has been fixed to the vehicle and warning that no attempt should be made to drive it or otherwise put it in motion until it has been released from that device;
 - (b) specifying the steps to be taken in order to secure its release; and
 - (c) giving such other information as may be prescribed.
- (3) A vehicle to which an immobilisation device has been fixed in accordance with this section may only be released from that device by or under the direction of a person authorised by the relevant authority to give such a direction.
- (4) Subject to subsection (3) above, a vehicle to which an immobilisation device has been fixed in accordance with this section shall be released from that device on payment in any manner specified in the notice fixed to the vehicle under subsection (2) above of—
 - (a) the penalty charge payable in respect of the parking; and
 - (b) such charge in respect of the release as may be required by the relevant authority.
- (5) A notice fixed to a vehicle in accordance with this section shall not be removed or interfered with except by or under the authority of—
 - (a) the owner, or person in charge, of the vehicle; or
 - (b) the relevant authority.
- (6) A person contravening subsection (5) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (7) Any person who, without being authorised to do so in accordance with this section, removes or attempts to remove an immobilisation device fixed to a vehicle in accordance with this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (8) In this section “relevant authority” means the London authority for the place in which the vehicle in question was found.

70 Exemptions from section 69

- (1) Section 69(1) of this Act shall not apply in relation to a vehicle if—
 - (a) a current disabled person’s badge is displayed on the vehicle;
 - (b) not more than 15 minutes have elapsed since the end of any period for which the appropriate charge was duly paid at the time of parking; or
 - (c) not more than 15 minutes have elapsed since the end of any unexpired time (in respect of another vehicle) which is available at the relevant parking meter at the time of parking.
- (2) In any case in which section 69(1) of this Act would apply to a vehicle but for subsection (1)(a) above and the vehicle was not, at the time at which it was parked, being used—

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

- (a) in accordance with regulations under section 21 of the Chronically Sick and Disabled Persons Act 1970; and
- (b) in circumstances falling within section 117(1)(b) of the Road Traffic Regulation Act 1984 (use where a disabled person's concession would be available),

the person in charge of the vehicle at that time shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (3) In this section “disabled person's badge” has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984, and “parking meter” has the same meaning as in section 46(2)(a) of that Act.

71 Representations in relation to removal or immobilisation of vehicles

- (1) The owner or person in charge of a vehicle who—
 - (a) removes it from the custody of a London authority in accordance with subsection (4A) of section 101 of the Road Traffic Regulation Act 1984 (ultimate disposal of vehicles abandoned and removable under that Act);
 - (b) receives any sum in respect of the vehicle under subsection (5A) of that section;
 - (c) is informed that the proceeds of sale of the vehicle did not exceed the aggregate amount mentioned in subsection (5A) of that section; or
 - (d) secures its release from an immobilisation device in accordance with section 69(4) of this Act,

shall thereupon be informed of his right under this section to make representations to the relevant authority and of the effect of section 72 of this Act.
- (2) The relevant authority shall give that information, or shall cause it to be given, in writing.
- (3) Any person to whom subsection (1) above applies may make representations to the relevant authority on one or more of the grounds mentioned in subsection (4) below.
- (4) The grounds are—
 - (a) that there were no reasonable grounds for the parking attendant concerned to believe that the vehicle had been permitted to remain at rest in the parking place in circumstances specified in section 66(2)(a), (b) or (c) of this Act;
 - (b) that the vehicle had been permitted to remain at rest in the parking place by a person who was in control of the vehicle without the consent of the owner;
 - (c) that the place in which the vehicle was at rest was not a designated parking place;
 - (d) in a case within subsection (1)(d) above, that, by virtue of an exemption given by section 70 of this Act, section 69 of this Act did not apply 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.
- (5) An authority 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) above, of his right to make representations.

- (6) It shall be the duty of an authority 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.
- (7) Where an authority serve notice under subsection (6)(b) above that they accept that a ground has been established they shall (when serving that notice) refund any sums—
- (a) paid under subsection (4A) of section 101 of the Act of 1984 when the vehicle was removed from the custody of the authority;
 - (b) deducted from the proceeds of sale of the vehicle under subsection (5A) of that section; or
 - (c) paid under section 69(4) of this Act when the vehicle was released,
- except to the extent (if any) to which those sums were properly paid or deducted.
- (8) Where an authority serve notice under subsection (6)(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 72 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.
- (9) Where an authority fail to comply with subsection (6) 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 (7) above; and
 - (b) subsection (7) above shall have effect as if it required any refund to be made immediately after the end of that period.
- (10) A person who makes any representation under this section or section 72 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.
- (11) Any person convicted of an offence under subsection (10) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (12) Any notice required to be served under this section may be served by post.
- (13) Where the person on whom any document is required to be served by subsection (6) above is a body corporate, the document is duly served if it is sent by post to the secretary or clerk of that body.
- (14) In this section and in section 72 of this Act “relevant authority” has the same meaning as in section 69(8) of this Act.

72 Appeals to parking adjudicator in relation to decisions under section 71

- (1) Where an authority serve notice under subsection (6)(b) of section 71 of this Act that they do not accept that a ground on which representations were made under that section 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 authority'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 section 71(4) of this Act and, if he concludes—
 - (a) that any of the representations are justified; and
 - (b) that the relevant authority would have been under the duty imposed by section 71(7) of this Act to refund any sum if they had served notice that they accepted that the ground in question had been established,he shall direct that authority to make the necessary refund.
- (3) It shall be the duty of any authority to whom such a direction is given to comply with it forthwith.

73 Appointment of parking adjudicators by joint committee of the London authorities

- (1) The London authorities shall establish a single joint committee under section 101(5) of the Local Government Act 1972 ("the Joint Committee") before the end of the period of two months beginning with the date on which the Secretary of State first issues his guidance under section 63 of this Act.
- (2) The functions conferred on the London authorities by this section and section 74 of this Act shall be discharged by the Joint Committee.
- (3) The London authorities shall—
 - (a) with the consent of the Lord Chancellor, appoint persons to act as parking adjudicators for the purposes of this Part of this Act;
 - (b) provide accommodation and administrative staff for the parking adjudicators; and
 - (c) determine the places at which parking adjudicators are to sit.
- (4) To be qualified for appointment as a parking adjudicator, a person must have a 5 year general qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990).
- (5) Each parking adjudicator shall be appointed for such term, not exceeding five years, as the London authorities may specify in relation to his appointment.
- (6) On the expiry of his term of appointment, a parking adjudicator shall be eligible for re-appointment.
- (7) A parking adjudicator may be removed from office only for misconduct or on the ground that he is unable or unfit to discharge his functions but shall otherwise hold and vacate office in accordance with the terms of his appointment.

- (8) The expenses of the Joint Committee incurred in the discharge of functions conferred on the London authorities by this Act shall be defrayed by the London authorities in such proportions as they may decide or, in default of a decision by them, as may be determined by an arbitrator nominated by the Chartered Institute of Arbitrators on the application of the Joint Committee.
- (9) The costs of any reference to arbitration under subsection (8) above shall be borne by the London authorities in equal shares.
- (10) Where the Secretary of State is satisfied that there has been, or is likely to be, a failure on the part of the London authorities to agree on the proportions in which the expenses of the Joint Committee are to be defrayed by them under subsection (8) above he may give the Joint Committee such directions as he considers appropriate in order to require it to refer the matter to arbitration under that subsection.
- (11) The Secretary of State shall by regulations make provision as to the procedure to be followed in relation to proceedings before parking adjudicators.
- (12) The regulations may, in particular, include provision—
 - (a) as to the manner in which appeals to parking adjudicators are to be made or withdrawn;
 - (b) authorising an appeal to a parking adjudicator to be disposed of on the basis of written representations unless the appellant requests an oral hearing;
 - (c) prescribing the procedure to be followed before the hearing of an appeal by a parking adjudicator;
 - (d) requiring any such hearing to be held in public except in prescribed circumstances;
 - (e) as to the persons entitled to appear and be heard on behalf of the parties;
 - (f) requiring persons to attend to give evidence and to produce documents;
 - (g) as to evidence at the hearing;
 - (h) as to the adjournment of hearings;
 - (i) for the award of costs in prescribed circumstances;
 - (j) for the settlement of costs, by taxation (and in particular by taxation in a county court) or by some other prescribed method;
 - (k) authorising decisions of parking adjudicators to be reserved;
 - (l) authorising or requiring parking adjudicators—
 - (i) to revise or set aside decisions;
 - (ii) to revoke or vary orders made by them;
 - (m) requiring decisions of, and orders made by, parking adjudicators, to be recorded;
 - (n) as to the proof of decisions of, and orders made by, parking adjudicators;
 - (o) authorising the correction of clerical errors in records kept in accordance with the requirements of the regulations;
 - (p) requiring service of—
 - (i) notice of decisions of parking adjudicators;
 - (ii) copies of any orders made by such adjudicators; or
 - (iii) notice of any corrections made by parking adjudicators in their decisions or orders.

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

- (13) Subject to any provision made by the regulations, a parking adjudicator may regulate his own procedure.
- (14) If any person who is required to attend a hearing held by a parking adjudicator, or to produce any document to a parking adjudicator in accordance with any regulations under subsection (11) above, fails without reasonable excuse to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (15) Any amount which is payable under an adjudication of a parking adjudicator shall, if a county court so orders, be recoverable by the person to whom the amount is payable, as if it were payable under a county court order.
- (16) Subsection (15) above does not apply to a penalty charge which remains payable following an adjudication under paragraph 5 of Schedule 6 to this Act.
- (17) In accordance with such requirements as may be imposed by the Joint Committee, each parking adjudicator shall make an annual report to the Joint Committee on the discharge of his functions.
- (18) The Joint Committee shall make and publish an annual report in writing to the Secretary of State on the discharge by the parking adjudicators of their functions.

74 Fixing of certain parking and other charges for London

- (1) It shall be the duty of the London authorities to set the levels of additional parking charges to apply in London.
- (2) Different levels may be set for different areas in London and for different cases or classes of case.
- (3) In discharging their duties under this section the London authorities shall have regard to the Secretary of State's parking guidance.
- (4) The London authorities shall submit to the Secretary of State, for his approval, the levels of additional parking charges which they propose to set under subsection (1) above.
- (5) If—
 - (a) the London authorities fail to discharge their duty under subsection (1) above; or
 - (b) the Secretary of State does not approve the levels of additional parking charges proposed by the London authorities,the levels of additional parking charges for London shall be set by regulations made by the Secretary of State.
- (6) It shall be the duty of the London authorities to impose additional parking charges at the levels set in accordance with the provisions of this section.
- (7) The London authorities shall publish, in such manner as the Secretary of State may determine, the levels of additional parking charges which they have set.
- (8) In this section “additional parking charges” means penalty charges, charges made by London authorities for the removal, storage and disposal of vehicles and charges in

respect of the release of vehicles from immobilisation devices fixed under section 69 of this Act.

75 Immobilisation of vehicles in London by police

In the Road Traffic Regulation Act 1984, the following section shall be inserted after section 106—

“106A Immobilisation of vehicles in London

- (1) Sections 104 and 105 of this Act shall extend throughout Greater London if the Secretary of State makes an order to that effect.
- (2) If such an order is made, section 106 of this Act shall cease to apply in relation to Greater London when the order comes into force.
- (3) Before such an order comes into force, section 106 of this Act shall have effect as if in subsection (7) the words “or by the Traffic Director for London” were added at the end and as if the following subsection were inserted after subsection (7)—

“(7A) Before making an order under this section at the request of the Traffic Director for London, the Secretary of State shall consult the appropriate local authority.”
- (4) The power of the Secretary of State to make an order under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

76 Special parking areas

- (1) Where a London authority apply to the Secretary of State for an order to be made under this section, the Secretary of State may make an order designating the whole, or any part, of that authority’s area as a special parking area.
- (2) Before making an order under this section, the Secretary of State shall consult the relevant Commissioner or, if appropriate, both Commissioners.
- (3) While an order under this section is in force, the following provisions shall cease to apply in relation to the special parking area designated by the order—
 - (a) section 8 of the Road Traffic Regulation Act 1984 (contravention of, or failure to comply with, an order under section 6 of that Act to be an offence), so far as it relates to the contravention of, or failure to comply with, any provision of such an order—
 - (i) prohibiting or restricting the waiting of vehicles on any road; or
 - (ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act (conditions for loading or unloading, or delivery or collecting);
 - (b) section 11 of the Act of 1984 (contravention of, or failure to comply with, an experimental traffic order under section 9 of that Act to be an offence), so far as it relates to any contravention of, or failure to comply with, any provision of such an experimental traffic order—
 - (i) prohibiting or restricting the waiting of vehicles on any road; or

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

- (ii) relating to any of the matters mentioned in paragraph 7 or 8 of Schedule 1 to that Act (conditions for loading or unloading, or delivery or collecting);
 - (c) section 16 of the Act of 1984 (contravention of a temporary restriction order or notice under section 14 of that Act to be an offence), so far as it relates to the contravention of any provision of an order or notice under section 14 of that Act which suspends any provision of an order made under section 45 or 46 of the Act of 1984;
 - (d) section 15 of the Greater London Council (General Powers) Act 1974 (parking of vehicles on verges, central reservations and footpaths etc. to be an offence);
 - (e) section 19 of the Road Traffic Act 1988 (parking of heavy vehicles on verges, central reservations and footpaths etc. to be an offence);
 - (f) section 21 of the Act of 1988 (prohibition of driving or parking on cycle tracks), so far as it makes it an offence to park a motor vehicle wholly or partly on a cycle track.
- (4) The Secretary of State may by order amend subsection (3) above by adding further provisions (but only in so far as they apply in relation to stationary vehicles).
- (5) Before making an order under subsection (4) above, the Secretary of State shall consult—
- (a) the two Commissioners; and
 - (b) such associations of London authorities (if any) as he thinks appropriate.

77 Application of provisions in relation to special parking areas

- (1) This section applies in relation to any vehicle which is stationary in a special parking area (but which is not in a designated parking place) in circumstances in which an offence would have been committed with respect to the vehicle but for section 76(3) above.
- (2) A penalty charge shall be payable with respect to the vehicle by the owner of the vehicle.
- (3) Section 66 of, and Schedule 6 to, this Act shall apply in relation to penalty charges payable by virtue of subsection (2) above, but subject to such modifications (if any) as the Secretary of State considers it appropriate to make in the order designating the special parking area in question.
- (4) Where a parking attendant has reason to believe that a penalty charge is payable with respect to the vehicle by virtue of subsection (2) above, he or another person acting under his direction may fix an immobilisation device to the vehicle.
- (5) Subsections (2) to (8) of section 69 of this Act shall apply in relation to a device fixed to a vehicle under subsection (4) above, but subject to such modifications (if any) as the Secretary of State considers it appropriate to make in the order designating the special parking area in question.
- (6) An order under section 76 designating a special parking area may make such modifications of any provision of, or amended by, this Part of this Act as the Secretary of State considers appropriate in consequence of the provisions of section 76 or this section or of the order.

Miscellaneous

78 Enforcement

- (1) In this section—
 - “certificated bailiff”, means any person authorised to act as such under subsection (6) below; and
 - “a Part II debt” means any sum which is—
 - (a) payable under, or by virtue of, any provision of this Part of this Act; and
 - (b) recoverable as if it were payable under a county court order.
- (2) The Lord Chancellor may by order make provision—
 - (a) for warrants of execution in respect of Part II debts, or such class or classes of Part II debts as may be specified in the order, to be executed by certificated bailiffs;
 - (b) as to the requirements which must be satisfied before any person takes, with a view to enforcing the payment of—
 - (i) a Part II debt; or
 - (ii) such class or classes of Part II debts as may be so specified,any other step of a kind specified by the order.
- (3) Any such order may make such incidental and supplemental provision (including modifications of any enactment other than this Act) as the Lord Chancellor considers appropriate in consequence of the provision made by that order under subsection (2) above.
- (4) The Lord Chancellor may by regulations make provision in connection with the certification of bailiffs under this section and the execution of warrants of execution by such bailiffs.
- (5) The regulations may, in particular, make provision—
 - (a) as to the security (if any) to be required from certificated bailiffs;
 - (b) as to the fees and expenses payable with respect to executions by certificated bailiffs; and
 - (c) for the suspension or cancellation of certificates issued under this section and with respect to the effect of any such suspension or cancellation.
- (6) For the purposes of this section, a person is a certificated bailiff if he is authorised to act as such by a certificate signed—
 - (a) by a judge assigned to a county court district; or
 - (b) in such circumstances as may be specified in regulations made by the Lord Chancellor, by a district judge.
- (7) Any person who is not a certificated bailiff but who purports to levy a distress as such a bailiff, and any person authorising him to levy it, shall be deemed to have committed a trespass.

79 Application to Crown and visiting forces

- (1) Nothing in Part II of this Act applies in relation to any vehicle which—
 - (a) at the relevant time is used or appropriated for use for naval, military or airforce purposes;

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

- (b) belongs to any visiting forces (within the meaning of the Visiting Forces Act 1952); or
 - (c) at the relevant time is used or appropriated for use, by any such forces.
- (2) Sections 66 and 69 to 71 of this Act apply to—
- (a) vehicles in the public service of the Crown which are required to be registered under the Vehicles (Excise) Act 1971 (other than those which are exempted by subsection (1)(a) above); and
 - (b) persons in the public service of the Crown.

80 Financial provisions

- (1) With a view to reimbursing (in whole or in part) reasonable costs incurred by any London authority under sections 54 to 59, 61 and 62 of this Act, the Director may make such payments to the authority as he considers appropriate.
- (2) The Secretary of State may, with the consent of the Treasury, make such grants to the Director as he considers appropriate to enable the Director to discharge his functions.

81 Minor and consequential amendments

The minor and consequential amendments set out in Schedule 7 to this Act shall have effect.

82 Interpretation of Part II

- (1) In this Part of this Act—
 - “Commissioner” means the Commissioner of Police of the Metropolis or the Commissioner of Police for the City of London;
 - “designated parking place” means a parking place in London which is designated as a parking place under an order made under section 6, 9 or 45 of the Road Traffic Regulation Act 1984;
 - “the Director” means the Traffic Director for London appointed under section 52 of this Act;
 - “immobilisation device” has the same meaning as in section 104(9) of the Road Traffic Regulation Act 1984;
 - “the Joint Committee” has the meaning given by section 73(1) of this Act;
 - “local plan” has the meaning given in section 54(1) of this Act;
 - “local plan timetable” has the meaning given in section 54(7)(e) of this Act;
 - “London” means the area comprising the areas of the London boroughs, the City of London and the Temples;
 - “London authority” means any council of a London borough or the Common Council of the City of London;
 - “Minister’s trunk road local plan” has the meaning given in section 56(1);
 - “network plan” has the meaning given by section 53(1) of this Act;
 - “parking attendant” has the same meaning as in section 63A of the Road Traffic Regulation Act 1984 (which is inserted by section 44 of this Act);
 - “penalty charge” has the same meaning as in section 66 of this Act;
 - “prescribed” means prescribed by regulations made by the Secretary of State;

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

“priority route” means a road designated by a priority route order;
“priority route order” has the meaning given in section 50(1) of this Act;
“priority route network” has the meaning given in section 50(2) of this Act;
“road” has the same meaning as in the Road Traffic Regulation Act 1984;
“the Secretary of State’s parking guidance” has the meaning given in section 63(1) of this Act;
“the Secretary of State’s traffic management guidance” has the meaning given in section 51(1) of this Act;
“trunk road” has the same meaning as in section 10 of the Highways Act 1980;
“trunk road local plan” has the meaning given in section 55(3) of this Act;
“vehicle hiring agreement” and “vehicle-hire firm” have the same meanings as in section 66 of the Road Traffic Offenders Act 1988 (hired vehicles).

- (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 Vehicles (Excise) Act 1971.
- (4) Section 28 of the Chronically Sick and Disabled Persons Act 1970 (power to define “disability” and other expressions) shall apply in relation to this Part of this Act as it applies to that Act.
- (5) In determining, for the purposes of any provision of this Part of this Act, whether a penalty charge has been paid before the end of a particular period, it shall be taken to be paid when it is received by the London authority concerned.
- (6) Any power to make an order or regulations conferred by this Part shall be exercisable by statutory instrument.
- (7) Any statutory instrument made under this Part of this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.