



Transport Act 2000

2000 CHAPTER 38

PART III

ROAD USER CHARGING AND WORKPLACE PARKING LEVY

CHAPTER II

WORKPLACE PARKING LEVY

Licensing schemes

178 Preliminary

- (1) In this Part “licensing scheme” means a scheme for imposing charges in respect of the provision of workplace parking places at premises in the area covered by the scheme to be paid on licences covering the provision of a maximum number of such parking places at the premises.
- (2) Charges imposed in respect of any premises by a licensing scheme under this Part shall be paid—
 - (a) by the occupier of the premises, or
 - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (3) In this Part “licence” means a licence under a licensing scheme under this Part.
- (4) A licence relating to premises must cover the provision at the premises of the number of workplace parking places requested by the applicant for the licence; and in this Part “licensed unit”, in relation to a licence relating to premises, means each unit comprised in the maximum number of workplace parking places which may be provided at the premises under the cover of the licence.
- (5) A licensing scheme may be made—

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- (a) by a non-metropolitan local traffic authority (“a local licensing scheme”),
 - (b) jointly by more than one non-metropolitan local traffic authority (“a joint local licensing scheme”), or
 - (c) jointly by one or more non-metropolitan local traffic authorities and one or more London traffic authorities (“a joint local-London licensing scheme”).
- (6) In this Part—
- (a) “the licensing authority”, in relation to a licensing scheme under this Part made or proposed to be made by one authority, means the authority by which the licensing scheme is or is proposed to be made, and
 - (b) “the licensing authorities”, in relation to a licensing scheme under this Part made or proposed to be made jointly by more than one authority, means the authorities by which the licensing scheme is or is proposed to be made.
- (7) The power to make joint local-London licensing schemes conferred by this Part does not limit any of the powers in Schedule 24 to the Greater London Authority Act 1999 (workplace parking levy in Greater London).

179 Local licensing schemes

- (1) A local licensing scheme may cover the whole or any part of the area of the licensing authority.
- (2) A local licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of policies in the licensing authority’s local transport plan.

180 Joint local licensing schemes

- (1) A joint local licensing scheme may cover the whole or any part of the combined area of the licensing authorities.
- (2) A joint local licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of policies in the licensing authorities’ local transport plans.

181 Joint local-London licensing schemes

- (1) A joint local-London licensing scheme may cover—
 - (a) the whole or any part of the area of the non-metropolitan local traffic authority, or combined area of the non-metropolitan local traffic authorities, by which it is made, and
 - (b) the whole or any part of any area to which a scheme under Schedule 24 to the Greater London Authority Act 1999 made by the London traffic authority, or any of the London traffic authorities, by which it is made could apply.
- (2) A joint local-London licensing scheme may only be made if it appears desirable for the purpose of directly or indirectly facilitating the achievement of—
 - (a) policies in the local transport plan of the non-metropolitan local traffic authority, or the local transport plans of the non-metropolitan local traffic authorities, by which it is made, and

- (b) policies and proposals set out in the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

182 Workplace parking places

- (1) For the purposes of this Part a workplace parking place is provided at any premises at any time if a parking place provided at the premises is at that time occupied by a motor vehicle (other than an exempt vehicle) used—

- (a) by a relevant person,
- (b) by an employee, agent, supplier, business customer or business visitor of a relevant person,
- (c) by a pupil or student attending a course of education or training provided by a relevant person, or
- (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,

for attending a place at which the relevant person carries on business at or in the vicinity of the premises.

- (2) In this section “relevant person” means—

- (a) the person who provides the parking place in question (“the provider”),
- (b) any person with whom the provider has entered into arrangements to provide the parking place (whether or not for that person’s own use), or
- (c) any person who is associated with the provider or a person within paragraph (b).

- (3) For the purposes of subsection (2)(c) any two persons are associated if and only if—

- (a) one is a company of which the other (directly or indirectly) has control, or
- (b) both are companies of which a third person (directly or indirectly) has control.

- (4) For the purposes of this section—

“business” includes—

- (a) any trade, profession, vocation or undertaking,
- (b) the functions of any office holder,
- (c) the provision of any course of education or training, and
- (d) the functions of, or any activities carried on by, a government department or a local authority or other statutory body,

“business customer”, in relation to a relevant person, means a client or customer of the relevant person who is attending at any premises occupied by the relevant person for the purposes of a business carried on by that client or customer,

“business visitor”, in relation to a relevant person, means an individual who—

- (a) in the course of his employment, or
- (b) in the course of carrying on a business or for the purposes of a business carried on by him,

is visiting the relevant person or any premises occupied by the relevant person,

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“employee” means a person employed under a contract of service or apprenticeship, whether express or implied, and (if express) whether oral or in writing, and

“supplier”, in relation to a relevant person, means—

- (a) a person supplying, or seeking to supply, goods or services to the relevant person for the purposes of a business carried on by the relevant person, or
 - (b) any agent or sub-contractor of such a person.
- (5) The appropriate national authority may make regulations amending the preceding provisions of this section for the purpose of adding, removing or varying cases where, for the purposes of this Part, a workplace parking place is provided.

Making of licensing schemes

183 Licensing schemes to be made by order

- (1) A licensing scheme under this Part is made by order of the licensing authority or of the licensing authorities (acting jointly).
- (2) The licensing authority or the licensing authorities (acting jointly) may by order vary a licensing scheme under this Part and the licensing authority or any of the licensing authorities may by order revoke such a scheme.
- (3) The appropriate national authority may make regulations about orders making, varying or revoking licensing schemes under this Part, including (in particular)—
 - (a) provision specifying the form of orders,
 - (b) provision about the publication of proposals for orders making or varying such licensing schemes and the making and consideration of objections to such proposals, and
 - (c) provision about the publication of notice of orders and of their effect.
- (4) Before making regulations under subsection (3) which relate to joint local-London licensing schemes the Secretary of State shall consult the Greater London Authority about the regulations so far as they so relate.

184 Confirmation of licensing schemes

- (1) A licensing scheme under this Part shall not come into force unless the order making it has been submitted to and confirmed by the appropriate national authority; and a variation of such a licensing scheme shall not take effect until the order making the variation has been so submitted and confirmed.
- (2) Subsection (1) does not apply in such circumstances as may be specified in or determined in accordance with regulations made by the appropriate national authority.
- (3) A joint local-London licensing scheme shall not come into force unless the order making it has been submitted to and confirmed by the Greater London Authority; and a variation or revocation of such a licensing scheme shall not take effect until the order making the variation or revocation has been so submitted and confirmed.
- (4) Where confirmation of an order is required by this section, the order may be confirmed with or without modifications.

- (5) Where confirmation by both the Secretary of State and the Greater London Authority of an order making a joint local-London licensing scheme, or a variation of such a licensing scheme, is required by this section—
- (a) the order shall not be submitted to the Secretary of State until it has been confirmed by the Greater London Authority,
 - (b) if the order has been confirmed by the Greater London Authority with modifications it is the modified order that must be submitted to the Secretary of State, and
 - (c) the order may not be confirmed with modifications by the Secretary of State until the modifications have been confirmed by the Greater London Authority.

185 Licensing schemes: consultation and inquiries

- (1) The licensing authority or the licensing authorities (acting jointly) may at any time before an order making, varying or revoking a licensing scheme under this Part is made, consult other persons about the licensing scheme, variation or revocation.
- (2) The licensing authority or the licensing authorities (acting jointly)—
- (a) may cause an inquiry to be held in relation to a licensing scheme under this Part, or the variation or revocation of such a scheme, and
 - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (3) The appropriate national authority may at any time—
- (a) before an order making or varying a licensing scheme under this Part is made, or
 - (b) (where such an order has to be confirmed) before it is confirmed,
- consult other persons, or require the licensing authority or authorities to consult other persons, about the licensing scheme or variation.
- (4) The appropriate national authority—
- (a) may cause an inquiry to be held in relation to a licensing scheme under this Part or the variation of such a scheme, and
 - (b) may appoint the person or persons by whom such an inquiry is to be held.
- (5) In the case of a joint local-London licensing scheme—
- (a) the Greater London Authority may, at any time before an order making, varying or revoking the licensing scheme is confirmed by that Authority, consult other persons, or require the licensing authorities to consult other persons, about the licensing scheme, variation or revocation, and
 - (b) the Secretary of State shall not cause an inquiry to be held in relation to the licensing scheme, or the variation of the licensing scheme, or appoint the person or persons by whom such an inquiry is to be held, without the consent of the Greater London Authority.
- (6) 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 this section.
- (7) Where an inquiry is held by virtue of this section in relation to a licensing scheme or the variation or revocation of such a scheme—
- (a) the costs of the inquiry shall be paid by the licensing authority or authorities, and
 - (b) the parties at the inquiry shall bear their own costs.

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Contents of licensing schemes and licences

186 Matters to be dealt with in licensing schemes

- (1) A licensing scheme under this Part must—
 - (a) designate the area covered by the licensing scheme (“the licensing area”),
 - (b) state the days on which, and hours during which, a licence is required,
 - (c) specify the charges payable on licences (expressed as a specified sum of money for each licensed unit), and
 - (d) state whether or not the licensing scheme is to remain in force indefinitely and, if it is not to remain in force indefinitely, the period for which it is to remain in force.
- (2) Subject to sections 179 to 181 and to any modifications made by virtue of section 184, the designation by a licensing scheme under this Part of the boundaries of the licensing area shall be such as the licensing authority or authorities may determine.
- (3) The charges that may be imposed by a licensing scheme under this Part include different charges (which may be no charge) for different cases, including (in particular)
 - (a) different days,
 - (b) different times of day,
 - (c) different parts of the licensing area,
 - (d) different classes of motor vehicles, and
 - (e) different numbers of licensed units.
- (4) In setting the charges imposed by a licensing scheme under this Part, regard may be had to the purposes for which any of the net proceeds of the licensing scheme may be applied (in accordance with Schedule 12).
- (5) A licensing scheme may include provision for or in connection with—
 - (a) the making of an application for a licence,
 - (b) the grant of a licence,
 - (c) the issue of a licence, and
 - (d) the variation or revocation of a licence.

187 Licensing schemes: exemptions etc

- (1) The appropriate national authority may make regulations requiring licensing schemes under this Part to contain provision for or in connection with—
 - (a) exemptions from licensing,
 - (b) the application of reduced rates of charges payable on licences, or
 - (c) the imposition of limits on the charges payable on a licence.
- (2) Subject to regulations under subsection (1) and to section 184(1) and (3), a licensing scheme under this Part may contain provision of any of the descriptions specified in that subsection.
- (3) The same premises shall not be subject to more than one licensing scheme under this Part, or to such a licensing scheme and a scheme under Schedule 24 to the Greater London Authority Act 1999, at the same time.

- (4) In subsection (1) the reference to exemptions from licensing includes (as well as exemptions in respect of any description of premises, persons or motor vehicles) exemption of a specified number of parking places provided at any premises from being workplace parking places, either generally or in the case of any description of premises, persons or motor vehicles.

188 Licences

- (1) A licence must—
- (a) state the name of the person to whom it is granted,
 - (b) identify the premises to which it relates,
 - (c) specify the maximum number of motor vehicles (not counting exempt vehicles) which may be parked at those premises at any one time, and
 - (d) state the amount of the charge paid on the licence and set out the calculation of that amount.
- (2) A licence may be granted subject to conditions.
- (3) A licence may not be granted for a period of more than one year.
- (4) A person commits an offence if he intentionally provides false or misleading information in or in connection with an application for a licence.
- (5) A person guilty of an offence under subsection (4) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.

Enforcement of licensing schemes

189 Penalty charges

- (1) The appropriate national authority may by regulations make provision for or in connection with the imposition and payment of charges (“licensing scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with licensing schemes under this Part.
- (2) The regulations may include provision for or in connection with setting the rates of licensing scheme penalty charges (which may include provision for discounts or surcharges).
- (3) Licensing scheme penalty charges in respect of any premises shall be paid—
- (a) by the occupier of the premises, or
 - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (4) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of licensing scheme penalty charges.

190 Rights of entry

- (1) Where a person duly authorised in writing by the licensing authority, or any of the licensing authorities, in relation to a licensing scheme under this Part has reason

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- to believe that workplace parking places are being provided at any premises in the licensing area, he may at any reasonable time enter the premises for ascertaining—
- (a) whether any workplace parking places are being provided at the premises without a licence or a licence covering all the workplace parking places being provided, or
 - (b) whether there is or has been any contravention of the conditions of a licence in respect of the premises.
- (2) A person duly authorised in writing by the licensing authority, or any of the licensing authorities, in relation to a licensing scheme under this Part may at any reasonable time enter any premises for the purpose of issuing notice of a licensing scheme penalty charge.
- (3) A person authorised under subsection (1) or (2) to enter any premises shall, if so required, produce evidence of his authority before so entering.
- (4) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by subsection (1) or (2).
- (5) A person guilty of an offence under subsection (4) is liable—
- (a) on summary conviction, to a fine not exceeding the statutory maximum, or
 - (b) on conviction on indictment, to a fine.
- (6) Where any land is damaged in the exercise of a right of entry conferred under subsection (1) or (2), compensation in respect of that damage may be recovered by any person interested in the land from the authority on whose behalf the entry was effected.
- (7) The provisions of section 118 of the Town and Country Planning Act 1990 shall apply in relation to compensation under subsection (6) as they apply in relation to compensation under Part IV of that Act.