



Transport Act 2000

2000 CHAPTER 38

PART III

ROAD USER CHARGING AND WORKPLACE PARKING LEVY

CHAPTER III

GENERAL AND SUPPLEMENTARY

191 Financial provisions about schemes

Schedule 12 contains financial provisions about charging schemes and licensing schemes.

192 Powers of authorities

The charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme under this Part may—

- (a) incur expenditure in or in connection with the establishment or operation of the charging scheme or licensing scheme, or
- (b) enter into arrangements (including arrangements for forming or participating in companies) with any person in respect of the operation of the charging scheme or licensing scheme or relating to the installation or operation of any equipment used for or in connection with the operation of the charging scheme or licensing scheme.

193 Guidance

- (1) The appropriate national authority may issue guidance to non-metropolitan local traffic authorities and London traffic authorities in relation to the discharge of their

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functions with respect to charging schemes and licensing schemes under this Part; and such authorities shall, in exercising those functions, have regard to any such guidance.

- (2) Before issuing guidance under this section which relates to joint local-London charging schemes or joint local-London licensing schemes the Secretary of State shall consult the Greater London Authority about the guidance so far as it so relates.
- (3) Guidance issued under this section shall be published in such manner as the appropriate national authority by which it is issued considers appropriate; and the appropriate national authority may at any time vary or revoke guidance issued by it under this section.

194 Information

- (1) Information obtained by—
 - (a) any Minister of the Crown or government department,
 - (b) the National Assembly for Wales, or
 - (c) any local authority or other statutory body,
 may be disclosed to the charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme under this Part for or in connection with the exercise of any of their functions with respect to the charging scheme or licensing scheme.
- (2) Information obtained by the charging authority or licensing authority, or any of the charging authorities or licensing authorities, in relation to a charging scheme or licensing scheme under this Part for or in connection with any of their functions other than their functions with respect to the charging scheme or licensing scheme may be used by them for or in connection with the exercise of any of their functions with respect to the charging scheme or licensing scheme.
- (3) Any information—
 - (a) which has been or could be disclosed to an authority under subsection (1) for or in connection with the exercise of any of their functions with respect to the charging scheme or licensing scheme, or
 - (b) which has been or could be used by an authority by virtue of subsection (2) 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 section 192(b).
- (4) Information disclosed to a person under subsection (3)—
 - (a) may be disclosed to any other person for or in connection with the charging scheme or licensing scheme, but
 - (b) may not be used (by him or any other person to whom it is disclosed under paragraph (a)) otherwise than for or in connection with the charging scheme or licensing scheme.

195 Determination of disputes, appeals and evidence

- (1) The Lord Chancellor may by regulations make provision for or in connection with—
 - (a) appeals against decisions relating to licences under licensing schemes under this Part or any failure to make such a decision,

- (b) the determination of disputes relating to charging schemes or licensing schemes under this Part,
 - (c) appeals against such determinations or any failure to make such a determination, and
 - (d) the appointment of persons to hear any such appeals.
- (2) The Lord Chancellor may by regulations make provision for or in connection with permitting evidence of a fact relevant to proceedings for an offence under this Part, or proceedings in respect of a failure to comply with the provisions of a charging scheme or licensing scheme under this Part, to be given by the production of—
 - (a) a record produced by a device specified in, or determined in accordance with, the regulations, and
 - (b) a certificate (whether in the same or another document) as to the circumstances in which the record was produced signed by a person so specified or determined.

196 Crown application

- (1) Chapter I applies in relation to Crown roads (within the meaning of section 131 of the Road Traffic Regulation Act 1984) as in relation to other roads.
- (2) The provisions of this Part and of regulations and schemes under it bind the Crown.
- (3) No contravention by the Crown of any of those provisions makes the Crown criminally liable; but—
 - (a) the High Court may, on the application of a charging authority, declare unlawful any act or omission of the Crown which constitutes such a contravention, and
 - (b) (subject to subsection (4)) those provisions apply to motor vehicles or persons in the public service of the Crown as they apply to other motor vehicles or persons.
- (4) No power of entry conferred by—
 - (a) regulations made under section 174(2), or
 - (b) section 190(1) or (2),is exercisable in relation to any motor vehicle in the public service of the Crown or any premises held or used by or on behalf of the Crown.
- (5) Nothing in this section affects Her Majesty in her private capacity; and this subsection shall be construed as if section 38(3) of the Crown Proceedings Act 1947 (interpretation of references in that Act to Her Majesty in her private capacity) were contained in this Act.

197 Part III: regulations and orders

- (1) Any power to make regulations under this Part—
 - (a) is exercisable by statutory instrument,
 - (b) includes power to make different provision for different cases, and
 - (c) may be exercised so as to make incidental, consequential, supplementary or transitional provision or savings.

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- (2) The power to make an order making, varying or revoking a trunk road charging scheme is exercisable by statutory instrument.
- (3) Regulations under paragraph 9(1) or 13(2) or (5) of Schedule 12 shall not be made without the consent of the Treasury.
- (4) Regulations shall not be made by the Secretary of State under—
 - (a) section 182(5), or
 - (b) paragraph 9(1) or 13(2) or (5) of Schedule 12,
 unless a draft of the regulations has been laid before, and approved by a resolution of, the House of Commons.
- (5) A statutory instrument containing regulations made by the Secretary of State or the Lord Chancellor under any other provision of this Part shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) The references in subsections (4) and (5) to regulations made by the Secretary of State include regulations made by him jointly with the National Assembly for Wales.

198 Interpretation of Part III

- (1) In this Part—

“the appropriate national authority” means—

- (a) the Secretary of State in relation to charging schemes and licensing schemes relating only to England,
- (b) the National Assembly for Wales in relation to charging schemes and licensing relating only to Wales, and
- (c) the Secretary of State and the National Assembly for Wales, acting jointly, in relation to charging schemes and licensing schemes relating to both England and Wales,

“bridge” means a bridge or viaduct and includes the abutments of a bridge,
 “charging authority” and “charging authorities” have the meanings given by section 163(5),

“charging scheme” has the meaning given by section 163(1),

“charging scheme penalty charges” shall be construed in accordance with section 173(1),

“exempt vehicle”, in relation to a licensing scheme, means a motor vehicle exempt from licensing under the scheme by virtue of regulations under subsection (1) of section 187 or provision included in the scheme by virtue of subsection (2) of that section,

“financial year” means a period of twelve months ending with 31st March,

“joint local charging scheme” shall be construed in accordance with section 163(3)(b),

“joint local licensing scheme” shall be construed in accordance with section 178(5)(b),

“joint local-London charging scheme” shall be construed in accordance with section 163(3)(c),

“joint local-London licensing scheme” shall be construed in accordance with section 178(5)(c),

“licence” shall be construed in accordance with section 178(3),

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“licensed unit” has the meaning given by section 178(4),

“licensing area” shall be construed in accordance with section 186(1)(a),

“licensing authority” and “licensing authorities” have the meanings given by section 178(6),

“licensing scheme” has the meaning given by section 178(1),

“licensing scheme penalty charges” shall be construed in accordance with section 189(1),

“local charging scheme” shall be construed in accordance with section 163(3)(a),

“local licensing scheme” shall be construed in accordance with section 178(5)(a),

“local traffic authority” has the same meaning as in the Road Traffic Regulation Act 1984,

“London traffic authority” means Transport for London, a London borough council or the Common Council of the City of London,

“motor vehicle” has the meaning given in section 185(1) of the Road Traffic Act 1988, except that section 189 of that Act (exception for certain pedestrian controlled vehicles and electrically assisted pedal cycles) shall apply as it applies for the purposes of the Road Traffic Acts,

“non-metropolitan local traffic authority” shall be construed in accordance with section 163(4),

“operation” includes enforcement (related expressions being construed accordingly),

“registered keeper”, in relation to a charge imposed in respect of 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,

“road” has the same meaning as in the Road Traffic Regulation Act 1984,

“trunk road charging scheme” shall be construed in accordance with section 163(3)(d), and

“workplace parking place” shall be construed in accordance with section 182.

- (2) Any reference in this Part to an authority’s local transport plan shall, where the authority is the council of a metropolitan district, be construed as a reference to the local transport plan made jointly by the Passenger Transport Authority for the passenger transport area in which the district is included and the councils for the metropolitan districts comprised in that area.
- (3) Any reference in this Part to a class of motor vehicles is a reference to a class defined or described, by reference to any characteristics of the motor vehicles or to any other circumstances whatsoever, in regulations made by the appropriate national authority.

199 Amendments of Greater London Authority Act

Schedule 13 contains amendments of Schedules 23 and 24 to the Greater London Authority Act 1999 in consequence of the provisions of this Part and minor amendments of those Schedules.

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200 Exemption from local non-domestic rating

In Schedule 5 to the Local Government Finance Act 1988 (local non-domestic rating: exemptions), after paragraph 18A insert—

“Property used for road user charging schemes

- 18B (1) A hereditament which is occupied (as mentioned in section 65 of this Act) is exempt to the extent that—
- (a) it consists of a road in respect of which charges are imposed by a charging scheme under Schedule 23 to the Greater London Authority Act 1999 or Part III of the Transport Act 2000, or
 - (b) it is used solely for or in connection with the operation of such a scheme.
- (2) But office buildings are not exempt under sub-paragraph (1)(b) above.”