

*Status: Point in time view as at 17/03/2008.*

*Changes to legislation: There are currently no known outstanding effects for the Traffic Management Act 2004, SCHEDULE 9. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 9

Section 77

#### CIVIL ENFORCEMENT: SETTING THE LEVEL OF CHARGES

#### PART 1

##### CHARGES TO WHICH THIS SCHEDULE APPLIES

###### *Charges to which this Schedule applies*

- 1 (1) This Schedule provides for the setting of the levels of—
- (a) penalty charges, including any discounts or surcharges,
  - (b) charges made by authorities under section 102 of the Road Traffic Regulation Act 1984 (c. 27) for the removal, storage and disposal of vehicles found in areas that are civil enforcement areas for parking contraventions, and
  - (c) charges for the release of vehicles from an immobilisation device under regulations under section 79 above.
- (2) References in this Schedule to “charges” are to those charges.

#### Commencement Information

- 11** Sch. 9 para. 1 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(d)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)
- 12** [Sch. 9 para. 1](#) in force at 26.11.2007 for W. by [S.I. 2007/3174](#), [art. 2](#), [Sch.](#)

#### PART 2

##### CHARGES APPLICABLE IN GREATER LONDON

#### Modifications etc. (not altering text)

- C1** [Sch. 9 Pt. 2](#) applied in part (temp.) by 1996 c. ix s. 8 (as modified by [SI 2007/2053 art. 5\(4\)](#), as added) (17.3.2008) by [Traffic Management Act 2004 \(Commencement No.5 and Transitional Provisions\) \(England\) \(Amendment\) Order 2008 \(S.I. 2008/757\)](#), **art. 5**

###### *Charges to be set by Transport for London or London local authorities*

- 2 (1) It is the duty—
- (a) of Transport for London, so far as relating to contraventions on or adjacent to GLA roads, and
  - (b) of the London local authorities, so far as relating to—

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- (i) parking places provided or authorised by such authorities, or
  - (ii) contraventions on or adjacent to roads other than GLA roads,
- to set the levels of charges applicable in Greater London.
- (2) Different levels of charges may be set for different areas in London and for different cases or classes of case.
- (3) Before setting the level of any charges Transport for London must consult the London local authorities.

**Commencement Information**

- I3** Sch. 9 para. 2 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(d)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

*Supervisory role of Mayor of London*

- 3 (1) Transport for London and the London local authorities must submit to the Mayor of London for his approval the levels of charges that they propose to set.
- (2) If—
- (a) Transport for London or the London local authorities fail to discharge their duty under paragraph 2, or
  - (b) the Mayor of London does not approve the levels of charges proposed by the London local authorities,
- the levels of charges shall be set by order made by the Mayor of London.

**Commencement Information**

- I4** Sch. 9 para. 3 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(d)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

*Reserve powers of Secretary of State*

- 4 (1) The following provisions apply where the Mayor of London—
- (a) approves any levels of charges on a submission under paragraph 3(1), or
  - (b) sets any such levels under paragraph 3(2).
- (2) The Mayor must notify the Secretary of State of the levels of charges so approved or set.
- (3) The levels of charges shall not come into force until after the expiration of—
- (a) the period of one month beginning with the date on which the notification is given, or
  - (b) such shorter period as the Secretary of State may allow.
- (4) The Secretary of State may before the end of that period give notice to the Mayor of London that he objects to the levels of charges on the grounds that some or all of them are excessive.

If he does so those levels of charges shall not come into force unless and until the objection has been withdrawn.

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- (5) If at any time before the levels of charges have come into force, the Secretary of State considers that some or all of them are excessive, he may make regulations setting the levels of charges.

Those levels must be no higher than those notified under sub-paragraph (2).

- (6) If the Secretary of State makes regulations under sub-paragraph (5) no further submission to the Mayor of London under paragraph 3(1) may be made until after the end of the period of twelve months beginning with the day on which the regulations are made.

#### Commencement Information

- 15** Sch. 9 para. 4 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(d\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

#### *Publication of levels of charges*

- 5 (1) Transport for London and the London local authorities shall publish, in such manner as the Mayor of London may determine, the levels of charges set in accordance with this Part of this Schedule.
- (2) The duty imposed by sub-paragraph (1) applies—
- (a) to Transport for London so far as the charges relate to contraventions on or adjacent to GLA roads, and
  - (b) to the London local authorities so far as they relate to—
    - (i) parking places provided or authorised by such authorities, or
    - (ii) contraventions on or adjacent to roads other than GLA roads.

#### Commencement Information

- 16** Sch. 9 para. 5 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), [arts. 1\(2\), 2\(1\)\(2\)\(d\)](#) (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

#### *Discharge of functions by London local authorities*

- 6 (1) The Secretary of State may make provision by regulations as to the discharge by London local authorities of the functions conferred on them by this Part of this Schedule.
- (2) The regulations may provide for the functions to be discharged by means of arrangements under section 101 of the Local Government Act 1972 (c. 70) (arrangements for discharge of functions by local authorities) or in such other way as the regulations may provide.
- (3) The regulations may make provision for continuing in force for the purposes of this Part of this Schedule any arrangements in force immediately before the commencement of this Part for the discharge of functions corresponding to the functions of London local authorities under this Part of this Schedule.

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**Commencement Information**

- I7** Sch. 9 para. 6 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(d)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)

**PART 3**

CHARGES APPLICABLE OUTSIDE GREATER LONDON

*Charges to be set by enforcement authority*

- 7 (1) Outside Greater London it is the duty of each enforcement authority to set the level of charges applicable in the case of contraventions for which they are the enforcement authority.
- (2) Different levels of charges may be set for different parts of a civil enforcement area and for different cases or classes of case.

**Commencement Information**

- I8** Sch. 9 para. 7 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(d)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)
- I9** [Sch. 9 para. 7](#) in force at 26.11.2007 for W. by [S.I. 2007/3174](#), **art. 2, Sch.**

*Guidelines given by appropriate national authority*

- 8 (1) The levels of charges set by enforcement authorities under this Part of this Schedule must (subject to sub-paragraph (3)) accord with guidelines appended to an order made by the appropriate national authority.
- (2) Different guidelines may be given for different cases or classes of case.
- (3) An enforcement authority may, with the permission of the appropriate national authority, depart from any such guidelines.

**Commencement Information**

- I10** Sch. 9 para. 8 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(d)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)
- I11** [Sch. 9 para. 8](#) in force at 26.11.2007 for W. by [S.I. 2007/3174](#), **art. 2, Sch.**

*Publication of levels of charges*

- 9 An enforcement authority for an area outside Greater London shall publish, in such manner as the appropriate national authority may determine, the levels of charges set under this Part of this Schedule.

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**Commencement Information**

- I12** Sch. 9 para. 9 in force at 23.7.2007 for E. by [S.I. 2007/2053](#), **arts. 1(2), 2(1)(2)(d)** (with [art. 4](#)) (as amended (17.3.2008) by [S.I. 2008/757](#), art. 3)
- I13** [Sch. 9 para. 9](#) in force at 26.11.2007 for W. by [S.I. 2007/3174](#), **art. 2, Sch.**

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