

LOCAL TRANSPORT ACT 2008

EXPLANATORY NOTES

COMMENTARY

Part 6: Local and London charging schemes

Section 103: Power of ITAs to make charging schemes

257. This section provides that a charging scheme under Part 3 of the TA 2000 may be made jointly by an ITA and one or more eligible local traffic authorities. An eligible local traffic authority is one which is either in the ITA's area, adjoins the ITA's area, or adjoins an area which adjoins the ITA area. Such a scheme is referred to as a "joint local-ITA charging scheme".
258. The section also allows a charging scheme to be made jointly between a ITA, one or more eligible local traffic authorities and one or more London traffic authorities. Such a scheme is referred to as a "joint ITA-London charging scheme". An ITA can make a charging scheme in accordance with the provisions of section 103 only if it is done jointly with at least one eligible local traffic authority.
259. Because ITAs are established only in England, this section and sections 104 to 109 have no application to Wales.

Section 104: Local charging schemes to implement policies of ITAs

260. This section amends section 164 of the TA 2000 so that a local charging scheme which is made by one local traffic authority acting alone, and which has effect wholly within an integrated transport area, can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the ITA. Where the charging scheme has effect outside of the integrated transport area then section 104 means that it can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authority.

*Local transport policies are defined in section 108(5) of the TA 2000, inserted by section 7, as explained above.

Section 105: Joint local charging schemes to implement policies of ITAs

261. This section amends section 165 of the TA 2000 so that where a local charging scheme is made jointly by two or more local traffic authorities, and has effect wholly or partly within an integrated transport area, it can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authorities and the local transport policies of the ITA for that integrated transport area. Where the charging scheme has effect outside of the integrated transport area then section 105 means that it can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authorities.

Section 106: Joint local-ITA charging schemes

262. This section inserts a new section 165A in the TA 2000. This new section provides that a joint local-ITA charging scheme can be made only in respect of roads for which any of the charging authorities is the traffic authority, and if at least one of the roads is within the integrated transport area of the relevant ITA.
263. The new section 165A also provides that a joint local-ITA charging scheme can be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authorities, including the local transport policies of the ITA.

Section 107: Joint local-London charging schemes to implement policies of ITAs

264. This section amends section 166 of the TA 2000 so that a joint local-London charging scheme that has effect partly within an integrated transport area may be made only if it directly or indirectly facilitates the achievement of the local transport policies of the charging authorities, including the local transport policies of the ITA, and the policies and proposals set out in the Mayor's transport strategy. As with the equivalent provision in section 165 of the TA 2000 as amended by section 105, the last of these three requirements applies even though, in a joint local-London scheme, the ITA is (by definition) not a charging authority for the scheme. Where the charging scheme has effect wholly outside of the ITA area then it can be made under section 166 of the TA 2000 only if it directly or indirectly facilitates the achievement of the local transport policies of the local traffic authority.

*A joint local-London charging scheme is a scheme that is made jointly by a non-metropolitan local traffic authority and a London traffic authority.

*The Mayor's transport strategy is the transport strategy prepared and published by the Mayor of London under section 142 of the Greater London Authority Act 1999.

Section 108: Joint ITA-London charging schemes

265. This section inserts a new section 166A in the TA 2000. The new section specifies that a joint ITA-London charging scheme can be made only if:
- all of the roads included within the scheme have one of the charging authorities as their traffic authority;
 - the scheme includes roads in relation to which a London traffic authority may impose a charge under Schedule 23 to the GLA Act 1999; and
 - at least one of the roads included within the scheme is within the integrated transport area of the relevant ITA.
266. The new section 166A also provides that a local charging scheme may be made jointly by one or more local traffic authorities, an ITA and one or more London traffic authorities only if it directly or indirectly facilitates the achievement of the local transport policies of the local traffic authorities by which the scheme is made, the local transport policies of the ITA, and the policies and proposals set out in the Mayor's transport strategy.

Section 109: Consequential amendments

267. This section introduces Schedule 5, which makes consequential amendments resulting from the introduction of powers to allow ITAs to be party to a joint charging scheme. This includes provision for revenues from a scheme to be apportioned to the ITA.

Section 110: Abolition of requirement for confirmation of English schemes

268. This section amends section 169 of the TA 2000, so as to remove the requirement for the Secretary of State to approve a local charging scheme in England.

269. These amendments preserve the existing requirement in the TA 2000 for local charging schemes in Wales to be approved by the Welsh Ministers.

Section 111: Consultation and inquiries for English schemes

270. This section amends section 170 of the TA 2000. The effect of *subsection (2)* is to require a local charging authority in England, prior to making a charging scheme, to consult such local persons and such representatives of local persons (as defined in the provision) as they consider appropriate. It does not affect the existing powers in section 170 for local authorities in England to decide for themselves whether to consult on varying or revoking a scheme or to hold an inquiry into a scheme. The effect of *subsections (3) to (5)* is to remove the power for the Secretary of State to hold an inquiry in relation to a proposed local scheme in England or to require a local authority to consult on a proposed charging scheme.
271. The amendments also preserve the existing provisions in the TA 2000 for a local charging authority in Wales to decide whether to consult on, or hold an inquiry into, the making, varying or revocation of a local charging scheme in Wales, or for the Welsh Ministers to hold an inquiry into a local charging scheme in Wales, or to require a local authority to consult on such a scheme.

Section 112: Charges

272. This section amends section 171(5) of the TA 2000 and paragraph 10(4) of Schedule 23 to the GLA Act 1999, which specify a number of examples of how a charging scheme can impose different charges for different cases.
273. The amendments provide that, in addition to the cases already specified in each provision, local authorities may vary charges according to the methods or means of recording, administering, collecting or paying the charge. This could, for example, allow different rates to be applied where a road user chooses to have charges recorded automatically by means of different technologies, or to pay by different means (such as a pre-pay account or direct debit).

Section 113: Supplementary provision as to charging schemes

274. *Subsection (1)* amends section 172 of the TA 2000. It allows the appropriate national authority by means of regulations to require schemes to provide that road users may choose to pay charges in a specific manner, and (where the road user so chooses) to require the charging authority to collect charges in a specified manner. It also enables the appropriate national authority to regulate any arrangements made by the charging authority with other schemes or with other third parties for charges to be paid and collected. Regulations made under section 172 (as amended) could, for example, make provisions so that a road user could register with one charging scheme, install any appropriate equipment and make arrangements for payment in a particular way. The road user could then choose for these arrangements also to apply to one or more additional charging schemes, so that all his payments were processed in that fashion.
275. *Subsection (7)* makes equivalent provision in Schedule 23 to the GLA Act 1999, in relation to London.
276. *Subsections (3), (5) and (6)* amend section 172 of the TA 2000 and Schedule 23 to the GLA Act 1999 so as to provide that a road in London may be made subject to charges by more than one charging authority at a time, provided the Greater London Authority has given its consent.

Section 114: Suspension of charging schemes

277. This section inserts a new section 172A into the TA 2000, to allow a charging authority to suspend the operation of a charging scheme, in whole or in part, where there is an

emergency or to allow for a temporary event to take place. *Subsection (2)(a)* provides that the maximum possible duration of suspension in an emergency is 30 days. Where the suspension is to allow for a temporary event to take place, *subsection (2)(b)* means that the suspension can only be for the duration of the event and any time to set up before, and clear up after, the event. *Subsection (3)* details the respects in which a scheme may be partially suspended. *Subsections (4)* and *(5)* require that notice of any suspension must be published and detail what is required. Under *subsection (6)* the duration of a suspension in an emergency must be reviewed and may be altered.

Section 115: Interference with functioning of equipment

278. *Subsection (1)* amends section 173 of the TA 2000 to make it an offence to interfere with the functioning of any equipment used for, or in connection with, a charging scheme. *Subsection (2)* amends section 174 to allow the appropriate national authority to make regulations permitting the examination of a vehicle to determine whether the functioning of the equipment has been interfered with.
279. *Subsections (3)* to *(5)* amend paragraphs 25 and 26 of Schedule 23 to the GLA Act 1999 to make similar provisions in relation to London.

Section 116: Use of equipment for charging schemes

280. *Subsection (2)* amends section 176 of the TA 2000 to allow the appropriate national authority in England and Wales to regulate the manner in which equipment installed as part of a charging scheme is used. This supplements the existing power to make regulations to approve standards for such equipment. Regulations made under the new section 176(2)(b) could, for example:
- specify standard data formats so that equipment installed or provided by one charging scheme is compatible with similar equipment installed or provided by another;
 - specify unique numbering systems for items of equipment, to avoid duplication of identification numbers between different schemes; or
 - set common standards for data encryption and security.
281. The effect of *subsection (3)* is to prevent the use of equipment in connection with a charging scheme other than in accordance with regulations made under the new section 176(2)(b).
282. *Subsections (4)* to *(8)* amend paragraph 29 of Schedule 23 to the GLA Act 1999. The amendments to paragraph 29(1) allow the Greater London Authority to make directions relating to the use of equipment in connection with charging schemes made under that Act. The insertion of paragraph 29(3A) and (3B) allows the Secretary of State to give notice to the Greater London Authority that its directions regarding the use of equipment in connection with a charging scheme in London are incompatible with regulations made under the new section 176(2)(b) of the TA 2000, and that this incompatibility is detrimental to persons resident in England outside Greater London. It also provides that, where such notice has been given, the equipment may no longer be used in connection with a charging scheme except with the permission of the Secretary of State.

Section 117: Power of national authority to require information from charging authorities

283. *Subsection (1)* inserts a new section 177A in the TA 2000. The new section allows the appropriate national authority in England and Wales to require information from a local traffic authority or an ITA relating to an existing or proposed charging scheme. This information can be required in a specified period, and must be information that the authority have in their possession or can be expected to obtain.

*These notes refer to the Local Transport Act 2008 (c.26)
which received Royal Assent on 26 November 2008*

284. *Subsection (2)* inserts a new paragraph 34B in Schedule 23 to the GLA Act 1999. This new paragraph allows the Secretary of State to require information to be provided, under the same conditions, by Transport for London, a London borough council or the Greater London Authority.

Section 118: Information: England and Wales

285. *Subsections (1) to (5)* amend section 194 of the TA 2000.
286. **Section 194(1)** currently allows the disclosure of information to charging authorities only in relation to existing schemes. The amendment to section 194(1) which is made by *subsection (2)* allows information obtained by Ministers, Government Departments, Welsh Ministers or a local authority also to be disclosed to a local traffic authority or ITA in relation to a proposed charging scheme. *Subsection (3)* makes a corresponding amendment to the power in section 194(2), enabling a local traffic authority or ITA to use in relation to a proposed charging scheme information it has obtained from its exercise of other functions.
287. *Subsection (5)* allows the Secretary of State or the Welsh Ministers to charge a reasonable fee for supplying information under section 194 of the TA 2000. Where the traffic authority or ITA has asked the Secretary of State to obtain information from registration authorities overseas, with a view to disclosing that information under *subsections (1) and (3)*, the Secretary of State may charge a reasonable fee for obtaining that information or for seeking to obtain it.
288. *Subsections (6) to (9)* make equivalent provision in paragraph 34A of Schedule 23 to the GLA Act 1999.

Section 119: Information: Scotland

289. *Subsection (1)* allows the Secretary of State to charge a reasonable fee in respect of the cost of supplying information to a Scottish charging authority in relation to a scheme that is made under Part 3 of the Transport (Scotland) Act 2001 or any person with whom the authority has entered into arrangements under section 61(b) of that Act.
290. *Subsection (2)* limits the information to which subsection (1) refers to information obtained by the Secretary of State in the exercise of any function that relates to reserved matters (within the meaning of the Scotland Act 1998).

Section 120: London charging schemes: 10 year plan for share

291. This section amends paragraphs 19 to 24 of Schedule 23 to the GLA Act 1999 so that the approval of the Secretary of State is no longer required for charging authorities' ten year general plans and four year programmes for the application of their share of revenues from a London charging scheme.

Section 121: Other amendments relating to schemes under Part 3 of TA 2000

292. This section introduces Schedule 6, which makes amendments to Schedule 12 to the TA 2000 (financial provisions relating to road user charging and workplace parking levy schemes) and to Schedule 23 to the GLA Act 1999 (road user charging).
293. **Paragraph 8** of Schedule 12 is amended and paragraph 9 is repealed. The effect is that all the net proceeds of all local charging schemes are to be used for local transport purposes.
294. **Paragraphs 10 and 11** are amended to require a detailed programme for the application of the net proceeds of a charging scheme to be produced every five years from the date on which the scheme comes into force, rather than linking the timing of the production of the detailed programme to the timing of the production of the local transport plan.

*These notes refer to the Local Transport Act 2008 (c.26)
which received Royal Assent on 26 November 2008*

295. Paragraph 10(3) is amended so as to remove the requirement for the Secretary of State to approve a charging authority's general plans and specific programmes for the application of the net proceeds of a charging scheme in England before the relevant scheme order can come into force. This amendment does not have effect in relation to charging schemes in Wales, thus preserving the existing requirement for approval of such plans and programmes by the Welsh Ministers.
296. Paragraph 12 is amended to remove the Secretary of State's power to make regulations determining the application of proceeds by London traffic authorities from a joint London-local scheme. Instead, the proceeds will be applied in the same way as they would be in a scheme made under Schedule 23 to the GLA Act 1999.
297. Paragraph 13 is amended so that all proceeds of a trunk road charging scheme made by virtue of section 167(2)(b) of the TA 2000 are available only for application by the Secretary of State or Welsh Ministers for the purpose of directly or indirectly facilitating the achievement of any policies or proposals relating to transport.
298. Paragraphs 16 and 17 of Schedule 23 to the GLA Act 1999 are amended to the effect that all the net proceeds of all London charging schemes are to be used for relevant transport purposes, rather than enabling net proceeds in some circumstances to be applied as specified by the appropriate national authority.
299. Paragraph 18 of Schedule 23 to the GLA Act 1999 is amended to allow the Secretary of State to share in revenues from a charging scheme in London which includes a trunk road.