



# Local Transport Act 2008

## 2008 CHAPTER 26

### PART 7

#### MISCELLANEOUS PROVISIONS

##### *Trunk road charging schemes in Wales*

#### **122 Powers of the National Assembly for Wales**

In Part 1 of Schedule 5 to the Government of Wales Act 2006 (c. 32) (Assembly Measures), in field 10 (highways and transport) insert—

“*Matter 10.* Provision for and in connection with—

- (a) the making, operation and enforcement of schemes for imposing charges in respect of the use or keeping of motor vehicles on Welsh trunk roads;
- (b) the application of the proceeds of charges imposed under such schemes towards purposes relating to transport.

This does not include provision about traffic signs, apart from provision about the placing and maintenance of traffic signs within the meaning of section 177 of the Transport Act 2000. *Interpretation of this field* In this field—

“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) applies as it applies for the purposes of the Road Traffic Acts;

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

“Welsh trunk road” means a road for which the Welsh Ministers are the traffic authority (within the meaning of section 121A of the Road Traffic Regulation Act 1984).”.

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## 123 Information

- (1) Information obtained by—
- (a) any Minister of the Crown or government department, or
  - (b) any local authority or other statutory body,
- may be disclosed to the Welsh Ministers for or in connection with the exercise of any of their functions with respect to a Welsh trunk road charging scheme or proposed such scheme.
- (2) Any information which has been or could be disclosed to the Welsh Ministers under subsection (1) for or in connection with the exercise of any of their functions with respect to a Welsh trunk road charging scheme may be disclosed to any person with whom the Welsh Ministers have entered into charging scheme arrangements.
- (3) Information disclosed to a person under subsection (2)—
- (a) may be disclosed to any other person for or in connection with the Welsh trunk road charging scheme, but
  - (b) may not be disclosed (either by the person to whom it is disclosed under subsection (2) or by any other person to whom it is disclosed under paragraph (a)) otherwise than for or in connection with the scheme.
- (4) The Secretary of State may charge a reasonable fee in respect of the cost of supplying information under subsection (1) or (2).
- (5) Where the Welsh Ministers ask the Secretary of State to obtain overseas registration information from an overseas registration authority with a view to the Secretary of State disclosing that information under subsection (1) or (2), the Secretary of State may charge a reasonable fee in respect of the cost of obtaining, or seeking to obtain, the information.
- (6) In this section—
- “charging scheme arrangements” means arrangements made in respect of the operation of a Welsh trunk road charging scheme or relating to the installation or operation of any equipment used for or in connection with the operation of such a scheme;
- “overseas registration authority” means any authority of a country or territory outside the United Kingdom with responsibility under the law of that country or territory for maintaining a register of vehicles;
- “overseas registration information” means information derived from particulars contained in a register of vehicles that is maintained by an overseas registration authority;
- “Welsh trunk road charging scheme” means any scheme made by or under an <sup>[F1]</sup>Act of the National Assembly for Wales, relating to the imposition of charges in respect of the use or keeping of motor vehicles on Welsh trunk roads.]

### Textual Amendments

- F1** Words in s. 123(6) substituted (5.5.2011) by [The Government of Wales Act 2006 \(Commencement of Assembly Act Provisions, Transitional and Saving Provisions and Modifications\) Order 2011 \(S.I. 2011/1011\)](#), arts. 2, 7

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### *Street works*

#### **124 Reinstatement and remedial works**

- (1) The New Roads and Street Works Act 1991 (c. 22) is amended as follows.
- (2) In section 48 (streets, street works and undertakers) after subsection (3) (meaning of “street works”) insert—
  - “(3A) For the purposes of subsection (3), the works that are street works by virtue of being works required for or incidental to street works of any particular kind include—
    - (a) reinstatement of the street, and
    - (b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.”.
- (3) In section 50 (street works licences) after subsection (1) (power to grant a licence to do certain works) insert—
  - “(1A) For the purposes of subsection (1), the works that are required for or incidental to works falling within paragraph (a) or (b) of that subsection include—
    - (a) reinstatement of the street, and
    - (b) where an undertaker has failed to comply with his duties under this Part with respect to reinstatement of the street, any remedial works.”.

### *Goods vehicles*

#### **125 Vehicles authorised to be used under operator's licence**

- (1) In section 5 of the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23) (vehicles authorised to be used under operator's licence)—
  - (a) in subsection (6), for “a prescribed fee” substitute “ the prescribed fee (if any) ”.
  - (b) in subsection (7), after “the prescribed fee” insert “ (if any) ”.
- (2) Section 263 of the TA 2000 (addition of specified vehicles to operator's licence) is amended as follows.
- (3) In the subsection (6) that is to be substituted for section 5(6) of the Goods Vehicles (Licensing of Operators) Act 1995—
  - (a) in the opening words, after “is not authorised to be used under that licence by virtue of subsection (1)” insert “ on or after the relevant day ”;
  - (b) in paragraph (b), for “a prescribed fee” substitute “ the prescribed fee (if any) ”.
- (4) After that subsection insert—
  - “(6A) For the purposes of subsection (6) “the relevant day” is the latest of the following days—
    - (a) the day on which the vehicle was first in the lawful possession of the licence holder,
    - (b) the day on which the licence came into force,

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- (c) if a day not more than one month after the later of those days is prescribed for the purpose, the day so prescribed.”.

**Commencement Information**

**I1** S. 125 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

**126 Vehicles used without operator's licence: power to return detained vehicles**

- (1) Schedule 1A to the Goods Vehicles (Licensing of Operators) Act 1995 (c. 23) (detention of vehicles used without operator's licence) is amended as follows.
- (2) For paragraph 8 (power to make regulations for return of detained vehicle) substitute—

“8 Regulations may make provision authorising a vehicle detained by virtue of paragraph 2 to be returned to the owner, in prescribed circumstances, without the need for any application under paragraph 9.”.

**Commencement Information**

**I2** S. 126 partly in force; s. 126 in force at Royal Assent for specified purposes, see s. 134(1)(c)

**I3** S. 126 in force at 9.2.2009 in so far as not already in force by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

*Civil enforcement of traffic contraventions*

**127 Civil enforcement of traffic contraventions: meaning of “local authority”**

- (1) Part 6 of the Traffic Management Act 2004 (c. 18) (civil enforcement of traffic contraventions) is amended as follows.
- (2) In section 76 (civil enforcement officers) at the end insert—
- “(6) In this section “local authority” includes a non-metropolitan district council.”.
- (3) In section 85 (prohibition of double parking) at the end insert—
- “(9) In this section “local authority” includes a non-metropolitan district council.”.
- (4) In section 86 (prohibition of parking at dropped footways etc) at the end insert—
- “(10) In this section “local authority” includes a non-metropolitan district council.”.
- (5) In section 87 (guidance to local authorities) at the end insert—
- “(3) In this section “local authority” includes a non-metropolitan district council.”.

**128 Financial penalty deposits: powers of vehicle examiners in Scotland**

In section 90F of the Road Traffic Offenders Act 1988 (c. 53), in the definition of “conditional offer”, after “75(3)(a)” insert “ or (3B)(a) ”.

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#### Commencement Information

**I4** S. 128 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

### *Foreign-registered vehicles*

## **129 Disclosure of information relating to foreign-registered vehicles**

After section 49 of the Road Safety Act 2006 (c. 49) (disclosure to foreign authorities of licensing and registration information) insert—

### **“49A Disclosure of information relating to foreign-registered vehicles**

- (1) The Secretary of State may disclose information to which subsection (2) applies to any person or body referred to in subsection (3) (subject to any restrictions mentioned in relation to the person or body).
- (2) This subsection applies to information that—
  - (a) is derived from particulars contained in a register of vehicles that is maintained in a country or territory outside the United Kingdom, and
  - (b) has been obtained by the Secretary of State from the authority or authorities of that country or territory with responsibility under the law of that country or territory for maintaining the register.
- (3) The persons and bodies are—
  - (a) a local authority, where the disclosure is made for any purpose connected with the investigation of—
    - (i) an offence, or
    - (ii) a road traffic contravention;
  - (b) Transport for London, where the disclosure is made for such a purpose;
  - (c) the Department of the Environment in Northern Ireland, where the disclosure is made for any purpose connected with the investigation of an offence;
  - (d) the Department for Regional Development in Northern Ireland, where the disclosure is made for any purpose connected with the investigation of a road traffic contravention;
  - (e) the chief officer of police of a police force in England and Wales;
  - (f) the chief constable of a police force maintained under the Police (Scotland) Act 1967;
  - (g) a member of the Police Service of Northern Ireland;
  - (h) an officer of Revenue and Customs;
  - (i) an inspector of taxes, where the disclosure is made for any purpose connected with any tax liability to which a person is or may be subject, or the amount of any such liability;
  - (j) a person who the Secretary of State is satisfied has reasonable cause for seeking disclosure of the information.
- (4) The Secretary of State may charge a reasonable fee in respect of the cost of—

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- (a) obtaining, or seeking to obtain, information falling within subsection (2)(a);
  - (b) supplying information under subsection (1).
- (5) Nothing in this section affects any other power of the Secretary of State to disclose information.
- (6) In this section—
- “local authority” means—
    - (a) a county council in England;
    - (b) a metropolitan district council;
    - (c) a non-metropolitan district council for an area for which there is no county council;
    - (d) a London borough council;
    - (e) the Common Council of the City of London;
    - (f) the Council of the Isles of Scilly;
    - (g) a county council or county borough council in Wales;
    - (h) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - “road traffic contravention” means—
    - (a) in relation to England and Wales, any contravention falling within Schedule 7 to the Traffic Management Act 2004;
    - (b) in relation to Scotland, any act or omission that would have been an offence but for paragraph 1(4) or (as the case may be) 2(4) of Schedule 3 to the Road Traffic Act 1991 (control of parking in permitted and special parking areas);
    - (c) in relation to Northern Ireland, any contravention falling within Schedule 1 to the Traffic Management (Northern Ireland) Order 2005 (2005 No. 1964 (N.I. 14));
  - “tax” has the meaning given by section 118(1) of the Taxes Management Act 1970.”

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**Commencement Information**

**I5** S. 129 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

**130 Use of information relating to foreign-registered vehicles**

After section 49A of the Road Safety Act 2006 (c. 49) insert—

**“49B Use of information relating to foreign-registered vehicles**

- (1) The Secretary of State may use information to which section 49A(2) applies for any of the purposes referred to in subsection (2).
- (2) The purposes are—
  - (a) to check the accuracy of information which has been obtained under regulations made by virtue of section 22A(2) of the Vehicle Excise and Registration Act 1994 (vehicle identity checks);

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- (b) to check the accuracy of records maintained by the Secretary of State in connection with any functions exercisable by the Secretary of State under or by virtue of that Act;
- (c) to check the accuracy of records maintained, or caused to be maintained, under section 45(6B) or 49(3A) of the Road Traffic Act 1988 (records of examinations of goods and other vehicles);
- (d) to promote compliance with section 47 or 53 of that Act (obligatory test certificates for goods and other vehicles);
- (e) where appropriate, to amend or supplement any information mentioned in the foregoing provisions of this subsection or information contained in any records so mentioned;
- (f) to trace a non-resident parent (within the meaning of the Child Support (Information, Evidence and Disclosure) Regulations 1992 (S.I. 1992/1812)).”.

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**Commencement Information**

**I6** S. 130 in force at 9.2.2009 by [S.I. 2009/107](#), art. 2(1), [Sch. 1 Pt. 1](#)

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**Commencement Orders yet to be applied to the Local Transport Act 2008**

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/579 art. 2](#) commences (2008 c. 26)
- [S.I. 2009/3294 art. 2](#) commences (2008 c. 26)