

2001 No. 690

LONDON GOVERNMENT

ROAD TRAFFIC

The Transport for London (Bus Lanes) Order 2001

<i>Made</i>	- - - -	<i>5th March 2001</i>
<i>Laid before Parliament</i>		<i>9th March 2001</i>
<i>Coming into force</i>		<i>1st April 2001</i>

The Secretary of State for the Environment, Transport and the Regions, in exercise of the powers conferred upon him by sections 405 and 406 of the Greater London Authority Act 1999(a), and of all other powers enabling him in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Transport for London (Bus Lanes) Order 2001 and shall come into force on 1st April 2001.

Amendment of provisions relating to bus lanes

2. Part I (preliminary) and Part II (bus lanes) of the London Local Authorities Act 1996(b) shall be amended in accordance with the Schedule to this Order.

Consequential repeals

3. In the London Local Authorities Act 2000—
(a) section 48, so far as it relates to section 4 of the London Local Authorities Act 1996; and
(b) paragraph 1 of Schedule 2,
are repealed.

Signed by authority of the Secretary of State
for the Environment, Transport and the Regions

Keith Hill
Parliamentary Under Secretary of State,
Department of the Environment,
Transport and the Regions

5th March 2001

(a) 1999 c. 29.

(b) 1996 c. ix. For the definition of “participating council” see section 2. Section 4 and Schedule 1 were amended by section 48 of, and Schedule 2 to, the London Local Authorities Act 2000 (c. vii).

AMENDMENT OF THE LONDON LOCAL AUTHORITIES ACT 1996

1. In section 2 (interpretation)—
 - (a) for the definition of “authorised officer”, substitute the following definition—

“ “authorised officer”—

 - (a) in relation to a borough council, means an officer authorised by the council in writing to act in relation to the relevant provision of this Act;
 - (b) in relation to Transport for London, means an officer authorised by that body in writing to act in relation to the relevant provision of this Act;”;
 - (b) after the definition of “borough council”, insert the following definition—

“ “Transport for London” means the body established by section 154 of the Greater London Authority Act 1999”.
2. In section 4 (penalty charge notices under Part II)(a)—
 - (a) for subsection (1), substitute the following subsections—

“(1) Where—

 - (a) in relation to any GLA road or GLA side road, Transport for London or, subject to subsection (1A), the relevant council;
 - (b) in relation to any other road in Greater London, the relevant council or, subject to subsection (1B), Transport for London,

on the basis of information provided by the use of a prescribed device, have reason to believe that a penalty charge is payable under this Part of this Act with respect to a vehicle by the owner of the vehicle, that council or, as the case may be, Transport for London, may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle.

(1A) The relevant council shall not exercise the power conferred by subsection (1)(a) unless it has obtained the consent in writing of Transport for London.

(1B) Transport for London shall not exercise the power conferred by subsection (1)(b) unless it has obtained the consent in writing of the relevant council.

(1C) In subsections (1) to (1B), “relevant council” means the council in whose area the contravention or failure occurred.”(b);
 - (b) in subsection (2)—
 - (i) omit “to a borough council”; and
 - (ii) at the end, insert “and the penalty charge shall be paid—
 - (a) where the contravention or failure is in respect of a GLA road or a GLA side road, to Transport for London;
 - (b) in any other case, to the council in whose area the contravention or failure occurs.”;
 - (c) in subsection (3), in paragraphs (a) and (e), after “the council”, insert “or, as the case may be, Transport for London”; and
 - (d) in subsection (4), for “the borough councils”, substitute “the appointing authorities”(c).
3. In section 8 (fixing of penalty charges), omit “, with the omission of subsection (3),”.

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- (a) Section 4 is amended by the London Local Authorities Act 2000, section 48 and Schedule 2, paragraph 1.
- (b) As to GLA roads, *see* section 14D of the Highways Act 1980 (c. 66), inserted by section 263(1) of the Greater London Authority Act 1999. As to GLA side roads, *see* section 124A(9) of the Road Traffic Regulation Act 1984 (c. 27), inserted by section 272 of the Greater London Authority Act 1999. For the definition of “council”, *see* section 2 of the London Local Authorities Act 1996.
- (c) The Joint Committee referred to in section 4(4) of the 1996 Act is defined in section 3(1) of that Act by reference to section 73 of the Road Traffic Act 1991 (c. 40). The constituent authorities of the Joint Committee are referred to in section 73 of the 1991 Act, as amended by section 283 of the Greater London Authority Act 1999 (c. 22), as “the appointing authorities”.

4. In section 9 (penalty charge not payable in certain cases), in paragraph (b), for the words after “City of London” to the end, substitute—

“(a) where the alleged offence took place on a GLA road or a GLA side road, to Transport for London;

(b) in any other case, to the council of the borough in which the alleged offence took place,

before the expiry of the period of 14 days beginning with the day on which the alleged offence takes place.”.

5. In Schedule 1 (enforcement notices, etc. under Part II (bus lanes))(a)—

(a) in paragraph 1, in sub-paragraph (1), for “the council concerned”, substitute “the enforcing authority”;

(b) in paragraph 1, in sub-paragraph (2), in paragraph (b), for “the council”, substitute “the enforcing authority”;

(c) in paragraph 2—

(i) in sub-paragraph (1), for “the council who served the notice on him”, substitute “the enforcing authority”;

(ii) in sub-paragraph (2), for “the councils” substitute “the enforcing authorities”;

(iii) in sub-paragraphs (3) and (10), for “the council”, substitute “the enforcing authority”;

(d) in paragraph 3, in sub-paragraphs (1) and (2), for “the council concerned”, substitute “the enforcing authority”;

(e) in paragraph 5, for “the council concerned” and “the council”, substitute “the enforcing authority”;

(f) in paragraph 6—

(i) in sub-paragraph (1), for “a council” and “the council’s decision”, substitute “an enforcing authority” and “the decision of the enforcing authority”, respectively;

(ii) in sub-paragraph (2), for “the council concerned” substitute “the enforcing authority”; and

(iii) in sub-paragraph (3), for “the council”, substitute “the enforcing authority”;

(g) in paragraph 7—

(i) in sub-paragraph (1), in paragraph (b), for the words from “council of the borough” to the end, substitute “enforcing authority.”; and

(ii) in sub-paragraph (6), for “the council” substitute “the enforcing authority”;

(h) in paragraph 8—

(i) in sub-paragraph (1), for “the council serving the notice”, substitute “the enforcing authority”; and

(ii) in sub-paragraph (3), in paragraph (b), for “the council concerned”, substitute “the enforcing authority”;

(i) in paragraph 9, for “the council concerned”, substitute “the enforcing authority”;

(j) in paragraph 10—

(i) in sub-paragraph (2), for “the council concerned” and “that council”, substitute “the enforcing authority” and “that authority”, respectively;

(ii) in sub-paragraph (5), for “the council concerned”, substitute “the enforcing authority”; and

(iii) in sub-paragraphs (6) and (7), for “the borough council” substitute “the enforcing authority”; and

(a) Schedule 1 is amended by the London Local Authorities Act 2000, section 48 and Schedule 2, paragraphs 2 to 8.

(k) after paragraph 12, insert the following paragraph—

“Interpretation

13. In this Schedule “the enforcing authority”, in relation to any penalty charge notice, enforcement notice or charge certificate^(a), means—

- (a) where the notice was served by a council, or the certificate relates to a notice so served, that council;
- (b) where the notice was served by Transport for London, or the certificate relates to a notice so served, Transport for London.”.

6. In Schedule 2 (financial provisions relating to Part II (bus lanes))—

(a) in paragraph 1, for “A borough council”, substitute “Transport for London and each borough council”;

(b) in paragraph 2—

(i) for “subject to paragraph 3 below”, substitute “subject to paragraphs 3 and 3A below”; and

(ii) for “general rate fund”, substitute—

“(a) in the case of a borough council, their general fund; and

(b) in the case of Transport for London, the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 in calculating Transport for London’s component budget for the financial year in question”;

(c) for paragraph 3, substitute the following paragraphs—

“**3.** Any amount not applied by a borough council in any financial year may, if that council so determine, be carried forward in the account kept under paragraph 1 above to the next financial year.

3A. Any amount not applied by Transport for London in any financial year may, if Transport for London so determine, be carried forward in the account kept under paragraph 1 above to the next financial year.”;

(d) in paragraph 4—

(i) for “Each borough council”, substitute “Transport for London and each borough council”; and

(ii) for “the Secretary of State”, substitute “the Mayor of London”; and

(e) in paragraph 6—

(i) in sub-paragraph (a), for “to the general rate fund”, substitute—

“(i) in the case of a borough council, to their general fund; and

(ii) in the case of Transport for London, to the financial reserves for which provision is made under section 85(4)(c) of the Greater London Authority Act 1999 in calculating Transport for London’s component budget for the financial year in question”;

(ii) after sub-paragraph (c) insert—

“(d) meeting all or any part of the cost of the doing by the council or Transport for London in their area of anything—

(i) which facilitates the implementation of the London transport strategy; and

(ii) which is for the time being specified in that strategy as a purpose for which a surplus may be applied by virtue of this paragraph; and

^(a) As to penalty charge notices, *see* section 4 of the London Local Authorities Act 1996; as to enforcement notices, *see* paragraph 1(1) of Schedule 1 to that Act and, as to charge certificates, *see* paragraph 8(1) of that Schedule.

- (e) making to any other London authority contributions towards the cost of the doing by that other authority of anything towards the doing of which in its own area the authority making the contribution has power—
 - (i) to apply any surplus on the account required to be kept under paragraph 1 above; or
 - (ii) to incur expenditure required to be brought into that account.”; and
- (f) after paragraph 6, add the following paragraphs—
 - “7. In paragraph 6—
 - “London authority” means Transport for London or a borough council; and
 - “the London transport strategy” means the transport strategy prepared and published under section 142 (the Mayor’s transport strategy) of the Greater London Authority Act 1999.
 - 8. For the purposes of paragraph 6, Transport for London’s area shall be taken to be Greater London.”.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends various provisions of the London Local Authorities Act 1996, consequential upon the status of Transport for London (“TfL”) as the traffic authority for GLA roads and GLA side roads. (This status was conferred by amendments to the Highways Act 1980 and the Road Traffic Regulation Act 1984 (c. 27) made by sections 259 and 271 of the Greater London Authority Act 1999 (“the 1999 Act”).) A “GLA road” is a highway or proposed highway in Greater London which is for the time being a GLA road by virtue of section 2(3) of the Highways Act 1980, an order made by the Secretary of State under section 14A of that Act (section 14A was inserted by section 260 of the 1999 Act), or an order made by the Greater London Authority under section 14B of the Highways Act 1980 (section 14B was inserted by section 261 of the 1999 Act). For the meaning of “GLA side road”, see section 124A(9) of the Road Traffic Regulation Act 1984, inserted by section 272 of the 1999 Act.

Article 2 provides for the amendment of Parts I and II of the London Local Authorities Act 1996. The effect of the amendments set out in the Schedule to the Order is to enable TfL to serve and enforce penalty charge notices with respect to vehicles which contravene or fail to comply with provisions for the reservation of all or part of the carriageway of a GLA road or a GLA side road as a bus lane.

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