



London Local Authorities and Transport for London Act 2008

2008 CHAPTER iii

An Act to confer further powers upon local authorities in London and upon Transport for London; and for related purposes. [21st July 2008]

WHEREAS—

- (1) It is expedient that the powers of London borough councils and the Common Council of the City of London (hereinafter referred to as “London borough councils”) and of Transport for London should be extended and amended as provided in this Act:
- (2) It is expedient that provision be made in London in relation to parking, road traffic, highways, filming on highways and enforcement of penalty charges:
- (3) It is expedient that the other provisions contained in this Act should be enacted:
- (4) The purposes of this Act cannot be effected without the authority of Parliament:
- (5) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 (c. 70) and the other London borough councils have complied with the requirements of section 87 of the Local Government Act 1985 (c. 51):
- (6) In relation to the promotion of the Bill for this Act Transport for London have complied with the requirements of section 167 of and Schedule 13 to the Greater London Authority Act 1999 (c. 29):
- (7) In relation to the promotion of the Bill for this Act the London borough councils have acted through their representation in London Councils (formerly the Association of London Government), a statutory joint committee whose membership is made up from members of all the London borough councils:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

PART 1

PRELIMINARY

1 Citation and commencement

- (1) This Act may be cited as the London Local Authorities and Transport for London Act 2008.
- (2) This Act, except Part 5 (non-payment of penalty charges) of this Act shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (3) The said Part 5 shall come into operation on the appointed day.

2 Interpretation

In this Act—

- “the 1984 Act” means the Road Traffic Regulation Act 1984 (c. 27);
- “the 1991 Act” means the Road Traffic Act 1991 (c. 40);
- “the 2004 Act” means the Traffic Management Act 2004 (c. 18);
- “the Act of 2003” means the [London Local Authorities and Transport for London Act 2003 \(c. iii\)](#);
- “borough council” means London borough council and includes the Common Council of the City of London in its capacity as a local authority and “borough” and “council” shall be construed accordingly;
- “immobilisation device” means any device or appliance approved by the Secretary of State under section 104(9) of the 1984 Act;
- “London authority” means a borough council or Transport for London, as the case may be.

3 Appointed day

- (1) In subsection (3) of section 1 (citation and commencement) of this Act “the appointed day” means such day as may be fixed as regards Part 5 (non-payment of penalty charges) of this Act—
 - (a) by a decision of Transport for London; or
 - (b) by resolution of the borough council,as the case may be, subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for the purpose of the application of provisions of the said Part 5 to different areas.
- (3) Different days may be fixed under this section for the purpose of the application of provisions of the said Part 5 to an area or any part of an area or different parts of an area.
- (4) Different days may be fixed under this section for the purpose of the application of the said Part 5 to be different types of penalty charge (within the meaning given by section 14 (interpretation of Part 5) of this Act).
- (5) A London authority may not fix a day under this section for the purpose of the application of the said Part 5 to a particular type of penalty charge if penalty charges

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

of that type are not payable to them under the specified enactment (within the meaning given by the said section 14) in question.

- (6) The borough council or Transport for London, as the case may be, shall cause to be published in a local newspaper circulating in their area and in the London Gazette, notice—
- (a) of the passing of any such resolution or taking of any such decision in relation to the said Part 5 and of a day fixed by the resolution or decision; and
 - (b) of the general effect of the provisions of that Part coming into operation on that day,
- and the day so fixed shall not be earlier than the expiration of one month from the publication of the notice in the London Gazette.
- (7) A photostatic or any other reproduction certified by the officer appointed for that purpose by the borough council or by Transport for London, as the case may be, to be a true reproduction of a page or part of a page of any such newspaper or London Gazette—
- (a) bearing the date of its publication; and
 - (b) containing any such notice,
- shall be evidence of the publication of the notice and of the date of publication.

PART 2

PARKING ETC.

4 Unpaid charges on unlawful release of vehicle: Road Traffic Act 1991

- (1) This section applies where an immobilisation device has been fixed to a vehicle by a parking attendant or another person acting under his direction under sections 69 or 77 of the 1991 Act and the vehicle is released from the immobilisation device unlawfully.
- (2) Where this section applies, the person liable to pay the penalty charge in respect of the contravention to which the immobilisation of the vehicle relates shall also be liable to pay the avoided release fee.
- (3) Where this section applies, any notice to owner served by a London authority under paragraph 1 of Schedule 6 to the 1991 Act shall, in addition to those matters mentioned in paragraph 1(1) of that Schedule, state the amount of any avoided release fee.
- (4) Where this section applies, references to the penalty charge in the paragraphs of the said Schedule 6 mentioned in subsection (5) below shall be taken to include references to the avoided release fee and the reference in paragraph 7 of that Schedule to the increased charge shall be taken to include a reference to the increased avoided release fee.
- (5) Those paragraphs are—
- (a) paragraphs 1(2)(c) and (d);
 - (b) paragraph 4(a)(i);
 - (c) paragraph 6(1) (in both cases); and
 - (d) paragraph 7.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (6) The grounds on which a person may make representations against a notice to owner under paragraph 2 of the said Schedule 6 shall include, as regards an avoided release fee, the following—
- (a) the immobilisation device was never fixed to the vehicle;
 - (b) the immobilisation device was not removed unlawfully;
 - (c) that, by virtue of an exemption given by section 70 of the 1991 Act, section 69 of that Act did not apply to the vehicle at the time in question.
- (7) An avoided release fee shall not be payable under this section where the conduct constituting the release of the immobilisation device is the subject of criminal proceedings.
- (8) Where, despite the provisions of subsection (7) above—
- (a) an avoided release fee has been paid in respect of the release of the immobilisation device; and
 - (b) the circumstances are as mentioned in subsection (7),
- Transport for London or the borough council in question shall, as soon as reasonably practicable after those circumstances come to their notice, refund the amount of the avoided release fee.
- (9) In this section “avoided release fee” means any fee which would have been payable under section 69(4)(b) of the 1991 Act had the vehicle been released under that section.

5 Unpaid charges on unlawful release of vehicle: Traffic Management Act 2004

- (1) The Secretary of State may make regulations under section 79 of the 2004 Act (immobilisation of vehicle where penalty charge payable) reproducing the effect of section 4 (unpaid charges on unlawful release of vehicle: Road Traffic Act 1991) of this Act in relation to Greater London.
- (2) Without prejudice to the generality of subsection (1) above, such regulations may make provision for the service of notices requiring payment of penalty charges, increased charges and avoided release fees.
- (3) The Lord Chancellor may make regulations under section 80 of the 2004 Act (representations and appeals) applicable to Greater London dealing with representations and appeals in relation to avoided release fees.

6 Limitation on service of notice to owner: parking

- (1) Section 7 (limitation on service of notice to owner) of the [London Local Authorities Act 2000 \(c. vii\)](#) is amended as follows.
- (2) In subsection (2)—
 - (a) for “Subject to subsection (3) below” there is substituted “Subsection (2A) below applies”;
 - (b) for the words from “a fresh notice to owner” to the end of the subsection there is substituted—

“; or

 - (d) payment of the penalty charge has been made or has purportedly been made before the expiry of the period

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

mentioned in subsection (1) above but the payment or purported payment is subsequently cancelled or withdrawn.”.

(3) After subsection (2) there is inserted—

“(2A) Subject to subsection (3) below, a fresh notice to owner may not be served after the expiry of the period of six months from—

- (a) the date of the cancellation of the notice to owner; or
- (b) in a case falling within subsection (2)(c) above, the date on which a notice is served under paragraph 8(5)(d) of that schedule; or
- (c) in a case falling within subsection (2)(d) above, the date on which notification is received that the payment or purported payment had been cancelled or withdrawn.”.

(4) In subsection (3)—

- (a) the words “, that is to say a council or Transport for London,” are omitted;
- (b) after paragraph (c), there is inserted “or
 - (d) the date on which the relevant authority receives a notification that the payment or purported payment has been cancelled or withdrawn in the circumstances mentioned in subsection (2)(d) above”;
- (c) for the words “subsection (1) or (2) above” there is substituted “subsection (1) or (2A) above”.

7 Limitation on service of notice to owner: road traffic contraventions

(1) Section 6 (limitation on service of penalty charge notice) of the Act of 2003 is amended as follows.

(2) In subsection (2) —

- (a) for “Subject to the provisions of this section,” there is substituted “Subsection (2A) below applies”;
- (b) for the words from “the borough council may” to the end of the subsection there is substituted “; or
 - (d) payment of the penalty charge has been made or has purportedly been made before the expiry of the period mentioned in subsection (1) above but the payment or purported payment is subsequently cancelled or withdrawn.”.

(3) After subsection (2) there is inserted—

“(2A) Subject to subsection (3) below, the borough council or Transport for London, as the case may be, may not serve a fresh penalty charge notice after the expiry of the period of 28 days from—

- (a) the date of the cancellation of the penalty charge notice; or
- (b) in a case falling within subsection (2)(c) above, the date on which the council or body are served with notice under paragraph 7(8)(d) of the said Schedule; or
- (c) in a case falling within subsection (2)(d) above, the date on which the council or body received notification that the payment or purported payment had been cancelled or withdrawn.”.

(4) In subsection (4), after paragraph (c), there is inserted “or