



# London Local Authorities Act 2000

## 2000 CHAPTER vii

An Act to confer further powers upon local authorities in London; and for related purposes. [20th July 2000]

WHEREAS—

- (1) It is expedient that further and better provision should be made for the improvement and development of local government services in London and for the benefit of persons residing therein and that the powers of London borough councils and the common council of the City of London (hereinafter referred to as “London borough councils and the common council”) should be extended and amended as provided in this Act:
- (2) It is expedient that arrangements for the control of parking and the enforcement of parking restrictions in London should be amended and strengthened:
- (3) It is expedient that London borough councils and the common council should have improved powers to control waste:
- (4) It is expedient that the law relating to licensing should be amended in its application to London:
- (5) It is expedient that London borough councils and the common council should have power to license and control busking:
- (6) It is expedient that the other provisions contained in this Act should be enacted:
- (7) The purposes of this Act cannot be effected without the authority of Parliament:
- (8) 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 and the other participating councils (namely, the Common Council of the City of London and all the other London borough councils except for the council of the London borough of Barnet) have complied with the requirements of section 87 of the Local Government Act 1985:
- (9) In relation to the promotion of the Bill for this Act the London borough councils and the common council have acted through their representation in the Association of London Government, a non-statutory organisation whose membership consists of all the London borough councils and the common council:

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,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

## PART I

### PRELIMINARY

#### 1 Citation and commencement

- (1) This Act may be cited as the London Local Authorities Act 2000 and except where otherwise provided shall come into force at the end of the period of two months beginning with the date on which it is passed.
- (2) The London Local Authorities Acts 1990 to 1996 and this Act may together be cited as the London Local Authorities Acts 1990 to 2000.

#### 2 Interpretation

In this Act, except as otherwise expressly provided or unless the context otherwise requires—

“authorised officer” means an officer of a participating council authorised by the council in writing to act in relation to the relevant provision of this Act;

“functions” includes powers and duties;

“participating council” means the common council in its capacity as a local authority and the council of any London borough other than Barnet; and “borough”, “City” and “council” shall be construed accordingly.

## PART II

### PARKING

#### 3 Interpretation of Part II

- (1) In this Part of this Act—

“the Act of 1984” means the Road Traffic Regulation Act 1984;

“the Act of 1991” means the Road Traffic Act 1991;

“designated parking place” means a parking place in the area of a participating council which is designated as a parking place under an order made under section 6, 9 or 45 of the Act of 1984;

“parking adjudicator” means a parking adjudicator appointed under section 73(3) of the Act of 1991;

“parking attendant” has the same meaning as in section 63A of the Act of 1984;

“special parking area” means a special parking area designated by an order made by the Secretary of State under section 76(1) of the Act of 1991.

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- (2) For the purposes of this Part of this Act, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept.
- (3) In determining, for the purposes of this Part of this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994.

#### **4 Service of penalty charge notice on the basis of information provided by camera, etc**

- (1) This section does not apply to the council of the Royal Borough of Kensington and Chelsea.
- (2) Where a participating council, on the basis of information provided by the use of a camera or any other device, has reason to believe that a penalty charge relating to a stationary vehicle in a designated parking place or a special parking area in the area of the council is payable under Part II of the Act of 1991 with respect to the vehicle, they may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle.
- (3) A participating council may not serve a penalty charge notice under this section after the expiry of the period of 28 days beginning with the date on which the penalty charge allegedly became payable.
- (4) Subject to subsection (5) below, the Act of 1991 shall apply to a penalty charge notice served under this section as though it were a penalty charge notice issued under section 66(1) of that Act.
- (5) In the application of the Act of 1991 to a penalty charge notice served under this section—
  - (a) for the reference to the parking attendant in section 66(3)(a) there shall be substituted a reference to the council;
  - (b) for the reference in paragraph 1(2)(b) of Schedule 6 to the parking attendant who issued the penalty charge notice there shall be substituted a reference to the council who served the penalty charge notice; and
  - (c) for the purpose of section 66(3)(d), the date of the notice shall be the date on which the penalty charge notice was served.
- (6) A notice served under this section may be served in the same manner as a notice to owner under paragraph 10 of Schedule 6 to the Act of 1991.

#### **5 Service of penalty charge notice where parking attendant prevented from issuing a notice**

- (1) Where a parking attendant attempts to issue a penalty charge notice in accordance with section 66(1) of the Act of 1991 but is prevented from doing so by any person, the council may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle.
- (2) A participating council may not serve a penalty charge notice under this section after the expiry of the period of 28 days beginning with the date on which the penalty charge allegedly became payable.

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- (3) Subject to subsection (4) below, the Act of 1991 shall apply to a penalty charge notice served under this section as though it were a penalty charge notice served under section 66(1) of that Act.
- (4) In the application of the Act of 1991 to penalty charge notices served under this section—
- (a) for the reference to the parking attendant in section 66(3)(a) there shall be substituted a reference to the council;
  - (b) for the reference in paragraph 1(2)(b) of Schedule 6 to the parking attendant who issued the penalty charge notice there shall be substituted a reference to the council who served the penalty charge notice;
  - (c) for the purpose of section 66(3)(d) as applied by this section, the date of the penalty charge notice shall be the date on which the penalty charge notice was served; and
  - (d) in paragraph 2(4) of Schedule 6, the following additional ground shall be inserted:—
    - “(g) that, in the case of a penalty charge notice served under section 5 of the London Local Authorities Act 2000, the parking attendant was not prevented from serving the penalty charge notice in accordance with section 66(1) of this Act.”.
- (5) A notice served under this section may be served in the same manner as a notice to owner under paragraph 10 of Schedule 6 to the Act of 1991.

## **6 Parking outside designated parking places**

In its application to participating councils, section 5 of the London Local Authorities Act 1995 shall have effect as follows:—

### **“5 Designated parking places**

- (1) There shall be a prohibition on the waiting of vehicles in the circumstances mentioned in subsection (2) below and such prohibition shall be enforceable as if it had been imposed by an order under section 6 of the Act of 1984.
- (2) The circumstances in which the waiting of vehicles is prohibited under subsection (1) above are where—
  - (a) the vehicle is on the carriageway of a road and wholly or partly within a special parking area; and
  - (b) no part of the vehicle is within 50 centimetres of the edge of the carriageway; and
  - (c) the vehicle is not wholly within a designated parking place or any other part of a road in respect of which the waiting of vehicles is specifically authorised.
- (3) Nothing in subsection (1) above shall require the placing of any traffic signs in connection with the prohibition thereby imposed.
- (4) Nothing in this section shall prohibit the driver of a vehicle from causing it to stop in the circumstances mentioned in subsection (2) above—
  - (a) if the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to stop in order to avoid an accident;

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- (b) if the vehicle is stopped for the purpose of making a left or right turn;
- (c) if the vehicle is being used for fire brigade, ambulance or police purposes;
- (d) for so long as may be necessary up to a maximum of 20 minutes for the delivery or collection of goods or merchandise or the loading or unloading of the vehicle at any premises if that cannot reasonably be carried out as respects those premises without stopping in the circumstances mentioned in subsection (2) above;
- (e) for so long as may be necessary to enable the vehicle, if it cannot be used for such purpose without stopping in the circumstances mentioned in subsection (2) above, to be used in connection with any building operation, demolition or excavation, the collection of waste by any participating council, the removal of any obstruction to traffic, the maintenance, improvement or reconstruction of the road, or the laying, erection, alteration, repair or cleaning of any traffic sign or sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports;
- (f) for so long as may be necessary for the purpose of enabling persons to board or alight from the vehicle.”.

## **7 Limitation on service of notice to owner**

- (1) Subject to subsections (2) and (3) below, a participating council may not serve a notice to owner under paragraph 1(1) of Schedule 6 to the Act of 1991 (which makes provision, among other things, for the service of notices to owner in respect of unpaid penalty charges) or Schedule 1 to the London Local Authorities Act 1996 (which makes provision relating to the enforcement of the provisions in that Act relating to bus lanes) after the expiry of the period of six months from the date on which the relevant penalty charge notice was issued.
- (2) Subject to subsection (3) below, where—
  - (a) a notice to owner has been cancelled under paragraph 3 of the said Schedule 6; or
  - (b) a participating council has cancelled a notice to owner in compliance with a direction given by a parking adjudicator under paragraph 5(2) of the said Schedule 6; or
  - (c) a notice to owner is deemed to have been cancelled under paragraph 8(5)(c) of the said Schedule 6 (deemed cancellation where a statutory declaration under paragraph 8(2)(a) of that Schedule is served under paragraph 8(1)(c)),the council may not serve a fresh notice to owner after the expiry of the period of six months from the date of the cancellation of the notice to owner or, in a case falling within paragraph (c) above, the date on which the council are served with notice under paragraph 8(5)(d) of the said Schedule 6.
- (3) Where a council has before the expiry of 56 days from—
  - (a) the date on which the penalty charge notice was issued; or
  - (b) the date of the cancellation of the notice to owner in the case where a notice to owner has been cancelled under paragraph 3 of the said Schedule 6 or in compliance with a direction given by a parking adjudicator under paragraph 5(2) of the said Schedule 6; or