

2003 No. 109

**LONDON GOVERNMENT
ROAD TRAFFIC**

**The Road User Charging (Charges and Penalty Charges)
(London) (Amendment) Regulations 2003**

Made 24 January 2003

Laid before Parliament 24 January 2003

Coming into force 17 February 2003

The Secretary of State for Transport, in exercise of the powers conferred by paragraphs 12(1) and (2) and 27 of Schedule 23 to the Greater London Authority Act 1999^(a) and by section 420(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Road User Charging (Charges and Penalty Charges) (London) (Amendment) Regulations 2003 and shall come into force on 17 February 2003.

Preliminary

2. The Road User Charging (Charges and Penalty Charges) (London) Regulations 2001^(b) shall be amended as follows.

Amendment of regulation 2 (interpretation)

3.—(1) Regulation 2 shall be amended as follows.

(2) In paragraph (1)—

(a) after the definition of “custodian” there shall be inserted—

““the Enforcement Regulations” means the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001^(c)”; and

(b) after the definition of “penalty charge” there shall be inserted—

““the Registration and Licensing Regulations 2002” means the Road Vehicles (Registration and Licensing) Regulations 2002^(d)”.

^(a) 1999 c. 29; relevant amendments to Schedule 23 to the Greater London Authority Act 1999 were made by Schedule 13 to the Transport Act 2000 (c. 38).

^(b) S.I. 2001/2285.

^(c) S. I. 2001/2313, amended by S.I. 2003/108.

^(d) S.I. 2002/2742.

Imposition of penalty charges

4.—(1) Regulation 4 shall be amended as follows.

(2) For paragraph (4), there shall be substituted—

“(4) A charging scheme shall specify the time in which any penalty charge imposed by it under paragraph (1) is to be paid and shall provide that the amount of such a penalty charge—

- (a) is to be reduced by the amount or proportion and to the sum specified in that behalf in the scheme if it is duly paid within such shorter time as is so specified; and
- (b) is to be increased by the amount or proportion and to the sum so specified if not duly paid before the end of the relevant period as defined by regulation 17(2) or (3), as the case may be, of the Enforcement Regulations.”

Liability for charges and penalty charges

5.—(1) Regulation 6 shall be amended as follows.

(2) In paragraph (4), for “a motor vehicle trader as defined by regulation 12A(6) of the Road Vehicles (Registration and Licensing) Regulations 1971(a) (“the 1971 Regulations”)” there shall be substituted “a vehicle trader as defined by regulation 20(6) of the Registration and Licensing Regulations 2002”.

(3) In paragraph (5), for “regulation 12 or 12A of the 1971 Regulations” there shall be substituted “regulation 21, 22, 23, 24 or 25 of the Registration and Licensing Regulations 2002”.

(4) For sub-paragraphs (a) and (b) of paragraph (7), there shall be substituted—

- “(a) in a case where regulation 21 of the Registration and Licensing Regulations 2002 applies, the information specified in regulation 21(2)(b) of those Regulations;
- (b) in a case where regulation 22 of the Registration and Licensing Regulations 2002 applies, parts of the registration document in accordance with regulation 22(2)(b);
- (c) in a case where regulation 23 of the Registration and Licensing Regulations 2002 applies, notification in accordance with regulation 23(2);
- (d) in a case where regulation 24 of the Registration and Licensing Regulations 2002 applies, the information and declarations in accordance with regulation 24(5)(a); or
- (e) in a case where regulation 25 of the Registration and Licensing Regulations 2002 applies, notification in accordance with regulation 25(1)(a).”

Release of immobilised vehicles

6. For regulation 11(2) and (3), there shall be substituted—

“(2) For the purposes of these Regulations a penalty charge is outstanding in relation to a vehicle if —

- (a) it is a penalty charge imposed by a charging scheme in respect of the use or keeping of the vehicle in the charging area to which the scheme relates;
- (b) it has either not been paid before the end of the relevant period as defined by regulation 17(2) or (3) as the case maybe, of the Enforcement Regulations or it has not been cancelled; and
- (c) it is not the subject of an outstanding appeal.

(3) For the purposes of paragraph (2)(c), a penalty charge is to be treated as being the subject of an outstanding appeal if —

- (a) no representations against the penalty charge notice have been made to the charging authority as mentioned in regulation 13(1) of the Enforcement Regulations, but the period specified in regulation 13(2) of the Enforcement Regulations has not ended;
- (b) such representations have been made and the charging authority has not served notice in accordance with regulation 13(6) of the Enforcement Regulations of their decision as to

(a) S.I. 1971/450; relevant amending instrument is S.I. 1997/401.

whether or not they accept that the ground on which the representations were made has been established;

- (c) such representations have been made and the charging authority has served notice under regulation 13(6) of the Enforcement Regulations that they do not accept that the ground on which the representations were made has been established and no appeal to an adjudicator has been made, but the period for making an appeal to an adjudicator specified in regulation 16(1)(a) of those Regulations has not ended; or
- (d) such an appeal has been made but has not been determined.”

Signed by authority of the Secretary of State

JOHN SPELLAR

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24 January 2003

Minister of State,
Department for Transport

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Road User Charging (Charges and Penalty Charges) (London) Regulations 2001 (S.I. 2001/2285) (“the Principal Regulations”).

The Principal Regulations provide for the imposition of penalty charges for the non-payment of charges for the use or keeping of vehicles on roads in Greater London imposed by schemes under Schedule 23 to the Greater London Authority Act 1999.

Regulation 3 of these Regulations amends regulation 2 of the Principal Regulations (interpretation) by the insertion of definitions of “the Enforcement Regulations” as the Road User Charging (Enforcement and Adjudication) (London) Regulations 2001 (S.I. 2001/2313 as amended by S.I. 2003/108) and “the Registration and Licensing Regulations 2002” as the Road Vehicles (Registration and Licensing) Regulations 2002 (S.I. 2002/2742).

Regulation 4 substitutes a new paragraph (4) in regulation 4 of the Principal Regulations (imposition of penalty charges) which requires a charging scheme to specify the time in which any penalty charge imposed by it under paragraph (i) is to be paid. A charging scheme must provide that such a penalty charge is to be reduced by the amount or proportion and to the sum specified in the scheme if it is duly paid within such shorter time as is so specified and that a penalty charge is to be increased by the amount or proportion and to the sum so specified if not duly paid before the end of the relevant period defined by regulation 17(2) or, as the case may be, (3) of the Enforcement Regulations.

Regulation 5 amends regulation 6(4), (5) and (7) of the Principal Regulations (liability for charges and penalty charges) by making references to the Road Vehicles (Registration and Licensing) Regulations 2002 (S.I. 2002/2742) in place of references to the Road Vehicles (Registration and Licensing) Regulations 1971.

Regulation 6 substitutes new paragraphs (2) and (3) in regulation 11 of the Principal Regulations (release of immobilised vehicles) to extend the circumstances in which a penalty charge is to be treated as “outstanding” and “the subject of an outstanding appeal”.

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