

**[2ND] LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON BILL
(PRIVATE)**

IN PARLIAMENT

SESSION 2005-2006

HOUSE OF COMMONS

REPORT

OF

THE SECRETARY OF STATE

FOR

TRANSPORT

ON

THE [2ND] LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON BILL

The Bill is promoted jointly by Westminster City Council (on behalf of the London borough councils including the Common Council of the City) and Transport for London ("TfL"). It makes provision for the improvement and development of the powers of the councils and TfL in relation to a number of highways and road traffic matters.

The Government is content with clauses 9, 14, 15, 22, 23, 24, 34 and 37-41.

The Government has objections to clauses 4, 5-6, 7, 8, 10, 11, 12, 13, 16-21, 25-33.

Clauses 35 and 36 have been dropped.

PART 2

PARKING AND ROAD TRAFFIC

The Government opposes clause 4 as the London boroughs can already grant exemptions to these types of vehicles when making their Traffic Regulation Orders.

4. Parking and loading etc: waste collection vehicles

The Government opposes clauses 5-6, 7 and 8 as these may prejudice or contradict regulations to be made under the TM Act. We wish to have such provisions (if at all) consistent nationally through the regulation powers provided by the TM Act.

5-6. Unpaid charges on unlawful release of vehicle.

7. Limitation on service of notice to owner: parking

See 5-6.

8. Limitation on service of notice to owner: road traffic contraventions

See 5-6.

The Government opposes clause 10 and would like to see it removed. The Government does not believe that it is reasonable to rely solely on zone entry signs to inform HGV drivers of parking restrictions, which is why the requirement for repeater signs was specified in the first place. Nor should there be any special London arrangements that contradict national signing requirements.

10. Parking of goods vehicles

The Government opposes clause 11 as a similar power was considered during the passage of the Traffic Management Bill, but it was concluded that such a power was not required because adequate powers already exist.

11. Obscured registration plates.

PART 3

ROAD TRAFFIC

The Government opposes clause 12. These powers are already contained in Section 72 Highways Act 1835. (Powers are also contained in the LLA & TfL Act 2003 - Section 14 and 16. Section 14 is replicated as Section 86 of the Traffic Management Act 2004.)

12. Driving on the footway: Act of 2003

The Government opposes clause 13 as a consistent approach to FPNs is needed both in the issue and the level of FPNs. The power to stop cyclists is also best left to the police and community support officers.

13. Cycling on the footway

PART 4

PEDICABS

The Government does not at the present time support clauses 16-21 on the grounds that they are technically deficient and because, taken in isolation from other measures, they do not address the main concerns expressed about pedicab operation. We understand that TfL are actively considering broader steps in this regard and look forward to them bringing forward their proposals.

16. Commencement of Part 4

17. Meaning of “pedicab” and related expressions

See 16.

18. Registration and registration plates

See 16.

19. Public register

See 16.

20. Application to existing pedicabs

See 16.

21. Pedicabs: parking and traffic contraventions

See 16.

PART 6

NON-PAYMENT OF PENALTY CHARGES

The Government would oppose clauses 25-26 and would like them removed. The Government proposes to use Section 79(1) of the Traffic Management Act 2004 to bring about a similar measure.

25. Persistent non-payment of penalty charges: interpretation

26. Immobilisation of vehicles

See 25.

The Government would oppose clauses 27-33 as enforcement of civil offences such as these should be on a consistent national basis and it is proposed to use regulation-making powers under the Traffic Management Act 2004 to bring this forward.

27. Removal of vehicles

28. Disposal of removed vehicles and contents

See 27.

29. Recovery of penalty charges in relation to removed vehicles

See 27.

30. Taking possession of a vehicle

See 27.

31. Claim by the owner of a vehicle after its disposal

See 27.

32 Representations and appeals

See 27.

33. Levels of penalty charges, financial provisions, etc.

See 27.

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Authorised to sign on behalf of the Secretary of State for Transport