



From the Parliamentary
Under Secretary of State



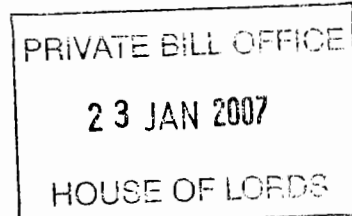
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The Lord Brabazon of Tara, DL
House of Lords
London
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23 JAN 2007

Dear Lord Brabazon,

Transport for London (Supplemental Toll Provisions) Bill

I write concerning the Transport for London (Supplemental Toll Provisions) Bill.

I believe that the promoters have undertaken a full assessment of the compatibility of their proposals with the European Convention on Human Rights and I see no need to dispute their conclusions subject to one point.

The legal advice on compatibility obtained by the promoters does not discuss the Human Rights implications of clause 20. Clause 20 states that a penalty notice issued under this Bill can be considered as a penalty charge in Part 5 of the London Local Authorities and TfL Bill ("the LLA & TfL Bill"). According to Part 5, an immobilisation device may be fixed to a vehicle against which there are three penalty charges outstanding (as defined in that Bill).

Ministerial approval was given in relation to Human Rights aspects on the LLA & TfL Bill on the basis of the draft Bill as it was in December 2005. Since that date there have been amendments to the LLA & TfL Bill in relation to the clamping of unregistered vehicles. As unregistered vehicles are not listed on any database, penalty notices can not be sent to the vehicle owners' address. Therefore there is concern that unregistered vehicles will be clamped despite the fact that the owner was not aware of having committed any offences, or if he/she was aware, was not able to respond appropriately in the absence of information on how to do this which would be contained in a penalty notice. This is a particular concern where the unregistered vehicles are foreign registered vehicles which do not need to be registered in the UK for the first 6 months. In relation to foreign registered vehicles the issue of potential discrimination contrary to Article 14 ECHR must also be considered.

There are currently ongoing discussions seeking to resolve these issues in relation to the LLA & TfL Bill. Once these concerns have been resolved, I trust that the reference to those provisions in clause 20 of this Bill will be compatible with any Human Rights considerations.

Signed by

GILLIAN MERRON