



# Transport Act 2000

## 2000 CHAPTER 38

### PART III

#### ROAD USER CHARGING AND WORKPLACE PARKING LEVY

### CHAPTER I

#### ROAD USER CHARGING

##### *Enforcement of charging schemes*

#### **173 Penalty charges.**

- (1) The appropriate national authority may by regulations make provision for or in connection with the imposition and payment of charges (“charging scheme penalty charges”) in respect of acts, omissions, events or circumstances relating to or connected with charging schemes under this Part.
- (2) The regulations may include provision for or in connection with setting the rates of charging scheme penalty charges (which may include provision for discounts or surcharges).
- (3) Charging scheme penalty charges in respect of any motor vehicle shall be paid—
  - (a) by the registered keeper of the motor vehicle, or
  - (b) in circumstances specified in regulations made by the appropriate national authority, by such person as is so specified.
- (4) The Lord Chancellor may make regulations about the notification, adjudication and enforcement of charging scheme penalty charges.
- (5) A person commits an offence if with intent to avoid payment of, or being identified as having failed to pay, a charge imposed by a charging scheme under this Part—

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- (a) he interferes with any equipment [<sup>F1</sup>, or with the functioning of any equipment,] used for or in connection with charging under the charging scheme, or
  - (b) he causes or permits the registration plate of a motor vehicle to be obscured.
- (6) A person commits an offence if he makes or uses any false document with intent to avoid payment of, or being identified as having failed to pay, charges imposed by a charging scheme under this Part or charging scheme penalty charges.
- (7) A person commits an offence if he removes a notice of a charging scheme penalty charge which has been fixed to a motor vehicle in accordance with regulations under this section unless—
- (a) he is the registered keeper of the vehicle or a person using the vehicle with his authority, or
  - (b) he does so under the authority of the registered keeper or such a person or of the charging authority or any of the charging authorities.
- (8) A person guilty of an offence under subsection (5) or (6) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
  - (b) imprisonment for a term not exceeding six months,
- or to both.
- (9) A person guilty of an offence under subsection (7) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

#### Textual Amendments

- F1** Words in s. 173(5)(a) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. 115(1), 134(4); S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1; S.I. 2009/579, art. 2(p)

#### Commencement Information

- II** S. 173 partly in force; s. 173 not in force at Royal Assent see s. 275(1)(2); s. 173 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 173(1)-(4) wholly in force and s. 173(5)-(9) in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), art. 2, [Sch. 1 paras. 13, 14](#)

## 174 Examination, entry, search and seizure.

- (1) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer powers on persons specified in, or determined in accordance with, the regulations for or in connection with examining a motor vehicle for ascertaining—
- (a) whether any document required to be displayed while the motor vehicle is on a road in respect of which charges are imposed is so displayed,
  - (b) whether any equipment required to be carried in or fitted to the motor vehicle while the motor vehicle is on such a road is carried or fitted, is in proper working order
- [<sup>F2</sup>(bb) whether any such equipment, or the functioning of any such equipment, has been interfered with with intent to avoid payment of a charge, or to avoid any person being identified as having failed to pay a charge, or]

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- (c) whether any conditions relating to the use of any such equipment are satisfied.
- (2) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer power on any person authorised in writing by the charging authority, or any of the charging authorities, to enter a motor vehicle where he has reasonable grounds for suspecting that—
- (a) any equipment required to be carried in or fitted to it while it is on a road in respect of which charges are imposed has been interfered with [<sup>F3</sup>, or the functioning of any such equipment has been interfered with,] with intent to avoid payment of, or [<sup>F4</sup>to avoid any person] being identified as having failed to pay, a charge imposed by the charging scheme, or
- (b) there is in the motor vehicle a false document which has been made or used with intent to avoid payment of, or [<sup>F5</sup>to avoid any person] being identified as having failed to pay, such a charge.
- (3) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by a charging scheme under this Part by virtue of subsection (2).
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to—
- (a) a fine not exceeding level 5 on the standard scale, or
- (b) imprisonment for a term not exceeding six months,
- or to both.
- (5) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to confer power on any person authorised in writing by the charging authority, or any of the charging authorities, to seize anything (if necessary by detaching it from a motor vehicle) and detain it as evidence of the commission of an offence under section 173(5) or (6).
- (6) A charging scheme under this Part may not authorise an examination of, or entry into, a motor vehicle unless it is on a road.

#### Textual Amendments

- F2** Words in s. 174(1) substituted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. [115\(2\)\(a\)](#), [134\(4\)](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(p)
- F3** Words in s. 174(2)(a) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. [115\(2\)\(b\)](#), [134\(4\)](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(p)
- F4** Words in s. 174(2)(a) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. [115\(2\)\(c\)](#), [134\(4\)](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(p)
- F5** Words in s. 174(2)(b) inserted (9.2.2009 for E., 1.4.2009 for W.) by [Local Transport Act 2008 \(c. 26\)](#), ss. [115\(2\)\(c\)](#), [134\(4\)](#); [S.I. 2009/107](#), art. 2(2), Sch. 2 Pt. 1; [S.I. 2009/579](#), art. 2(p)

#### Modifications etc. (not altering text)

- C1** S. 174 applied (1.2.2011) by [The River Mersey \(Mersey Gateway Bridge\) Order 2011 \(S.I. 2011/41\)](#), arts. 1, [46\(3\)](#) (with art. 51, Sch. 10 paras. 68, 85)

#### Commencement Information

- I2** S. 174 partly in force; s. 174 not in force at Royal Assent see s. 275(1)(2); s. 174 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), art. 3(2), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 174(1)(2)(5)

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wholly in force and s. 174(3)(4)(6) in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 paras. 13, 14](#)

## 175 Immobilisation etc.

- (1) The appropriate national authority may by regulations make provision enabling or requiring charging schemes under this Part to make provision for or in connection with—
  - (a) the fitting of immobilisation devices to motor vehicles,
  - (b) the fixing of immobilisation notices to motor vehicles to which an immobilisation device has been fitted,
  - (c) the removal and storage of motor vehicles,
  - (d) the release of motor vehicles from immobilisation devices or from storage,
  - (e) the satisfaction of conditions before the release of a motor vehicle, and
  - (f) the sale or destruction of motor vehicles not released.
- (2) A person commits an offence if he removes or interferes with an immobilisation notice fixed to a motor vehicle in accordance with provision included in a charging scheme under this Part by virtue of subsection (1) in contravention of such provision.
- (3) A person commits an offence if he removes or attempts to remove an immobilisation device fitted to a motor vehicle in accordance with provision included in a charging scheme under this Part by virtue of subsection (1) in contravention of such provision.
- (4) A person commits an offence if he intentionally obstructs a person exercising any power conferred on him by provision included in a charging scheme under this Part by virtue of subsection (1).
- (5) A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) A person guilty of an offence under subsection (3) or (4) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section “immobilisation device” has the same meaning as in section 104 of the <sup>MI</sup>Road Traffic Regulation Act 1984.
- (8) A charging scheme under this Part may not authorise or require the fitting of an immobilisation device to, or the removal of, a motor vehicle unless it is on a road.

### Modifications etc. (not altering text)

- C2** S. 175 applied (1.2.2011) by [The River Mersey \(Mersey Gateway Bridge\) Order 2011 \(S.I. 2011/41\)](#), [arts. 1, 46\(3\)](#) (with [art. 51](#), [Sch. 10 paras. 68, 85](#))

### Commencement Information

- I3** S. 175 partly in force; s. 175 not in force at Royal Assent see s. 275(1)(2); s. 175 in force (E.) at 1.2.2001 by [S.I. 2001/57](#), [art. 3\(2\)](#), [Sch. 3 Pt. I](#) (subject to the savings in [Sch. 3 Pt. II](#)); s. 175(1) wholly in force and s. 175(2)-(8) in force for specified purposes (W.) at 1.8.2001 by [S.I. 2001/2788](#), [art. 2](#), [Sch. 1 paras. 13, 14](#)

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#### Marginal Citations

**M1** [1984 c. 27](#).

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

- Blanket amendment words substituted by [S.I. 2011/1043 art. 34](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 146(1)(defn.)(a)(b) by [2000 c. 38 s. 274 Sch. 31 Pt. 2](#)
- s. 19(2)(aa) inserted by S.I. 2019/93, Sch. 1 para. 9(1C)(b) (as inserted) by [S.I. 2019/1245 reg. 25](#) (This amendment not applied to [legislation.gov.uk](#). The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 131A(2)(a) words omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(i\)](#)
- s. 131A(2)(b) omitted by [2017 c. 21 Sch. 2 para. 13\(a\)\(ii\)](#)
- s. 131A(4) omitted by [2017 c. 21 Sch. 2 para. 13\(b\)](#)
- s. 131A(5)(b) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(i\)](#)
- s. 131A(5)(c) words omitted by [2017 c. 21 Sch. 2 para. 13\(c\)\(ii\)](#)
- s. 132B(1)(a) omitted by [2017 c. 21 Sch. 2 para. 19](#)
- Sch. 16 para. 34(4)(a)para. 34(4)(b)(c) repealed by [2005 c. 14 Sch. 13 Pt. 1](#)