

Changes to legislation: Local Transport Act 2008, SCHEDULE 5 is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 5

Section 109

ITAS AND CHARGING SCHEMES: MINOR AND CONSEQUENTIAL AMENDMENTS

Introductory

- 1 Part 3 of the TA 2000 (road user charging and workplace parking levy) is amended as follows.

Commencement Information

- I1** Sch. 5 para. 1 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I2 Sch. 5 para. 1 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Preliminary: power to make schemes does not limit other powers

- 2 In section 163(6) after “joint local-London charging schemes” insert “and joint ITA-London charging schemes”.

Commencement Information

- I3** Sch. 5 para. 2 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I4 Sch. 5 para. 2 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Conditions for making trunk road schemes

- 3 In section 167(2)(b) after “a local traffic authority” insert “, an Integrated Transport Authority”.

Commencement Information

- I5** Sch. 5 para. 3 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I6 Sch. 5 para. 3 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Charging schemes to be made by order

- 4 (1) Section 168 is amended as follows.
(2) In subsection (2)—
(a) after “a local traffic authority” insert “, an Integrated Transport Authority”;
(b) after “the local traffic authority” insert “or the Integrated Transport Authority”.

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- (3) In subsection (4) after “joint local-London charging schemes” insert “or joint ITA-London charging schemes”.

Commencement Information

- I7** Sch. 5 para. 4 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I8 Sch. 5 para. 4 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Confirmation of charging schemes

- 5 In section 169(3) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

Commencement Information

- I9** Sch. 5 para. 5 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I10 Sch. 5 para. 5 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Consultation and inquiries

- 6 (1) Section 170 is amended as follows.
 (2) In subsection (5) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.
 (3) In subsection (7)(a) after “local traffic authority” insert “or Integrated Transport Authority”.

Commencement Information

- I11** Sch. 5 para. 6 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I12 Sch. 5 para. 6 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Traffic signs

- 7 In section 177(2) after “joint local-London charging scheme” insert “or joint ITA-London charging scheme”.

Commencement Information

- I13** Sch. 5 para. 7 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I14 Sch. 5 para. 7 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Guidance

- 8 (1) Section 193 is amended as follows.
 (2) In subsection (1) after “non-metropolitan local traffic authorities” insert “, Integrated Transport Authorities”.

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- (3) In subsection (2) after “joint local-London charging schemes” insert “, joint ITA-London charging schemes”.

Commencement Information

- I15** Sch. 5 para. 8 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I16 Sch. 5 para. 8 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Interpretation

- 9 In section 198(1) insert each of the following definitions at the appropriate place—
- ““eligible local traffic authority” has the meaning given by section 163(4A),”;
- ““joint local-ITA charging scheme” shall be construed in accordance with section 163(3)(bb),”;
- ““joint ITA-London charging scheme” shall be construed in accordance with section 163(3)(cc),”.

Commencement Information

- I17** Sch. 5 para. 9 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I18 Sch. 5 para. 9 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

Financial provisions

- 10 Schedule 12 is amended as follows.

Commencement Information

- I19** Sch. 5 para. 10 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I20 Sch. 5 para. 10 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

- 11 In paragraph 2(4) (net proceeds) after “local traffic authority” insert “or Integrated Transport Authority”.

Commencement Information

- I21** Sch. 5 para. 11 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I22 Sch. 5 para. 11 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

- 12 (1) Paragraph 3 (apportionment) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for the word “or” at the end of paragraph (a) substitute—
- “(aa) a joint local-ITA charging scheme,”;
- (b) at the end of paragraph (b) insert “or
- (c) a joint ITA-London charging scheme,”.

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- (3) In sub-paragraph (2) after “local traffic authority” insert “or Integrated Transport Authority”.

Commencement Information

- I23** Sch. 5 para. 12 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I24 Sch. 5 para. 12 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

- 13 (1) Paragraph 7 (accounts and funds) is amended as follows.
- (2) In sub-paragraph (5)(c) after “London traffic authority,” insert “or an Integrated Transport Authority,”.

Commencement Information

- I25** Sch. 5 para. 13 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I26 Sch. 5 para. 13 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

- 14 (1) Paragraph 8 (application of proceeds by non-metropolitan local traffic authorities) is amended as follows.
- (2) In sub-paragraph (3) for the word “and” at the end of paragraph (a) substitute—
 “(aa) Integrated Transport Authorities;”.
- (3) In sub-paragraph (4) for the word “or” at the end of paragraph (a) substitute—
 “(aa) by an Integrated Transport Authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or”.

Commencement Information

- I27** Sch. 5 para. 14 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1
I28 Sch. 5 para. 14 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

- 15 After paragraph 11 insert—

“Application of proceeds by Integrated Transport Authorities

- 11A(1) This paragraph applies to an Integrated Transport Authority's share of the net proceeds of any relevant scheme.
- (2) The share of the net proceeds is available only—
- (a) for application by the Authority for the purpose of directly or indirectly facilitating the achievement of any of the Authority's local transport policies, or
 - (b) for application in accordance with sub-paragraph (4) by an authority falling within sub-paragraph (3) selected by the Authority.
- (3) The authorities which fall within this sub-paragraph are—
- (a) non-metropolitan local traffic authorities;
 - (b) London traffic authorities and the Greater London Authority.

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- (4) A share of the net proceeds of a relevant scheme is applied in accordance with this sub-paragraph if it is applied—
- (a) by a non-metropolitan local traffic authority for the purpose of directly or indirectly facilitating the achievement of any of its local transport policies, or
 - (b) by a London traffic authority or the Greater London Authority in accordance with the transport strategy prepared and published under section 142 of the Greater London Authority Act 1999,
- in a way which will benefit the whole or any part of the integrated transport area of the Authority.
- 11B (1) A relevant scheme made by an Integrated Transport Authority must include—
- (a) a general plan relating to the application of its share of the net proceeds of the relevant scheme during the opening ten year period, and
 - (b) a detailed programme for the application of its share for the net proceeds of the relevant scheme during the opening five year period.
- (2) See paragraph 10(2) for the meaning of “the opening ten year period” and “the opening five year period”.
- 11C (1) If a relevant scheme made by an Integrated Transport Authority remains in force after the end of the opening five year period, the Authority shall, during every fifth financial year after the financial year in which the scheme comes into force, prepare a detailed programme for the application of its share of the net proceeds of the scheme during the next five years.
- (2) Any programme prepared in accordance with sub-paragraph (1) in relation to a relevant scheme prevails over any conflicting provisions in the general plan included in the scheme pursuant to paragraph 11B(1)(a).
- (3) Except with the consent of the Secretary of State in any particular case, an Integrated Transport Authority may not apply its share of the net proceeds of a scheme for any purpose (other than making good any amount to its general fund) in any financial year beginning after the end of the opening five year period unless it is complying with sub-paragraph (1).”

Commencement Information

I29 Sch. 5 para. 15 in force at 9.2.2009 for E. by S.I. 2009/107, art. 2(2), Sch. 2 Pt. 1

I30 Sch. 5 para. 15 in force at 1.4.2009 for W. by S.I. 2009/579, art. 2(k)

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Commencement Orders yet to be applied to the Local Transport Act 2008

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/579 art. 2](#) commences (2008 c. 26)
- [S.I. 2009/3294 art. 2](#) commences (2008 c. 26)