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The Greater London Road Traffic (Various Provisions) Order 2001, Great Britain, Stationery Office, 2001, 0110292502, 9780110292502, . .

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as respects parking, or any matter connected with or relating to parking, on a GLA road (except in a designated parking place for which a London borough council or the Common Council of the City of London is the local authority by virtue of section 45(7) of the Road Traffic Regulation Act 1984(2)), Transport for London;

The Greater London Authority Act 1999 set up an authority called Transport for London as one of the functional bodies of the new Greater London Authority. The functions of Transport for London include those of highway and traffic authority for the network comprising the main traffic routes in London-[Interruption.]

Parliament has already agreed to provisions to allow Transport for London to operate a decriminalised parking regime on GLA roads in due course. Those provisions are contained in amendments to the Road Traffic Regulation Act 1984 and the Road Traffic Act 1991 that were effected by sections 281 to 287 of the 1999 Act.

The principal purpose of the draft order is to fill a lacuna in the 1999 Act by applying the legislation relating to the removal, storage and disposal of illegally parked vehicles to Transport for London. The draft order also provides an opportunity to remove two awkwardnesses in the drafting of the 1999 Act.

The GLA road network comprises 550 km of London's red routes and other important streets. The London borough councils are responsible for almost all the remaining 13,000 km of public roads and streets within Greater London. The London borough councils already have the power to operate decriminalised parking enforcement on their own roads through the designation of special parking areas under section 76 of the Road Traffic Act 1991. However, most GLA roads were formerly part of the red route network, and together with short lengths of side road connecting with them, they were excluded from special parking areas; enforcement is currently dealt with by the police and traffic wardens.

Under a decriminalised regime, Transport for London can bring the GLA road network within special parking areas and operate a decriminalised enforcement system, thus taking over the enforcement function from the police on those roads. Once Transport for London has the same decriminalised parking enforcement powers as the borough councils, it will be possible to develop a coherent enforcement strategy that brings together all the relevant parties. Transport for London is currently working in partnership with the police, London borough councils, the Association of London

Government and the bus operators on an action plan to deliver better traffic enforcement. The mayor's transport strategy, which is currently out to consultation, proposes the implementation of the enforcement action plan by the end of 2002.

Articles 4, 5 and 6 of the order make amendments to the Road Traffic Regulation Act 1984, with the object of conferring on Transport for London in relation to GLA roads the same powers that the London borough councils have with regard to the removal, storage and disposal of illegally parked vehicles in relation to their roads.

Other borough parking enforcement powers are contained in various London Local Authorities Acts that it would be desirable for Transport for London to have before it can begin to operate decriminalised parking enforcement on its roads. A separate order¹⁵¹; which will be subject to negative resolution¹⁵¹; is being prepared to give Transport for London those additional powers.

We have recently made a negative resolution order to give borough powers to Transport for London for the decriminalised enforcement of bus lanes. The Transport for London (Bus Lanes) Order 2001 comes into force on 1 April. From that date, Transport for London will have the power to enforce bus lanes using cameras. I understand that it intends to start enforcement on Monday 2 April. There will be a single penalty of £80, which will be reduced to £40 for early payment, for all bus lane offences in London detected by camera. It will allow limited police resources to be concentrated on safety-related enforcement such as speed and red-light offences. The revenue from penalties will be reinvested by Transport for London in the transport and enforcement system, although the primary purpose of bus lane enforcement is to achieve a substantial improvement in compliance with bus priority measures and hence improve the speed and reliability of bus services.

I turn now to the remaining articles in the order that clarify¹⁵¹; I use that word advisedly¹⁵¹; the drafting of the Greater London Authority Act 1999. Article 3 amends section 124A of the Road Traffic Regulation Act 1984, inserted by section 272 of the 1999 Act. Section 124A enables my right hon. Friend the Secretary of State to designate roads or proposed roads as GLA side roads. He has already exercised that power in a series of orders applying to each London borough and to the City of London. Section 124A(6) also enables the Secretary of State by order to make provisions for, or in connection with, applying in relation to GLA side roads, certain legislation relating to GLA roads. In exercise of that power, he has made the Road Traffic Regulation Act 1984 (GLA Side Roads Amendment) Order 2000.

By virtue of section 142(4) of the 1984 Act, as inserted by section 292(4) of the 1999 Act, references in the 1984 Act to GLA roads include reference to GLA side roads. However, the provisions of section 142(4) are not appropriate to section 124A, as it makes references to GLA roads in a context in which that expression is clearly not intended to include references to GLA side roads. Article 3 of the order clarifies the drafting of section 124A by making it clear that references to GLA roads in that section are not to be taken as referring to GLA side roads.

Article 3 amends section 124A of the Road Traffic Regulation Act 1984, as inserted by section 272 of the Greater London Authority Act 1999. Section 124A provides for the Secretary of State to designate GLA side roads by order. As I said, he has already exercised that power in a series of orders that apply to each London borough and the City of London. However, by virtue of section 292(4) of the GLA Act, every reference to GLA roads in the Act automatically includes GLA side roads. Section 124A defines GLA side roads as roads that have a junction with a GLA road or a junction with another road that has a junction with a GLA road. If those two references to GLA roads automatically include GLA side roads, as provided in section 229(4), any road that has a junction with a GLA road or a GLA side road, or a junction with another road that has a junction with a GLA road or a GLA side road could be designated as a GLA side road.

I can sum it up for the hon. Member for Cotswold. In theory, almost every road in London could be designated by order as a GLA side road. To clarify the position, article 3 makes it clear that the references to GLA roads in section 124A are not to be taken as including a reference to GLA side roads. That explanation should receive the Committee's acclamation.

Article 8 amends the definition of the definition of "London authority" in section 82(1) of the Road Traffic Act 1991, as amended by section 287(2) of the 1999 Act. The purpose of the amendment is to remove a discrepancy between that definition and section 45(7) of the Road Traffic Regulation Act 1984. The existing definition of London authority provides only for Transport for London to be the local authority for a parking place on a GLA road or GLA side road. However, section 45(7) provides that the local authority responsible for a parking place on a GLA road or side road may be either a London borough council, the Common Council or Transport for London. That is because parking places on roads that are now GLA roads were originally designated by a London borough council. The definition in section 82(1) of the 1991 Act is amended to take account of that. Section 287(2) cannot be commenced until that amendment is made.

Parliament has already agreed to provisions to allow Transport for London to operate a decriminalised parking regime on the main traffic routes in London, called GLA roads, in due course. The principal purpose of the draft order before the House is to fill a gap in the 1999 Act by applying to TfL the legislation relating to the removal, storage and disposal of illegally parked vehicles. TfL needs those powers to operate an effective parking regime when it is ready to do so.

Article 7 makes a consequential amendment to the Removal and Disposal of Vehicles Regulations 1986. Article 3 amends Section 124A of the Road Traffic Regulation Act 1984 as inserted by Section 272 of the 1999 Act. Section 124A enabled my right honourable friend the Secretary of State to make the initial designation of roads or proposed roads as GLA side roads which are very short lengths of roads which, for the most part, connect with GLA roads. Section 124(4) of the 1984 Act, as inserted by Section 292(4) of the 1999 Act, provides that all references in the 1984 Act to GLA roads include references to GLA side roads. However, because it deals specifically with the designation of GLA side roads, it is important for the purposes of Section 124A that GLA side roads and GLA roads are defined separately. Article 3 makes it

Article 8 amends the definition of a London authority in Section 82(1) of the Road Traffic Act 1991 as amended by Section 287(2) of the 1999 Act. The effect of the existing definition of "London authority" is that only Transport for London is able to collect parking revenues for parking places on GLA roads and side roads. This amendment will allow local authorities to continue collecting the revenue from any parking places which they have designated on GLA roads and side roads.

Baroness Hanham: My Lords, as I understand it, this order transfers responsibility for enforcement of red routes to the Greater London Authority. Will the Minister confirm that that enforcement will now be carried out by staff of Transport for London or will it remain in the hands of the Metropolitan Police? I believe it is fair to say that there has not been uniform approval of the standard of enforcement by the police on red routes. I seek clarification on that. Otherwise, I support the order.

Baroness Hamwee: My Lords, the point made by the noble Baroness, Lady Hanham, is one of considerable controversy. Perhaps I should declare an interest as a member of the Greater London Authority. The Act does not allow GLA members to be members of the board of TfL, so I have no interest in that capacity.

I asked whether the GLA had any comments on this matter. I received a note yesterday which said that in the hurry to prepare and pass the Act, various parts were left out. I admire the Minister in another place who simply referred to "awkwardness". We support the order in order to assist enforcement.

The noble Baroness said: My Lords, we have before us today two orders under the Scotland Act. These are the draft Scotland Act 1998 (Modification of Schedule 5) Order 2001 and the draft Scotland Act 1998 (Consequential Modifications) Order 2001. With the permission of the House, I shall speak to both orders together.

Noble Lords have in the past commented on the usefulness to them of seeing the executive notes prepared for the Scottish Parliament by the Scottish Executive for the guidance of its Members on

orders debated there. The executive note for the modification of Schedule 5 order has been made available to noble Lords here once again. I should explain that the consequential modifications order is debated only in this Parliament and so there is no executive note.

Schedule 5 to the Scotland Act forms part of the definition of the legislative competence of the Scottish Parliament and sets out the matters which are reserved for the purposes of the Act. It represents a central part of the devolution settlement and changes to it must therefore be treated with particular care.

However, it was never the intention that the devolution settlement should be incapable of adaptation. Section 30(2) was included in the Scotland Act to provide a mechanism for Schedule 5 to be modified by an Order in Council, subject to the approval of both Parliaments. Such an order can be used to adjust the boundaries of the Scottish Parliament's legislative competence by adjusting existing reservations or their exceptions or by removing or adding them.

At present, Section C2 of Schedule 5 to the Scotland Act specifies that certain matters relating to the insolvency of business associations are reserved to this Parliament. There are exceptions to this reservation concerning mainly the process of winding-up. The order adds an additional narrow exception to the reservation of insolvency. It brings legislation on various aspects of the insolvency process within the competence of the Scottish Parliament. However, that applies only in relation to the very specific issue of a moratorium on the disposal of property held by a registered landlord.

Communities. In its response to that consultation, the Council of Mortgage Lenders suggested that the Bill should include measures to protect tenants, landlords and other lenders in the event of insolvency action by a creditor against a registered social landlord. The Council of Mortgage Lenders pointed to legislation which was introduced in England and Wales as part of the Housing Act 1996 which provides a model for this.

The Scottish Executive has taken up this suggestion and wishes to incorporate a provision to that effect in its Housing Bill. It will provide for a moratorium period in the event of insolvency action against a registered social landlord. During that period, the agency charged with regulating registered social landlords will be able to enter into negotiations with the landlord's secured creditors to agree proposals for the future ownership and management of its assets. The basic aim of the provisions will be to ensure that the regulator will have both the opportunity and the powers to ensure that tenants' interests are to the fore.

There is an additional benefit to the measures proposed by the Scottish Executive. Putting the insolvency regime for registered social landlords in Scotland on a similar basis to the one that currently applies in England and Wales will assist Scottish registered social landlords to see finance on a level playing field.

There is also likely to be a provision giving a power to apply to the Court of Session in relation to the execution of the negotiations which take place during the moratorium which would be caught by the reservation in paragraph (c) of Section C2 of Schedule 5. Accordingly, the effect of the order will be to give the Scottish Parliament powers to legislate in this area. The relevant UK departments have been consulted and are happy with that change. That includes in particular the Insolvency Service, an agency of the Department of Trade and Industry, which is responsible for the operation of the Insolvency Act 1986 in Scotland as well as in England and Wales.