

Greater London Council (General Powers) Act 1974

CHAPTER xxiv

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ELIZABETH II



1974 CHAPTER xxiv

An Act to confer further powers upon the Greater London Council and other authorities; and for other purposes.
[31st July 1974]

WHEREAS—

(1) It is expedient that further and better provision should be made for the improvement, public health and safety, and local government services of, and traffic management in, Greater London and that the powers of the Greater London Council (hereinafter called “the Council”), of the London borough councils and of the Common Council of the City of London should be extended and amended as provided in this Act:

(2) It is expedient that as in this Act provided the Council should be empowered to use, manage and maintain certain lands and buildings in the London borough of Hillingdon known as Park Lodge Farm for the purposes of agriculture, education, recreation and leisure and to permit the public to use those lands and buildings for those purposes:

(3) It is expedient that as in this Act provided the Council should be empowered to lease a part of the Crystal Palace and park for the construction of a reservoir:

(4) It is expedient that the other provisions contained in this Act should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

1933 c. 51. (6) In relation to the promotion of the Bill for this Act the Council have complied with the requirements of section 254 of the Local Government Act 1933:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the Greater London Council (General Powers) Act 1974.

Interpretation. 2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—

1947 c. xlvi. “the Act of 1947” means the London County Council (General Powers) Act 1947;

1957 c. xxxv. “the Act of 1957” means the London County Council (General Powers) Act 1957;

1959 c. 25. “the Act of 1959” means the Highways Act 1959;

1967 c. 76. “the Act of 1967” means the Road Traffic Regulation Act 1967;

1971 c. 78. “the Act of 1971” means the Town and Country Planning Act 1971;

1972 c. 70. “the Act of 1972” means the Local Government Act 1972;

1973 c. 26. “the Act of 1973” means the Land Compensation Act 1973;

“area” in relation to the Council means Greater London and in relation to a borough council means the borough;

“borough” means London borough and “borough council” means London borough council;

“the Common Council” means the Common Council of the City of London;

“the Council” means the Greater London Council;

- “enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “local newspaper” includes any newspaper published in Greater London and circulating throughout the whole of Greater London (whether or not the newspaper also circulates outside Greater London);
- “motor vehicle” has the same meaning as in the Act of 1967;
- “road” has the same meaning as in the Act of 1967 and includes any length of road and any part of the width of a road;
- “Secretary of State” means the Secretary of State for the Environment;
- “statutory undertakers” means the Post Office, a water authority and the persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas, hydraulic power or water;
- “street” includes any highway and any bridge carrying a highway, and any road, lane, mews, footpath, square, court, alley or passage, whether a thoroughfare or not, and also includes any part of a street;
- “traffic sign” has the same meaning as in the Act of 1967;

and any reference to an enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any subsequent enactment including this Act.

PART II

PROVISIONS RELATING TO THE COUNCIL

Park Lodge Farm

3. In sections 4 to 6 of this Act—

- “agriculture” and “agricultural” have the same meanings as in section 290 of the Act of 1971;
- “the appointed day” means such day as the Council may by resolution appoint for the purposes of section 4 (Use of farm) of this Act;
- “the farm” means the lands and buildings in the borough of Hillingdon vested in the Council and known as

Interpretation
of sections 4
to 6 of Act.

PART II
—cont.

Park Lodge Farm, shown coloured pink on the Park Lodge Farm signed plan and includes those lands and buildings as developed, enlarged or altered under section 5 (Ancillary powers of Council) or section 6 (Further exercise of powers of Council) of this Act;

1928 c. 43.

“ farming stock ” has the same meaning as in section 5 of the Agricultural Credits Act 1928;

“ the Park Lodge Farm signed plan ” means the plan four copies of which have been signed by Richard Crawshaw the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited respectively in the office of the Clerk of the Parliaments, House of Lords, in the Private Bill Office of the House of Commons, with the Director-General and Clerk to the Council and with the Chief Executive of the borough of Hillingdon;

“ the Hillingdon Council ” means the council of the borough of Hillingdon.

Use of farm.

4. Notwithstanding the provisions of any enactment, agreement or instrument affecting the farm the Council may, in accordance with arrangements agreed with the Hillingdon Council or, in default of agreement, determined by the Secretary of State on the application of either party made after giving notice in writing to the other of them, as from the appointed day, use the farm for the purposes of agriculture and the promotion of matters of agricultural interest, and for the purposes of education, recreation and leisure and may do all such things as they consider necessary or desirable for those purposes or in connection with the management and maintenance of the farm and may permit the use of the farm by members of the public for the purposes of this section and subject to such terms and conditions as the Council think fit.

Ancillary
powers of
Council.

5. Without prejudice to the generality of the powers conferred on the Council by the last foregoing section, it shall be lawful for the Council in the exercise of their functions under that section to carry out or arrange for the carrying out of such of the following things as they consider necessary or desirable:—

- (a) the purchase or hire, or sale or other disposal of farming stock;
- (b) the provision of facilities and services for the enjoyment or convenience of the public, including the sale of souvenirs, books, food and foodstuffs and meals and refreshments of all kinds;

- (c) the levying of charges for admission to, or for the use of, any part of the farm or any of the buildings thereon or any of the facilities and services held or provided in connection therewith;
- (d) the letting of any part of the farm for any of the purposes of the last foregoing section, or of this section.

PART II
—cont.

6. The powers of the Council under section 4 (Use of farm) and section 5 (Ancillary powers of Council) of this Act may with the prior consent of the Secretary of State and with the agreement of the Hillingdon Council be exercised in respect of such lands and buildings adjacent to the farm and vested in the Council as the Council may by resolution determine and upon such determination the said lands and buildings shall for the purposes of those sections be part of the farm.

Further
exercise of
powers of
Council.

Crystal Palace and park

7.—(1) Notwithstanding the provisions of the Act of 1951 or of any other enactment the Council may, for the purpose of or in connection with the construction by the Authority of a reservoir and the execution of works and the provision of apparatus associated with the said reservoir, on such terms and conditions as may be agreed—

Power to lease
land for
purpose of
reservoir etc.

- (a) lease to the Authority all or any of the land to which this section applies;
- (b) grant to the Authority such easements, rights, privileges or licences in respect of land within the Crystal Palace and park as may be required for—
- (i) the construction, use, maintenance, renewal or removal of the said reservoir and works or the doing of any thing necessary or desirable in connection therewith; and
- (ii) the laying down, erection, maintenance, repair, renewal or inspection of any apparatus which cannot reasonably be placed elsewhere.

(2) The land to which this section applies is the land in the boroughs of Bromley and Southwark, shown coloured pink on the Crystal Palace signed plan, being land vested in, controlled and managed by the Council under the Act of 1951 and forming part of the Crystal Palace and park.

PART II
—cont.

1951 c. xxviii.

(3) In this section—

“ the Act of 1951 ” means the London County Council (Crystal Palace) Act 1951;

“ apparatus ” means mains, pipes, pumps, valves, hydrants, stop-cocks or other works or apparatus belonging to or maintained by the Authority;

“ the Authority ” means the Thames Water Authority;

“ the Crystal Palace and park ” has the same meaning as in the Act of 1951;

“ the Crystal Palace signed plan ” means the plan four copies of which have been signed by Richard Crawshaw the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited respectively in the office of the Clerk of the Parliaments, House of Lords, in the Private Bill Office of the House of Commons, with the Director-General and Clerk to the Council and with the Chief Executive of the Authority.

Traffic

Interpretation of sections 9 to 12 and duration of sections 9 to 11 of Act.

8.—(1) For the avoidance of doubt, any reference in sections 9 to 12 of this Act to the variation or revocation of an order under section 36 or 37 of the Act of 1967, or to the application of the provisions of an order under that section, shall include a reference to the variation or revocation, or (as the case may be) to the application of the provisions, of an order which has been continued in operation by virtue of paragraph 9 of Schedule 8 to the Act of 1967.

(2) Sections 9, 10 and 11 of this Act shall cease to have effect on 31st December, 1979.

New procedure for certain traffic orders in Greater London.

9.—(1) Where the Council are satisfied that an order under any of the following sections of the Act of 1967, namely, sections 6, 35, 36, 37 and 73 (3) for controlling or regulating vehicular and other traffic (including foot passengers) on roads, other than trunk roads, in Greater London or for or in connection with the provision of parking facilities on a highway, not being a trunk road, in Greater London should be made (in accordance with the duty imposed on the Council by section 84 (1) of the Act of 1967) and—

(a) is urgently required in the public interest to deal with conditions or circumstances giving rise to—

(i) serious traffic congestion; or

(ii) a serious deficiency in the provision of parking facilities on or off the highway;

or the imminent likelihood thereof; or

(b) not being an order to which paragraph (a) of this subsection applies, would have the sole effect of varying a previous order made or having effect as if made under any of the said sections of the Act of 1967 without substantially affecting the character of that order, or of revoking such an order where the revocation appears to the Council to be unlikely to give rise to significant objection by persons who will be affected thereby; or

(c) not being an order to which paragraph (a) or (b) of this subsection applies, would be an order falling within one or more of the categories specified in subsection (12) of this section and appearing to the Council as being unlikely to give rise to significant objection by persons who will be affected thereby; or

(d) would be a consolidation order;

they may make such order in accordance with the provisions of this section and of sections 10 (Procedure for confirmation of certain orders) and 11 (Procedure on making of certain orders) of this Act and without complying with the requirements of any regulations made under section 84C (4) of the Act of 1967 and for the time being in force and such an order is hereafter in this Act referred to as a "modified procedure order".

(2) A modified procedure order made under section 35 (1) of the Act of 1967 may be made by the Council without an application by the local authority.

(3) Subject to subsection (4) of this section, a modified procedure order made pursuant to paragraph (a) of subsection (1) of this section shall not continue in force for a longer period than six months:

Provided that, within that period, or within that period as extended by virtue of the said subsection (4), the Council may resolve that the modified procedure order shall cease to have effect on such date before the expiry of the said period, or of that period as extended, as may be specified in the resolution.

(4) Where a modified procedure order made pursuant to paragraph (a) of subsection (1) of this section has not ceased to be in force and the Council are satisfied that, as a consequence of their complying with the requirements of any regulations for

PART II
—cont.

the time being in force by virtue of section 84C (4) of the Act of 1967 in respect of a further order which they propose to make under any of the sections of the Act of 1967 referred to in the said subsection (1) which would have the sole effect of reproducing and continuing in force indefinitely the provisions of the modified procedure order with or without modifications (which may include additions, exceptions or other modifications of any description which do not in their opinion substantially affect the character of that order), they may be unable to make the further order so that it would come into operation before the modified procedure order ceases to be in force, they may direct that the modified procedure order shall continue in force for a single further period not exceeding six months from the date when it would otherwise cease to be in force.

(5) Subject to subsection (8) of this section, a modified procedure order which makes such provision as is referred to in paragraph (b) or (c) of subsection (1) of this section shall not continue in force for a longer period than six months unless within that period the Council give notice in accordance with subsection (1) of section 10 (Procedure for confirmation of certain orders) of this Act that they propose to consider making a further order in accordance with the provisions of subsection (7) of this section.

(6) (a) Subject to subsection (8) of this section, where the Council have given the notice referred to in the last foregoing subsection in respect of a modified procedure order which makes such provision as is referred to in paragraph (b) or (c) of subsection (1) of this section that order shall not continue in force for a longer period than twelve months from the date of the publication of the said notice unless within that period the Council make a further order in accordance with the provisions of the next following subsection; but where a modified procedure order which makes such provision as is referred to in paragraph (b) or (c) of subsection (1) of this section has not ceased to be in force and has not been reproduced (either with or without modifications) by a further order made in accordance with the provisions of the next following subsection, the Secretary of State may, at the request of the Council, from time to time direct that the modified procedure order shall continue in force for a further period not exceeding six months from the date when it would otherwise cease to be in force.

(b) Where the Council have requested the Secretary of State to make a direction under the foregoing paragraph in respect of a modified procedure order and the Secretary of State has declined to make such a direction, the Council shall not, without the consent of the Secretary of State, make a further modified procedure order which makes the same provision, or substantially

the same provision, as was made in the first-mentioned modified procedure order unless at least six months have expired from the time when that order ceased to have effect.

PART II
—cont.

(7) After considering any objections (which are not withdrawn) to the making in accordance with the provisions of this subsection of a further order which reproduces the provisions of a modified procedure order which makes such provision as is referred to in paragraph (b) or (c) of subsection (1) of this section, and, where a public inquiry is held, the report and recommendations (if any) of the person who held the inquiry, the Council may, without complying with the requirements of any regulations made under section 84C (4) of the Act of 1967 and for the time being in force, make a further order (hereafter in this Act referred to as a “confirming order”) under whichever section or sections of the Act of 1967 referred to in subsection (1) of this section may be appropriate, which has the sole effect of reproducing the provisions of the modified procedure order either with or without modifications (which may include additions, exceptions or other modifications of any description which do not in their opinion substantially affect the character of the modified procedure order), but they shall not make a confirming order until the expiry of the period specified in the last published notice under subsection (1) or (2) of the next following section.

(8) If the Council—

(a) without having given notice of their intention to consider making a confirming order, resolve not to make such an order before the date on which the modified procedure order would otherwise cease to have effect under the provisions of subsection (5) of this section; or

(b) after considering any objections to the making of a confirming order which are not withdrawn, and, where a public inquiry is held, the report and recommendations (if any) of the person who held the inquiry, resolve not to make a confirming order before the date on which the relevant modified procedure order would otherwise cease to have effect under the provisions of subsection (6) of this section;

the modified procedure order shall cease to have effect on such date as may be specified in the resolution.

(9) (a) Where a modified procedure order which makes such provision as is referred to in paragraph (b) or (c) of subsection (1) of this section and which varies or revokes a previous order made, or having effect as if made, under section 6, 35, 36, 37 or 73 (3) of the Act of 1967 is not reproduced (either with or without modifications) by a confirming order, the said previous order shall continue to be of full force and effect from the date specified in paragraph (b) of this subsection as if such variation or revocation had not taken place.

PART II
—cont.

(b) The date referred to in paragraph (a) of this subsection shall be—

- (i) where the Council have not given the notice referred to in subsection (5) of this section, the date specified in a resolution passed in accordance with paragraph (a) of subsection (8) of this section, or where no such resolution has been passed, the day following the date of the expiry of the period referred to in subsection (5) of this section;
- (ii) where the Council have given the notice referred to in subsection (5) of this section, the date specified in a resolution passed in accordance with paragraph (b) of subsection (8) of this section, or the day following the date of the expiry of the period (including any extension thereof) referred to in subsection (6) of this section, whichever is the earlier.

(10) When a modified procedure order made pursuant to paragraph (a) of subsection (1) of this section and which varies or revokes a previous order made, or having effect as if made, under section 6, 35, 36, 37 or 73 (3) of the Act of 1967, ceases to have effect, either on the expiry of the period referred to in subsection (3) of this section or of that period as extended by virtue of subsection (4) of this section, or in consequence of a resolution of the Council passed in accordance with the said subsection (3), the said previous order shall continue to be of full force and effect from the day following the date of such expiry or the date specified in the said resolution, as the case may be, as if such variation or revocation had not taken place.

(11) Where a modified procedure order which makes such provision as is referred to in paragraph (b) or (c) of subsection (1) of this section and which varies or revokes a previous order made, or having effect as if made, under section 6, 35, 36, 37 or 73 (3) of the Act of 1967 is reproduced by a confirming order in such a way that the variation or revocation of the said previous order is wholly or partly excluded in the confirming order, then, from the date on which the confirming order comes into operation, the variation or revocation so excluded, in whole or in part, in the confirming order shall cease to have effect and the said previous order shall continue to have effect without the said variation or revocation so excluded.

(12) The categories of order referred to in paragraph (c) of subsection (1) of this section are the following:—

- (a) an order which may be made under section 6, 35, 36 or 37 of the Act of 1967 where the effect of the order would be to provide for any of the following matters:—
 - (i) revoking the designation of any area of a road as a parking place for vehicles;

(ii) designating any area of a road as a parking place for vehicles in a case where the area to be so designated includes the whole or part of an area of that road which is already so designated, and applying to the area to be designated by the order provisions contained in a previous order made or having effect as if made under section 6, 36 or 37 of the Act of 1967 which apply to the area of that road already so designated;

(iii) varying the provisions of a previous order made or having effect as if made under any of those sections in a case where the variation does not involve any increase in the charges for leaving a vehicle in a parking place or in the charges in connection with the issue or use of such a permit as is mentioned in section 35 (1A) of the Act of 1967;

(iv) prescribing or prohibiting, either generally or between specified times, the driving of vehicles, or vehicles of any class, in a particular direction in or into or from any road;

(v) prescribing roads which are not to be used by vehicles exceeding specified weights;

(vi) prescribing places where vehicles, or vehicles of any class, may not turn so as to face in the opposite direction to that in which they were proceeding;

(vii) restricting or prohibiting the stopping or waiting of vehicles, or vehicles of any class, in any area of any road, being an area the whole of which lies within 150 feet of any means of entrance to, or egress from, a school;

(viii) restricting or prohibiting the stopping or waiting of vehicles, or vehicles of any class, in any area of any road, being an area marked or to be marked on the carriageway of the road by a traffic sign for indicating that the area in question is a place where stage or express carriages may stop to pick up or set down passengers or where hackney carriages may stand;

(ix) prohibiting the riding of cycles or mopeds on a footbridge or in a pedestrian subway or on or in the approaches to such bridge or subway; and

(x) restricting the driving of vehicles into a boxed area;

(b) an order other than an order falling within the foregoing paragraph, which may be made under section 6, 35,

PART II
—cont.

36 or 37 of the Act of 1967 and which, in the opinion of the Council, is of a minor nature;

- (c) an order which may be made under section 73 (3) of the Act of 1967 the sole effect of which would be to direct that a road which immediately before its classification as mentioned in section 72 (6) of the Act of 1967 is a restricted road for the purposes of section 71 of the Act of 1967 shall be a restricted road as aforesaid after such classification.

(13) The provisions of the Act of 1967 specified in Schedule 1 to this Act shall have effect for the purposes of orders made in accordance with this section and section 10 (Procedure for confirmation of certain orders) or 11 (Procedure on making of certain orders) of this Act subject to the modifications set out in that Schedule.

(14) The powers conferred by this section shall not be exercisable in respect of roads within Heathrow Aerodrome.

(15) In this section—

“boxed area” means an area of the carriageway of a road, at or near its junction with another road, marked or to be marked by a traffic sign placed on the carriageway to indicate that a vehicle must not be driven into the area at a time when, by reason of the presence of one or more other vehicles in or near to that area, it cannot be driven out of that area without stopping;

“consolidation order” means a modified procedure order which revokes the provisions of one or more existing orders, made or having effect as if made under the Act of 1967, reproduces those provisions without any change in substance and makes no other provision but so, however, that for the purpose of this definition the inclusion in the order (by way of addition to the existing provision) of an exemption required by any enactment in respect of a disabled person’s vehicle shall not be regarded as constituting a change in substance;

“cycle” means a pedal cycle which is not a motor vehicle;

“moped” means a motor cycle which is equipped with pedals by means whereof it is capable of being propelled and which has an engine with a cylinder capacity not exceeding fifty cubic centimetres;

and the expressions “stage carriage” and “express carriage” shall be construed in accordance with sections 117 and 118 of the Road Traffic Act 1960.

1960 c. 16.

Procedure for
confirmation
of certain
orders.

10.—(1) Before making a confirming order which reproduces (with or without modifications) the provisions of a modified procedure order which makes such provision as is referred to in paragraph (b) or (c) of subsection (1) of the last foregoing section,

the Council shall publish in at least one local newspaper circulating in the area in which any road to which the proposed confirming order would relate is situated a notice containing the following particulars, that is to say:—

- (a) a brief statement of the general effect of the proposed confirming order and, in relation to such an order made under section 35, 36 or 37 of the Act of 1967, a statement of all the charges proposed to be made for the use of the parking place to which the order relates;
- (b) the name or brief description of any road to which the proposed confirming order relates;
- (c) a statement specifying a place where copies of the modified procedure order and the proposed confirming order and of a statement of the Council's reasons for the proposed making of the confirming order may be inspected during all reasonable hours during a period of not less than twenty-one days from the date of publication of the notice;
- (d) a statement that the Council propose to consider making the confirming order;
- (e) a statement of the address to which, and the period (such period being not less than twenty-one days from the date of publication of the notice) during which, objections to the making of the confirming order can be made and a statement that all objections must be made in writing and must specify the grounds thereof.

(2) Unless prevented from doing so by circumstances outside their control the Council shall before making a confirming order publish in the London Gazette a notice containing the particulars referred to in paragraphs (a) to (e) of the last foregoing subsection:

Provided that, for the purposes of a notice published under this subsection, the period referred to in paragraph (e) of the last foregoing subsection shall be deemed to be a period of not less than twenty-one days from the date of the publication of such notice.

(3) The Council may, if they think fit, cause a public inquiry to be held before making a confirming order and shall appoint as the person to hold such inquiry a person selected by them from a panel of persons chosen by the Secretary of State for the purpose of holding public inquiries under this section.

(4) Where the Council decide, before publishing the notice referred to in subsection (1) or (2) of this section, that a public inquiry shall be held, that notice shall contain, in addition to the particulars required by the subsection, a statement that a public inquiry will be held in connection with the proposed making of the confirming order and the date, time and place of the inquiry.

PART II
—cont.

(5) Where the Council decide, after the requirements of subsection (1) of this section have been complied with, that a public inquiry shall be held, they shall publish a notice in the manner specified in subsection (1) of this section containing the following particulars, that is to say:—

- (a) a statement which refers to the notice required to be published under subsection (1) of this section;
- (b) the particulars referred to in paragraphs (a), (b) and (c) of subsection (1) of this section; and
- (c) a statement that a public inquiry will be held in connection with the proposed making of the confirming order and the date, time and place of the inquiry:

Provided that unless prevented from doing so by circumstances outside their control the Council shall also publish a notice in the London Gazette containing the said particulars.

(6) Where the notice published under subsection (1) or (2) of this section announces the holding of a public inquiry, there shall be at least forty-two days between the date on which the notice is last published and the date on which the inquiry is due to begin, and where a notice published under subsection (5) of this section announces the holding of such an inquiry, there shall be at least twenty-one days between the date on which the notice is last published or the date of the expiration of the objection period specified in the last published notice under subsection (1) or (2) of this section (whichever is later) and the date on which the inquiry is due to begin.

(7) Any person interested in the subject-matter of a public inquiry held by virtue of this section may appear at the inquiry either in person or by counsel, solicitor or other representative.

(8) Any person so interested may, whether or not he proposes to appear at the inquiry, send to the address given for that purpose in a notice published under this section such written representations as he may wish to make in relation to the subject-matter of the inquiry with a view to their transmission to and consideration by the person appointed to hold the inquiry.

(9) The person holding the inquiry may refuse to hear any person, or to consider any objection or representation made by any person, if he is satisfied that the views of that person or the objection or representation are frivolous or that such views have already been adequately stated by some other person at the inquiry.

(10) Subject as aforesaid, the procedure at the inquiry shall be in the discretion of the person holding it.

11.—(1) When a modified procedure order or a confirming order has been made the Council shall—

PART II
—cont.

(a) forthwith give notice in writing of the making of the order to the appropriate commissioner of police;

Procedure
on making
of certain
orders.

(b) within fourteen days of the making of the order or as soon as practicable thereafter publish in the London Gazette and in a local newspaper circulating in the area in which any road to which the order relates is situated a notice of the making of the order containing the following particulars, that is to say:—

(i) a brief statement of the general effect of the order including, in the case of a modified procedure order, the date of commencement of the order;

(ii) the name or brief description of the road to which the order relates;

(iii) a statement specifying a place where a copy of the order, including, in the case of a confirming order, a copy of the relevant modified procedure order and, where a public inquiry has been held, a copy of the report and recommendations (if any) of the person appointed to hold the inquiry, may be inspected during all reasonable hours for a period of six weeks from the date on which the notice is published; and

(iv) where appropriate, a statement as to the effect of sections 41 and 84E of the Act of 1967 as they have effect in relation to the order.

(2) When a confirming order has been made, the Council shall as soon as practicable notify each person who duly objected to the making of that order and who has not withdrawn his objection, of the Council's decision in relation to the objection, and, where the objection has not been, or not wholly been, acceded to, of the Council's reason therefor.

(3) Where a modified procedure order or a confirming order has been made and no other authority are required by a provision of the order or by a direction under section 55 (which relates to the placing of signs by highway authorities) of the Act of 1967 to take appropriate action in relation thereto, the Council shall before the order comes into operation take such steps as are necessary to secure—

(a) the placing on or near the road to which the order relates of such traffic signs in such positions as they may consider requisite for the purpose of securing that adequate information as to the effect of the order is made available to persons using that road; and

PART II
—cont.

(b) in a case where the order contains provisions for revoking, or altering the application of, a previous order, such removal or replacement of existing traffic signs as the Council may consider requisite for the purpose of avoiding confusion to users of the road to which the order relates or the continuance of traffic signs in incorrect positions.

(4) The provisions of subsection (3) of this section are without prejudice to section 75 (which relates to signs for indicating speed restrictions) of the Act of 1967.

Delegation
of order-
making
functions in
Greater
London.
1963 c. 33.

12.—(1) The powers of the Council under section 5 (1) of the London Government Act 1963 to delegate functions to any borough council or to the Common Council shall include power to delegate to those councils the functions exercisable by the Council in relation to orders under section 6, 9, 35, 36, 37, 73 (3) or 74 of the Act of 1967 (including orders made in accordance with sections 9 to 11 of this Act), and accordingly at the end of section 84 (4) of the Act of 1967 there shall be added the words “except the functions exercisable by the Greater London Council in relation to orders under section 6, 9, 35, 36, 37, 73 (3) or 74 of this Act.”.

(2) Functions in relation to orders under section 35 (1) of the Act of 1967 delegated to a borough council or the Common Council in pursuance of this section shall be exercisable by those councils—

(a) as if the said functions were exercisable by the Council without any application being made by the local authority; and

(b) in compliance, where appropriate, with any regulations made by the Secretary of State under section 84C of the Act of 1967 which relate to orders made or proposed to be made under section 35 of the said Act by the Council other than on the application of a local authority.

(3) (a) A borough council or the Common Council may, to such extent as they consider necessary in connection with any order under section 6 or 9 of the Act of 1967 made by that council in the discharge of functions delegated to that council in pursuance of this section—

(i) place in the carriageway of any road in respect of which they are the highway authority such bollards or other obstructions as they consider appropriate for preventing

the passage of vehicles, or vehicles of any class, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order as aforesaid and maintain and light those obstructions;

(ii) remove any obstruction placed by them in pursuance of the foregoing paragraph.

(b) In this subsection “highway authority” has the same meaning as in section 104 (1) of the Act of 1967.

(4) Section 69 (1A) of the Act of 1967 shall apply in relation to the placing of bollards or other obstructions under subsection (3) of this section as if for any reference in the said section 69 (1A) to subsection (1) of that section there were substituted a reference to subsection (3) of this section.

(5) Any functions, delegated to a borough council or the Common Council in pursuance of this section, which are exercisable by any one such council as respects a road part of the width of which is in the area of that council and part in the area of another, shall not be exercisable by that council until they have first consulted with the other council.

(6) Any of the following councils, that is to say, borough councils and the Common Council, to whom functions have been delegated in pursuance of this section, may, for the better discharge of those functions as respects a road part of the width of which is in the area of one such council as aforesaid and part in the area of any one or more of the others, enter into agreements with one another for or in relation to the discharge of the said functions as respects any such road as aforesaid.

(7) Expenses incurred in pursuance of an agreement made under the foregoing subsection shall be borne by the parties to the agreement in such proportions as may be determined by the agreement.

(8) For the avoidance of doubt and without prejudice to the generality of subsection (1) of this section, in connection with the exercise by a borough council or the Common Council of any function delegated to them in pursuance of this section—

(a) references to the Council (as defined in this Act) in—

(i) the Act of 1967; or

(ii) section 9, 10 or 11 of this Act; or

PART II
—*cont.*

(iii) any regulations made under section 84C (4) of the Act of 1967 and for the time being in force; shall, where necessary, be construed as references to a borough council or the Common Council, as the case may be; and

(b) in paragraph (a) of section 35 (1) of the Act of 1967, the reference to the application of the local authority shall be disregarded.

**Modifications
of Act
of 1967.**

13.—(1) In the Act of 1967—

(a) in paragraph (b) of section 9 (1), for the words “section 6” there shall be substituted the words “any of the following provisions of this Act, namely, sections 6, 35, 36, 37, 73 (3) and 74”;

(b) in section 9, after subsection (3), there shall be inserted the following subsection:—

“(3A) Where an experimental traffic order made by the Greater London Council has not ceased to be in force, and the Secretary of State is satisfied that, as a consequence of the Council’s causing a public inquiry to be held into an order which they propose to make under any of the sections of this Act referred to in paragraph (b) of subsection (1) of this section and which has the sole effect of reproducing and continuing in force indefinitely the provisions of the experimental traffic order (whether or not such order has been varied, modified or suspended under this section), the Council may be unable to make the proposed order so that it would come into operation before the experimental traffic order ceases to be in force, he may, at the request of the Council, from time to time direct that the experimental traffic order shall continue in force for a further period not exceeding six months from the date when it would otherwise cease to be in force.”;

(c) in section 9 (5), after the word “traffic” in the second place where it occurs, there shall be inserted the words “, the provision of suitable and adequate parking facilities on the highway or for preserving or improving the amenities of the area through which any road affected by the order runs”; for the words “modify or” there shall be substituted the words “make modifications of any description (other than additions) to the order or may”; and at the end there shall be added “Provided that the power to make modifications conferred by this subsection shall not include power to designate additional parking places on a highway for which charges are made.”;

- (d) in section 12, after subsection (5), there shall be inserted the following subsection:—

PART II
—cont.

“(5A) In the case of an order made or notice issued by a highway authority in Greater London under the foregoing provisions of this section, the description of statutory provision which may be suspended by the order or notice by virtue of the foregoing subsection shall include an order made under section 35, 36 or 37 of this Act or which has been continued in operation by virtue of paragraph 9 of Schedule 8 to this Act.”;

- (e) in section 85 (1), after the words “ sections 9 (9) ” there shall be inserted the words “ (other than in its application to Greater London) ”.

(2) So far as it relates to regulations made by the Secretary of State under subsection (4) of section 84C of the Act of 1967, the word “ modifications ” in paragraph (c) of subsection (3) of the said section 84C shall be construed as including, and as always having included, additions, exceptions or other modifications of any description.

(3) The enactment specified in Part I of Schedule 2 to this Act is hereby repealed.

PART III

PROVISIONS RELATING TO THE COUNCIL AND TO BOROUGH COUNCILS

Highways

14.—(1) Subject to subsection (4) of this section, section 82 of the Act of 1959 shall have effect, in its application to Greater London with the following modifications:—

Further powers for highway authorities.

- (a) any reference therein to the planting of trees and shrubs shall be construed as including the placing of containers in which to grow such trees and shrubs and the attaching of such containers either to posts or standards provided by the highway authority or, with the consent of the owner thereof, to any other posts or standards;
- (b) any reference therein to a grass verge shall be construed as including a garden or space;
- (c) the power in subsection (1) thereof to alter or remove any grass verge shall include a power to cut down or remove any tree, shrub or plant of any description or to remove any container.

PART III
—cont.

(2) A highway authority may in Greater London in any highway or on such other lands as are referred to in the said section 82 and sections 23 and 24 of the Act of 1973—

- (a) by notice prohibit persons from entering upon, or causing or permitting horses or cattle to enter upon, any grass verge laid out under any enactment and maintained in an ornamental condition or mown or any garden or space so laid out;
- (b) by notice prohibit either entirely or subject to such conditions as may be specified in the notice the playing of any game on any such grass verge, garden or space;
- (c) by notice (which shall be a traffic sign) prohibit persons from causing or permitting motor vehicles to enter upon any such grass verge, garden or space not being a grass verge, garden or space falling within subsection (1) of the next following section or in respect of which the parking of vehicles is prohibited under or by virtue of any other enactment;

and any such notice shall be conspicuously posted on or in proximity to the grass verge, garden or space to which it relates and any person who contravenes the provisions of such a notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding twenty pounds.

(3) In subsection (4) of section 33 (Improvement of roadside amenities etc., by borough councils) of the London County Council (General Powers) Act 1951, for the references to the provisions of section 38 (Trees, grass margins and gardens) of the London County Council (General Powers) Act 1955 so far as they relate to the planting, maintenance, cutting down and removal of trees there shall be substituted references to section 82 of the Act of 1959, to section 23 of the Act of 1973 and to this section so far as those sections relate to the planting, maintenance, cutting down and removal of trees:

Provided that no tree planted in pursuance of the said subsection (4) shall be cut down or removed by a borough council in the exercise of the powers conferred by the said sections 82 and 23 or this section without the consent of all persons interested in the land.

(4) (a) In Part I (General enactments applied) of Schedule 1 to the Greater London Council (General Powers) Act 1969 in column (3) thereof there shall be inserted after the entry relating to subsections (2) and (3) of section 67 of the Act of 1959—

“ Subsections (1), (5) and (6) of section 82 (Powers of highway and local authorities to plant trees, lay out grass verges, etc.) ”

1951 c. xli.

1955 c. xxix.

1969 c. lii.

and in column (4) thereof there shall be inserted after that entry—

PART III
—cont.

“ For the words ‘ highway authority ’ there shall be substituted the words ‘ borough council ’; for the words ‘ highway maintainable at the public expense by them ’ there shall be substituted the word ‘ walkway ’; for the word ‘ highway ’ there shall be substituted the word ‘ walkway ’; in subsection (6) after the words ‘ conferred by ’ there shall be inserted the words ‘ subsections (1) and (5) ’; and for the words from ‘ authority ’ to the end there shall be substituted the words ‘ borough council ’.”

(b) In Part II (Local enactments applied) of the said Schedule 1 the entry relating to section 38 (Trees, grass margins and gardens) of the London County Council (General Powers) Act 1955 shall be deleted. 1955 c. xxix.

(5) (a) The enactments specified in Part II of Schedule 2 to this Act are hereby repealed.

(b) The enactments specified in Part I of Schedule 3 to this Act are hereby repealed so far as they relate to any part of Greater London.

(6) In this section “ highway authority ” means the Council in respect of all metropolitan roads and a borough council or the Common Council, as the case may be, in respect of all highways in their area, whether or not maintainable at the public expense, which are not for the time being metropolitan roads or highways for which under subsection (1) of section 1 of the Act of 1959 the Secretary of State is the highway authority.

(7) (a) Nothing in this section shall affect the rights of statutory undertakers with respect to apparatus (including the placing of apparatus) in any such grass verge, garden or space as is referred to in subsection (2) of this section.

(b) Except as may otherwise be agreed with a statutory undertaker, a highway authority or (in a case to which section 82 of the Act of 1959 applies by virtue of section 29 (Application to walkways of certain enactments) of the Greater London Council (General Powers) Act 1969), a borough council shall so exercise the powers conferred by the said section 82 as to avoid, so far as is reasonably practicable, obstructing or rendering less convenient the access to any apparatus. 1969 c. lii.

(c) In this subsection “ apparatus ” means any apparatus belonging to statutory undertakers or for the maintenance of which they are responsible (including any structure for the lodging therein of apparatus) and includes any apparatus belonging to the British Railways Board or the London Transport Executive or for the maintenance of which they are responsible.

PART III
—*cont.*
As to parking
on footways,
grass verges,
etc.

15.—(1) Subject to subsections (3), (4), (7) and (11) of this section and without prejudice to the provisions of any other enactment, any person who, on or after the appointed day in or on any urban road in Greater London parks a vehicle so that one or more of its wheels is resting on—

- (a) any footway;
- (b) any land (not being a footway) which is situated between two carriageways in any such road; or
- (c) any grass verge, garden or space not falling within the foregoing paragraph (a) or (b);

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds.

(2) (a) An offence committed under the foregoing subsection shall be deemed, for the purposes of section 80 (1) (b) of the Act of 1967, to be an offence committed in respect of a vehicle by its being left or parked in a road.

1972 c. 20.
1972 c. xl.

(b) For the purposes of sections 168, 181 and 183 (which relate to the admissibility of certain evidence) of the Road Traffic Act 1972 or section 17 (Duty to give information in certain cases) of the Greater London Council (General Powers) Act 1972, an offence committed under the foregoing subsection shall be deemed to be an offence against an enactment relating to the use of vehicles on roads.

(c) A local authority may prosecute in respect of any offence under the foregoing subsection which is committed in its area.

(3) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that the vehicle was parked—

- (a) in accordance with permission given by a constable in uniform; or
- (b) for the purpose of saving life or extinguishing a fire or meeting any other emergency; or
- (c) for the purpose of rendering assistance at the scene of an accident or a bona fide breakdown involving one or more vehicles, and—
 - (i) such assistance could not have been safely or satisfactorily rendered if the vehicle had not been so parked; and
 - (ii) the vehicle was not left unattended at any time while it was so parked; or
- (d) for the purpose of loading or unloading goods, and—
 - (i) the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been so parked; and

- (ii) the vehicle was not left unattended at any time while it was so parked.

PART III
—cont.

(4) A highway authority may by resolution, or in the case of the Secretary of State by such notice as appears to him to be appropriate, authorise, from a date specified in the resolution or notice, the parking of vehicles on, or on part of, any such footway, grass verge, garden, space or land as is referred to in subsection (1) of this section and is in or on any highway; and notwithstanding the provisions of this section or of any other enactment or any rule of law, it shall be lawful from the specified date for any person to park a vehicle on the footway, grass verge, garden, space or land, or on the part thereof, as the case may be, to which the said resolution or notice relates and is for the time being in force.

(5) A highway authority shall, before the date specified in a resolution passed or notice issued in accordance with the last foregoing subsection, take such steps as are necessary to secure the placing on or near the footway, grass verge, garden, space or land, or the part thereof, to which the resolution or notice relates of such traffic signs in such position as they consider requisite.

(6) A highway authority may pass a resolution or issue a notice, as the case may be, for the purposes of subsection (4) of this section and may take the steps referred to in the last foregoing subsection before the appointed day:

Provided that the date specified in such resolution or notice shall not be earlier than the appointed day.

(7) (a) Nothing in this section shall make it unlawful under subsection (1) of this section to park a vehicle of any of the following descriptions, that is to say:—

- (i) vehicles used for fire brigade purposes;
- (ii) vehicles used for police purposes;
- (iii) vehicles used for ambulance purposes;
- (iv) street cleansing vehicles;
- (v) vehicles used for the collection of refuse;
- (vi) vehicles used for the purpose of gritting or salting or the clearance of snow;
- (vii) vehicles used for the purpose of cleansing, repairing or maintaining lighting apparatus;
- (viii) vehicles used in connection with the reconstruction, alteration or maintenance of, or the provision of services to, a road, or of or to any premises adjoining a road;

PART III
—cont.

- (ix) vehicles used in connection with the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of apparatus or accommodation therefor in, under or over a road;
- (x) any vehicle not falling within sub-paragraph (viii) or (ix) of this paragraph used by statutory undertakers in pursuance of their statutory powers or duties provided that it is reasonably necessary for the vehicle to be so parked;
- (xi) vehicles of any class for the time being specified by resolution of the Council for the purposes of this subsection;
- (xii) any vehicle, specified by the highway authority from time to time for the purposes of this subsection, which is parked at such place and at such time as may be authorised by that highway authority.

(b) In sub-paragraph (ix) of the foregoing paragraph “apparatus” means any apparatus belonging to statutory undertakers or for the maintenance of which they are responsible (including any structure for the lodging therein of apparatus), and includes any apparatus belonging to the British Railways Board or the London Transport Executive or for the maintenance of which they are responsible.

(8) In this section “the appointed day” means such day (being a day no earlier than 1st January, 1975) as may be fixed by resolution of the Council, after consultation with the Association and the Secretary of State, subject to and after complying with the next following subsection.

(9) The Council shall cause to be published in a newspaper circulating throughout the whole of Greater London notice—

- (a) of the passing of the resolution referred to in the last foregoing subsection and of the day fixed thereby; and
- (b) of the general effect of the provisions of this section coming into operation on that day;

and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.

(10) Either—

- (a) a copy of the newspaper containing the notice referred to in the last foregoing subsection; or
- (b) a photostatic or other reproduction, certified by the Director-General and Clerk to the Council to be a true

reproduction, of a page or part of a page of the said newspaper bearing the date of its publication and containing the said notice;

PART III
—cont.

shall be evidence of the publication of the notice and of the date of the publication.

(11) This section shall not apply to a road maintainable by the British Railways Board or the London Transport Executive.

(12) In this section—

“ the Association ” means the association of borough councils known, at the date of the passing of this Act, as the London Boroughs Association or any association for the time being successor thereto of the nature referred to in subsection (2) of section 7 of the London Government Act 1963 of which all borough councils are members or, in the absence of any such association as aforesaid, a majority of the borough councils; 1963 c. 33.

“ carriageway ” means a way constituting or comprised in an urban road, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“ footway ” means a way comprised in an urban road which also comprises a carriageway, being a way over which the public have a right of way on foot only;

“ goods ” includes goods or burden of any description;

“ highway authority ” means the Secretary of State in respect of all trunk roads, the Council in respect of all metropolitan roads and a borough council or the Common Council, as the case may be, in respect of all streets in their area, whether or not maintainable at the public expense, which are not for the time being trunk roads or metropolitan roads;

“ urban road ” means a road which—

(a) is a restricted road for the purposes of section 71 of the Act of 1967; or

(b) is subject to an order under section 74 of the Act of 1967 imposing a speed limit not exceeding 40 miles per hour; or

(c) is subject to a speed limit not exceeding 40 miles per hour which is imposed by or under any local enactment;

“ vehicle ” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by, or to be attached to, a mechanically propelled vehicle but does not include a heavy commercial vehicle within the meaning of section 36A (which relates to the parking of heavy commercial vehicles) of the Road Traffic Act 1972.

1972 c. 20.

PART III
—cont.

Undertakings
and
agreements
binding
successive
owners.

Miscellaneous

16.—(1) Every undertaking given to a local authority by the owner of any legal estate in land and every agreement made between a local authority and any such owner being an undertaking or agreement—

- (a) given or made under seal in connection with the land;
and
- (b) expressed to be given or made in pursuance of this section;

shall be enforceable not only against the owner joining in the undertaking or agreement but also against the successors in title of any owner so joining and any person claiming through or under them.

1925 c. 22.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925.

(3) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require a copy thereof from the local authority without payment.

1962 c. 37.

(4) Any charge on the land which by virtue of this section is enforceable in the manner described in subsection (1) of this section shall, for the purposes of subsection (1) of section 32 of the Building Societies Act 1962 (which prohibits advances by building societies on second mortgage), be deemed not to be a prior mortgage within the meaning of that subsection.

(5) (a) The enactments specified in Part III of Schedule 2 to this Act are hereby repealed.

(b) The enactments specified in Part II of Schedule 3 to this Act are hereby repealed so far as they relate to any part of Greater London.

(6) Any undertaking or agreement which by virtue of an enactment included in Part III of Schedule 2 or Part II of Schedule 3 to this Act was, immediately before the passing of this Act, binding on any successors in title of any owner joining in such undertaking or agreement and on any person claiming through or under them shall, notwithstanding the repeal of that enactment, continue to be so binding and enforceable as if such undertaking or agreement were expressed to be given or made in pursuance of this section.

(7) In this section “local authority” means the Council or a borough council.

PART IV

PROVISIONS RELATING TO BOROUGH COUNCILS

Street trading

As to
restriction on
grant of annual
street trading
licence.

17. In subsection (2A) of section 21 (Annual licences) of the Act of 1947 (as set out in section 33 (3) of the London County

Council (General Powers) Act 1962), for the word "ten", in each place where it occurs, there shall be substituted the words "twenty-one".

PART IV
—cont.
1962 c. xlv.

18. In section 29 (Offences penalties &c.) of the Act of 1947, at the end there shall be added:—

Further provisions as to street trading.

"(4) (a) The references in subsections (1) and (3) respectively of this section to a person who or whose assistant without the authority of a street trading licence engages in street trading in any manner described in the said subsection (1) or to a person found engaging in street trading in any manner described in the said subsection (3) shall be deemed to include a reference to a person who or whose assistant sells or exposes or offers for sale any article or thing on or from land within twenty feet of any street or designated street and who is not—

- (i) the owner of that land; or
- (ii) the occupier of that land and liable to be assessed to rates in respect thereof; or
- (iii) on that land with the consent in writing of the said owner or occupier.

(b) Where in any proceedings under this section it is shown that any article or thing was sold or exposed or offered for sale by a person on or from land within twenty feet of any street or designated street the burden of proof shall lie on that person to show to the satisfaction of the court that at the relevant time he was a person referred to in sub-paragraphs (i) or (ii) of the foregoing paragraph or had the consent referred to in sub-paragraph (iii) thereof."

19.—(1) Section 74 (Evidence of street trading in proceedings) of the Act of 1957 shall apply to the display of any article or thing in or on any receptacle in a stationary position on land within twenty feet of any street or designated street as it applies to the like display of any article or thing in any street.

Modification of Act of 1957.

(2) In this section, "designated street" and "street" have the same meanings as in the Act of 1947.

20.—(1) Notwithstanding the provisions of section 75 (Penalties) of the Act of 1957 and of section 44 (Alteration of penalties for certain street trading offences) of and Schedule 2 to the Greater London Council (General Powers) Act 1969 every person who under subsection (1) of section 29 (Offences penalties &c.) of the Act of 1947 is guilty of an offence of engaging in street trading without the authority of a street trading licence shall be liable to a fine not exceeding fifty pounds or if he has been previously convicted of any such offence to a fine not exceeding two hundred pounds.

Penalties.
1969 c. lii.

PART IV
—cont.

(2) In this section, “street trading licence” has the same meaning as in the Act of 1947.

Miscellaneous

Removal of
vehicles for
street
cleansing.

21.—(1) Where in the opinion of a borough council a danger to health exists in or is likely to arise in, or detriment has been or is likely to be caused to the amenities of, any street in the borough because of their inability adequately to cleanse the street or its drainage facilities by reason of the vehicles parked thereon, they may, after giving notice in accordance with this section and after complying with subsection (4) of this section—

- (a) on the day of cleansing, move a vehicle which is obstructing the cleansing of such street to another position on that or another street; or
- (b) in any case where it is not reasonably practicable to move a vehicle to another position as described in the foregoing paragraph, remove that vehicle on the day of cleansing from such street which is to be cleansed by them to a place which is not on that or any other street.

(2) Any notice required to be given under the foregoing subsection shall be given by—

- (a) serving written notice on the occupiers of all premises fronting the street not less than three days before the proposed day of cleansing;
- (b) posting conspicuous notices in the street not less than twenty-four hours before the cleansing commences; and
- (c) serving written notice on the Council not less than three days before the proposed day of cleansing:

Provided that notice shall be given in pursuance of paragraph (c) of this subsection only where there is in the street a parking place designated by order under section 35 of the Act of 1967, or having effect by virtue of paragraph 9 of Schedule 8 to the Act of 1967, or provided by order under section 6 or 9 of that Act.

(3) A notice under the last foregoing subsection shall specify the street in which and state the date upon which it is intended that the cleansing shall take place and the general effect of this section.

(4) Where there is in the street a parking place designated or provided in the manner described in the proviso to subsection (2) of this section, the borough council shall, before the commencement of the period of operation, if any, of the parking place on the day of cleansing, and in any case before 8.00 a.m. on that day, suspend the use of the parking place for the duration of the said cleansing by placing or causing to be placed over traffic signs relating to the parking place, and over parking meters

relating to such parking bays as are within the parking place, hoods or other covers, indicating that the use of such parking place or parking bays is suspended.

PART IV
—cont.

(5) Where a vehicle is removed in pursuance of paragraph (b) of subsection (1) of this section, the following provisions shall apply:—

(a) the borough council shall be entitled to recover from any person responsible—

(i) five pounds in respect of the removal of the vehicle; and

(ii) fifty pence in respect of any day or part of a day during which the vehicle is stored in the custody of the borough council; and

(iii) where the vehicle is disposed of in pursuance of paragraph (d) of this subsection, two pounds in respect of its disposal;

(b) any sum recoverable by virtue of this subsection shall be recoverable as a simple contract debt in any court of competent jurisdiction;

(c) the borough council may, if they think fit, remit the whole or any part of any sum recoverable under this subsection;

(d) subject to paragraph (e) of this subsection, the borough council may, in such manner as they think fit, dispose of any vehicle which is in their custody in pursuance of this subsection at any time after they have taken all reasonable steps to find a person appearing to them to be the owner of the vehicle and either—

(i) they have failed to find such a person; or

(ii) he has failed to comply with a notice served on him by them requiring him to remove the vehicle within the prescribed period from their custody:

Provided that in a case where it appears to the borough council that an excise licence is in force in respect of the vehicle, they shall not dispose of that vehicle under this paragraph before the date of the expiration of the licence;

(e) if before a vehicle is disposed of by the borough council in pursuance of the last foregoing paragraph the vehicle is claimed by a person who satisfies them that he is either its owner or the person by whom it was put in the place from which it was removed in pursuance of paragraph (b) of subsection (1) of this section and pays to them such

PART IV
—cont.

sums in respect of its removal and storage as are payable under paragraph (a) of this subsection, the borough council shall permit him to remove the vehicle from their custody and if before the expiration of the period of one year beginning with the date on which a vehicle is sold by them in pursuance of this subsection any person satisfies them that at the time of its sale he was the owner of the vehicle, the borough council shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as are payable under paragraph (a) of this subsection;

- (f) if in the case of any vehicle it appears to the borough council that more than one person is or was its owner at the relevant time, such one of them as the borough council think fit shall be treated as its owner for the purposes of paragraph (e) of this subsection.

(6) Without prejudice to the provisions of any other enactment, any person who assaults, resists or obstructs or aids or incites any person to assault, resist or obstruct an officer of the borough council duly exercising or performing any power or duty under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(7) In this section—

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

“person responsible” in relation to a vehicle means—

(a) the owner of the vehicle at the time when it was put in the place from which it was removed in pursuance of paragraph (b) of subsection (1) of this section, unless he shows that he was not concerned in and did not know of its being put there; or

(b) any person by whom it was put in the place aforesaid;

“the prescribed period” means the period prescribed by the Secretary of State for the purposes of section 21 (1) (c) (ii) of the Civic Amenities Act 1967;

“vehicle” means a mechanically propelled vehicle other than a public service vehicle owned by the London Transport Executive or London Country Bus Service Limited or a vehicle designed or adapted for towing by, or to be attached to, a mechanically propelled vehicle and the

expression "public service vehicle" shall be construed in accordance with sections 117 and 118 of the Road Traffic Act 1960.

PART IV
—cont.
1960 c. 16.

(8) The enactment specified in Part IV of Schedule 2 to this Act is hereby repealed.

PART V

SUPPLEMENTAL

22. Section 289 of the Act of 1971 shall apply to this Act as if it had been passed during the session of the 10 & 11 Geo. 6; and accordingly the Act of 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act. Saving for Act of 1971

23. Subject to the provisions of any enactment requiring or enabling expenses in connection with any function of the Council to be chargeable otherwise than as general expenses chargeable on the whole of Greater London, all expenses of the Council in the execution of this Act shall be defrayed, as the Council may decide, as— Costs of Act.

- (a) general expenses chargeable on the whole of Greater London; or
- (b) special expenses chargeable only on such part of Greater London as the Council may determine.

SCHEDULES

SCHEDULE 1

MODIFICATIONS OF ACT OF 1967

1. In section 41 (1), after the word " Act " where it first occurs, there shall be inserted the words " or of sections 9, 10 and 11 of the Greater London Council (General Powers) Act 1974,"; and after the words " the order is made," there shall be inserted the words " or, in the case of an order in respect of which a notice is published under the said section 11, within six weeks from the date on which such notice is published,".

2. In section 68 (1), after the word " Act ", there shall be inserted the words " or sections 9 to 11 of the Greater London Council (General Powers) Act 1974,".

3. In section 84 (3), after the word " Act ", where it first occurs, there shall be inserted the words " or under section 10 of the Greater London Council (General Powers) Act 1974 ".

4. In section 84E (1), after the word " Act " where it occurs for the second time, there shall be inserted the words " or by sections 9 to 11 of the Greater London Council (General Powers) Act 1974 "; after the word " Act " where it occurs for the third time, there shall be inserted the words " or of the said sections 9 to 11 "; and after the words " the order is made," there shall be inserted the words " or, in the case of an order in respect of which a notice is published under the said section 11, within six weeks from the date on which such notice is published,".

SCHEDULE 2

ENACTMENTS REPEALED

Section 13.
Section 14.
Section 16.
Section 21.

Chapter	Short title	Extent of repeal
PART I		
15 & 16 Eliz. 2 c. 76 ..	Road Traffic Regulation Act 1967	Section 8
PART II		
14 & 15 Geo. 6 c. xxxviii	Sutton and Cheam Corporation Act 1951	Section 18
4 Eliz. 2 c. xxix ..	London County Council (General Powers) Act 1955	Section 38
5 & 6 Eliz. 2 c. xxxvii	East Ham Corporation Act 1957	Section 15
8 & 9 Eliz. 2 c. xl ..	Croydon Corporation Act 1960	Section 60
PART III		
14 & 15 Geo. 6 c. xxxviii	Sutton and Cheam Corporation Act 1951	Section 14
2 & 3 Eliz. 2 c. xlvi ..	Orpington Urban District Council Act 1954	Section 7
5 & 6 Eliz. 2 c. xxxvii ..	East Ham Corporation Act 1957	Section 8
8 & 9 Eliz. 2 c. xl ..	Croydon Corporation Act 1960	Section 24
9 & 10 Eliz. 2 c. xlvi ..	River Ravensbourne, &c., (Improvement and Flood Prevention) Act 1961	Section 25
PART IV		
19 & 20 Eliz. 2 c. li ..	Haringey Corporation Act 1971	Section 4

*Greater London Council
(General Powers) Act 1974*

Section 14.
Section 16.

SCHEDULE 3

ENACTMENTS REPEALED IN GREATER LONDON

Chapter	Short title	Enactment
PART I		
14 Geo. 6 c. lii ..	Middlesex County Council Act 1950	Section 26
15 & 16 Geo. 6 & 1 Eliz. 2 c. 1	Essex County Council Act 1952	Section 23
7 Eliz. 2 c. vi	Kent County Council Act 1958	Section 18
PART II		
15 & 16 Geo. 6 & 1 Eliz. 2 c. 1	Essex County Council Act 1952	Section 13
4 & 5 Eliz. 2 c. xc ..	Middlesex County Council Act 1956	Section 79

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