



# London Local Authorities Act 2004

## 2004 CHAPTER i

### PART 6

#### SUPPLEMENTAL

#### 28 Authorised officers

- (1) In this Act “authorised officer”, in relation to a borough council, means—
- any employee of the council;
  - any person by whom, in pursuance of arrangements made with the council, any functions under this Act fall to be discharged; or
  - any employee of any such person,
- who is authorised in writing by the council to act in relation to the relevant provision of this Act.
- (2) In each of the scheduled Acts “authorised officer”, in relation to a borough council, shall have the same meaning as in subsection (1) above save that—
- the reference to the relevant provision of this Act shall include a reference to the relevant provision of the Act as so mentioned; and
  - where appropriate, the reference to the participating council includes a reference to the borough council under the Act so mentioned.
- (3) The Environmental Protection Act 1990 (c. 43) shall have effect in the area of a borough council as if—
- in subsection (10) of section 88, for the definition of “authorised officer” there were substituted the following definition—
- ““authorised officer” means—
- any employee of the litter authority;
  - any person by whom, in pursuance of arrangements made with the litter authority, any functions under this Act fall to be discharged; or
  - any employee of any such person,

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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who is authorised in writing by the litter authority to act in relation to the relevant provision of this Act.”.

- (4) The definition of “authorised officer” in section 2 of each of the scheduled Acts is hereby repealed.
- (5) In this section the “scheduled Acts” means the Acts specified in Schedule 5 to this Act.

## **29 Obstruction of authorised officer**

Any person who intentionally obstructs any authorised officer acting in the exercise of his powers under this Act shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **30 Defence of due diligence**

- (1) In proceedings for an offence under this Act it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, no later than 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.

## **31 Liability of directors, etc.**

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.
- (2) Where the affairs of the body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## **32 Regulations**

- (1) Any power to make regulations conferred by this Act includes power to make provision in respect of such cases only as may be specified in the regulations and to make different provision for different circumstances.
- (2) Any power to make regulations conferred by this Act shall be exercised by statutory instrument.
- (3) Any statutory instrument made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.