



London Local Authorities Act 2004

2004 CHAPTER i

PART 3

PUBLIC HEALTH AND THE ENVIRONMENT

9 Nuisance from birds

- (1) If in the opinion of a borough council the habitual nesting, roosting or alighting of birds on any part of a building or structure (including a bridge) fronting upon, crossing or overhanging a highway in the area of the council is a source of nuisance to pedestrians using that highway, the council may serve a notice under this section upon the owner or occupier of the building or structure.

This subsection is subject to the provisions of the Wildlife and Countryside Act 1981 (c. 69) and to subsection (4) below.

- (2) If after reasonable enquiry the council have been unable to ascertain the name and address of the owner or occupier, they may affix a notice to the building or structure.
- (3) A notice under this section is a notice requiring, within such reasonable time (not being less than 28 days) as may be specified in the notice, the owner or occupier of the building or structure to take measures for the purpose of preventing or minimising the habitual nesting, roosting or alighting of birds on the part of the building or structure concerned and the council may specify such measures in the notice.
- (4) The measures which may be specified in a notice under this section may include the erection of baffles, nets or wires or the laying of gel on the building or structure or other measures of a like nature but shall not include any method prohibited by the said Act of 1981.
- (5) The sections of the Public Health Act 1936 (c. 49) mentioned in Schedule 1 to this Act shall have effect as if references therein to that Act included references to this section.
- (6) This section shall have effect as if it were an Act or order to which section 42 of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) (which makes

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provision for certain local Acts and orders to be subject to the planning enactments) applies.

(7) Subsections (8) to (10) below apply where a borough council serve a notice under this section on—

- (a) the British Railways Board, in respect of any bridge owned by the Board; or
- (b) any protected party in respect of its operational land,

and the notice specifies measures to be taken for the purpose mentioned in subsection (3) above.

(8) The party on whom a notice under this section is served may, within a period of 28 days beginning with the day on which the notice is served, serve a counter-notice on the borough council specifying alternative measures which will in their reasonable opinion have the effect of preventing or minimising the habitual nesting, roosting or alighting of birds on the part of the building or structure concerned to the same or greater extent than the measures specified in the notice.

(9) Where a counter-notice is served under subsection (8) above, the notice served under subsection (1) above shall be deemed to specify the alternative measures specified in the counter-notice and shall be deemed to have been served on the date the counter-notice was served.

(10) Where a counter-notice is served under subsection (8) above and, before the expiry of the period of 28 days beginning with the date on which the counter-notice is served, the council serves a further notice requiring further measures to be taken, the protected party shall comply with the further notice within such period as may be specified in the further notice.

(11) The measures specified in any such further notice shall complement the measures specified in the counter-notice to which it relates.

(12) The period within which—

- (a) an owner or occupier must comply with the requirements of a notice served under subsection (1) above; or
- (b) a protected party must comply with the requirements of—
 - (i) a counter-notice served under subsection (8) above; or
 - (ii) a further notice under subsection (10) above,

may be extended with the agreement of the council.

(13) In this section “protected party” means—

- (a) Network Rail Infrastructure Limited;
- (b) Transport for London;
- (c) the British Waterways Board;
- (d) the Port of London Authority,

and their subsidiaries (within the meaning given by section 736 of the Companies Act 1985 (c. 6)), servants, agents and contractors.