



Transport for London Act 2008

2008 CHAPTER i

PART 5

STREET MANAGEMENT

30 Interpretation of Part 5

Expressions used in this Part and in the 1980 Act have the same meaning in this Part as in that Act.

31 Special parliamentary procedure where order under section 10 of 1980 Act affects GLA roads

- (1) This section applies where the Minister proposes to make an order under section 10(2) of the 1980 Act (power to make orders as to trunk road status) and—
 - (a) the highway to which the order relates is a GLA road, or
 - (b) the highway to which the order relates would become a GLA road by virtue of the order.
- (2) Where this section applies—
 - (a) section 10(6) of the 1980 Act (order objected to by relevant council to be subject to special parliamentary procedure) shall have effect as if for the reference to a council who are responsible for the maintenance of a highway to which the order relates, or who will become so responsible by virtue of the order, there were substituted a reference to TfL; and
 - (b) paragraph (i) of the Table in paragraph 3 of Part 1 of Schedule 1 to the 1980 Act (persons to be served with copies of documents relating to draft order) shall have effect as if the reference to every council in whose area any highway or proposed highway to which the proposed order is situated included TfL.
- (3) This section shall not apply in relation to an order in respect of which notice has been published under paragraph 1 of Part I of Schedule 1 to the 1980 Act before this section comes into force.

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32 Local and private Act functions with respect to former GLA roads

- (1) Where a GLA road becomes a trunk road by an order under section 10(2) of the 1980 Act, section 11 of the 1980 Act (local and private Act functions with respect to trunk roads) shall have effect as if each reference to a council included a reference to TfL.
- (2) This section applies in relation to any GLA road which becomes a trunk road whether before or after the coming into force of this Act.

33 Powers in relation to privately maintainable bridges carrying GLA roads

Sections 93 to 95 of the 1980 Act (which enable the Secretary of State to make orders giving powers to local highway authorities as respects the reconstruction, improvement, etc of privately maintainable bridges) shall have effect as if—

- (a) for paragraph (c) of section 95(1) (which specifies the relevant authority) there were substituted—
 - “(c) in the case of a bridge which carries a GLA road, by Transport for London;
 - (d) in the case of any other bridge in Greater London, by the council of the borough in which it is situated, or, if it is in the City, by the Common Council.”; and
- (b) in section 95(3) after the words “other than a trunk road bridge” there were inserted the words “or a bridge carrying a GLA road”.

34 Power to erect flag poles etc. on GLA roads

- (1) Subject to subsection (2), TfL may—
 - (a) erect flagpoles, pylons and other structures on any GLA road for the purpose of displaying decorations;
 - (b) make slots in any GLA road for the purpose of erecting the structures, and
 - (c) remove any structure erected or slot made by TfL in pursuance of paragraph (a) or (b);

and any structures or slots which may be erected or made by virtue of this subsection are hereafter in this section referred to as “relevant works”.
- (2) TfL is not entitled to exercise the powers conferred on it by subsection (1) in respect of so much of a GLA road as—
 - (a) is carried by a bridge which a body other than TfL has a duty to maintain; or
 - (b) forms part of the approaches to such a bridge and is supported or protected by works or materials which a body other than TfL has a duty to maintain,

except with the consent in writing of that body.
- (3) A body may give their consent in pursuance of subsection (2) on such terms as they think fit (including in particular, without prejudice to the generality of the preceding provisions of this subsection, terms providing for the body to remove any of the relevant works and reinstate the bridge or its approaches and to recover the reasonable cost of doing so from TfL).
- (4) TfL shall not exercise any power conferred on it by subsection (1) in relation to a GLA road unless TfL has first obtained the consent of any local authority for the areas in which TfL proposes to exercise the power.

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- (5) If TfL erects or makes relevant works by virtue of the preceding provisions of this section TfL shall—
- (a) ensure that the works are erected or made so as to obstruct the GLA road in question as little as is reasonably possible, so as not to obscure or conflict with traffic signs connected with the GLA road and so as to interfere as little as is reasonably possible with the enjoyment of premises adjacent to the GLA road and with, and with access to, any apparatus in or on the GLA road which belongs to or is used or maintained by statutory undertakers; and
 - (b) ensure that while the works are retained they are properly maintained and, so far as it is necessary to light them to avoid danger to users of the GLA road, are properly lit.
- (6) A person who without lawful authority interferes with or removes any relevant works is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (7) In this section—
- “bridge” includes a structure which carries a GLA road superimposed over a cutting; and
 - “statutory undertakers” means any of the following, namely, any body which is a statutory undertaker within the meaning provided by section 329(1) of the 1980 Act, any universal service provider in connection with the provision of a universal postal service, any licensee under a street works licence and the operator of an electronic communications code network or a driver information system.
- (8) Nothing in this section shall affect the operation of section 144 of the 1980 Act.

35 Prevention of soil etc. being washed on to GLA roads

- (1) Subject to subsections (5) and (6), TfL may, by notice to the owner or occupier of any land adjoining a GLA road, require him, within 28 days from the date of service of the notice, to execute such works as will prevent soil or refuse from that land from falling, or being washed or carried, on to the GLA road or into any sewer or gully in it in such quantities as to obstruct the GLA road or choke the sewer or gully.
- (2) A person aggrieved by a requirement under this section may appeal to a magistrate’s court.
- (3) Subject to any order made on appeal, if a person on whom a notice is served under this section fails to comply with it within the period specified in subsection (1), he is guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale; and if the offence is continued after conviction, he is guilty of a further offence and liable to a fine not exceeding £50 for each day on which the offence is so continued.
- (4) Section 311 of the 1980 Act shall apply to any offence under subsection (3) as it applies to an offence under section 151(3) of that Act.
- (5) Before serving a notice under subsection (1) TfL shall give not less than 7 days notice to the local authority, or each local authority, in whose area the GLA road is situated.
- (6) A notice served under subsection (1) shall not have effect in any case where—

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- (a) a notice has been served under section 151 of the 1980 Act on the same person and in respect of the same land, and
 - (b) the works required by that notice will, if carried out, prevent the soil or refuse in question from obstructing the GLA road or choking the sewer or gully.
- (7) At the end of Schedule 4 to the [London Local Authorities and Transport for London Act 2003 \(c. iii\)](#) (offences in respect of which fixed penalty notices may be served) insert—

22	Transport for London Act 2008 (c. i)	35(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer.
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- (8) Nothing in this section shall affect the operation of section 151 of the 1980 Act.

36 Dangerous land adjoining GLA roads

- (1) Subject to subsections (4) to (6), if, in or on any land adjoining a GLA road there is an unfenced or inadequately fenced source of danger to persons using the GLA road, TfL may, by notice to the owner or occupier of that land, require him within such time as may be specified in the notice to execute such works of repair, protection, removal or enclosure as will obviate the danger.
- (2) A person aggrieved by a requirement under subsection (1) may appeal to a magistrate's court.
- (3) Subject to any order made on appeal, if a person on whom a notice is served under this section fails to comply with the notice within the time specified in it, TfL may execute such works as are necessary to comply with the notice and may recover the expenses reasonably incurred by it in so doing from that person.
- (4) Subject to subsection (5), before serving a notice under subsection (1) TfL shall give not less than 7 days notice to the local authority, or each local authority, in whose area the GLA road is situated.
- (5) Where a notice is served under subsection (1) in the case of emergency, TfL shall not be required to give prior notice to the local authority under subsection (4) but shall notify the authority at the same time as, or as soon as reasonably practicable after, the service of the first mentioned notice.
- (6) A notice served under subsection (1) shall not have effect in any case where—
 - (a) a notice has been served under section 165 of the 1980 Act on the same person and in respect of the same land, and
 - (b) the works required by that notice will, if carried out, obviate the danger in question.
- (7) Nothing in this section shall affect the operation of section 165 of the 1980 Act.

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37 Forecourt abutting on GLA roads

- (1) Subject to subsections (2) to (4), section 166 of the 1980 Act (powers to require owners or occupiers of forecourts to take steps as respects dangers on forecourts abutting on streets) shall have effect as if in subsection (1) (which specifies the competent authority) after paragraph (a), there were inserted—
 - “(aa) in the case of a GLA road, a local authority and also Transport for London;”.
- (2) Subject to subsection (3), before serving a notice under section 166(1) of the 1980 Act, TfL shall give not less than 7 days notice to the local authority, or each local authority, in whose area the GLA road is situated.
- (3) Where a notice is served under section 166(1) of the 1980 Act in the case of emergency, TfL shall not be required to give prior notice to the local authority under subsection (2) but shall notify the local authority at the same time as, or as soon as reasonably practicable after, the service of the first mentioned notice.
- (4) A notice served by TfL under section 166(1) of the 1980 Act shall not have effect in any case where—
 - (a) a notice has been served by a local authority under that section on the same person and in respect of the same land, and
 - (b) the works required by that notice will, if carried out, obviate the danger, obstruction or inconvenience to the public in question.

38 Powers relating to retaining walls near GLA roads

- (1) This section applies to any length of a retaining wall, being a length—
 - (a) any cross-section of which is wholly or partly within 3.66 metres of a GLA road; and
 - (b) which is at any point of greater height than 1.37 metres above the level of the ground at the boundary of the GLA road nearest that point;but does not apply to any length of a retaining wall erected on land belonging to any transport undertakers so long as that land is used by them primarily for the purpose of their undertaking or to any length of a retaining wall for the maintenance of which a highway authority are responsible.
- (2) Subject to subsections (6) to (8), if a length of retaining wall to which this section applies is in such condition (whether for want of repair or some other reason) as to be liable to endanger persons using the GLA road, TfL may, by notice served on the owner or occupier of the land on which that length of wall is, require him to execute such works as will obviate the danger.
- (3) Subsections (2) to (7) of section 290 of the Public Health Act 1936 (c. 49) (appeals against, and the enforcement of, certain notices under that Act) apply to any notice served under subsection (2) as they apply to such notices as are mentioned in subsection (1) of that section, but subject to the following modifications—
 - (a) references to the local authority are to be construed as including references to TfL;
 - (b) for paragraph (f) of subsection (3) there is substituted the following paragraph—
 - “(f) that some other person ought to contribute towards the expense of executing any works required by the notice”.

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- (4) Sections 300 to 302 of the Public Health Act 1936 (supplementary provisions relating to appeals under the said section 290) apply, with the necessary modifications, to appeals brought by virtue of subsection (3).
- (5) In this section “retaining wall” means a wall, not forming part of a permanent building, which serves, or is intended to serve, as a support for earth or other material on one side only.
- (6) Subject to subsection (7), before serving a notice under subsection (2) TfL shall give not less than 7 days notice to the local authority, or each local authority, in whose area the GLA road is situated.
- (7) Where a notice is served under subsection (2) in the case of emergency, TfL shall not be required to give prior notice to the local authority under subsection (6) but shall notify the local authority at the same time as, or as soon as reasonably practicable after, the service of the first mentioned notice.
- (8) A notice served under subsection (2) shall not have effect in any case where—
 - (a) a notice has been served under section 167 of the 1980 Act on the same person and in respect of the same land, and
 - (b) the works required by that notice will, if carried out, obviate the danger in question.
- (9) Nothing in this section shall affect the operation of section 167 of the 1980 Act.

39 Power to erect barriers in GLA roads in case of emergency etc.

Section 287 of the 1980 Act (which enables a competent authority to erect barriers in streets for certain purposes) shall have effect as if, in subsection (1) (definition of competent authorities), after paragraph (a), there were inserted—

“(aa) in the case of a GLA road, a local authority and also Transport for London;”.

40 Power to use vehicles and appliances on footways

Section 300 of the 1980 Act (which enables competent authorities to use vehicles and appliances on footways and bridleways for the performance of certain functions) shall have effect as if, in subsection (1)(a) (definition of competent authorities), after “London borough” there were inserted “Transport for London”.

Provision of amenities or services on certain GLA roads

41 Scope of sections 42 to 47

In sections 42 to 47 “relevant GLA road” means—

- (a) a footway within a GLA road;
- (b) a subway under a GLA road which subway is constructed under section 69 of the 1980 Act and maintained by TfL;
- (c) a footbridge over a GLA road which footbridge is constructed under section 70 of the 1980 Act and maintained by TfL; and
- (d) a GLA road of a description not mentioned in any of the preceding paragraphs of this definition whose use by vehicular traffic is prohibited by a traffic order

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but whose use by other traffic is not prohibited or restricted or regulated by such an order.

42 Provision etc. of services and amenities by TfL

- (1) Subject to subsection (4), TfL shall have power—
 - (a) to carry out works on, in or over a relevant GLA road; and
 - (b) to place objects or structures on, in or over such a GLA road,for the purpose—
 - (i) of enhancing the amenity of the GLA road and its immediate surroundings; or
 - (ii) of providing a service for the benefit of the public or a section of the public.
- (2) TfL shall have power to maintain—
 - (a) any works carried out under paragraph (a) of subsection (1); and
 - (b) any objects or structures placed on, in or over a GLA road under paragraph (b) of that subsection.
- (3) Without prejudice to the generality of this section, the amenity of a GLA road may be enhanced by providing lawns, trees, shrubs or flowers.
- (4) TfL may not, in the exercise of the power conferred by subsection (1)(b), place an object or structure on, in or over a relevant GLA road unless TfL has first obtained the consent of the frontagers with an interest—
 - (a) to the placing of the object or structure; and
 - (b) to the purpose for which it is to be placed.

43 Provision of recreation and refreshment facilities by TfL

- (1) Subject to subsections (2) and (3), TfL shall have power to provide, maintain and operate facilities for recreation or refreshment or both on a relevant GLA road.
- (2) Where subsection (3) applies, TfL may not exercise the powers conferred by this section unless TfL has first obtained the consent of the frontagers with an interest.
- (3) This subsection applies where the facilities are to be provided on a footway in relation to which no traffic order is in force.

44 Limits of powers under sections 42 and 43

TfL may exercise its powers under section 42 or 43 to restrict the access of the public to any part of a relevant GLA road but shall not so exercise them—

- (a) as to prevent traffic, other than vehicular traffic—
 - (i) entering the GLA road at any place where such traffic could enter it before the making of a traffic order in relation to it or the exercise in relation to it of a power conferred by section 42 or 43; or
 - (ii) passing along it; or
 - (iii) having normal access to premises adjoining it; or
- (b) as to prevent any use of vehicles which is not prohibited by a traffic order; or
- (c) as to prevent statutory undertakers having access to any apparatus of theirs under, in, on or over the GLA road; or

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- (d) as to prevent the operator of an electronic communications code network having access to any electronic communications apparatus kept installed for the purposes of that network under, in, on or over the GLA road.

45 Notices to be given before exercise of powers under sections 42 and 43

- (1) Subject to subsection (4), TfL shall not exercise any power conferred by section 42 or 43 unless TfL has first published a notice under this section.
- (2) TfL shall publish a notice under this section—
 - (a) by affixing it in a conspicuous position at or near the place to which the proposal relates; and
 - (b) by serving a copy of the notice on the owner and occupier of any premises appearing to TfL to be likely to be materially affected.
- (3) A notice under this section—
 - (a) shall give details of the proposal; and
 - (b) shall specify a period (being not less than 28 days after the publication of the notice) during which representations regarding the proposal may be made to TfL.
- (4) No notice under this section is required where TfL proposes to exercise a power conferred by section 42 or 43 in relation to a relevant GLA road in relation to which a traffic order has been made.
- (5) Where TfL has published a notice under this section, TfL shall not exercise the power to which the notice relates until it has taken into consideration all representations made to it in connection with the proposal within the period specified in the notice.

46 Consent of local authority required

TfL shall not exercise any power conferred by section 42 or 43 in relation to a relevant GLA road unless TfL has first obtained the consent of any local authority for the area in which TfL proposes to exercise the power.

47 Consents not to be unreasonably withheld

- (1) Consent to which this section applies is not to be unreasonably withheld but may be given subject to any reasonable conditions.
- (2) Without prejudice to the generality of subsection (1), it may be reasonable—
 - (a) for consent to which this section applies to be given for a specified period of time, or
 - (b) for consent under section 42 or 43 to be given subject to the payment of a reasonable sum.
- (3) Consent shall be deemed to have been given for the purposes of this section if TfL has served a notice asking for consent on the person whose consent is required and the person fails within 28 days of the service of the notice to give TfL notice of his consent or his refusal to give it.
- (4) Any question whether consent is unreasonably withheld or is given subject to reasonable conditions shall be referred to and determined by an arbitrator to be

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appointed, in default of agreement, by the President of the Chartered Institute of Arbitrators.

(5) If—

- (a) the arbitrator determines that consent has been unreasonably withheld; but
- (b) it appears to him that there are conditions subject to which it would be reasonable to give it,

he may direct that it shall be treated as having been given subject to those conditions.

(6) If—

- (a) the arbitrator determines that any condition subject to which consent has been given is unreasonable; but
- (b) it appears to him that there are conditions subject to which it would have been reasonable to give it,

he may direct that it shall be treated as having been given subject to those conditions.

(7) The expenses and remuneration of the arbitrator shall be paid by TfL.

(8) This section applies to consent required under section 42, 43 or 46.

48 Saving for Planning Acts

Nothing in this Part shall affect the operation of the Town and Country Planning Act 1990 (c. 8) or the Planning (Listed Buildings and Conservation Areas) Act 1990 (c. 9).