



# London Local Authorities Act 1995

## 1995 CHAPTER x

### PART III

#### ADVERTISEMENTS, DISPLAYS, ETC.

#### 10 Placards and posters

In its application to a participating council, section 225 of the Act of 1990 (power to remove or obliterate placards and posters) shall have effect as though subsections (3), (4) and (5) of that section were replaced by the following subsections:—

- “(3) The council of a London borough may give notice in writing to a person who displays or causes to be displayed a placard or poster in respect of which they may exercise the powers conferred by subsection (1)—
- (a) that in their opinion it is displayed in contravention of regulations made under section 220;
  - (b) requiring him to remove or obliterate it before the expiry of a period being not less than two days from the service of the notice, specified in the notice; and
  - (c) that if he does not do so, they intend to remove or obliterate it after the expiry of the period and recover from him the expenses reasonably incurred by them in so doing.
- (4) Where a notice has been duly served under subsection (3) and the poster or placard to which it relates has not been removed or obliterated before the expiry of the period specified in the notice, the council of the London borough may remove or obliterate it and may recover from the person on whom the notice was served the expenses reasonably incurred by them in so doing; but in any proceedings for the recovery of such expenses it shall be for the council to show that the poster or placard was displayed in contravention of regulations made under section 220.
- (5) If a poster or placard is removed or obliterated pursuant to a notice under this section and within 28 days thereof another poster or placard is displayed on the same premises, in addition to the power under the foregoing provisions

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of this section the council of the London borough may serve a notice under subsection (3) on the owner or occupier of the premises on which the poster or placard is displayed, and subsection (4) shall, subject to subsection (6) apply to that person.

- (6) In its application to a case in which a notice is served on any person under subsection (5), subsection (4) shall have effect with the omission of the right to recover from that person the expenses of removal or obliteration.
- (7) If a poster or placard is removed or obliterated pursuant to a notice under this section, the council of the London borough may exhibit a notice in the vicinity of the place where the poster or placard was displayed, stating that the display of an advertisement in contravention of regulations made under section 220 is a criminal offence punishable by a fine under section 224.
- (8) A notice under subsection (7) may not be exhibited without the consent of the occupier of the premises, unless he cannot after reasonable enquiry be identified.
- (9) Without prejudice to the generality of subsection (3), a person shall be deemed to display or cause to be displayed a placard or poster for the purposes of that subsection if the placard or poster gives publicity to his goods, trade, business or other concerns except when the placard or poster is displayed on a hoarding or other structure designed for the display of advertisements.”

## **11 Unauthorised advertisement hoardings, etc**

- (1) This section applies to a hoarding or other structure used, or designed or adapted for use, for the display of advertisements including a movable structure, fitments used to support a hoarding or other structure and a structure which itself is an advertisement, other than such a structure for which deemed or express consent has been granted under the Act of 1990 or regulations made thereunder or for which no such consent for such use is required or which was erected before 1st April 1990.
- (2) Where there is in their area a hoarding or structure to which this section applies, a participating council may serve notice under this section on any person who appears to them to be responsible for the erection or maintenance thereof or, if after reasonable enquiry they have been unable to ascertain the name and address of such person, may affix a notice under this section to the hoarding or structure or exhibit a notice in the vicinity of the place where the hoarding or structure is fixed and serve a copy on the occupier of the land unless after reasonable enquiry he cannot be identified.
- (3) A notice under this section shall require the removal of the hoarding or structure to which it relates within a period, being not less than 21 days after the date of the notice, specified in the notice, and shall state the effect of subsection (4) below.
- (4) If a notice under subsection (2) above is not complied with before the expiry of the period specified in the notice, the participating council may—
  - (a) enter on the land;
  - (b) remove the hoarding or structure and its fitments and dispose of them; and
  - (c) recover from the person on whom the notice was served the reasonable expenses incurred by them in so doing unless he satisfies them that he was not responsible for the erection, and is not responsible for the maintenance of the hoarding or structure.

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- (5) Where, in the exercise of a right of entry conferred under subsection (4), damage is caused to land or chattels other than the hoarding or structure and its fittings, compensation may be recovered from the participating council by any person suffering the damage.
- (6) Nothing in subsection (4) above shall authorise entry into a building.

## **12 Defacement of buildings**

- (1) Where there is a sign to which this subsection applies in the borough of a participating council on a surface to which this section applies, if that council consider it to be detrimental to the amenity of the area or offensive, they may—
  - (a) serve on the occupier of the premises which include the surface; or
  - (b) if there appears to be no occupier of the premises which include the surface, affix to the surface;  

a notice under this section, requiring the occupier or in the case of paragraph (b) above the occupier or owner to remove or obliterate the sign within a period specified in the notice, being not less than 14 days after the service or affixation of the notice.
- (2) A sign to which subsection (1) of this section applies includes any writing, letter, picture, device or representation, other than an advertisement within the meaning of the Act of 1990.
- (3) A person on whom notice has been served under subsection (1) (a) above, or the occupier or owner of premises which include a surface to which a notice has been affixed under subsection (1) (b) above may appeal to a magistrates' court on any of the following grounds:—
  - (a) that the sign is not detrimental to the amenity of the area and is not offensive;
  - (b) that there has been some informality, defect or error in, or in connection with, the notice;
  - (c) in the case of a notice under subsection (1) (a) above, that the notice should have been served on another person.
- (4) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
- (5) Where the grounds upon which an appeal under this section is brought include a ground specified in subsection (3) (c) above, the appellant shall serve a copy of his notice of appeal on each other person referred to therein.
- (6) Subject to such right of appeal as aforesaid, if the person required by the notice to remove or obliterate the sign fails to do so within the time thereby limited, the council may themselves remove or obliterate the sign.
- (7) Where there is a sign to which this subsection applies in the borough of a participating council on a surface to which this section applies and the owner or occupier of the premises which include that surface requests that council to remove or obliterate that sign, the council may do so and they may recover from the said owner or occupier the expenses reasonably incurred by them in so doing.
- (8) A sign to which subsection (7) of this section applies includes any writing, letter, picture, device or representation, and any advertisement within the meaning of the

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Act of 1990, other than an advertisement for the display of which deemed or express consent has been granted under the Act of 1990 or regulations made thereunder.

- (9) A surface to which this section applies is the surface of any building, wall, fence or other structure or erection, where that surface is readily visible from a place to which the public have access.

**13 For protection of British Railways Board, Railtrack PLC, British Waterways Board and London Regional Transport**

- (1) Subsection (5B) of section 225 of the Act of 1990 (as amended by section 10 (Placards and posters) of this Act) shall have effect in relation to any notice under that subsection served on a protected party in pursuance of subsection (5D) of that section as if for the period of two days specified in subsection (5B) there were substituted the period of 28 days.
- (2) Subsections (3) to (5) below apply where a participating council propose to exercise any power (hereinafter referred to as a “relevant power”) conferred by section 225 of the Act of 1990 (as amended by the said section 10) or section 11 (Unauthorised advertisement hoardings, etc.) or 12 (Defacement of buildings) of this Act to enter on any operational land of a protected party or to remove or obliterate a poster, placard, hoarding, structure or sign on that land or on any premises or surface of any such land.
- (3) Before exercising the relevant power the participating council shall serve not less than 28 days' notice in writing of their intention so to do on the relevant protected party specifying the placard, poster, hoarding, structure or sign concerned and its location.
- (4) The protected party on whom a notice under subsection (3) above is served may within the period of 28 days beginning with the day on which the notice is served serve a counter-notice on the participating council specifying conditions subject to which the relevant power is to be exercised, being reasonable conditions which are necessary or expedient in the interests of safety or the efficient and economic operation of the transport undertaking concerned or (where the protected party is the British Waterways Board) for the protection of any works, apparatus or other property not vested in the protected party which are lawfully present on, in, under or over the land upon which entry is proposed to be made.
- (5) Where a counter-notice is served under subsection (4) above the relevant power may only be exercised subject to and in accordance with the conditions in the counter-notice.
- (6) Before exercising any power conferred by section 225 of the Act of 1990 (as amended by the said section 10) or the said section 12 of this Act to remove or obliterate a placard, poster or sign from any surface on a bus shelter or other street furniture of a protected party (not being situated on operational land of the protected party), the participating council shall serve not less than 28 days' notice in writing of their intention so to do on the protected party specifying the bus shelter or other street furniture concerned.
- (7) Nothing in this section shall be taken as prejudicing the operation of section 225 (1) of the Act of 1990.
- (8) In this section—  
 “operational land” has the same meaning as in the Act of 1990; and

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“protected party” means the British Railways Board, Railtrack PLC, the British Waterways Board or London Regional Transport or any of their subsidiaries (as defined by section 736 of the Companies Act 1985).