



# London Local Authorities Act 2004

## 2004 CHAPTER i

### PART 3

#### PUBLIC HEALTH AND THE ENVIRONMENT

#### 12 Defacement of buildings

- (1) Section 12 (Defacement of buildings) of the [London Local Authorities Act 1995 \(c. x\)](#) is amended in accordance with this section.
- (2) In subsections (1)(a), (1)(b), (3) and (7) the words “, apparatus or plant” are inserted after “premises”.
- (3) In subsection (6), at the end, the words “and, subject to subsection (6A) below, they may recover from the said person the expenses reasonably incurred by them in so doing” are inserted.
- (4) After subsection (6) the following subsections are inserted—
  - “(6A) The council may not recover their expenses under subsection (6) above in respect of a sign on a surface to which this section applies if the surface—
    - (a) forms part of a flat or a dwellinghouse; or
    - (b) is within the curtilage of or forms part of the boundary of the curtilage of a dwellinghouse.
  - (6B) In proceedings by the council against the person served with the notice for the recovery of any expenses which the council are entitled to recover from that person, it shall not be open to that person to raise any question which could have been raised on an appeal under this section.
  - (6C) Sections 291 and 293 of the Public Health Act [1936 \(c. 49\)](#) shall have effect as if references therein to that Act included references to this section.
  - (6D) No council shall exercise their powers to recover expenses from any person under subsection (6) above until a code of practice dealing with the exercise of those powers has been published by a joint committee.”.

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**Status:** This is the original version (as it was originally enacted).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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(5) In subsection (9), the words “premises, apparatus or plant” are substituted for “building, wall, fence or other structure or erection”.

(6) After subsection (9) the following subsection is inserted—

“(10) In this section—

“dwellinghouse” does not include a building containing one or more flats, or a flat contained within such a building;

“flat” means a separate and self-contained set of premises constructed or adapted for use for the purpose of a dwelling and forming part of a building from some other part of which it is divided horizontally;

“joint committee” means any joint committee established under section 101(5) of the Local Government Act 1972 (c. 70) and comprising at least one member from each borough council;

“premises” means building, wall, fence or other structure or erection.”.