



Transport for London Act 2008

2008 CHAPTER i

PART 5

STREET MANAGEMENT

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 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

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- (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
- (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—

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- (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 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.

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- (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).