



# Transport for London Act 2008

## 2008 CHAPTER i

### PART 5

#### STREET MANAGEMENT

#### **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—
  - (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.

---

*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

---

- (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	<a href="#">Transport for London Act 2008 (c. i)</a>	35(3)	Failure to comply with notice requiring works to prevent soil or refuse escaping onto street or into sewer.
----	------------------------------------------------------	-------	-------------------------------------------------------------------------------------------------------------

- (8) Nothing in this section shall affect the operation of section 151 of the 1980 Act.