Transport for London Act 2008

2008 CHAPTER i

PART 5

STREET MANAGEMENT

Provision of amenities or services on certain GLA roads

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.

(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.