



# London Local Authorities and Transport for London Act 2013

## 2013 CHAPTER v

An Act to confer further powers upon local authorities in London and upon Transport for London; and for related purposes. [18th December 2013]

### WHEREAS—

- (1) It is expedient that the law relating to the attachment of street lamps and signs to buildings in London should be altered:
- (2) It is expedient that provision should be made about damage caused to highways by persons carrying out development in London:
- (3) It is expedient that the London authorities should have further powers to control builders' skips placed on the highway:
- (4) It is expedient that provision be made in London in relation to gates placed in roads by London authorities:
- (5) It is expedient that London authorities have power to provide charging points for electric vehicles on the highway:
- (6) It is expedient that the other provisions contained in this Act should be enacted:
- (7) The objects of this Act cannot be attained without the authority of Parliament:
- (8) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 and the other London borough councils have complied with the requirements of section 87 of the Local Government Act 1985:
- (9) In relation to the promotion of the Bill for this Act Transport for London have complied with the requirements of section 167 of and Schedule 13 to the Greater London Authority Act 1999:
- (10) In relation to the promotion of the Bill the London borough councils have acted through their representation in London Councils, a statutory joint committee whose membership is made up from members of all the London borough councils:

May it therefore please your Majesty that it may be enacted, and be it enacted, by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal,

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and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

## PART 1

### PRELIMINARY

#### 1 Citation and commencement

- (1) This Act may be cited as the London Local Authorities and Transport for London Act 2013.
- (2) This Act, except the provisions mentioned in subsection (3) shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (3) The following provisions shall come into operation on the appointed day—
  - (a) sections 4 (except subsection (13)) and 5;
  - (b) Part 3.

#### 2 Interpretation

- (1) In this Act—
  - “the 1980 Act” means the Highways Act 1980;
  - “borough council” means London borough council and includes the Common Council of the City of London in its capacity as a local authority;
  - “joint committee” means, except in section 4, any joint committee established under section 101(5) of the Local Government Act 1972 and comprising at least one member from each borough council and at least one person appointed by Transport for London;
  - “London authority” means a borough council or Transport for London, as the case may be;
  - “relevant highway authority” means—
    - (a) a borough council, as respects highways for which they are the highway authority;
    - (b) Transport for London, as respects highways for which they are the highway authority.

#### 3 Appointed day

- (1) In section 1(3) “the appointed day” means such day as may be fixed as regards the provisions mentioned in that section—
  - (a) by a decision of Transport for London; or
  - (b) by resolution of a borough council,
 as the case may be, subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for the purpose of the application of the provisions mentioned in section 1(3) to different areas.

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- (3) Different days may be fixed under this section for the purpose of the application of the provisions mentioned in section 1(3) to an area.
- (4) The London authority in question shall cause to be published in a local newspaper circulating in their area and in the London Gazette, notice—
  - (a) of the passing of any such resolution or taking of any such decision under this section and of the day fixed by the resolution or decision; and
  - (b) of the general effect of the provisions coming into operation on that day, and the day so fixed shall not be earlier than the expiration of one month from the publication of the notice in the London Gazette.
- (5) A document certified by the officer appointed for that purpose by the London authority in question to be a true reproduction of a page or part of a page of any such newspaper or London Gazette—
  - (a) bearing the date of its publication; and
  - (b) containing any such notice,shall be evidence of the publication of the notice and of the date of publication.

## PART 2

### HIGHWAYS: MISCELLANEOUS

#### 4 Attachment of street lamps and signs to buildings

- (1) In its application to the area of any borough council except the Common Council of the City of London (“the Common Council”), section 45 of the Public Health Act 1961 (attachment of street lamps to buildings) shall be modified by the omission of subsections (2), (3) and (8).
- (2) In its application to the areas of the London authorities except the Common Council, section 74 of the Road Traffic Regulation Act 1984 (affixing of traffic signs to walls) shall be modified by—
  - (a) the omission of subsections (3) and (4);
  - (b) the substitution for subsection (6) of—
    - “(6) If the owner of a building suffers damage by, or in consequence of, the affixing to the building of a traffic sign by a council, or by or in consequence of the exercise of the rights conferred by subsection (5) (a) of this section, he shall be entitled to be paid by the council compensation to be determined in case of dispute by the Upper Tribunal, and, so far as the compensation is properly to be calculated by reference to the depreciation of the value of his interest in the building, Rules 2 to 4 of the Rules set out in section 5 of the [Land Compensation Act 1961 \(c. 33\)](#), shall apply.”;
  - (c) the omission of the definition of “appropriate authority” in subsection (9).
- (3) Under the said section 45 or the said section 74 as modified by this section a London authority shall not affix anything to a building that does not form part of the operational land of a statutory undertaker unless they have complied with the requirements of subsections (4) to (8).

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- (4) Not less than 56 days before the London authority propose to begin the work to affix an attachment or a traffic sign to a building they shall serve notice in writing on the relevant owner of the building of their proposal to affix it.
- (5) The notice shall—
  - (a) state that the authority propose to affix an attachment or a traffic sign to the building;
  - (b) describe the attachment or traffic sign, giving its approximate dimensions;
  - (c) specify where on the building the authority propose to affix it and the means by which it is to be fixed;
  - (d) specify the date, or the earliest date, on which the authority propose to begin the work;
  - (e) specify a period of not less than 42 days from the date of service of the notice during which the relevant owner may make representations to the authority about the proposal;
  - (f) inform the relevant owner of his rights to compensation for damage which might be suffered by or in consequence of the affixing of the attachment or traffic sign;
  - (g) inform the relevant owner that if no representations are made within the period specified in the notice for doing so the authority may proceed with their proposal without further notice.
- (6) If a notice specifies an earliest date under subsection (5)(d), the authority may not begin the work after the expiry of four months beginning with that date (but that does not prevent the authority from serving a fresh notice).
- (7) The London authority shall, having considered any representations made by the relevant owner within the period specified in the notice served under subsection (4), decide—
  - (a) to proceed with their proposal;
  - (b) to proceed with their proposal modified to take account of any representations made;
  - (c) not to proceed with their proposal.
- (8) If the relevant owner has made representations the London authority shall serve notice on him of its decision.
- (9) Under the said section 45 or the said section 74 as modified by this section a London authority shall not affix anything to a building that forms part of the operational land of a statutory undertaker without the written consent of the statutory undertaker in question.
- (10) Consent may be given subject to reasonable conditions (including the payment of reasonable expenses in dealing with the request for the consent, but no other payment) and shall not be unreasonably withheld.
- (11) Where—
  - (a) a London authority serves on a statutory undertaker a notice requesting that undertaker's consent under subsection (9) to the affixing of anything to a building; and

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- (b) the statutory undertaker does not within the period of 56 days beginning with the date upon which the notice is served give their consent unconditionally or give it subject to conditions or refuse it,  
the consent shall be deemed to have been withheld.
- (12) Where, in the opinion of a London authority, a consent required under subsection (9) for the affixing of anything to a building is unreasonably withheld or given subject to unreasonable conditions, the London authority may apply to the magistrates' court, who may either—
- (a) allow the thing in question to be affixed subject to such conditions, if any, as it thinks fit; or
  - (b) disallow the application.
- (13) A London authority may not, under section 3, appoint a day for the purposes of this section until a code of practice dealing with the exercise of the powers of the said section 45 and the said section 74 as modified by this section has been published by a joint committee.
- (14) This section and section 5 shall not apply in respect of a theatre.
- (15) In this section—
- “attachment” has the same meaning as in section 45 of the Public Health Act 1961;
  - “building” includes any structure and a bridge or aqueduct;
  - “joint committee” means any joint committee established under section 101(5) of the Local Government Act 1972 and comprising at least—
    - (a) one person appointed by Transport for London; and
    - (b) one member of each borough council other than the Common Council (and for the purposes of this section, the joint committee may include a member of the Common Council, but that member shall not be entitled to a vote);
  - “operational land” has the same meaning as in the Town and Country Planning Act 1990;
  - “relevant owner”—
    - (a) in relation to a building occupied by a person under a lease or tenancy having an unexpired term of five years or more, means that person; or
    - (b) in relation to any other building, means the person for the time being receiving the rack rent of the building whether on his own account or as agent or trustee for any other person, or who would so receive it if the building were let at a rack rent;
  - “statutory undertaker” has the same meaning as in section 262(1) of the Town and Country Planning Act 1990;
  - “theatre” means any building or part of a building used wholly or mainly for the public performance of plays and “public performance” and “play” have the same meanings as in the Theatres Act 1968, but with the words “dance performance” substituted for “ballet”;
  - “traffic sign” has the same meaning as in section 74 of the Road Traffic Regulation Act 1984.

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## 5 Service of notices under section 4

- (1) A notice under section 4(4), (8) or (11)(a) may be served by post.
- (2) Where the person on whom a notice to be served is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.
- (3) For the purposes of section 7 of the Interpretation Act 1978 as it applies for the purposes of this section, the proper address of any person in relation to the service on him of a notice under subsection (1) is, if he has given an address for service, that address, and otherwise—
  - (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
  - (b) in any other case, his last known address at the time of service.
- (4) If, for the purposes of serving a notice under section 4(4) the name or address of the relevant owner cannot be ascertained after reasonable enquiry, the notice may be served by—
  - (a) addressing it to him by name or by the description of “owner” of the land (describing it); and
  - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.
- (5) This section shall not be taken to exclude the employment of any method of service not expressly provided for by it.

## 6 Damage to highways in consequence of adjacent works

The 1980 Act shall apply in Greater London as though for section 133 (damage to footways of streets by excavations) and its heading there were substituted—

### “133 Damage to highway by carrying out of works

If a highway maintainable at the public expense is damaged by or in consequence of any works on land adjacent to the highway, the highway authority for the highway may make good the damage and recover the expenses reasonably incurred by them in doing so from—

- (a) the owner of the land in question; or
- (b) the person carrying out the works; or
- (c) the person on whose behalf the works were carried out.”.

## PART 3

### BUILDERS' SKIPS

## 7 Interpretation of Part 3

In this Part—

“the 2007 Act” means the London Local Authorities Act 2007;

“builder's skip” has the same meaning as in section 139(11) of the 1980 Act;

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“immobilisation device” means any device or appliance designed or adapted to be fixed to a builder's skip for the purpose of preventing it from being moved;  
“owner” in relation to a builder's skip, is to be construed in accordance with section 139(11) of the 1980 Act.

## **8 Identifying the “owner” of a builder's skip**

- (1) A relevant highway authority may, for the purposes of identifying who is responsible for paying a penalty charge for the purposes of section 61 of the 2007 Act as applied by virtue of section 9, require the relevant person to provide them with the name and address of the owner of the builder's skip.
- (2) In subsection (1), the “relevant person” is—
  - (a) if a permission was given to a person in respect of the skip in question under section 139(1) of the 1980 Act and the penalty charge became payable during the period of the permission, that person;
  - (b) if different from the person mentioned in paragraph (a) (if there is such a person), the person who the relevant highway authority have reason to believe—
    - (i) in the case of a builder's skip that is the subject of a hiring agreement for a hire of not less than one month, the person from whom the skip was hired; and
    - (ii) in the case of a builder's skip that is the subject of a hire purchase agreement, the bailor under that agreement.
- (3) The person identified by the relevant person shall be an individual, a body corporate, an unincorporated association or other body that is capable of being sued.
- (4) A requirement under this section shall specify the period within which it must be complied with, which must be a period no shorter than 14 working days beginning with the date on which the request was made.
- (5) A person on whom a requirement is imposed under this section commits an offence if—
  - (a) without reasonable excuse he fails to comply within the period specified in accordance with subsection (4);
  - (b) in responding to the requirement he gives information that he knows is false in a material particular.
- (6) A person convicted of an offence under subsection (5) is liable on summary conviction—
  - (a) in the case of an offence under paragraph (a) to a fine not exceeding level 3 on the standard scale;
  - (b) in the case of an offence under paragraph (b) to a fine not exceeding level 5 on the standard scale.

## **9 Builders' skips: penalty charge provisions**

- (1) This section is a penalty charge provision for the purposes of section 61 of the 2007 Act (penalty charges).
- (2) Part 4 of the 2007 Act shall have effect so far as that Part applies by virtue of this section being designated as a penalty charge provision as mentioned in subsection (1)

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as if for references to a borough council there were substituted references to a relevant highway authority within the meaning of this Act.

- (3) A penalty charge is payable to a relevant highway authority for the purposes of the said section 61 if—
- (a) a builder's skip is deposited on a highway without a permission granted under section 139 of the 1980 Act (control of builders' skips);
  - (b) a builder's skip has been deposited on a highway in accordance with a permission granted under the said section 139 but the owner of the skip does not secure that—
    - (i) the skip is properly lighted during the hours of darkness;
    - (ii) the skip is marked or lighted in accordance with regulations made under the said section 139 requiring builders' skips to be so marked or lighted;
    - (iii) the skip is clearly and indelibly marked with the owner's name and with his telephone number or address;
    - (iv) the skip is removed as soon as practicable after it has been filled;
    - (v) each of the conditions subject to which the permission was granted is complied with;
  - (c) the owner of a builder's skip who, under subsection (2) of section 140 of the 1980 Act (removal of builders' skips), is required to remove or reposition the skip or cause it to be removed or repositioned has failed to comply with the requirement as soon as is practicable.
- (4) For the purposes of the said section 61 of the 2007 Act as it applies in respect of penalty charges payable under that section by virtue of subsection (3), a penalty charge is payable to a relevant highway authority by the owner of the builder's skip in respect of which the contravention of the relevant provision in question is alleged to have occurred.
- (5) The owner of the builder's skip is the appropriate recipient for the purposes of the said section 61.
- (6) For the purposes of section 62(1) of the 2007 Act (representations and appeals) the grounds on which representations may be made against a penalty charge notice arising from a penalty charge payable by virtue of this section are—
- (a) that the recipient—
    - (i) never was the owner of the builder's skip in question;
    - (ii) had ceased to be the owner before the date on which the penalty charge was alleged to have become payable;
    - (iii) became the owner after that date;
  - (b) that there was no contravention of the relevant provision in question and in respect of which the penalty charge notice was issued;
  - (c) that the penalty charge exceeded the amount applicable in the circumstances of the case;
  - (d) that the contravention of the relevant provision in question was due to the act or default of another person and that he took all precautions and exercised all due diligence to avoid the contravention by himself or another person under his control.
- (7) Where any of the grounds mentioned in subsection (6)(a) is relied on in any representations made under the said section 62(1), those representations must include a

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statement of the name and address of the owner (if that information is in the recipient's possession).

- (8) Where the ground mentioned in subsection (6)(d) is relied on in any representations made under the said section 62(1), the relevant highway authority may disregard the representations unless, before the representations are considered, the person making the representations has served on the relevant highway authority a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.
- (9) Subsections (3) to (7) of section 139 and subsection (3) of section 140 of the 1980 Act (offences related to builders' skips) cease to have effect in Greater London.
- (10) Section 140(9) of the 1980 Act in its application to Greater London, is amended by the substitution for “guilty of an offence under section 139(4) above of failing” of the words “liable to pay a penalty charge under section 9 of the London Local Authorities and Transport for London Act 2013 in relation to the failure”.
- (11) The entries numbered 4 to 9 in the table contained in Schedule 4 to the London Local Authorities and Transport for London Act 2003 are repealed.

## **10 Builders' skips: requirements as to lighting and guarding**

Conditions of the type referred to in section 139(2)(e) of the 1980 Act to which a permission under section 139 of the 1980 Act may be made subject, may include conditions that builders' skips have a light or lights or a guard or system of guarding that is or are an integral part of the skip.

## **11 Builders' skips: provision of lighting and covering by highway authority**

- (1) Subsection (2) applies if a builder's skip is found by a relevant highway authority to be deposited on a highway in Greater London and the skip—
  - (a) is not lighted or covered in accordance with the conditions of a permission under section 139 of the 1980 Act;
  - (b) was deposited without a permission under that section having been obtained; or
  - (c) is not properly lighted during the hours of darkness (or is not marked in accordance with regulations made under section 139(4)(a) of the 1980 Act).
- (2) Where this section applies, the relevant highway authority in question may themselves light, cover or mark the skip or cause it to be lighted, covered or marked.
- (3) Any expenses reasonably incurred by a relevant highway authority in the lighting, covering or marking of a skip under subsection (2) may be recovered from the owner of the skip in any court of competent jurisdiction or summarily as a civil debt.
- (4) The owner of a skip is not liable to pay a penalty charge under section 9 in relation to a failure to secure that a condition or requirement relating to the lighting, covering or marking of the skip was complied with if the failure resulted from the lighting, covering or marking of the skip under subsection (2).

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## **12 Builders' skips: immobilisation devices**

- (1) Where a penalty charge notice has been served in accordance with section 61 of the 2007 Act in relation to a penalty charge payable under section 9(3), an authorised officer of the relevant highway authority or a person acting under his direction may fix an immobilisation device to the builder's skip concerned while it remains in the place where it was found.
- (2) On any occasion when an immobilisation device is fixed to a skip in accordance with this section, the person fixing the device shall also fix to the skip a notice—
  - (a) indicating that such a device has been fixed to the skip and warning that no attempt should be made to move it until it has been released from that device;
  - (b) specifying the steps to be taken in order to secure its release; and
  - (c) warning that unlawful removal of an immobilisation device is an offence.
- (3) A notice fixed to a skip in accordance with this section shall not be removed or interfered with except by or under the authority of—
  - (a) the owner of the skip; or
  - (b) the relevant highway authority.
- (4) A person contravening subsection (3) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (5) Any person who, without being authorised to do so in accordance with this section, removes or attempts to remove an immobilisation device fixed to a skip in accordance with this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## **13 Release of immobilised skips**

- (1) A skip to which an immobilisation device has been fixed in accordance with section 12 may only be released from that device by or under the direction of a person authorised by the relevant highway authority to give such a direction.
- (2) Subject to subsection (1), such a skip shall be released from the device on payment in any manner specified in the notice fixed to the skip under section 12(2) of—
  - (a) the penalty charge payable in respect of the contravention in question; and
  - (b) such charge in respect of the release as may be prescribed by a joint committee.
- (3) Section 66(2), (4) and (5) (levels of penalty charge) and section 67 (penalty charges: reserve powers of Secretary of State) of the 2007 Act shall apply in relation to the levels of charge prescribed by a joint committee under subsection (2) as they apply in relation to the levels of penalty charges set by borough councils under section 66(1) of that Act.

## **14 Appeals in relation to immobilisation**

- (1) If the owner of a skip makes representations under section 62(1) of the 2007 Act to a relevant highway authority in an immobilisation case, and the relevant highway authority accepts that a ground specified in section 9(6) applies, it shall, when it serves notice that it accepts that ground, refund (in addition to a sum representing the penalty charge paid) a sum representing the amount of any charge paid under section 13(2)(b).

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- (2) If the owner of a skip appeals to an adjudicator under section 62 of the 2007 Act (or regulations made under that section) in an immobilisation case, and the adjudicator accepts that a ground specified in section 9(6) applies the adjudicator shall direct the relevant highway authority to refund (in addition to a sum representing the penalty charge paid) a sum representing the amount of any charge paid under section 13(2)(b).
- (3) It shall be the duty of a relevant highway authority to which a direction is given under subsection (2) to comply with it forthwith.
- (4) In this section an “immobilisation case” means a case where a penalty charge notice has been served in accordance with section 61 of the 2007 Act in relation to a penalty charge payable under section 9(3) and an immobilisation device has been fixed to the skip under section 12.

## **PART 4**

### **ROAD TRAFFIC**

#### **15 Gated roads**

- (1) Any person who opens, closes or otherwise operates or interferes with a relevant barrier without lawful excuse shall be guilty of an offence and liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.
- (2) In subsection (1) a “relevant barrier” means any barrier lawfully placed in, on or over a highway by or on behalf of a traffic authority in London for the purpose of preventing or restricting the passage of vehicles or any class of vehicles into, out of or along a highway.

## **PART 5**

### **CHARGING POINTS FOR ELECTRIC VEHICLES**

#### **16 Charging points for electric vehicles**

- (1) A London authority may provide and operate charging apparatus for electrically powered motor vehicles—
  - (a) in any public off-street car park under the management and control of the authority;
  - (b) on any highway for which they are responsible as highway authority.
- (2) A London authority may grant a person permission to provide or operate charging apparatus for electrically powered motor vehicles—
  - (a) in any public off-street car park under the management and control of the authority;
  - (b) on any highway for which they are responsible as highway authority.
- (3) For the purposes of this Part, a person to whom permission is granted under subsection (2) is referred to as an “authorised person”.

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- (4) Section 115D of the 1980 Act (limit on powers to provide amenities on the highway) shall apply in relation to the exercise of the powers under this section by a London authority as it applies in relation to the exercise of powers under sections 115B and 115C of that Act by a council.
- (5) No charging apparatus may be provided on a local Act walkway unless walkway consent has been obtained first.
- (6) Subject to subsection (7), a London authority may grant a permission under subsection (2) upon such conditions as they think fit, including conditions requiring the payment to the authority of such reasonable charges as they may determine.
- (7) Nothing in this section—
- (a) is to be taken as authorising the creation of a nuisance or of a danger to users of a highway or a public off-street car park; or
  - (b) (in relation to permissions granted under subsection (2)) is to be taken as imposing on a London authority by whom a permission has been granted any liability for injury, damage or loss resulting from the presence on a highway or public off-street car park of the charging apparatus to which the permission relates; or
  - (c) is to be taken as imposing on a London authority any liability for injury, damage or loss resulting from the presence on a highway or public offstreet car park of a connecting cable; or
  - (d) shall prejudice the right of a London authority to require an indemnity against any claim in respect of injury, damage or loss arising out of the grant of a permission granted under subsection (2),
- but paragraph (d) is not to be taken as requiring any person to indemnify a London authority against any claim in respect of injury, damage or loss which is attributable to the negligence of the London authority.
- (8) For the purposes of determining, in any proceedings in a court of civil jurisdiction, who is liable for injury, damage or loss resulting from the presence on a highway or public off-street car park of a connecting cable at or near charging apparatus provided under this section, it shall be presumed that the person in charge of the relevant vehicle at the relevant time had responsibility for and control of the cable.
- (9) In subsection (8)—
- “the relevant vehicle” means the vehicle in respect of which the connecting cable was about to be, was being or had been used for charging;
- “the relevant time” means the time when the liability arose.
- (10) This section is without prejudice to section 162 of the 1980 Act (penalty for placing rope, etc. across highway).
- (11) In this section—
- “charging apparatus” includes any fixed equipment but excludes any connecting cable or wire which is not provided by the authority;
- “connecting cable” means any cable or wire, whether provided by the authority or otherwise, used to connect the charging apparatus to a vehicle and that is not permanently attached to the charging apparatus;
- “local Act walkway” and “walkway consent” have the same meanings as in section 115A of the 1980 Act;

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“operate” in relation to charging apparatus for electronically powered motor vehicles includes supply or sell electricity by means of such charging apparatus;

“public off-street carpark” means a place, whether above or below ground and whether or not consisting of or including buildings, where off-street parking accommodation is made available to the public, whether or not for payment.

## **17 Notices to be given before exercise of powers under section 16**

- (1) Subject to subsection (5), a London authority shall not exercise any power conferred by section 16(1) unless they have first published a notice under this section.
- (2) An authorised person shall not provide or operate charging apparatus in accordance with a permission given under section 16(2) unless the authorised person has first published a notice under this section.
- (3) A London authority or an authorised person, as the case may be, 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 the London authority or the authorised person to be likely to be materially affected.
- (4) A notice under this section—
  - (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 the London authority or authorised person.
- (5) Where a London authority have or an authorised person has published a notice under this section, they shall not exercise the power or grant the permission to which the notice relates until they have taken into consideration all representations made to them in connection with the proposal within the period specified in the notice.
- (6) In this section “the proposal” means the proposal to provide or operate charging apparatus.

## **18 Duties to consult or obtain consent of other authorities**

- (1) A London authority shall not exercise any power conferred by section 16(1) unless they have consulted any authority other than themselves who are a local planning authority, as defined in the Town and Country Planning Act 1990 for the area in which they propose to exercise the power.
- (2) An authorised person shall not provide or operate charging apparatus in accordance with a permission given under section 16(2) unless the authorised person has consulted any authority (other than the London authority who gave the permission) who are a local planning authority for the area to which the proposed permission relates.
- (3) Consultation carried out by an authorised person before that person was given a permission under section 16(2) counts as consultation for the purposes of subsection (2).

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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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- (4) Where a highway to which this Part of this Act applies is maintained by a relevant railway undertaker, a London authority shall not exercise any power conferred by section 16(1) or grant a permission in relation to it under section 16(2) except with the consent of the relevant railway undertaker.
- (5) In this section, “relevant railway undertaker” means—
- (a) Network Rail Infrastructure Limited;
  - (b) London Underground Limited; or
  - (c) any of their subsidiaries (within the meaning given by section 1159 of the Companies Act 2006).

## **19 Offence of unlawful use of charging point**

- (1) A person shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale if he uses charging apparatus in contravention of a sign displayed on the apparatus which indicates that—
- (a) the apparatus is not to be used for any purpose other than charging a vehicle; and
  - (b) it is an offence to so use the apparatus.
- (2) A person is not guilty of an offence under subsection (1) if—
- (a) he had the permission of the person who operated the charging apparatus at the time to use the charging apparatus for the purpose in question; or
  - (b) he had reasonable cause to believe he had such permission; or
  - (c) at the time there was on the charging apparatus an indication given by the person who operated the charging apparatus that it could be used for the purpose for which it was used.

## **PART 6**

### LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2008

## **20 Repeal of provision in and minor amendment to 2008 Act**

- (1) Section 6 of the London Local Authorities and Transport for London Act 2008 (limitation on service of notice to owner: parking) is repealed.
- (2) In section 7(2)(b) of that Act (limitation on service of notice to owner: road traffic contraventions), the word “may” is omitted.