



London Local Authorities Act 1996

1996 CHAPTER ix

PART V

MISCELLANEOUS

24 Application of Environmental Protection Act 1990

The Environmental Protection Act 1990 shall have effect in a borough as though—

- (1) in section 79 (which relates to statutory nuisances and inspections therefor)—
 - (a) in subsection (1), after paragraph (ga) there were inserted the following paragraph:—

“(gb) smoke, fumes or gases emitted from any vehicle, machinery or equipment on a street so as to be prejudicial to health or a nuisance other than from any vehicle, machinery or equipment being used for fire brigade purposes;”;
 - (b) after subsection (6A) there were inserted the following subsection:—

“(6B) Subsection (1) (gb) above does not apply in relation to smoke, fumes or gases emitted from the exhaust system of a vehicle.”; and
 - (c) in subsection (7), after the definition of “street” there were inserted—

““vehicle” means a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer;”;
- (2) in section 80A (1), after “section 79 (1) (ga)” there were inserted “or (gb)”.

25 Amendment of London Local Authorities Act 1991

- (1) Section 23 (Audible intruder alarms) of the London Local Authorities Act 1991 shall be amended as follows:—

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- (a) by the substitution, in subsections (1) (a) (i), (1) (b) (i) and (2) (a) for “fitted with a device” of the words “fitted with a working device”;
 - (b) by the insertion, after subsection (6), of the following subsection:—
 - “(6A) An authorised officer may de-activate an alarm where, under subsection (7) below, he has been authorised to enter premises to do so.”; and
 - (c) by the insertion, in subsection (7) (a), after “operating” of the words “either continuously or intermittently,”;
 - (d) by the insertion, after subsection (11) of the following subsections:—
 - “(11A) Where any premises are entered by virtue of subsection (7) above in a case where the occupier of those premises is convicted of an offence under subsection (6) above in respect of the premises any expenses reasonably incurred by the council in connection with the entry, turning off the alarm or complying with subsection (10) above may be recovered by the council from that occupier.
 - (11B) Nothing done by, or by a member of, a borough council or by an officer of or another person authorised by a borough council shall, if done in good faith for the purposes of this section, subject them or any of them personally to any action, liability, claim or demand whatsoever, other than any liability under section 19 or 20 of the Local Government Finance Act 1982.”.
- (2) The said section 23 shall apply additionally to the City of London, and references in that section to “borough” and “council” shall be construed as including references to the City of London and to the Common Council of the City of London.

26 Public charitable collections

- (1) Subsection (2) of section 21 (Interpretation of Part III) of the London Local Authorities Act 1990 shall be amended by the substitution of the following paragraph for paragraph (h):—
 - “(h) the doing of anything authorised by any permit or order under Part III of the Charities Act 1992;”.
- (2) This section shall come into operation on the day Part III of the Charities Act 1992 comes into operation.

27 Application of London Local Authorities Act 1995 to Tower Hamlets

The definition of “participating council” in section 2 (Interpretation) of the London Local Authorities Act 1995 shall be amended by the deletion of the words “other than Tower Hamlets”.

28 Obstruction of authorised officer

- (1) Any person who—
 - (a) intentionally obstructs any authorised officer acting in the exercise of his powers under this Act; or

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(b) without reasonable cause fails to give any authorised officer any assistance or information which the officer may reasonably require of him for the purposes of the exercise of the officer's functions under any provision of this Act; shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

- (2) Subsection (1) (b) above applies in relation to a constable as it applies in relation to an authorised officer.
- (3) A person shall be guilty of an offence if, in giving any information which is required of him by virtue of subsection (1) (b) above—
- (a) he makes any statement which he knows is false in a material particular; or
 - (b) he recklessly makes a statement which is false in a material particular.
- (4) A person guilty of an offence under subsection (3) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.

29 Defence of due diligence

- (1) In proceedings for an offence under this Act it shall be a defence for the person charged to prove that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.
- (2) If in any case the defence provided under subsection (1) above involves the allegation that the commission of the offence was due to the act or default of another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, no later than 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.

30 Liability of directors, etc

- (1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.
- (2) Where the affairs of the body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

31 Regulations

- (1) Any power to make regulations conferred by this Act shall be exercised by statutory instrument.
- (2) Any statutory instrument made under this Act shall be subject to annulment in pursuance of a resolution of either House of Parliament.