



# Greater London Council (General Powers) Act 1974

## 1974 CHAPTER xxiv

### PART I

#### PRELIMINARY

#### 1 Short title.

This Act may be cited as the Greater London Council (General Powers) Act 1974.

#### 2 Interpretation.

In this Act, except as otherwise expressly provided or unless the context otherwise requires—

“the Act of 1947” means the <sup>M1</sup>London County Council (General Powers) Act 1947;

“the Act of 1957” means the <sup>M2</sup>London County Council (General Powers) Act 1957;

“the Act of 1959” means the <sup>M3</sup>Highways Act 1959.

“the Act of 1967” means the <sup>M4</sup>Road Traffic Regulation Act 1967;

“the Act of 1971” means the <sup>M5</sup>Town and Country Planning Act 1971;

“the Act of 1972” means the <sup>M6</sup>Local Government Act 1972;

“the Act of 1973” means the <sup>M7</sup>Land Compensation Act 1973;

“area” in relation to the Council means Greater London and in relation to a borough council means the borough;

“borough” means the London Borough and “borough council” means London borough council;

“the Common Council” means the Common Council of the City of London;

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*Changes to legislation: There are currently no known outstanding effects for the  
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“the Council” means the Greater London Council;

“enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“local newspaper” includes any newspaper published in Greater London and circulating throughout the whole of Greater London (whether or not the newspaper also circulates outside Greater London);

“motor vehicle” has the same meaning as in the Act of 1967;

“road” has the same meaning as in the Act of 1967 and includes any length of road and any part of the width of a road;

“Secretary of State” means the Secretary of State for the Environment;

“statutory undertakers” means the Post Office, a water authority and the persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas, hydraulic power or water;

“street” includes any highway and any bridge carrying a highway, and any road, lane, mews, footpath, square, court, alley or passage, whether a thoroughfare or not, and also includes any part of a street;

“traffic sign” has the same meaning as in the Act of 1967;

and any reference to an enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any subsequent enactment including this Act.

**Marginal Citations**

<b>M1</b>	1947 c. xlvi.
<b>M2</b>	1957 c. xxxv.
<b>M3</b>	1959 c. 25.
<b>M4</b>	1967 c. 76.
<b>M5</b>	1971 c. 78.
<b>M6</b>	1972 c. 70.
<b>M7</b>	1973 c. 26.

**PART II**

PROVISIONS RELATING TO THE COUNCIL

*Park Lodge Farm*

<sup>x13</sup> **Interpretation of sections 4 to 6 of Act.**

In sections 4 to 6 of this Act—

“agriculture” and “agricultural” have the same meanings as in section 290 of the Act of 1971;

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“the appointed day” means such day as the Council may by resolution appoint for the purposes of section 4 (Use of farm) of this Act;

“the farm” means the lands and buildings in the borough of Hillingdon vested in the Council and known as Park Lodge Farm, shown coloured pink on the Park Lodge Farm signed plan and includes those lands and buildings as developed, enlarged or altered under section 5 (Ancillary powers of Council) or section 6 (Further exercise of powers of Council) of this Act;

“farming stock” has the same meaning as in section 5 of the <sup>M8</sup>Agricultural Credits Act 1928;

“the Park Lodge Farm signed plan” means the plan four copies of which have been signed by Richard Crawshaw the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited respectively in the office of the Clerk of the Parliaments, House of Lords, in the Private Bill office of the House of Commons, with the Director-General and Clerk to the Council and with the Chief Executive of the borough of Hillingdon;

“the Hillingdon Council” means the council for the borough of Hillingdon.

#### Editorial Information

- X1** The text of ss. 3–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991. These provisions have been amended by [S.I. 1986/2293](#). Parts of these provisions have been repealed by [S.I. 1986/2293](#)

#### Marginal Citations

- M8** 1928 c. 43.

#### <sup>X2</sup>4 Use of farm.

Notwithstanding the provisions of any enactment, agreement or instrument affecting the farm the Council may, in accordance with arrangements agreed with the Hillingdon Council or, in default of agreement, determined by the Secretary of State on the application of either party made after giving notice in writing to the other of them, as from the appointed day, use the farm for the purposes of agriculture and the promotion of matters agricultural interest, and for the purposes of education, recreation and leisure and may do all such things as they consider necessary or desirable for those purpose or in connection with the management and maintainance of the farm and may permit the use of the farm by members of the public for the purposes of this section and subject to such terms and conditions as the Council think fit.

#### Editorial Information

- X2** The text of ss. 3–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991. These provisions have been amended by [S.I. 1986/2293](#). Parts of these provisions have been repealed by [S.I. 1986/2293](#)

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### <sup>x3</sup>5 Ancillary powers of Council.

Without prejudice to the generality of the powers conferred on the Council by the last foregoing section, it shall be lawful for the Council in the exercise of their functions under that section to carry out or arrange for the carrying out of such of the following things as they consider necessary or desirable:—

- (a) the purchase or hire, or sale or other disposal of farming stock;
- (b) the provision of facilities and services for the enjoyment or convenience of the public, including the sale of souvenirs, books, food and foodstuffs and meals and refreshments of all kinds;
- (c) the levying of charges for admission to, or for the use of, any part of the farm or any of the buildings thereon or any of the facilities and services held or provided in connection therewith;
- (d) the letting of any part of the farm for any of the purposes of the last foregoing section, or of this section.

#### Editorial Information

- X3** The text of ss. 3–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991. These provisions have been amended by [S.I. 1986/2293](#). Parts of these provisions have been repealed by [S.I. 1986/2293](#)

### <sup>x4</sup>6 Further exercise of powers of Council.

The powers of the Council under section 4 (Use of farm) and section 5 (Ancillary powers of Council) of this Act may with the prior consent of the Secretary of State and with the agreement of the Hillingdon Council be exercised in respect of such lands and buildings adjacent to the farm and vested in the Council as the Council may by resolution determine and upon such determination the said lands and buildings shall for the purposes of those sections be part of the farm.

#### Editorial Information

- X4** The text of ss. 3–6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991. These provisions have been amended by [S.I. 1986/2293](#). Parts of these provisions have been repealed by [S.I. 1986/2293](#)

*Crystal Palace and park*

### <sup>x5</sup>7 Power to lease land for purpose of reservoir etc.

- (1) Notwithstanding the provisions of the Act of 1951 or of any other enactment the Council may, for the purpose of or in connection with the construction by the Authority of a reservoir and the execution of works and the provision of apparatus associated with the said reservoir, on such terms and conditions as may be agreed—
- (a) lease to the Authority all or any of the land to which this section applies;
  - (b) grant to the Authority such easements, rights, privileges or licences in respect of land within the Crystal Palace and park as may be required for—

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- (i) the construction, use, maintenance, renewal or removal of the said reservoir and works or the doing of any thing necessary or desirable in connection therewith; and
  - (ii) the laying down, erection, maintenance, repair, renewal or inspection of any apparatus which cannot reasonably be placed elsewhere.
- (2) The land to which this section applies is the land in the boroughs of Bromley and Southwark, shown coloured pink on the Crystal Palace signed plan, being vested in, controlled and managed by the Council under the Act of 1951 and forming part of the Crystal Palace and park.

(3) In this section—

“the Act of 1951” means the <sup>M9</sup>London County Council (Crystal Palace) Act 1951;

“apparatus” means mains, pipes, pumps, valves, hydrants, stop-cocks or other works or apparatus belonging to or maintained by the Authority;

“the Authority” means the Thames Water Authority;

“the Crystal Palace and park” has the same meaning as in the Act of 1951;

“the Crystal Palace signed plan” means the plan four copies of which have been signed by Richard Crawshaw the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited respectively in the office of the Clerk of the Parliaments, House of Lords, in the Private Bill Office of the House of Commons, with the Director-General and Clerk to the Council and with the Chief Executive of the Authority.

**Editorial Information**

**X5** The text of ss. 7, 22, Schs. 1–3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

**M9** 1951 c.xxviii.

*Traffic*

**8 Interpretation of sections 9 to 12 and duration of sections 9 to 11 of Act.**

- (1) For the avoidance of doubt, any references in sections 9 to 12 of this Act to the variation or revocation of an order under section 36 or 37 of the Act of 1967, or to the application of the provisions of an order under that section, shall include a reference to the variation or revocation, or (as the case may be) to the application of the provisions, of an order which has been continued in operation by virtue of paragraph 9 of Schedule 8 to the Act of 1967.
- (2) Sections 9, 10 and 11 of this Act shall cease to have effect on 31st December, 1979.

**F19**— .....

**11.**

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**Textual Amendments**

**F1** Ss. 9–11 cease to have effect on 31.12.1979 by virtue of [Greater London Council \(General Powers\) Act 1974 \(c. xxiv\), s. 8](#)

**F2** **12,** .....  
**13.**

**Textual Amendments**

**F2** Ss. 12, 13 repealed by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\), s. 146, Sch. 14](#)

**PART III**

PROVISIONS RELATING TO THE COUNCIL AND TO BOROUGH COUNCILS

*Highways*

**14 Further powers for highway authorities.**

- (1) Subject to subsection (4) of this section, section 82 of the Act of 1959 shall have effect, in its application to Greater London with the following modifications:—
- (a) any reference therein to the planting of trees and shrubs shall be construed as including the placing of containers in which to grow such trees and shrubs and the attaching of such containers either to posts or standards provided by the highway authority or, with the consent of the owner thereof, to any other posts or standards;
  - (b) any reference therein to a grass verge shall be construed as including a garden or space;
  - (c) the power in subsection (1) thereof to alter or remove any grass verge shall include a power to cut down or remove any tree, shrub or plant of any description or to remove any container.
- (2) A highway authority may in Greater London in any highway or on such other lands as are referred to in the said section 82 and sections 23 and 24 of the Act of 1973—
- (a) by notice prohibit persons from entering upon, or causing or permitting horses or cattle to enter upon, any grass verge laid out under any enactment and maintained in an ornamental condition or mown or any garden or space so laid out;
  - (b) by notice prohibit either entirely or subject to such conditions as may be specified in the notice the playing of any game on any grass verge, garden or space;
  - (c) by notice (which shall be a traffic sign) prohibit persons from causing or permitting motor vehicles to enter upon any such grass verge, garden or space not being a grass verge, garden or space falling within subsection (1) of the next following section or in respect of which the parking of vehicles is prohibited under or by virtue of any other enactment;

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and any such notice shall be conspicuously posted on or in proximity to the grass verge, garden or space to which it relates and any person who contravenes the provisions of such a notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding [<sup>F3</sup>£50].

- (3) In subsection (4) of section 33 (Improvement of roadside amenities etc., by borough councils) of the <sup>M10</sup>London County Council (General Powers) Act 1951, for the references to the provisions of section 38 (Trees, grass margins and gardens) of the London County Council (General Powers) Act 1955 so far as they relate to the planting, maintenance, cutting down and removal of trees there shall be substituted references to section 82 of the Act of 1959, to section 23 of the Act of 1973 and to this section so far as those sections relate to the planting, maintenance, cutting down and removal of trees:

Provided that no tree planted in pursuance of the said subsection (4) shall be cut down or removed by a borough council in the exercise of the powers conferred by the said sections 82 and 23 or this section without the consent of all persons interested in the land.

- (4) (a) In Part I (General enactments applied) of Schedule 1 to the Greater London Council (General Powers) Act 1969 in column (3) thereof there shall be inserted after the entry relating to subsections (2) and (3) of section 67 of the Act of 1959—

“Subsections (1), (5) and (6) of section 82 (Powers of highway and local authorities to plant trees, lay out grass verges, etc.)”

and in column (4) thereof there shall be inserted after that entry—

“For the words “highway authority” there shall be substituted the words “borough council”; for the words “highway maintainable at the public expense by them” there shall be substituted the word “walkway”; for the word “highway” there shall be substituted the word “walkway”; in subsection (6) after the words “conferred by” there shall be inserted the words “subsections (1) and (5)”; and for the words from “authority” to the end there shall be substituted the words “borough council”.”

- (b) In Part II (Local enactments applied) of the said Schedule 1 the entry relating to section 38 (Trees, grass margins and gardens) of the <sup>M11</sup>London County Council (General Powers) Act 1955 shall be deleted.
- (5) (a) The enactments specified in Part II of Schedule 2 to this Act are hereby repealed.
- (b) The enactments specified in Part I of Schedule 3 to this Act are hereby repealed so far as they relate to any part of Greater London.
- (6) In this section “highway authority” means the Council in respect of all metropolitan roads and a borough council or the Common Council, as the case may be, in respect of all highways in their area, whether or not maintainable at the public expense, which are not for the time being metropolitan roads or highways for which under subsection (1) of section 1 of the Act of 1959 the Secretary of State is the highway authority.
- (7) (a) Nothing in this section shall affect the rights of statutory undertakers with respect to apparatus (including the placing of apparatus) in any such grass verge, garden or space as is referred to in subsection (2) of this section.

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- (b) Except as may otherwise be agreed with a statutory undertaker, a highway authority or (in a case to which section 82 of the Act of 1959 applies by virtue of section 29 (Application to walkways of certain enactments) of the <sup>M12</sup>Greater London Council (General Powers) Act 1969), a borough council shall so exercise the powers conferred by the said section 82 as to avoid, so far as is reasonably practicable, obstructing or rendering less convenient the access to any apparatus.
- (c) In this subsection “apparatus” means any apparatus belonging to statutory undertakers or for the maintenance of which they are responsible (including any structure for the lodging therein of apparatus) and includes any apparatus belonging to the British Railways Board [<sup>F4</sup>London Regional Transport or any subsidiary of London Regional Transport (within the meaning of the London Regional Transport Act 1984)] or for the maintenance of which [<sup>F5</sup>that Board or (as the case may be) London Regional Transport or that subsidiary is] responsible.

#### Textual Amendments

- F3** Sum in s. 14(2) substituted by [Greater London Council \(General Powers\) Act 1983 \(c. iii\), s. 3, Sch.](#)
- F4** Words in s. 14(7)(c) substituted by [London Regional Transport Act 1984 \(c. 32\), s. 71\(3\)\(a\), Sch. 6 para. 37\(a\)](#)
- F5** Words in s. 14(7)(c) substituted by [London Regional Transport Act 1984 \(c. 32\), s. 71\(3\)\(a\), Sch. 6 para. 37\(b\)](#)

#### Marginal Citations

- M10** 1951 c. xli.
- M11** 1955 c. xxix.
- M12** 1969 c. lii.

## 15 As to parking on footways, grass verges, etc.

- (1) Subject to subsections (3), (4), (7) and (11) of this section and without prejudice to the provisions of any other enactment, any person who, on or after the appointed day in or on any urban road in Greater London parks a vehicle so that one or more of its wheels is resting on—
- (a) any footway;
  - (b) any land (not being a footway) which is situated between two carriageways in any such road; or
  - (c) any grass verge, garden or space not falling within the foregoing paragraph (a) or (b);
- shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F6</sup>level 1 on the standard scale].
- (2) (a) An offence committed under the foregoing subsection shall be deemed, for the purposes of [<sup>F7</sup>Schedule 12 to the Road Traffic Regulation Act 1984], to be an offence committed in respect of a vehicle by its being left or parked in a road.
- (b) For the purposes of [<sup>F8</sup>section 172 of the Road Traffic Act 1988 and sections 11 and 12 of the Road Traffic Offenders Act 1988 (duty to give information about drivers and admissibility of certain evidence)] or section 17 (Duty to give information in certain cases) of the <sup>M13</sup>Greater London Council (General Powers) Act 1972, an offence committed under the foregoing subsection shall



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- be deemed to be an offence against an enactment relating to the use of vehicles on roads.
- (c) A local authority may prosecute in respect of any offence under the foregoing subsection which is committed in its area.
- (3) A person shall not be convicted of an offence under this section with respect to a vehicle if he proves to the satisfaction of the court that the vehicle was parked—
- (a) in accordance with permission given by a constable in uniform; or
- (b) for the purpose of saving life or extinguishing a fire or meeting any other emergency; or
- (c) for the purpose of rendering assistance at the scene of an accident or a bona fide breakdown involving one or more vehicles, and—
- (i) such assistance could not have been safely or satisfactorily rendered if the vehicle had not been so parked; and
- (ii) the vehicle was not left unattended at any time while it was so parked; or
- (d) for the purpose of loading or unloading goods, and—
- (i) the loading or unloading of the vehicle could not have been satisfactorily performed if it had not been so parked; and
- (ii) the vehicle was not left unattended at any time while it was so parked.
- (4) A highway authority may by resolution, or in the case of the Secretary of State by such notice as appears to him to be appropriate, authorise, from a date specified in the resolution or notice, the parking vehicles on, or on part of, any such footway, grass verge, garden, space or land as is referred to in subsection (1) of this section and is in or on any highway; and notwithstanding the provisions of this section or of any other enactment or any rule of law, it shall be lawful from the specified date for any person to park a vehicle on the footway, grass verge, garden, space or land, or on the part thereof, as the case may be, to which the said resolution or notice relates and is for the time being in force.
- (5) A highway authority shall, before the date specified in a resolution passed or notice issued in accordance with the last foregoing subsection, take such steps as are necessary to secure the placing on or near the footway, grass verge, garden, space or land, or the part thereof, to which the resolution or notice relates of such traffic signs in such position as they consider requisite.
- (6) A highway authority may pass a resolution or issue a notice, as the case may be, for the purposes of subsection (4) of this section and may take the steps referred to in the last foregoing subsection before the appointed day:
- Provided that the date specified in such resolution or notice shall not be earlier than the appointed day.
- (7) (a) Nothing in this section shall make it unlawful under subsection (1) of this section to park a vehicle of any of the following descriptions, that is to say:—
- (i) vehicles used for fire brigade purposes;
- (ii) vehicles used for police purposes;
- (iii) vehicles used for ambulance purposes;
- (iv) street cleansing purposes;
- (v) vehicles used for the collection of refuse;

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- (vi) vehicles used for the purpose of gritting or salting or the clearance of snow;
  - (vii) vehicles used for the purpose of cleansing, repairing or maintaining lighting apparatus;
  - (viii) vehicles used in connection with the reconstruction, alteration or maintenance of, or the provision of services to, a road, or of or to any premises adjoining a road;
  - (ix) vehicles used in connection with the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of apparatus or accommodation therefor in, under or over a road;
  - (x) any vehicle not falling within sub-paragraph (viii) or (ix) of this paragraph used by statutory undertakers in pursuance of their statutory powers or duties provided that is reasonably necessary for the vehicle to be so parked;
  - (xi) vehicles of any class for the time being specified by resolution of the Council for the purposes of this subsection;
  - (xii) any vehicle, specified by the highway authority from time to time for the purposes of this subsection, which is parked at such place and at such time as may be authorised by that highway authority.
- (b) In sub-paragraph (ix) of the foregoing paragraph “apparatus” means any apparatus belonging to statutory undertakers or for the maintenance of which they are responsible (including any structure for the lodging therein of apparatus), and includes any apparatus belonging to the British Railways Board [<sup>F9</sup>London Regional Transport or any subsidiary of London Regional Transport (within the meaning of the London Regional Transport Act 1984)] or for the maintenance of which [<sup>F10</sup>that Board or (as the case may be) London Regional Transport or that subsidiary is] responsible.
- (8) In this section “the appointed day” means such day (being a day no earlier than 1st January, 1975) as may be fixed by resolution of the Council, after consultation with the Association and the Secretary of State, subject to and after complying with the next following subsection.
- (9) The Council shall cause to be published in a newspaper circulating throughout the whole of Greater London notice—
- (a) of the passing of the resolution referred to in the last foregoing subsection and of the day fixed thereby; and
  - (b) of the general effect of the provisions of this section coming into operation on that day;
- and the day so fixed shall not be earlier than the expiration of one month from the date of publication of the said notice.
- (10) Either—
- (a) a copy of the newspaper containing the notice referred to in the last foregoing subsection; or
  - (b) a photostatic or other reproduction, certified by the Director-General and Clerk to the Council to be a true reproduction, of a page or part of a page of the said newspaper bearing the date of its publication and containing the said notice;
- shall be evidence of the publication of the notice and of the date of the publication.

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(11) This section shall not apply to a road maintainable by the British Railways Board or the London Transport Executive.

(12) In this section—

“the Association” means the association of borough councils known, at the date of the passing of this Act, as the London Boroughs Association or any association for the time being successor thereto of the nature referred to in subsection (2) of section 7 of the <sup>M14</sup>London Government Act 1963 of which all borough Councils are members or, in the absence of any such association as aforesaid, a majority of the borough councils;

“carriageway” means a way of constituting or comprised in an urban road, being a way (other than a cycle track) over which the public have a right of way for the passage of vehicles;

“footway” means a way comprised in an urban road which also comprises a carriage way, being a way over which the public have a right of way on foot only;

“goods” includes goods or burden of any description;

“highway authority” means the Secretary of State in respect of all trunk roads, the Council in respect of all metropolitan roads and a borough council or the Common Council, as the case may be, in respect of all streets in their area, whether or not maintainable at the public expense, which are not for the time being trunk roads or metropolitan roads;

“urban road” means a road which—

- (a) is a restricted road for the purposes of [<sup>F11</sup>section 81 of the Road Traffic Regulation Act 1984]; or
- (b) is subject to an order under [<sup>F12</sup>section 84 of that Act] imposing a speed limit not exceeding 40 miles per hour; or
- (c) is subject to a speed limit not exceeding 40 miles per hour which is imposed by or under any local enactment;

“vehicle” means a mechanically propelled vehicle or a vehicle designed or adapted for towing by, or to be attached to, a mechanically propelled vehicle but does not include a heavy commercial vehicle within the meaning of [<sup>F13</sup>section 19 of the Road Traffic Act 1988 (heavy commercial vehicles)].

#### Textual Amendments

- F6** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**
- F7** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 32(a)**
- F8** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 12(a)**
- F9** Words substituted by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(a)**, Sch. 6 para. 37(a)
- F10** Words substituted by [London Regional Transport Act 1984 \(c. 32, SIF 126\)](#), **s. 71(3)(a)**, Sch. 6 para. 37(b)
- F11** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 32(b)** (i)
- F12** Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 32(b)** (ii)

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**F13** Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, [Sch. 3 para. 12\(b\)](#)

**Modifications etc. (not altering text)**

**C1** S. 15 excluded (*temp.* from 1.10.1991) by [1991 c. 40, s. 76\(3\)\(d\)](#) (with s. 79(1)); [S.I. 1991/2054, art. 3, Sch.](#)

**Marginal Citations**

**M13** [1972 c. xl.](#)

**M14** [1963 c. 33.](#)

*Miscellaneous*

**<sup>x6</sup>16 Undertaking and agreements binding successive owners.**

- (1) Every undertaking given to a local authority by the owner of any legal estate in land and every agreement made between a local authority and any such owner being an undertaking or agreement—
  - (a) given or made under seal in connection with the land; and
  - (b) expressed to be given or made in pursuance of this section;
 shall be enforceable not only against the owner joining in the undertaking or agreement but also against the successors in title of any owner so joining and any person claiming through or under them.
- (2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the <sup>M15</sup>Land Charges Act 1925.
- (3) Any person against whom such an undertaking or agreement is enforceable shall be entitled to require a copy thereof from the local authority without payment.
- (4) Any charge on the land which by virtue of this section is enforceable in the manner described in subsection (1) of this section shall, for the purposes of subsection (1) of section 32 of the <sup>M16</sup>Building Societies Act 1962 (which prohibits advances by building societies on second mortgage), be deemed not to be a prior mortgage within the meaning of that subsection.
- (5)
  - (a) The enactments specified in Part III of Schedule 2 to this Act are hereby repealed.
  - (b) The enactments specified in Part II of Schedule 3 to this Act are hereby repealed so far as they relate to any part of Greater London.
- (6) Any undertaking or agreement which by virtue of an enactment included in Part III of Schedule 2 or Part II of Schedule 3 to this Act was, immediately before the passing of this Act, binding on any successors in title of any owner joining in such undertaking or agreement and on any person claiming through or under them shall, notwithstanding the repeal of that enactment, continue to be so binding and enforceable as if such undertaking or agreement were expressed to be given or made in pursuance of this section.
- (7) In this section “local authority” means the Council or a borough council.

*Status: Point in time view as at 01/02/1991.*

*Changes to legislation: There are currently no known outstanding effects for the Greater London Council (General Powers) Act 1974. (See end of Document for details)*

#### Editorial Information

- X6** The text of s. 16 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991. This provision has been amended by [S.I. 1990/1765](#)

#### Marginal Citations

- M15** [1925 c. 22](#)  
**M16** [1962 c. 37](#).

## PART IV

### PROVISIONS RELATING TO BOROUGH COUNCILS

#### *Street trading*

#### <sup>x7</sup>**17 As to restriction on grant of annual street trading licence.**

In subsection (2A) of section 21 (Annual licences) of the Act of 1947 (as set out in section 33(3) of the <sup>M17</sup>London County Council (General Powers) Act 1962), for the word “ten” in each place where it occurs, there shall be substituted the words “twenty-one”.

#### Editorial Information

- X7** The text of ss. 17–19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991. Parts of these provisions have been repealed by [London Local Authorities Act 1990 \(c. vii\)](#), ss. 24, 40, [Sch. 2](#)

#### Marginal Citations

- M17** [1962 c. xiv](#).

#### <sup>x8</sup>**18 Further provisions as to street trading.**

In section 29 (Offences penalties &c.) of the Act of 1947, at the end there shall be added:—

- “(4) (a) The references in subsections (1) and (3) respectively of this section to a person who or whose assistant without the authority of a street trading licence engages in street trading in any manner described in the said subsection (1) or to a person found engaging in street trading in any manner described in the said subsection (3) shall be deemed to include a reference to a person who or whose assistant sells or exposes or offers for sale any article or thing on or from land within twenty feet of any street or designated street and who is not—
- (i) the owner of that land; or
  - (ii) the occupier of that land and liable to be assessed to rates in respect thereof; or

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*Changes to legislation: There are currently no known outstanding effects for the Greater London Council (General Powers) Act 1974. (See end of Document for details)*

(iii) on that land with the consent in writing of the said owner or occupier.

(b) Where in any proceedings under this section it is shown that any article or thing was sold or exposed or offered for sale by a person on or from land within twenty feet of any street or designated street the burden of proof shall lie on that person to show to the satisfaction of the court that at the relevant time he was a person referred to in sub-paragraphs (i) or (ii) of the foregoing paragraph or had the consent referred to in sub-paragraph (iii) thereof.”

**Editorial Information**

**X8** The text of ss. 17–19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991. Parts of these provisions have been repealed by [London Local Authorities Act 1990 \(c. vii\)](#), ss. 24, 40, [Sch. 2](#)

**<sup>x9</sup>19 Modification of Act of 1957.**

- (1) Section 74 (Evidence of street trading in proceedings) of the Act of 1957 shall apply to the display of any article or thing in or on any receptacle in a stationary position on land within twenty feet of any street or designated street as it applies to the like display of any article or thing in any street.
- (2) In this section, “designated street” and “street” have the same meanings as in the Act of 1947.

**Editorial Information**

**X9** The text of ss. 17–19 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991. Parts of these provisions have been repealed by [London Local Authorities Act 1990 \(c. vii\)](#), ss. 24, 40, [Sch. 2](#)

**<sup>F14</sup>20 .....**

**Textual Amendments**

**F14** S. 20 repealed by [General London Council \(General Powers\) Act 1981 \(c. xvii\)](#) s. 22, Sch. 2

*Miscellaneous*

**21 Removal of vehicles for street cleansing.**

- (1) Where in the opinion of a borough council a danger to health exists in or is likely to arise in, or detriment has been or is likely to be caused to the amenities of, any street in the borough because of their inability adequately to cleanse the street or its drainage

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facilities by reason of the vehicles parked thereon, they may, after giving notice in accordance with this section and after complying with subsection (4) of this section—

- (a) on the day of cleansing, move a vehicle which is obstructing the cleansing of such street to another position on that or another street; or
  - (b) in any case where it is not reasonably practicable to move a vehicle to another position as described in the foregoing paragraph, remove that vehicle on the day of cleansing from such street which is to be cleansed by them to a place which is not on that or any other street.
- (2) Any notice required to be given under the foregoing subsection shall be given by—
- (a) serving written notice on the occupiers of all premises fronting the street not less than three days before the proposed day of cleansing;
  - (b) posting conspicuous notices in the street not less than twenty-four hours before the cleansing commences; and
  - (c) serving written notice on the Council not less than three days before the proposed day of cleansing:

Provided that notice shall be given in pursuance of paragraph (c) of this subsection only where there is in the street a parking place designated by order under section 35 of the Act of 1967, or having effect by virtue of paragraph 9 of Schedule 8 to the Act of 1967, or provided by order under section 6 or 9 of that Act.

- (3) A notice under the last foregoing subsection shall specify the street in which and state the date upon which it is intended that the cleansing shall take place and the general effect of this section.
- (4) Where there is in the street a parking place designated or provided in the manner described in the proviso to subsection (2) of this section, the borough council shall, before the commencement of the period of operation, if any, of the parking place on the day of cleansing, and in any case before 8.00 a.m. on that day, suspend the use of the parking place for the duration of the said cleansing by placing or causing to be placed over traffic signs relating to the parking place, and over parking meters relating to such parking bays as are within the parking place, hoods or other covers, indicating that the use of such parking place or parking bays is suspended.
- (5) Where a vehicle is removed in pursuance of paragraph (b) of subsection (1) of this section, the following provisions shall apply:—
  - (a) the borough council shall be entitled to recover from any person responsible—
    - (i) five pounds in respect of the removal of the vehicle; and
    - (ii) fifty pence in respect of any day or part of a day during which the vehicle is stored in the custody of the borough council; and
    - (iii) where the vehicle is disposed of in pursuance of paragraph (d) of this subsection, two pounds in respect of its disposal;
  - (b) any sum recoverable by virtue of this subsection shall be recoverable as a simple contract debt in any court of competent jurisdiction;
  - (c) the borough council may, if they think fit, remit the whole or any part of any sum recoverable under this subsection;
  - (d) subject to paragraph (e) of this subsection, the borough council may, in such manner as they think fit, dispose of any vehicle which is in their custody in pursuance of this subsection at any time after they have taken all reasonable steps to find a person appearing to them to be the owner of the vehicle and either—

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- (i) they have failed to find such a person; or
- (ii) he has failed to comply with a notice served on him by them requiring him to remove the vehicle within the prescribed period from their custody:

Provided that in a case where it appears to the borough council that an excise licence is in force in respect of the vehicle, they shall not dispose of that vehicle under this paragraph before the date of the expiration of the licence;

- (e) if before a vehicle is disposed of by the borough council in pursuance of the last foregoing paragraph the vehicle is claimed by a person who satisfies them that he is either its owner or the person by whom it was put in the place from which it was removed in pursuance of paragraph (b) of subsection (1) of this section and pays to them such sums in respect of its removal and storage as are payable under paragraph (a) of this subsection, the borough council shall permit him to remove the vehicle from their custody and if before the expiration of the period of one year beginning with the date on which a vehicle is sold by them in pursuance of this subsection any person satisfies them that at the time of its sale he was the owner of the vehicle, the borough council shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as are payable under paragraph (a) of this subsection;
  - (f) if in the case of any vehicle it appears to the borough council that more than one person is or was its owner at the relevant time, such one of them as the borough council think fit shall be treated as its owner for the purposes of paragraph (e) of this subsection.
- (6) Without prejudice to the provisions of any other enactment, any person who assaults, resists or obstructs or aids or incites any person to assault, resist or obstruct an officer of the borough council duly exercising or performing any power or duty under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [<sup>F15</sup>£200].

(7) In this section—

“owner”, in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement;

“person responsible” in relation to a vehicle means—

- (a) the owner of the vehicle at the time when it was put in the place from which it was removed in pursuance of paragraph (b) of subsection (1) of this section, unless he shows that he was not concerned in and did not know of its being put there; or
- (b) any person by whom it was put in the place aforesaid;

“the prescribed period” means the period prescribed by the Secretary of State for the purposes of section 21(1)(c)(ii) of the <sup>M18</sup>Civic Amenities Act 1967;

“vehicle” means a mechanically propelled vehicle other than a public service vehicle owned by [<sup>F16</sup>London Regional Transport or any subsidiary of theirs (within the meaning of the London Regional Transport Act 1984) or by] London Country Bus Service Limited or a vehicle designed or adapted for towing by, or to be attached to, a mechanically propelled vehicle and the expression “public service vehicle” shall be construed in accordance with sections 117 and 118 of the <sup>M19</sup>Road Traffic Act 1960.



*Status: Point in time view as at 01/02/1991.*

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(8) The enactment specified in Part IV of Schedule 2 to this Act is hereby repealed.

#### Textual Amendments

- F15** Sum in s. 21(6) substituted by [Greater London Council \(General Powers\) Act 1983 \(c. iii\)](#), s. 3, [Sch. 1](#).
- F16** Words in definition of "vehicle" in s. 21(7) substituted by [London Regional Transport Act 1984 \(c. 32\)](#), s. 71(3)(a), [Sch. 6 para. 38](#).

#### Marginal Citations

- M18** 1967 c. 69.
- M19** 1960 c. 16

## PART V

### SUPPLEMENTAL

#### <sup>x10</sup>22 Saving for Act of 1971

Section 289 of the Act of 1971 shall apply to this Act as if it had been passed during the session of the 10 & 11 Geo. 6; and accordingly the Act of 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

#### Editorial Information

- X10** The text of ss. 7, 22, Schs. 1–3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

#### 23 Costs of Act.

Subject to the provisions of any enactment requiring or enabling expenses in connection with any function of the Council to be chargeable otherwise than as general expenses chargeable on the whole of Greater London, all expenses of the Council in the execution of this Act shall be defrayed, as the Council may decide, as—

- (a) general expenses chargeable on the whole of Greater London; or
- (b) special expenses chargeable only on such part of Greater London as the Council may determine.

**Status:**

Point in time view as at 01/02/1991.

**Changes to legislation:**

There are currently no known outstanding effects for the Greater London Council (General Powers) Act 1974.