



Greater London Council (General Powers) Act 1974

1974 CHAPTER xxiv

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;

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- (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;

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 [^{F1}£50].

- (3) In subsection (4) of section 33 (Improvement of roadside amenities etc., by borough councils) of the ^{M1}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 ^{M2}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

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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.
- (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 ^{M3}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 [^{F2}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 [^{F3}that Board or (as the case may be) London Regional Transport or that subsidiary is] responsible.

Textual Amendments

- F1** Sum in s. 14(2) substituted by [Greater London Council \(General Powers\) Act 1983 \(c. iii\), s. 3, Sch.](#)
- F2** Words in s. 14(7)(c) substituted by [London Regional Transport Act 1984 \(c. 32\), s. 71\(3\)\(a\), Sch. 6 para. 37\(a\)](#)
- F3** 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

- M1** 1951 c. xli.
- M2** 1955 c. xxix.
- M3** 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 [^{F4}level 1 on the standard scale].

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- (2) (a) An offence committed under the foregoing subsection shall be deemed, for the purposes of [^{F5}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 [^{F6}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 ^{M4} Greater London Council (General Powers) Act 1972, an offence committed under the foregoing subsection shall 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.

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- (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;
 - (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 [^{F7}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 [^{F8}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—

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- (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.

(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 ^{M5}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 [^{F9}section 81 of the Road Traffic Regulation Act 1984]; or
- (b) is subject to an order under [^{F10}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 [^{F11}section 19 of the Road Traffic Act 1988 (heavy commercial vehicles)].

Textual Amendments

F4 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

F5 Words substituted by [Road Traffic Regulation Act 1984 \(c. 27, SIF 107:1\)](#), s. 146, **Sch. 13 para. 32(a)**

F6 Words substituted by [Road Traffic \(Consequential Provisions\) Act 1988 \(c. 54, SIF 107:1\)](#), s. 4, **Sch. 3 para. 12(a)**

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- F7** Words substituted by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(a), Sch. 6 para. 37(a)
- F8** Words substituted by London Regional Transport Act 1984 (c. 32, SIF 126), s. 71(3)(a), Sch. 6 para. 37(b)
- F9** Words substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 32(b) (i)
- F10** Words substituted by Road Traffic Regulation Act 1984 (c. 27, SIF 107:1), s. 146, Sch. 13 para. 32(b) (ii)
- F11** 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

- M4** 1972 c. xl.
- M5** 1963 c. 33.

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