



Greater London Council (General Powers) Act 1974

1974 CHAPTER xxiv

PART IV

PROVISIONS RELATING TO BOROUGH COUNCILS

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 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

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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—
 - (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

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- 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 [^{F1}£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 ^{M1}Civic Amenities Act 1967;
- “vehicle” means a mechanically propelled vehicle other than a public service vehicle [^{F2}owned or operated by Transport for London, a subsidiary (within the meaning of the Greater London Authority Act 1999) of Transport for London or any other person who provides a service pursuant to an agreement under section 156, or a transport subsidiary’s agreement within the meaning of section 169, of the Greater London Authority Act 1999][^{F3}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 ^{M2}Road Traffic Act 1960.
- (8) The enactment specified in Part IV of Schedule 2 to this Act is hereby repealed.

Textual Amendments

- F1** Sum in s. 21(6) substituted by [Greater London Council \(General Powers\) Act 1983 \(c. iii\), s. 3, Sch.](#)
- F2** Words in s. 21(7) substituted (15.7.2003) by [The Transport for London \(Consequential Provisions\) Order 2003 \(S.I. 2003/1615\), art. 1\(1\), Sch. 1 para. 31\(4\)](#)
- F3** 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

- M1** 1967 c. 69.
- M2** 1960 c. 16

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