

ELIZABETH II



1977 CHAPTER xix

An Act to make further provision for the local government, health and improvement of the Royal borough of Kensington and Chelsea; and for other purposes.

[29th July 1977]

WHEREAS—

(1) The Royal borough of Kensington and Chelsea (hereinafter called "the borough") is a London borough under the management and local government of the mayor, aldermen and burgesses of the borough:

(2) It is expedient to make further provision with reference to the local government, health and improvement of the borough:

(3) It is expedient that the other provisions in this Act should be enacted:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

1972 c. 70. (5) In relation to the promotion of the Bill for this Act the requirements of section 239 of the Local Government Act 1972 have been observed:

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

Short title. 1. This Act may be cited as the Kensington and Chelsea Corporation Act 1977.

Interpretation. 2.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Act of 1936 have the same respective meanings, unless there be something in the subject or context repugnant to such construction.

(2) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires—

1936 c. 49. “the Act of 1936” means the Public Health Act 1936;

“the borough” means the Royal borough of Kensington and Chelsea;

“the council” means the council of the borough;

“enactment” includes an enactment in any Act, including this Act, and in any order, byelaw, scheme or regulation in force within the borough;

1952 c. 55. “magistrates' court” has the same meaning as in the Magistrates' Courts Act 1952.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended or amended by, or by virtue of, any enactment.

Ruinous and dilapidated buildings. 1961 c. 64. 3. Section 27 of the Public Health Act 1961 (which relates to ruinous and dilapidated buildings and sites), except subsection (2), shall apply in the borough.

4. Subsection (1) of section 8 (Refusal of registration) of the Registration of sleeping accommodation Act 1972 is hereby amended by the substitution for paragraph (c) of the proviso of the following:—

“(c) a building the use of which for a specified purpose is in accordance with the terms of a current valid planning permission;”.

1972 c. xxxiii.

5.—(1) Any person who, without lawful excuse, deposits refuse in a place to which this section applies shall be guilty of an offence.

(2) Any person who, being the occupier of premises used for trade or commercial purposes fronting, abutting or adjoining a place to which this section applies, without lawful excuse causes refuse to be deposited in such a place shall be guilty of an offence.

(3) A person who is guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding £50.

(4) This section applies to any place in the borough—

(a) being a portion of a highway which portion is fronted, abutted or adjoined by premises used for trade or commercial purposes; or

(b) being an unenclosed private forecourt of premises used for trade or commercial purposes, where such forecourt abuts a highway.

(5) This section shall not apply to prohibit the deposit of refuse for collection, where such deposit takes place on the day notified by the council as the day of collection from those premises and before the time so notified as the time of collection.

(6) This section shall come into operation two months after the passing of this Act.

(7) Subsection (3) of section 108 of the Control of Pollution Act 1974 (which authorises the Secretary of State to repeal or amend local Acts) shall apply to this section as if this Act had been passed before the Control of Pollution Act 1974.

6.—(1) Where it appears to the council that inadequate arrangements have been made by the occupier of premises within the borough for the removal of commercial waste (within the meaning of paragraph (c) of subsection (3) of section 30 of the Control of Pollution Act 1974) from his premises, they may by notice require him to make adequate arrangements therefor.

(2) The sections of the Act of 1936 mentioned in the Schedule to this Act shall have effect as if references therein to that Act included references to this Act.

(3) In its application to this section, section 290 of the Act of 1936 (which relates to appeals against, and the enforcement of, notices) shall have effect as if references to execution of works and to the works to be executed included references to the making of arrangements, and to the arrangements to be made, for the removal of commercial waste.

1974 c. 40. (4) Nothing in this section shall affect the duty of the council under section 12 (1) (b) of the Control of Pollution Act 1974.

(5) Subsection (3) of section 108 of the Control of Pollution Act 1974 (which authorises the Secretary of State to repeal or amend local Acts) shall apply to this section as if this Act had been passed before the Control of Pollution Act 1974.

Stopping
up of streets.

7.—(1) Subject to the provisions of this section, if it appears to a magistrates' court, after a view, if the court thinks fit, by any two or more of the justices composing the court, that a street in the borough or any part thereof (not being—

- (a) a trunk road;
- (b) a special road;
- (c) a metropolitan road;
- (d) a street forming part of the route of a stage carriage or express carriage service; or
- (e) except with the consent of the British Railways Board, a street belonging to that Board),

in respect of which the council have made an application under this section—

- (i) is temporarily not required to afford vehicular access to any premises or to secure the expeditious, convenient and safe movement of vehicular traffic; and
- (ii) is being used for the unauthorised deposit from vehicles of refuse;

the court may by order authorise the street or that part, as the case may be, to be stopped up to vehicular traffic.

(2) Not later than twenty-eight days before the day on which the application is made the council shall—

- (a) cause a copy of a notice stating their intention to apply for the order, specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing what will be the effect thereof) to be displayed in a prominent position at the ends of the street or part thereof in respect of which the application is to be made and shall serve a copy of that notice on the Greater London Council; and

(b) publish in a local newspaper circulating in the borough a copy of the said notice except that there may be substituted for the plan a statement of a place in the borough where the plan may be inspected free of charge at all reasonable hours; and

(c) deliver a copy of the said notice together with a copy of the plan to each owner and occupier of land adjoining the street or part thereof in respect of which the application is to be made.

(3) Before implementing an order for stopping up a street or part thereof under this section, the council shall serve a copy of the order on any statutory undertaker affected and on the Post Office.

(4) At any time after an order is made under this section, application may be made to a magistrates' court by the council, the Greater London Council or any person who wishes to use the street or part thereof to afford vehicular access to any premises, for the order to be rescinded, and if it appears to the court that the street or part thereof is required to afford vehicular access to any premises or to secure the expeditious, convenient and safe movement of vehicular traffic the court shall by order rescind an order made under this section.

(5) On the hearing of an application under this section the council, the Greater London Council, the applicant, any person who uses the highway and any other person who would be aggrieved by the making of the order applied for, shall have a right to be heard.

(6) Part II of Schedule 12 to the Highways Act 1959 shall 1959 c. 25. apply where—

(a) in pursuance of an order under this section a street or part of a street is stopped up to vehicular traffic; and

(b) immediately before the order is made there is in, upon, over, along or across the street any apparatus belonging to or used by any statutory undertakers for the purpose of their undertaking;

as if in that schedule references to a highway were references to a street and references to section 108 of the said Act of 1959 were references to this section.

(7) Where any street or part of a street is stopped up to vehicular traffic under this section, the council shall afford vehicular access thereto to the British Railways Board, the Post Office and, without prejudice to paragraphs 18 and 19 of Part III of Schedule 9 to the London Government Act 1963, 1963 c. 33. the Thames Water Authority.

Liability of
directors, etc.

8.—(1) Where an offence under this Act which has been 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, any 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 that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members the foregoing subsection shall apply in relation 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.

SCHEDULE

Section 6.

Sections of Act of 1936 applied to section 6 (Removal of commercial waste) of this Act

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CHAPTER xix

ARRANGEMENT OF SECTIONS

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8. Liability of directors, etc.

SCHEDULE—Sections of Act of 1936 applied to section 6
(Removal of commercial waste) of this Act.

