



London Local Authorities Act 2000

2000 CHAPTER vii

PART III

PUBLIC HEALTH

19 Cleansing relevant land of litter and refuse

- (1) A participating council may by notice specify the standards and frequency at which relevant land requires to be swept and cleansed so as to keep it reasonably clear of litter and refuse and shall serve a copy of such notice on the owner of the relevant land or the owner or occupier of any relevant premises.
- (2) If, at any time after the expiration of 42 days from the service of the cleansing notice, the council determine that the relevant land is not being swept and cleansed in accordance with the notice then the council shall give notice of this determination to the person on whom the cleansing notice was served and may cause the relevant land to be swept and cleansed.
- (3) At any time the council may decide to revoke any cleansing notice or any determination made under subsection (2) above and shall give notice of any such decision to the person who was served with the cleansing notice or the determination, as the case may be and may serve a fresh cleansing notice or make a fresh determination as the case may be.
- (4) A person served with a cleansing notice or a notice under subsection (2) above may appeal to a magistrates' court acting for the petty sessions area in which the relevant land is situated on any of the following grounds which are appropriate in the circumstances of the particular case:—
 - (a) that the notice or requirement under the notice is not justified by the terms of this section;
 - (b) that there has been some informality, defect or error in, or in connection with, the notice;
 - (c) that the standards and frequency at which the sweeping and cleansing is to be carried out are unreasonable;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (d) that it would have been equitable for the notice to have been served on the occupier of the premises in question instead of on the owner, or on the owner instead of on the occupier;
 - (e) where the sweeping and cleansing is for the common benefit of the premises in question and other premises, that some other person, being the owner or occupier of premises to be benefited, ought to contribute towards the expenses of executing any works required.
- (5) If and in so far as an appeal under this section is based on the ground of some informality, defect or error in or in connection with the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.
- (6) Where the grounds upon which an appeal under this section is brought include a ground specified in paragraph (d) or paragraph (e) of subsection (4) above, the appellant shall serve a copy of his notice of appeal on each other person referred to, and in the case of any appeal under this section may serve a copy of his notice of appeal on any other person having an estate or interest in the premises in question, and on the hearing of the appeal the court may make such order as it thinks fit with respect to the person by whom any sweeping and cleansing is to be carried out and the contribution to be made by any other person towards the cost of the work, or as to the proportions in which any expenses which may become recoverable by the council are to be borne by the appellant and such other person.
- In exercising its powers under this subsection, the court shall have regard—
- (a) as between an owner and an occupier, to the terms and conditions whether contractual or statutory, of the tenancy and to the nature of the works required; and
 - (b) in any case, to the degree of benefit to be derived by the different persons concerned.
- (7) Subject to such right of appeal as aforesaid, where the council causes land to be swept and cleansed under subsection (2) above, they may recover from the person on whom the cleansing notice was served the expenses reasonably incurred by them in so doing.
- (8) In proceedings by the council for the recovery of any expenses under subsection (7) above, it shall not be open to the defendant to raise any question which he could have raised on an appeal under this section.
- (9) Sections 275, 283(1), 285, 289 and 300 of the Act of 1936 shall apply to a cleansing notice.
- (10) Sections 278, 283(1), 285, 291 and 300 of the Act of 1936 shall apply to a notice under subsection (2) above.
- (11) The sections of the Act of 1936 mentioned in subsections (9) and (10) above shall apply to notices served under this section as if—
- (a) references therein to that Act included references to this section; and
 - (b) references therein to the execution of works included references to the carrying out of sweeping and cleansing and cognate terms shall be construed accordingly.
- (12) Section 291 of the Act of 1936 shall apply to notices served under subsection (2) above as if references to the owner of the premises in respect of which the expenses were incurred included references to the person on whom the cleansing notice was served.