



London Local Authorities Act 2007

2007 CHAPTER ii

PART 2

PUBLIC HEALTH AND THE ENVIRONMENT

Graffiti

18 Defacement of buildings

- (1) Section 12 (defacement of buildings) of the [London Local Authorities Act 1995 \(c. x\)](#) is amended as follows.
- (2) In subsection (6) for “the council may themselves” there is substituted “the council, or a person authorised by the council may”.
- (3) After subsection (6D), the following subsection is inserted—

“(6E) In exercising the power under subsection (6) the council or any person authorised by the council may enter any land to the extent reasonably necessary for the purpose.”.
- (4) In subsection (7), for “the council may do so” there is substituted “the council (or a person authorised by the council) may do so”.
- (5) After section 12 (defacement of buildings), the following section is inserted—

“Indemnity

- (1) None of the persons mentioned in subsection (2) below is to have any liability to any person responsible for the relevant surface for damages or otherwise (whether at common law or otherwise) arising out of anything done or omitted to be done in the exercise or purported exercise of—
 - (a) the power under subsection (1)(b) of section 12 (defacement of buildings) of this Act; or

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- (b) the power under subsection (6) of that section (including as provided for in subsection (6A) of that section);
 - (c) the power under subsection (7) of that section.
- (2) Those persons are—
- (a) in the case of the power mentioned in the said subsection 1(b), the council and any employee of the council; and
 - (b) in the case of the power mentioned in the said subsections (6) and (7)—
 - (i) the council and any employee of the council;
 - (ii) any person authorised by the council under those said subsections and the employer or any employee of that person.
- (3) Subsection (1) above does not apply—
- (a) if the act or omission is shown to have been in bad faith;
 - (b) to liability arising out of a failure to exercise due care and attention;
 - (c) so as to prevent an award of damages made in respect of an act or omission on the ground that the act or omission was unlawful by virtue of section 6(1) of the Human Rights Act 1998 (c. 42).
- (4) This section is without prejudice to any other exemption from liability (whether at common law or otherwise).
- (5) For the purposes of subsection (1) above a person is responsible for a relevant surface if—
- (a) where it is the surface of any premises (including a street), he owns, leases, occupies, controls, operates or maintains the land, and
 - (b) where it is the surface of apparatus or plant, he owns, leases, occupies, controls, operates or maintains the apparatus or plant.”.
- (6) After subsection (5) of section 13 (protective provisions for certain statutory undertakers) of the said Act of 1995 the following subsections are inserted—
- “(5A) A counter-notice under subsection (4) above may, instead of specifying conditions as mentioned in that subsection, require the participating council to refrain from exercising the relevant power, if the protected party has reasonable grounds to believe, for reasons connected with the operation of its undertaking, that the relevant power cannot be exercised under the circumstances in question—
- (a) without risk to the safety of any person; or
 - (b) without unreasonable risk to the efficient and economic operation of the protected party’s undertaking.
- (5B) Where a counter notice served under subsection (4) above contains such a requirement as is mentioned in subsection (5A) above the relevant power may not be exercised.”.