



# London Local Authorities Act 2007

## 2007 CHAPTER ii

### PART 5

#### MISCELLANEOUS

#### **70 Display of certain video recordings**

- (1) This section applies to a video work in respect of which a classification certificate has been issued stating that no video recording containing that work is to be supplied other than in a licensed sex shop.
- (2) A person who at any place in a borough other than in a sex shop for which a licence is in force under Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) displays in the course of a business—
  - (a) a video recording containing a video work to which this section applies; or
  - (b) any packaging indicating that it contains such a video recording,is guilty of an offence unless he is displaying the video recording or packaging for the purpose only of a supply which, if it took place, would be an exempted supply by virtue of section 12(6) of the 1984 Act.
- (3) It is a defence to a charge of committing an offence under subsection (2) above to prove—
  - (a) that the accused neither knew nor had reasonable grounds to believe that the classification certificate contained the statement concerned;
  - (b) that the accused believed on reasonable grounds that the place concerned was a sex shop for which a licence was in force under the said Schedule 3;
  - (c) that the accused believed on reasonable grounds that were the video recording to have been supplied or offered for supply by him in the place concerned the supply would if it had taken place been, an exempted supply by virtue of section 3(4) or 12(6) of the 1984 Act.
- (4) A person guilty of an offence under subsection (2) above shall be liable, on summary conviction, to imprisonment for a term not exceeding six months or a fine not exceeding level 5 on the standard scale or both.

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(5) In this section—

“the 1984 Act” means the Video Recordings Act 1984 (c. 39);

“classification certificate”, “video recording” and “video work” have the same meanings ascribed to them by the 1984 Act.

## **71 Temporary sleeping accommodation: powers of entry, search and seizure**

(1) An authorised officer may, at all reasonable hours and on production, if required, of his credentials, exercise the following powers, that is to say—

- (a) he may, for the purpose of ascertaining whether a relevant offence has been committed, inspect any relevant items and enter any premises other than premises used only as a dwelling;
- (b) if he has reasonable cause to suspect that a relevant offence has been committed, he may, for the purpose of ascertaining whether it has been committed, require any person carrying on a trade or business or employed in connection with a trade or business to produce any books or documents relating to the trade or business and may take copies of, or of any entry in, any such book or document;
- (c) if he has reasonable cause to believe that a relevant offence has been committed, he may seize and detain any relevant items or documents for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;
- (d) he may seize and detain any relevant items or documents which he has reason to believe may be required as evidence in proceedings for a relevant offence;
- (e) he may, for the purpose of exercising his powers under this subsection to seize relevant items or documents, but only if and to the extent that it is reasonably necessary in order to obtain evidence in proceedings for a relevant offence, break open any container and, if that person does not comply with the requirement, he may do so himself.

(2) An officer seizing any relevant items or documents in the exercise of his powers under this section shall inform the person from whom they are seized.

(3) If a justice of the peace, on sworn information in writing—

- (a) is satisfied that there is reasonable ground to believe either—
  - (i) that any relevant items, books or documents which a duly authorised officer has power under this section to inspect are on any premises and that their inspection is likely to disclose evidence of the commission of a relevant offence; or
  - (ii) that any relevant offence has been, is being or is about to be committed on any premises; and
- (b) is also satisfied either—
  - (i) that admission to the premises has been or is likely to be refused and that notice of intention to apply for a warrant under this subsection has been given to the occupier; or
  - (ii) that an application for admission, or the giving of such a notice, would defeat the object of the entry or that the premises are unoccupied or that the occupier is temporarily absent and it might defeat the object of the entry to await his return,

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the justice may by warrant under his hand, which shall continue in force for a period of one month, authorise an authorised officer to enter the premises, if need be by force.

- (4) An officer entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him necessary; and on leaving any premises which he has entered by virtue of a warrant under the preceding subsection he shall, if the premises are unoccupied or the occupier is temporarily absent, leave them as effectively secured against trespassers as he found them.
- (5) If any person who is not an authorised officer purports to act as such under this section he shall be guilty of an offence liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (6) Nothing in this section shall be taken to compel the production by a solicitor of a document containing a privileged communication made by or to him in that capacity or to authorise the taking of possession of any such document which is in his possession.

- (7) In this section—

“relevant enforcement notice” means an enforcement notice issued under section 172 of the Town and Country Planning Act 1990 (c. 8) (issue of enforcement notice) in respect of a material change of use of the type described in section 25 (provision of temporary sleeping accommodation to constitute material change of use) of the [Greater London Council \(General Powers\) Act 1973 \(c. xxx\)](#);

“relevant items” means computers, software and other items which may be used to store or record information;

“relevant offence” means an offence under section 179 of the Town and Country Planning Act 1990 in relation to a relevant enforcement notice.

## 72 **Soliciting for custom**

- (1) Section 22 (soliciting for custom) of the [London Local Authorities Act 2004 \(c. i\)](#) is amended as follows.

- (2) For subsection (1) substitute—

“(1) Subject to the following provisions of this section, it is an offence in the area of a borough council to solicit persons, or to permit the soliciting of persons, to attend premises—

- (a) if the impression is given, by the soliciting, that licensable activities, within the meaning of section 1 of the Licensing Act 2003 (c. 17), are carried on or from the premises;
- (b) which are a sex establishment within the meaning of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (c. 30) (if that Schedule has effect in the borough).”.

- (3) After subsection (2), the following subsection is inserted—

“(2A) It shall be a defence in any proceedings for an offence under subsection (1) (a) if the premises concerned were licensed under Part 3 of the Licensing Act 2003 (c. 17) at the time of the alleged offence.”.

- (4) Subsection (4) is omitted.

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### 73 Charges for pipe subways

- (1) On and after the appointed day, section 27 of the [London County Council \(General Powers\) Act 1958 \(c. xxi\)](#) (charges in respect of subways of council) shall apply in respect of—
  - (a) any public service work within the meaning of Part V of the [City of London \(Various Powers\) Act 1900 \(c. ccxxviii\)](#); or
  - (b) any subway in which the borough council has an interest by virtue of the [London Government Reorganisation \(Pipe Subways\) Order 1989 \(S.I. 1989 No. 335\)](#),
 and references in that section to “the council” shall mean the borough council as respects such subways.
- (2) On and after the appointed day, in section 40 of the said Act of 1900, the words from “And the Corporation may” to the end of the section are repealed and any byelaws made by virtue of those words so repealed are revoked.
- (3) Subsection (6) of the said section 27 (which provides for an exemption from charges for operators of electronic communications code networks) is repealed.
- (4) Any person who by virtue of the said subsection (6) was exempt from paying charges under that section shall, from the date on which subsection (3) comes into force until the next review of charges due under subsection (5) of the said section 27, pay such reasonable charges as may be settled by agreement between the borough council and that person or failing such agreement by arbitration.
- (5) Subsections (3) and (4) of the said section 27 shall apply in relation to an arbitration under subsection (4) above as they apply in relation to an arbitration under subsection (2) of that section.

### 74 Power to disturb human remains

- (1) Where a burial authority has extinguished—
  - (a) a right of burial in a grave space under section 6 (power to extinguish rights of burial in cemetery lands) of the Act of 1969; or
  - (b) a right of interment in respect of a grave under section 9 of the Act of 1976, the burial authority may disturb or authorise the disturbance of human remains interred in the grave for the purpose of increasing the space for interments in the grave.
- (2) No human remains may be disturbed under this section if they have been interred for a period of less than 75 years.
- (3) Any human remains disturbed under subsection (1) above must be reinterred in the grave.
- (4) Before disturbing any human remains under this section the burial authority shall—
  - (a) publish a notice of their intention to do so once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six clear days;
  - (b) display a like notice in a conspicuous position at every entrance to the cemetery;
  - (c) serve a notice thereof upon the registered owner of—
    - (i) the right of burial (if the right has not yet been extinguished),

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- (ii) the right of interment (if the right has not yet been extinguished);
    - (iii) any relevant tombstone,at that owner's registered address; and
  - (d) serve a notice thereof on the Commonwealth War Graves Commission.
- (5) Each of the notices referred to in subsection (4) above shall—
- (a) contain full particulars of the burial authority's proposals including a specification of the registered number or other description of all graves in which it is proposed that the human remains are to be disturbed;
  - (b) specify the date after which it is intended that the work should be undertaken, which shall not be earlier than six months after the date of the later of the two publications, the date on which the notice is first displayed, or the date on which the notice is served whichever is the last; and
  - (c) state the effect of subsection (7) below.
- (6) A single notice may be used for the purposes of this section and—
- (a) subsection (3) of section 6 of the Act of 1969; or
  - (b) subsection (4) of section 9 of the Act of 1976,
- (which provide for the giving of notice and making of objections in the case of the proposed extinguishment of rights of burial and interment and the proposed removal of tombstones), as the case may be.
- (7) If notice of objection to the proposed disturbance of human remains is given to the burial authority before the date specified in paragraph (b) of subsection (5) above by—
- (a) the registered owner of the right of burial or interment, as the case may be;
  - (b) the registered owner of a relevant tombstone;
  - (c) a relative of the person whose remains are proposed to be disturbed,
- and that objection is not withdrawn, the burial authority may not exercise its powers under this section for a period of 25 years, beginning with the date of the publication of the first notice under subsection (4)(a) above.
- (8) The burial authority shall comply with any directions given by the Secretary of State with respect to the removal and reinterment of any human remains in any case other than a case falling within subsection (10).
- (9) Nothing in this section shall in any way affect the jurisdiction of the consistory court of the diocese over consecrated land which is used, or is available for use, for the interment of human remains.
- (10) Where the burial authority proposes to disturb any human remains in consecrated land the burial authority may not exercise its powers under this section without first obtaining a faculty, with or without conditions attached to it, from the consistory court of the diocese in which the land is situated, and any objection to the proposed disturbance of human remains from consecrated land by any person under subsection (7) above shall be heard and determined by that consistory court.
- (11) The provisions of section 25 of the Burial Act 1857 (c. 81) (prohibition of removal of human remains without the licence of the Secretary of State except in certain cases) shall not apply to a removal carried out in accordance with the provisions of this section.
- (12) In this section—

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“the Act of 1969” means the [City of London \(Various Powers\) Act 1969 \(c. xxxix\)](#);

“the Act of 1976” means the [Greater London Council \(General Powers\) Act 1976 \(c. xxvi\)](#);

“burial authority” means—

- (a) a borough council;
- (b) the Court of Common Council of the City of London;
- (c) a joint committee appointed under section 102 of the Local Government Act 1972 (c. 70) and authorised to exercise powers under section 214 of and Schedule 26 to that Act, or under any other enactment relating to the provision and maintenance of cemeteries, being a joint committee any member of which is appointed by a borough council; or
- (d) a burial or cemetery board established under any enactment and—
  - (i) authorised to exercise such powers as are mentioned in paragraph (c) above; and
  - (ii) of which at least one of the constituent authorities is a borough council;

“civil partner” has the same meaning as in the Civil Partnership Act 2004 (c. 33) and includes former civil partner;

“registered owner”—

- (a) in relation to any right of burial or interment, means the person at the time in question named in the register of grants of rights of burial or interment, as the case may be, maintained by the burial authority under the Cemeteries Clauses Act 1847 (c. 65) or otherwise;
- (b) in relation to any relevant tombstone means the person at the time in question named in the said register as the person to whom the right to erect or place that tombstone has been granted, or, if no such person is named, the registered owner of the right of interment or burial in the grave in or on which the tombstone is erected or placed;

“registered address” means any address of the registered owner contained in the said register;

“relative”, in relation to any person, means any of the following—

- (a) his spouse;
- (b) his civil partner;
- (c) any lineal ancestor, lineal descendant, brother, sister, aunt, uncle, nephew, niece or first cousin of his or his spouse or civil partner;

“relevant tombstone” means a tombstone erected or placed in or on a grave in respect of which the powers of this section are intended to be exercised, whether or not the tombstone is itself intended to be disturbed;

“spouse” includes former spouse.

## 75 Mail forwarding businesses

- (1) On and after the appointed day, a person shall not in the area of a borough council carry on a mail forwarding business, whether alone or in conjunction with any other business when he is not registered by the council under this section.
- (2) On application for registration under this section the council shall register the applicant and issue to the applicant a certificate of registration on which there shall appear a registration number.

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- (3) An application for registration under this section shall be made in writing to the council and the applicant shall in the application state—
  - (a) his name and private address or, if the application is made by or on behalf of a body corporate or partnership, the registered or principal office of such body or partnership as the case may be; and
  - (b) the address of each place in the borough which is occupied by the applicant for the purposes of the business.
- (4) Where there is any alteration in the particulars mentioned in subsection (3)(a) or (b) above, the person registered shall within 14 days notify the council of the fact, and the council shall thereupon amend their register.
- (5) A council may charge a reasonable fee for a registration under this section, calculated by reference to the cost of dealing with applications for such registration.
- (6) A person who carries on a mail forwarding business shall keep a record of the following particulars—
  - (a) the full name, address and telephone number of every person for whom any post is received, or who has requested that postal packets received may be held or forwarded to that person;
  - (b) the nature of the business (if any) carried out by that person;
  - (c) any instructions that may have been received as to the delivery or forwarding of postal packets;
  - (d) in the case of every postal packet forwarded, the name and address of the person to whom it is forwarded (if different from the name and address mentioned in paragraph (a) above);
  - (e) copies of the originals of two documents of a type approved by the council for the purposes of identifying the persons and verifying the address mentioned in paragraph (a) above.
- (7) In subsection (6)(a) above, the name and address to be kept must not be the name and address of another mail forwarding business and is—
  - (a) in the case of an individual, his private address;
  - (b) in the case of a body corporate or partnership—
    - (i) the registered or principal address of such body or partnership, as the case may be; and
    - (ii) the names and private addresses of the directors, partners or another person directly or indirectly responsible for the management of the body or partnership; and
    - (iii) the address of the principal place of business of the body or partnership, if different from any of the addresses mentioned in paragraphs (i) and (ii) above.
- (8) The records kept under this section by a person carrying on a mail forwarding business, shall, in respect of a person by whom he is requested to hold or forward postal packets, be kept for a period of at least a year after the end of the arrangement under which that request was made, and must be kept at all reasonable times open to inspection by any police constable and any authorised officer.
- (9) If any person—
  - (a) without reasonable excuse contravenes or fails to comply with any of the provisions of this section; or

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- (b) furnishes any false information—
    - (i) in making an application for registration under this section or notifying the council of any alteration in the particulars mentioned in subsection (3)(a) or (b) above; or
    - (ii) to a mail forwarding business which the business requires in order to comply with subsection (6) above; or
  - (c) without reasonable excuse, makes a false entry in the record kept under subsection (6) above,
- he shall be guilty of an offence.
- (10) A person guilty of an offence under subsection (9) above shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (11) Nothing in subsection (1) or (6) above shall apply to a person who holds a licence under Part 2 of the Postal Services Act 2000 (c. 26) (licences for postal services).
- (12) Section 28 of the Trade Descriptions Act 1968 (c. 29) (power to enter premises and seize goods and documents) applies in relation to the enforcement of this section by a borough council as in relation to the enforcement of that Act by a weights and measures authority.
- (13) In this section—
- “mail forwarding business” means the business, carried out for reward, of making available to a person a postal address to which postal packets may be sent, and doing either or both of the following—
    - (a) holding postal packets so sent for collection by that person or his agent;
    - (b) forwarding, by whatever means, postal packets so sent to that person;
  - “postal packet” has the same meaning given to it by section 125 of the Postal Services Act 2000 (interpretation).
- (14) For the purposes of this section, a person carries on a mail forwarding business in the area of a borough council if, in respect of that mail forwarding business, the postal address made available and to which postal packets may be sent is in the area of the council.
- (15) Subsections (16) and (17) below apply to any person who carries on a mail forwarding business in a borough on the date on which this section comes into force in that borough.
- (16) Until the period of four weeks commencing with that date has expired, subsections (1) and (6) above shall not apply to the person in question.
- (17) If an application for registration under this section is made in respect of the mail forwarding business during that period, the person in question—
- (a) may lawfully continue to carry on the business as a mail forwarding business; and
  - (b) need not comply with the requirements of subsection (6) above,
- until the council issues a certificate under subsection (2) above or the application is withdrawn.

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## 76 Crime prevention on housing land

- (1) This section applies in a borough in respect of which the borough council has appointed a day in respect of section 5 (crime prevention) of the [London Local Authorities \(No. 2\) Act 1990 \(c. xxx\)](#).
- (2) Subsection (1) of the said section 5 is amended by the insertion, after paragraph (h), of the following paragraph—
  - “(ha) carrying out works consisting of fences, gates, locking devices or other works to prevent persons, other than residents of premises situated on the land, gaining access to any part of any land (other than a highway) held by them for the purposes of Part II of the Housing Act 1985 (c. 68);”.
- (3) After subsection (4) of the said section 5, the following subsection is inserted—
  - “(4A) The power under subsection (1)(ha) above may be exercised whether or not requested by residents of premises situated on the land.”.

## 77 Private sewers

- (1) The amount of—
  - (a) any sum specified in a notice served by a borough council under section 35(3) of the Local Government (Miscellaneous Provisions) Act 1976 (c. 57) and which the council are entitled to recover by virtue of subsection (6)(a) of that section; or
  - (b) any smaller sum which the council are entitled to recover by virtue of subsection (6)(b) of that section,shall be a charge on the appropriate premises as from the date on which the council is entitled to recover that sum by virtue of the said subsection (6)(a) or (6)(b), as the case may be.
- (2) A borough council shall, for the purpose of enforcing a charge under this section, have all the same powers and remedies under the Law of Property Act 1925 (c. 20), and otherwise, as if they were a mortgagee by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.
- (3) In this section, “appropriate premises” means the premises of which the recipient of the notice mentioned in subsection (1)(a) above is or was the owner or occupier, and in respect of which the notice was served.

## 78 Provision of information to authorised officers

Section 26 (provision of information to authorised officers) of the [London Local Authorities Act 2004 \(c. i\)](#) is amended by the addition of the following subsection after subsection (3)—

- “(4) In this section “authorised officer” includes any person who is authorised in writing by a borough council to enforce any enactment which gives rise to a criminal offence.

No such person shall require any further authorisation under this Act for the purposes of this section.”.