



# London Local Authorities and Transport for London Act 2013

## 2013 CHAPTER v

### PART 2

#### HIGHWAYS: MISCELLANEOUS

#### 4 Attachment of street lamps and signs to buildings

- (1) In its application to the area of any borough council except the Common Council of the City of London (“the Common Council”), section 45 of the Public Health Act 1961 (attachment of street lamps to buildings) shall be modified by the omission of subsections (2), (3) and (8).
- (2) In its application to the areas of the London authorities except the Common Council, section 74 of the Road Traffic Regulation Act 1984 (affixing of traffic signs to walls) shall be modified by—
  - (a) the omission of subsections (3) and (4);
  - (b) the substitution for subsection (6) of—

“(6) If the owner of a building suffers damage by, or in consequence of, the affixing to the building of a traffic sign by a council, or by or in consequence of the exercise of the rights conferred by subsection (5) (a) of this section, he shall be entitled to be paid by the council compensation to be determined in case of dispute by the Upper Tribunal, and, so far as the compensation is properly to be calculated by reference to the depreciation of the value of his interest in the building, Rules 2 to 4 of the Rules set out in section 5 of the [Land Compensation Act 1961 \(c. 33\)](#), shall apply.”;
  - (c) the omission of the definition of “appropriate authority” in subsection (9).
- (3) Under the said section 45 or the said section 74 as modified by this section a London authority shall not affix anything to a building that does not form part of the operational

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land of a statutory undertaker unless they have complied with the requirements of subsections (4) to (8).

- (4) Not less than 56 days before the London authority propose to begin the work to affix an attachment or a traffic sign to a building they shall serve notice in writing on the relevant owner of the building of their proposal to affix it.
- (5) The notice shall—
  - (a) state that the authority propose to affix an attachment or a traffic sign to the building;
  - (b) describe the attachment or traffic sign, giving its approximate dimensions;
  - (c) specify where on the building the authority propose to affix it and the means by which it is to be fixed;
  - (d) specify the date, or the earliest date, on which the authority propose to begin the work;
  - (e) specify a period of not less than 42 days from the date of service of the notice during which the relevant owner may make representations to the authority about the proposal;
  - (f) inform the relevant owner of his rights to compensation for damage which might be suffered by or in consequence of the affixing of the attachment or traffic sign;
  - (g) inform the relevant owner that if no representations are made within the period specified in the notice for doing so the authority may proceed with their proposal without further notice.
- (6) If a notice specifies an earliest date under subsection (5)(d), the authority may not begin the work after the expiry of four months beginning with that date (but that does not prevent the authority from serving a fresh notice).
- (7) The London authority shall, having considered any representations made by the relevant owner within the period specified in the notice served under subsection (4), decide—
  - (a) to proceed with their proposal;
  - (b) to proceed with their proposal modified to take account of any representations made;
  - (c) not to proceed with their proposal.
- (8) If the relevant owner has made representations the London authority shall serve notice on him of its decision.
- (9) Under the said section 45 or the said section 74 as modified by this section a London authority shall not affix anything to a building that forms part of the operational land of a statutory undertaker without the written consent of the statutory undertaker in question.
- (10) Consent may be given subject to reasonable conditions (including the payment of reasonable expenses in dealing with the request for the consent, but no other payment) and shall not be unreasonably withheld.
- (11) Where—
  - (a) a London authority serves on a statutory undertaker a notice requesting that undertaker's consent under subsection (9) to the affixing of anything to a building; and

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- (b) the statutory undertaker does not within the period of 56 days beginning with the date upon which the notice is served give their consent unconditionally or give it subject to conditions or refuse it,  
the consent shall be deemed to have been withheld.
- (12) Where, in the opinion of a London authority, a consent required under subsection (9) for the affixing of anything to a building is unreasonably withheld or given subject to unreasonable conditions, the London authority may apply to the magistrates' court, who may either—
- (a) allow the thing in question to be affixed subject to such conditions, if any, as it thinks fit; or
  - (b) disallow the application.
- (13) A London authority may not, under section 3, appoint a day for the purposes of this section until a code of practice dealing with the exercise of the powers of the said section 45 and the said section 74 as modified by this section has been published by a joint committee.
- (14) This section and section 5 shall not apply in respect of a theatre.
- (15) In this section—
- “attachment” has the same meaning as in section 45 of the Public Health Act 1961;
  - “building” includes any structure and a bridge or aqueduct;
  - “joint committee” means any joint committee established under section 101(5) of the Local Government Act 1972 and comprising at least—
    - (a) one person appointed by Transport for London; and
    - (b) one member of each borough council other than the Common Council (and for the purposes of this section, the joint committee may include a member of the Common Council, but that member shall not be entitled to a vote);
  - “operational land” has the same meaning as in the Town and Country Planning Act 1990;
  - “relevant owner”—
    - (a) in relation to a building occupied by a person under a lease or tenancy having an unexpired term of five years or more, means that person; or
    - (b) in relation to any other building, means the person for the time being receiving the rack rent of the building whether on his own account or as agent or trustee for any other person, or who would so receive it if the building were let at a rack rent;
  - “statutory undertaker” has the same meaning as in section 262(1) of the Town and Country Planning Act 1990;
  - “theatre” means any building or part of a building used wholly or mainly for the public performance of plays and “public performance” and “play” have the same meanings as in the Theatres Act 1968, but with the words “dance performance” substituted for “ballet”;
  - “traffic sign” has the same meaning as in section 74 of the Road Traffic Regulation Act 1984.

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## **5 Service of notices under section 4**

- (1) A notice under section 4(4), (8) or (11)(a) may be served by post.
- (2) Where the person on whom a notice to be served is a body corporate, the notice or document is duly served if it is served on the secretary or clerk of that body.
- (3) For the purposes of section 7 of the Interpretation Act 1978 as it applies for the purposes of this section, the proper address of any person in relation to the service on him of a notice under subsection (1) is, if he has given an address for service, that address, and otherwise—
  - (a) in the case of the secretary or clerk of a body corporate, the registered or principal office of that body; and
  - (b) in any other case, his last known address at the time of service.
- (4) If, for the purposes of serving a notice under section 4(4) the name or address of the relevant owner cannot be ascertained after reasonable enquiry, the notice may be served by—
  - (a) addressing it to him by name or by the description of “owner” of the land (describing it); and
  - (b) either leaving it in the hands of a person who is or appears to be resident or employed on the land or leaving it conspicuously affixed to some building or object on or near the land.
- (5) This section shall not be taken to exclude the employment of any method of service not expressly provided for by it.

## **6 Damage to highways in consequence of adjacent works**

The 1980 Act shall apply in Greater London as though for section 133 (damage to footways of streets by excavations) and its heading there were substituted—

### **“133 Damage to highway by carrying out of works**

If a highway maintainable at the public expense is damaged by or in consequence of any works on land adjacent to the highway, the highway authority for the highway may make good the damage and recover the expenses reasonably incurred by them in doing so from—

- (a) the owner of the land in question; or
- (b) the person carrying out the works; or
- (c) the person on whose behalf the works were carried out.”