



London Local Authorities Act 2004

2004 CHAPTER i

An Act to confer further powers upon local authorities in London; and for related purposes. [13th May 2004]

WHEREAS—

- (1) It is expedient that further and better provision should be made for the improvement and development of local government services in London and for the benefit of persons residing therein and that the powers of London borough councils and the Common Council of the City of London (hereinafter referred to as “London borough councils”) should be extended and amended as provided in this Act:
- (2) It is expedient that provision be made in relation to abandoned vehicles in London:
- (3) It is expedient that further provision be made in relation to matters relating to public health and the environment in Greater London:
- (4) It is expedient that the other provisions contained in this Act should be enacted:
- (5) The purposes of this Act cannot be effected without the authority of Parliament:
- (6) In relation to the promotion of the Bill for this Act the Westminster City Council have complied with the requirements of section 239 of the Local Government Act 1972 (c. 70) and the other London borough councils have complied with the requirements of section 87 of the Local Government Act 1985 (c. 51):
- (7) In relation to the promotion of the Bill the London borough councils have acted through their representation in the Association of London Government, a statutory joint committee whose membership is made up from members of all the London borough councils:

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:—

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PART 1

PRELIMINARY

1 Citation and commencement

- (1) This Act may be cited as the London Local Authorities Act 2004 and shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (2) This Act and the London Local Authorities Acts 1990 to 2003 may be cited together as the London Local Authorities Acts 1990 to 2004.

2 Interpretation

In this Act—

“the 1978 Act” means the Refuse Disposal (Amenity) Act 1978 (c. 3);

“borough council” means London borough council and includes the Common Council of the City of London in its capacity as a local authority and “borough” and “council” shall be construed accordingly;

“operational land” has the same meaning as in the Town and Country Planning Act 1990 (c. 8).

PART 2

ABANDONED VEHICLES

3 Disposal of vehicles

- (1) Section 4 (Disposal of removed vehicles) of the 1978 Act shall have effect in the area of a borough council in accordance with this section.
- (2) For subsection (1) there are substituted the following subsections—
 - “(1) Subject to subsections (5) and (6) below, a local authority may, in such manner as they think fit, dispose of any vehicle which is in their custody in pursuance of section 3 above—
 - (a) in the case of a vehicle—
 - (i) on which no licence is displayed;
 - (ii) to which no G.B. or N.I. registration mark is fixed;
 - (iii) to which an illegible registration mark is fixed; or
 - (iv) in respect of which there is no registered keeper, at any time after its removal;
 - (b) in the case of a vehicle on which a licence is displayed and to which paragraph (a)(ii), (iii) and (iv) above does not apply, at any time after the expiry of the period of 28 days beginning with the date on which the licence expires;
 - (c) in any other case, at any time after the local authority has, for the purpose of ascertaining the owner of the vehicle, taken such of the

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steps specified in subsection (1B) below as are applicable to the vehicle and either—

- (i) the authority have failed to ascertain the name and address of the owner; or
- (ii) the owner has failed to comply with a notice under subsection (1A) below served on him by post.

(1A) A notice under subsection (1)(b) above shall be a notice addressed to the owner of the vehicle which—

- (a) states—
 - (i) the registration mark and make of the vehicle;
 - (ii) the place where the vehicle was found before it was removed;
 - (iii) the place to which the vehicle has been removed;
 - (iv) that unless the vehicle is removed by the owner on or before the date specified under paragraph (b) below, the local authority intends to dispose of it; and
- (b) requires the owner to remove the vehicle from the custody of the local authority within 7 days of the date on which the notice was served.

(1B) The steps to be taken by a local authority before serving a notice under subsection (1)(b) are—

- (a) if the vehicle carries a G.B. or N.I. registration mark, the local authority shall ascertain from the G.B. or, as the case may be, the N.I. records the name and address of the registered keeper;
- (b) if the vehicle does not carry such a registration mark, the local authority shall make such inquiries as appear to them to be practicable to ascertain the identity of the owner of the vehicle.”.

(3) Subsection (2) is omitted.

(4) After subsection (7), the following subsection is inserted—

“(7A) The Secretary of State may by regulations alter the period of notice provided under subsection (1A)(b) above.”.

(5) In subsection (8) at the end the following definitions are inserted—

““G.B. records” means the records kept under the Vehicle Excise and Registration Act 1994 (c. 22) by the Driver and Vehicle Licensing Agency on behalf of the Secretary of State and “G.B. registration mark” means a registration mark assigned to a vehicle registered in those records;

“N.I. records” means the records kept under that Act by Driver and Vehicle Licensing Northern Ireland on behalf of the Secretary of State and “N.I. registration mark” means a registration mark assigned to a vehicle registered in those records;

“registered keeper” in respect of a vehicle means the person in whose name the vehicle is registered in G.B. or N.I. records;”.

(6) At the end, the following subsection is inserted—

“(9) References in this section to such sums in respect of the removal, storage or disposal of a vehicle as may be prescribed shall be sums of the same level as the level of charges set by London authorities for the removal, storage and

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disposal of vehicles under section 74 (Fixing of certain parking and other charges for London) of the Road Traffic Act 1991 (c. 40).”.

4 Recovery of expenses connected with removed vehicles

Section 5 (Recovery of expenses connected with removed vehicles) of the 1978 Act shall have effect in the area of a borough council as if—

- (a) for paragraphs (a) to (c) of subsection (1) there were substituted “charges in respect of the removal, storage and disposal of the vehicle”; and
- (b) after that subsection there were inserted—

“(1A) The level of charges made by the appropriate authority for the removal, storage and disposal of vehicles under this section shall be the same as the level of charges set by London authorities for the removal, storage and disposal of vehicles under section 74 (Fixing of certain parking and other charges for London) of the Road Traffic Act 1991.”.

5 Meaning of “owner” under the 1978 Act

- (1) Section 11 (Interpretation) of the 1978 Act shall have effect in the area of a borough council as if after subsection (2) the following subsection were inserted—

“(2A) References in this Part of this Act to the “owner” of a vehicle at a particular time are to the person by whom it was then kept and the registered keeper at a particular time shall be taken, unless the contrary is shown, to be the person by whom the vehicle was kept at that time.”.

- (2) In section 11 of the 1978 Act the definition of “owner” shall cease to have effect in the area of a borough council.

6 Powers of entry

- (1) This section applies where a vehicle is to be or has been removed from a road by a borough council under section 3 (Removal of abandoned vehicles) of the 1978 Act.
- (2) An authorised officer may, at any time before the vehicle is lawfully removed from the custody of the council or is disposed of by the council under section 4 (Disposal of abandoned vehicles) of the 1978 Act, enter the vehicle for the purpose of—
 - (a) removing anything from it in the interests of the safety of persons or property; or
 - (b) preventing damage to or loss of the vehicle or any of its contents.
- (3) Subject to subsections (4) and (5) below, the council shall retain and keep safe anything removed under subsection (2) above and shall deliver it to any person claiming it who satisfies the council that he is the owner of it or of the vehicle in question.
- (4) The council may, in such manner as they think fit and at any time, dispose of any perishable item removed under subsection (2) above.
- (5) Where the vehicle from which anything is removed under subsection (2) above is disposed of under the said section 4 the council may—
 - (a) no sooner than the date on which the period of 14 days beginning with the date on which the vehicle was removed expires; and

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(b) in any manner they think fit,
dispose of the thing removed if it has not been claimed by any person who satisfies the council that he is its owner.

(6) If any person, no later than the date on which the period of five months beginning with the date on which the vehicle was removed expires satisfies the council that they were, at the time the vehicle was removed, the owner of anything disposed of under subsection (4) or (5) above, the council shall pay to that person the proceeds (if any) obtained on the disposal of the thing.

7 Disclosure of information

(1) Any person who, apart from this section, would not have power to disclose information obtained in identifying the owner of a vehicle under section 4 (Disposal of abandoned vehicles) of the 1978 Act (in the application of that section in the area of a borough council) to—

- (a) a borough council;
- (b) Transport for London; or
- (c) a person acting on behalf of a borough council or Transport for London,

shall have power to do so in any case where the disclosure is necessary for the purposes of enforcing any provision of the enactments specified in subsection (2) below.

(2) The enactments are—

- (a) sections 3 to 5 (Abandoned vehicles) of the 1978 Act;
- (b) Part II (Traffic in London) of the Road Traffic Act 1991 (c. 40);
- (c) Part II (Bus lanes) of the [London Local Authorities Act 1996 \(c. ix\)](#); and
- (d) sections 4 (Penalty charges for road traffic contraventions) and 5 (Contraventions of lorry ban order: supplementary) of the [London Local Authorities and Transport for London Act 2003 \(c. iii\)](#).

8 Transitional provision

If, before this Part of this Act comes into force, a vehicle has been removed under section 3 (Removal of abandoned vehicles) of the 1978 Act, the vehicle shall be dealt with under that Act as if this Act had not come into force.

PART 3

PUBLIC HEALTH AND THE ENVIRONMENT

9 Nuisance from birds

(1) If in the opinion of a borough council the habitual nesting, roosting or alighting of birds on any part of a building or structure (including a bridge) fronting upon, crossing or overhanging a highway in the area of the council is a source of nuisance to pedestrians using that highway, the council may serve a notice under this section upon the owner or occupier of the building or structure.

This subsection is subject to the provisions of the Wildlife and Countryside Act 1981 (c. 69) and to subsection (4) below.