



# London Local Authorities Act 1996

## 1996 CHAPTER ix

An Act to confer further powers upon local authorities in London; and for related purposes. [17th October 1996]

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 the London borough councils should have powers of enforcement in relation to bus lanes:
- (3) It is expedient that the London borough councils should have power to control occasional sales:
- (4) It is expedient that the arrangements for the applications in relation to fire safety and entertainment and other licensing be amended:
- (5) It is expedient that the other provisions contained in this Act should be enacted:
- (6) The purposes of this Act cannot be effected without the authority of Parliament:
- (7) 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 and the other London borough councils have complied with the requirements of section 87 of the Local Government Act 1985:

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, that is to say:—

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## PART I

### PRELIMINARY

#### 1 Citation and commencement

- (1) This Act may be cited as the London Local Authorities Act 1996 and except where otherwise provided shall come into operation at the end of the period of two months beginning with the date on which it is passed.
- (2) The London Local Authorities Act 1990, the London Local Authorities (No. 2) Act 1990, the London Local Authorities Act 1991, the London Local Authorities Act 1994, the London Local Authorities Act 1995 and this Act may together be cited as the London Local Authorities Acts 1990 to 1996.

#### 2 Interpretation

In this Act, except as otherwise expressly provided or unless the context otherwise requires—

“authorised officer” means an officer of a borough council authorised by the council in writing to act in relation to the relevant provision of this Act;

“borough council” means London borough council and includes the Common Council of the City of London; and “borough” and “council” shall be construed accordingly.

## PART II

### BUS LANES

#### 3 Interpretation of Part II

- (1) In this Part of this Act—

“the Act of 1991” means the Road Traffic Act 1991;

“bus lane” has the meaning given in regulation 23 of the Traffic Signs Regulations 1994 and any regulation amending or revoking and re-enacting that regulation;

“bus lane offence” means an offence under section 8, 11 or 13 of the Road Traffic Regulation Act 1984 or section 36 of the Road Traffic Act 1988 which relates to the contravention of or failure to comply with an order or traffic sign in so far as it makes provision for or indicates a reservation of all or part of a carriageway of a road as a bus lane;

“Joint Committee” means the Joint Committee established under section 73 of the Act of 1991;

“prescribed device” means a device prescribed under section 20(9) of the Road Traffic Offenders Act 1988 or a device of a description specified in regulations made for the purposes of this section by the Secretary of State;

“road” has the same meaning as in section 142(1) of the Road Traffic Regulation Act 1984;

“vehicle” means a mechanically propelled vehicle intended or adapted for use on roads.

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- (2) For the purposes of this Part of and Schedule 1 to this Act, the owner of a vehicle shall be taken to be the person by whom the vehicle is kept.
- (3) In determining, for the purposes of this Part of and Schedule 1 to this Act, who was the owner of a vehicle at any time, it shall be presumed that the owner was the person in whose name the vehicle was at that time registered under the Vehicle Excise and Registration Act 1994.

#### **4 Penalty charge notices under Part II**

- (1) Where a council, on the basis of information provided by the use of a prescribed device, has reason to believe that a penalty charge is payable under this Part of this Act with respect to a vehicle, they may serve a penalty charge notice on the person appearing to them to be the owner of the vehicle.
- (2) For the purposes of this Part of this Act, a penalty charge is payable to a borough council with respect to a vehicle if the person in charge of the vehicle acts in contravention of or fails to comply with an order under section 6 or 9 or regulations under section 12 of the Road Traffic Regulation Act 1984 in so far as provision is made thereby for the reservation of all or part of a carriageway of a road as a bus lane.
- (3) A penalty charge notice under this Part of this Act must state—
  - (a) the grounds on which the council believe that the penalty charge is payable with respect to the vehicle;
  - (b) the amount of the penalty charge which is payable;
  - (c) that the penalty charge must be paid before the end of the period of 28 days beginning with the date of the notice;
  - (d) that if the penalty charge is paid before the end of the period of 14 days beginning with the date of the notice, the amount of the penalty charge will be reduced by the specified proportion;
  - (e) that, if the penalty charge is not paid before the end of the 28 day period, an enforcement notice may be served by the council on the person appearing to them to be the owner of the vehicle;
  - (f) the address to which payment of the penalty charge must be sent; and
  - (g) the effect of paragraph 2 of Schedule 1 to this Act.
- (4) In subsection (3)(d) above, “specified proportion” means such proportion, applicable in all cases, as may be determined for the purposes of this section by the borough councils acting through the Joint Committee.

#### **5 Exemption of fire brigade, ambulance and police vehicles under Part II**

No provision in this Part of this Act shall apply to any vehicle on an occasion when it is being used for fire brigade, ambulance or police purposes.

#### **6 Enforcement notices, etc., under Part II**

- (1) Schedule 1 to this Act shall have effect with respect to penalty charges under this Part of this Act, enforcement notices and other matters supplementary to the provisions of this Part of this Act; and the functions of traffic adjudicators under that Schedule shall be discharged by the persons who are appointed as parking adjudicators under section 73 of the Act of 1991.

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- (2) Regulations under section 73(11) of the Act of 1991 (provision as to procedure to be followed in relation to proceedings before parking adjudicators) may make provision with respect to proceedings before parking adjudicators when exercising the functions of traffic adjudicators; and any regulations under that subsection in force at the coming into operation of this Part of this Act shall, with any necessary modifications, apply in relation to such proceedings.
- (3) The references to a parking adjudicator or parking adjudicators in section 73(13) to (15) and (17) and (18) of the Act of 1991 shall include references to a parking adjudicator or parking adjudicators exercising the functions of traffic adjudicators but section 73(15) of that Act shall not apply to a penalty charge under this Part of this Act which remains payable following an adjudication under paragraph 6 of Schedule 1 to this Act.

## **7 Financial provisions under Part II**

Schedule 2 to this Act shall have effect with respect to financial provisions relating to the provisions of this Part of this Act.

## **8 Fixing of penalty charges**

Section 74 of the Act of 1991 shall, with the omission of subsection (3), apply in relation to the levels of penalty charges under this Part of this Act as it applies in relation to the levels of (among other charges) penalty charges under Part II of that Act.

## **9 Penalty charge not payable in certain cases**

No penalty charge shall be payable under this Part of this Act in respect of any conduct where—

- (a) a notice is given to the driver under section 54(2) or (4) of the Road Traffic Offenders Act 1988 in respect of a bus lane offence constituted by that conduct; or
- (b) notification of an intention to prosecute the driver in respect of such an offence is given by the Commissioner of Police of the Metropolis or of the City of London to the council of the borough in which the alleged offence took place before the expiry of the period of 14 days, beginning with the day on which the alleged offence takes place.

## **PART III**

### OCCASIONAL SALES

## **10 Meaning of “occasional sale”**

In this Part of this Act “occasional sale” means a concourse of buyers and sellers of articles held otherwise than on a highway or in a building (except a car park) and comprising not less than five stalls, stands, vehicles (whether movable or not) or pitches from which articles are sold, but does not include—

- (a) a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by statute;

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- (b) a sale by auction of farm livestock or deadstock;
- (c) sales of a class which from time to time is by resolution of the borough council excluded from the operation of this Part of this Act;
- (d) a market held in accordance with a planning permission granted under section 58(1)(b) of the Town and Country Planning Act 1990 (which provides for the granting of planning permission) or under a similar provision of a predecessor to that Act; or
- (e) a market the holding of which commenced before 1st July 1948 and has continued without extinguishment.

## **11 Application of Part III**

- (1) This Part of this Act applies to a borough as from such day as may be fixed in relation to that borough by resolution of the borough council, subject to and in accordance with the provisions of this section.
- (2) The borough council shall cause to be published in a local newspaper circulating in the borough notice—
  - (a) of the passing of any such resolution and of a day fixed thereby; and
  - (b) of the general effect of the provisions of this Part of this Act;and the day so fixed shall not be earlier than the expiration of three months from the publication of the said notice.
- (3) Either a photostatic or other reproduction certified by the officer appointed for that purpose by the borough council to be a true reproduction of a page or part of a page of any such newspaper bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice, and of the date of publication.

## **12 Licensing of occasional sales**

- (1) Subject to the provisions of this Part of this Act it shall be unlawful for any person to hold an occasional sale within a borough unless that person is authorised to do so by a licence under this Part of this Act.
- (2) No licence under this Part of this Act is required if the proceeds of the occasional sale are to be applied solely or principally for charitable, social, sporting, religious or political purposes.
- (3) A person holds an occasional sale for the purposes of this Part of this Act if—
  - (a) he receives or is entitled to receive payment for any space or pitch hired or let on the site of the sale to persons wishing to trade at the sale; or
  - (b) as a person promoting the sale, or as the agent, licensee or assignee of a person promoting the sale, he receives or is entitled to receive payment from persons trading at the sale for goods sold or services rendered to persons attending the sale.

## **13 Application for licence**

- (1) An application for a licence under this Part of this Act shall be made in writing to the borough council, not later than 42 days before the date on which the occasional sale is to be held: