



# London Local Authorities Act 1995

## 1995 CHAPTER x

An Act to confer further powers upon local authorities in London; and for other purposes. [8th November 1995]

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 arrangements for the control of parking and the enforcement of parking restrictions in London should be amended:
- (3) It is expedient that London borough councils should have power to license and control near beer premises:
- (4) It is expedient that London borough councils should have power to license and control door supervisors employed on licensed premises:
- (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 participating councils (namely, the Common Council of the City of London and all the other London borough councils except Tower Hamlets London Borough Council) 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 1995.
- (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 and this Act may together be cited as the London Local Authorities Acts 1990 to 1995.
- (3) This Act, except Part V (Registration of door supervisors) and, save as otherwise provided by section 15 (Application of Part IV), Part IV (Near beer licensing) shall come into operation at the end of the period of two months beginning with the date on which it is passed.

#### 2 Interpretation

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

- “the Act of 1984” means the Road Traffic Regulation Act 1984;
- “the Act of 1990” means the Town and Country Planning Act 1990;
- “the Act of 1991” means the Road Traffic Act 1991;
- “authorised officer” means an officer of a participating council authorised by the council in writing to act in relation to the relevant provision of this Act;
- “the Commissioner” means the Commissioner of Police of the Metropolis or, in the City of London, the Commissioner of the City Police;
- “the fire authority” means the London Fire and Civil Defence Authority;
- “participating council” means the common council of the City of London and the council of any London borough other than Tower Hamlets; and “borough” and “council” shall be construed accordingly;
- “penalty charge” has the same meaning as in section 66 of the Act of 1991;
- “road” has the same meaning as in section 142 (1) of the Act of 1984;
- “special parking area” means a special parking area designated by an order made by the Secretary of State under section 76 (1) of the Act of 1991;
- “traffic sign” has the same meaning as in section 64 (1) of the Act of 1984.

#### 3 Appointed day

- (1) In this Act “the appointed day” means such day as may be fixed in relation to a borough by resolution of the borough council, subject to and in accordance with the provisions of this section.
- (2) Different days may be fixed under this section for the purpose of the application of different provisions of this Act to a borough.
- (3) 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

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- (b) of the general effect of the provisions of this Act coming into operation as from that day;  
and the day so fixed shall not be earlier than the expiration of three months from the publication of the said notice.
- (4) 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.

## PART II

### PARKING

#### 4 Stopping on or near pedestrian crossings

- (1) This section shall apply to any part of a road in a special parking area in the borough of a participating council within the limits of a crossing or a crossing controlled area.
- (2) A driver of a vehicle shall not at any time cause it to stop on a part of a road to which this section applies and the prohibition under this subsection shall be enforceable as if it had been imposed by an order under section 6 of the Act of 1984.
- (3) Nothing in this section shall prohibit the driver of a vehicle from causing it to stop within the limits of a crossing or a crossing controlled area in circumstances where doing so would not contravene regulations made or having effect as if made under section 25 of the Act of 1984.
- (4) (a) No penalty charge shall be payable pursuant to subsection (2) above by the driver of a vehicle who causes it to stop contrary to that subsection in any case where—
  - (i) by reason of that stopping the vehicle is removed by, or under arrangements made by, a constable or traffic warden under regulations made pursuant to section 99 of the Act of 1984; or
  - (ii) a notice is given to the driver under section 54 (2) or (4) of the Road Traffic Offenders Act 1988 in respect of any offence under section 25 of the Act of 1984 constituted by that stopping; or
  - (iii) notification of an intention to prosecute the driver in respect of such an offence is given by the Commissioner to the council of the borough in which the crossing is situated before the expiry of the period of 14 days, beginning with the day on which the stopping takes place.
- (b) Where the driver of a vehicle causes it to stop contrary to subsection (2) above, he shall not be liable to be prosecuted in respect of any offence under section 25 of the Act of 1984 constituted by that stopping unless the case falls within sub-paragraph (i), (ii) or (iii) of paragraph (a) above.
- (5) Nothing in subsection (2) above shall require the placing of any traffic signs in connection with the prohibition thereby imposed.
- (6) In this section—
  - (a) “crossing” means a crossing for pedestrians established or having effect as if established pursuant to section 23 of the Act of 1984; and

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- (b) “crossing controlled area” means any area of the carriageway in the vicinity of a crossing being an area the presence and limits of which are indicated in accordance with regulations made or having effect as if made under section 25 of the Act of 1984.

## 5 Designated parking places

- (1) Where a designated parking place within the meaning of section 45 of the Act of 1984 exists in a special parking area in the borough of a participating council there shall exist in respect of that designated parking place a prohibited zone.
- (2) The prohibited zone shall be—
  - (a) where the designated parking place is adjacent to the edge of the carriageway of the road, the area between two imaginary lines drawn at right angles to the edge of the carriageway from the two points where the edge of the carriageway meets the boundaries of the designated parking place and each of those lines shall extend to—
    - (i) the centre of the carriageway in the case where the centre of the carriageway would be crossed by those lines; or
    - (ii) a point 8 metres into the carriageway from each of those points in all other cases;
  - (b) where the designated parking place is not adjacent to the edge of the carriageway of the road, the area between two imaginary lines drawn as far apart from each other as possible at right angles to the edge of the carriageway from one edge of the carriageway to the opposite edge of the carriageway and touching the edge of the designated parking place;

but shall not include any designated parking place or any other part of a road in respect of which the waiting of vehicles is specifically authorised.
- (3) There shall be a prohibition on the waiting of vehicles in a prohibited zone during any period when parking is restricted in the designated parking place in respect of which the prohibited zone exists and such prohibition shall be enforceable as if it had been imposed by an order under section 6 of the Act of 1984.
- (4) Nothing in subsection (3) above shall require the placing of any traffic signs in connection with the prohibition thereby imposed.
- (5) Nothing in this section shall prohibit the driver of a vehicle from causing it to stop in a prohibited zone—
  - (a) if the driver is prevented from proceeding by circumstances beyond his control or it is necessary for him to stop in order to avoid an accident;
  - (b) if the vehicle is stopped for the purpose of making a left or right turn;
  - (c) if the vehicle is being used for fire brigade, ambulance or police purposes;
  - (d) for so long as may be necessary up to a maximum of 20 minutes for the delivery or collection of goods or merchandise or the loading or unloading of the vehicle at any premises if that cannot reasonably be carried out as respects those premises without stopping in the prohibited zone;
  - (e) for so long as may be necessary to enable the vehicle, if it cannot be used for such purpose without stopping in the prohibited zone, to be used in connection with any building operation, demolition or excavation on the road in or in the vicinity of the prohibited zone, the collection of waste by any participating council, the removal of any obstruction to traffic, the

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maintenance, improvement or reconstruction of the road in or in the vicinity of the prohibited zone, or the laying, erection, alteration, repair or cleaning in or near to the prohibited zone of any traffic sign or sewer or of any main, pipe or apparatus for the supply of gas, water or electricity, or of any telegraph or telephone wires, cables, posts or supports;

- (f) for so long as may be necessary for the purpose of enabling persons to board or alight from the vehicle.

## **6 Disposal of abandoned vehicles**

- (1) Subsection (2) below shall have effect with respect to the time at which a competent authority may dispose of a vehicle under section 101 of the Act of 1984 (disposal of vehicles abandoned and removable under that Act) where the place from which the vehicle has been removed or could at any time be removed is in the borough of a participating council or the vehicle has been delivered by the Commissioner to a participating council.
- (2) In the circumstances mentioned in subsection (1) above, subsection (3) of the said section 101 shall have effect as though—
  - (a) at the end of paragraph (b) there were added “or after the expiry of a period of three months beginning with the removal, whichever is the sooner”; and
  - (b) at the end of the subsection there were added “or the expiry of a period of three months beginning with the removal, whichever is the sooner”.

## **7 Recovery of unpaid penalty charges**

- (1) The Secretary of State may make regulations for securing, subject to subsection (2) below, that—
  - (a) where a vehicle found in the borough of a participating council is in the custody of a competent authority under section 101 of the Act of 1984 and a person claiming the vehicle pursuant to subsection (4A) of that section is liable for the payment of any earlier penalty charge relating to that vehicle which remains unpaid, the claimant shall not be entitled to remove the vehicle from the authority’s custody unless, in addition to the penalty charge and other sums specified in the said subsection (4A), he also pays the earlier penalty charge; and
  - (b) where a vehicle to which an immobilisation device has been fixed under section 69 of the Act of 1991 is in the borough of a participating council, there shall be no obligation to release the vehicle from that device pursuant to subsection (4) of that section unless, in addition to the charges payable under that subsection, there is paid any unpaid earlier penalty charge relating to that vehicle for the payment of which the person making payment pursuant to that subsection and, if not the same person, the person in charge of the vehicle at the time the immobilisation device was fixed, is liable.
- (2) Regulations under this section—
  - (a) may make provision for appeals to the parking adjudicator in respect of unpaid penalty charges; and
  - (b) may contain such exemptions and exceptions as appear to the Secretary of State to be appropriate and shall in any event make provision whereby there is no requirement for the payment of an earlier penalty charge in order to permit the removal of a vehicle from the custody of a competent authority or, as the