

LONDON LOCAL AUTHORITIES AND TRANSPORT FOR LONDON ACT 2003

Section 16 - Vehicle crossings over footways and verges

- (1) Where—
- (a) The occupier of any premises adjoining or having access to a highway habitually takes or permits to be taken a mechanically propelled vehicle (other than an invalid carriage) across a kerbed footway or a verge in the highway to or from those premises; and
 - (b) The highway authority—
 - (i) Have not constructed a vehicle crossing for the premises (whether under section 184 of the Act of 1980 or any corresponding earlier enactment or otherwise); and
 - (ii) Have not served a notice under subsection (1) or (3) of that section on the owner and the occupier of the premises, the relevant authority may serve a notice within the period specified in the notice, being no sooner than 28 days from the date on which the notice is served, requiring the occupier to cease taking or permitting to be taken mechanically propelled vehicles across the kerbed footway or verge.
- (2) Nothing in a notice under subsection (1) above shall have the effect of prohibiting the occupier from enjoying the benefit of—
- (a) any relevant development of the premises which is authorised by a planning permission granted on an application made at least 8 weeks before the date on which this section comes into force; or
 - (b) any established or proposed relevant use of the premises, or any relevant operations carried out or proposed to be carried out in, over or under the premises, the lawfulness of which is conclusively presumed under section 191 or 192 of the Town and Country Planning Act 1990 (c. 8) by virtue of a certificate issued on an application made not less than 8 weeks before that date (whether under that section or any corresponding earlier enactment); or
 - (c) any relevant development of the premises which is permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995 No. 418) (or any corresponding earlier order) and which is carried out before that date.
- (3) In determining whether to exercise their powers under subsection (1) above, the relevant authority shall have regard to—
- (a) the need to prevent damage to a footway or verge;
 - (b) the need to ensure so far as practicable, safe access to and egress from premises;
 - (c) the need to facilitate, so far as practicable, the passage of vehicular traffic in and parking of vehicles on highways; and
 - (d) the need to prevent obstruction of the footway or verge.
- (4) A notice under subsection (1) above shall—
- (a) inform the person on whom it is served of his right to object to the notice;
 - (b) state the effect of subsection (10) below; and
 - (c) inform that person—
 - (i) of the relevant authority's powers under section 184(1) or 184(3) of the Act of 1980, as the case may be, to execute works for the construction of a vehicle crossing over the footway; and

- (ii) of any reasons why the council would be unlikely to execute such works if requested so to do.
- (5) A person on whom a notice is served under subsection (1) above may within 21 days from the date of his being served therewith serve an objection in writing on the highway authority.
- (6) The highway authority shall consider any objection served under subsection (5) above and, within 21 days from the date of their being served therewith—
- (a) serve a notice in writing on the person who served the objection stating that the notice under subsection (1) above shall not be withdrawn; or
 - (b) withdraw the notice.
- (7) A person on whom a notice under subsection (6) above is served may within 28 days from the date of his being served therewith appeal to the county court on any of the following grounds—
- (a) that the notice is not justified by the terms of subsection (1) above;
 - (b) that there has been some defect or error in, or in connection with, the notice;
 - (c) that the requirement in the notice is unreasonable.
- (8) On an appeal to the county court under this section, the court shall make such order as it thinks fit.
- (9) A notice under subsection (1) above becomes effective—
- (a) in the case where no objection is served under subsection (5) above, at the expiration of the period during which the person served with the notice may serve an objection;
 - (b) in the case where a notice is served by the council under subsection (6) above, and no appeal is made under subsection (7) above at the expiration of the period during which the person served with the notice may appeal; or
 - (c) where such an appeal is made and is unsuccessful on the date on which the order of the court is made.
- (10) Where a notice under subsection (1) above has become effective, the authority by whom the notice was served may execute such works as may be necessary to prevent mechanically propelled vehicles from being taken across the footway or verge, and may recover the expenses reasonably incurred by them in so doing from the owner or occupier of the premises in question.
- (11) Where at the time when any works are proposed under subsection (10) above any occupier of the premises in question habitually takes an invalid carriage across the footway or verge at the place where the works are proposed, no works may be executed under that subsection so as to prevent invalid carriages of the same type being taken across the footway or verge at that place.
- (12) If a person—
- (a) knowingly uses a footway or verge as a crossing in contravention of a notice given under subsection (1) above; or

- (b) knowingly permits it to be so used; or
- (c) without reasonable excuse removes, damages, alters or defaces any works executed under subsection (10) above, he is guilty of an offence and liable to a fine not exceeding level 3 on the standard scale.

(13) In this section—

“the Act of 1980” means the Highways Act 1980 (c. 66);

“highway” means a highway maintainable at the public expense by a borough council

or by Transport for London;

“invalid carriage” means a vehicle constructed or adapted for use for the carriage of one person, being a person suffering from some physical defect or disability;

“relevant authority” means—

(a) a borough council, in respect of any kerbed footway or verge in any highway maintained by them; and

(b) Transport for London in respect of a kerbed footway or verge in a highway maintained by them;

“relevant development” and “relevant operations” mean development or operations carried out for the purpose of parking a mechanically propelled vehicle on the premises;

“relevant use” means use of the premises for the purpose of parking such a vehicle.