



# London Local Authorities Act 1991

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SCHEDULE:—Local enactments repealed in Greater London in relation to special treatment premises.

**ELIZABETH II**



**1991 CHAPTER xiii**

**An Act to confer further powers upon local authorities in London; and for other purposes. [25th July 1991]**

**W**HEREAS—

(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 should be extended and amended as provided in this Act:

(2) It is expedient that London borough councils should have improved power to license and control premises for massage and special treatment:

(3) It is expedient that the other provisions contained in this Act should be enacted:

(4) The purposes of this Act cannot be effected without the authority of Parliament:

(5) 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 have complied with the requirements of section 87 of the Local Government Act 1985:

1972 c. 70.

1985 c. 51.

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:—

## PART I

### PRELIMINARY

- Short title.           1. This Act may be cited as the London Local Authorities Act 1991.
- Interpretation.       2. 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 but does not include the Common Council of the City of London; and “borough” shall be construed accordingly; and
- “Commissioner of Police” means the Commissioner of Police of the Metropolis.
- Appointed day.       3.—(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 and “the second appointed day” shall be construed accordingly.
- (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 the day fixed thereby; and
- (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

## SPECIAL TREATMENT PREMISES

4. In this Part of this Act unless the context otherwise requires —
- “establishment for special treatment” means any premises in the borough used, intended to be used or represented as being used for the reception or treatment of persons requiring massage, manicure, acupuncture, tattooing, cosmetic piercing, chiropody, light, electric or other special treatment of a like kind or vapour, sauna or other baths but does not include —
- (a) any premises which are not used for gain or reward;
- (b) any premises where the special treatment is carried out by or under the supervision of —
- (i) a medical practitioner duly registered by the General Medical Council; or
- (ii) any bona fide member of a body of health practitioners which has given notice in writing to the borough council that it —
- (A) has a register of members;
- (B) requires as qualification for membership qualifications by way of training for, and experience of, the therapy concerned;
- (C) requires its members to hold professional indemnity insurance;
- (D) subjects its members to a code of conduct and ethics, including a prohibition of immoral conduct in the course of their practice; and
- (E) provides procedures for disciplinary proceedings in respect of its members;
- and has supported that notice with satisfactory documentary evidence, if required by the council; or
- (iii) in the case of acupuncture, a dentist registered under the Dentists Act 1984;
- (c) any premises which are used by a person who is registered by a board under the Professions Supplementary to Medicine Act 1960 —
- (i) solely for the practice of the profession in respect of which he is so registered; or
- (ii) for the practice of the profession in respect of which he is so registered and for the conduct by him of any business ancillary to such practice and no other purpose;
- (d) any hospital provided by the Secretary of State or by a National Health Service Trust established under the National Health Service and Community Care Act 1990 or by a charity which is registered under section 4 of the Charities Act 1960 or is exempted from registration by subsection (4) of that section; or
- (e) any nursing home which is for the time being registered under Part II of the Registered Homes Act 1984 or exempted from registration under that Part of that Act;
- “licence” means a special treatment licence granted under section 6 (Licensing under Part II) of this Act.

Interpretation of Part II.

1984 c. 24.

1960 c. 66.

1990 c. 19.

1960 c. 58.

1984 c. 23.

PART II  
—cont.

Application of  
Part II.  
Licensing under  
Part II.

5. This Part of this Act applies to a borough as from the appointed day.

6.—(1) No premises shall be used in the borough as an establishment for special treatment except under and in accordance with a special treatment licence granted under this section by the borough council.

(2) The borough council may grant to an applicant and from time to time renew or transfer a licence on such terms and conditions and subject to such restrictions as may be specified.

(3) Without prejudice to the generality of subsection (2) above, such conditions may relate to—

- (a) the maintenance of public order and safety;
- (b) the number of persons who may be allowed to be on the premises at any time;
- (c) the qualifications of the persons giving the special treatment;
- (d) the taking of proper precautions against fire, and the maintenance in proper order of means of escape in case of fire, means for fighting fire and means of lighting, sanitation and ventilation of the premises;
- (e) the maintenance in safe condition of means of heating the premises;
- (f) the hours of opening and closing the establishment for special treatment;
- (g) the safety of any equipment used in connection with the special treatment and the way in which the treatment is given;
- (h) the cleanliness and hygiene of the premises and equipment;
- (i) the manner in which the establishment is operated and the way it is advertised.

(4) Provided it has not been cancelled or revoked the licence shall remain in force for 18 months or such shorter period specified in the licence as the borough council may think fit.

Applications  
under Part II.

7.—(1) An applicant for the grant, renewal or transfer of a licence shall not later than the day the application is made send a copy to the Commissioner of Police and a copy to the London Fire and Civil Defence Authority and, subject to subsection (2) below, no such application shall be considered by the council unless the applicant complies with this subsection.

(2) The borough council may in such cases as they think fit, after consulting with the Commissioner of Police and the London Fire and Civil Defence Authority, consider an application for the grant, renewal or transfer of a licence notwithstanding that the applicant has failed to comply with subsection (1) above.

(3) In considering any application for the grant, renewal or transfer of a licence the borough council shall have regard to any observations submitted to them by the Commissioner of Police and the London Fire and Civil Defence Authority within 28 days of the making of the application and may have regard to any observations submitted by them thereafter.

(4) An applicant for the grant, renewal, transfer or variation of a licence shall furnish such particulars and give such other notices, including the public advertisement of the application, as the borough council may by regulation prescribe.

(5) Regulations under subsection (4) above may, inter alia, prescribe the procedure for determining applications.

PART II  
—cont.

(6) An applicant for the grant, renewal or transfer of a licence shall pay a reasonable fee determined by the council.

(7) Where, before the date of expiry of a licence, an application has been made for its renewal or transfer, the licence shall be deemed to remain in force or, as the case may require, to have effect with any necessary modifications until the determination of the application by the borough council or the withdrawal of the application.

8. The borough council may refuse to grant, renew or transfer a licence on any of the following grounds: —

Refusal of  
licence.

- (a) the premises are not structurally suitable for the purpose;
- (b) there is a likelihood of nuisance being caused by reason of the conduct, management or situation of the premises or the character of the relevant locality or the use to which any premises in the vicinity are put;
- (c) the persons concerned or intended to be concerned in the conduct or management of the premises used for special treatment could be reasonably regarded as not being fit and proper persons to hold such a licence;
- (d) the persons giving the special treatment are not suitably qualified;
- (e) the premises have been or are being improperly conducted;
- (f) the premises are not provided with satisfactory means of lighting, sanitation and ventilation;
- (g) the means of heating the premises are not safe;
- (h) proper precautions against fire on the premises are not being taken;
- (i) they are not satisfied as to the safety of equipment used in the special treatment or as to the manner in which the treatment is to be given;
- (j) they are not satisfied as to the safety of the special treatment to be given;
- (k) satisfactory means of escape in case of fire and suitable means for fighting fire are not provided on the premises;
- (l) the applicant has, within the period of five years immediately preceding the application to the borough council, been convicted of an offence under this Part of this Act; or
- (m) the applicant has failed to comply with the requirements of subsection (4) or (6) of section 7 (Applications under Part II) of this Act.

9. —(1) Subject to subsection (2) of this section, in the event of the death of the holder of a licence, the person carrying on at the place in respect of which the licence was granted the function to which the licence relates shall be deemed to be the holder of the licence unless and until the licence is transferred to some other person.

Transmission and  
cancellation of  
licence.

(2) The borough council may revoke a licence held by a person by virtue of subsection (1) above for any of the grounds mentioned in section 8 (Refusal of licence) of this Act.

(3) The borough council may, at the written request of the holder, cancel the licence.

- PART II  
—cont.
- Power to prescribe standard terms, conditions and restrictions.
- 10.—(1) The borough council may make regulations prescribing standard conditions applicable to all, or any class of, licences, that is to say terms, conditions and restrictions on or subject to which licences, or licences of that class, are in general to be granted, renewed or transferred by them.
- (2) Where the borough council have made regulations under this section, every licence granted, renewed or transferred by them shall be deemed to have been so granted, renewed or transferred subject to any standard conditions applicable to it unless they have been expressly excluded or amended.
- Provisional grant of licences.
- 11.—(1) Where application is made to the borough council for the grant of a licence in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the borough council are satisfied that the premises would, if completed in accordance with the requirements of the borough council, be such that they would grant the licence, the borough council may grant the licence subject to a condition that it shall be of no effect until confirmed by them.
- (2) The borough council shall, on application being made for the appropriate variation of the licence, confirm any licence granted by virtue of subsection (1) above if and when they are satisfied that the premises have been completed in accordance with the requirements of the borough council.
- Variation of licences.
- 12.—(1) The holder of a licence may at any time apply to the borough council for a variation in the terms, conditions or restrictions on or subject to which the licence is held.
- (2) The person making an application for such a variation of a licence shall on making the application pay to the borough council a reasonable fee determined by the council.
- (3) The borough council may—
- (a) make the variation specified in the application;
  - (b) make that variation together with such further variation consequent thereon as the council may determine; or
  - (c) refuse the application.
- Part II appeals.
- 13.—(1) Any of the following persons, that is to say:—
- (a) an applicant for the grant, renewal or transfer of a licence whose application is refused;
  - (b) an applicant for the grant, renewal or transfer of a licence who is aggrieved by any term, condition or restriction on or subject to which the licence is granted, renewed or transferred;
  - (c) an applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held whose application is refused;
  - (d) an applicant for the variation of the terms, conditions or restrictions on or subject to which a licence is held who is aggrieved by any term, condition or restriction contained in a further variation made consequent on the variation applied for;
  - (e) the holder of a licence which is revoked under section 9 (Transmission and cancellation of licence) or section 14 (Enforcement of Part II) of this Act;

may at any time before the expiration of the period of 21 days beginning with the relevant date appeal to the magistrates' court acting for the petty sessions area in which the premises are situated by way of complaint for an order.

PART II  
—cont.

(2) In this section "the relevant date" means the date on which the person in question is notified in writing of the refusal of his application, the imposition of the terms, conditions or restrictions by which he is aggrieved or the revocation of his licence, as the case may be.

(3) An appeal by either party against the decision of the magistrates' court under this section may be brought to the Crown Court.

(4) On an appeal to the magistrates' court or to the Crown Court under this section the court may make such order as it thinks fit and it shall be the duty of the borough council to give effect to such order.

(5) Where any licence is revoked under section 14 (Enforcement of Part II) of this Act or an application for the renewal of a licence is refused, the licence shall be deemed to remain in force—

- (a) until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal; and
- (b) where an appeal relating to the refusal of an application for such a renewal is successful until the licence is renewed by the borough council.

(6) Where any licence is renewed under section 6 (Licensing under Part II) of this Act and the borough council specify any term, condition or restriction which was not previously specified in relation to that licence, the licence shall be deemed to be free of it until the time for bringing an appeal under this section has expired and, if such an appeal is duly brought, until the determination or abandonment of the appeal.

(7) Where the holder of a licence makes an application under section 12 (Variation of licences) of this Act and the borough council make the variation applied for together with a further variation, then the licence shall continue as it was before the application—

- (a) until the time for bringing an appeal under this section against any term, condition or restriction contained in the further variation has expired; and
- (b) where any such appeal is brought, until the determination or abandonment of the appeal.

14.—(1) If any occupier or other person concerned in the conduct or management of premises in the borough uses them as an establishment for special treatment or represents them as being so used or permits the premises to be so used he shall, unless the premises are currently licensed by the borough council under this Part of this Act, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Enforcement of  
Part II.

(2) If any premises in respect of which a licence is in force are used as an establishment for special treatment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then the holder of the licence or other person concerned in the conduct or management of the premises shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

PART II  
—cont.

(3) Subject to section 13 (Part II appeals) of this Act, the borough council may revoke a licence if its holder is convicted of an offence under subsection (2) above.

## Powers of entry.

15.—(1) Any duly authorised officer or duly authorised officer of the London Fire and Civil Defence Authority (on production, if so required, of a duly authenticated document showing his authorisation) or any constable, may at all reasonable times enter upon, inspect and examine any premises which are, or which he has reasonable cause to believe are—

- (a) used, represented as being used, or intended to be used as an establishment for special treatment without the requisite licence; or
- (b) used in contravention of the terms, conditions or restrictions on or subject to which a licence is granted;

and may do all things reasonably necessary for the purpose of ascertaining whether an offence has been committed.

## 1936 c. 49.

(2) Subsections (2), (3) and (4) of section 287 of the Public Health Act 1936 shall apply in respect of entry to premises for the purposes of this section as they apply to entry to premises for the purposes of subsection (1) of that section.

(3) Any person who intentionally obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

## Application to existing special treatment premises.

16.—(1) In respect of premises licensed or registered under an enactment specified in the Schedule to this Act on the date this Part of this Act comes into force in the borough in which the premises are situated, section 6 (Licensing under Part II) of this Act shall not apply until the expiry of the licence or registration granted under that enactment.

(2) If, on an application for a licence duly made under this Part of this Act in respect of any such premises as are referred to in subsection (1) above—

- (a) the application is refused; or
- (b) the licence is granted subject to a term, condition or restriction additional to those attached to the licence or registration under the earlier enactment;

then in a case falling within paragraph (a) above this Part of this Act shall have effect as though the applicant held a licence on and subject to the same terms, conditions and restrictions as under the previous licence or registration and the application had been for the renewal thereof, and in a case falling within paragraph (b) above this Part of this Act shall have effect as though the applicant held such a licence which had been renewed with a term, condition or restriction not previously specified in relation to the licence.

(3) Where premises to which subsection (1) above does not apply are lawfully being used as an establishment for special treatment immediately before the date on which this Part of this Act comes into force in the borough in which the premises are situated, and an application for the grant of a licence is duly made before that date in respect of the premises, this Part of this Act shall have effect as though the applicant held a licence free of any terms, conditions or restrictions and the application had been for the renewal thereof.

17. Subject to section 16 (Application to existing special treatment premises) of this Act, the enactments specified in column (2) of the Schedule to this Act, so far as they relate to any part of Greater London, and bye-laws made thereunder, shall cease to have effect in a borough on the day which the council of that borough resolve to be the appointed day for the purposes of this Part of this Act.

PART II  
—cont.  
Repeal.

### PART III

#### ENTERTAINMENT

18.—(1) This section applies in a borough as from the appointed day.

(2) In section 18 (1) of the Theatres Act 1968, which defines expressions used in that Act, in the definition of “public performance”, after “Public Order Act 1936” there shall be added, “any performance which is not open for the public but which is promoted for private gain”.

Amendment of  
Theatres Act  
1968.  
1968 c. 54.  
1936 c. 6  
(1 Edw. 8 &  
1 Geo. 6).

(3) In the Theatres Act 1968, after section 18, there shall be added —

“Meaning of  
promotion for  
private gain.

18A.—(1) For the purposes of this Act a performance is promoted for private gain if, and only if—

- (a) any proceeds from the performance, that is to say, any sum paid for admission to the performance; or
- (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the performance; or
- (c) where the performance is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the performance;

are applied wholly or partly for purposes of private gain.

(2) If in proceedings for an offence under section 13 (1) above any question arises whether a performance was promoted for private gain and it is proved —

- (a) that any sums were paid for admission to the performance or to the premises at which it was given and that the performance was advertised to the public; or
- (b) that any sums were paid for facilities or services provided for persons admitted to the performance and that the performance was advertised (whether to the public or otherwise); or
- (c) that the amount of any payment falling to be made in connection with the promotion of the performance was determined wholly or partly by reference to the proceeds of the performance or any facilities or services provided for persons admitted to it;

the performance shall be deemed to have been promoted for private gain unless the contrary is shown.

(3) Where a performance is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling within

PART III  
—cont.

subsection (1) above are applied for any purpose calculated to benefit the society as a whole, the performance shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person as an individual.

(4) In subsection (3) above ‘society’ includes any club, institution, organisation or association of persons, by whatever name called.”.

Amendment of  
Cinemas Act  
1985.  
1985 c. 13.

**19.—**(1) This section applies in a borough as from the appointed day.

(2) In section 3 of the Cinemas Act 1985, which provides for the grant, renewal and transfer of a licence under that Act, after subsection (1) there shall be inserted —

“(1A) An applicant for the grant, transfer, renewal or variation of an annual licence shall furnish such particulars and give such other notices as the licensing authority may by regulation prescribe:

Provided that no regulation made under this section shall require the public advertisement of an application for —

(a) renewal or transfer of a licence; or

(b) a variation of a licence where that variation relates to a single period of not more than 24 hours and where that licence has not been previously varied more than 12 times within the 12 months preceding the day on which the application is made.”.

Amendment of  
Private Places of  
Entertainment  
(Licensing) Act  
1967.  
1967 c. 19.

**20.—**(1) This section applies in a borough as from the appointed day.

(2) In the Private Places of Entertainment (Licensing) Act 1967 there shall be inserted after section 4 —

“Powers of  
entry for  
inspection etc.

**4A.—**(1) Any duly authorised officer of the council (on production, if so required, of a duly authenticated document showing his authorisation) or any constable may at all reasonable times enter upon, inspect and examine any premises used, or which he has reasonable cause to believe are used for entertainment (or intended to be so used) without the requisite licence and may do all things necessary for the purpose of ascertaining whether such an offence has been committed.

(2) Any person who wilfully obstructs any person acting in the exercise of his powers under this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 1 on the standard scale.

(3) An authorised officer or a constable may exercise powers under subsection (1) above only if he has been granted a warrant by a justice of the peace. A justice may grant a warrant under this section only if he is satisfied either —

(i) that notice of intention to apply for a warrant has been given to the occupier of the premises; or

(ii) that the case is one of urgency or that the premises are unoccupied or the occupier is temporarily absent, or that the giving of notice of intention to apply for a warrant would defeat the object of entry.

A warrant under this section shall authorise entry, if need be by force, but shall have effect only for seven days or until the power conferred by this section in accordance with the warrant has been exercised, whichever is the shorter.”

PART III  
—cont.

(3) In the Private Places of Entertainment (Licensing) Act 1967, there shall be inserted after section 5— 1967 c. 19.

“Meaning of promotion for private gain.

5A.—(1) For the purposes of this Act entertainment is promoted for private gain if, and only if—

- (a) any proceeds of the entertainment, that is to say, any sums paid for admission to the entertainment; or
- (b) any other sums (whenever paid) which, having regard to all the circumstances, can reasonably be regarded as paid wholly or partly for admission to the entertainment; or
- (c) where the entertainment is advertised (whether to the public or otherwise), any sums not falling within paragraph (b) above which are paid for facilities or services provided for persons admitted to the entertainment;

are applied wholly or partly for purposes of private gain.

(2) If in proceedings for an offence under section 4 (1) above any question arises whether an entertainment was promoted for private gain and it is proved—

- (a) that any sums were paid for admission to the entertainment or to the premises at which it was given and that the entertainment was advertised to the public; or
- (b) that any sums were paid for facilities or services provided for persons admitted to the entertainment and that the entertainment was advertised (whether to the public or otherwise); or
- (c) that the amount of any payment falling to be made in connection with the promotion of the entertainment was determined wholly or partly by reference to the proceeds of the entertainment or any facilities or services provided for persons admitted to it;

the entertainment shall be deemed to have been promoted for private gain unless the contrary is shown.

(3) Where an entertainment is promoted by a society which is established and conducted wholly for purposes other than purposes of any commercial undertaking and sums falling within subsection (1) above are applied for any purpose calculated to benefit the society as a whole, the entertainment shall not be held to be promoted for private gain by reason only that the application of those sums for that purpose results in benefit to any person or an individual.

(4) In subsection (3) above ‘society’ includes any club, institution, organisation or association of persons, by whatever name called.”

PART III  
—cont.Fees for  
entertainment  
licences.  
1967 c. 19.

21.—(1) This section applies in a borough as from the appointed day.

(2) In section 3 (4) of the Private Places of Entertainment (Licensing) Act 1967 (which provides for the grant, duration and transfer of licences under that Act) for “a fee of five pounds” there shall be substituted “such reasonable fee as the licensing authority may determine”.

(3) In the Private Places of Entertainment (Licensing) Act 1967, after section 3 there shall be inserted—

“Variation of  
licences.

3A.—(1) The holder of a licence may at any time apply to the licensing authority for a variation in the terms, conditions or restrictions on or subject to which the licence is held.

(2) The person making an application for such a variation of licence shall on making the application pay to the licensing authority such reasonable fee as the licensing authority may determine.

(3) The licensing authority may—

- (a) make the variation specified in the application;
- (b) make that variation together with such further variation consequent thereon as the council may determine; or
- (c) refuse the application.”.

(4) In section 5 of the Private Places of Entertainment (Licensing) Act 1967, in subsection (1) there shall be inserted, after paragraph (b)—

“(c) the holder of any such licence as aforesaid who is aggrieved by a variation of his licence or by a refusal to vary his licence,”.

1968 c. 54.

(5) In Schedule 1 to the Theatres Act 1968 (which makes provision with respect to licences under that Act)—

- (a) in paragraph 7, before the beginning of the paragraph, there shall be inserted “(1)”; and
- (b) after paragraph 7 there shall be inserted—

“(2) The person making an application for such a variation of licence shall, on making the application, pay to the licensing authority such reasonable fee as the licensing authority may determine.”.

## PART IV

## MISCELLANEOUS

Distribution  
containers.  
1980 c. 66.

22.—(1) Without prejudice to the provisions of sections 143 and 149 of the Highways Act 1980 (which relate to the removal of structures erected or things deposited on a highway) if a borough council consider that for the good management of a highway or for the purpose of performing any of their functions a distribution container which has been deposited on the highway ought to be removed or repositioned, they may—

- (a) require the owner of the container to remove or reposition it; or
- (b) themselves remove or reposition the container or cause it to be removed or repositioned.

(2) Where a borough council remove or reposition a distribution container under subsection (1) above they shall, where practicable, notify the owner, but if the owner cannot be traced, or if within the period

specified in any such notice (not being less than one month from the date of the notice) he has not recovered the container, they may dispose of the container and its contents.

PART IV  
—cont.

(3) Where a borough council acting under this section —

- (a) exercise powers in relation to a container other than the power of disposal, they may recover their expenses in so doing (including any storage expenses) as if they were expenses recoverable under section 149 (3) (a) of the Highways Act 1980;
- (b) exercise their powers in relation to a container including the power of disposal, they may recover their expenses in so doing (including any storage expenses) as if they were expenses recoverable under section 149 (4) or, where material, (5) of the said Act in a case where an order authorising removal and disposal of the container has been made on a complaint by them under the said section 149 (4);

1980 c. 66.

and in a case falling within paragraph (b) above where they recover their expenses in the manner provided by the said section 149 (4) they shall apply any balance of the proceeds of disposal in the manner so provided.

(4) In this section “distribution container” means any unattended container deposited in the highway for the free distribution of its contents to, or collection of its contents by, the public.

23.—(1) As from the appointed day in a borough —

Audible intruder  
alarms.

- (a) the owner or occupier of premises in the borough who installs an audible intruder alarm for use on or in those premises, shall —
  - (i) ensure that the alarm is fitted with a device as specified in subsection (3) below;
  - (ii) notify the police of the names and addresses of nominated key-holders;
  - (iii) within 48 hours of the installation of the audible intruder alarm notify the council of the installation; and
  - (iv) inform the council of the address of the police station to which notification has been given under paragraph (ii) above.
- (b) a person who becomes the owner or occupier of premises in the borough in which there is installed an audible intruder alarm for use on or in those premises, shall not permit the operation of the alarm unless —
  - (i) it is fitted with a device as specified in subsection (3) below;
  - (ii) he has notified the police of the names and addresses of nominated key-holders; and
  - (iii) he has informed the council of the address of the police station to which notification has been given under paragraph (ii) above.

(2) As from the second appointed day in a borough, the occupier of premises on or in which an audible intruder alarm has been installed shall not permit the operation of the alarm —

- (a) unless it is fitted with a device as specified in subsection (3) below; and
- (b) unless the police have been notified of the names and addresses of nominated key-holders.

PART IV  
—cont.

(3) A device required by subsections (1) and (2) above is a device of such specifications as the council may reasonably determine to prevent the alarm operating audibly to persons living or working near the premises for more than 20 minutes after it is activated.

(4) Where one of the nominated key-holders whose names and addresses were notified to the police under subsection (1) or (2) above or this subsection ceases to hold keys sufficient to obtain access to the premises, the occupier shall notify the police of the name and address of another nominated key-holder.

(5) The requirement to notify the police under this section shall be satisfied if notice in writing is given to the police at any local police station in the borough.

(6) A person who without reasonable excuse contravenes subsection (1), (2) or (4) above shall be guilty of an offence and liable on summary conviction in the case of a contravention of subsection (1) (a) (i) or (2) (a), to a fine not exceeding level 5 on the standard scale, in the case of a contravention of subsection (1) (b) (i), to a fine not exceeding level 4 on the standard scale and in any other case to a fine not exceeding level 2 on the standard scale.

(7) If it is shown to the satisfaction of a justice of the peace in respect of premises in a borough—

- (a) that an audible intruder alarm is operating more than one hour after it was activated; and
- (b) that steps have been taken to obtain access to the premises with the assistance of the persons whose names and addresses have been notified under subsection (1), (2) or (4) above and access has not been obtained, or that no such persons have been notified under those subsections; and
- (c) that the operation of the audible intruder alarm is causing annoyance to persons living or working near the premises;

the justice may by warrant authorise an authorised officer to enter the premises if need be by force and taking with him such other persons and such equipment as may be necessary to de-activate the alarm.

(8) An authorised officer shall not enter premises under this section unless he is accompanied by a constable.

(9) An authorised officer who enters premises under this section shall not cause more than the minimum amount of damage and disturbance necessary to effect an entry and to de-activate the alarm.

(10) An authorised officer who has de-activated an alarm under this section shall—

- (a) if reasonably practicable, re-set the alarm; and
- (b) leave the premises in other respects, so far as reasonably practicable, as effectively secured against trespassers as he found them.

(11) A warrant issued in pursuance of this section shall continue in force until the purpose for which the entry is required has been satisfied.

(12) In this section, where premises comprise a building which is being erected, constructed, altered, improved, maintained, cleaned or repaired, the occupier does not include a person whose occupancy is in connection with the erection, construction, alteration, improvement, maintenance, cleaning or repair and whose occupancy is by virtue of a licence for less than four weeks.

(13) Nothing in this section applies to an audible intruder alarm installed in a motor vehicle.

PART IV  
—cont.

(14) In this section the second appointed day in any borough shall not be less than six months after the day appointed by the council of that borough under subsection (1) above.

(15) In this section “nominated key-holders” means either—

- (a) two persons, other than the occupier, who hold keys sufficient to obtain access to the premises in question; or
- (b) a company whose business consists of or includes the service of holding keys for the occupiers of premises, which is available to be contacted at any time and which holds keys sufficient to obtain access to the premises in question.

24.—(1) Without prejudice to the generality of subsection (1) of section 169 of the Highways Act 1980 (which provides for licensing of scaffolding on or over highways), where a highway authority (being a borough council) grant a licence under that section they may include among the terms contained in the licence requirements to take such measures as may be therein specified—

Scaffolding  
licences.  
1980 c. 66.

- (a) to prevent unauthorised persons from having access to the scaffolding or climbing it; and
- (b) to protect the security of the building in respect of which the scaffolding is required, or any adjacent building.

(2) A breach of a condition under this section shall not affect liability in civil proceedings.

#### PART V

#### GENERAL

25.—(1) Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence.

Liability of  
directors, etc.

(2) Where the affairs of a body corporate are managed by its members, subsection (1) above shall apply to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

## SCHEDULE

Sections 16 and 17.

## LOCAL ENACTMENTS REPEALED IN GREATER LONDON IN RELATION TO SPECIAL TREATMENT PREMISES

Chapter (1)	Short title (2)	Extent of repeal (3)
10 & 11 Geo. 5 c. lxxxix.	London County Council (General Powers) Act 1920.	Part IV.
21 & 22 Geo. 5 c. ci.	Surrey County Council Act 1931.	Part IV.
23 & 24 Geo. 5 c. xlv.	Essex County Council Act 1933.	Part IV.
7 & 8 Geo. 6 c. xxi.	Middlesex County Council Act 1944.	Part XII.
1981 c. xvii.	Greater London Council (General Powers) Act 1981.	Section 19.
1984 c. xxvii.	Greater London Council (General Powers) Act 1984.	Section 40 and Schedules 2 and 3.



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