



# London Local Authorities and Transport for London Act 2013

## 2013 CHAPTER v

### PART 3

#### BUILDERS' SKIPS

#### 9 Builders' skips: penalty charge provisions

- (1) This section is a penalty charge provision for the purposes of section 61 of the 2007 Act (penalty charges).
- (2) Part 4 of the 2007 Act shall have effect so far as that Part applies by virtue of this section being designated as a penalty charge provision as mentioned in subsection (1) as if for references to a borough council there were substituted references to a relevant highway authority within the meaning of this Act.
- (3) A penalty charge is payable to a relevant highway authority for the purposes of the said section 61 if—
  - (a) a builder's skip is deposited on a highway without a permission granted under section 139 of the 1980 Act (control of builders' skips);
  - (b) a builder's skip has been deposited on a highway in accordance with a permission granted under the said section 139 but the owner of the skip does not secure that—
    - (i) the skip is properly lighted during the hours of darkness;
    - (ii) the skip is marked or lighted in accordance with regulations made under the said section 139 requiring builders' skips to be so marked or lighted;
    - (iii) the skip is clearly and indelibly marked with the owner's name and with his telephone number or address;
    - (iv) the skip is removed as soon as practicable after it has been filled;
    - (v) each of the conditions subject to which the permission was granted is complied with;

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (c) the owner of a builder's skip who, under subsection (2) of section 140 of the 1980 Act (removal of builders' skips), is required to remove or reposition the skip or cause it to be removed or repositioned has failed to comply with the requirement as soon as is practicable.
- (4) For the purposes of the said section 61 of the 2007 Act as it applies in respect of penalty charges payable under that section by virtue of subsection (3), a penalty charge is payable to a relevant highway authority by the owner of the builder's skip in respect of which the contravention of the relevant provision in question is alleged to have occurred.
- (5) The owner of the builder's skip is the appropriate recipient for the purposes of the said section 61.
- (6) For the purposes of section 62(1) of the 2007 Act (representations and appeals) the grounds on which representations may be made against a penalty charge notice arising from a penalty charge payable by virtue of this section are—
- (a) that the recipient—
    - (i) never was the owner of the builder's skip in question;
    - (ii) had ceased to be the owner before the date on which the penalty charge was alleged to have become payable;
    - (iii) became the owner after that date;
  - (b) that there was no contravention of the relevant provision in question and in respect of which the penalty charge notice was issued;
  - (c) that the penalty charge exceeded the amount applicable in the circumstances of the case;
  - (d) that the contravention of the relevant provision in question was due to the act or default of another person and that he took all precautions and exercised all due diligence to avoid the contravention by himself or another person under his control.
- (7) Where any of the grounds mentioned in subsection (6)(a) is relied on in any representations made under the said section 62(1), those representations must include a statement of the name and address of the owner (if that information is in the recipient's possession).
- (8) Where the ground mentioned in subsection (6)(d) is relied on in any representations made under the said section 62(1), the relevant highway authority may disregard the representations unless, before the representations are considered, the person making the representations has served on the relevant highway authority a notice in writing giving such information identifying or assisting in the identification of that other person as was then in his possession.
- (9) Subsections (3) to (7) of section 139 and subsection (3) of section 140 of the 1980 Act (offences related to builders' skips) cease to have effect in Greater London.
- (10) Section 140(9) of the 1980 Act in its application to Greater London, is amended by the substitution for “guilty of an offence under section 139(4) above of failing” of the words “liable to pay a penalty charge under section 9 of the London Local Authorities and Transport for London Act 2013 in relation to the failure”.
- (11) The entries numbered 4 to 9 in the table contained in Schedule 4 to the London Local Authorities and Transport for London Act 2003 are repealed.