



Civic Amenities Act 1967

CHAPTER 69

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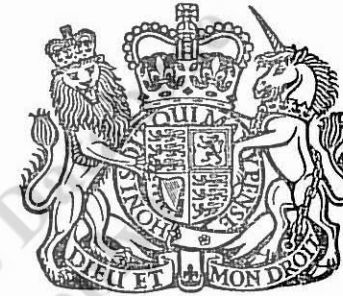
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ELIZABETH II



1967 CHAPTER 69

An Act to make further provision for the protection and improvement of buildings of architectural or historic interest and of the character of areas of such interest; for the preservation and planting of trees; and for the orderly disposal of disused vehicles and equipment and other rubbish. [27th July 1967]

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:—

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PRESERVATION OF AREAS AND BUILDINGS OF ARCHITECTURAL OR HISTORIC INTEREST

1.—(1) Every local planning authority shall from time to time determine which parts of their area, or in Scotland district, are areas of special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance, and shall designate such areas (hereafter referred to as "Conservation Areas") for the purpose of this section.

Preservation of character of areas of special architectural or historic interest.

(2) The Minister may, after consultation with a local planning authority, give to that authority such directions as he thinks necessary with respect to the exercise of their functions under subsection (1) of this section; and it shall be the duty of the authority to comply with any such directions.

(3) Before making a determination under this section, a local planning authority in Greater London shall consult with the other local planning authority or authorities for the area to

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(4) The local planning authority shall give notice to the Minister of the designation of any Conservation Area, and of any variation or cancellation of any such designation, with sufficient particulars to identify the area affected, and shall cause the like notice to be published in the London Gazette (or in Scotland in the Edinburgh Gazette) and in at least one newspaper circulating in the area, or in Scotland district, of the local planning authority.

(5) Where any area is for the time being designated as a Conservation Area, special attention shall be paid to the desirability of preserving or enhancing its character or appearance in the exercise, with respect to any buildings or other land in that area, of any powers—

- 1953 c. 49.
1962 c. 36. (a) in England and Wales, under Part I of the Historic Buildings and Ancient Monuments Act 1953, the Local Authorities (Historic Buildings) Act 1962 or the Planning Act;
- 1954 c. 73.
1959 c. 70. (b) in Scotland, under Part I of the Historic Buildings and Ancient Monuments Act 1953, the Local Authorities (Historic Buildings) Act 1962, the Scottish Planning Act, the Town and Country Planning (Scotland) Act 1954 or the Town and Country Planning (Scotland) Act 1959.

(6) Where an application for planning permission for any development of land is made to a local planning authority and either the development would, in the opinion of the authority, affect the character or appearance of a Conservation Area or the development is of a kind specified by the Minister for the purposes of this subsection and in respect of land in or adjacent to a Conservation Area, then—

- (a) the local planning authority shall publish in a local newspaper circulating in the locality in which the land is situated a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of twenty-one days beginning with the date of publication of the notice; and
- (b) the application shall not be determined by the local planning authority before the end of the period aforesaid; and
- (c) without prejudice to the requirements of (a) and (b)

planning authority shall take into account any representations relating to the application which are received by them before the end of that period.

(7) The local planning authority for the purposes of this section shall, in Greater London, be the Greater London Council and also—

- (a) in relation to the City of London, the Common Council; and
- (b) in relation to a London borough, the council of that borough.

2.—(1) In subsection (1) of section 33 of the Planning Act and subsection (6) of section 28 of the Scottish Planning Act (which require previous notice of certain works affecting buildings listed as buildings of special architectural or historic interest) for the words “at least two months before the works are executed” there shall be substituted the words “at least six months before the works are executed but not more than two years before they are begun”:

Unauthorised works on listed buildings and contraventions of building preservation orders.

Provided that this subsection, so far as it increases the period of notice required by the said subsection (1) or subsection (6), shall not affect the carrying out of works pursuant to a notice given one month or more before the commencement of this Act.

(2) In subsection (3) of section 62 of the Planning Act and subsection (5) of section 27 of the Scottish Planning Act (which penalise the execution of works, in contravention of a building preservation order, by any person being the owner of the relevant building or a person on whom a copy of the order has been served) the following words are hereby repealed, that is to say—

- (a) in the said subsection (3), the words from “being” to “made”; and
- (b) in the said subsection (5) the words from “being” to “served”;

but in any proceedings for an offence under either of those subsections it shall be a defence to prove that the person charged did not know and could not reasonably be expected to have known that the building preservation order in question had been made.

(3) In relation to any contravention after the commencement of this Act of the provisions of the said section 33(1) or the

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(a) on summary conviction, to a fine not exceeding two hundred and fifty pounds or to imprisonment for a term not exceeding three months or to both; and

(b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding twelve months or to both;

and in determining the amount of any fine to be imposed under paragraph (b) of this subsection the court shall in particular have regard to any financial benefit which has accrued or appears likely to accrue to the offender in consequence of the offence."

Acts causing or likely to result in damage to listed buildings.

3.—(1) Where a building, not being a building of a description specified in section 30(2) of the Planning Act, is included in a list compiled or approved under section 32 of that Act, then, if any person who, but for this section, would be entitled to do so, does or permits the doing of any act which causes or is likely to result in damage to the building (other than an act for the execution of excepted works) and he does or permits it with the intention of causing such damage, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds.

(2) In subsection (1) of this section "excepted works" means works authorised by planning permission granted or deemed to be granted in pursuance of an application under the Planning Act and works of which notice has been given in pursuance of section 33 of that Act or which are lawful by virtue of subsection (2) of that section.

(3) Where a person convicted of an offence under this section fails to take such reasonable steps as may be necessary to prevent any damage or further damage resulting from the offence, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding twenty pounds for every day on which the failure continues.

(4) In the application of this section to Scotland—

(a) in subsection (1), for the references to sections 30(2) and 32 of the Planning Act there shall be substituted respectively references to the proviso to section 27(1) and section 28(1) of the Scottish Planning Act;

(b) in subsection (2), for the references to the Planning Act, section 33, and subsection (2) of section 33 of the Planning Act, there shall be substituted respectively references to the Scottish Planning Act, section 28(6) and the proviso to section 28(6) of the Scottish Planning Act.

4.—(1) The power conferred by subsection (1) of section 4 of the Historic Buildings and Ancient Monuments Act 1953 to make grants for the purposes mentioned in that subsection shall include power to make loans for those purposes, and references to grants in subsections (3) and (4) of that section shall be construed accordingly.

Loans for preservation of historic buildings etc. 1953 c. 49.

(2) Any loan made by virtue of this section shall be made on such terms as to repayment, payment of interest and otherwise as the Minister making the loan may determine with the approval of the Treasury; and all sums received by any Minister by way of interest on or repayment of such a loan shall be paid into the Exchequer.

5. Sections 1 and 2 of the Local Authorities (Historic Buildings) Act 1962 (which make provision for contributions by local authorities in England and Wales towards the repair and maintenance of buildings of historic or architectural interest) shall apply to Scotland subject to the following modifications—

Application of sections 1 and 2 of the Local Authorities (Historic Buildings) Act 1962 to Scotland. 1962 c. 36.

(a) in subsection (1) of section 1, for the reference to England or Wales, section 32 of the Planning Act and the Minister of Housing and Local Government, there shall be substituted respectively a reference to Scotland, section 28 of the Scottish Planning Act and the Secretary of State;

(b) in subsection (4) of section 1, for the definition of "local authority" there shall be substituted the following definitions:—

"local authority" means a local planning authority or a county council or the town council of a burgh;

"local planning authority" has the same meaning as that expression has for the purposes of the Town and Country Planning (Scotland) Act 1947;

1947 c. 53.

(c) in subsection (1) of section 2, for the reference to exchange there shall be substituted a reference to excambion, and the words "in any court of competent jurisdiction" shall be omitted.

6.—(1) If it appears to a local authority or in Scotland a local planning authority that any works are urgently necessary for the preservation of a building to which this subsection

Works to preserve listed buildings etc.

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applies which is situated in their area or district, they may, after giving to the owner of the building not less than seven days' notice in writing of the proposed execution of the works, take such steps as they consider appropriate for executing the works.

(2) Subsection (1) of this section applies to any unoccupied building in respect of which a building preservation order is in force or which is included in a list compiled or approved under section 32 of the Planning Act or section 28 of the Scottish Planning Act, other than a building of a description specified in subsection (2) of section 30 of the Planning Act or, as the case may be, the proviso to subsection (1) of section 27 of the Scottish Planning Act.

Compulsory acquisition of listed buildings.

7.—(1) In subsection (1) and subsection (2) of section 69 of the Planning Act (which provide for the compulsory acquisition of a building in respect of which a building preservation order is in force and which is not being properly preserved)—

(a) after the word "Where" there shall be inserted the words "a building, not being a building of a description specified in section 30(2) of this Act, is included in a list compiled or approved under section 32 thereof or"; and

(b) for the words "and it appears" there shall be substituted the words "and, in either case, it appears";

and in subsection (6) of that section after the words "the building preservation order" there shall be inserted the words "(if any)".

(2) The Minister shall not make or confirm a compulsory purchase order for the acquisition of any building by virtue of this section unless he is satisfied that it is expedient to make provision for the preservation of the building and to authorise its compulsory acquisition for that purpose.

(3) In the application of this section to Scotland—

(a) for the references to sections 30(2) and 32 and subsections (1) and (2) of section 69 of the Planning Act there shall be substituted respectively references to the proviso to section 27(1), section 28(1) and subsections (1) and (2) of section 38 of the Scottish Planning Act; and

(b) in subsection (1), the words following paragraph (b) shall be omitted.

Management etc. of buildings acquired under section 69 of Planning Act etc.

8.—(1) Where a local authority acquire any building or other land under section 69(1) or section 71(1)(b) of the Planning Act, they may make such arrangements as to its management, use or disposal as they consider appropriate for the purpose of its preservation.

(2) Where the Minister acquires any building or other land under section 69(2) of the Planning Act, subsection (3) of section 5 of the Historic Buildings and Ancient Monuments Act 1953 (management, custody and disposal), except so much of it as refers to subsection (4) of that section, shall apply in relation thereto as it applies in relation to property acquired under that section.

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1953 c. 49.

(3) In the application of this section to Scotland—

(a) the reference to a local authority shall be construed as a reference to a local planning authority;

(b) for the references to sections 69(1), 69(2) and 71(1)(b) of the Planning Act there shall be substituted respectively references to sections 38(1), 38(2) and 38(5) of the Scottish Planning Act.

9. A building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office shall be deemed not to be a building of a description specified in paragraph (a) of subsection (2) of section 30 of the Planning Act or paragraph (a) of the proviso to subsection (1) of section 27 of the Scottish Planning Act (buildings in respect of which building preservation orders are not to be made); and accordingly after the word "purposes" in those paragraphs there shall be inserted the words "other than a building used or available for use by a minister of religion wholly or mainly as a residence from which to perform the duties of his office".

Building preservation orders in respect of parsonages etc.

10.—(1) If it appears to a local planning authority or other local authority having power to make a building preservation order that any such order proposed to be made by that authority should take effect immediately without previous confirmation by the Minister, they may include in the order as made by them a direction that this section shall apply to the order.

Procedure for making building preservation orders.

(2) Notwithstanding subsection (3) of section 30 of the Planning Act or subsection (3) of section 27 of the Scottish Planning Act, an order which contains such a direction shall take effect provisionally on such date as may be specified therein, and shall continue in force by virtue of this section until the expiration of the period of six months beginning with the date on which the order was made, or until the date on which the Minister confirms the order or notifies the authority that he does not propose to confirm it, whichever first occurs.

(3) Provision shall be made by regulations under the Planning Act or the Scottish Planning Act, as the case may be, for securing—

(a) that the notices to be given of the submission to the Minister of a building preservation order containing a

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direction under this section shall include a statement of the effect of the direction ; and

- (b) that where the Minister, within the said period of six months, notifies the authority that he does not propose to confirm such an order, copies of that notice shall be served on the owner and any occupier, and in Scotland also on any lessee, of the building to which the order applied.

1889 c. 63.

(4) Subsection (2) of section 31 of the Planning Act, and the proviso to subsection (4) of section 27 of the Scottish Planning Act, are hereby repealed ; and without prejudice to section 38(1) of the Interpretation Act 1889 (effect of repeals), references in the Planning Act or the Scottish Planning Act to the enactments hereby repealed shall be construed as references to this section.

Public inspection of lists of buildings of special architectural or historic interest.

11.—(1) The Minister shall keep available for public inspection free of charge at reasonable hours and at a convenient place copies of all lists and amendments of lists compiled, approved or made by him under section 32 of the Planning Act or section 28(1) of the Scottish Planning Act, or having effect as if so compiled, approved or made ; and every local authority shall similarly keep available copies of so much of any such list or amendment as relates to buildings within their area.

1963 c. 33.

(2) In this section “ local authority ” means any authority with whose clerk copies of the relevant lists or amendments are deposited pursuant to section 32(2) of the Planning Act, section 28(3) of the Scottish Planning Act or section 28 of the London Government Act 1963.

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PRESERVATION AND PLANTING OF TREES

Duty of planning authority to provide for planting of trees.

12.—(1) It shall be the duty of the local planning authority to ensure, wherever it is appropriate, that, in granting planning permission for any development under the Planning Act or the Scottish Planning Act, as the case may be, adequate provision is made, by the imposition of conditions, for the preservation or planting of trees and to make such tree preservation orders under that Act as appear to that authority to be necessary in connection with the grant of such permission (whether for giving effect to such conditions or otherwise).

(2) A tree preservation order may be made so as to apply, in relation to trees to be planted pursuant to any such conditions, as from the time when those trees are planted.

Replacement of trees.

13.—(1) If any tree in respect of which a tree preservation order is for the time being in force, other than a tree to which the order applies as part of a woodland, is removed or destroyed

in contravention of the order or is removed or destroyed or dies at a time when its cutting down is authorised only by the provisions of section 29(7) of the Planning Act relating to trees which are dying or dead or have become dangerous, it shall be the duty of the owner of the land, unless on his application the local planning authority dispense with this requirement, to plant another tree of an appropriate size and species at the same place as soon as he reasonably can.

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(2) In relation to any tree planted pursuant to this section, the relevant tree preservation order shall apply as it applied to the original tree.

(3) The duty imposed by subsection (1) of this section on the owner of any land shall attach to the person who is from time to time the owner of the land and may be enforced as provided by section 14 of this Act and not otherwise.

(4) In the application of this section to Scotland, in subsection (1) for the words from “ cutting ” to “ dangerous ” there shall be substituted the words “ felling is authorised only by the provisions of the proviso to section 26(6) of the Scottish Planning Act relating to felling where urgently necessary in the interests of safety ”.

14.—(1) If it appears to the local planning authority that the provisions of section 13 of this Act, or any conditions of a consent given under a tree preservation order which require the replacement of trees, are not complied with in the case of any tree or trees, that authority may, at any time within four years from the date of the alleged failure to comply with the said provisions or conditions, serve on the owner of the land a notice requiring him, within such period as may be specified in the notice, to plant a tree or trees of such size and species as may be so specified.

Default powers and appeals.

(2) Subject to the following provisions of this section, a notice under this section shall take effect at the end of such period (not being less than twenty-eight days after the service thereof) as may be specified in the notice.

(3) A person on whom a notice under this section is served may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the Minister against the notice on the ground—

- (a) that the provisions of the said section 13 or the conditions aforesaid are not applicable or have been complied with ;
- (b) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified therein ;

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- (c) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
- (d) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose;

and subsections (2) to (5) of section 46 and section 180 of the Planning Act (procedure and powers of Minister on appeal, and appeals to the High Court from decision of Minister) shall apply in relation to any such appeal as they apply in relation to an appeal against an enforcement notice.

(4) In section 48 of the Planning Act (execution by local planning authority of works required by an enforcement notice) and in section 49 of that Act (supplementary provisions as to enforcement notices) and any regulations in force under that section, references to an enforcement notice and an enforcement notice served in respect of development shall include references to a notice under this section; and in relation to such a notice the reference in subsection (1) of the said section 49 to the person by whom the development was carried out shall be construed as a reference to any person, other than the owner, responsible for the cutting down, destruction or removal of the original tree or trees.

(5) In the application of this section to Scotland—

- (a) in subsection (1), for the words from “four” to “conditions” there shall be substituted the words “two years from the date on which the failure to comply with the said provisions or conditions came to their knowledge”;
- (b) for subsection (3) there shall be substituted the following subsection:—

“(3) A person on whom a notice under this section is served may, at any time within the period specified in the notice as the period at the end of which it is to take effect, appeal to the sheriff against the notice; and on any such appeal the sheriff—

(a) if satisfied—

- (i) that the provisions of the said section 13 or the conditions aforesaid are not applicable or have been complied with, or
- (ii) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry, or

- (iii) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose,

shall quash the notice;

- (b) if not so satisfied, but satisfied that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified therein, shall vary the notice accordingly;

(c) in any other case shall dismiss the appeal:

Provided that—

- (i) the sheriff on such an appeal to him may, and if so directed by the Court of Session shall, state a case for the opinion of that Court on any question of law arising in the proceedings, and an appeal shall lie to the Court of Session on any question of law from the decision of the sheriff; and
- (ii) where the notice is varied or the appeal is dismissed, the sheriff may, if he thinks fit, direct that the notice shall not come into force until such date (not being later than twenty-eight days from the determination of the appeal) as he thinks fit.”
- (c) in subsection (4), for the references to sections 48 and 49 of the Planning Act there shall be substituted a reference to section 22 of the Scottish Planning Act, and for the reference to subsection (1) of the said section 49 there shall be substituted a reference to subsection (2) of the said section 22.

15.—(1) In relation to an offence of cutting down or wilfully destroying a tree, or of topping or lopping a tree in such a manner as to be likely to destroy it, being an offence committed after the commencement of this Act, section 62(1) of the Planning Act and section 26(6) of the Scottish Planning Act (enforcement of tree preservation orders) shall have effect as if for the words “fifty pounds” there were substituted the words “two hundred and fifty pounds or twice the sum which appears to the court to be the value of the tree, whichever is the greater”.

(2) In relation to an offence committed after the commencement of this Act, section 17(1) of the Forestry Act 1967 (penalty for unlawful felling of trees) shall have effect as if for the words

PART II “ten pounds” there were substituted the words “two hundred and fifty pounds”.

Procedure for making tree preservation orders.

16.—(1) If it appears to a local planning authority that a tree preservation order proposed to be made by that authority should take effect immediately without previous confirmation by the Minister, they may include in the order as made by them a direction that this section shall apply to the order.

(2) Notwithstanding subsection (4) of section 29 of the Planning Act or subsection (4) of section 26 of the Scottish Planning Act, an order which contains such a direction shall take effect provisionally on such date as may be specified therein, and shall continue in force by virtue of this section until the expiration of the period of six months beginning with the date on which the order was made, or until the date on which the Minister confirms the order or notifies the local planning authority that he does not propose to confirm it, whichever first occurs.

(3) Provision shall be made by regulations under the Planning Act or the Scottish Planning Act as the case may be for securing—

- (a) that the notices to be given of the submission to the Minister of a tree preservation order containing a direction under this section shall include a statement of the effect of the direction; and
- (b) that where the Minister, within the said period of six months, notifies the local planning authority that he does not propose to confirm such an order, copies of that notice shall be served on the owners and occupiers, and in Scotland also on lessees, of the land to which the order related.

(4) Subsection (6) of the said section 29, and the proviso to subsection (5) of the said section 26, are hereby repealed; and without prejudice to section 38(1) of the Interpretation Act 1889 (effect of repeals), references in the Planning Act or the Scottish Planning Act to the enactments hereby repealed shall be construed as references to this section.

1889 c. 63.

Delegation of functions of local planning authorities.

17. Section 3 of the Planning Act (which provides for the delegation to county district councils of functions of local planning authorities under specified provisions of that Act) shall have effect as if this Part of this Act were included among the provisions specified in subsection (2) of that section and as if the reference in subsection (6) of that section to functions under that Act included a reference to functions under this Part of this Act.

PART III

DISPOSAL OF ABANDONED VEHICLES AND OTHER REFUSE

Control of dumping

18.—(1) It shall be the duty of a local authority to provide places where refuse, other than refuse falling to be disposed of in the course of a business, may be deposited at all reasonable times free of charge by persons resident in the area of the authority and, on payment of such charges (if any) as the authority think fit, by other persons. Provision of refuse dumps.

(2) Any place provided by a local authority in pursuance of subsection (1) of this section shall either be situated within the area of the authority or, if not so situated, be reasonably accessible to persons resident in that area; and a local authority may if they think fit, without prejudice to the generality of their duty under subsection (1) of this section, determine that any such place shall be available for the deposit of refuse of such descriptions only as are specified in the determination.

(3) A local authority may—

- (a) permit, on such terms as they think fit, the deposit at a place provided by them in pursuance of this section of refuse falling to be disposed of in the course of a business;
- (b) provide plant and apparatus for the treatment or disposal of refuse deposited at such a place; and
- (c) sell or otherwise dispose of any such refuse.

(4) The power of a local authority to provide places, plant and apparatus and to accept and dispose of refuse in pursuance of the foregoing provisions of this section includes power to enter into an agreement with any other person for the provision of facilities by him for the purposes of those provisions at any place under his control; and without prejudice to any powers of combination conferred on local authorities by any other enactment, any two or more local authorities may by agreement combine for the purposes of their functions under the foregoing provisions of this section.

(5) No action shall lie against a local authority in respect of damage resulting from their failure to carry out their duty under this section; but if the Minister is satisfied, after holding a local inquiry, that a local authority have failed to carry out that duty he may by order require the authority to take such steps for carrying it out as are specified in the order, and an order under this subsection shall be enforceable on the application of the Minister by mandamus or, in Scotland, by proceedings under section 91 of the Court of Session Act 1868.

1868 c. 100.

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(6) In this section—

“local authority” means, in relation to England and Wales, the council of a county borough or county district and the Greater London Council;

“the Minister” means, in relation to England excluding Monmouthshire, the Minister of Housing and Local Government; and

“refuse” includes any matter whatsoever, whether inorganic or organic.

(7) Subject to the following subsection, subsection (1) of this section shall come into force on the expiration of the period of one year beginning with the passing of this Act, so however that the Minister may, by order made before the expiration of that period, provide that that subsection shall come into force in any area on such date after the expiration of that period as may be specified by the order in relation to that area.

(8) Where the Secretary of State, in relation to an area or part of an area of a local authority in Scotland, is of the opinion that the circumstances in that area or part are such that there is no need to bring subsection (1) of this section into force, he may by order made before the expiration of the period of one year beginning with the passing of this Act provide that such area or part, as the case may be, shall be excluded from the operation of the said subsection:

Provided that if at any time the Secretary of State is of the opinion that the circumstances in that area or part have so changed that the said subsection (1) should be brought into force in respect of it, he may make an order bringing the said subsection into force accordingly.

(9) Nothing in subsection (7) or subsection (8) of this section shall prevent the exercise by a local authority of any powers which, apart from those subsections, are exercisable by them by virtue of subsection (1) of this section.

19.—(1) Any person who, without lawful authority,—

(a) abandons on any land in the open air, or on any other land forming part of a highway, a motor vehicle or anything which formed part of a motor vehicle and was removed from it in the course of dismantling the vehicle on the land; or

(b) abandons on any such land any thing other than a motor vehicle, being a thing which he has brought to the land for the purpose of abandoning it there,

shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding one hundred pounds or in

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amount not exceeding two hundred pounds or imprisonment for a term not exceeding three months or both.

(2) For the purposes of subsection (1) of this section, a person who leaves any thing on any land in such circumstances or for such a period that he may reasonably be assumed to have abandoned it or to have brought it to the land for the purpose of abandoning it there shall be deemed to have abandoned it there or, as the case may be, to have brought it to the land for that purpose unless the contrary is shown.

(3) In Scotland, an offence under this section may be prosecuted in any court of summary jurisdiction within the meaning of the Summary Jurisdiction (Scotland) Act 1954 having jurisdiction in the place where the offence was committed. 1954 c. 48.

Removal and disposal of vehicles and other refuse

20.—(1) Where it appears to a local authority that a motor vehicle in their area is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway, it shall be the duty of the authority, subject to the following provisions of this section, to remove the vehicle. Removal of abandoned vehicles.

(2) Where it appears to a local authority that the land on which a motor vehicle is abandoned as aforesaid is occupied by any person, the authority shall give him notice in the prescribed manner that they propose to remove the vehicle in pursuance of subsection (1) of this section but shall not be entitled to remove it if he objects to the proposal in the prescribed manner and within the prescribed period; and a local authority shall not be required by virtue of subsection (1) of this section to remove a vehicle situated otherwise than on a carriageway within the meaning of the Highways Act 1959 if it appears to them that the cost of its removal to the nearest convenient carriageway within the meaning of that Act would be unreasonably high. 1959 c. 25.

(3) Where in pursuance of this section a local authority propose to remove a vehicle which in their opinion is in such a condition that it ought to be destroyed they shall, not less than the prescribed period before removing it, cause to be affixed to the vehicle a notice stating that the authority propose to remove it for destruction on the expiration of that period.

(4) Any vehicle removed by the council of a London borough or the Common Council under this section shall be delivered by them to the Greater London Council in accordance with such arrangements (including arrangements as to the sharing of any expenses incurred or sums received by the council and the

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be agreed between the council and the Greater London Council or, in default of agreement, as may be determined by the Minister of Housing and Local Government.

(5) While a vehicle, other than a vehicle to which a notice was affixed in accordance with subsection (3) of this section, is in the custody of a local authority or the Greater London Council in pursuance of this section, it shall be the duty of the authority or the Council to take such steps as are reasonably necessary for the safe custody of the vehicle.

(6) Subsection (5) of section 18 of this Act shall apply to the duties imposed by subsections (1) and (2) of this section as if for any reference to the duty imposed by that section, the Minister of Housing and Local Government or a local authority within the meaning of that section there were substituted respectively a reference to the duties aforesaid, the Minister and a local authority within the meaning of this section.

(7) In the application of this section to Scotland—

(a) in subsection (2), "carriageway" means a way, other than a cycle track, over which the public have a right of way for the passage of vehicles ;

(b) in subsection (6), for the words from "the Minister of Housing" to the end there shall be substituted the words "there were substituted a reference to the duties aforesaid".

(8) The foregoing provisions of this section shall have effect during the period of six months beginning with the commencement of this Act as if for the words "the duty of" in subsection (1) and "but" in subsection (2) there were substituted respectively the words "lawful for" and "before doing so and" and as if in subsection (2) the words from "and a" onwards and subsections (6) and (7) were omitted ; and the Minister may, by order made before the expiration of the period of six months beginning with the commencement of this Act, provide that this subsection shall have effect in relation to any area specified by the order as if for the first reference to the period of six months there were substituted a reference to such longer period as may be specified by the order in relation to that area.

(9) This section and sections 21 and 22 of this Act shall come into force on the expiration of the period of six months beginning with the passing of this Act or on such earlier date as the Minister may by order appoint.

21.—(1) Subject to subsection (4) of this section, the council of a county borough or county district or the Greater London Council

Disposal of removed vehicles

PART III

vehicle which is in their custody in pursuance of section 20 of this Act—

(a) in the case of a vehicle to which a notice was affixed in accordance with subsection (3) of that section and on which no current licence was displayed at the time of its removal, at any time after its removal ;

(b) in the case of a vehicle to which a notice was so affixed and on which a current licence was so displayed, at any time after the licence expires ;

(c) in any other case, at any time after the council have taken such steps as may be prescribed to find a person appearing to them to be the owner of the vehicle and either—

(i) they have failed to find such a person, or

(ii) he has failed to comply with a notice served on him in the prescribed manner by the council requiring him to remove the vehicle within the prescribed period from their custody,

but not earlier, in a case where it appears to the council that a licence is in force in respect of the vehicle, than the expiration of the licence.

(2) The power to dispose of vehicles conferred on a council by subsection (1) of this section includes power to provide plant and apparatus for the purpose of disposing of vehicles.

(3) The Minister may by regulations require a council by whom a vehicle is disposed of in pursuance of this section to give such information relating to the disposal as may be prescribed to such persons as may be prescribed.

(4) If before a vehicle is disposed of by a council in pursuance of the foregoing provisions of this section the vehicle is claimed by a person who satisfies the council that he is its owner and pays to the council such sums in respect of its removal and storage as may be prescribed, the council shall permit him to remove the vehicle from their custody during such period as may be prescribed ; and if before the expiration of the period of one year beginning with the date on which a vehicle is sold by a council in pursuance of this section any person satisfies the council that at the time of its sale he was the owner of the vehicle, the council shall pay over to him any sum by which the proceeds of sale exceed the aggregate of such sums in respect of the removal, storage and disposal of the vehicle as may be prescribed.

(5) If in the case of any vehicle it appears to such a council as aforesaid that more than one person is or was its owner at the relevant time, such one of them as the council think fit shall be treated as its owner for the purposes of subsection (4) of

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(6) In the application of this section to Scotland, for any reference to the council of a county borough or county district there shall be substituted a reference to a local authority.

Recovery of expenses connected with removed vehicles.

22.—(1) Where a vehicle is removed in pursuance of subsection (1) of section 20 of this Act, the appropriate authority shall be entitled to recover from any person responsible—

- (a) such charges as may be prescribed in respect of the removal of the vehicle ; and
- (b) charges ascertained by reference to a prescribed scale in respect of any period during which the vehicle is in the custody of the authority ; and
- (c) where the vehicle is disposed of in pursuance of section 21 of this Act, charges determined in the prescribed manner in respect of its disposal.

(2) Any sum recoverable by virtue of this section shall be recoverable as simple contract debt in any court of competent jurisdiction ; and, without prejudice to the foregoing provisions of this subsection, the court by which a person is convicted of an offence under subsection (1) of section 19 of this Act in respect of a motor vehicle may, on the application of the appropriate authority and in addition to any other order made by the court in relation to that person, order him to pay to the authority any sum which, in the opinion of the court, the authority are entitled to recover from him under this section in respect of the vehicle.

(3) In this section—

“ the appropriate authority ” means, in the case of a vehicle removed in pursuance of subsection (1) of section 20 of this Act by the council of a county borough or a county district, that council and, in the case of a vehicle so removed by the council of a London borough or the Common Council, the Greater London Council ; and

“ person responsible ”, in relation to a vehicle means—

(a) the owner of the vehicle at the time when it was put in the place from which it was so removed, unless he shows that he was not concerned in and did not know of its being put there ;

(b) any person by whom it was put in the place aforesaid ;

(c) any person convicted of an offence under subsection (1) of section 19 of this Act in consequence of the putting of the vehicle in the place aforesaid ;

and for the purposes of paragraph (b) of subsection (1) of this

PART III

London borough or the Common Council shall be treated as in the custody of the Greater London Council while it was in the custody of the council by whom it was so removed.

(4) In the application of this section to Scotland—

- (a) the definition of “ the appropriate authority ” shall be omitted and for any other reference to the appropriate authority there shall be substituted a reference to the local authority ;
- (b) in subsection (2), the words from the beginning to the words “ this subsection ” shall be omitted.

23.—(1) Where it appears to a local authority that any thing in their area, other than a motor vehicle, is abandoned without lawful authority on any land in the open air or on any other land forming part of a highway, the authority may if they think fit, subject to subsection (2) of this section, remove the thing. Removal and disposal etc. of other refuse.

(2) A local authority shall not be entitled to exercise their powers under subsection (1) of this section as respects a thing situated on land appearing to the authority to be occupied by any person unless the authority have given him notice in the prescribed manner that they propose to remove the thing and he has failed to object to the proposal in the prescribed manner and within the prescribed period.

In this subsection “ prescribed ”, in relation to England excluding Monmouthshire, means prescribed by regulations made by the Minister of Housing and Local Government.

(3) The following provisions (which relate to the deposit and disposal of refuse), that is to say—

- (a) section 76 of the Public Health Act 1936 (except paragraph (a) of subsection (3)) ; 1936 c. 49.
- (b) sub-paragraphs (3) and (4) of paragraph 15 of Part I of Schedule 11 to the London Government Act 1963 ; and 1963 c. 33.
- (c) without prejudice to the generality of subsection (2) of section 30 of this Act, sub-paragraphs (1) and (2) of the said paragraph 15 so far as they relate to provisions of the said section 76,

shall apply to any thing removed in pursuance of subsection (1) of this section as those provisions apply to other refuse.

(4) A local authority by whom any thing is removed in pursuance of subsection (1) of this section shall be entitled to recover the cost of removing and disposing of it from any person by whom it was put in the place from which it was

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of the thing in that place ; but any sum received in pursuance of this subsection by a local authority in Greater London in respect of the cost to the Greater London Council of disposing of any thing shall be paid over by the authority to the Council.

(5) Subsection (2) of section 22 of this Act shall apply for the purposes of this section as it applies for the purposes of that section, but as if it had come into force at the commencement of this Act and as if for references to a vehicle there were substituted references to any other thing and for references to the appropriate authority there were substituted references to the relevant local authority.

(6) In the application of this section to Scotland—

(a) for subsection (3) there shall be substituted the following subsection—

“ (3) A local authority may—

(a) provide places for the deposit of any thing removed by them under subsection (1) of this section ;

(b) provide plant and apparatus for the treatment or disposal of any thing deposited at such a place ; and

(c) sell or otherwise dispose of any such thing.” ;

(b) in subsection (5) the words from “ and for ” to the end shall be omitted.

Miscellaneous and supplemental

Acquisition of land.

1946 c. 49.

1947 c. 42.

24.—(1) A local authority and the Greater London Council may be authorised by the Minister to acquire land compulsorily for any of the purposes of this Part of this Act, and the Acquisition of Land (Authorisation Procedure) Act 1946 or, in Scotland, the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply to the compulsory acquisition of land under this section as if this section had been in force immediately before the commencement of that Act.

(2) In subsection (1) of this section “ the Minister ” means, in relation to England excluding Monmouthshire, the Minister of Housing and Local Government.

Amendments of enactments relating to abandoned etc. vehicles.

25. The Minister may by order alter, in such manner as he considers expedient in consequence of the passing of this Part of this Act, any of the provisions of sections 15 and 16 of the Road Traffic and Roads Improvement Act 1960 and section 43 of the Road Traffic Act 1960 (which relate to the application of this Part of this Act to motor vehicles).

application to vehicles of any description, whether abandoned or not ; and an order under this subsection may contain such transitional, incidental or supplemental provisions as the Minister considers expedient for the purposes of the order.

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26. In subsection (1) of section 34 of the Public Health Act 1961 (which provides for the removal by a local authority from a vacant site in a built-up area of an accumulation of rubbish which is seriously detrimental to the amenities of the neighbourhood) for the words “ on any vacant site in a built-up area an accumulation of rubbish ” there shall be substituted the words “ on any land in the open air in their area any rubbish ” ; and in subsection (2) of that section for the word “ site ” there shall be substituted the word “ land ”.

Amendment of 1961 c. 64 s. 34.

27.—(1) In this Part of this Act the following expressions have the meanings hereby assigned to them unless the contrary intention appears, that is to say—

Interpretation etc. of Part III.

“ highway ”, in the application of this Part of this Act to Scotland, shall be deemed to include any public right of way ;

“ licence ” means, in relation to a vehicle, a licence issued for the vehicle under the Vehicles (Excise) Act 1962 ;

1962 c. 13.

“ local authority ” means, in relation to England and Wales, the council of a county borough, county district or London borough and the Common Council ;

“ the Minister ” means, in relation to England excluding Monmouthshire, the Minister of Transport ;

“ motor vehicle ” means a mechanically propelled vehicle intended or adapted for use on roads, whether or not it is in a fit state for such use, and includes any trailer intended or adapted for use as an attachment to such a vehicle, any chassis or body, with or without wheels, appearing to have formed part of such a vehicle or trailer and anything attached to such a vehicle or trailer ;

“ owner ”, in relation to a motor vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person entitled to possession of the vehicle under the agreement ;

“ prescribed ” means prescribed by regulations made by the Minister ;

and any reference in section 20 or section 23 of this Act to a motor vehicle or other thing which is abandoned includes a reference to a motor vehicle or other thing abandoned before

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PART III

(2) Any power to make regulations conferred by this Part of this Act includes power to make provision in respect of such cases only as may be specified in the regulations and to make different provision for different circumstances; and an order under any provision of this Part of this Act may be revoked or varied by a subsequent order under that provision.

(3) Any power to make regulations or an order under any provision of this Part of this Act, except subsection (5) of section 18, subsection (2) of section 22 and the said subsection (5) as applied by subsection (6) of section 20, shall be exercisable by statutory instrument; and any statutory instrument made by virtue of any provision of this Part of this Act, except subsection (7) of section 18 and subsections (8) and (9) of section 20, shall be subject to annulment in pursuance of a resolution of either House of Parliament.

PART IV

GENERAL

Rights of entry and other supplementary provisions.

28.—(1) Any person duly authorised in writing by the Minister or a local authority may at any reasonable time enter upon any land for the purpose of ascertaining whether—

- (a) an offence under section 3 of this Act appears to have been committed on the land; or
- (b) the land may be acquired compulsorily by virtue of section 7 of this Act; or
- (c) any of the functions conferred by section 6, section 14, section 20 or section 23 of this Act should or may be exercised in connection with the land,

or for the purpose of exercising any of those functions in connection with the land.

(2) Subsections (1) to (5) of section 212 of the Planning Act (which contain supplementary provisions as to rights of entry under section 211 of that Act) shall have effect with the necessary modifications as if references to section 211 included references to subsection (1) of this section.

(3) Sections 213 to 215 of the Planning Act (which relate to local inquiries, the service of notices and the furnishing of information) shall have effect as if any reference to that Act or specified provisions of that Act included a reference to this Act and as if references to the Minister in section 213 included references to the Minister of Transport.

(4) In the application of this section to Scotland—

- (a) in subsection (1) after the word “Minister” there shall be inserted the words “Minister of Transport”;

(b) for subsections (2) and (3) there shall be substituted the following subsections—

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“(2)(a) Subsections (4) to (6) of section 99 of the Scottish Planning Act (which contain certain provisions as to powers of entry under that section) and subsection (7) of that section (compensation for damage resulting from the exercise of powers of entry) shall have effect with the necessary modifications as if references to that section included references to subsection (1) of this section;

(b) any question of disputed compensation under subsection (7) of the said section 99 as extended by the foregoing paragraph shall be determined by the Lands Tribunal for Scotland in accordance with the Land Compensation (Scotland) Act 1963:

1963 c. 51.

Provided that any such question shall, in the period before the coming into force in Scotland of sections 1 to 4 of the Lands Tribunal Act 1949, be determined by an official arbiter appointed under section 2 of the said Act of 1963.

1949 c. 42.

(3) Sections 100 to 102 of the Scottish Planning Act (which relate to local inquiries, the service of notices and the furnishing of information) shall have effect as if any reference to that Act or specified provisions of that Act, other than the reference to Schedule 8 to that Act contained in subsection (1) of the said section 100, included a reference to this Act.”

29.—(1) The Minister of Housing and Local Government may, after consultation with the Council of the Isles of Scilly, by order provide that any provision of this Act specified in the order shall apply to the Isles, subject to such modifications as may be so specified, as if the Isles were a separate county or a county district.

Application to Isles of Scilly.

(2) The power to make orders conferred by this section shall be exercisable by statutory instrument and shall include power to vary or revoke an order under this section by a subsequent order thereunder.

30.—(1) In this Act the following expressions have the meaning hereby assigned to them unless the contrary intention appears, that is to say:—

Interpretation—general.

“the Common Council” means the Common Council of the City of London;

“local authority” in relation to England and Wales, has

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relation to Scotland, means a county council or the town council of a burgh ;

“ local planning authority ” and “ owner ” have the same meanings as those expressions have for the purposes of the Planning Act or the Scottish Planning Act ;

“ the Minister ” means, in relation to England excluding Monmouthshire, the Minister of Housing and Local Government and, in relation to Scotland, Wales and Monmouthshire, the Secretary of State ;

1962 c. 38.

“ the Planning Act ” means the Town and Country Planning Act 1962 ;

1947 c. 53.

“ the Scottish Planning Act ” means the Town and Country Planning (Scotland) Act 1947 ;

and any reference in any provision of this Act to the commencement of this Act shall be construed as a reference to the date when that provision comes into operation.

(2) Any reference in this Act to any enactment is a reference to it as amended or applied by or under any other enactment, including this Act.

Expenses.

31. There shall be paid out of moneys provided by Parliament any increase attributable to this Act in the sums so payable under any other enactment.

Short title,
commencement
and extent.

32.—(1) This Act may be cited as the Civic Amenities Act 1967.

(2) Subject to the provisions of subsections (7) and (8) of section 18 and subsection (9) of section 20 of this Act, Parts I to III of this Act, except subsection (1) of section 2, shall come into force on the expiration of the period of one month beginning with the date of the passing of this Act.

(3) This Act does not extend to Northern Ireland.

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