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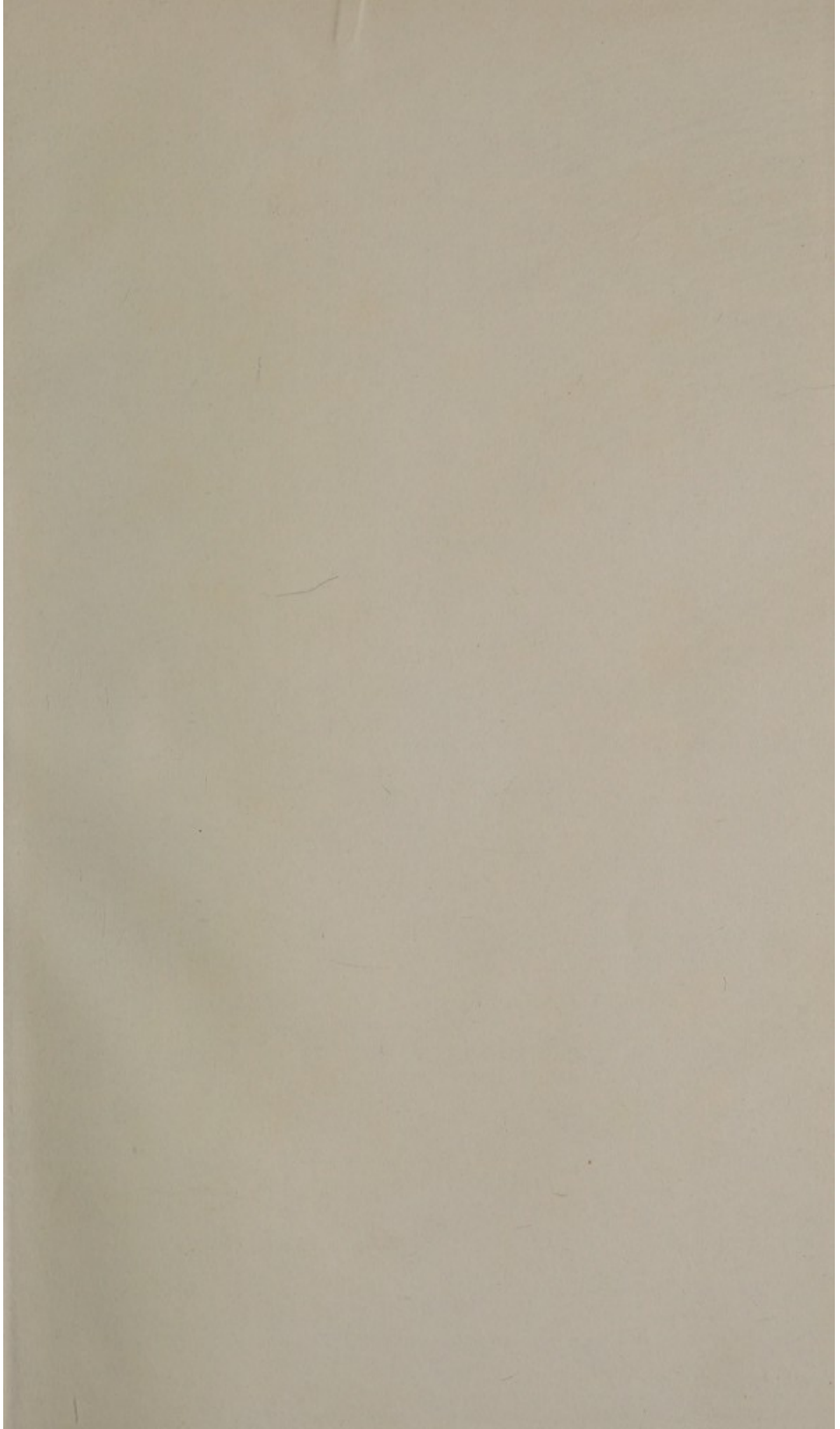


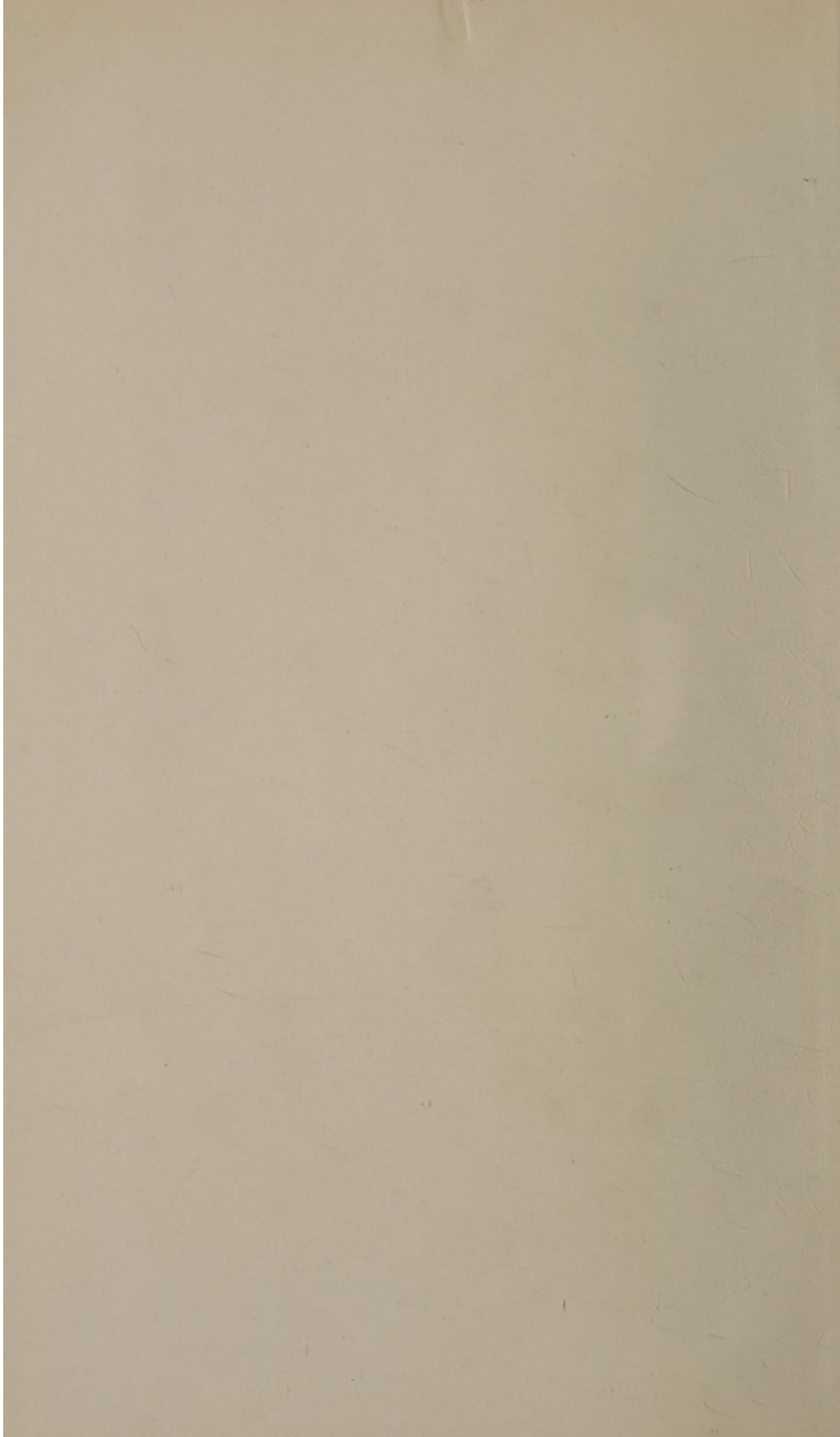
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**THE LONDON GOVERNMENT
ACT 1963**

With an Introduction by

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and Annotations

reprinted from Halsbury's Statutes of England (2nd Edn.)

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PUBLISHERS' ANNOUNCEMENT

Although the London Government Act 1963 is a Public General Act, it is virtually limited in its application to the Greater London area and for that reason it is not being included in the regular numbered series of the Annotated Legislation Service. In order, however, that it may be made available for reference to those subscribers to the Service who are affected by or concerned with it, the annotated text of the Act as appearing in the Interim Service to Halsbury's Statutes of England (2nd Edn.) is reprinted in this Volume, accompanied by an Introduction by Mr. W. Eric Jackson, Senior Assistant Clerk of the London County Council, which surveys the whole field of the legislation.

Basically, the Act begins to operate on 1st April 1965, when the new authorities, the Greater London Council and the London borough councils, take over the functions of the existing authorities whom they replace. However, certain parts of it came into force on 31st July 1963, the date of the Royal Assent; the first election of councillors of the Greater London Council takes place on 9th April 1964 and that of the councillors of each of the London boroughs in May 1964; as from 1st October 1964, the proper officer to register local land charges is the clerk, or the person for the time being authorised to act as clerk, of the council of the particular London borough, or, as the case may be, the town clerk, or the person for the time being authorised to act as town clerk, of the City of London; and, in addition there are certain local statutory provisions in force immediately before 1st April 1965 which are to continue to apply after that date.

November, 1963

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REFERENCES AND ABBREVIATIONS

THE ALL ENGLAND LAW REPORTS

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Whyte v. Clancy, [1936] 2 All E.R. 735.

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References to Public General Statutes (other than to Acts or sections printed in this volume), contained in the second edition of Halsbury's Statutes of England are followed by a reference to the volume and page in that edition where the Act or section will be found, thus:—

Criminal Appeal Act, 1907, s. 6 (5 Halsbury's Statutes (2nd Edn.) 931).

HALSBURY'S LAWS OF ENGLAND

The first figure in references to Halsbury's Laws of England indicates the volume, and the last figure indicates the page number. The edition referred to—Second (Hailsham) or Third (Simonds)—is indicated in parentheses.

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References to the Statutes Volume of Butterworths Annotated Legislation Service are given thus:—

Statutes Vol., p. 250.

References to previous Statutes Supplements are given thus:—

5 Statutes Supp. 63.

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121 H. of L. Official Report 1200.

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H. of C. Official Report, S.C.B., 6th December 1945, col. 12.

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THE LONDON GOVERNMENT ACT 1963

INTRODUCTION

INTRODUCTORY AND HISTORICAL

The London Government Act 1963 provides for a new structure of local government in an area to be known as Greater London; for the disestablishment of existing local authorities in that area, except in the City of London; for the creation of a new series of local authorities and for the conferment and distribution of local government functions among the authorities. Provision is made for the election of the new authorities in April and May of 1964 and for the pre-existing authorities to remain in being until 1st April 1965, on which date they will cease to exist and the new authorities will take over.

The Act itself does not contain all the provisions requisite to implement its general intentions; for, apart from numerous other enactments which are applied by provisions of the Act, a large number of ministerial orders, directions and decisions are provided for, and provisional orders and statutory instruments can be made under the Act to supplement or modify its provisions. See, in particular, ss. 83 (2), 84 and 87.

The structure of local government in and around London has long been the subject of controversy and reform. Various Royal Commissions from 1837 onwards had shown concern at the growth of London outside the ancient City*. The creation in 1855 of the Metropolitan Board of Works with powers exercisable throughout the "metropolis", and with certain limited functions of control over the forty-one vestries and district boards in that area, set the pattern of the two-tier system of local government which is now common to all the administrative counties.

Upon the Board of Works the series of statutes known as the Metropolis Management Acts conferred functions (supplemented by various private and public statutes) relating to streets, sewerage, bridges, tunnels and embankments, open spaces, the fire service, and the control of buildings and places of entertainment. The vestries and district boards had powers of local drainage and the duties of repair, paving and lighting of streets, and other local functions.

The "metropolis" thus acquired its own codes of legislation, and the functions of the authorities of each tier were to some extent concurrent and overlapping.

When in 1888 the London County Council (with other county councils) was created, and the "metropolis" with slight alterations became the administrative county of London, the county council inherited the functions of the Board of Works. By the Public Health (London) Act 1891 (the provisions of which differed materially from the public health legislation applicable outside London), the vestries and district boards and certain other bodies were made sanitary authorities. The London Building Acts from 1894 onwards codified and enlarged the provisions relating to building control.

The twenty-eight metropolitan borough councils formed in 1889 took over functions from the vestries and district boards.

* For particulars of the views of these various Commissions, see Report of the Royal Commission on Local Government in Greater London, 1960 (Cmnd. 1164) Chapter II.

In addition, numerous private Acts, particularly the annual General Powers Acts of the London County Council, conferred further powers on the county council and metropolitan borough councils; and numerous public general statutes, in conferring powers on local authorities, made London the subject of special provisions.

The City of London, with its ancient constitution, has throughout (although part of the administrative county of London) retained its own individuality as a local authority, unique in the local government scene. It too has been the subject of numerous private statutes and of special provisions in public statutes. The small areas of the Inner and Middle Temples have also assumed an unusual character as local government areas for limited purposes.

In the result, although the local government structure in the administrative county of London was broadly similar to that of other counties, the functions of the authorities have not been identical with those of local authorities in those counties. For instance the housing powers of the London County Council have been more extensive than those of other county councils; the council is not (except in relation to its bridges and tunnels) a highway authority, although it is an improvement authority, and its financial powers differ from those of other local authorities. Within the administrative county the local government functions of education, town planning and building control have been exercised almost entirely by the county council. For some services such as housing, slum clearance and parks and open spaces the "second tier" authorities had powers concurrent with (but not as extensive as) those of the county council; and for some purposes, such as sewerage and drainage, building control and byelaws, the powers of the authorities in each tier were inter-connected.

In relation to local government legislation, therefore, the administrative county of London presented very considerable differences from the rest of the country.

The continued growth of urbanisation beyond the county, which led to the popular adoption of the term "Greater London" gradually involved the whole of Middlesex and large parts of the surrounding "home counties".

In 1923 the Royal Commission on the Local Government of Greater London (the Ullswater Commission) reported (Cmd. 1830) on the question of a central local authority for Greater London but did not recommend the establishment of such an authority. In 1945 a Government White Paper (Cmd. 6579) on Local Government in England and Wales during the Period of Reconstruction alluded to the special problem of Middlesex, a county which had no rural districts, was largely urban in character, and where it would have been possible, by the creation of county boroughs, to destroy county government altogether. Beyond Middlesex, certain other areas such as Watford (Hertfordshire) and Ilford (Essex) were growing and were becoming likely candidates for county borough status.

In 1957 a Royal Commission on Local Government in Greater London was set up under the chairmanship of Sir Edwin Herbert and in their unanimous report of 1960 (Cmd. 1164) recommended the abolition of all existing local authorities in a defined area of Greater London (except the City of London and the Temples) and the setting up of a much reduced number of authorities, namely an authority for Greater London as a whole and fifty-one new borough authorities. The London Government Act 1963 follows the general conceptions of the Royal Commission but with important modifications, particularly as regards education; and the number of London boroughs is reduced to thirty-two.

The Act does not deal with police or water supply (these topics being

excluded from the Royal Commission's inquiry), but makes certain minor adjustments of the metropolitan police district.

PART I—GENERAL AND CONSTITUTIONAL

Areas

The area of Greater London is not directly defined; it comprises the sum total of the areas of the City, the Temples and the thirty-two new London boroughs (s. 2). The areas of the individual London boroughs are defined and their division into wards is provided for (Sch. 1, Parts I–III).

For the most part the areas of the London boroughs have been formed by amalgamation of existing metropolitan boroughs or county districts, but in six cases (see Sch. 1, Part II) a former borough or district has been divided. In general the boundaries of the new London boroughs do not cut across the old county boundaries, but there are exceptions, where the county boroughs of Croydon, and of East and West Ham have been amalgamated with areas of adjoining counties and where Twickenham and Friern Barnet (both in Middlesex) have each been amalgamated with authorities in adjoining counties. The area of Harrow alone remains unaltered (Sch. 1, Part I). The three urban districts of Potters Bar and Staines and Sunbury-on-Thames (all in Middlesex) are transferred outside the area of Greater London into the adjoining counties (s. 3 (1)).

The twelve London boroughs whose areas, together with the City of London, comprised the administrative county of London (with the exception of a small area of Woolwich north of the Thames) are to be known as "inner London boroughs"; the others are to be known as "outer London boroughs" (s. 1 (1)). Subject to various provisions in the Act designed to bring the London legislation in specified fields into conformity with that applicable outside, the difference between the London codes and the general legislation will, therefore, remain until appropriate legislative steps are taken (*e.g.*, by Order in Council, as to public general Acts, under s. 83). (See also s. 87 as to the effect and modification of local Acts and instruments.)

Alterations of boundaries of Greater London or any London borough are to be made only by the Minister of Housing and Local Government on proposals made to him, and after local inquiry, unless he is satisfied that such an inquiry is unnecessary (s. 6).

Constitution and general functions of the Greater London Council

The constitutional arrangements of the Greater London Council are dealt with in the Act by direct provision for some purposes and, for other purposes, by the application of other enactments, particularly the Local Government Act 1933 (14 Halsbury's Statutes (2nd Edn.) 353) (s. 2 (4), Sch. 2). This latter Act is itself, however, modified by s. 8 (2) and Sch. 4, with a view to assimilating the law as between the inner London boroughs, the outer London boroughs, Greater London and the rest of the country.

The Greater London Council is to have a chairman, vice-chairman, aldermen and councillors (s. 2 and Sch. 2, para. 1 (1)). A deputy-chairman may be appointed (Sch. 2, para. 1 (3)). Aldermen will be equal in number to one-sixth of the councillors (Sch. 2, para. 1 (2) (b)). As to the number of councillors and their election see below (p. 60).

By the method of applying with modifications, other enactments, such matters as the election of the chairman and aldermen, the qualifications and disqualifications of members, acceptance and vacation of office, meetings, proceedings and minutes are dealt with (Sch. 2, paras. 1, 10, 11 and Sch. 4).

As to the election of the chairman, vice-chairman and aldermen and their terms of office, see Sch. 2, para. 1 (1). As to retirement of half the aldermen in 1967, see Sch. 2, para. 1 (2) (c). As to voting on special expenditure, see Sch. 2, para. 9. The Greater London Council, by being made a local authority within the meaning of the Local Government Act 1933 (14 Halsbury's Statutes (2nd Edn.) 353) (Sch. 2, para. 10) will have the powers and functions conferred by that Act, modified by the provisions of Sch. 2 and (in so far as they are relevant) of Sch. 4. As to power to change the Council's name, see s. 2.

The Local Government Act 1933, modified as above-mentioned, contains provisions relating to the appointment and proceedings of committees, staff, offices and buildings, land acquisition, expenses, borrowing, accounts and audit, financial returns, byelaws, promotion of bills, contracts, inspection of documents, service of notices, authentication of documents and other matters. Schedule 2 to the London Government Act 1963, however, contains express provision in relation to some of these matters, *i.e.*, in paras. 12 (officers), 13 (records), 14–15 (acquisition of land), 16–18 (works of art and buildings of special interest), 19–24 (expenses and receipts, audit, and expenditure for general and special purposes), 25–29 (capital expenditure, loans to other bodies and persons, and borrowing), and 30 (insurance fund).

By Sch. 2, para. 31, the Greater London Council is made a local authority for various enactments relating to ferries (para. 31 (a)), publicity (31 (b)), electricity (31 (c)), allowances to members, insurance of members and assistance to other bodies (31 (d)), gas (31 (e)), income tax on receipts by joint authorities (31 (f)), sale of articles made by the blind or disabled (31 (g)). Para. 31 also applies to the Greater London Council, as if that Council were a county council, certain other enactments relating to (i) allowances to members, and subscriptions to local government associations, (ii) establishment of a capital fund and a repairs and renewals fund, (iii) expenses of official visits, and (iv) proceedings for abatement of litter. See also Sch. 17 and ss. 4 and 83 as to the distribution, by the modification of numerous public enactments, of various functions among the Greater London Council and the London borough councils.

Promotion of Bills

The Greater London Council has an unusually wide power to promote Bills in Parliament, including a promotion on behalf of a London borough council or the Common Council of the City (s. 7).

Delegation of functions—"Agency arrangements"

The Greater London Council may delegate functions to the Common Council; and any London borough council whose area adjoins the City may agree to discharge functions of the Common Council as agents for that Council; the Greater London Council, the Common Council, any London borough council and any local authority whose area is contiguous with Greater London may agree to provide services for each other (s. 5). See, however, as to delegation in relation to road traffic functions, s. 9 (5); as to housing, s. 21 (7); as to planning, s. 24 (5); as to building control, s. 43 (3); as to cinemas, s. 52 (2); as to betting tracks, s. 53 (1); and, as to delegation to the Inner London Education Authority or an education committee of that Authority, see Sch. 2, para. 11 (3).

The Local Government Act 1933

The London Government Act 1963 (s. 8 and Sch. 4) makes various modifications in the Act of 1933. A number of these will apply to authorities outside

as well as inside Greater London; and there are certain other modifications which will apply only to the new London authorities, *e.g.*, s. 6 (boundaries) and s. 7 (Bills). Among the modifications which apply to authorities outside Greater London are those relating to the qualification and election of a chairman, vice-chairman and aldermen, the date of a casual vacancy, the payment of salary due to a mentally disordered person, the purposes for which land may be acquired, repayment of moneys borrowed on mortgage, presentation of an address to an honorary freeman, the service of notices on or by local authorities, the authentication of documents, penalties for destroying notices and for offences arising at inquiries, and the signing of minutes.

Constitution and general functions of London Borough Councils

Charters may be granted to the London boroughs (s. 1 (2)); a borough which is not chartered is to be incorporated by ministerial order (s. 1 (3)). The charter or order may provide for the name of the borough, and for the matters which are normally dealt with under s. 131 of the Local Government Act 1933 (14 Halsbury's Statutes (2nd Edn.) 424), *e.g.*, the number of councillors, division of the borough into wards (s. 1 (2), (3)). The number of councillors for a London borough may not, however, exceed sixty (s. 1 (4)).

Each London borough council is a local authority for the purposes of the Act of 1933 (s. 1 (6)).

As a result of the application of the modified Act of 1933 London boroughs will have mayors and aldermen, who will be equal in number to one-sixth of the councillors (s. 8 (2) and Sch. 4).

Reference must also be made to the modified Act of 1933 for provisions applicable to the London borough councils in regard to such matters as elections of mayor and aldermen; the deputy mayor; qualifications and disqualifications for membership; term, acceptance and vacation of office; casual vacancies; meetings and proceedings; committees; officers; offices and buildings; land; expenses; borrowing; accounts and audit; financial returns; byelaws, freemen, contracts, inspection and authentication of documents; service of notices; and inquiries.

See also Sch. 4 to the Act of 1963, for application to the City of provisions relating to joint committees, byelaws and transfer of powers of public bodies (paras. 15, 29, 35); and as to byelaws made by the authorities of the Temples (para. 29).

As to alterations in borough wards and the allocation of councillors to each, see Sch. 1, Part III, to the Act of 1963.

The general effect of the recommendations of the Royal Commission of 1960 on Local Government in Greater London was that the Greater London Council should have certain particular functions throughout Greater London, and that all other local government functions should be exercisable by the London borough councils. The London Government Act 1963, follows this conception. Parts II to IX describe the functions of the new London authorities as regards particular services.

Subject to any provisions to the contrary in the Act, or any instrument made under the Act, or any other Act passed in the same session (*e.g.*, Weights and Measures Act 1963; see *ibid.*, s. 35) the general effect of s. 4 of the London Government Act 1963 is that any functions under public general Acts formerly exercisable in the area of a London borough or the City by any local authority are to devolve on the London borough council or the Common Council respectively. Thus, in the absence of any specific provision to the contrary where a previous enactment did not refer to the administrative

county of London it will not apply to inner London boroughs, and where an enactment applied only to that county it will not apply to outer London boroughs.

The Act of 1963, makes special provision with regard to traffic, highways, housing, finance and grants, public health, elections, rating and valuation, planning, land drainage and flood prevention. There is accordingly excluded from the operation of s. 4, certain specified enactments relating to these matters; see s. 4 (7).

Conduct of elections

The first election of councillors of the Greater London Council is to be held on 9th April 1964 (s. 2 (4)), by the local government electors for Greater London (Sch. 2, para. 2). To begin with the London boroughs (the City being linked with the former areas of Westminster, Paddington and St. Marylebone for this purpose) will form the electoral areas, each returning a defined number of councillors, one hundred in all (Sch. 1 and Sch. 2, para. 4). In due course, on the revision of parliamentary electoral areas, Greater London is to be divided into single-member constituencies (Sch. 2, para. 5; and see s. 89 (definition of "relevant year of election")). The term of office of councillors is three years and they all retire together in 1967 and every third year thereafter (Sch. 2, para. 3). As to the actual day of retirement see *ibid.*, para. 3 (2).

The first election of London borough councillors is to be held in May 1964 on a date to be fixed by the Home Secretary (s. 1 (7)).

The London Government Act 1963 (s. 8 (1) and Sch. 3) applies the Representation of the People Acts, appropriately modified as regards the new London authorities; makes provision as regards registration, returning officers, and expenses, for certain matters relating to parliamentary elections in constituencies wholly or partly in Greater London; makes provision for the special circumstances of Essex, Kent, Surrey and Hertfordshire (parts of the areas of which are affected by the re-organisation of Greater London); and provides (Sch. 3, paras. 15-18) that after the first election (in 1964) the ordinary day of election of councillors both of the Greater London Council and of the London borough councils is to be fixed by the Home Secretary, and makes provision for combined polls for London borough and Greater London elections.

As regards the Greater London Council, there is provision (Sch. 2, paras. 6-8) for the alteration of electoral areas and of the number of Greater London Councillors for each; and there are provisions designed to secure conformity as between electoral areas, the boroughs and the parliamentary constituencies.

PART II—ROAD TRAFFIC, HIGHWAYS AND MOTOR VEHICLES

There were no county roads in the administrative county of London. Road improvements made by the county council became on completion the responsibility of the metropolitan borough councils as highway authorities. Nor were there any trunk roads. In order to bring the law relating to highways in Greater London more into line with that applicable elsewhere, the London Government Act 1963 makes provision for the functions under the Highways Acts 1959 and 1961 to be exercised by the Greater London Council, the Common Council of the City, the London borough councils, and the Minister of Transport. Certain roads specified in Sch. 7 are, by s. 17, made "metropolitan roads"; and new or existing roads may be so designated by the Minister, who may also, on the application of a local authority in

Greater London, order that such a road may cease to be a "metropolitan road" (s. 17).

The Greater London Council is the highway authority for metropolitan roads (s. 16); drains belonging to such a road vest in that Council (s. 17 (5)). The London borough councils and the Common Council of the City are local highway authorities for all other highways in their respective areas, except any trunk or other roads for which the Minister is the highway authority (s. 16). The four bridges in the City (Blackfriars, London, Southwark and Tower) are not part of any metropolitan road. The Greater London Council may delegate to the local highway authorities the maintenance, improvement or other functions relating to metropolitan roads or land acquired in connection with such a road, and may enter into agreements with those authorities for the construction of such a road (s. 18). The Greater London Council may construct roads connecting with metropolitan roads, provided that the Council first consults the local highway authority; a local highway authority must also obtain the approval of the Greater London Council before making any connection with a metropolitan road (s. 16). Appropriate adaptations and amendments of the Highways Act 1959 are effected (s. 16 and Sch. 6).

The Greater London Council is given powers of controlling pedestrian and vehicular traffic (substantially similar to those previously exercised by the Minister of Transport) subject to certain overriding powers of direction which have been reserved to the Minister, and to prior consultation with the police and local highway authorities (s. 10).

The Council and the Minister have powers to make experimental traffic schemes, subject to consultation with the police and to such public notice as the Minister may direct, and subject also to certain reserve powers of the Minister (s. 11). The Council and the Minister may both exercise the powers of a highway authority in connection with the placing of traffic signs on roads other than trunk roads (on trunk roads the power is reserved to the Minister); the Council and the Minister may require highway authorities to attend to the mechanism of traffic lights and may authorise such authorities to obstruct highways, or remove obstructions placed thereon by them (s. 12). On all roads other than trunk roads, the Council is the competent authority for signs indicating speed restrictions (ss. 12 (6), 14 (1) (b)).

The Council has power to impose speed limits on roads other than trunk roads; this power is concurrent with that of the Minister (s. 10 (8)).

The Greater London Council and the local highway authorities are all given power in their respective areas to provide parking accommodation, but the Greater London Council must not exercise this power without the consent of the local highway authority, except with the Minister's consent (s. 13 (1)). The Council may, subject to reserve powers of the Minister, designate parking places where charges are made, and has power to approve applications by the local highway authorities for the designation of such places (s. 13 (2)-(8)). Pedestrian crossings may, on metropolitan roads, be provided (after consultation with the local highway authority) by the Greater London Council, and, on other roads by the local highway authorities in accordance with schemes approved by the Minister (s. 14 (5)).

Certain functions of the Minister are conferred on the Greater London Council with regard to half-yearly schemes of works of repair and improvement (subject to prior consultation with the police and the London Transport Board), directions with regard to speed limits on restricted roads, the use of roads as playgrounds, and road improvements (s. 14). Certain enactments relating to motor-vehicle trials on footpaths and bridleways, traffic on roads used as playgrounds, and examiners of vehicles are applied to the appropriate

highway authorities, and certain other provisions relating to road service licences, the approval of routes, third party insurance, and protective helmets are applied solely to the Greater London Council (s. 14 (6)). Other general enactments relating to road traffic and road improvements are suitably modified and applied (ss. 15, 19 and Sch. 5).

In exercising the functions conferred on the Greater London Council under Part II of the London Government Act 1963, that Council must have regard to access to premises, local amenities, and other relevant matters so as to secure the expeditious, convenient and safe movement of traffic and suitable and adequate parking facilities. Certain of the Minister's reserve powers may be exercised only if he is satisfied that the Council's duties in this regard are not being satisfactorily discharged (s. 9 (2)).

The London Traffic Area and the London and Home Counties Traffic Advisory Committee are abolished (s. 9 (6)).

In Greater London the authority for the collection of duties on motor vehicles, the licensing and registration of such vehicles and the issuing of driving licences is the Greater London Council (s. 20).

PART III—HOUSING AND PLANNING

The London borough councils and the Common Council of the City are housing authorities, but may not provide housing outside Greater London unless the Minister of Housing and Local Government agree (s. 21 (1)–(3)). The Greater London Council may provide housing outside Greater London (s. 21 (4)). Inside Greater London the Council may provide housing in a borough, but unless the housing is for comprehensive redevelopment or for rehousing persons displaced by that Council, the consent of the London borough council or, if refused, of the Minister, must be obtained; in the City, the Greater London Council may provide housing only with the consent of the Common Council (s. 21 (4)). Moreover, until such date as the Minister appoints, the Greater London Council may exercise the former housing powers of the London County Council (s. 21 (5)).

London borough councils must have regard to housing proposals submitted to the Minister before 1st April 1965 (s. 21 (8)). Local authorities may enter into agreements with each other for the exercise of housing powers (s. 21 (7), (10), (11)).

Appropriate modifications are made in the enactments relating to housing (s. 21 (12) and Sch. 8).

In making a review of housing needs, the Greater London Council must consult with the London borough councils and the Common Council; the latter councils must supply requisite information to the Greater London Council, and that Council must inform the Minister of any of its proposals to which any London borough council has consented (s. 21 (6)).

Land vested in the London County Council for housing purposes becomes vested in the Greater London Council on 1st April 1965; and land held for such purposes by other local authorities vests in the appropriate London borough council (s. 23). The Minister may make orders to transfer as between the Greater London Council or any London borough council or the Common Council, after consultation, land held for development or redevelopment as housing accommodation, or to transfer housing accommodation from the Greater London Council, or (as regards housing accommodation outside its borough) from a London borough council to a local housing authority other than the Greater London Council or to a housing association; the terms of transfer may include the retention by the transferring authority of a right to nominate tenants to the accommodation transferred (s. 23 (3)). The

Greater London Council must submit to the Minister before 1st April 1970 (or earlier if the Minister requires) a programme for the transfer of housing accommodation; the Minister may at any time request any London borough council to submit a similar programme in respect of the housing accommodation vested in that council (s. 23 (4)).

The powers of the London borough councils and the Common Council of the City include the making of improvement grants and loans for house purchase (s. 21 (1), (2)). The Greater London Council has power to make loans for house purchase (s. 21 (4)), but its powers to make improvement grants are limited to those inherited (for the time being) from the London County Council (s. 21 (5)).

For the year 1965-66 contributions made by the Greater London Council to its Housing Revenue Account are to be chargeable on the inner London rating authorities as expenditure for special London purposes. Thereafter, until 1971-72, diminishing proportions of such contributions are to be so chargeable (s. 23 (6)).

Record of housing need

The Greater London Council is to keep records of the needs of Greater London with respect to housing accommodation (s. 22 (1)). Applicants resident in a London borough must make application for accommodation to the borough council, whether or not the accommodation is sought in that borough; but, where the applicant resides outside Greater London, the application is to be made to the Greater London Council to be transmitted, if that Council thinks fit, to such of the London borough councils as that Council thinks appropriate; applications must include information as required by the Greater London Council for the purposes of keeping the record above-mentioned (s. 22 (2)).

London borough councils must also keep records of all applications made or transmitted to them which are for the time being outstanding, and must furnish to the Greater London Council particulars of the applications and the steps taken by those borough councils to meet applications from persons who require accommodation maintained by them. For the aforementioned purposes the City is to be regarded as a London borough (s. 22 (3), (4)).

The Greater London Council is to provide facilities for the exchange of housing accommodation in Greater London for other accommodation either inside or outside Greater London; and may make a charge for the use of such facilities (s. 22 (5)).

Planning authorities

Each London borough council and the Common Council are local planning authorities for their areas; and, subject to the powers of those authorities, the Greater London Council is a local planning authority for Greater London as a whole (s. 24 (2), (3)). However, the Minister of Housing and Local Government may by regulations prescribe development of certain classes or in certain areas in relation to which the Greater London Council is to be the planning authority (s. 24 (4)).

Applications for permission to develop

All planning applications go in the first instance to the London borough council or the Common Council who will determine those applications for which they are the planning authority. Except in such classes of cases as the Greater London Council may direct, those councils must send to that Council a copy of each such application, the decision and relevant informa-

tion (s. 24 (3)); but in relation to development of the classes or in the areas prescribed (as above) by the Minister, the application must be sent on to the Greater London Council to be dealt with (s. 24 (4)).

The Greater London Council may, with the consent of the Minister, and must, if the Minister so directs, delegate to a London borough council or the Common Council any planning functions for them to perform on behalf of the Greater London Council (s. 24 (5)), and in respect of such delegated functions the Council may agree with the borough council or Common Council for the transfer to them of liability for compensation and for the transfer of officers (s. 24 (7)).

The Minister may by regulations (i) provide that before certain applications are dealt with by the local planning authority they must first be referred to him or to the Greater London Council for possible directions as to how the application is to be dealt with, and (ii) make provision as to any application which the local planning authority considers should be granted for development inconsistent with the Greater London plan or the initial development plan (s. 24 (6)). As to such plans, see below.

Provision is made as to which council is to be the local planning authority for the purpose of certain enactments relating to electricity, highways, pipe-lines, railways and London transport, acquisition of land, and caravan sites (s. 24 (8)).

The Greater London Council may direct that certain planning expenses shall be for "special London purposes" chargeable upon a particular part of Greater London (s. 24 (9)).

The development plans

Subject to any order made by the Minister, development plans operative on 31st March 1965, relating to any part of Greater London together constitute the "initial development plan for Greater London" (s. 25 (2)). The Greater London Council must, within such period as the Minister may allow, carry out a survey, and submit to the Minister a report of that survey, and a general development plan for Greater London, laying down considerations of general policy as to land use, including guidance as to the future road system. This plan may modify the initial development plan, and, when operative, the plan, together with the initial development plan, will constitute the "interim development plan for Greater London" (s. 25 (3)).

After the Greater London development plan has become operative, the London borough councils and the Common Council must each carry out if necessary, or if directed by the Greater London Council, a further survey of their own areas and submit a report thereon and a local development plan to the Greater London Council to be forwarded in due course with observations to the Minister (s. 25 (4)). The relevant provisions of (i) the initial development plan, (ii) the interim development plan, and (iii) the local development plan, together with the Greater London development plan, will successively constitute the development plan for each borough and the City (s. 25 (5)).

The Greater London Council must carry out fresh surveys and once every five years must submit to the Minister a report thereon with any proposals for amendment of the Greater London development plan; the Minister may require that Council at any time to submit such proposals; the London borough councils and the Common Council may submit, or be required to submit at any time, proposals relating to the plans for their areas (s. 26).

In cases where a local development plan or proposals involve a departure from the Greater London development plan, the Greater London Council may require the London borough council or the Common Council to recon-

sider the plan or proposal, subject to reference to the Minister in cases of disagreement (s. 27 (1)).

Provision is made for surveys to be carried out by the London borough councils and the Common Council on behalf of the Greater London Council, for consultations between authorities, for the furnishing of information by the London borough and common councils to the Greater London Council; and for appropriate modification, adaptation and application of the planning legislation (ss. 27 (2)-(7), 29), including provisions relating to the acquisition of land for planning purposes (s. 29).

Buildings of architectural or historic interest

The Minister's list of buildings of special architectural or historic interest must be deposited with the clerks of all the London local authorities (s. 28 (1)). All the London local authorities may make and enforce building preservation orders (ss. 24 (3), 28 (2)). The Greater London Council may investigate and publish the history of any building in Greater London and give advice as to whether the building should be preserved and by what methods (Sch. 2, para. 18).

As to the London Building Acts, and the Town Development Act, see Part VI and Part VII, *post*.

PART IV—EDUCATION AND YOUTH EMPLOYMENT SERVICE

Outside London, education functions are exercised in counties by the county councils, and much use is made of the power conferred by the Education Act 1944, to delegate education functions to divisional executives. This power of delegation was never conferred on the London County Council. In consequence, the education functions of the Council were organised on a county basis; children in one part of the county were able to attend school in other parts of the county and there was a great deal of such cross-traffic. The original intention of the Royal Commission on Local Government in Greater London was that education throughout Greater London should be organised largely on a borough basis. In inner London, however, this might have entailed a great deal of financial adjustment and accounting procedure if children were to be allowed to continue to attend schools in boroughs other than their own.

Accordingly the Act of 1963 provides an educational administration for inner London intended to preserve, at least for the time being, the organisation established by the London County Council.

Authorities

The council of every outer London borough becomes a local education authority (s. 30 (1)). The rest of Greater London, *i.e.*, the area of the former administrative county of London, is to be known as the Inner London Education Area, and for the exercise of education functions in this area unusual constitutional arrangements are made. The Greater London Council acting by means of a special committee thereof is designated as the education authority. The name of the Council when so acting (except for the purposes of any document of title) is to be the Inner London Education Authority (s. 30 (1)).

This special committee consists of all the Greater London councillors for inner London plus one member of each inner London borough council and one member of the Common Council; provision is made as to their retirement and resignation (s. 30 (2)).

The special committee will decide the amount for which the Council is to precept upon the inner London rating authorities, and what amounts are to be borrowed for education purposes; but the actual precepting and borrowing are to be done by the Greater London Council itself (s. 30 (3)). The Council must act through the special committee in making arrangements for handling receipts and payments (s. 30 (3)).

The Council must appoint an education officer of the Inner London Education Authority, but in appointing him and any other officers employed solely for education functions, the Council must act through the special committee (s. 30 (3), (4)).

The provisions of the Education Act 1944, Sch. 1, Part II (8 Halsbury's Statutes (2nd Edn.) 246), as to education committees, their membership, sub-committees, reports and minutes, etc., are applied to the Inner London Education Authority; but the provisions as to delegation to divisional executives do not apply (s. 30 (5)). Since the Authority must act through the special committee, any education committee of the Authority will be appointed by the special committee.

The Greater London Council may delegate to the Inner London Education Authority, or to any education committee established by that Authority, functions other than those relating to education (Sch. 2, para. 11 (3)).

The Minister of Education must, by 31st March 1970, review the inner London system and report to Parliament with a view to determining whether, and if so to what extent, education functions should be transferred to the councils of the inner London boroughs and the Common Council of the City, or to a body including a member or members appointed by those councils (s. 30 (6), (7)).

Meanwhile the councils of each inner London borough and the Common Council are "minor authorities" for the purposes of the Education Act 1944, and will appoint some of the school managers of primary schools under s. 18 of that Act (8 Halsbury's Statutes (2nd Edn.) 166) and have the right to make representations on proposals for schools (s. 31 (10)).

Education plans

Development plans existing in any part of Greater London on 1st April 1965, are to continue to apply until replaced, as are also schemes of further education; county and voluntary schools are to continue to be maintained (s. 31 (1)-(6)), and rules of management and directions as to the use and care of voluntary school premises, and any agreed syllabus of religious instruction are to continue in effect appropriately amended so as to make them applicable to the new structure of education authorities (s. 31 (7)). Outer London boroughs must submit revised plans and schemes by 1st April 1966 (s. 31 (2)-(4)).

Pupils and grants

Provision is also made to deal with pupils resident in one area who are educated in some other area (s. 31 (8), (9)), and for the continuance of education grants to pupils by the transference of liability for such grants from former authorities to succeeding authorities in appropriate cases (s. 33).

School health service in inner London

The Inner London Education Authority and the councils of the inner London boroughs and the Common Council must prepare and submit to the Ministers of Education and Health a scheme for the co-ordination of the local health services and the school health service by the joint use of professional staff, premises and equipment, and consultation as to the qualifications,

appointment, etc., of professional staff concerned with both services. In default of such a scheme the Ministers may themselves prepare a scheme. From time to time further schemes may be made either by the councils or the Ministers (s. 32).

Youth employment service

Local education authorities are to undertake responsibility for the youth employment service under existing schemes; these schemes may be amended by the authorities or, on failure by an authority to amend a scheme, by the Minister of Labour (s. 34 (1), (3)); but before 1st January 1966 an authority may give notice to the Minister to terminate a scheme (s. 34 (2)).

A review of the administration of the youth employment service in inner London is to be made by the Minister of Labour in conjunction with the above-mentioned review (before 1970) of the education arrangements in inner London (s. 34 (4)).

PART V—SEWERAGE AND TRADE EFFLUENTS

Authorities and areas

Certain sewerage authorities in Greater London are abolished and their undertakings, together with the sewers and sewage disposal works of the London and Middlesex County Councils, are vested in the Greater London Council (s. 35 (1)). That Council may take over, subject to appeal to the Minister of Housing and Local Government, other local authorities' sewers and works primarily serving the "sewerage area of the Greater London Council" or any part of Greater London outside that area (s. 35 (5), (6)) other than those of the West Kent Main Sewerage Board (s. 35 (9)). Land used for the purposes of a sewage disposal works which is so taken over but ceases to be so used must (if the local authority so requests) be given back on terms to be agreed, or, if not agreed, settled by the Minister (s. 35 (8)).

The "sewerage area of the Greater London Council" is to be defined by the Minister (s. 39 (1) (b), (2)). In that area, main sewers (defined in s. 39 (1) (a)) and sewage disposal works are to be provided by the Greater London Council (s. 35 (3) (a)). Other sewers are to be provided by the appropriate London borough council or county district council, and in the City and the Temples may be provided under such powers as the authorities there possess (s. 35 (3) (b)); but where a London borough in whole or in part is outside the sewerage area of the Greater London Council, all public sewers and disposal works are to be provided by the borough council (s. 35 (4)).

Certain enactments relating to sewerage are modified and applied so that the provisions hitherto applicable in inner London, and those applicable in the rest of the sewerage area of the Greater London Council will be in conformity (s. 37 (1), (2) and Sch. 9). Appropriate modification is also made in the sewerage enactments relating to any part of Greater London outside the sewerage area of the Greater London Council (s. 37 (3)). As to amendments of local Acts by provisional order to secure uniformity, see s. 87 (3) (a).

Provision is made for the apportionment of the sewerage expenses of the Greater London Council among the local authorities and areas or parts of areas concerned (s. 36).

The Greater London Council is to keep available for public inspection a map and documents showing the extent of the sewerage area of the Council (s. 39 (3)).

Installations and equipment for treating storm water overflows are to be deemed to be sewers and not part of sewage disposal works (s. 39 (4)). As

to settlement of disputes as to what is a "main sewer" and to areas "primarily served", see s. 39 (5).

As to land drainage and flood prevention, see s. 62 (2) and Sch. 14.

Trade effluents

General enactments relating to trade effluents are, with modifications, applied to the sewerage area of the Greater London Council and to all parts of Greater London (s. 38 (1) and Sch. 10). As a result of this application, the London borough councils, the Common Council and the authorities of the Temples are "sewerage authorities" (with the status of "interested bodies" under the applied enactments), and the Greater London Council is the "local authority" in respect of public sewers vested in that Council and in the aforementioned "sewerage authorities", with powers relating to the receipt of "trade effluent notices" and the computation and apportionment of payments and the imposition of conditions in respect of trade effluents.

Provision may be made by order to apply or vary existing agreements with and liabilities of owners and occupiers of premises (s. 38 (2)).

PART VI—PUBLIC HEALTH ENACTMENTS

Application

A number of enactments relating to public health, hitherto applicable outside London, are, subject to certain modifications, to apply also to the whole of Greater London (s. 40 and Sch. 11, Part I).

The Greater London Council is made responsible for refuse disposal (as distinct from collection) (s. 40 (2), Sch. 11, Part I, para. 15), and the London borough councils, the Common Council and the authorities of the Temples are made "local authorities" and "urban sanitary authorities" for the purpose of the applied public health enactments (s. 40 (2)).

The applied enactments relate, among other things, to sanitary matters, refuse collection, dustbins, nuisances, byelaws, offensive trades, infectious disease, water, air pollution, noise and public health generally.

Certain other enactments hitherto applicable only in inner London are modified and applied to the whole of Greater London (s. 40 (3), Sch. 11, Part II). These relate, among other things, to cleansing of ponds, ditches, etc., unsound food, infected rubbish, derelict land, private refuse removal, and byelaws (to be made by the Greater London Council but enforced by local authorities) as to demolition, sanitary conveniences and incinerators.

Port health authority

The Port of London is a port health district and the Common Council is the port health authority for that district; and the Minister may by order enlarge the area of jurisdiction and the functions of the Common Council as port health authority. Part I of the Public Health Act 1936 (19 Halsbury's Statutes (2nd Edn.) 313), is appropriately modified (s. 41).

City medical officers of health and inspectors

Medical officers and public health inspectors of the City and the Temples are placed in the same position as regards appointment, qualifications, dismissal and deputies as those of other authorities; and the appointments of the medical officers and public health inspectors of the port health authority are brought into conformity (s. 42).

London Building Acts

With various repeals, amendments and modifications, the London Building Acts and associated enactments are to continue to apply in inner London, the Greater London Council and the inner London borough councils exercising, respectively, the functions under those enactments of the London County Council and the metropolitan borough councils; expenses are chargeable only on the inner London boroughs and the City (s. 43).

An important exception to this is that the powers of street naming and numbering conferred by those enactments on the county council are to be exercisable by the Greater London Council throughout the whole of Greater London (s. 43 (1)).

Cemeteries and crematoria

The London borough councils and the Common Council are made local authorities for the purposes of providing cemeteries (but not under the Burial Acts 1852 to 1906) and crematoria; burial boards for areas wholly within Greater London are abolished and no new cemeteries may be provided in Greater London without the approval of the Minister; orders may be made to discontinue burials in cemeteries provided in or for any part of Greater London (saving, however, burials in St. Paul's or Westminster Abbey to which Royal Assent has been given) (s. 44 (1)-(4), (6)-(7)). As to the application to the City of London Cemetery and funeral services in the City, see s. 44 (5).

PART VII—HEALTH AND WELFARE SERVICES

Ambulance service

Throughout Greater London the ambulance service is to be provided by the Greater London Council (s. 45 (3)).

Local health services

Other local health services, *e.g.*, the care of mothers and children, midwifery, health visiting, home nursing, vaccination, prevention of illness, care and after-care, and home helps, are to be provided by the London borough councils and the Common Council; and these authorities are to continue to carry on pre-existing services and arrangements until revoked or modified by further proposals submitted by them to the Minister of Health within such period as he may direct; relevant enactments are modified and applied (s. 45).

As to voluntary organisations, see below (p. 16).

Local welfare services

Each London borough council and the Common Council have the duty of providing these services, including accommodation for persons in need of care and attention, temporary accommodation for persons in urgent need, welfare services for the blind, deaf, dumb or other handicapped persons, the registration and inspection of homes for the disabled, including the mentally disordered or the aged, the registration of charities for the disabled, the burial or cremation of persons for whom no other arrangements have been made, and the provision of sheltered employment and training for disabled persons (s. 46 (1),(2)).

Pre-existing services and arrangements must be continued until modified by further schemes for those purposes to be submitted to the appropriate Minister within such period as he shall specify (s. 46 (6), (7)). Relevant

enactments are suitably modified and applied (s. 46 (5), (8)). The authorities of the Temples have the duty of removing to suitable premises persons in need of care and attention and of dealing with the dead for whom no other provision has been made (s. 46 (4)).

As to voluntary organisations, see below.

Children authorities

London borough councils and the Common Council have powers in relation to the care of children deprived of a normal home life, including the provision of residential establishments, foster parents, remand homes, approved schools and the protection and adoption of children; relevant enactments are suitably modified and applied (s. 47 (1)–(3)).

Voluntary organisations

The Greater London Council may (as may local health authorities) contribute to voluntary organisations providing for the care of mothers and children, or the prevention of illness or the care and after-care of persons suffering from illness or mental defectiveness (s. 45 (4)); and may contribute (as may the London borough councils) to voluntary organisations providing accommodation for persons in need of care and attention, or providing welfare services for the blind and handicapped, etc., or recreation or meals for old people (s. 46 (3)); and may contribute to voluntary organisations having the object of promoting the welfare of children, or providing advice and assistance with a view to diminishing the need for children to be put in the care of a local authority or to be brought before a juvenile court (s. 47 (4)).

Fire brigade

The Greater London Council is the authority for fire services throughout Greater London and must submit to the Home Secretary an establishment scheme for a fire brigade for Greater London to come into force on 1st April 1965; relevant enactments are suitably applied and modified (s. 48).

Civil defence

Civil defence functions relating to the fire service, the ambulance service, the collection and removal of casualties, and the stretcher-bearing and first-aid section of the Civil Defence Corps will devolve upon the Greater London Council for the whole of Greater London (s. 49 (1) (a)). That Council and the London borough councils and the Common Council will each exercise functions relating to the making and carrying out of plans for the dispersal and temporary accommodation when dispersed of the civil population (s. 49 (1) (b)). In any other case the London borough councils and the Common Council will exercise civil defence functions in relation to their own areas (s. 49 (1) (c)).

The Greater London Council may be authorised to construct public sewers in any part of Greater London without the normal consents, notices, etc., under streets, etc., for the purpose of securing supplies of water for fire-fighting (s. 49 (5), Sch. 9, Part III, paras. 1 (1), 9). There is a saving for functions of the police, water and sewerage authorities (s. 49 (2)); provision is made for adjustment of grants (s. 49 (3)); and relevant enactments are suitably modified and applied (s. 49 (1), (4)–(6)).

Explosives and petroleum

The London borough councils have the functions of local authorities in relation to the storage, conveyance, etc., of explosives and fireworks (s. 50 (1)).

The Greater London Council is the local authority for Greater London for the grant of petroleum-spirit licences (s. 50 (2)).

These provisions do not affect the jurisdiction of any harbour authority in relation to explosives or petroleum (s. 50 (3)).

Shops, offices, etc.

The duties of a local authority for the purposes of the Offices, Shops and Railway Premises Act 1963, will devolve on the authorities of the Temples (see s. 89 of that Act; 138 Statutes Supp. 93) and on the London borough councils and the Common Council (s. 51 (1), (2)), but the Greater London Council will have functions in relation to the issue of fire certificates (Offices, Shops and Railway Premises Act 1963, s. 39; 138 Statutes Supp. 49).

By virtue of the application of the provisions of s. 4, the powers conferred on local authorities by the Shops Act 1950 (67 Statutes Supp. 1), *e.g.*, inspection and enforcement of provisions as to hours of employment in shops, hours of closing, Sunday trading, etc., will be exercised by the London borough councils and the Common Council; other appropriate adaptations of the Shops Act 1950 are made in s. 51 (3), (4).

Licensing of theatres, etc.

Outside the Lord Chamberlain's licensing area, the Greater London Council is the authority for the licensing of theatres in Greater London (s. 52 (1), Sch. 12, paras. 13-19); that Council is also the authority for the whole of Greater London for the licensing of cinemas including their opening on Sundays; but the Council have no power to delegate their cinema licensing functions to justices of the peace (s. 52 (2)). That Council is also the authority for the licensing of public dancing or music and any other public entertainment of the like kind, and of public boxing or wrestling (s. 52 (3) and Sch. 12). For procedure, fees, conditions, regulations, appeals, etc., in respect of all the above-mentioned licences, see Sch. 12.

Betting tracks

The Greater London Council is the authority for licensing tracks for betting in Greater London; and this function may be delegated to a specially constituted committee (s. 53 (1)). Provision is made for the variation of the betting days and for uniformity of betting days as between tracks (s. 53 (2), (3)).

Food, drugs, markets, etc.

For the purposes of the legislation relating to food and drugs, the sale of milk from diseased cows, and the slaughter of animals, the London borough councils and the Common Council are the responsible authorities (s. 54 (1)); but these authorities are not obliged to carry out a review of or report on slaughterhouse facilities; and appropriate amendments are made in the enactments relating to slaughterhouses in view of the fact that this legislation did not apply uniformly to inner and outer London (s. 54 (2)).

The Common Council is the authority for all Greater London in relation to provisions relating to imported animals; subject to this, each London borough council is an authority for the purposes of the Diseases of Animals Act 1950 (29 Halsbury's Statutes (2nd Edn.) 16) (s. 54 (3)). Relevant enactments are modified and applied (s. 54 (4), Sch. 13).

Smallholdings, allotments, etc.

The Greater London Council is given the duty to provide smallholdings and cottage holdings and may continue to exercise certain former functions of the Middlesex County Council; provisions relating to small holdings

committees and County Agricultural Executive Committees are applied (s. 55).

Inner London borough councils are given permissive power to provide allotments (s. 55 (4) (a), (b)). The duty of outer London borough councils to provide allotments apparently arises from the application of s. 4 of the Act of 1963, and if those councils fail in such a duty the Minister of Agriculture may take action in default (s. 55 (4), applying Allotments Act 1922, s. 20 (1 Halsbury's Statutes (2nd Edn.) 793)).

Public libraries

Each London borough is a library district (s. 56 (1)) with the consequence that each London borough council is a library authority. Powers of compulsory acquisition of land are conferred (s. 56 (1) (c)) and appropriate amendments of relevant enactments are made (s. 56 (1) (a), (b)). Appropriate amendments are also made to confirm the position of the Common Council as a library authority (s. 56 (2)).

Provision of entertainments, etc.

Upon the Greater London Council are conferred the powers of other local authorities to provide entertainments, theatres, concert halls, bands and facilities (s. 57 (1)). The powers of other London authorities will arise from s. 1 (6).

Certain properties hitherto vested in the London County Council are, with the powers relating thereto under relevant enactments, transferred to the Greater London Council, namely, The Royal Festival Hall, the Horniman Museum, the property at Kenwood (Iveagh Bequest), the Geffrye Museum, the Crystal Palace and certain ponds in Hampstead (s. 57 (2)).

Parks and Open Spaces

The London borough councils and (subject to certain considerations) the Greater London Council are all given power to hold and provide parks and open spaces (s. 58 (1)). Existing parks and open spaces vested in the London and Middlesex County Councils are transferred to the Greater London Council; but a scheme for their retention by that Council or for their transfer to the London borough councils, to the Common Council or other local authorities, jointly or severally, and for the adaptation of relevant local Acts and instruments, must be made before 31st March 1970 (or at some later time before 1st April 1975 if the Minister of Housing and Local Government so directs) and submitted to the Minister for him to make an appropriate order (s. 58 (2)). Until such an order becomes effective, half the expenditure of the Greater London Council on parks and open spaces formerly belonging to the London County Council is to be chargeable on the inner London rating authorities only (s. 58 (3)).

The Green Belt

Provision is made for the Greater London Council to take over green belt land formerly held by the London and Middlesex County Councils, with any relevant functions, rights and liabilities (s. 59 (1)); and appropriate adaptation is made in the relevant enactments (s. 59 (2)).

Footpaths, etc.

Provision is made for the councils of those London boroughs which have been formed from parts of counties other than London to take over the functions with relation to the ascertainment of footpaths, etc., of the councils of those counties under the National Parks and Access to the Countryside Act 1949 (65 Statutes Supp. 57) (s. 60 (1)). The relevant

provisions (ss. 27-34) of that Act applied only to counties with the exception of London (including the City); but could be adopted for London or for any county borough; and could be excluded by a county council in respect of any part of its county (s. 35 of the Act of 1949). These powers of adoption and exclusion are conferred on the London borough councils and the Common Council (s. 60 (2)).

Where a London borough council has taken over the above-mentioned functions from a county council outside Greater London the borough council may agree for that county council to continue to carry out those functions; in other cases the borough council or (where appropriate) the Common Council may agree for the Greater London Council to carry out the functions (s. 60 (3)).

Appropriate adaptations are made in the Act of 1949; Part V of that Act (Access to Open Country) is not to apply to an inner London borough or the City (s. 60 (3)-(6)).

Town development

The effect of s. 61 is to place the Greater London Council in the same position as a county borough council under the Town Development Act 1952 (32 Halsbury's Statutes (2nd Edn.) 1030). The London County Council was itself in that position under s. 19 of the Act of 1952. Accordingly, s. 61 provides that existing agreements, undertakings and liabilities are to be taken over by the Greater London Council; the Minister of Housing and Local Government is given power to determine certain disputes.

Miscellaneous local authority functions

Section 62 confers on the London borough councils and (where not already so conferred) the Common Council, functions as follows:—

(a) *Canals*. Power to require the protection of dangerous places on canals. This power formerly applied only in the administrative county of London; it will now apply to all of Greater London.

(b) *Celluloid*. Inspection of premises where film or raw celluloid is stored, and enforcement of safety provisions. The provisions relating to these powers did not formerly apply in inner London; they will now extend to all of Greater London.

(c) *Pharmacy and poisons*. Powers of enforcement of provisions relating to the sale of certain poisons.

(d) *Ribbon development*. Power to require means of entrance to and egress from new buildings.

(e) *Riding establishments*. Powers of inspection of riding establishments and enforcement of provisions as to the conduct of such establishments.

(f) *Consumer protection*. Powers of inspection, testing and enforcement of requirements as to composition, design, packing, etc., of prescribed classes of goods.

Land drainage, flood prevention, etc. Under s. 62 and Sch. 14, provision is made for the distribution of functions among the Greater London Council, the London borough councils and the Common Council of functions relating to drainage and the prevention of floods. Para. 15 of that Schedule sets out a list of "metropolitan watercourses", and empowers the appropriate Minister to alter the list. The Greater London Council has jurisdiction over the most important of these, known as "the main metropolitan watercourses" (paras. 2-5), including jurisdiction under the Thames River (Prevention of Floods) Acts (para. 8). Other functions as to land drainage, etc., are exercisable by the London borough councils and the Common Council (para. 1).

Appropriate amendment, modification and adaptation of enactments is made (s. 62 (2), Sch. 14).

Places of worship. The Places of Religious Worship Act 1812 (7 Halsbury's Statutes (2nd Edn.) 1275), requires the registration of certain places of worship with the church authorities or local justices of the peace; the Places of Worship Registration Act 1855 (7 Halsbury's Statutes (2nd Edn.) 1287), provides for voluntary registration with the Registrar-General. Among the exemptions which resulted from registration was exemption from rating. Section 62 of the Act of 1963 makes it clear that no functions under the Act of 1812 are to devolve on any local authority in Greater London.

Weights and Measures. The Board of Trade are to make an order to determine which authorities in Greater London are to be the local authorities on and after 1st April 1965, for weights and measures (s. 62 (4)). The Weights and Measures Act 1963, s. 35, provides to a similar effect.

Loan Societies. The Greater London Council is given functions relating to the rules of loan societies formed in Greater London (s. 62 (5)).

PART VIII—RATING, VALUATION AND FINANCE

Rating authorities and legislation

Each London borough is made a rating area and each London borough council a rating authority (s. 63 (1)). The status of the City and Temples are unaffected by this provision. Modifications are made in the Rating and Valuation Act 1925 (20 Halsbury's Statutes (2nd Edn.) 103), to apply and modify that Act in relation to Greater London rates in the City and Temples, precepts, valuation lists, and exemptions (s. 63 (2), Sch. 15, Part I, and Part II, para. 14), and to deal with the payment of rates by owners whose premises are occupied on terms which render the owner liable to pay, or where the occupier can claim diplomatic immunity (s. 63 (2) and Sch. 15, Part II, para. 15).

Other enactments relating to rating are also modified, amended and applied to deal, among other matters, with rates in the City, the appointment of valuation panels for Greater London and the review areas of adjoining counties, accommodation for panels and valuation officers, the rating of water undertakings, contributions for court buildings, and notices of applications for liquor licences (Sch. 15, Part III).

Grants

The enactments relating to general grants and rate-deficiency grants are modified to suit the new structure of local government in Greater London (ss. 64-65).

Equalisation

The Minister may make schemes for the equalisation of rates in Greater London or parts thereof other than the Temples (s. 66).

Area of charge

Provision is made as to the chargeability of part of a rating area with expenses incurred for another part (s. 67).

The City rates

Special provision is made regarding the levying of rates in the City and borrowing by the Common Council (s. 68).

Initial expenses, elections

Provision is made for the London borough councils and other rating authorities to make contributions towards the initial expenses of the Greater London Council and for the expenses of holding the first elections of councillors for the Greater London Council and the London borough councils,

and to enable any of those councils to borrow for any expenditure incurred before 1st April 1965 (s. 69).

Transitional assistance

There is also provision for payments by the Greater London Council, by way of transitional assistance, to the councils of adjoining counties, of diminishing shares of certain additional rate-borne expenditure devolving on those county councils, by reason of this Act, until the year 1972-73 (s. 70, Sch. 16).

PART IX—MISCELLANEOUS AND GENERAL

Research

The Greater London Council must set up an organisation to conduct research and provide information on matters concerning Greater London to authorities, government departments and the public (s. 71).

Supply of goods

The Greater London Council is authorised to buy, store and supply goods required for local authorities in Greater London and certain other official bodies and voluntary organisations (s. 72).

Publicity

Subject to certain limitations and conditions the Greater London Council may incur expenditure on publicising the amenities of Greater London except in relation to commerce and industry; the Council may not itself advertise abroad or maintain a publicity office abroad (s. 73).

Officers

Apart from the requirements arising under the applied provisions of the Local Government Act 1933 (14 Halsbury's Statutes (2nd Edn.) 410) (as to which see above) relating to the appointment of officers, each London borough and the City must have a borough (or city) architect by not later than 1st April 1968 (s. 74). The Greater London Council, the borough councils and the Common Council are given power to pay compensation to officers or their dependants when an officer is injured or killed in the course of employment (s. 75). The local government superannuation enactments are applied to the Greater London Council and the London borough councils (s. 77). There are also provisions for the transfer and compensation of officers affected by the provisions of this Act or of any instrument made thereunder (ss. 84 (1), 85)†.

The Metropolitan Police District

The Metropolitan Police District is adjusted so as to include Greater London and certain areas outside in Essex, Hertfordshire and Surrey (s. 76). The City and the Temples are not part of this district and are within the administration of the City of London police.

Coroners

Greater London (excluding the City and Temples) is to be regarded as a county and the Greater London Council as a county council for the purposes of enactments relating to coroners; the Greater London Council may provide accommodation for holding inquests; that Council and the councils of adjoining counties must consider the creation of coroners' districts; and the

† Under the powers of s. 85 the Minister has appointed the London Government Staff Commission to deal with staffing problems.

Greater London Council must appoint a sufficient number of coroners (s. 78).

Local land charges

As from 1st October 1964, the town clerks of the London boroughs and the City will keep the registers of local land charges for their areas (s. 79). This means that the registers kept by the London and Middlesex County Councils will eventually disappear and the entries in them be transferred to the borough and City registers. An order by the Lord Chancellor is likely to be made under s. 84 to deal with this transfer.

Registration of title

Registration of title to land will continue to be compulsory on sale in all the areas in which it was hitherto requisite (s. 80 (1)); and may be extended by Order in Council to other parts of Greater London or to any area which subsequently becomes part of Greater London; there is a saving for incorporeal hereditaments, mines and minerals, and hereditaments included in the sale of a manor (s. 80).

Charities

Some local authorities have vested in them property for charitable purposes; and in some cases powers with respect to charities are vested in a local authority or in the holder of an office connected with a local authority. The Act makes provision for the re-distribution of such property and powers among the new London authorities or office-holders connected therewith, in place of the former authorities and office-holders; relevant enactments are modified and applied (s. 81).

The Temples

Orders in Council may be made to transfer to the authorities of the Temples certain powers otherwise exercisable by London borough councils, or to transfer powers from the authorities of the Temples to the Common Council of the City (s. 82).

Adaptation of other enactments

Certain enactments specified in Sch. 17 are modified to suit the new organisation of local authorities in Greater London, or are repealed in consequence of other provisions (s. 83 (1)).

The matters dealt with by these modifications, etc., are as follows:—

Highways. All the London authorities may make byelaws as respects animal-drawn vehicles on, and gates interfering with, highways for which they are responsible (para. 1).

Local taxation licences. Any London local authorities may be empowered to levy the appropriate licence duties (para. 2).

Telegraphs. Consent of the Greater London Council is to be obtained for the exercise of certain powers by licensees (para. 3).

Canals. Powers of protection as respects dangerous places on canals are to apply to the whole of Greater London (para. 4 and s. 62).

Alkali works. London borough councils and the Common Council are to be "sanitary authorities" (para. 5).

Parish property. Appropriate modifications are made to s. 115 (7) of the Local Government Act 1929 (14 Halsbury's Statutes (2nd Edn.) 292) (disposition) (para. 6).

London traffic. "Special area" is re-defined for certain purposes (para. 7).

Compulsory acquisition of land. Procedure applied to Act of 1963 (para. 8).

Civic restaurants. London borough councils and the Common Council to have powers (para. 9).

Pest damage. London borough councils and the Common Council to have powers, but the Greater London Council to have powers in relation to its sewers (para. 10).

Rag flock. London borough councils and the Common Council to have powers (para. 11).

Prevention of river pollution. Power in certain areas given to the Greater London Council (para. 12).

Capital funds. Maximum amounts payable by a London borough council and the Common Council to be the same as for a county borough council (para. 13).

Liquor licensing. Constitution of licensing planning committees for inner London to be altered; area of the London County Council to continue to be used for other purposes of the Licensing Act 1953 (33 Halsbury's Statutes (2nd Edn.) 142), e.g., permitted hours, special hours certificates (paras. 14 and 24).

Auxiliary forces. Constitution of Associations to be altered (para. 15).

Rent Acts. Exclusion from these Acts of lettings by all London authorities (para. 16).

Nurses agencies. London borough councils and the Common Council to be the licensing authorities (para. 17).

Consolidated loans funds; accounts; children in care. All London authorities (i) may be authorised to operate consolidated loans funds; and (ii) must make safe and efficient arrangements for the receipt and payment of moneys. Provisions preventing the remission of payments for children in care are applied to the new children's authorities in London (para. 18).

Rents of subsidised private houses. The Greater London Council to agree limit of rents of houses subsidised by it or by the London County Council (para. 19).

Planning—Land acquisition, appropriation, etc. The Greater London Council and London borough councils to be authorities to whom Part II of the Town and Country Planning Act 1959 (116 Statutes Supp. 11), applies; provision is made as to the construction of highways enactments in Greater London for purposes of the Act of 1959 (para. 20).

Caravan sites. Licensing to operate throughout Greater London; the Common Council (with the London borough councils) to be a licensing authority; provisions to safeguard existing licences and sites (para. 21 and see s. 24 (8) (d)).

Factories—Means of escape. Provision is made as to the local authorities to be consulted by the fire authority on alterations required to be made to premises and as to byelaws in inner London (para. 22).

Consumer protection. London borough councils and the Common Council to be local authorities for enforcement, etc. (para. 23 and see also s. 62 (1) (f)).

Trustee investments. The Greater London Council (with other London authorities) to have power to participate in collective investment schemes, and their securities to be given appropriate status under the Trustee Investments Act 1961 (127 Statutes Supp. 101) (para. 25).

Transport in London. The Greater London Council and London borough councils (with the Common Council) to be "representative bodies" in relation to reviews of passenger fares; the Greater London Council to be consulted as to the use of the Transport Board's land for

other uses in inner London; modification of the definition of "London special area" for purposes of the Transport Act 1962 (42 Halsbury's Statutes (2nd Edn.) 558) (para. 26).

Records. The Greater London Council and London borough councils empowered to acquire records and promote their use (para. 27).

Betting. London borough councils to be registering authorities (para. 28).

Repeals. Certain superseded or unnecessary enactments, and parts of enactments, are to cease to have effect. These relate to (a) stopping places for hackney carriages; (b) regulation of street traffic within special limits in London, and dogs loose in the streets; (c) the licensing of suburban race-courses; (d) regulation of street collections; (e) stopping places for stage carriages; (f) provisions of the Public Health (London) Act 1936 (15 Halsbury's Statutes (2nd Edn.) 887), not otherwise dealt with; (g) information as to building costs; and (h) home safety in Greater London (para. 29).

Other enactments. Orders in Council may be made to modify public general statutes (s. 83 (2)).

Transitional provisions

The appropriate Minister may make orders for supplementary purposes for, among other matters, the transfer of property and liabilities as between the old and the new authorities, differential rates for a limited period, financial adjustments, and the modification or repeal of any enactment (s. 84 (1)-(5)).

Jurors

The liability to serve on a jury is not affected by the reorganisation of London areas and authorities (s. 84 (6)).

Joint committees

Joint committees may be set up by the new and existing authorities for considering matters arising from the transfer of functions and their assumption by the new authorities (s. 86).

Local Acts and instruments

Provision is made for the continuance of local statutory provisions and instruments in the areas where they have hitherto applied, notwithstanding the changes in administrative areas; any Minister has power to adjust Greater London statutory provisions and the functions of authorities; and for the purpose of securing uniformity within Greater London and other parts of the country, Ministers may, after consultation with the appropriate councils, by provisional order adjust or repeal any Greater London provision (s. 87).

Inquiries

Every Minister is given power generally to hold a local inquiry for the purpose of any of his functions under the Act (s. 88).

Remaining provisions of the Act

These deal with interpretation (s. 89); statutory instruments (s. 90); expenses to be defrayed out of moneys provided by Parliament (s. 91); House of Commons disqualification (s. 92); repeals (s. 93 and Sch. 18); and short title, commencement and extent (s. 94). Parts II, III and V to VIII, other than ss. 17 (6), 48 (2), 62 (4), 66, 69 and 70, do not come into force until 1st April 1965.

THE LONDON GOVERNMENT ACT 1963

(1963 c. 33)

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An Act to make provision with respect to local government and the functions of local authorities in the metropolitan area; to assimilate certain provisions of the Local Government Act 1933 to provisions for corresponding purposes contained in the London Government Act 1939; to make an adjustment of the metropolitan police district; and for connected purposes

[31st July 1963]

Northern Ireland. Subject to s. 94 (4), *post*, the Act does not apply.

PART I

LOCAL GOVERNMENT IN AND AROUND GREATER LONDON

1. London boroughs.—(1) There shall be established new administrative areas, to be known as London boroughs, which shall comprise the areas respectively described (by reference to existing administrative areas) in column 2 of Part I of Schedule 1 to this Act; and in this and any other Act—

- (a) any reference to an inner London borough shall be construed as a reference to one of the London boroughs numbered from 1 to 12 in the said Part I;
- (b) any reference to an outer London borough shall be construed as a reference to one of the London boroughs numbered from 13 to 32 in the said Part I.

(2) If in the case of any London borough, on representations in that behalf made to the Privy Council by the Minister, Her Majesty by the advice

of Her Privy Council thinks fit to grant a charter of incorporation of the inhabitants of that borough, Her Majesty may by that charter—

- (a) make provision with respect to the name of the borough; and
- (b) subject to the provisions of this Act, make any provision such as may be made by virtue of section 131 of the Local Government Act 1933 by a charter granted under Part VI of that Act;

and any charter which purports to be granted in pursuance of the Royal prerogative and this subsection shall be deemed to be valid and within the powers of this Act and Her Majesty's prerogative and the validity thereof shall not be questioned in any legal proceeding whatever.

(3) In the case of any London borough whose inhabitants are not incorporated by such a charter as is referred to in the last foregoing subsection, provision for their incorporation shall be made by the Minister by order (hereafter in this Act referred to as an "incorporation order") which may include any such provision as is mentioned in paragraph (a) or (b) of that subsection.

(4) The provisions of Part III of Schedule 1 to this Act shall have effect for the purpose of the revocation or alteration of the provisions with respect to the matters mentioned in paragraph 1 of the said Part III of any charter or incorporation order under subsection (2) or (3) of this section; but nothing in any such charter or order or in any order under the said Part III shall authorise the number of councillors of any London borough to exceed sixty.

(5) Before the Minister makes as respects a London borough either representations under subsection (2) of this section for the grant of a charter or an incorporation order under subsection (3) thereof, the Minister or, as may be appropriate, the Secretary of State shall cause such notices to be given and such, if any, inquiries to be held with respect to the matters to be dealt with by the charter or order as may appear to the Minister or, as the case may be, the Secretary of State to be expedient.

(6) The Municipal Corporations Act 1882 shall apply to every London borough and section 15 of the Interpretation Act 1889 shall have effect accordingly, that is to say, the expression "borough" when used in relation to local government in any enactment whether passed before or after this Act (and in particular, subject to section 8 (2) of this Act, in the Local Government Act 1933) shall except where the context otherwise requires (and except in particular in the expressions "county borough" and "non-county borough") include a London borough; and the council of a London borough shall be a local authority within the meaning of the said Act of 1933.

(7) The first election of councillors of each London borough shall be held, under arrangements to be made by its charter or incorporation order, on the day in May 1964 fixed by the Secretary of State as the day of election of borough councillors in England and Wales; and the persons declared to be elected councillors at that election shall come into office on the fourth day after the day of election.

NOTES

Sub-s. (2): Shall not be questioned in any legal proceedings whatever. These words must be given their plain meaning; cf. *Smith v. East Elloe Rural District Council*, [1956] 1 All E.R. 855; [1956] A.C. 736. See also as to irregularities, *Woollett v. Minister of Agriculture and Fisheries*, [1954] 3 All E.R. 529; [1955] 1 Q.B. 103, C.A.

Sub-s. (5): Appear. This word is clearly used in order to make the Minister or Secretary of State, if he is acting in good faith, the sole judge of the matter in

question; cf., in particular, *Robinson v. Sunderland Corporation*, [1899] 1 Q.B. 751, at pp. 756, 757, per Channell, J.; *R. v. Comptroller-General of Patents, Ex parte Bayer Products, Ltd.*, [1941] 2 All E.R. 677; [1941] 2 K.B. 306, C.A., and *Point of Ayr Collieries, Ltd. v. Lloyd George*, [1943] 2 All E.R. 546, C.A. See however, in particular, *Ross-Clunis v. Papadopoulos*, [1958] 2 All E.R. 23, P.C., and *Customs and Excise Comrs. v. Cure and Deeley, Ltd.*, [1961] 3 All E.R. 641; [1962] 1 Q.B. 340.

Sub-s. (6): The council . . . shall be a local authority, etc. The definition of "local authority" in the Local Government Act 1933 (c. 51), s. 305, Vol. 14, p. 510, is accordingly amended by s. 8 (2) and Sch. 4, para. 43, *post*.

Sub-s. (7): Fourth day after the day of election. For provisions as to Sundays, etc., see the Local Government Act 1933 (c. 51), s. 295 (1), Vol. 14, p. 507, in conjunction with Sch. 4, para. 42, *post*.

Joint committees of existing councils. For provisions as to joint committees of existing councils for consideration of certain matters, see s. 86, *post*.

Definitions. For "existing" and "the Minister", see s. 89 (1), *post*. Note as to "incorporation order", sub-s. (3) of this section.

Local Government Act 1933 (c. 51). See Vol. 14, p. 353. For Part VI and s. 131 of that Act, see Vol. 14, pp. 423, 424.

Municipal Corporations Act 1882 (c. 50). See Vol. 14, p. 114.

Interpretation Act 1889 (c. 63), s. 15. See Vol. 24, p. 217.

Orders under this section. No order had been made under this section up to 14th November 1963.

For provisions as to orders, see s. 90, *post*.

2. Greater London and the Greater London Council.—(1) The area comprising the areas of the London boroughs, the City and the Temples shall constitute an administrative area to be known as Greater London.

(2) There shall be established for Greater London a council consisting of a chairman, aldermen and councillors which shall be a body corporate under the name of the Greater London Council with perpetual succession and a common seal and shall have all such functions as are vested in that Council by this Act or otherwise.

(3) Notwithstanding anything in subsection (1) or (2) of this section, the Greater London Council may with the consent of the Minister change the name of the Council or the name by which the area referred to in the said subsection (1) is to be known or both those names, or make provision as to the titles by which the chairman, vice-chairman and any deputy chairman of the Council are to be known, and any change of name made in pursuance of this subsection shall take effect as from such date as the Minister may by order appoint; and any such order—

(a) shall not affect any rights or obligations of any council, authority or person, and

(b) shall not be taken as invalidating any instrument (whether made before or after the date appointed by the order) which refers to the Council or the said area by the previous name,

but the new name shall be substituted for the previous name in all enactments relating to the Council or, as the case may be, that area and in all instruments and legal proceedings made or commenced before the said date which refer to that previous name, so, however, that nothing in this subsection shall be construed as affecting the title of any Act or instrument.

(4) The provisions of Schedule 2 to this Act shall have effect with respect to the constitution and general functions of the Greater London Council; and the first election of councillors of that Council shall be held on 9th April 1964, and the persons declared elected at that election shall come into office on the fourth day after the day of election.

NOTES

London boroughs. See s. 1, *ante*.

There shall be established, etc. Sub-s. (2) may be compared with, in particular, the London Government Act 1939 (c. 40), s. 2, Vol. 15, p. 1079, as amended (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Notwithstanding anything, etc. Sub-s. (3) may be compared with the Local Government Act 1958 (c. 55), s. 59, Vol. 38, p. 658.

Fourth day after the day of election. See the note to s. 1, *ante*.

Definitions. For "the City", "functions", "the Minister" and "the Temples", see s. 89 (1), *post*.

Order under this section. No order had been made under this section up to 14th November 1963.

For provisions as to orders, see s. 90, *post*.

3. Local government areas in and around Greater London.—

(1) As from 1st April 1965—

- (a) no part of Greater London shall form part of any administrative county, county district or parish;
- (b) the following administrative areas and their councils (and, in the case of a borough, the municipal corporation thereof) shall cease to exist, that is to say, the counties of London and Middlesex, the metropolitan boroughs, and any existing county borough, county district or parish the area of which falls wholly within Greater London;
- (c) the urban district of Potters Bar shall become part of the county of Hertfordshire;
- (d) the urban districts of Staines and Sunbury-on-Thames shall become part of the county of Surrey.

(2) As from the passing of this Act, in the Local Government Act 1958—

- (a) in sections 17 (1) and 53(1), for any reference to the metropolitan area there shall be substituted a reference to Greater London;
- (b) section 53 (2) shall cease to have effect;
- (c) in section 28, subsection (6) shall cease to have effect, but—
 - (i) subsection (1) shall not apply to the county of London or of Middlesex;
 - (ii) no county review under that section shall extend to any part of Greater London;
 - (iii) subject to any order under section 23 or 24, any such review by the Hertfordshire county council shall extend to the urban district of Potters Bar and any such review by the Surrey county council shall extend to the urban districts of Staines and Sunbury-on-Thames;
- (d) in relation to a county district to which Part III applies as from the date of the passing of this Act only by virtue of this subsection, that date shall be deemed to be specified in sections 47 (3) and 52 (2) as a further day on which the periods mentioned in those provisions may begin.

NOTES

Greater London. See s. 2 (1), *ante*.

County district. *I.e.*, a non-county borough, urban district or rural district; see the Local Government Act 1933 (c. 51), s. 1 (1), Vol. 14, p. 361.

Counties of London and Middlesex. The reference to the county of London is to the Administrative County of London, defined in the London Government Act 1939 (c. 40), s. 1, Vol. 15, p. 1078 (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

The reference to the county of Middlesex is to the Administrative County of Middlesex named in the Local Government Act 1933 (c. 51), First Schedule, Part I, Vol. 14, p. 515 (the reference to which in that enactment is repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Metropolitan boroughs. The metropolitan boroughs are the boroughs specified in the London Government Act 1939 (c. 40), Sch. 1, Vol. 15, p. 117 (1); see s. 1 (1) (b) of that Act, Vol. 15, p. 1078; and see as to the repeal of that Act, the note "Counties of London and Middlesex" above.

County borough. The county boroughs in question are East Ham and West Ham, which form the nucleus of London borough 17, and Croydon, which forms the nucleus of London borough 20; see Sch. 1, Part I, *post*.

As from the passing of this Act, etc. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

Shall cease to have effect. The same repeals are made by s. 93 (1) and Sch. 18, Part I, *post*.

County of London or of Middlesex. See the note "Counties of London and Middlesex", above.

Definitions. For "county" and "existing", see s. 89 (1), *post*.

Local Government Act 1958 (c. 55), ss. 17 (1), 23, 24, 28, Part II, ss. 47 (3), 52 (2), 53. See Vol. 38, pp. 632, 634, 637, 647, 649, 653.

4. General provisions as to exercise in Greater London of existing local authority functions.—(1) Subject to any provision to the contrary effect made by, or by any instrument made under, this Act or any other Act passed during the same session as this Act (and in particular any provision conferring functions on the Greater London Council), and without prejudice to any express provision so made, the provisions of this section (being provisions designed to confer on the councils of London boroughs as respects their boroughs and on the Common Council as respects the City the functions exercisable by the councils of county boroughs as respects their boroughs or by the existing London county council as respects the metropolitan boroughs or, as the case may be, the City) shall have effect as from 1st April 1965 as respects any enactment (hereafter in this section referred to as an "existing enactment") contained in any public general Act passed before this Act or in any other such Act passed during the same session as this Act.

(2) Subject to subsection (7) of this section, where any existing enactment refers to, or to the councils of, county boroughs, then—

- (a) if it also refers in the same context to, or to the councils of, metropolitan boroughs, any reference in that enactment in that context to, or to the council of, a metropolitan borough shall be construed as a reference to, or to the council of, a London borough;
- (b) if it also refers (or, but for section 3 (1) (b) of this Act, would have referred) in the same context to the London county council (whether expressly or by virtue of a reference to councils of counties) but not to councils of metropolitan boroughs, any reference in that enactment in that context to a county borough or the council thereof shall be construed as including a reference to a London borough or the council thereof and, where that enactment extends to the City but does not refer to the Common Council, as including also a reference to the City or the Common Council.

(3) Any reference in any existing enactment which, by virtue of any other existing enactment passed subsequently thereto, falls to be construed as a reference to authorities of a particular class shall be deemed for the purposes of subsection (2) of this section to be a reference to authorities of that class.

(4) Any existing enactment to the effect that any provision does not apply or refer, or applies or refers only, to the administrative county of

London or to that county other than the City or other than the City and the Temples shall have effect as if it provided that the provision in question does not apply or refer, or, as the case may be, applies or refers only, to Greater London other than the outer London boroughs, or other than those boroughs and the City, or other than those boroughs, the City and the Temples, as the case may be.

(5) Where, under any existing enactment which by virtue of subsection (4) of this section applies to Greater London other than the outer London boroughs or other than those boroughs and the City with or without the Temples, any functions were exercisable immediately before 1st April 1965 as respects a metropolitan borough by the London county council or by the council of that borough or as respects the City by the London county council, those functions shall be exercisable as respects an inner London borough by the council of that borough or, as the case may be, as respects the City by the Common Council.

(6) In any existing enactment which by virtue of subsection (4) of this section applies to the outer London boroughs but not to the rest of Greater London, any reference to, or to the council of, a county borough shall be construed as including a reference to, or to the council of, an outer London borough.

(7) Without prejudice to any exclusion by virtue of subsection (1) of this section and to any amendment of the enactment in question by or under any subsequent provision of this Act, subsection (2) of this section shall not apply to any existing enactment contained in—

- (a) the Local Government Act of 1888, 1929, 1933 or 1958; or
- (b) the enactments to which section 40 of this Act applies or would apply but for the proviso to subsection (4) of that section; or
- (c) the Representation of the People Acts; or
- (d) any enactment relating to rating and valuation in England and Wales; or
- (e) the Town and Country Planning Act 1962; or
- (f) any of the Acts amended by Schedule 5, 6, 8 or 13 to this Act;

and this section shall not apply to any enactment contained in an Act passed with respect only to the whole or part of the existing county of London.

NOTES

Sub-s. (1): Passed during the same session, etc. This Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963 during the session which began on 30th October 1962 and had not ended at the time of going to press (30th August 1963).

Greater London Council. See s. 2, *ante*.

Sub-s. (2): Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

London borough. See s. 1, *ante*.

London County Council. The constitution of the London County Council is governed by the London Government Act 1939 (c. 40), s. 2, Vol. 15, p. 1079 (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

County borough. By virtue of the Local Government Act 1933 (c. 51), s. 1 (2), Vol. 14, p. 361, the existing county boroughs are those named in Sch. 1, Part II to that Act, Vol. 14, p. 515, in which the words "Croydon", "East Ham" and "West Ham" are repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*. See also as to review of local government areas, the Local Government Act 1958 (c. 55), ss. 17 *et seq.*, 34, Vol. 38, pp. 628 *et seq.*, 642; and note that s. 17 (4) of that Act is repealed by s. 93 (1) and Sch. 18, Part I, *post*.

Sub-s. (4): Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Sub-s. (5): Greater London. See s. 2 (1), *ante*.

Definitions. For "the City", "the Common Council", "county", "existing", (otherwise than in "existing enactment"), "functions" and "the Temples", see s. 89 (1), *post*; for "inner London borough" and "outer London borough", see s. 1 (1), *ante*. Note as to "existing enactment" sub-s. (1) of this section.

Local Government Acts of 1888, 1929, 1933 or 1958. The reference is clearly to the Local Government Act 1888 (c. 41), Vol. 14, p. 171; the Local Government Act 1929 (c. 17), Vol. 14, p. 259; the Local Government Act 1933 (c. 51), Vol. 14, p. 353; and the Local Government Act 1958 (c. 55), Vol. 38, p. 614.

Representation of the People Acts. For the Acts which may be cited by this collective title, see the Introductory Note to the Representation of the People Act 1948 (c. 64), Vol. 8, p. 485, in conjunction with s. 8 (1), *post*.

Town and Country Planning Act 1962 (c. 38). See Vol. 42, p. 955.

5. Delegation of functions in Greater London.—(1) Subject to any provision to the contrary effect made by, or by any instrument made under, this Act or any other Act passed during the same session as this Act, and without prejudice to any express provision so made, the Greater London Council may, with the concurrence of the council in question, delegate to any London borough council or to the Common Council, with or without restrictions or conditions as the Greater London Council think fit, any of the functions of the Greater London Council except—

- (a) functions for which the Greater London Council are required by any enactment for the time being in force to appoint a committee;
- (b) functions in respect of which specific powers of delegation to that council are conferred by any enactment; and
- (c) the power of borrowing money or issuing a precept for the levy of a rate;

and where any functions are delegated to a London borough council or the Common Council under this section, that council shall, in the discharge of those functions, act as agents for the Greater London Council.

(2) The Common Council and the council of any London borough which is adjacent to the City may agree together for the discharge by that borough council, as agent for the Common Council, of such of the functions of the Common Council as may be specified in the agreement.

(3) Without prejudice to any other provision of this or any other Act, any of the following councils, that is to say, the Greater London Council, the London borough councils and the Common Council, may, for the better performance of their respective functions, agree with any one or more of the others of those councils and any other local authority within the meaning of the Local Government Act 1933 whose area is contiguous with any part of Greater London for—

- (a) the undertaking by one party for another of any administrative, clerical, professional, scientific or technical services;
- (b) the use or maintenance by one party of any vehicle, plant, equipment or apparatus of another party and, if it appears convenient, the services of any staff employed in connection therewith;
- (c) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which another party is responsible,

on such terms as may be agreed between them; and in this subsection the expression "maintenance" includes minor renewals, improvements and extensions.

NOTES

Subject to any provision, etc. For cases where sub-s. (1) of this section is excluded, see ss. 9 (1), 21 (7), 24 (5) and 53 (1), *post*.

Passed during the same session, etc. See the note to s. 4, *ante*.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Adjacent. Cf. the note to Sch. 9, Part III, paras. 13-15, *post*.

Contiguous. The proper meaning of "contiguous" is "touching"; see *Haynes v. King*, [1893] 3 Ch. 439, at p. 448; *Southwark Revenue Officer v. R. Hoe & Co., Ltd.* (1930), 143 L.T. 544; and *Spillers, Ltd. v. Cardiff Assessment Committee and Pritchard (Cardiff Revenue Officer)*, [1931] 2 K.B. 21; [1931] All E.R. Rep. 524.

Greater London. See s. 2 (1), *ante*.

Definitions. For "the City", "Common Council", "functions" and "land", see s. 89 (1), *post*. Note as to "maintenance", sub-s. (3) of this section.

Local Government Act 1933 (c. 51). For definition of "local authority" in that Act, see s. 305 thereof, Vol. 14, p. 510. That definition is amended by s. 8 (2) and Sch. 4, para. 43, *post*, so as to include a London borough council and the Greater London Council, but not the Common Council.

6. Alteration of boundaries of or within Greater London.—

(1) Section 140 of the Local Government Act 1933 shall not apply to the alteration of the boundary between a county or county borough and Greater London, and nothing in section 253 of that Act shall authorise any local authority within the meaning of that Act to include in any Bill promoted by them any provision making an alteration of the boundaries of any London borough or of Greater London; but the following provision of this section shall have effect for the purposes of such an alteration.

(2) If proposals are made to the Minister—

- (a) by the council of the London borough affected and the Greater London Council acting jointly, or by the council of the county or county borough affected, for the making of an alteration of the boundary of Greater London; or
- (b) by the council of a London borough for the making of an alteration of the boundary between that and some other London borough; or
- (c) by the council of the London borough affected or by the Common Council, for the making of an alteration of the boundary between a London borough and the City; or
- (d) under subsection (4) of this section,

the Minister shall, unless he is satisfied that the proposals ought not to be entertained, cause a local inquiry to be held, and may make an order giving effect to the proposals or making such other alteration of the boundary in question as he may deem expedient, or may refuse to make any such order; but no order shall be made under this subsection unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

(3) If joint representations are made to the Minister—

- (a) by all or, as the case may be, both of the councils referred to in paragraph (a), (b) or (c) of subsection (2) of this section for the making of such an alteration as is mentioned in that paragraph; or
- (b) by the Common Council or the council of a London borough and the Honourable Society of the Inner Temple or of the Middle Temple for the making of an alteration of the boundary between the City or that borough and the Inner Temple or the Middle Temple, as the case may be,

the Minister shall, unless he is satisfied that it is unnecessary so to do, cause a local inquiry to be held and, after considering the report of any such inquiry, may by order give effect to the representations.

(4) In the case of a London borough contiguous with a county, at any time after 31st March 1965 and before 1st April 1970 proposals for the transfer from that borough to that county of a part of that borough which is so contiguous may be made to the Minister by any three hundred or more local government electors residing in that part of the borough and together constituting not less than ten per cent. of the total number of local government electors so residing.

(5) Any order by the Minister under subsection (2) or (3) of this section shall be deemed for the purposes of sections 148 and 149 of the said Act of 1933 to be an order made in pursuance of powers conferred by Part VI of the said Act of 1933.

NOTES

General Note. This section should be read in conjunction with s. 85, *post*, as to transfer and compensation of officers.

Sub-s. (1): County borough. See the note to s. 4, *ante*.

Greater London. See s. 2 (1), *ante*.

London borough. See s. 1, *ante*.

Sub-s. (2): Greater London Council. See s. 2, *ante*.

Satisfied. This word is clearly used to make the Minister, acting in good faith, the sole judge of the matter in question; see, *e.g.*, *Re City of Plymouth (City Centre) Declaratory Order, 1946, Robinson v. Minister of Town and Country Planning*, [1947] 1 All E.R. 851; [1947] K.B. 702, C.A. and *Re Beck and Pollitzer's Application*, [1948] 2 K.B. 339; and see also *Thorneloe & Clarkson, Ltd. v. Board of Trade*, [1950] 2 All E.R. 245. See, however, in particular, *Ross-Chunis v. Papadopoulos*, [1958] 2 All E.R. 23, P.C., and *Customs and Excise Comrs. v. Cure and Deeley, Ltd.*, [1961] 3 All E.R. 641; [1962] 1 Q.B. 340; and note sub-s. (2) of this section.

Laid before . . . Parliament. For provisions as to laying documents before Parliament, see the Laying of Documents before Parliament (Interpretation) Act 1948 (c. 59), s. 1 (1), Vol. 24, p. 448.

Sub-s. (4): Contiguous. See the note to s. 5, *ante*.

Definitions. For "the City", "the Common Council", "county" and "the Minister", see s. 89 (1), *post*.

Local Government Act 1933 (c. 51). For Part II of that Act, see Vol. 14, p. 423; for s. 140 of that Act, as re-enacted, see Vol. 28, p. 837; for ss. 148, 149 and 253 of that Act, see Vol. 14, pp. 430, 432, 488. See also the note to s. 5, *ante*.

Order under this section. No order had been made under this section up to 14th November 1963.

For provisions as to orders see s. 90, *post*; and note sub-ss. (2) and (5) of this section.

7. Promotion of Bills with respect to local government functions in Greater London.—(1) The powers of the Greater London Council under section 253 of the Local Government Act 1933 shall include power subject to subsection (2) of this section to promote a Bill in Parliament for any purpose which is for the public benefit of the inhabitants of Greater London or of any part thereof; and without prejudice to the generality of those powers any provision included in a Bill promoted by that Council—

(a) for such a purpose as aforesaid; or

(b) subject to subsection (3) of this section, at the request of a London borough council or the Common Council,

may alter the functions of any London borough council or the Common Council or, as the case may be, of the council making the request notwithstanding that no alteration is made thereby in the functions of the Greater London Council.

(2) Before the Greater London Council include in any Bill to be promoted by them any provision altering the functions of the Common Council or a London borough council, they shall consult with the Common Council or, as the case may be, with that borough council or, if the provision relates to all the London borough councils, with any association or committee which appears to the Greater London Council to be representative of those borough councils.

(3) Where, in the case of any provision which, by virtue of subsection (1) (b) of this section, is or is proposed to be included at the request of a borough council or the Common Council in a Bill promoted or to be promoted by the Greater London Council, it is or will be a condition of the inclusion of that provision in the Bill that the borough council or, as the case may be, Common Council shall make a contribution towards the expenses incurred or to be incurred by the Greater London Council in connection with the promotion of the Bill, sections 254 and 255 of, and Schedule 9 to, the said Act of 1933 shall apply in relation to the making of the request aforesaid—

- (a) as if any reference in the said sections or Schedule to the promotion of, or of any provision of, a Bill were a reference to the making of the request aforesaid for the inclusion of, or, as the case may be, of any part of, that provision in the Bill in question and, in relation to the Common Council, as if the City were a borough and the Common Council the council of that borough;
- (b) as if the deposit of the Bill in question in Parliament by the Greater London Council were such a deposit of that Bill by the borough council or, as the case may be, Common Council;

and where the borough council or Common Council are required by either of the said sections as modified by this subsection to take all necessary steps to withdraw the Bill or some provision thereof, that council shall forthwith notify the Greater London Council to that effect and the Greater London Council shall thereupon take all necessary steps to withdraw the provision or part of a provision in question.

(4) A London borough council or the Common Council may in compliance with any such condition as is referred to in subsection (3) of this section make such contribution towards the expenses incurred by the Greater London Council in connection with the promotion of the Bill in question as may be agreed between the councils concerned.

NOTES

General Note. This section may be compared with the London Government Act 1939 (c. 40), s. 150, Vol. 15, p. 1145 (see also s. 151 of that Act) and the London County Council (General Powers) Act 1948 (c. liii), s. 47, Vol. 15, p. 1359 (all repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Greater London Council; Greater London. See s. 2, *ante*.

London borough council. Cf. s. 1, *ante*.

Consult. On what constitutes consultation, see, in particular, *Rollo v. Minister of Town and Country Planning*, [1948] 1 All E.R. 13, and *Re Union of Whippingham and East Cowes Benefices, Derham v. Church Comrs. of England*, [1954] 2 All E.R. 22; [1954] A.C. 245, P.C.

Definitions. For "the City", "the Common Council" and "functions", see s. 89 (1), *post*.

Local Government Act 1933 (c. 51), ss. 253, 254, 255, Sch. 9. See Vol. 14, pp. 488, 489, 532.

8. Supplementary provisions to Part I.—(1) The provisions of Part I of Schedule 3 to this Act, being provisions necessary or expedient in

consequence of the foregoing provisions of this Part of this Act, shall have effect with respect to parliamentary and local government elections in and around Greater London; and the Representation of the People Acts shall have effect subject to the modifications specified in Parts II and III of that Schedule, being modifications consequential on the provisions of the said Part I or modifications of those Acts in their application to Greater London; and the said Schedule 3 shall be included among the enactments which may be cited together as the Representation of the People Acts.

(2) The Local Government Act 1933 shall have effect subject to the modifications specified in Schedule 4 to this Act, being—

- (a) modifications consequential on other provisions of this Act; or
- (b) modifications designed to assimilate the provisions of the said Act of 1933 to provisions for corresponding purposes contained in the London Government Act 1939; or
- (c) modifications designed to make the said Act of 1933 apply in appropriate cases in relation to the Greater London Council as it applies in relation to a county council or in relation to a London borough as it applies in relation to a county borough or as it applies in relation to a metropolitan borough; or
- (d) modifications of the said Act of 1933 in its application either to all London boroughs or to the inner London boroughs.

NOTES

Greater London; Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

County borough. See the note to s. 4, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

Inner London boroughs. For meaning of "inner London borough", see s. 1 (1) (a), *ante*.

Representation of the People Acts. Cf. the note to s. 4, *ante*.

Local Government Act 1933 (c. 51). See Vol. 14, p. 353.

London Government Act 1939 (c. 40). See Vol. 15, p. 1073. That Act is repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

PART II

ROAD TRAFFIC, HIGHWAYS AND MOTOR VEHICLES

9. General duty of Greater London Council with respect to road traffic and abolition of London Traffic Area and Traffic Advisory Committee.—(1) The provisions of this Part of this Act shall have effect for the purpose of redistributing functions with respect to road traffic in Greater London and assimilating the law with respect to highways in Greater London to that in force in the rest of England and Wales.

(2) It shall be the duty of the Greater London Council so to exercise the functions conferred on them by or by virtue of sections 10 to 19 of this Act as, so far as practicable having due regard to—

- (a) the desirability of securing and maintaining reasonable access to premises;
- (b) the effect on the amenities of any locality affected; and
- (c) any other matters appearing to the Council to be relevant,

to secure the expeditious, convenient and safe movement of vehicular and other traffic (including foot passengers) and the provision of suitable and

adequate parking facilities on and off the highway; and the Minister of Transport shall not—

- (i) give any direction to the Council under section 10 (7) (a) or (b), 11 (7) or 13 (2) (a) of this Act; or
- (ii) exercise his power under section 10 (2) (b), 11 (2) (a) or 13 (2) (c) of this Act to revoke or vary any order made by the Council,

unless he is satisfied, having regard to any matters appearing to him to be relevant, that the Council's duty aforesaid is not being satisfactorily discharged by the Council and that it is necessary for him so to do in order to secure compliance with that duty.

(3) The Greater London Council shall before 1st April 1965 consult with the Minister of Transport with regard to the administrative arrangements to be made by the Council for the discharge of the Council's functions by virtue of sections 10 to 15 of this Act.

(4) Any person appointed by the Greater London Council to hold a local inquiry for the purposes of any of the Council's functions by virtue of sections 10 to 15 of this Act shall have the like powers as a person appointed to hold an inquiry to which section 290 of the Local Government Act 1933 applies.

(5) Without prejudice to any power of delegation conferred by or by virtue of the provisions of sections 10 to 20 of this Act, section 5 (1) of this Act shall not apply to any function conferred on the Greater London Council by or by virtue of those provisions.

(6) The London Traffic Area and the London and Home Counties Traffic Advisory Committee shall cease to exist; and any reference in the Road Traffic Act 1960, the Road Traffic and Roads Improvement Act 1960 or the Road Traffic Act 1962—

- (a) to the London Traffic Area; or
- (b) except in sections 85 (1) and (8), 135 and 141 of the Road Traffic Act 1960, to an area comprising the metropolitan police district and the City of London,

shall be construed as a reference to Greater London.

NOTES

Commencement. This Part of the Act (other than s. 17 (6), *post*) does not come into force until 1st April 1965; see s. 94 (2), *post*.

Sub-s. (1): Functions. This includes powers and duties; see s. 89 (1), *post*.

Greater London. See s. 2 (1), *ante*.

Sub-s. (2): Greater London Council. See s. 2, *ante*.

Satisfied. See the note to s. 6, *ante*.

Sub-s. (3): Consult. See the note to s. 7, *ante*.

Local Government Act 1933 (c. 51), s. 290. See Vol. 14, p. 503.

Road Traffic Act 1960 (c. 16). See Vol. 40, p. 703. For ss. 85, 135 and 141 of that Act, see Vol. 40, pp. 786, 831, 836.

Road Traffic and Roads Improvement Act 1960 (c. 63). See Vol. 40, p. 990.

Road Traffic Act 1962 (c. 59). See Vol. 42, p. 885.

10. Traffic regulation in Greater London.—(1) Subject to sub-sections (4) to (7) of this section, the Greater London Council (hereafter in this section referred to as "the Council") may by order make provision for

controlling vehicular and other traffic (including foot passengers) on roads in Greater London, being—

- (a) roads other than trunk roads; or
- (b) trunk roads with respect to which the Minister of Transport has consented to the making of the order in question,

and in particular, but without prejudice to the generality of the foregoing words, for any of the purposes, or with respect to any of the matters, mentioned in Schedule 4 to the Road Traffic Act 1960; but no such order shall contain any provision for regulating the speed of vehicles on roads, and paragraph 16 of the said Schedule 4 and section 62 of the London Passenger Transport Act 1933 shall cease to have effect.

(2) The powers of the Minister of Transport under section 34 of the said Act of 1960 shall be exercisable only—

- (a) with respect to trunk roads in Greater London; or
- (b) for the revocation or variation, after giving notice to the Council and, if he thinks fit, after holding a public inquiry, of any order by the Council under subsection (1) of this section; or
- (c) for securing the object of any direction with respect to any road other than a trunk road or a special road given by that Minister to the Council under subsection (7) of this section with which the Council have failed to comply,

and shall be exercisable by order made by statutory instrument instead of by regulations; and the powers of the said Minister by virtue of this subsection to make orders under the said section 34 shall include power to make such an order varying or revoking any such order previously made by him; and so much of section 26 of the Road Traffic Act 1962 as limits the duration of the powers conferred thereby shall cease to have effect.

(3) The provisions of subsections (2) to (4) and (7) to (9) of the said section 34 shall apply to an order made by the Council under subsection (1) of this section as they apply to an order made by the Minister of Transport under the said section 34 and, in relation to such an order by the Council, shall have effect as if in those provisions—

- (a) for any reference to that Minister there were substituted a reference to the Council;
- (b) any reference to the said section 34 included a reference to subsection (1) of this section.

(4) Before making any order under subsection (1) of this section otherwise than in pursuance of a direction given by the Minister of Transport under subsection (7) thereof, the Council shall consult with the appropriate commissioner of police and with any other council, being a London borough council or the Common Council, within whose area any road affected by the proposed order lies or whose area appears to the Greater London Council likely to be affected by that order.

(5) Subject to the next following subsection, any order made by the Council under subsection (1) of this section may be revoked or varied by a subsequent order of the Council under that subsection.

(6) If the provisions as respects any length of road of any order made by the Council under subsection (1) of this section are revoked or varied by an order of the Minister of Transport under the said section 34, then, except with the consent of that Minister, the Council shall not make any further order under the said subsection (1) as respects the same length of road within twelve months after the making of the Minister's order.

(7) The Minister of Transport may after consultation with the Council give to the Council—

- (a) a direction to make an order under subsection (1) of this section for a specified purpose and coming into force before the expiration of a specified period; or
- (b) a direction prohibiting, either generally or except with the consent of that Minister or for a specified period, the making or bringing into force of such an order with respect to specified matters or a specified area,

and may also give directions, either generally or with respect to any particular case or class of cases, as to the procedure to be followed in connection with any order under the said subsection (1).

(8) The Greater London Council as well as the Minister of Transport shall have power to make an order under section 11 (1) of the Road Traffic Act 1962 (which relates to speed limits on roads other than restricted roads) as respects any road in Greater London other than a trunk road.

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Sub-s. (1): Greater London Council; Greater London. See s. 2, *ante*.

Trunk roads. A road may be a trunk road under the Highways Act 1959 (c. 25), s. 7 or s. 14, Vol. 39, pp. 418, 428, or by virtue of a direction under the Requisitioned Land and War Works Act 1945 (c. 43), s. 15 (2) (c), Vol. 3, p. 1024, or the New Towns Act 1946 (c. 68), s. 7 (3), Vol. 25, p. 434.

Shall cease to have effect. The enactments specified by sub-s. (1) of this section are also repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

Sub-s. (2): Statutory instrument. For provisions as to statutory instruments generally, see the Statutory Instruments Act 1946 (c. 36), Vol. 24, p. 440.

Sub-s. (4): Consult. See the note to s. 7, *ante*.

Appropriate commissioner of police. This term is not defined. It clearly means, in relation to the metropolitan police district (as to which, see s. 76, *post*), the commissioner of police for the metropolis and, in relation to the City of London, the commissioner of police for the City of London; cf. the Road Traffic Act 1960 (c. 16), s. 35 (7), Vol. 40, p. 741.

London borough council. Cf. s. 1, *ante*.

Sub-s. (7): Consultation. See the note "Consult" to s. 7, *ante*.

Experimental traffic schemes. Sub-ss. (6) and (7) of this section are applied with adaptations for the purposes of s. 11 (1), *infra*, by s. 11 (3), *post*.

Traffic signs, etc. For powers in respect of traffic signs, etc., see s. 12, *post*.

Definitions. For "the Common Council" see s. 89 (1), *post*. By virtue of s. 15 (2), *post*, for "road" and "special road", see the Road Traffic Act 1960 (c. 16), s. 257 (1), Vol. 40, p. 925. Note as to "the Council", sub-s. (1) of this section.

Road Traffic Act 1960 (c. 16), s. 34, Sch. 4. See Vol. 40, pp. 739, 938.

London Passenger Transport Act 1933 (c. 14), s. 62. See Vol. 24, p. 924.

Road Transport Act 1962 (c. 59), ss. 11 (1), 26. See Vol. 42, pp. 896, 908.

Orders under this section. For provisions as to orders, see s. 90, *post*.

11. Experimental traffic schemes.—(1) The Greater London Council as well as the Minister of Transport shall have power to make an experimental traffic order under section 28 of the Road Traffic Act 1962 with respect to any road in Greater London, being—

- (a) a road other than a trunk road; or
- (b) a trunk road with respect to which that Minister has consented to the making of the order in question.

(2) The Minister of Transport shall not make an order under the said

section 28 with respect to any road in Greater London which is not a trunk road except for the purpose of—

- (a) the revocation or variation, after giving notice to the Greater London Council, of any order by that Council under that section; or
 - (b) securing the object of any direction given to that Council by that Minister by virtue of subsection (3) of this section with which that Council have failed to comply.
- (3) The provisions of section 10 (6) and (7) of this Act shall have effect for the purposes of subsection (1) of this section as if—
- (a) any reference in those provisions to, or to an order made by the Greater London Council under, subsection (1) of that section were a reference to, or to an order made by that Council by virtue of, subsection (1) of this section;
 - (b) any reference to an order of the Minister of Transport under section 34 of the Road Traffic Act 1960 were a reference to an order of that Minister under the said section 28.

(4) An order made by the Greater London Council under the said section 28 may include provision whereby a specified officer, or some person authorised in that behalf by a specified officer, of the Council may, if it appears to that officer or person essential in the interests of the expeditious, convenient and safe movement of traffic and after consulting with the appropriate commissioner of police and giving such public notice as the Minister of Transport may direct, modify or suspend the order or any provision thereof.

(5) Before the Greater London Council make any order under the said section 28 they shall—

- (a) except where the order is made in pursuance of a direction by the Minister of Transport by virtue of subsection (3) of this section, consult with the appropriate commissioner of police; and
- (b) give such public notice as that Minister may direct.

(6) The Minister of Transport may repay to the Greater London Council any expenses incurred by that Council in connection with any order made by them under the said section 28.

(7) The powers with respect to the carrying out of experimental traffic schemes conferred by section 35 of the Road Traffic Act 1960 on the commissioner of police of the metropolis shall be exercisable only within Greater London; and the authority for the giving of any consent or direction under subsection (1) or (5) of that section shall be the Greater London Council instead of the Minister of Transport; but the Greater London Council shall not give their consent to any such scheme affecting a trunk road except with the agreement of that Minister; and in the case of any particular scheme that Minister may after consultation with the Greater London Council direct that Council to consent thereto within a specified period or to withhold their consent therefrom.

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Sub-s. (1): Greater London Council; Greater London. See s. 2, *ante*.

Road. By virtue of s. 15 (2), *post*, for definition, see the Road Traffic Act 1960 (c. 16), s. 257 (1), Vol. 40, p. 925.

Trunk road. See the note "Trunk roads" to s. 10, *ante*.

Sub-s. (4): Consulting. See the note "Consult" to s. 7, *ante*.

Appropriate commissioner of police. See the note to s. 10, *ante*.

Sub-s. (5): Consult. See the note to s. 7, *ante*.

Traffic signs, etc. For powers in respect of traffic signs, etc., see s. 12, *infra*.

Road Traffic Act 1962 (c. 59), s. 28. See Vol. 42, p. 908.

Road Traffic Act 1960 (c. 16), ss. 34, 35. See Vol. 40, pp. 739, 740.

12. Powers in respect of traffic signs, etc.—(1) The Minister of Transport or the Greater London Council may, to such extent as that Minister or Council may consider necessary in connection with any order under section 34 of the Road Traffic Act 1960, section 10 (1) of this Act or section 28 of the Road Traffic Act 1962 made or proposed to be made by that Minister or, as the case may be, that Council—

- (a) exercise as respects any road in Greater London which is not a trunk road any powers exercisable by the highway authority for that road in connection with the placing of traffic signs on or near that road in pursuance of section 52 of the said Act of 1960 and affix any such sign to any lamp-post or other structure in the highway, whether or not belonging to that Minister or Council;
- (b) authorise or require the highway authority for any such road to place in the carriageway such bollards or other obstructions as that Minister or Council may consider appropriate for preventing the passage of vehicles, or vehicles of any class or description, at any point at which their passage (whether in any direction or in one direction only) is prohibited by any such order as aforesaid and to maintain and light those obstructions;
- (c) authorise or require any highway authority to remove any obstruction placed by that authority in pursuance of an authorisation or requirement under the last foregoing paragraph.

(2) To such extent as the Minister of Transport or, as the case may be, the Greater London Council may consider necessary in connection with any order such as is mentioned in subsection (1) of this section, whether made or proposed to be made by that Minister or by that Council, that Minister may do with respect to any trunk road, or as the case may be that Council may do with respect to any metropolitan road, anything which the authority making or proposing to make the order might under subsection (1) (b) of this section require to be done with respect to any other road by the highway authority therefor.

(3) The Greater London Council or, to such extent as the Minister of Transport may consider necessary in connection with any order made or proposed to be made by him under the said section 34 or 28, that Minister may give to the highway authority for any road in Greater London which is not a trunk road such directions with respect to the adjustment, modification or replacement of, or of any part of, the mechanism of traffic signs, being light signals controlled by that authority, as that Council or Minister may consider expedient in the interests of the movement of traffic.

(4) If a highway authority fail to comply with any requirement or direction under subsection (1) or (3) of this section the Minister of Transport or, as the case may be, the Greater London Council may carry out the work required by the requirement or direction, and the expense incurred by that Minister or Council in so doing shall be recoverable summarily as a civil debt from the authority.

(5) As respects any traffic sign placed by the Minister of Transport or

the Greater London Council in the exercise of the powers conferred by subsection (1) (a) of this section, it shall be the duty of that Council—

(a) to take such steps to maintain, and to make such alteration of, that sign as may be necessary or expedient in connection with the order in connection with which it was placed;

(b) to remove that sign upon that order ceasing to have effect;

and that Minister may recover from that Council summarily as a civil debt any expenses incurred by him by virtue of the said subsection (1) (a).

(6) As respects any road in Greater London other than a trunk road the Greater London Council shall be the competent authority for the purposes of section 22 of the said Act of 1960 with respect to signs for indicating speed restrictions.

(7) References in this section to a highway authority include references to any person who, not being a highway authority, is responsible for the maintenance of a road.

(8) The power of the Minister of Transport under section 63 of the Road Traffic Act 1960 to make advances towards expenses incurred in relation to traffic signs shall be exercisable with respect to any expenses incurred by the Greater London Council in relation to the erection, maintenance, alteration or removal of traffic signs or by virtue of subsection (2) of this section; and the said section 63 shall apply in relation to any such obstruction as is mentioned in subsection (1) of this section as it applies in relation to traffic signs.

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Sub-s. (1): Greater London Council; Greater London. See the note to s. 2, *ante*.

Trunk road. See the note "Trunk roads" to s. 10, *ante*.

Definitions. By virtue of s. 15 (2), *post*, for "highway authority" and "road", see the Road Traffic Act 1960 (c. 16), s. 257 (1), Vol. 40, p. 925, and for "traffic sign", see s. 51 (1) of that Act, Vol. 40, p. 757. For "metropolitan road" see s. 89 (1), *post*. Note as to "highway authority", sub-s. (7) of this section.

Road Traffic Act 1960 (c. 16), ss. 22, 34, 52, 63. See Vol. 40, pp. 729, 739, 758, 762.

Road Traffic Act 1962 (c. 59), s. 28. See Vol. 42, p. 908.

13. Parking accommodation in Greater London.—(1) Section 81 of the Road Traffic Act 1960 (which relates to the power of local authorities to provide parking places) shall extend to the whole of Greater London and to the use as a parking place of any place other than a road in Greater London; and the Greater London Council as respects the whole of Greater London, the council of a London borough as respects the borough, and the Common Council as respects the City, shall be the local authority for the purposes of that section; but the Greater London Council shall not exercise their powers under that section—

(a) as respects any London borough, without the consent of the council of that borough, or

(b) as respects the City, without the consent of the Common Council,

except with the consent of the Minister of Transport.

(2) The functions as respects Greater London conferred on the Minister of Transport by section 85 (1) and (2) of the said Act of 1960 (which relate to the designation on the application of local authorities of parking places

on highways where charges are made), the functions of that Minister under section 85 (5) of that Act (which relates to the designation of parking places without an application by the local authority) and, in respect of any site in Greater London, the supplementary functions of that Minister under sections 86 and 87 of that Act and section 3 of the Road Traffic and Roads Improvement Act 1960 shall be exercisable by the Greater London Council (hereafter in this section referred to as "the Council") as well as by that Minister; and that Minister—

(a) subject to subsection (3) of this section, may after consultation with the Council direct the Council—

(i) to make under any provision of the said sections 85, 86, 87 and 3 (hereafter in this section referred to as "the relevant provisions") such order as may be specified in the direction in respect of any site in Greater London so specified to come into force before the expiration of a period so specified, being in the case of an order under the said section 85 (1) an order either in the form applied for by the local authority or in that form with specified modifications; or

(ii) not to make under any of the relevant provisions a particular order which has been applied for or proposed;

(b) shall not himself make an order under any of the relevant provisions except for the purpose of securing the object of any direction given to the Council under paragraph (a) (i) of this subsection with which the Council have failed to comply;

(c) may, after giving notice of his intention to the Council and any other person appearing to that Minister to be likely to be concerned, by order revoke or vary any order made by the Council under any of the relevant provisions.

(3) Before giving any direction under subsection (2) (a) (i) of this section—

(a) in the case of a direction to make with or without modifications—

(i) an order applied for under the said section 85 (1); or

(ii) an order under the said section 85 (5) or 3 (4) which has already been proposed by the Council,

the Minister of Transport shall consider any objections made to the order applied for or proposed;

(b) in the case of a direction to make an order under the said section 85 (5) or 3 (4) which has not already been proposed by the Council, that Minister instead of the Council shall comply with the requirements of Part II of Schedule 10 to the Road Traffic Act 1960 in like manner as if the order were to be made by him instead of by the Council;

(c) in the case of a direction to make any order in the form of an order applied for by a local authority or proposed by the Council but with modifications which appear to that Minister to affect substantially the character of the order, that Minister shall take such steps as appear to him to be sufficient and reasonably practicable for informing any local authority concerned and any other person likely to be concerned.

(4) Any application by a local authority in Greater London for an order under the said section 85 (1) shall be made to the Council and not to the

Minister of Transport, but a London borough council shall not make such an application in respect of a site on a trunk road except with the consent of that Minister and, for the purposes of subsection (2) (b) of this section, and such application made to the Council shall be deemed to have been made to that Minister.

(5) In relation to an order of the Council—

- (a) any reference in the relevant provisions or in the said Schedule 10 to the Minister of Transport (other than the reference in the said section 86 (2) (a)) shall be construed as a reference to the Council;
- (b) the said section 85 (5) shall have effect as if paragraph (a) and, in paragraph (b), the words "with the consent of the Treasury", the words from "or the" to "Council" where first occurring and the words "or Council" were omitted; and
- (c) the said section 3 (4) shall have effect as if the reference to section 90 (3) and (5) of the Road Traffic Act 1960 were omitted;

and in relation to parking places designated by virtue of the said section 85 (5) by an order of the Council, references in sections 85 (3), 86 to 89 and 232 (2) (a) (ii) of the Road Traffic Act 1960 and sections 6 and 15 of the Road Traffic and Roads Improvement Act 1960 to the local authority shall be construed as references to the Council.

(6) Where—

- (a) the Council make an order under any of the relevant provisions in pursuance of a direction under subsection (2) (a) (i) of this section; or
- (b) the Minister of Transport makes an order under any of the relevant provisions for the purpose specified in subsection (2) (b) of this section; or
- (c) that Minister makes an order under subsection (2) (c) of this section; or
- (d) that Minister enters into an agreement under the said section 85 (5) (b) for the transfer of a parking place designated by an order of that Minister,

the powers of the Council to vary or revoke orders made by them under the relevant provisions shall extend to the variation or revocation of any such order as aforesaid notwithstanding that it is made by, or by direction of, that Minister but, except with the consent of that Minister—

- (i) any order such as is mentioned in paragraph (a), (b), (c) or (d) of this subsection shall not be revoked or varied by the Council, and
- (ii) where an order of the Council under the said section 85 with respect to parking places on any length of highway has been varied or revoked by that Minister by virtue of the said subsection (2) (c), the Council shall not make a further order under the said section 85 as respects that length of highway,

within twelve months of the making of the order referred to in paragraph (a), (b) or (c) or the transfer referred to in paragraph (d), as the case may be, of this subsection.

(7) The Minister of Transport may give directions to the Council, either generally or with respect to any particular case or class of cases, as to the procedure to be followed in connection with—

- (a) any application to the Council for an order under the said section 85 (1);

- (b) the making of any order by the Council under any of the relevant provisions,

including directions modifying the provisions of the said Schedule 10 in their application to, or applying those provisions with modifications to, any such order of the Council; but, except in the case of an order revoking and re-enacting the provisions of a previous order, whether or not made by the same authority, no direction given by virtue of this subsection shall reduce the opportunities afforded by the said Schedule 10 to object to any application or proposal.

(8) In the Road Traffic and Roads Improvement Act 1960, the following provisions shall cease to have effect, that is to say—

- (a) so much of section 4 (1) as limits the duration of the powers conferred by the said section 85 (5);
(b) so much of section 4 (2) as limits the duration of the power conferred thereby on the Minister of Transport to make grants towards the provision and maintenance of off-street parking places;
(c) section 10 (which relates to the provision by that Minister of temporary parking accommodation in Greater London).

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Sub-s. (1): Greater London; Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Sub-s. (2): Consultation. See the note "Consult" to s. 7, *ante*.

Appearing. Cf. the note "Appear" to s. 1, *ante*.

Sub-s. (3): Appear. Cf. the note to s. 1, *ante*.

Sub-s. (4): Trunk road. See the note "Trunk roads" to s. 10, *ante*.

Sub-s. (8): Shall cease to have effect. Corresponding repeals are made as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

Definitions. For "the City", "the Common Council" and "functions", see s. 89 (1), *post*. By virtue of s. 15 (2), *post*, for "road", see the Road Traffic Act 1960 (c. 16), s. 257 (1), Vol. 40, p. 925. Note as to "the Council" and "the relevant provisions", sub-s. (2) of this section.

Road Traffic Act 1960 (c. 16). For ss. 81 and 85 of that Act, see Vol. 40, pp. 780, 786; for ss. 86 and 87 of that Act, as substituted, see Vol. 42, pp. 930, 932; for ss. 88, 89 and 232 (2) (a) (ii) of, and Sch. 10 to, that Act, see Vol. 40, pp. 792, 794, 909, 943.

Road Traffic and Roads Improvement Act 1960 (c. 63), ss. 3, 4, 6, 10, 15. See Vol. 40, pp. 996, 997, 999, 1003, 1010.

14. Other road traffic functions in Greater London.—(1) The functions of the Minister of Transport under the following enactments shall, as respects Greater London, become functions of the Greater London Council, that is to say—

- (a) sections 137 and 138 of the Highways Act 1959 (which relate to half-yearly schemes of repair and improvement works);
(b) except as respects trunk roads, section 21 of the Road Traffic Act 1960 (which relates to directions with respect to speed limits on restricted roads);
(c) sections 49 and 50 of the Road Traffic Act 1960 (which relate to the use of roads as playgrounds);
(d) section 18 of the Road Traffic and Roads Improvement Act 1960 (which relates to road improvements),

and so much of the said section 18 as restricts the duration thereof shall cease to have effect.

(2) The Greater London Council shall have as respects Greater London the like powers as are conferred on the Minister of Transport by section 19 of the Road Traffic and Roads Improvement Act 1960 (which relates to road improvements) and so much of that section as restricts the duration thereof shall cease to have effect; and, without prejudice to the extent of the powers of the Greater London Council by virtue of the foregoing provisions of this subsection, that Minister shall exercise his powers under the said section 19 only if he considers it necessary in connection with any order made or proposed to be made by him under section 34 of the Road Traffic Act 1960 or section 28 of the Road Traffic Act 1962 for a purpose specified in section 10 (2) (b) or (c) or, as the case may be, 11 (2) of this Act.

(3) In exercising their functions by virtue of subsection (1) (a) of this section, the Greater London Council, before drawing up a scheme under section 137 (3) of the said Act of 1959, shall instead of referring the statements mentioned in the said section 137 (3) to the body so mentioned consult with the appropriate commissioner of police and the London Transport Board; and no such scheme confirmed by that Council shall be binding on the Minister of Transport.

(4) The consent of the Greater London Council for the purposes of section 138 (2) of the said Act of 1959 shall not be unreasonably withheld, and any question whether the withholding of such consent is unreasonable shall be determined in like manner as any question arising under section 136 (4) of that Act; and section 136 (6) and (7) of the said Act of 1959 shall apply to a contravention of section 138 (2) thereof as they apply to a contravention of section 136 (1) thereof.

(5) In the application to Greater London of section 44 of the Road Traffic Act 1960 (which relates to schemes for the establishment of pedestrian crossings on roads other than trunk roads) the expression "local authority" in that section shall mean—

- (a) as respects a metropolitan road, the Greater London Council;
- (b) as respects any other road in a London borough, the council of the borough;
- (c) as respects any other road in the City, the Common Council;

but before the Greater London Council submit any scheme under that section with respect to a metropolitan road they shall consult with any other of the councils aforesaid within whose area that road is situated.

(6) In the Road Traffic Act 1960—

- (a) section 17 (which relates to the control of the use of footpaths and bridleways for motor-vehicle trials) shall apply to the council of a London borough as it applies to the council of a county borough;
- (b) section 49 (which empowers local authorities to prohibit traffic on roads to be used as playgrounds) shall apply to the Common Council as it applies to the council of a borough;
- (c) section 65 (3) (which relates to the appointment of authorised examiners of vehicles) shall apply to the Greater London Council as it applies to the council of a county and to the Common Council as it applies to the council of a borough;
- (d) sections 135 (8) and 141 (2) to (6) (which relate respectively to road service licences and to the approval of routes in the London special area) shall apply to the Greater London Council as they apply to the commissioners of police therein mentioned;

- (e) section 202 (2) (a) (which relates to the bodies excepted from the requirement of third-party insurance or security) and section 221 (3) (which relates to the institution of proceedings for an offence under that section in respect of protective helmets for motor cyclists) shall apply to the Greater London Council as they apply to the council of a county.

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Sub-s. (1): Greater London; Greater London Council. See s. 2, *ante*.

Sub-s. (3): Consult. See the note to s. 7, *ante*.

Appropriate commissioner of police. See the note to s. 10, *ante*.

Sub-s. (5): London borough. See s. 1, *ante*.

Definitions. For "the City", "the Common Council", "county", "functions" and "metropolitan road", see s. 89 (1), *post*. By virtue of s. 15 (2), *infra*, for "road", see the Road Traffic Act 1960 (c. 16), s. 257 (1), Vol. 40, p. 925.

Highways Act 1959 (c. 25), ss. 136, 137, 138. See Vol. 39, pp. 556, 558, 560.

Road Traffic Act 1960 (c. 16), ss. 17, 21, 34, 44, 49, 50, 65 (3), 135 (8), 141, 202 (2) (a), 221 (3). See Vol. 40, pp. 724, 727, 739, 750, 755, 756, 765, 832, 836, 885, 901.

Road Traffic and Roads Improvement Act 1960 (c. 63), ss. 18, 19. See Vol. 40, pp. 1012, 1013.

Road Traffic Act 1962 (c. 59), s. 28. See Vol. 42, p. 908.

15. Supplementary provisions as to road traffic.—(1) The Road Traffic Act 1960, the Road Traffic and Roads Improvement Act 1960 and the Road Traffic Act 1962 shall have effect subject to the modifications specified in relation thereto in Parts I, II and III respectively of Schedule 5 to this Act, being modifications consequential on other provisions of this Act.

(2) Any expression used in sections 10 to 14 of this Act which is also used in the Road Traffic Act 1960 shall have the same meaning as in that Act.

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Road Traffic Act 1960 (c. 16). See Vol. 40, p. 703.

Road Traffic and Roads Improvement Act 1960 (c. 63). See Vol. 40, p. 990.

Road Traffic Act 1962 (c. 59). See Vol. 42, p. 885.

16. Highway authorities.—(1) The Greater London Council shall be the highway authority for all metropolitan roads; and the council of a London borough or the Common Council shall be the highway authority for all highways in the borough or, as the case may be, in the City, whether or not maintainable at the public expense, which are not for the time being metropolitan roads or highways for which under section 1 (1) of the Highways Act 1959 the Minister of Transport is the highway authority.

(2) The Highways Acts 1959 and 1961 shall extend to the whole of Greater London, and—

(a) the Highways Act 1959 shall have effect subject to the amendments specified in Schedule 6 to this Act, being amendments—

- (i) consequential on other provisions of this Act; or
- (ii) designed to apply in relation to highway authorities in Greater London, in appropriate cases and with appropriate modifications, provisions of that Act applicable to comparable authorities elsewhere;

(b) in section 2 (2) of the Private Street Works Act 1961, the reference to a county borough shall include a reference to a London borough;

and in the application of section 153 of the Highways Act 1959 to Greater London the words "the carriageway of" in subsection (1) thereof shall be omitted.

(3) The power conferred on a local highway authority by section 26 (2) of the Highways Act 1959 to construct new highways shall be exercisable by the Greater London Council for the purpose of constructing a new highway communicating with a metropolitan road notwithstanding that the new highway will not itself be such a road; but before so exercising that power that Council shall give notice of their proposals for the construction of the new highway to, and consider any representations by, the council which will be the highway authority for that new highway.

(4) Where a new highway to be constructed by virtue of the said section 26 (2) by a London borough council or the Common Council will communicate with a metropolitan road, the communication shall not be made unless the manner in which it is to be made has been approved by the Greater London Council.

(5) It shall be the duty of every London borough council and of the Common Council to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the Greater London Council for the purpose of enabling that Council to discharge their functions under or by virtue of this and the two next following sections.

(6) Any expression used in this or the two next following sections which is also used in the Highways Act 1959 shall have the same meaning as in that Act.

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9 (1), (2), *ante*.

Sub-s. (1): Greater London Council. See s. 2, *ante*.

Highway authority for all metropolitan roads. See, however, as to delegation or transfer of functions with respect to metropolitan roads, s. 18, *post*.

London borough. See s. 1, *ante*.

Sub-s. (2): Greater London. See s. 2 (1), *ante*.

Definitions. For "the City", see s. 89 (1), *post*. By virtue of sub-s. (6) of this section, for "the Common Council", "[highway] maintainable at the public expense", "local highway authority" and "metropolitan road", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by sub-s. (2) (a) and Sch. 6, para. 68, *post*, and for "highway", see s. 294 of the Act of 1959, Vol. 39, p. 705.

Highways Act 1959 (c. 25). See Vol. 39, p. 402. For ss. 1 (1), 26 (2) and 153 (1) of that Act, see Vol. 39, pp. 412, 442, 575.

Highways Acts 1959 and 1961. *I.e.*, the Highways Act 1959 (c. 25), Vol. 39, p. 402, and the Highways (Miscellaneous Provisions) Act 1961 (c. 63), Vol. 41, p. 452; see s. 17 (1), in conjunction with s. 16 (2), of the latter Act, Vol. 41, pp. 466, 467.

Private Street Works Act 1961 (c. 24), s. 2 (2). See Vol. 41, p. 451.

17. Metropolitan roads.—(1) The following shall be metropolitan roads, that is to say—

- (a) subject to subsection (2) of this section, the highways specified in Schedule 7 to this Act;
- (b) subject as aforesaid, any highway constructed or proposed to be constructed by the Greater London Council the construction of which as a metropolitan road has been approved by the Minister of Transport;
- (c) any other highway or proposed highway which is for the time being designated as a metropolitan road by an order under subsection (2) of this section or by an order under section 7 of the Highways Act 1959 directing that the highway shall cease to be a trunk road.

(2) Subject to subsection (3) of this section, the Minister of Transport may, on the application of the Greater London Council, a London borough council or the Common Council, by order designate as a metropolitan road any highway or proposed highway specified in the order or direct that any highway or proposed highway so specified which is for the time being a metropolitan road shall cease to be such a road.

(3) The council by whom an application for an order under subsection (2) of this section is made shall send a copy of the application to any other council who, if the order were to be made, would become or cease to be the highway authority for the highway in question and, before determining whether or not to make the order, the Minister of Transport shall consider any representation which any such other council may make to him with reference to the making of the order and, if so requested by any such other council, shall hold a local inquiry.

(4) Where a highway in a London borough or the City becomes (otherwise than by virtue of subsection (1) (a) of this section) or ceases to be a metropolitan road, the council of the borough or the Common Council, as the case may be, and the Greater London Council may agree for the transfer to the new highway authority for the highway of such property and liabilities relating thereto of the former highway authority therefor on such terms and conditions as may be specified in the agreement.

(5) The drains belonging to a highway which is for the time being a metropolitan road shall vest in the Greater London Council and, where any other drain or sewer was, at the date when the highway became a metropolitan road, used for any purpose in connection with the drainage of that highway, that Council shall continue to have the right of using that drain or sewer for that purpose; and any difference arising under this subsection between the Greater London Council and a London borough council or the Common Council as to the council in whom a drain is vested, or as to the use of a drain or sewer, shall, if either council so elect, be referred to and determined by the Minister.

(6) An order—

(a) under subsection (2) of this section ; or

(b) under section 7 of the Highways Act 1959 directing that a highway shall cease to be a trunk road and designating that highway as a metropolitan road,

may be made before 1st April 1965 so as to come into force at any time not earlier than that date.

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Sub-s. (1): Metropolitan roads. The highway authority for metropolitan roads will be the Greater London Council; see s. 16 (1), *ante*. See, however, as to delegation or transfer of functions with respect to such roads, s. 18, *post*.

Greater London Council. See s. 2, *ante*.

Trunk road. See the note "Trunk roads" to s. 10, *ante*.

Sub-s. (4): London borough. See s. 1, *ante*.

Definitions. For "the City", see s. 89 (1), *post*. By virtue of s. 16 (6), *ante*, for "common council" and "highway", see the Highways Act 1959 (c. 25), s. 294, Vol. 39, p. 705, as amended by s. 16 (2) (a), *ante*, and Sch. 6, para. 68, *post*.

Highways Act 1959 (c. 25), s. 7. See Vol. 39, p. 418.

18. Delegation or transfer of functions with respect to metropolitan roads.—(1) The Greater London Council may agree with the council of any London borough or the Common Council for the delegation to the borough council or Common Council of any of the functions of the Greater London Council with respect to the maintenance and improvement of, and other dealing with—

- (a) the whole or any part of so much of any metropolitan road as lies within the borough or, as the case may be, the City;
- (b) any land which does not form part of a metropolitan road but has been acquired by the Greater London Council in connection with such a road under section 214 (5) or (6) or 215 (2) of the Highways Act 1959.

(2) A London borough council or the Common Council shall, in the discharge of any functions delegated by virtue of subsection (1) of this section, act as agents for the Greater London Council; and it shall be a condition of the delegation—

- (a) that the works to be executed and the expenditure to be incurred by the borough council or the Common Council in the discharge of the delegated functions shall be subject to the approval of the Greater London Council; and
- (b) that the borough council or Common Council shall comply with any requirement of the Greater London Council as to the manner in which, and the persons by whom, any works are to be carried out, and with any general directions of the Greater London Council as to the terms of contracts to be entered into for the purposes of the discharge of the delegated functions; and
- (c) that any such works shall be completed to the satisfaction of the Greater London Council;

and, if at any time the Greater London Council are satisfied on the report of some officer of the Council or other person appointed by them for the purpose that the road or land with respect to which the functions are delegated is not in proper repair or condition, they may give notice to the borough council or Common Council requiring them to place it in proper repair or condition and, if the notice is not complied with within a reasonable time, may themselves do anything which seems to them necessary to place it in proper repair or condition.

(3) A delegation to a London borough council or the Common Council under subsection (1) of this section may be determined by notice given to that council by the Greater London Council, or the functions so delegated may be relinquished by notice given by the borough council or Common Council to the Greater London Council; but—

- (a) the determination or relinquishment shall not take effect until 1st April in the calendar year next following that in which the notice is given; and
- (b) such a notice shall not be given during the last three months of a calendar year.

(4) The Greater London Council may enter into an agreement with the council of a London borough or the Common Council for the construction of a metropolitan road in the borough or, as the case may be, in the City, or for the carrying out by the borough council or Common Council of any particular work of improvement of, or other dealing with, such a road or part thereof or such land as is mentioned in subsection (1) of this section;

and subsection (2) of this section shall apply to the discharge of the functions of the borough council or Common Council under any such agreement and to the conditions to be included in the agreement as it applies to the discharge of functions delegated by virtue of the said subsection (1) and to the conditions to be attached to any such delegation.

(5) The council of a London borough or the Common Council shall, if so required by the Greater London Council, undertake the maintenance of any metropolitan road within the borough or, as the case may be, within the City in consideration of such payments by the Greater London Council as may from time to time be agreed between them or, in default of such agreement, as may be determined by the Minister of Transport; and while that requirement remains in force the borough council or Common Council shall have the like powers and be subject to the like duties and liabilities with respect to the maintenance of that road as if they were the highway authority therefor.

(6) Plant or materials belonging to a council by whom functions fall to be exercised by virtue of a delegation, agreement or requirement under this section may be used by them for the purposes of the exercise of those functions, subject to the terms of any delegation or of any agreement between that council and the Greater London Council.

(7) Nothing in this section shall be construed as limiting the power of the Greater London Council to enter into and carry into effect agreements with any person for any purpose connected with the construction, improvement or maintenance of, or other dealing with, a metropolitan road or otherwise connected with any functions of that Council relating to metropolitan roads; but no such agreement shall provide for the delegation of any powers or duties of the Greater London Council except in accordance with the provisions of this section.

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Sub-s. (1): Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the City", see s. 89 (1), *post*. By virtue of s. 16 (6), *ante*, for "Common Council", "functions", "improvement", "land", "maintenance" and "metropolitan road" see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and Sch. 6, para. 68, *post*.

Highways Act 1959 (c. 25), ss. 214, 215 (2). See Vol. 39, pp. 640, 643.

19. Modifications to Public Utilities Street Works Act 1950.—

(1) The Public Utilities Street Works Act 1950 shall have effect subject to the modifications hereafter specified in this section.

(2) For the purposes of the operation of Part II in relation to a street in Greater London, the reference in section 21 (1) to a county council shall be construed as including a reference to the Greater London Council.

(3) In section 35 (2), for the words "the administrative county of London" there shall be substituted the words "Greater London".

(4) In paragraph 1 (b) of Schedule 7, for the words "conferred on the London County Council" there shall be substituted the words "in default of their execution by the undertakers conferred".

(5) In paragraph 5 of Schedule 7, for the words "in London" there shall be substituted the words "in Greater London".

(6) In paragraph 6 of Schedule 7, for the word "London" there shall be substituted the words "any part of London other than an outer London borough".

NOTES

Commencement. See the note to s. 9, *ante*.

General Note. This section should be read in conjunction with s. 9, *ante*.

Sub-s. (2): Greater London; Greater London Council. See s. 2, *ante*.

Sub-s. (3): Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Sub-s. (4): London County Council. See the note to s. 4, *ante*.

Sub-s. (6): Outer London borough. For meaning, see s. 1 (1) (b), *ante*.

Public Utilities Street Works Act 1950 (c. 39), s. 1 (1), Part II, ss. 21 (1), 35 (2), Sch. 7, paras. 1 (b), 5, 6. See Vol. 29, pp. 345, 360, 384, 385, 386.

20. Functions as to motor vehicles and driving licences.—(1) The functions of a county council under the Vehicles (Excise) Act 1962 (being functions as to the collection of excise duties on, and the licensing and registration of, mechanically propelled vehicles) shall be exercised as respects Greater London by the Greater London Council; and accordingly, in section 24 (1) of that Act, for the definition of "county" there shall be substituted—

" 'county' includes a county borough and Greater London, and references to the council of a county shall be construed, in relation to a county borough, as references to the council of the borough and, in relation to Greater London, as references to the Greater London Council."

(2) The Greater London Council shall be the licensing authority for Greater London for the purposes of Part II of the Road Traffic Act 1960 (which relates to driving licences).

NOTES

Commencement. See the note to s. 9, *ante*.

Functions. This includes powers and duties; see s. 89 (1), *post*.

Greater London; Greater London Council. See s. 2, *ante*.

County borough. See the note to s. 4, *ante*.

Vehicles (Excise) Act 1962 (c. 13). See Vol. 42, p. 785. For s. 24 (1) of that Act, see Vol. 42, p. 808.

Road Traffic Act 1960 (c. 16), Part II. See Vol. 40, p. 800.

PART III

HOUSING AND PLANNING

Housing

21. Housing powers in Greater London.—(1) Subject to subsection (3) of this section, the council of a London borough shall be the local authority as respects that borough for all purposes of the Small Dwellings Acquisition Act 1899, the Housing Act 1957, the Housing (Financial Provisions) Act 1958, the House Purchase and Housing Act 1959 and the Housing Act 1961 for which the council of a county borough are the local authority as respects that county borough.

(2) The Common Council shall be the local authority as respects the City for the purposes of the said Act of 1899 and, subject to subsection (3) of this

section, shall continue to be the local authority as respects the City for all purposes of the other enactments referred to in subsection (1) of this section.

(3) The council of a London borough or the Common Council shall not exercise any powers under Part V of the Housing Act 1957 outside Greater London for the purposes of a scheme prepared by that council unless, on an application made to the Minister for the purpose by that council, it appears to the Minister expedient that the needs of that borough or, as the case may be, the City with respect to the provision of housing accommodation should be satisfied by the provision of such accommodation by that council outside Greater London and he consents to the scheme.

(4) Without prejudice to the powers of a London borough council or the Common Council, the Greater London Council shall be a local authority as respects the whole of Greater London for the purposes of the Small Dwellings Acquisition Act 1899, Part V of the Housing Act 1957 (as regards housing accommodation both inside and outside Greater London), section 9 of the Housing (Financial Provisions) Act 1958 and section 13 of the House Purchase and Housing Act 1959; but the Greater London Council—

(a) except—

- (i) for the purpose of the carrying out by them of the provisions of a development plan within the meaning of the Town and Country Planning Act 1962 relating to an area of comprehensive development; or
- (ii) for the purpose of rehousing persons displaced by, or in consequence of, action taken by them in the exercise of any of their powers,

shall not exercise their powers to provide housing accommodation under the said Part V by the development or redevelopment of land in a London borough except with the consent of the council of that borough or, if that consent is withheld, with the consent of the Minister, who, in deciding whether or not to give his consent, shall have regard to the needs of that borough as well as the needs of Greater London as a whole; and

(b) subject to subsections (7) and (11) of this section, shall not exercise any powers by virtue of this section in the City;

and in Schedule 2 to the Land Compensation Act 1961 (which relates to the payments to be made on the compulsory acquisition of houses as being unfit for human habitation) after paragraph 2 (1) (e) there shall be inserted—

“(f) an acquisition by the Greater London Council under Part V of the Act of 1957”.

(5) Until such date as the Minister may by order appoint, the Greater London Council may exercise any of the powers of a local authority under any of the enactments referred to in subsection (1) of this section in any circumstances in which that power might have been exercised by the London county council if this Act had not been passed; and different days may be appointed under this subsection for different purposes or for different areas.

(6) Any review by the Greater London Council in pursuance of their duty under section 91 of the Housing Act 1957 shall be made in consultation with the London borough councils and the Common Council, who shall keep the Greater London Council supplied with information as to their assessment of the needs of their respective districts and as to any action proposed to be taken by them, or any arrangements made between any of them, to meet those needs, and with such other information relevant to that duty in such

form as the Greater London Council may require; and the Greater London Council shall inform the Minister of any proposed exercise of their powers under Part V of the Housing Act 1957 in a London borough to which the council of that borough have given their consent.

(7) Section 5 (1) of this Act shall not apply to any functions of the Greater London Council by virtue of this or the next following section, but the Greater London Council and the council of any London borough may agree together for the carrying out of any action under Part V of the Housing Act 1957 in that borough—

- (a) by the Greater London Council as agent of the borough council; or
- (b) by the borough council as agent of the Greater London Council;

and, without prejudice to subsection (11) of this section, the Greater London Council and the Common Council may agree together for the carrying out of any such action in the City by the Greater London Council as agents of the Common Council.

(8) It shall be the duty of the council of any London borough in carrying out their functions under Parts II and III of the Housing Act 1957 to have regard to any proposals in that behalf as respects the area of that borough submitted before 1st April 1965 under the Housing Repairs and Rents Act 1954 or section 2 of the Housing Act 1957 by any existing council to whom section 3 (1) (b) of this Act applies or jointly by the London county council and a metropolitan borough council, but subject to any modifications made by subsequent proposals approved by the Minister under the said section 2.

(9) In section 93 (3) of the Housing Act 1957, references to the London county council, a metropolitan borough council and the administrative county of London shall be construed as references respectively to the Greater London Council, a London borough council and Greater London.

(10) Arrangements may be made by any of the London borough councils or the Common Council for the rehousing of any person by another of those councils; and any such arrangements may include provision for the payment of contributions by that council to that other council.

(11) The Greater London Council and any of the following other councils, that is to say, the Common Council and any borough or urban or rural district council whose area lies outside but adjacent to or in the vicinity of Greater London, may enter into agreements for the provision by the Greater London Council of houses outside the London boroughs to meet the special needs of that other council, or for the provision by that other council of houses within their area to meet the needs of the Greater London Council, and for the payment in either case of such contributions as may be agreed by the council needing the houses to the council providing them.

(12) The enactments referred to in subsection (1) of this section shall have effect subject to the modifications respectively specified in Schedule 8 to this Act, being modifications necessary or expedient in consequence of the foregoing provisions of this section or other provisions of this Act.

NOTES

Commencement. This Part of the Act does not come into force until 1st April 1965; see s. 94 (2), *post*.

Sub-s. (1): London borough. See s. 1, *ante*.

Sub-s. (3): Greater London. See s. 2 (1), *ante*.

Appears. Cf. the note "Appear" to s. 1, *ante*.

Sub-s. (5): London County Council. See the note to s. 4, *ante*.

Sub-s. (6): Consultation. See the note "Consult" to s. 7, *ante*.

Sub-s. (8): Metropolitan borough council. Cf. the note "Metropolitan borough" to s. 3, *ante*.

Sub-s. (9): Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Sub-s. (11): Adjacent. Cf. the note to Sch. 9, Part III, paras. 13-15, *post*.

Sub-s. (12): Modifications. See also for repeals, Sch. 18, Part II, *post*.

Transfer of land held for housing purposes. For provisions as to transfer of land held for housing purposes, see s. 23, *post*.

Definitions. For "the City", "the Common Council", "existing", "functions" and "the Minister", see s. 89 (1), *post*.

Small Dwellings Acquisition Act 1899 (c. 44). See Vol. 11, p. 382.

Housing Act 1957 (c. 56). See Vol. 37, p. 314. For s. 2, Parts II, III and V and ss. 91 and 93 (3) of that Act, see Vol. 37, pp. 320, 321, 354, 398, 400.

Housing (Financial Provisions) Act 1958 (c. 42). See Vol. 38, p. 348. For s. 9 of that Act, see Vol. 38, p. 360.

House Purchase and Housing Act 1959 (c. 33). See Vol. 39, p. 801. For s. 13 of that Act, see Vol. 39, p. 815.

Housing Act 1961 (c. 65). See Vol. 41, p. 468.

Town and Country Planning Act 1962 (c. 38). For the meaning of "development plan" in that Act, see s. 221 (1) thereof, Vol. 42, p. 1180.

Land Compensation Act 1961 (c. 33), Sch. 2. See Vol. 41, p. 86.

Housing Repairs and Rents Act 1954 (c. 53). See Vol. 34, p. 344.

Order under this section. For provisions as to orders, see s. 90, *post*.

22. Record of need, and facilities for exchange, of housing accommodation.—(1) The Greater London Council shall establish and maintain in such form and manner as they think appropriate records showing the needs for the time being of Greater London with respect to housing accommodation.

(2) Any application for housing accommodation maintained by a housing authority in Greater London—

(a) if the applicant is resident in a London borough, whether or not the accommodation is sought in that borough, shall be made to the council of that borough; or

(b) in any other case, shall be made to the Greater London Council who may, if they think fit, transmit the application to such of the London borough councils as they think appropriate,

and shall include information on such matters as the Greater London Council may require for the purposes of their functions under subsection (1) of this section.

(3) Each London borough council shall establish and maintain a register of all applications duly made to them under subsection (2) (a) or transmitted to them under subsection (2) (b) of this section which are for the time being outstanding, and shall furnish to the Greater London Council such particulars in such form as the Greater London Council may require for the purposes of their functions under subsection (1) of this section—

(a) of any such application as aforesaid; and

(b) of the steps taken by the borough council to satisfy the needs of persons requiring housing accommodation maintained by that borough council.

(4) Subsections (2) and (3) of this section shall apply to the City as if it were a London borough and the Common Council were the council of that London borough.

(5) The Greater London Council shall establish and maintain facilities for the exchange of housing accommodation in Greater London for other

housing accommodation, whether in or outside Greater London, between persons requiring such an exchange and, notwithstanding anything in the Accommodation Agencies Act 1953, may require the payment of a charge by any person making use of those facilities.

NOTES

Commencement. See the note to s. 21, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the City", "the Common Council" and "functions", see s. 89 (1), *post*.

Accommodation Agencies Act 1953 (c. 23). See Vol. 33, p. 2.

23. Transfer of land held for housing purposes.—(1) On 1st April 1965 there shall vest in the Greater London Council all land which immediately before that date was held by the London county council for the purposes of their functions as a local authority under the Housing Act 1957.

(2) On 1st April 1965 there shall vest in the council of each London borough all land which immediately before that date was held for the purposes of functions as such a local authority as aforesaid—

- (a) by any council to whom section 3 (1) (b) of this Act applies whose area falls wholly within that London borough;
- (b) in the case of land within the London borough, by the Chigwell urban district council.

(3) The Minister shall if so requested by both the parties concerned, or if so requested by one of those parties may after consultation with the other of those parties, or if he thinks fit after consultation with both parties may without any such request, by order provide for the transfer—

- (a) from or to the Greater London Council to or from any London borough council or the Common Council of any land for the time being held by the council in question for the purpose of development or redevelopment as housing accommodation; or
- (b) from the Greater London Council or the council of a London borough to the local authority (not being the Greater London Council) for the purposes of the Housing Act 1957 or to a housing association of any housing accommodation for the time being vested in that council, being, in the case of the council of a London borough, housing accommodation outside that borough;

and any such order shall include such terms as may have been agreed between the two parties concerned or, in default of such agreement, determined by the Minister and provision for arbitration as to the value of the property transferred; and in the case of an order made by virtue of paragraph (b) of this subsection—

- (i) the said terms may include the retention by the transferor of a right to nominate tenants to the transferred accommodation and, where such a right is retained, provision for the payment of contributions by the transferor to the transferee; and
- (ii) the order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) The Greater London Council shall submit to the Minister by such date, if any, as the Minister may at any time after 1st April 1965 require and in any event by not later than 1st April 1970 a programme for any transfers of housing accommodation vested in that Council such as are

mentioned in subsection (3) (b) of this section which they propose to make and have not yet made; and the Minister may at any time after 1st April 1965 require any London borough council to submit a similar programme for such transfers of accommodation vested in them.

(5) References in this section to land or housing accommodation shall be construed as including references to any other property held in connection therewith and any rights or liabilities attaching thereto.

(6) Any contributions which the Greater London Council carry to the credit of their Housing Revenue Account under paragraph 1 (5) or (6) of Schedule 5 to the Housing (Financial Provisions) Act 1958 for the year 1965-66 shall be treated as expenditure for special London purposes and be chargeable only on the inner London boroughs, the City and the Temples; and so much of any such contributions for the years hereinafter mentioned shall be treated and chargeable as aforesaid as is necessary to ensure that the amounts in the pound required to be levied for special London purposes and for general London purposes respectively by way of rates in respect of those contributions are as near as may be in the following proportions, that is to say—

- (a) for the year 1966-67, six to one;
- (b) for the year 1967-68, five to two;
- (c) for the year 1968-69, four to three;
- (d) for the year 1969-70, three to four;
- (e) for the year 1970-71, two to five;
- (f) for the year 1971-72, one to six;

and so much of paragraph 5 of the said Schedule 5 as authorises the Greater London Council to apply any surplus shown in their Housing Revenue Account at the end of a financial year towards making good to their general fund any such contributions as aforesaid for earlier years shall not apply to contributions for any year earlier than 1972-73.

NOTES

Commencement. See the note to s. 21, *ante*.

Sub-s. (1): Greater London Council. See s. 2, *ante*.

London County Council. See the note to s. 4, *ante*.

Sub-s. (2): London borough. See s. 1, *ante*.

Sub-s. (3): Consultation. See the note "Consult" to s. 7, *ante*.

Annulment. For provisions as to annulment (the power to make an order being exercisable by statutory instrument), see the Statutory Instruments Act 1946 (c. 36), ss. 5 (1), 7 (1), Vol. 24, pp. 443, 445; and see also the Laying of Documents before Parliament (Interpretation) Act 1948 (c. 59), Vol. 24, p. 448.

Definitions. For "the City", "the Common Council", "functions", "the Minister" and "the Temples", see s. 89 (1), *post*; for "general London purposes" and "special London purpose", see Sch. 2, para. 19 (2), *post*; for "inner London borough", see s. 1 (1) (a), *ante*; for "land", see s. 89 (1), *post*, in conjunction with sub-s. (5) of this section. Note as to "housing accommodation", sub-s. (5).

Housing Act 1957 (c. 56). See Vol. 37, p. 314.

Housing (Financial Provisions) Act 1958 (c. 42), Sch. 5, paras. 1 (5), (6), 5. See Vol. 38, pp. 418, 419.

Orders under this section. For provisions as to orders, see s. 90, *post*.

Application of Town and Country Planning Act 1962 to Greater London

24. Local planning authorities.—(1) The provisions of this section shall have effect with respect to the local planning authority for the purposes of the Town and Country Planning Act 1962 (hereafter in this Part of this Act referred to as "the Planning Act") in its application to Greater London.

(2) Subject to subsections (3) and (5) of this section, the Greater London Council shall be the local planning authority for Greater London as a whole.

(3) Subject to subsection (4) of this section and to sections 25 to 29 of this Act, for all purposes of the Planning Act except sections 7 (2), (5) and (6) the local planning authority as respects any London borough shall be the council of the borough and as respects the City shall be the Common Council; and any application under Part III of the Planning Act for planning permission for any development shall be made to, and, subject to the said subsection (4) and section 22 of the Planning Act, shall be determined by, such as may be appropriate of those councils; but, except in any case or class of cases with respect to which the Greater London Council otherwise direct, each London borough council and the Common Council shall cause a copy of every decision made by them on such an application to be sent to the Greater London Council, together with a copy of the application and such other information relating thereto and to the decision as the Greater London Council may reasonably require.

(4) In relation to development of such a class in such area of Greater London as the Minister may by regulations prescribe the Greater London Council shall be the local planning authority for all relevant purposes of the Planning Act other than the reception of applications for, or with respect to the need for, planning permission for such development, and accordingly, subject to subsection (5) of this section, the council by whom there is received—

- (a) any application for planning permission for such development; or
- (b) any application under section 43 of the Planning Act in the case of which it appears to that council that the proposed action to which the application relates would constitute or involve such development if it constituted or involved development at all,

shall forward the application to the Greater London Council, who shall deal with it in like manner as if it had been made to them; and such development of land in such an area by the Greater London Council shall be deemed for the purposes of sections 42 (1) and 66 of that Act to be development by that Council of land in respect of which they are the local planning authority; but, without prejudice to the said subsection (5), the Greater London Council may in any particular case by instrument in writing authorise a London borough council or the Common Council to discharge on their behalf any functions under sections 45 to 51 of that Act with respect to such development of land in such an area.

(5) Section 5 (1) of this Act shall not apply to any functions of the Greater London Council under the Planning Act or under or by virtue of sections 24 to 29 of this Act, but the Greater London Council may with the consent of the Minister, and shall if so required by the Minister, delegate to the council of a London borough or the Common Council any of those functions so far as exercisable in that borough or, as the case may be, in the City, and any council to whom functions are so delegated shall perform those functions on behalf of the Greater London Council.

(6) Without prejudice to his powers by virtue of section 19 (2) or 22 of the Planning Act, the Minister may by regulations make with respect to applications for planning permission for development in Greater London provision for particular applications or applications of a particular class to be referred before they are dealt with by the local planning authority—

- (a) in the case of an application falling to be dealt with by the Greater London Council, to the Minister;

- (b) in the case of an application falling to be dealt with by a London borough council or the Common Council—
 - (i) to the Greater London Council; or
 - (ii) in such cases as the regulations may prescribe, to the Minister;

(c) in the case of an application referred to the Greater London Council by virtue of paragraph (b) (i) of this subsection, to the Minister, and for the giving to the referring council by the Greater London Council or, as the case may be, the Minister of directions as to the manner in which the application is to be dealt with; and in particular the Minister shall make regulations under this subsection with respect to any application which the local planning authority consider should be granted for permission for development inconsistent with the Greater London development plan referred to in section 25 (3) (or, as respects any period before that plan becomes operative, with the initial development plan referred to in section 25 (2)) of this Act.

(7) The Greater London Council may agree with a London borough council or the Common Council for the transfer to the borough council or Common Council of any liability of the Greater London Council to pay compensation under the Planning Act in respect of anything done by the borough council or Common Council in the exercise of functions delegated to them under subsection (5) of this section and for the transfer of any officers of any of those councils; and any such agreement shall include provisions in accordance with section 85 (3) of this Act for the protection of the interests of such officers.

- (8) In relation to land in a London borough or the City—
 - (a) references to local planning authorities in any of the following enactments, that is to say—
 - (i) sections 33 and 34 of, and Schedule 2 to, the Electricity Act 1957;
 - (ii) section 108 of, and Schedule 12 to, the Highways Act 1959;
 - (iii) Schedule 1 to the Pipe-lines Act 1962,shall be construed as including references to the Greater London Council but not to the borough council or the Common Council;
 - (b) the reference in section 86 (4) of the Transport Act 1962 to the local planning authority to whom application is made for permission for the development in question shall be construed as a reference to the local planning authority by whom that application falls to be dealt with;
 - (c) references in section 3 (2) of the Acquisition of Land (Authorisation Procedure) Act 1946 to the local planning authority shall be construed as including references both to the Greater London Council and to the borough council or, as the case may be, the Common Council;
 - (d) any reference in section 17 or 20 of the Caravan Sites and Control of Development Act 1960 to the local planning authority shall be construed as a reference to the borough council or, as the case may be, the Common Council;
 - (e) any reference in Part III of the Land Compensation Act 1961 to the local planning authority shall be construed as a reference to the borough council or, as the case may be, the Common Council; but that council shall consult with the Greater London Council before issuing a certificate under section 17 of that Act in any case where

an application for planning permission for any development to which the certificate would relate would fall to be dealt with by the Greater London Council.

(9) The Greater London Council may direct that any expenses incurred by them under any of the provisions specified in paragraph 1 of Schedule 8 to the Planning Act or by virtue of sections 24 to 29 of this Act shall be treated as expenses for special London purposes chargeable upon such part of Greater London as may be specified in the direction.

NOTES

Commencement. See the note to s. 21, *ante*.

Sub-s. (1): Greater London. See s. 2 (1), *ante*.

Sub-s. (2): Greater London Council. See s. 2, *ante*.

Sub-s. (3): London borough. See s. 1, *ante*.

Sub-s. (7): May agree, etc. Sub-s. (7) should be read in conjunction with s. 85 (4), *post*, as to compensation of officers.

Sub-s. (8): Consult. See the note to s. 7, *ante*.

Definitions. For "the City", "the Common Council", "functions", "land" and "the Minister", see s. 89 (1), *post*; for "special London purpose", see Sch. 2, para. 19 (2) (b), *post*. Note as to "the Planning Act", sub-s. (1) of this section.

Town and Country Planning Act 1962 (c. 38). See Vol. 42, p. 955. For s. 7, Part III and ss. 19 (2), 22, 42 (1), 43, 45-51 and 66 of, and Sch. 8, para. 1 to, that Act, see Vol. 42, pp. 969, 975, 988, 990, 1012, 1013, 1015 *et seq.*, 1033, 1209.

Electricity Act 1957 (c. 48), ss. 33, 34, Sch. 2. See Vol. 37, pp. 253, 261.

Highways Act 1959 (c. 25), s. 108, Sch. 12. See Vol. 39, pp. 523, 742.

Pipe-lines Act 1962 (c. 58), Sch. 1. See Vol. 42, p. 774.

Transport Act 1962 (c. 46), s. 86 (4). See Vol. 42, p. 655.

Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), s. 3 (2). See Vol. 3, p. 1070.

Caravan Sites and Control of Development Act 1960 (c. 62), ss. 17, 20. See Vol. 40, pp. 1079, 1082.

Land Compensation Act 1961 (c. 33), Part III, s. 17. See Vol. 41, p. 62.

Regulations under this section. By virtue of s. 29 (6), *post*, for provisions as to regulations, see the Town and Country Planning Act 1962 (c. 38), s. 217 (2), Vol. 42, p. 1177.

25. Development plans.—(1) In the application of the Planning Act to Greater London, sections 4 (1) and (5) and 6 (1) and (2) (which relate to the submission or amendment of development plans) shall not apply but the provisions of this and the next following section shall have effect in place thereof.

(2) Subject to the provisions of any order under section 84 of this Act, any development plans under the Planning Act operative on 31st March 1965 which relate, or so far as they relate, to any part of Greater London shall together constitute as from 1st April 1965 the initial development plan for Greater London.

(3) The Greater London Council shall cause to be carried out a survey of Greater London and shall, within such period as the Minister may allow, submit to the Minister a report of that survey and a general development plan for Greater London, to be known as the Greater London development plan, which, subject to any regulations made (by virtue of section 27 (5) (e) of this Act) under section 10 of the Planning Act, shall lay down considerations of general policy with respect to the use of land in the various parts of Greater London, including in particular guidance as to the future road system, and may make any necessary consequential modifications in the initial development plan aforesaid; and as from the date when the Greater London development plan becomes operative, that plan and the initial development plan

aforesaid with any modifications therein made by the Greater London development plan shall together constitute the interim development plan for Greater London.

(4) Within such period as the Minister may allow after the Greater London development plan becomes operative, each London borough council shall as respects their borough, and the Common Council shall as respects the City, carry out on behalf of the Greater London Council such further survey, if any, as the borough council or Common Council may consider necessary or as the Greater London Council may direct, and submit to the Greater London Council a report on any such further survey and a local development plan which, subject to any such regulations as aforesaid, shall restate as respects the borough or, as the case may be, the City the relevant provisions of the initial development plan aforesaid as modified by the Greater London development plan with any alterations and additions appearing to them necessary or expedient which are consistent with the Greater London development plan; and, without prejudice to section 27 (1) of this Act, the Greater London Council shall within such further period as the Minister may allow forward any such reports and those local development plans to the Minister with any observations thereon by that Council.

(5) The development plan for the purposes of the Planning Act for any London borough or, as the case may be, the City shall be the following, as amended from time to time by virtue of any provision of the two next following sections, that is to say—

- (a) as from 1st April 1965 until the Greater London development plan becomes operative, the relevant provisions of the initial development plan aforesaid;
- (b) as from the date when the Greater London development plan becomes operative until the date when the local development plan submitted by the borough council or Common Council becomes operative, the relevant provisions of the interim development plan aforesaid;
- (c) as from the date when the said local development plan becomes operative, that plan together with the Greater London development plan;

and accordingly section 101 (5) of the Planning Act shall not apply to Greater London.

NOTES

Commencement. See the note to s. 21, *ante*.

Sub-s. (1): Greater London. See s. 2 (1), *ante*.

Sub-s. (3): Greater London Council. See s. 2, *ante*.

Sub-s. (4): London borough council. Cf. s. 1, *ante*.

Sub-s. (5): London borough. See s. 1, *ante*.

Definitions. For "the City", "the Common Council", "land" and "the Minister", see s. 89 (1), *post*.

Planning Act. *I.e.*, the Town and Country Planning Act 1962 (c. 38); see s. 24 (1), *ante*. For ss. 4, 6, 10 and 101 (5) of that Act, see Vol. 42, pp. 965, 968, 972, 1073.

26. Amendment of development plans.—(1) The Greater London Council shall from time to time cause fresh surveys of Greater London to be carried out and, not less than once in every five years after the approval of the Greater London development plan by the Minister, submit to the Minister a report of any such surveys together with proposals for any alterations or additions to that plan which appear to that Council to be required having regard to those surveys.

(2) Without prejudice to the provisions of the foregoing subsection, the Greater London Council may at any time, and shall at any time when so directed by the Minister, submit to the Minister proposals for such alterations or additions as appear to the Council to be expedient or as may be required by that direction—

- (a) in the case of proposals made before the date of the Minister's approval of the Greater London development plan, to the initial development plan referred to in section 25 (2) of this Act; or
- (b) in the case of proposals made after that date, to the Greater London development plan.

(3) After the Greater London development plan has become operative, the council of any London borough or the Common Council may at any time, and shall at any time when so directed by the Minister or, with the approval of the Minister, by the Greater London Council, after carrying out on behalf of the Greater London Council such, if any, fresh survey of the borough or, as the case may be, the City as may appear to the borough council or Common Council to be expedient or as may be required by that direction, submit to the Greater London Council proposals for such alterations or additions as may appear expedient or as may be so required—

- (a) in the case of proposals made before the date of the Minister's approval of their local development plan under section 25 (4) of this Act, to the initial development plan aforesaid as modified by the Greater London development plan; or
- (b) in the case of proposals made after that date, to that local development plan;

and, without prejudice to section 27 (1) of this Act, the Greater London Council shall, within such time as the Minister may allow, forward any such proposals to the Minister together with any observations thereon by that Council.

NOTES

Commencement. See the note to s. 21, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

Greater London development plan. See s. 25 (3), *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the City", "the Common Council" and "the Minister", see s. 89 (1), *post*.

27. Supplementary provisions as to development plans.—(1) If any local development plan submitted to the Greater London Council under section 25 (4) of this Act, or any proposal so submitted under section 26 (3) of this Act, contains any provision which in the opinion of the Greater London Council involves a departure from the Greater London development plan, that Council may, if they think fit, require the council submitting the plan or proposal to reconsider that provision within such period as may be specified in the requirement, and thereupon—

- (a) unless within the period so specified the submitting council agree that the provision involves such a departure, the question shall be referred to the Minister for decision;
- (b) if the submitting council agree as aforesaid, or if on such a reference to the Minister the Minister decides that the provision involves such a departure, the Greater London Council may if they think fit cause that provision to be struck out from the local development plan or proposal for the purpose of its consideration by the Minister;

(c) if on such a reference to the Minister the Minister decides that the provision does not involve such a departure, the provision shall be included in the local development plan or proposal for the purpose of its consideration by the Minister, but the Minister, if so required by the Greater London Council, shall afford that Council an opportunity to make further observations thereon.

(2) Any survey under section 25 (3) or 26 (1) of this Act shall, unless for special reasons the Greater London Council decide to carry it out themselves, be carried out on behalf of that Council by the London borough councils and the Common Council as respects their respective areas; and subject to subsection (6) of this section any such survey and any survey under section 25 (4) or 26 (3) of this Act shall be carried out on such lines as the Greater London Council may direct.

(3) The Greater London Council, before preparing the Greater London development plan or any proposals under section 26 (1) or (2) of this Act, shall consult with the London borough councils and the Common Council or, in the case of any such proposals, with such of those councils as are affected by the proposals, and before submitting the plan or proposals to the Minister shall give to each of those councils an opportunity to make representations with respect to the plan or proposals and shall consider any representations so made.

(4) A London borough council or the Common Council—

(a) when preparing their local development plan under section 25 (4) or any proposal under section 26 (3) of this Act shall give to the Greater London Council any information which that Council may require with respect to the matters to be included in that plan or proposal; and

(b) before submitting that plan or proposal to the Greater London Council shall give that Council an opportunity to make representations in the light of that information and shall consider any representations so made.

(5) The following provisions of Part II of the Planning Act, that is to say—

(a) section 4 (2), (3) and (4) (which relate to the contents of development plans);

(b) section 5 (which relates to the approval of development plans by the Minister);

(c) section 6 (3) and (4) (which relate to proposals for amendments to development plans);

(d) section 7 (which confers additional powers on the Minister with respect to development plans);

(e) section 10 (2), (3) and (5) (which contain supplementary provisions as to development plans);

(f) section 11 (which relates to the publication and date of operation of development plans),

shall apply for the purposes of sections 25 and 26 of this Act with the modifications specified in subsection (7) of this section as if any report or plan submitted or forwarded under section 25 (3) or (4) of this Act were a report or plan submitted under section 4 (1) of that Act and any report or proposal submitted or forwarded under section 26 of this Act were a report or proposal submitted under section 6 of that Act.

(6) Section 10 (4) of the Planning Act shall not apply to Greater London but, subject to any express provision contained in or having effect by virtue of this or either of the two last foregoing sections, the Minister may give directions—

- (a) to the Greater London Council with respect to the form and content of any directions by the Greater London Council under subsection (2) of this section;
- (b) to that Council, to any London borough council and to the Common Council—
 - (i) with respect to the procedure for the carrying out of the functions exercisable under or by virtue of those sections by any of those councils; and
 - (ii) with respect to the furnishing to the Minister by those councils of information required for the purpose of the functions exercisable under or by virtue of those sections by the Minister.

(7) In the application by virtue of subsection (5) of this section of the provisions of the Planning Act hereinafter mentioned—

- (a) any reference in section 4 (3) or (4) to the opinion of the local planning authority shall be construed as a reference to the opinion of either the Greater London Council or the council of the London borough in which the land in question is situated (or, if it is situated in the City, the Common Council);
- (b) the reference in section 7 (1) (b) to the local planning authority shall be construed as a reference to any of the following councils, that is to say, the Greater London Council, the London borough councils and the Common Council, by whom there fall to be taken the steps necessary to enable the plan, report or proposal in question to be submitted within the period in question;
- (c) the reference in section 7 (4) to the preceding provisions of Part II of the Planning Act shall be construed as including a reference to the provisions of sections 25 and 26 of this Act and subsections (1) to (4) of this section;
- (d) any reference in section 10 (2), (3) or (5) to objections or representations shall be construed as a reference only to objections or representations arising from—
 - (i) any addition, modification or alteration to the initial development plan referred to in section 25 (2) of this Act which is proposed to be effected by the Greater London development plan or which is proposed under section 26 (2) (a) of this Act;
 - (ii) any addition or alteration to the initial development plan aforesaid as modified by the Greater London development plan which is proposed to be effected by any local development plan forwarded to the Minister under section 25 (4) of this Act or which is proposed under section 26 (3) (a) thereof;
 - (iii) any alteration or addition to the Greater London development plan proposed under section 26 (1) or (2) (b) of this Act;
 - (iv) any alteration or addition to such a local development plan as aforesaid proposed under section 26 (3) (b) of this Act;
- (e) the reference in section 11 (1) to the local planning authority shall be construed—

- (i) in relation to any amendment of the initial development plan aforesaid made before the Greater London development plan becomes operative or made by the Greater London development plan, as a reference to the Greater London Council;
- (ii) in relation to any amendment of the provisions with respect to any London borough or the City of the initial development plan aforesaid as modified by the Greater London development plan, as a reference to the council of that borough or, as the case may be, the Common Council;
- (iii) in relation to the Greater London development plan, as a reference to the Greater London Council;
- (iv) in relation to a local development plan under section 25 (4) of this Act, as a reference to the council of the London borough in question or, as the case may be, the Common Council.

NOTES

Commencement. See the note to s. 21, *ante*.

Sub-s. (1): Greater London Council. See s. 2, *ante*.

Greater London development plan. See s. 25 (3), *ante*.

Sub-s. (3): Consult. See the note to s. 7, *ante*.

Sub-s. (6): Greater London. See s. 2 (1), *ante*.

Sub-s. (7): London borough. See s. 1, *ante*.

Definitions. For "the City", "the Common Council", "functions" and "the Minister", see s. 89 (1), *post*.

Planning Act. *I.e.*, the Town and Country Planning Act 1962 (c. 38); see s. 24 (1), *ante*. For Part II, ss. 4, 5, 6, 7, 10 and 11 of that Act, see Vol. 42, pp. 965, 966, 968, 969, 972, 974.

28. Buildings of special architectural or historic interest.—

(1) The Minister shall cause a copy, certified by or on his behalf to be a true copy, of so much of, and of any amendment to, any list of buildings of special architectural or historic interest compiled or approved by him under section 32 of the Planning Act as relates to any London borough or the City to be deposited—

- (a) with the clerk of the borough council or, as the case may be, the town clerk of the City; and
- (b) with the clerk to the Greater London Council,

and any such copy shall be so deposited, in the case of a list compiled or approved or amendment made before 1st April 1965, as soon as may be after that date or, in any other case, as soon as may be after the list has been compiled or approved or the amendment has been made; and any such copy deposited with the clerk of a London borough council or the town clerk of the City shall be registered in the register of local land charges in such manner as may be prescribed by rules made for the purposes of the said section 32 under section 15 (6) of the Land Charges Act 1925 by the proper officer so prescribed:

Provided that nothing in this subsection shall require the deposit with the town clerk of the City of a further copy of any document so deposited before 1st April 1965.

(2) As respects buildings in Greater London—

- (a) any reference to a local planning authority in section 30 of the Planning Act (which relates to building preservation orders) or in section 62 or 125 of that Act so far as it relates to such orders shall be construed as including a reference to the Greater London Council;
- (b) except in any case or class of cases with respect to which the Greater London Council otherwise direct, each London borough council and the Common Council shall supply the Greater London Council with copies of any notices received by the borough council or Common Council under section 33 of that Act;
- (c) any reference in sections 52 to 55 of that Act to the local planning authority shall be construed as including a reference to the Greater London Council;
- (d) section 69 of that Act shall have effect as if Greater London were a county and the Greater London Council were the council of that county and as if the London boroughs and the City were county boroughs and, in the case of the City, the Common Council were the council of that county borough.

(3) In section 33 (3) of the Planning Act, for the words from “ to the Minister ” onwards there shall be substituted the words—

- “ (a) to the Minister; and
- (b) if the building to which the notice relates is situated in a county district, to the council of that district; and
- (c) to such other persons or bodies of persons as may be specified by directions of the Minister either generally or with respect to the building in question ”.

NOTES

Commencement. See the note to s. 21, *ante*.

London borough. See s. 1, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

County boroughs. See the note “ County borough ” to s. 4, *ante*.

County district. See the note to s. 3, *ante*.

Definitions. For “ building ” in sub-s. (3), see the Town and Country Planning Act 1962 (c. 38), s. 221 (1), Vol. 42, p. 1180; for “ the City ”, “ the Common Council ”, “ county ” and “ the Minister ” in sub-s. (1), see s. 89 (1), *post*; for “ the Minister ” in sub-s. (3), see s. 1 of the Act of 1962, Vol. 42, p. 961.

Planning Act. *I.e.*, the Town and Country Planning Act 1962 (c. 38); see s. 24 (1), *ante*. For ss. 32, 33, 52–55, 62, 69 and 125 of that Act, see Vol. 42, pp. 1003, 1004, 1024 *et seq.*, 1030, 1036, 1094.

Land Charges Act 1925 (c. 22), s. 15 (6). See Vol. 20, p. 1089.

29. Miscellaneous modifications of Planning Act.—(1) In the application to Greater London of the following provisions of the Planning Act, that is to say, sections 68 (1), 71, 74, 75 (7), 112 (4) and (5), 129 (1), 135 (1), 136 (1) and 207 (5), any reference therein to a county borough or the council thereof shall be construed as including a reference to a London borough or the council thereof and to the City or the Common Council, as the case may be.

(2) Where under section 68 (1) of the Planning Act the Minister has power to authorise a London borough council or the Common Council to acquire any land compulsorily, he may, if after consultation with that council and with the Greater London Council he thinks it expedient so to do, authorise the land to be so acquired by the Greater London Council instead

of the borough council or Common Council, and in that case shall have the like powers under section 207 (5) of that Act in relation to the Greater London Council as in relation to the borough council or Common Council.

(3) The powers conferred on London borough councils and the Common Council by section 71 of the Planning Act shall be exercisable also by the Greater London Council—

- (a) in a London borough, with the consent of the council of the borough;
or
- (b) in the City, with the consent of the Common Council; or
- (c) in the Inner Temple or the Middle Temple, with the consent of the Sub-Treasurer or, as the case may be, Under-Treasurer thereof; or
- (d) in any of the areas aforesaid, if the appropriate consent aforesaid is withheld, with the consent of the Minister; or
- (e) in relation to land in any of the areas aforesaid, without any such consent as aforesaid, if the land is used for the purposes of an industrial or commercial undertaking and is to be acquired incidentally to the removal of that undertaking from Greater London.

(4) In section 154 (7) of the Planning Act (which defines the expression "local authority" for the purposes of certain orders relating to highways) after the words "rural district" there shall be inserted the words "the Greater London Council, the council of a London borough, the Common Council of the City of London".

(5) In section 221 (1) of the Planning Act, in the definition of "local authority", for the words "and any other authority being" there shall be substituted the words "the Greater London Council, the council of a London borough and any other authority (except the Receiver for the Metropolitan Police District) who are".

(6) For the purposes of sections 8, 86 (5), 178 (1) and (2), 179, 189 (2), 199, 211 (1) (a) and 217 (2) of the Planning Act, the provisions of sections 24 to 29 of this Act shall be deemed to be included in that Act and, in the case of sections 25 to 27 of this Act, to be included in Part II of that Act.

(7) In paragraph 6 (1) of Schedule 11 to the Planning Act, after the words "that council" there shall be inserted the words "or by the Greater London Council in relation to any road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road".

NOTES

Commencement. See the note to s. 21, *ante*.

Sub-s. (1): Greater London. See s. 2 (1), *ante*.

London borough. See s. 1, *ante*.

Sub-s. (2): Consultation. See the note "Consult" to s. 7, *ante*.

Greater London Council. See s. 2, *ante*.

Sub-s. (4): Common Council of the City of London. *I.e.*, "the mayor aldermen and commons of the city of London in common council assembled"; see the City of London (Various Powers) Act 1958 (c. xlvii), s. 5, Vol. 38, p. 774.

Definitions. For "the City", "the Common Council", "land" and "the Minister", see s. 89 (1), *post*.

Planning Act. *I.e.*, the Town and Country Planning Act 1962 (c. 38); see s. 24 (1), *ante*. For Part II and ss. 8, 68 (1), 71, 74, 75 (7), 86 (5), 112 (4), (5), 129 (1), 135 (1), 136 (1), 154 (7), 178, 179, 189 (2), 199, 207 (5), 211 (1) (a), 217 (2) and 221 (1) of, and Sch. 11, para. 6 (1) to, that Act, see Vol. 42, pp. 965, 970, 1035, 1038, 1041, 1043, 1057, 1082, 1096, 1103, 1104, 1123, 1144, 1145, 1155, 1163, 1170, 1172, 1177, 1180, 1218.

PART IV

EDUCATION AND YOUTH EMPLOYMENT SERVICE

30. Local education authorities.—(1) As from 1st April 1965, any reference in the Education Acts 1944 to 1962 or in any other Act to the local education authority shall be construed—

- (a) in relation to any outer London borough, as a reference to the council of that borough;
- (b) subject to subsections (6) and (7) of this section, in relation to the remainder of Greater London (which remainder shall be known as the Inner London Education Area) as a reference to the Greater London Council acting by means of a special committee thereof constituted as mentioned in subsection (2) of this section;

and the Greater London Council, when acting as aforesaid as the local education authority for the said Area, shall, except for the purposes of any document of title, be known as the Inner London Education Authority, and any reference in this or any other Act to a member or officer of that Authority or, in relation to that Authority, to a member or officer of a local education authority shall be construed as a reference to a member of the special committee aforesaid or, as the case may be, an officer appointed for the purposes of the functions of the Greater London Council as a local education authority.

(2) The special committee aforesaid shall consist of—

- (a) such of the councillors of the Greater London Council as have been elected by local government electors for an inner London borough or the City;
- (b) one representative of each inner London borough council appointed by that borough council from among the members thereof;
- (c) one representative of the Common Council appointed by the Common Council from among the members thereof;

and any person appointed in pursuance of paragraph (b) or (c) of this subsection shall, unless re-appointed, retire on the fourteenth day after the ordinary day of retirement of London borough councillors falling next after his appointment, but may resign his membership of the Inner London Education Authority at any time by notice in writing to the clerk of the council by whom he was appointed thereto.

(3) The Greater London Council shall not act by means of the special committee aforesaid for the purpose of issuing any precept or borrowing any money, but shall so act for the purpose of determining—

- (a) the amount for which the Council are to precept upon rating authorities in the Inner London Education Area in respect of expenditure of the Inner London Education Authority; and
- (b) what amount, if any, is to be borrowed by the Council in respect of such expenditure,

and for the purpose of the making of the arrangements for the handling of receipts and payments required by section 58 of the Local Government Act 1958 so far as those arrangements relate to moneys paid or payable in connection with the functions of the Greater London Council as a local education authority, and shall also so act for the purpose of the appointment of any officer employed solely for the purposes of those functions, and in particular the appointment of the officer referred to in subsection (4) of this section.

(4) The officers to be appointed by the Greater London Council under paragraph 12 of Schedule 2 to this Act shall include a chief education officer of the Inner London Education Authority; and section 88 of the Education Act 1944 shall apply to the appointment of that officer as it applies to the appointment of any similar officer under the Local Government Act 1933.

(5) Part II of Schedule 1 to the Education Act 1944 shall have effect in its application to the Inner London Education Area as if—

(a) paragraph 7 from “or has been” onwards and paragraph 11 were omitted;

(b) in paragraph 8, the reference to the power to borrow money or to raise a rate included a reference to the power to make such a determination as is referred to in subsection (3) of this section;

and Part III of the said Schedule 1 (which relates to the delegation of functions of local education authorities to divisional executives) shall not apply to Greater London.

(6) The Minister of Education shall carry out, and not later than 31st March 1970 lay before Parliament a report on, a review of the administration of education in the Inner London Education Area for the purpose of determining whether, and if so to what extent, in what part or parts of that Area, and subject to what, if any, conditions, all or any of the functions of the local education authority relating to education should be transferred to, or to a body including a member or members appointed by, the appropriate council, that is to say, as respects the City the Common Council or as respects an inner London borough the council of that borough; and in the light of that review the Minister of Education may by regulations make provision for such a transfer as aforesaid of such of those functions, in such part of the Area aforesaid, and subject to such conditions, if any, as may be specified in the regulations; but no such regulations shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

(7) Any regulations under subsection (6) of this section may include such incidental, consequential, transitional or supplementary provisions, including in particular provisions with respect to finance, the transfer and management or custody of property (whether real or personal) and the transfer of liabilities (but, without prejudice to sections 84 (1) and 85 of this Act, excluding provisions with respect to the transfer of officers), as may appear to the Minister of Education to be necessary or proper for the purpose or in consequence of the regulations; and where any such regulations provide as respects any part of the Inner London Education Area for the transfer of all the functions of the local education authority relating to education to some authority other than the Inner London Education Authority, the regulations may also provide for that other authority to become, and for the Inner London Education Authority to cease to be, the local education authority for that part of that Area for the purposes of all enactments except (without prejudice to section 34 (4) of this Act) section 10 of the Employment and Training Act 1948.

(8) In section 97 of the Children and Young Persons Act 1933, in proviso (b), for the words “London County Council as local authority” there shall be substituted the words “local education authority”.

NOTES

Sub-s. (1): Greater London; Greater London Council. See s. 2, *ante*.

Sub-s. (7): Appear. Cf. the note to s. 1, *ante* (but note sub-s. (6) of this section).

Definitions. For “the City”, “the Common Council” and “functions”, see

s. 89 (1), *post*; for "inner London borough" and "outer London borough" see s. 1 (1), *ante*. Note as to "Inner London Education Area" and "Inner London Education Authority", sub-s. (1) of this section.

Education Acts 1944 to 1962. For the Acts which may be cited by this collective title, see the Introductory Note to the Education Act 1944 (c. 31), Vol. 8, p. 149.

Local Government Act 1958 (c. 55), s. 58. See Vol. 38, p. 657.

Education Act 1944 (c. 31), s. 88, Sch. 1. See Vol. 8, pp. 218, 244.

Local Government Act 1933 (c. 51). See Vol. 14, p. 353.

Employment and Training Act 1948 (c. 46), s. 10. See Vol. 9, p. 198.

Children and Young Persons Act 1933 (c. 12), s. 97, proviso (b). See Vol. 12, p. 1046.

31. Primary, secondary and further education in Greater London.—(1) For the purposes of the Education Acts 1944 to 1962

- (a) the development plan under section 11 of the Education Act 1944 in force for the county of London immediately before 1st April 1965, so far as it relates to the Inner London Education Area, shall continue on and after that date to be the development plan approved by the Minister of Education for that Area;
- (b) until replaced by a revised development plan submitted to and approved by the said Minister under subsection (2) of this section, any development plan under the said section 11 in force immediately before 1st April 1965 which relates, or so far as it relates, to the area of any outer London borough shall, or, if more than one, shall together, constitute as from that date the development plan approved by the said Minister for that borough;
- (c) subject to subsection (4) of this section, any scheme of further education under section 42 of the said Act of 1944 in force immediately before 1st April 1965 which relates, or so far as it relates, to the Inner London Education Area or to the area of any outer London borough, shall, or, if more than one, shall together, continue to be, or, as the case may be, constitute, on and after that date the scheme of further education approved by the Minister of Education under the said section 42 for that Education Area or, as the case may be, that borough.

(2) The council of each outer London borough shall, by 1st April 1966 or within such period thereafter as the Minister of Education may in any particular case allow, prepare and submit to that Minister a revised development plan for the borough for the purposes of the said Acts of 1944 to 1962 which shall be in such form and contain such particulars with respect to existing primary and secondary schools in their area and as to the action the authority propose to take to secure that there shall be sufficient schools available for their area as that Minister may require; and subsections (3) to (5) of section 11 of the said Act of 1944 shall apply to any revised development plan submitted under this subsection as they apply to a development plan submitted under subsection (1) of that section.

(3) Before preparing a revised development plan for their borough under subsection (2) of this section, the council of each outer London borough shall consult with any other local education authority whose area is contiguous with that borough with a view to ensuring that the revised plan has regard both to the use made of schools outside that borough by children resident therein and to the use of schools within that borough by children resident outside it.

(4) Within such period as the Minister of Education may allow, the council of each outer London borough shall for the purposes of section 42 of

the said Act of 1944 submit to that Minister a restatement of the scheme or schemes of further education referred to in subsection (1) (c) of this section so far as relating to that borough; and that restatement when submitted to that Minister shall be deemed for the purposes of the said section 42 to be a scheme of further education which has been submitted to that Minister under subsection (1) of that section.

(5) As from 1st April 1965 it shall be the duty of the local education authority for any area in Greater London to maintain, and that authority shall not except in accordance with section 13 or 14 of the said Act of 1944 or subsection (6) of this section cease to maintain, any county or voluntary school maintained immediately before that date by the former local education authority for that area, being a school which is situated in that area or of which that former local education authority were, or in case of dispute are determined by the Minister of Education to have been, the main user immediately before that date.

(6) Any authority who by virtue of section 30 (1) of this Act are, or are to become, the local education authority for any area in Greater London may agree with any other local education authority for the maintenance by that other authority of any school which under subsection (5) of this section would otherwise fall to be maintained by the first-mentioned authority.

(7) In the case of any school maintained immediately before 1st April 1965 by a local education authority who in consequence of this Act will not continue to maintain it on and after that date—

(a) any instrument or rules of management or instrument or articles of government made by an order under section 17 of the said Act of 1944 and any arrangement made under section 20 of that Act, being an order or arrangement in force immediately before that date, shall continue in force on and after that date, subject to any further such order or arrangement and to any agreement under subsection (6) of this section, as if—

(i) any reference therein to that local education authority were a reference to the authority by whom by virtue of subsection (5) or (6) of this section the school falls to be maintained on and after that date or, if there is no such authority or if there is any doubt as to the identity of that authority, such local education authority as the Minister of Education may direct;

(ii) any reference therein to any other existing local authority, being the council of a metropolitan borough, non-county borough or urban district to whom section 3 (1) (b) of this Act applies, were a reference, if the school falls to be maintained by the council of a borough, to that council or, in any other case, to the council of the London borough which includes the area of that existing authority or, if different parts of that area are included in different London boroughs, the council of such of those boroughs (or, if more than one, the councils thereof acting jointly) as appears to the local education authority to be served by the school;

(b) any direction of the local education authority under section 22 of the said Act of 1944 and any agreed syllabus of religious instruction under section 29 of that Act, being a direction or syllabus in force

immediately before that date, shall continue in force on and after that date until replaced by a further direction under the said section 22 or, as the case may be, by the adoption of a new syllabus under the said section 29.

(8) For the purposes of any duty imposed by or under the Education Acts 1944 to 1962 or section 3 (4) of the Local Government Act 1958 with respect to the admission of pupils to—

- (a) county or voluntary schools; or
- (b) institutions maintained or assisted by local education authorities for the purpose of providing further education,

it shall not be a ground for refusing a pupil admission to, or excluding a pupil from, any such school or institution maintained or assisted by a local education authority in Greater London that the pupil resides in the area of some other local education authority if that area is within, or is contiguous with any part of, Greater London; and where any provision for further education is made by a local education authority in Greater London in respect of a pupil who resides in Greater London, or in some other local education authority's area which is contiguous with any part of Greater London, but belongs to the area of a local education authority other than the providing authority, and the Minister of Education is satisfied that, having regard to all the circumstances of the case, it is right so to do, that Minister may on the application of the providing authority direct that section 7 (1) of the Education (Miscellaneous Provisions) Act 1953 (which relates to the recoupment of the providing authority by the authority to whose area the pupil belongs) shall apply notwithstanding that the last-mentioned authority have not consented to the making of the provision.

(9) Section 7 (4) and (5) of the Education (Miscellaneous Provisions) Act 1953 (which relate to the determination of the local education authority to whose area any pupil belongs for the purposes of further education) shall apply for the purposes of subsection (8) of this section as they apply for the purposes of the said section 7.

(10) In relation to any school maintained by the Inner London Education Authority, the expression "minor authority" in the said Act of 1944 shall be construed as a reference to any of the following councils whose area appears to that Authority to be served by the school, that is to say, the councils of the inner London boroughs and the Common Council; and before approving any proposals submitted to him under section 13 of the said Act of 1944 with respect to any school which is, or is to be, situated within the City or an inner London borough, the Minister of Education shall afford to the Common Council or, as the case may be, the borough council, an opportunity of making representations to him with respect to the proposal.

NOTES

Sub-s. (3): Consult. See the note to s. 7, *ante*.

Contiguous. See the note to s. 5, *ante*.

Sub-s. (5): Greater London. See s. 2 (1), *ante*.

Sub-s. (7): Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

London borough. See s. 1, *ante*.

Sub-s. (8): Satisfied. Cf. the note to s. 6, *ante*.

Sub-s. (10): In relation to any school, etc. Sub-s. (10) may be compared with the Education Act 1944 (c. 31), s. 117 (1), (3), Vol. 8, p. 241 (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Definitions. For "the City", "the Common Council", "county" and "existing", see s. 89 (1), *post*; for "Inner London Education Authority", see s. 30 (1), *ante*; for "inner London borough" and "outer London borough", see s. 1 (1), *ante*.

Education Acts 1944 to 1962. See the note to s. 30, *ante*.

Education Act 1944 (c. 31). See Vol. 8, p. 145. For ss. 11, 13, 14, 17, 20, 22, 29 and 42 of that Act, see Vol. 8, pp. 156, 159, 161, 165, 168, 169, 175, 186.

Local Government Act 1958 (c. 55), s. 3 (4). See Vol. 38, p. 620.

Education (Miscellaneous Provisions) Act 1953 (c. 33), s. 7. See Vol. 33, p. 61.

32. Co-ordination of school and other health services in inner London.—(1) The Inner London Education Authority and each respectively of the following councils, that is to say, the councils of the inner London boroughs and the Common Council, shall as soon as may be jointly prepare and submit to the Minister of Education and the Minister of Health for their approval a scheme with respect to—

- (a) the joint use of professional staff, premises and equipment for the purposes of the health services falling to be provided by the local education authority and the local health authority respectively; and
- (b) consultation as to the qualifications, experience, conditions of service and appointment of professional staff concerned with both those health services.

(2) If in the case of any of the councils aforesaid no such scheme as aforesaid has been submitted to the Ministers aforesaid under the foregoing subsection within such period as those Ministers think reasonable, those Ministers may themselves prepare such a scheme with respect to that council.

(3) In the case of any of the councils aforesaid—

- (a) the Inner London Education Authority and the council concerned may from time to time jointly prepare and submit to the Ministers aforesaid for their approval, or
- (b) the Ministers aforesaid may from time to time, after consultation with the said Authority and council, themselves prepare,

a further scheme with respect to the matters mentioned in subsection (1) of this section, and any such further scheme may vary or revoke any scheme under subsection (1) or (2) of this section and any previous scheme under this subsection.

(4) The Ministers aforesaid shall act jointly for the purpose of approving any scheme submitted to them under subsection (1) or (3) (a) of this section and may approve the scheme either without modification or with such modifications as, after consultation with the Inner London Education Authority and the council concerned, they consider necessary or expedient; and after the scheme has been so approved, then, while that scheme remains in force, no professional staff to whom the scheme applies shall be appointed or employed except in accordance therewith.

(5) The Ministers aforesaid shall act jointly for the purpose of themselves preparing any scheme under subsection (2) or (3) (b) of this section, and the Inner London Education Authority and the council concerned shall comply with any such scheme while it remains in force.

(6) In this section the expression “professional staff” in relation to any scheme thereunder means medical officers, dental officers, nurses, health visitors and such other specialist staff as may be specified in that scheme.

(7) In its application to the Inner London Education Authority, section 54 (4) of the Education Act 1944 shall have effect as if for the words

“ the council of any county district in the area of the authority ” there were substituted the words “ the council of any inner London borough or the Common Council of the City of London ”.

NOTES

Sub-s. (1): Consultation. See the note “ Consult ” to s. 7, *ante*.

Sub-s. (7): In its application, etc. Sub-s. (7) may be compared with the Education Act 1944 (c. 31), s. 117 (2), Vol. 8, p. 241 (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Common Council of the City of London. See the note to s. 29, *ante*.

County district. See the note to s. 3, *ante*.

Definitions. For “ the Common Council ”, see s. 89 (1), *post*; for “ Inner London Education Authority ”, see s. 30 (1), *ante*; for “ inner London borough ”, see s. 1 (1) (a), *ante*. Note as to “ professional staff ”, sub-s. (6) of this section.

Education Act 1944 (c. 31), s. 54 (4). See Vol. 8, p. 197.

33. Provision for continuance of existing educational grants.—

(1) Where, in the case of any grant made before 1st April 1965 under section 50, 61 (2) or 81 of the Education Act 1944, section 6 of the Education (Miscellaneous Provisions) Act 1953 or section 1 or 2 of the Education Act 1962 in respect of a pupil who has not completed his course by that date, the local education authority by whom that grant was made—

- (a) cease on that date in consequence of this Act to be a local education authority; or
- (b) if the authority's area at the date of the making of the grant had been the same as on 1st April 1965, would not have been the appropriate authority to make it,

it shall on and after 1st April 1965 be the duty of the authority specified in subsection (2) of this section to make the remaining payments in pursuance of that grant, subject to the same conditions, if any, as to satisfactory work, financial need or other matters as were attached to the grant or as would be attached to such a grant by the authority specified as aforesaid, whichever are the most favourable.

(2) The authority referred to in the foregoing subsection shall be—

- (a) the local education authority to whose area the pupil would have belonged (or, in the case of an award under section 1 of the Education Act 1962, in whose area he would have been ordinarily resident) at the date immediately before the grant was made if at that date the changes taking place under Parts I and IV of this Act on 1st April 1965 had already taken place; or
- (b) if there is no local education authority to whose area the pupil would have belonged (or, as the case may be, in whose area he would have been ordinarily resident) as aforesaid, then, without prejudice to any right to recoupment, such local education authority as the Minister of Education may determine;

and section 6 (2) to (4) of the Education (Miscellaneous Provisions) Act 1948 or section 7 (4) and (5) of the Education (Miscellaneous Provisions) Act 1953 (which relate to the determination of the local education authority to whose area any pupil belongs for the purposes of primary or secondary education or, as the case may be, further education) or Schedule 1 to the said Act of 1962 (which relates to the determination of ordinary residence for the purposes of the said section 1), as the case may be, shall apply for the purposes of this subsection as they apply for the purposes of the said Act of 1948, the said section 7 or the said section 1, as the case may be.

NOTES

- Education Act 1944 (c. 31), ss. 50, 61 (2), 81. See Vol. 8, pp. 194, 202, 214.
Education (Miscellaneous Provisions) Act 1953 (c. 33), ss. 6, 7. See Vol. 33, pp. 59, 61.
Education Act 1962 (c. 12), ss. 1, 2, Sch. 1. See Vol. 42, pp. 263, 264, 271.
Education (Miscellaneous Provisions) Act 1948 (c. 40), s. 6. See Vol. 8, p. 277.

34. Youth employment service.—(1) Subject to the provisions of this section, as from 1st April 1965 the local education authority for any area in Greater London shall undertake in that area, in accordance (subject to any necessary modification thereof in consequence of this Act) with any scheme in force immediately before that date under section 10 of the Employment and Training Act 1948 which relates, or so far as it relates, to that area, the functions with respect to the youth employment service to which the scheme relates; and for the purposes of any such modification as aforesaid the powers of the Minister of Labour upon the failure of the local education authority to comply with any direction with respect to the amendment of that scheme given by that Minister under section 12 (2) of the said Act of 1948 shall include power by a further direction to amend the scheme himself.

(2) If before 1st January 1966 any authority who by virtue of section 30 (1) of this Act are, or are to become, the local education authority for any area in Greater London give notice in writing to the Minister of Labour that they wish this subsection to have effect, any such scheme as aforesaid, so far as it relates to that area, shall cease to be in force as from such date as that Minister may determine.

(3) Any such authority as are mentioned in the last foregoing subsection who have not given such notice as is so mentioned shall, within such period as the Minister of Labour may allow, submit to that Minister for his approval under the said section 10 a revised scheme for the purposes of that section, and any such revised scheme shall be deemed for the purposes of the said Act of 1948 to be such an amending scheme as is mentioned in section 12 (1) of that Act.

(4) Unless notice in respect of the Inner London Education Area has been given under subsection (2) of this section, the Minister of Labour shall, in conjunction with the review to be carried out by the Minister of Education under section 30 (6) of this Act, carry out, and not later than 31st March 1970 lay before Parliament a report on, a review of the administration of the youth employment service in that Area for the like purpose as the Minister of Education's review aforesaid and shall have as respects the functions of the local education authority under the said section 10 the like power to make regulations in the light of that review as are conferred by section 30 (6) and (7) of this Act on the Minister of Education as respects that authority's functions relating to education.

(5) In paragraph 1 (b) of Schedule 1 to the said Act of 1948 (which provides for the nomination by certain bodies of members of the National Youth Employment Council), for the words "The London County Council" there shall be substituted the words "The Inner London Education Authority".

NOTES

- Greater London.** See s. 2 (1), *ante*.
Lay before Parliament. See the note "Laid before . . . Parliament" to s. 6, *ante*.

London County Council. See the note to s. 4, *ante*.

Definitions. For "functions", see s. 89 (1), *post*; and for "inner London Education Area" and "Inner London Education Authority", see s. 30 (1), *ante*.

Employment and Training Act 1948 (c. 46), ss. 10, 12, Sch. 1, para. 1 (b). See Vol. 9, pp. 198, 200, 204.

PART V

SEWERAGE AND TRADE EFFLUENTS

35. Sewers and sewage disposal works.—(1) On 1st April 1965 there shall vest in the Greater London Council all sewers and all sewage disposal works which immediately before that date were vested in the London or Middlesex county council, the Wandle Valley Main Drainage Authority, the North Surrey Joint Sewage Board or the Richmond Main Sewerage Board, and the said Authority and Boards shall cease to exist.

(2) On 1st April 1965 there shall vest—

- (a) in the council of each London borough all sewers and sewage disposal works primarily serving an area in the borough which immediately before that date were vested in the council of a county borough, metropolitan borough or county district the area of which falls wholly or partly within the borough;
- (b) in the council of a London borough all drains in the borough which immediately before that date fell within paragraph (a) or (b) of the definition of "drain" in section 81 (1) of the Public Health (London) Act 1936.

(3) As respects the sewerage area of the Greater London Council—

- (a) the provision of main sewers and of sewage disposal works shall be the function of the Greater London Council; and
- (b) the provision of public sewers other than main sewers shall, as respects a London borough, be the function of the council of the borough and, as respects a county district, be the function of the council of that district;

and any power of the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple to provide sewers (whether conferred by any enactment or otherwise) shall be exercisable subject to paragraph (a) of this subsection.

(4) As respects a London borough which, or a part thereof which, falls outside the sewerage area of the Greater London Council the provision of all public sewers and sewage disposal works shall be the function of the council of the borough; but this subsection shall have effect subject to any enactment or agreement with respect to such sewers and works and subject to the provisions of subsection (9) of this section.

(5) It shall be the duty of the Greater London Council as soon as practicable after 1st April 1965 to take into consideration the public sewers and sewage disposal works primarily serving their sewerage area or (subject to subsection (9) of this section) and part of Greater London not forming part of that area, being sewers or works vested in some other local authority, with a view to determining whether a declaration should be made under this subsection, and if they are satisfied that any such sewer is or should become a main sewer or that any such works should be transferred to them,

they shall, subject to the provisions of section 17 (1) and (3) of the Public Health Act 1936 as applied by subsection (7) of this section, declare that that sewer or works shall as from such date as may be specified in the declaration vest in them, giving the requisite notice of their proposal to do so not later than 1st April 1970.

(6) It shall be the duty of the Greater London Council to keep under consideration after 1st April 1970 the sewers and works mentioned in the last foregoing subsection, and if at any time they are satisfied that any such sewer constructed or acquired by any other local authority since that date should become a main sewer or that there has been a change of circumstances since that date affecting any other sewer so mentioned or any works so mentioned which makes it expedient that the sewer or works should be transferred to them, they shall, subject to the provisions of the said section 17 (1) and (3), declare that the sewer or works shall as from such date as may be specified in the declaration vest in them.

(7) The following provisions of section 17 of the Public Health Act 1936 (as amended by Schedule 9 to this Act) shall apply to a declaration under this section as they apply to a declaration under subsection (1) of that section, that is to say, subsections (1), (3), (5) and (6); and in deciding on an appeal under that section whether a declaration shall be made under this section, the Minister shall have regard to all the circumstances of the case and in particular to the considerations—

- (a) whether or not the sewer or works in question primarily serves the sewerage area of the Greater London Council or a part of Greater London not forming part of that area; and
- (b) whether or not the sewer in question is or should become a main sewer, or as the case may be, whether or not any machinery, equipment, pumping station, pipe or other thing is or should be used in connection with the works in question.

(8) If any land used for the purposes of a sewage disposal works is vested by virtue of a declaration under this section in the Greater London Council and subsequently the land ceases to be used for that purpose the Greater London Council shall if so requested by the council in whom it was previously vested reconvey the land to that council on such terms as may be agreed between the two councils or in default of agreement as may be determined by the Minister.

(9) Nothing in this section shall affect any sewer, sewage disposal works or other property, or any powers or duties, of the West Kent Main Sewerage Board.

NOTES

Commencement. This Part of the Act does not come into force until 1st April 1965; see s. 94 (2), *post*.

Sub-s. (1): Greater London Council. See s. 2, *ante*.

London or Middlesex county council. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Sub-s. (2): London borough. See s. 1, *ante*.

County borough. See the note to s. 3, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

County district. See the note to s. 3, *ante*.

Sub-s. (5): Greater London. See s. 2 (1), *ante*.

Sub-s. (7): Minister. *I.e.*, the Minister of Housing and Local Government; see, by virtue of s. 39 (1) (c), *post*, the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495, in conjunction with the Transfer of Functions (Minister of Health and Minister

of Local Government and Planning) (No. 1) Order 1951, S.I. 1951 No 142, and with the Minister of Local Government and Planning (Change of Style and Title) Order 1951, S.I. 1951 No. 1900; 5 Halsbury's Statutory Instruments, title Constitutional Law, Part 5.

Definitions. For "the Common Council", see s. 89 (1), *post*. By virtue of s. 39 (1) (c), *post* (so far as applicable), for "drain", see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495, in conjunction with s. 90 (4) of that Act, Vol. 19, p. 377; for "enactment", "land" and "sewer", see s. 343 (1) of that Act, Vol. 19, p. 495; for "public sewer", see s. 20 (2) of the Act of 1936, Vol. 19, p. 329; for "sewer", see s. 343 (1) of that Act, in conjunction with s. 90 (4) thereof and with s. 39 (4), *post*; and see as to "constructed", s. 90 (5) of the Act of 1936; and as to "sewage disposal works", s. 90 (4) of that Act and s. 39 (4), *post*. For "main sewer" and "sewerage area of the Greater London Council", see s. 39 (1), *post*.

Public Health (London) Act 1936 (c. 50), s. 81 (1). See Vol. 15, p. 933. The whole of that Act is repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

Public Health Act 1936 (c. 49), s. 17. See Vol. 19, p. 325

36. Expenditure on sewerage.—(1) The expenses incurred by the Greater London Council in the discharge of their functions relating to sewerage and sewage disposal shall be chargeable on the London boroughs and county districts falling wholly or partly within the sewerage area of the Greater London Council and on the City and the Temples, and where part only of such a borough or district falls within the said sewerage area those expenses shall be chargeable only on that part of the borough or district.

(2) The expenses so incurred shall be expenses for special London purposes notwithstanding that those expenses are chargeable on areas outside Greater London; and in relation to those expenses paragraph 19 (2) (b) of Schedule 2 to this Act shall have effect as if the reference to part only of Greater London included a reference to the sewerage area of the Greater London Council.

(3) Where any expenses so incurred are by virtue of subsection (1) of this section chargeable on part of a London borough or county district, any expenses incurred by the council of that borough or district in connection with main sewers or sewage disposal works primarily serving another part of the borough or district shall be chargeable only on that other part of the borough or district and, in the case of a rural district, notwithstanding anything in section 6 of the Rural Water Supplies and Sewerage Act 1944, shall not be general expenses.

(4) The foregoing provisions of this section shall have effect subject to section 67 of this Act.

(5) The Greater London Council shall reimburse to the council of a London borough or county district any expenses (including an appropriate proportion of administrative expenses) agreed by the two councils, or in default of agreement determined by the Minister, to have been reasonably incurred by the borough or district council in the discharge of their functions in connection with a main sewer which is vested in the borough or district council and primarily serves the sewerage area of the Greater London Council, and any sums reimbursed by the Greater London Council under this subsection shall be treated as expenses incurred by the Council in the discharge of their functions relating to sewerage and sewage disposal.

NOTES

Commencement. See the note to s. 35, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Minister. See the note to s. 35, *ante*.

Definitions. For "the City", "functions" and "the Temples", see s. 89 (1), *post*; for "main sewer" and "sewerage area of the Greater London Council", see s. 39 (1), *post*. By virtue of s. 39 (1) (c), *post*, so far as applicable, see also as to "sewage disposal works", the Public Health Act 1936 (c. 49), s. 90 (4), Vol. 19, p. 377, and s. 39 (4), *post*.

Rural Water Supplies and Sewerage Act 1944 (c. 26), s. 6. See Vol. 19, p. 785.

37. Application of enactments relating to sewerage and sewage disposal.—(1) The following enactments relating to sewerage, drainage and sewage disposal, that is to say—

(a) the provisions of sections 14 to 42 and 330 of the Public Health Act 1936 and sections 1 (2) and 90 and Part XII of that Act so far as they relate to those provisions;

(b) section 13 of the Local Government (Miscellaneous Provisions) Act 1953; and

(c) sections 12 to 15 of, and Schedule 2 to, the Public Health Act 1961,

shall, subject to the exceptions and modifications specified in Parts I and II of Schedule 9 to this Act, apply to all parts of the sewerage area of the Greater London Council and shall so apply instead of any other enactments in that behalf and, in particular in the case of the inner London boroughs, the City and the Temples, instead of any corresponding provisions contained in Parts II and XIV of the Public Health (London) Act 1936.

(2) The provisions of Part III of the said Schedule 9 shall, except so far as the contrary intention appears, have effect in all parts of the sewerage area of the Greater London Council (being provisions reproducing, with modifications designed amongst other things to enable them to operate in that area or to bring them into conformity with this Act or the enactments mentioned in the foregoing subsection, provisions of Part II of the Public Health (London) Act 1936 and other enactments relating to sewerage, sewage disposal and drainage in the administrative county of London which do not correspond to any enactments mentioned in that subsection but which it is expedient to apply to that area).

(3) The enactments mentioned in subsection (1) of this section shall apply to any part of Greater London outside the sewerage area of the Greater London Council as they apply elsewhere in England and Wales, subject, however, in the case of section 21 of the Public Health Act 1936 to the modifications specified in paragraph 5 of Part II of Schedule 9 to this Act, and accordingly the local authority for the purposes of those enactments in their application to any such part of Greater London shall as respects a London borough be the council of the borough; but the foregoing provision shall not affect the application of any local statutory provision having effect in the district of the West Kent Main Sewerage Board.

(4) Paragraphs 1 and 2 of Part I of the said Schedule 9 shall extend outside the sewerage area of the Greater London Council.

NOTES

Commencement. See the note to s. 35, *ante*.

Greater London. See s. 2 (1), *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the City", "the Temples" and "local statutory provision", see s. 89 (1), *post*. By virtue of s. 39 (1) (c), *post*, for "enactment", see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495. For "inner London borough", see s. 1 (1) (a), *ante*; for "sewerage area of the Greater London Council", see s. 39 (1) (b), *post*.

Public Health Act 1936 (c. 49), ss. 1 (2), 14–42, 90, Part XII, s. 330. See Vol. 19, pp. 313, 322 *et seq.*, 377, 459, 489.

Local Government (Miscellaneous Provisions) Act 1953 (c. 26), s. 13. See Vol. 33, p. 554.

Public Health Act 1961 (c. 64), ss. 12–15, Sch. 2. See Vol. 41, pp. 869 *et seq.*, 928.

Public Health (London) Act 1936 (c. 50), Parts II, XIV. See Vol. 15, pp. 896, 1017. That Act is repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

38. Trade effluents.—(1) On and after 1st April 1965 the following enactments relating to trade effluents, that is to say, the Public Health (Drainage of Trade Premises) Act 1937, Part V of the Public Health Act 1961 and sections 1 (2) and 90 and Part XII of the Public Health Act 1936 so far as they relate to the said Act of 1937 and the said Part V shall, without prejudice to section 37 of this Act but subject to the exceptions and modifications specified in Schedule 10 to this Act, apply to all parts of the sewerage area of the Greater London Council (including the City and the Temples) and to any part of Greater London which does not form part of that area, and shall so apply instead of Part II of the London County Council (General Powers) Act 1953 and Part II of the London County Council (General Powers) Act 1962 in the areas in which the two last mentioned Acts applied immediately before 1st April 1965.

(2) The provision made by an order under section 84 of this Act may include—

- (a) provision continuing in force any agreement, condition or liability to pay charges subsisting immediately before 1st April 1965 under Part II of the said Act of 1953 or Part II of the said Act of 1962 notwithstanding that the agreement could not have been made, the condition imposed or the liability incurred under the enactments relating to trade effluents specified in subsection (1) of this section;
- (b) provision for varying or revoking any such agreement or condition or varying or abrogating any such liability, in either case to such extent as appears to the Minister to be necessary or proper to effect the transition from the provisions of the said Parts II to the said enactments relating to trade effluents;
- (c) provision exempting the owner or occupier of any premises with respect to which any such agreement or condition is in force from compliance with any requirement imposed by or by virtue of the said enactments to obtain the consent of the local authority with respect to all or any of the matters to which the agreement or condition relates or any other such requirement with respect to all or any of those matters.

NOTES

Commencement. See the note to s. 35, *ante*.

Greater London. See s. 2 (1), *ante*.

Appears. Cf. the note "Appear" to s. 1, *ante*.

Minister. See the note to s. 35, *ante*.

Definitions. For "the City" and "the Temples", see s. 89 (1), *post*. By virtue of s. 39 (1) (c), *post*, for "local authority", see the Public Health Act 1936 (c. 49), s. 1 (2), Vol. 19, p. 313, and for "owner" and "premises", see s. 343 (1) of the Act of 1936, Vol. 19, p. 495.

Public Health (Drainage of Trade Premises) Act 1937 (c. 40). See Vol. 19, p. 510.

Public Health Act 1961 (c. 64), Part V. See Vol. 41, p. 904.

Public Health Act 1936 (c. 49), ss. 1 (2), 90, Part XII. See Vol. 19, pp. 313, 377, 459. S. 90 (1) is partly repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.
London County Council (General Powers) Act 1953 (c. lili), Part II. See Vol. 33, p. 386.
London County Council (General Powers) Act 1962 (c. xlv), Part II. See Vol. 42, p. 444.

39. Supplementary provisions relating to sewerage.—(1) In this Part of this Act, except where the context otherwise requires—

- (a) “ main sewer ” means a public sewer used for the general reception of sewage from other public sewers and not substantially used for the reception of sewage from private sewers and drains;
- (b) “ sewerage area of the Greater London Council ” means an area defined by an order made by the Minister as being the area drained by the sewers for the time being vested in the Council by virtue of section 35 of this Act and by any other sewers the sewage from which is directly or indirectly discharged into the sewers or sewage disposal works so vested in the Council, exclusive of any area in the district of the West Kent Main Sewerage Board and any area outside Greater London the sewage from which is so discharged in pursuance only of an agreement under section 28 of the Public Health Act 1936;
- (c) any expression which is also used in Part II of the Public Health Act 1936 shall have the same meaning as in the said Part II.

(2) An order under subsection (1) (b) of this section defining the sewerage area of the Greater London Council as constituted on 1st April 1965 shall be made so as to come into force on that date and subsequent orders redefining that area shall be made thereunder as occasion may require.

(3) The Greater London Council shall keep, together with the documents relating to the business of the Council, a map or other document showing the extent for the time being of their sewerage area, and that map or other document shall be open to inspection by members of the public.

(4) Any installation or equipment installed or used for the purpose of treating any overflow of sewage from a sewer caused by an excess of storm water shall be deemed for the purposes of this Part of this Act to form part of that sewer and not to be or form part of a sewage disposal works.

(5) Any dispute between two authorities having functions with respect to sewers as to whether a sewer primarily serving the sewerage area of the Greater London Council is or is not a main sewer or whether or not a sewer or sewage disposal works primarily serves a part of that area or a part of Greater London not forming part of that area (other than a dispute which falls to be determined under section 17 of the Public Health Act 1936) shall in default of agreement be determined by the Minister.

NOTES

Commencement. See the note to s. 35, *ante*.

Public sewer. By virtue of sub-s. (1) (c) of this section for meaning, see the Public Health Act 1936 (c. 49), s. 20 (2), as substituted as from 1st April 1965 by s. 37 (1) *ante*, and Sch. 9, Part II, para. 4 (2), *post*.

Private sewers. By virtue of sub-s. (1) (c), for meaning, of “ private sewer ”, see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495.

Drains. By virtue of sub-s. (1) (c), for meaning of “ drain ”, see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495, in conjunction with s. 90 (4) of that Act, Vol. 19, p. 377.

Minister. See the note to s. 35, *ante*.

Sewage disposal works. By virtue of sub-s. (1) (c), see as to meaning, the Public Health Act 1936 (c. 49), s. 90 (4), Vol. 19, p. 377.

Greater London; Greater London Council. See s. 2, *ante*.

Documents relating to the business of the Council. For general provisions as to documents relating to the business of the Council, see Sch. 2, para. 13, *post*.

Sewer. By virtue of sub-s. (1) (c), for meaning, see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495, in conjunction with s. 90 (4) of that Act, Vol. 19, p. 377; and note sub-s. (4) of this section.

Functions. This includes powers and duties; see, by virtue of sub-s. (1) (c) of this section, the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495.

Public Health Act 1936 (c. 49), Part II, ss. 17, 28. See Vol. 19, pp. 322, 325, 334.

PART VI

APPLICATION OF PUBLIC HEALTH ACTS AND RELATED ACTS

40. General application of Public Health Acts.—(1) The enactments to which this section applies shall apply or, as the case may be, continue to apply throughout Greater London as they apply elsewhere in England and Wales, but those enactments shall have effect subject to the provisions of subsection (2) of this section and to the modifications specified in Part I of Schedule II to this Act.

(2) Subject to any provision to the contrary in the said Part I, and in particular the provisions of the said Part I conferring on the Greater London Council functions with respect to refuse disposal and other matters, the local authority and the urban sanitary authority for the purposes of the said enactments shall—

- (a) for a London borough, be the council of the borough;
- (b) for the City, be the Common Council; and
- (c) for the Inner Temple and the Middle Temple, be the Sub-Treasurer and the Under-Treasurer thereof respectively.

(3) The provisions of Part II of Schedule II to this Act shall have effect in Greater London (being provisions reproducing, with modifications designed to bring them into conformity with this Act or the enactments to which this section applies, certain provisions of the Public Health (London) Act 1936 and certain other enactments having effect only in the administrative county of London).

(4) This section applies to the following enactments:—

- (a) the Public Health Acts 1875 to 1925;
- (b) the Public Health Act 1936;
- (c) the Water Acts 1945 and 1948 and the Water Act 1958;
- (d) sections 8 and 12 of the Local Government (Miscellaneous Provisions) Act 1953;
- (e) the Clean Air Act 1956;
- (f) sections 14 to 18 and 23 of the Mental Health Act 1959;
- (g) the Noise Abatement Act 1960; and
- (h) the Public Health Act 1961:

Provided that this section shall not apply to any enactment applied by or mentioned in section 37, 38, 44 or 58 of, or Schedule 9 or 10 to, this Act, except that it applies to sections 1 (2) and 90 and Part XII of the Public Health Act 1936 so far as relating to other enactments to which this section applies.

NOTES

Commencement. This Part of the Act does not come into force until 1st April 1965; see s. 94 (2), *post*.

Greater London; Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the City", "the Common Council" and "functions", see s. 89 (1), *post*.

Public Health Acts 1875 to 1925. *I.e.*, the Public Health Acts (as to which, see the Introductory Notes to the Public Health Act 1875 (c. 55), Vol. 19, p. 59); the Public Health (Amendment) Act 1907 (c. 53), Vol. 19, p. 183; and the Public Health Act 1925 (c. 71), Parts I, II, VI, VIII, Vol. 19, pp. 237 *et seq.*; see also s. 1 (3) of the Act of 1925, Vol. 19, p. 239.

Public Health Act 1936 (c. 49). See Vol. 19, p. 302. For ss. 1 (2) and 90 and Part XII of that Act, see Vol. 19, pp. 313, 377, 459.

Water Acts 1945 and 1948. For the Acts which may be cited by this collective title, see the Introductory Note to the Water Act 1945 (c. 42), Vol. 26, p. 788.

Water Act 1958 (c. 67). See Vol. 38, p. 1136.

Local Government (Miscellaneous Provisions) Act 1953 (c. 26), ss. 8, 12. See Vol. 33, pp. 553, 951.

Clean Air Act 1956 (c. 52). See Vol. 36, p. 692.

Mental Health Act 1959 (c. 72), ss. 14-18, 23. See Vol. 39, pp. 974 *et seq.*, 980.

Noise Abatement Act 1960 (c. 68). See Vol. 40, p. 626.

Public Health Act 1961 (c. 64). See Vol. 41, p. 859.

41. Port health authority for Port of London.—(1) For the purposes of the Public Health Act 1936 the Port of London shall be a port health district and the Common Council shall be the port health authority for that district; and the Minister of Health may by order—

(a) confer on the said authority jurisdiction over all waters within the Port of London and also over the whole or part of the district of any riparian authority within the meaning of Part I of that Act as amended by subsection (3) of this section;

(b) assign to the said port health authority any of the functions, rights and liabilities of a local authority under any of the enactments to which section 40 of this Act applies or would apply but for the proviso to subsection (4) of that section and under any provision of Part II of Schedule II to this Act or any local statutory provision continued in force by section 87 of this Act and any of the functions, rights and liabilities of a local authority or a food and drugs authority under any provision of the Food and Drugs Act 1955; and

(c) extend to all waters mentioned in paragraph (a) of this subsection and the whole or part of any district so mentioned any such provision as aforesaid or any instrument made under any such provision, being a provision or instrument which would not otherwise so extend.

(2) In the foregoing subsection the references to a local authority and the district of an authority shall include references respectively to the Greater London Council and, in relation to that Council, Greater London.

(3) Part I of the Public Health Act 1936, so far as it relates to port health districts and authorities, shall have effect subject to the following modifications:—

(a) references in sections 2 and 4 to a local authority and the district of an authority shall be construed in accordance with the last foregoing subsection;

- (b) no order under the said Part I constituting a port health district shall include any part of the Port of London in that district or confer jurisdiction over any area for the time being subject to the jurisdiction of the port health authority for that port;
- (c) section 9 shall apply to any order under subsection (1) of this section as it applies to an order under the said Part I constituting a port health district; and
- (d) in Schedule 1, in its application to the Port of London, paragraphs 2 (1) and 3 and, in paragraph 4 (2), the words from "in respect of" to "foregoing paragraph" shall be omitted.

NOTES

Commencement. See the note to s. 40, *ante*.

General Note. This section supersedes the Public Health (London) Act 1936 (c. 50), ss. 5 (1) and 6, Vol. 15, p. 895 (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Greater London Council; Greater London. See s. 2, *ante*.

Definitions. For "the Common Council", "functions" and "Port of London", see s. 89 (1), *post*.

Public Health Act 1936 (c. 49). See Vol. 19, p. 302. For the meaning of "riparian authority" in Part I of that Act as amended, see s. 2 (1) of that Act, Vol. 19, p. 314, in conjunction with sub-s. (3) of this section.

Orders under this section. For provisions as to orders, see s. 90, *post*.

42. Medical officers of health and public health inspectors for the City, etc.—(1) The provisions of sections 106, 108, 110, 115 and 116 of the Local Government Act 1933 relating to medical officers of health and public health inspectors shall apply to the City, the Inner Temple and the Middle Temple, and accordingly in those sections, so far as they apply to such officers and inspectors, references to a borough and to a borough council or a local authority shall be construed as including references to the City, the Inner Temple and the Middle Temple and to the Common Council, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple respectively.

(2) The provisions of the said sections 106, 115 and 116 relating to medical officers of health and public health inspectors shall also apply to the port health district of the Port of London, and accordingly in those sections, so far as they apply to such officers and inspectors, references to a borough and to a borough council or a local authority shall also be construed as including references to that district and to the port health authority therefor respectively.

NOTES

Commencement. See the note to s. 40, *ante*.

Port health district of the Port of London; port health authority therefor. See s. 41 (1), *ante*.

Definitions. For "the City", "the Common Council" and "Port of London", see s. 89 (1), *post*.

Local Government Act 1933 (c. 51), ss. 106, 108, 110, 115, 116. See Vol. 14, pp. 410, 411, 413, 416. S. 110 is amended by s. 8 (2), *ante*, and Sch. 4, para. 16, *post*.

43. Modifications of London Building Acts.—(1) Without prejudice to the application to any part of Greater London by section 40 of this Act of any enactments relating to building control and to buildings and structures, but subject to any order under section 84 of this Act, the relevant provisions of the London Building Acts shall continue to have effect in Greater London

other than the outer London boroughs, and Part II of the Act of 1939 and any regulations thereunder and any other relevant provisions of the London Building Acts which relate to the said Part II shall, notwithstanding anything in section 4 of the Act of 1930, extend to the outer London boroughs; and—

- (a) the Greater London Council shall have the functions of the London county council under all the aforementioned provisions; and
- (b) the councils of the inner London boroughs and, in the case of provisions which extend to the outer London boroughs, the councils of the outer London boroughs shall have the functions of metropolitan boroughs under the said provisions.

(2) In accordance with the foregoing subsection, in the relevant provisions of the London Building Acts and any byelaws and regulations made thereunder—

- (a) for references to London or the administrative county of London there shall be substituted references to Greater London other than the outer London boroughs;
- (b) for references to the London county council there shall be substituted references to the Greater London Council, except that for references to instruments of any description made by, or resolutions of, the London county council there shall be substituted references to instruments of that description made by, or resolutions of, that county council or the Greater London Council;
- (c) for references to the council of a metropolitan borough there shall be substituted references to the council of an inner London borough or, in the case of a provision which extends to the outer London boroughs, references to the council of any London borough, and references to a local authority shall be construed accordingly;
- (d) for references to the London Building Acts or the provisions of those Acts there shall be substituted references to the relevant provisions of those Acts, and for references to the Act of 1930, 1935 or 1939 (other than references to a specified provision thereof) there shall be substituted references to so much of the said relevant provisions as are contained in that Act.

(3) If the Minister, after consultation with the Greater London Council and any other council concerned, so directs, the Greater London Council shall in the exercise of the power conferred on them by section 5 (1) of this Act delegate such of their functions under the relevant provisions of the London Building Acts as the Minister may specify in the direction.

(4) The expenses incurred by the Greater London Council in the discharge of their functions under the relevant provisions of the London Building Acts which do not extend to the outer London boroughs (including any expenses incurred by the council of an inner London borough or the Common Council as agent for the Greater London Council by virtue of section 5 (1) of this Act) shall be chargeable only on the inner London boroughs and the City.

(5) In this section "the relevant provisions of the London Building Acts" means—

- (a) the London Building Acts 1930 to 1939, except the provisions repealed by the next following subsection;
- (b) sections 6 and 7 of the London County Council (General Powers)

- Act 1954, and section 3 of that Act so far as it relates to those sections;
- (c) sections 5 to 13 of, and Schedules 1 and 2 to, the London County Council (General Powers) Act 1955, and section 3 of that Act so far as it relates to those sections and Schedules;
- (d) section 62 of the London County Council (General Powers) Act 1956; and
- (e) sections 15 to 17 of the London County Council (General Powers) Act 1958, and sections 3 and 13 of that Act so far as they relate to the said sections 15 to 17;

and references to the Acts of 1930, 1935 and 1939 shall be construed as references respectively to the London Building Act 1930, the London Building Act (Amendment) Act 1935 and the London Building Acts (Amendment) Act 1939.

(6) The following provisions of the London Building Acts 1930 to 1939 shall cease to have effect, that is to say—

- (a) Parts II and III and sections 51 to 53 of the Act of 1930;
- (b) section 4 (1) (a) of the Act of 1935;
- (c) sections 128 to 131 and 156 of the Act of 1939, and section 148 of that Act so far as it relates to other provisions of the London Building Acts 1930 to 1939 repealed by this subsection.

NOTES

Commencement. See the note to s. 40, *ante*.

Sub-s. (1): Greater London; Greater London Council. See s. 2, *ante*.

London County Council. See the note to s. 4, *ante*.

Metropolitan boroughs. See the note to s. 3, *ante*.

Sub-s. (2): Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Sub-s. (3): Consultation. See the note "Consult" to s. 7, *ante*.

Sub-s. (6): Shall cease to have effect. Repeals to the same effect are made as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

Definitions. For "the City", "functions" and "the Minister", see s. 89 (1), *post*; for "inner London borough" and "outer London borough", see s. 1 (1), *ante*. Note as to "the Act of 1930", etc., and "the relevant provisions of the London Building Acts", sub-s. (5) of this section.

London Building Acts 1930 to 1939. For the Acts which may be cited by this collective title, see the Introductory Note to the London Building Act 1930 (c. clviii), Vol. 15, p. 755.

London County Council (General Powers) Act 1954 (c. xxiv), ss. 3, 6, 7. Cf. Vol. 34, p. 504.

London County Council (General Powers) Act 1955 (c. xxix), ss. 3, 5-13, Schs. 1, 2. See Vol. 35, pp. 316, 317 *et seq.*, 343, 345.

London County Council (General Powers) Act 1956 (c. lxxvii), s. 62. See Vol. 36, p. 631.

London County Council (General Powers) Act 1958 (c. xxi), ss. 3, 13, 15-17. See Vol. 38, pp. 750, 753, 755 *et seq.*

London Building Act 1930 (c. clviii). See Vol. 15, p. 754. For s. 4, Parts II, III, and ss. 51-53 of that Act, see Vol. 15, pp. 755, 759, 770, 782, 783.

London Building Act (Amendment) Act 1935 (c. xcii). See Vol. 15, p. 858. For s. 4 (1) (a) of that Act, see Vol. 15, p. 859.

London Building Acts (Amendment) Act 1939 (c. xcvi). See Vol. 15, p. 1191. For Part II and ss. 128-131, 148 and 156 of that Act, see Vol. 15, pp. 1198, 1276, 1277, 1286, 1300.

44. Cemeteries and crematoria.—(1) The council of a London borough shall as respects the borough and the Common Council shall as respects the City be the local authority for the purposes of the Public Health (Interments) Act 1879 and the Cremation Acts 1902 and 1952, and—

- (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall not be exercisable by the council of any London borough or the Common Council; and
- (b) any burial board constituted for an area wholly within Greater London shall cease to exist on 1st April 1965.

(2) No new cemetery shall be provided in Greater London without the previous approval of the Minister.

(3) Subsection (1) of this section shall not affect the power to make an Order in Council under section 1 of the Burial Act 1853 or section 1 of the Burial Act 1855 with respect to the discontinuance of burials; and—

- (a) the power to make any such Order shall, notwithstanding anything in section 5 of the said Act of 1853 (which precludes the exercise of that power in the case of cemeteries provided under any Act of Parliament or with the approval of the Minister), be exercisable in relation to all cemeteries provided in or for an area in Greater London, whether provided by virtue of the Public Health (Interments) Act 1879 or otherwise; and
- (b) section 51 of the Burial Act 1952 shall apply to cemeteries in which burials are discontinued by virtue of this subsection as it applies to burial grounds in which interments are discontinued under that Act:

Provided that nothing in any such Order shall prevent the interment of the body of any person in the cathedral church of St. Paul's, London, or in the collegiate church of St. Peter's, Westminster, if Her Majesty signifies Her pleasure that the body be so interred.

(4) In the Burial Acts 1852 to 1906 any reference to the Metropolis shall be construed as a reference to Greater London; and in those Acts in their application to Greater London—

- (a) any reference to a parish (not being a reference which is to be taken as a reference to an ecclesiastical parish) shall, without prejudice to section 68 (5) of the Rating and Valuation Act 1925, as amended by paragraph 13 of Schedule 15 to this Act, be construed as a reference to a London borough or the City, as the case may be; and
- (b) any reference to a burial board shall be construed as a reference to the council of a London borough or the Common Council, as the case may be.

(5) Notwithstanding anything in section 7 of the Burial Act 1900 and without prejudice to section 3 of the Public Health (Interments) Act 1879, the provisions of sections 27 to 31 of the Cemeteries Clauses Act 1847 shall, so far as applicable, continue to apply to the City of London Cemetery, but the foregoing provisions of this subsection shall not affect the right of the incumbent of any ecclesiastical parish in the City to perform funeral services in respect of his own parishioners.

(6) The provision made by an order under section 84 of this Act may include provision that a burial ground provided under the Burial Acts 1852 to 1906 for any area the whole or part of which is included in a London borough, or a cemetery provided by virtue of the said Act of 1879 for any such area, shall be treated as if it were provided for the whole of that borough or, if the area is included partly in one and partly in another borough, as if it were provided for the whole of one or both of those boroughs.

(7) In this section "cemetery" includes a burial ground or any other place for the interment of the dead.

NOTES

Commencement. See the note to s. 40, *ante*.

Sub-s. (1): London borough. See s. 1, *ante*.

Sub-s. (2): No new cemetery shall be provided, etc. Sub-s. (2) supersedes the Burial Act 1852 (c. 85), s. 9, Vol. 2, p. 701 (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Greater London. See s. 2 (1), *ante*.

Definitions. For "the City", "the Common Council" and "the Minister", see s. 89 (1), *post*. Note as to "cemetery", sub-s. (7) of this section.

Public Health (Interments) Act 1879 (c. 31). See Vol. 19, p. 118. For s. 3 of that Act, see Vol. 19, p. 120.

Cremation Acts 1902 and 1952. *I.e.*, the Cremation Act 1902 (c. 8), Vol. 2, p. 795 and the Cremation Act 1952 (c. 31), Vol. 32, p. 36; see s. 5 (1) of the latter Act, Vol. 32, p. 38.

Burial Acts 1852 to 1906. For the Acts which may be cited by this collective title see the Introductory Note to the Burial Act 1852 (c. 85), Vol. 2, p. 698.

Burial Act 1853 (c. 134), ss. 1, 5. See Vol. 2, pp. 720, 723.

Burial Act 1855 (c. 128), s. 1. See Vol. 2, p. 729.

Burial Act 1852 (c. 85), s. 51. See Vol. 2, p. 716.

Rating and Valuation Act 1925 (c. 90), s. 68 (5). That subsection is added as from 1st April 1965 by s. 63 (2) and Sch. 15, para. 13, *post*.

Burial Act 1900 (c. 15), s. 7. See Vol. 2, p. 762.

Cemeteries Clauses Act 1847 (c. 65), ss. 27-31. See Vol. 2, pp. 773, 774.

PART VII

FUNCTIONS AS TO HEALTH AND WELFARE SERVICES AND OTHER MATTERS

45. Local health authorities.—(1) Subject to section 19 (2) and (3) of the National Health Service Act 1946 (which relate to joint boards and health committees of local health authorities) and subject to subsection (3) of this section, the local health authority for each London borough shall be the council of that borough and for the City shall be the Common Council.

(2) It shall be the duty of every local health authority in Greater London (so far as concerns the functions conferred or imposed on them by virtue of subsection (1) of this section) to continue to provide for their area on and after 1st April 1965 the services corresponding (with any necessary modifications) with the services which were required or authorised to be provided for that area immediately before that date by the local health authority or authorities for the whole or any part of that area in pursuance of Part III of the said Act of 1946 and of any proposals or arrangements thereunder; and—

- (a) any such proposals and arrangements in force immediately before that date shall continue in force accordingly until revoked or modified by further proposals or arrangements under the said Part III;
- (b) such further proposals or, as the case may be, particulars of such further arrangements shall be submitted to the Minister of Health by each local health authority in Greater London within such period after 1st April 1965 as that Minister may direct.

(3) In its application to Greater London, section 27 of the said Act of 1946 (which imposes a duty on local health authorities to provide ambulance services) shall have effect as if for any reference to the local health authority there were substituted a reference to the Greater London Council; and so far as concerns the duty imposed on that Council by virtue of this subsection—

- (a) subsection (2) of this section shall apply to that Council as it applies, so far as concerns functions conferred or imposed by virtue of subsection (1) of this section, to a local health authority;
- (b) the following provisions shall apply to that Council as if they were the local health authority for the whole of Greater London, that is to say—
 - (i) in the said Act of 1946, sections 2, 20, 57, 58, 63, 65, 66, 71, 72 and 74;
 - (ii) section 24 of the National Health Service (Amendment) Act 1949;
 - (iii) the National Health Service (Amendment) Act 1957.

(4) The Greater London Council shall have the like powers of contributing to voluntary organisations as are conferred on local health authorities by sections 22 (5) and 28 (3) of the said Act of 1946.

(5) Section 55 (1) of the said Act of 1946 (which relates to the accounts of local health authorities who are county borough councils) shall apply to the Common Council as it applies to a county borough council.

(6) In section 79 (1) of the said Act of 1946, in the definition of "local authority", for the words "metropolitan borough" there shall be substituted the words "London borough, the Greater London Council"; and in section 20 (2) (c) of that Act and in paragraph 6 of Part II of Schedule 4 to that Act, for the words "forming part of" there shall be substituted the words "the whole or part of which is included in".

(7) In paragraph 2 of Part II of Schedule 4 to the said Act of 1946, any reference to the council of a county borough shall be construed as including a reference to the council of a London borough and to the Common Council.

NOTES

Commencement. This Part (other than ss. 48 (2) and 62 (4), *post*), does not come into force until 1st April 1965; see s. 94 (2), *post*.

Sub-s. (1): London borough. See s. 1, *ante*.

Sub-s. (2): Greater London. See s. 2 (1), *ante*.

Sub-s. (3): Greater London Council. See s. 2, *ante*.

Definitions. For "the City", "the Common Council" and "functions", see s. 89 (1), *post*.

National Health Service Act 1946 (c. 81), s. 2, Part III, ss. 19, 20, 22 (5), 27, 28 (3), 55 (1), 57, 58, 63, 65, 66, 71, 72, 74, 79 (1), Sch. 4, Part II, paras. 2, 6. See Vol. 15, pp. 336, 355, 356, 358, 361, 387, 389, 390, 393, 394, 399, 400, 403, 411.

National Health Service (Amendment) Act 1949 (c. 93), s. 24. See Vol. 28, p. 962.

National Health Service (Amendment) Act 1957 (c. 44). See Vol. 37, p. 728.

46. Accommodation and welfare of disabled and old persons, etc.—(1) The council of each London borough shall as respects the borough and the Common Council shall as respects the City—

- (a) be the local authority for the purposes of the National Assistance Act 1948 (including Part III thereof);

- (b) have the functions conferred by or by virtue of that Act on councils of county boroughs;
- (c) be the local authority for the purposes of section 3 of the Disabled Persons (Employment) Act 1958.

(2) In accordance with the foregoing subsection, but subject to the subsequent provisions of this section, the following references, that is to say—

- (a) references in any enactment to the local authority or registration authority within the meaning or for the purposes of either of the said Acts or any provision thereof;
- (b) references to a local authority, so far as concerns the functions of such an authority under either of those Acts or any provision thereof;
- (c) references in the said Act of 1948 to the council of a county borough, shall be construed in relation to Greater London as references to the council of a London borough or the Common Council, as the case may be; and references in any enactment to the area of any such authority, and references in the said Act of 1948 to a county borough, shall be construed accordingly.

(3) The Greater London Council shall have the like powers of contributing to the funds of voluntary organisations as are conferred on the councils of London boroughs by sections 26 (6), 30 (2) and 31 (3) of the said Act of 1948.

(4) The functions of the council of a county borough under section 47 of the said Act of 1948 (which relates to the removal to suitable premises of persons in need of care and attention) and section 50 of that Act (which relates to the burial and cremation of the dead) shall, as respects the Inner Temple and the Middle Temple, be exercisable by the Sub-Treasurer and the Under-Treasurer thereof respectively, and those persons shall be included among the appropriate authorities specified in sections 47 (12) and 50 (2) of that Act.

(5) Without prejudice to paragraph 27 (a) of Schedule 4 to this Act, section 59 of the said Act of 1948 (which relates to the accounts of county borough councils) shall not apply to the London borough councils.

(6) It shall be the duty of each London borough council and of the Common Council to continue to provide for the area of the council on and after 1st April 1965 the accommodation and the services and facilities for disabled persons corresponding (with any necessary modifications) with those which were required or authorised to be provided for that area immediately before that date by the local authority or authorities for the whole or any part of that area in pursuance of the provisions of Part III of the said Act of 1948 or of section 3 of the said Act of 1958 and of any schemes made under those provisions; and any such schemes in force immediately before that date shall continue in force until revoked or modified by further schemes under the relevant provisions of the next following subsection.

(7) It shall be the duty of each London borough council and of the Common Council, within such period after 1st April 1965 as the Minister of Health may by directions specify, to submit schemes for the exercise of the council's functions with respect to the provision for the area of the council of accommodation and of services and facilities for disabled persons and section 34 of the said Act of 1948 shall apply to schemes under this section as it applies to schemes under sections 21 and 29 of that Act:

Provided that in relation to the provision of facilities for disabled persons this subsection shall have effect as if for the references therein and in the

said section 34 to the Minister of Health there were substituted references to the Minister of Labour.

(8) In this section—

- (a) references to accommodation provided under Part III of the said Act of 1948 and to a local authority providing accommodation shall be construed as if they were contained in the said Part III;
- (b) references to services for disabled persons shall be construed as references to the services required or authorised to be provided under section 29 of that Act for persons who are substantially and permanently handicapped, including persons suffering from any form of mental disorder; and
- (c) references to facilities for disabled persons are references to facilities for employment for them or work on their own account, or for their training for such employment or work, required or authorised to be provided under section 3 of the Disabled Persons (Employment) Act 1958.

NOTES

Commencement. See the note to s. 45, *ante*.

Sub-s. (1): London borough. See s. 1, *ante*.

Sub-s. (3): Greater London Council. See s. 2, *ante*.

Definitions. For "the City", "the Common Council" and "functions", see s. 89 (1), *post*.

National Assistance Act 1948 (c. 29). See Vol. 16, p. 932. For Part III and ss. 21, 26 (6), 29 and 30 (2) of that Act, see Vol. 16, pp. 947, 954, 957, 958; for s. 31 (3) of that Act as substituted, see Vol. 42, p. 478; for ss. 34, 47, 50 and 59 of that Act, see Vol. 16, pp. 960, 973, 975, 979.

Disabled Persons (Employment) Act 1958 (c. 33), s. 3. See Vol. 38, p. 274.

47. Children authorities.—(1) Subject to subsection (2) of this section, the council of each London borough shall as respects the borough, and the Common Council shall as respects the City, have the functions of the council of a county borough under the enactments to which this section applies and be the local authority for the purposes of such of those enactments as refer to a local authority; and accordingly references to the council of a county borough or a local authority in those enactments, in the amendment of section 96 of the Children and Young Persons Act 1933 made by Schedule 4 to the Acquisition of Land (Authorisation Procedure) Act 1946 and in the definition of "remand home" in any enactment shall, subject as aforesaid, be construed as including references to the council of a London borough and the Common Council.

(2) Section 96 (4) of the Children and Young Persons Act 1933 shall not apply to expenses incurred by the Common Council, and, without prejudice to paragraph 27 (a) of Schedule 4 to this Act, subsections (2) and (3) of section 49 of the Children Act 1948 shall not apply to the accounts kept by a London borough council under that section.

(3) The enactments to which this section applies are—

- (a) Parts III, IV and V of the Children and Young Persons Act 1933 and Part VI of that Act so far as it relates to the said Parts III, IV and V;
- (b) the Children Act 1948;
- (c) sections 48 and 49 of the Criminal Justice Act 1948;
- (d) Part I of the Children Act 1958;
- (e) the Adoption Act 1958;

(f) any other enactment conferring functions for the purposes of which a local authority are required to establish a children's committee under section 39 of the Children Act 1948.

(4) The Greater London Council may make contributions to any voluntary organisation—

- (a) whose object or primary object is to promote the welfare of children; or
- (b) who are providing advice, guidance and assistance such as to promote the welfare of children by diminishing the need to receive children into or keep them in care under the Children Act 1948 or the Children and Young Persons Act 1933 or to bring children before a juvenile court.

NOTES

Commencement. See the note to s. 45, *ante*.

London borough. See s. 1, *ante*.

County borough. See the note to s. 4, *ante*.

Definition of "remand home" in any enactment. See the Criminal Justice Act 1948 (c. 58), s. 80 (1), Vol. 14, p. 1022, and the Prison Act 1952 (c. 52), s. 53 (1), Vol. 32, p. 656.

Greater London Council. See s. 2, *ante*.

Definitions. For "the City", "the Common Council" and "functions", see s. 89 (1), *post*.

Children and Young Persons Act 1933 (c. 12). See Vol. 12, p. 974. For Parts III, IV, V and VI and s. 96 of that Act, see Vol. 12, pp. 999, 1027, 1042, 1044.

Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), Sch. 4. Cf. Vol. 3, p. 1085.

Children Act 1948 (c. 43). See Vol. 12, p. 1103. For ss. 39 and 49 of that Act, see Vol. 12, pp. 1003, 1139.

Criminal Justice Act 1948 (c. 58), ss. 48, 49. See Vol. 18, pp. 649, 650.

Children Act 1958 (c. 65), Part I. See Vol. 38, p. 520.

Adoption Act 1958 (c. 5). See Vol. 38, p. 538.

48. Fire authorities.—(1) The Greater London Council shall be the fire authority for Greater London for the purposes of the Fire Services Acts 1947 to 1959, and accordingly—

- (a) references in those Acts to a county and to a county council shall be construed as including references to Greater London and the Greater London Council respectively;
- (b) references in any other enactment to a fire authority or to a fire authority constituted by, or for the purposes of, the Fire Services Act 1947 shall, in the application of that enactment to Greater London, be construed as references to the Greater London Council.

(2) Not later than the end of 1964, the Greater London Council shall prepare and submit to the Secretary of State for his approval an establishment scheme for a fire brigade for Greater London under section 19 of the Fire Services Act 1947 to come into force on 1st April 1965, and the Secretary of State shall not later than 15th March 1965 approve that scheme either as submitted or subject to such modifications as he may direct.

(3) The Metropolitan Fire Brigade Act 1865 shall have effect as if references to the Metropolitan Board of Works were references to the Greater London Council and references to the metropolis were references to Greater London other than the outer London boroughs.

NOTES

Commencement. See the note to s. 45, *ante*.

Greater London Council ; Greater London. See s. 2, *ante*.

Definitions. For "county" see s. 89 (1), *post*; for "outer London borough", see s. 1 (1) (b), *ante*.

Fire Services Acts 1947 to 1959. *I.e.*, the Fire Services Act 1947 (c. 41), Vol. 10, p. 8; the Fire Services Act 1951 (c. 27), Vol. 30, p. 86; and the Fire Services Act 1959 (c. 44), Vol. 39, p. 379.

Fire Services Act 1947 (c. 41), s. 19. See Vol. 10, p. 24.

Metropolitan Fire Brigade Act 1865 (c. 90). See Vol. 10, p. 5.

49. Civil defence.—(1) Subject to subsection (2) of this section, the functions conferred or imposed by or by virtue of any provision of the Civil Defence Acts 1937 and 1939 or of regulations under the Civil Defence Act 1948 on a local authority within the meaning of that provision or on a council of a specified description shall—

- (a) if expressed to be conferred or imposed on a fire authority or if relating to ambulance services or a service for the collection and removal of casualties or to the section of the Civil Defence Corps formed for stretcher bearing and giving first aid, be exercisable throughout Greater London by the Greater London Council;
- (b) if relating to the making and carrying out of plans for the dispersal of members of the civil population or for their maintenance and temporary accommodation when dispersed, be exercisable as respects a London borough or the City by the Greater London Council as well as by the council of the borough or the Common Council, as the case may be;
- (c) in any other case be exercisable as respects a London borough by the council of that borough and as respects the City by the Common Council;

and accordingly any reference in the said Acts of 1937 and 1939 and in those regulations to a local authority or a council of a specified description shall, so far as relates to the exercise of any such function in Greater London, be construed as a reference to the council or councils to whom the function is transferred by this subsection.

(2) The foregoing subsection shall not apply to functions conferred or imposed on police authorities, statutory water undertakers or sewerage authorities.

(3) For the purpose of determining whether any, and if so what, deduction should be made from grants payable in accordance with regulations under section 3 of the Civil Defence Act 1948 to a local authority to whom functions are transferred by subsection (1) of this section from another authority, any land or article acquired by, or article provided for, that other authority for the purposes of those functions shall be treated as having been acquired or, as the case may be, provided for the first-mentioned authority for those purposes.

(4) Any power to vary or revoke regulations made under the Civil Defence Act 1948 shall include power to amend or repeal subsections (1) and (3) of this section so far as those subsections amend those regulations.

(5) For section 58 (4) of the Civil Defence Act 1939 there shall be substituted the following subsection:—

“(4) The Greater London Council may be authorised by a scheme submitted by them under this section to exercise, for the purpose of securing supplies of water for extinguishing fires in Greater London caused by hostile attack, any powers exercisable under paragraph 1 (1) of Part III of Schedule 9 to the London Government Act 1963 in connection with the functions there mentioned, and to exercise those powers in any part

of Greater London, notwithstanding that it is outside the sewerage area of the Greater London Council as defined by section 39 of that Act, and without compliance with any requirement mentioned in paragraph 1 (4) of the said Part III; and where they are authorised to exercise such powers paragraph 9 of the said Part III shall apply accordingly"; and in section 58 (5) of the said Act of 1939 for the reference to the London county council there shall be substituted a reference to the Greater London Council.

(6) In section 33 (4) (a) of the Civil Defence Act 1939 (as amended by Part III of Schedule 1 to the Public Health Act 1961) for the words "outside the administrative county of London" there shall be substituted the words "outside Greater London and in the outer London boroughs".

NOTES

Commencement. See the note to s. 45, *ante*.

Sub-s. (1): Greater London; Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Sub-s. (5): London County Council. See the note to s. 4, *ante*.

Sub-s. (6): Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Definitions. For "the City", "the Common Council", "functions" and "land", see s. 89 (1), *post*; for "outer London borough", see s. 1 (1) (b), *ante*.

Civil Defence Acts 1937 and 1939. *I.e.*, the Air-Raid Precautions Act 1937 (c. 6), Vol. 26, p. 365 and the Civil Defence Act 1939 (c. 31), Vol. 26, p. 375; see s. 93 of the latter Act, Vol. 26, p. 447.

Civil Defence Act 1948 (c. 5). See Vol. 26, p. 450. For s. 3 of that Act, see Vol. 26, p. 452.

Civil Defence Act 1939 (c. 31), ss. 33 (4) (a), 58. See Vol. 26, pp. 412, 424.

Public Health Act 1961 (c. 64), Sch. 1, Part III. See Vol. 41, p. 926.

Regulations under this section. For provisions as to regulations by virtue of this section, see the Civil Defence Act 1948 (c. 5), s. 8, Vol. 26, p. 456.

50. Explosives and petroleum-spirit.—(1) Subject to subsection (3) of this section, the council of a London borough shall be the local authority for the borough for the purposes of the Explosives Acts 1875 and 1923 and the Fireworks Act 1951.

(2) Subject to subsection (3) of this section, the Greater London Council shall be the local authority empowered to grant petroleum-spirit licences as respects Greater London under the Petroleum (Consolidation) Act 1928; and accordingly for section 2 (1) (a) and (b) of that Act there shall be substituted—

"(a) in Greater London, the Greater London Council".

(3) Subsections (1) and (2) of this section shall not affect the jurisdiction exercisable in any harbour wholly or partly in Greater London by a harbour authority within the meaning of the Explosives Act 1875 or, as the case may be, the Petroleum (Consolidation) Act 1928.

NOTES

Commencement. See the note to s. 45, *ante*.

London borough. See s. 1, *ante*.

Greater London; Greater London Council. See s. 2, *ante*.

Explosives Acts 1875 and 1923. For the Acts which may be cited by this collective title, see the Introductory Note to the Explosives Act 1875 (c. 17), Vol. 9, p. 806.

Fireworks Act 1951 (c. 58). See Vol. 30, p. 78.

Petroleum (Consolidation) Act 1928 (c. 32). See Vol. 19, p. 269. For s. 2 (1) (a) of that Act, see Vol. 19, p. 271. For definition of "harbour authority" in that Act, see s. 23 thereof, Vol. 19, p. 284.

Explosives Act 1875 (c. 17). For definition of "harbour authority" in that Act, see s. 108 thereof, Vol. 9, p. 861.

51. Shops, etc.—(1) The council of a London borough shall as respects the borough, and the Common Council shall as respects the City, be the local authority for the purposes of the Offices, Shops and Railway Premises Act 1963 and the Greater London Council shall have the functions of the London county council under that Act; and accordingly—

- (a) in the definition of "local authority" in section 90 (1) of that Act, for the words "or a county district, the council of a metropolitan borough" there shall be substituted the words "a London borough or a county district"; and
- (b) for the words "London County Council" wherever they occur in that Act there shall be substituted the words "Greater London Council".

(2) The said Act of 1963 shall be further amended as follows:—

- (a) in section 41 (1) for the words "administrative county of London" there shall be substituted the words "inner London boroughs, the City of London, the Inner Temple and the Middle Temple";
- (b) in section 41 (3) for the words "administrative county of London" there shall be substituted the words "inner London boroughs, the City of London, the Inner Temple or the Middle Temple";
- (c) in section 52 (3) (a) after the word "county" there shall be inserted the words "or the Greater London Council";
- (d) in section 52 (5) for the words "administrative county of London" there shall be substituted the words "Greater London".

(3) No order shall be made under section 54 of the Shops Act 1950 other than an order revoking, either generally or as respects a specified area, a previous order under that section; and, in relation to any area outside the City and the Temples, the power of making such an order under that section shall be exercisable by the council of the London borough in which that area falls, and references in subsections (2) to (4) of that section and in any order made thereunder to the London county council shall be construed as references to that borough council.

(4) Until finally repealed as respects all classes of premises and for all purposes by the said Act of 1963—

- (a) section 72 (2) of the Shops Act 1950 shall have effect throughout Greater London as originally enacted and not as amended by section 18 of the London County Council (General Powers) Act 1958;
- (b) the definition of "sanitary authority" in section 74 (1) of the Shops Act 1950 shall have effect as if for the words from "means" onwards there were substituted the words "means the council of a borough or an urban or rural district or, as respects the City of London, the Common Council".

NOTES

Commencement. See the note to s. 45, *ante*.

London borough. See s. 1, *ante*.

Greater London Council. See s. 2, *ante*.

London County Council. See the note to s. 4, *ante*.

County district. See the note to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Borough. This includes a London borough; see s. 1 (6), *ante*.

Definitions. For "the City", "the Common Council", "functions" and "the Temples", see s. 89 (1), *post*; for "inner London borough", see s. 1 (1) (a), *ante*.

Offices, Shops and Railway Premises Act 1963 (c. 41). See 138 Statutes Supp. 5.

Shops Act 1950 (c. 28), ss. 54, 72 (2), 74 (1). See Vol. 29, pp. 234, 245, 246. S. 72 (2) and the definition of "sanitary authority" and other definitions in s. 74 (1) are repealed by the Offices, Shops and Railway Premises Act 1963 (c. 41), s. 91 (4) and Sch. 2 (138 Statutes Supp. 97, 98), which, by virtue of s. 91 (2) of that Act, are to come into force on a day or days to be appointed.

London County Council (General Powers) Act 1958 (c. xxi), s. 18. See Vol. 38, p. 758.

52. Licensing of theatres, public entertainments, etc.—(1) The authority under the Theatres Act 1843 for the licensing of houses or places for the public performance of stage plays in any part of Greater London in which the lord chamberlain of Her Majesty's household is not that authority shall be the Greater London Council.

(2) The provisions of the Cinematograph Act 1909, except section 5 thereof, shall apply to Greater London as if it were a county and the Greater London Council were the council of that county; and section 1 of the Sunday Entertainments Act 1932 shall extend to the whole of Greater London and, in its application to Greater London, have effect as if subsection (5) were omitted.

(3) Schedule 12 to this Act shall have effect with respect to the licensing of the public entertainments referred to in that Schedule in Greater London and with respect to the functions of the Greater London Council by virtue of subsections (1) and (2) of this section.

NOTES

Commencement. See the note to s. 45, *ante*.

Greater London. See s. 2 (1), *ante*.

Lord Chamberlain of Her Majesty's household. For the extent of the authority of the Lord Chamberlain to grant licences under the Theatres Act 1843 (c. 68), see s. 3, thereof, Vol. 25, p. 21.

Greater London Council. See s. 2, *ante*.

Definitions. For "county" and "functions", see s. 89 (1), *post*.

Theatres Act 1843 (c. 68). See Vol. 25, p. 19.

Cinematograph Act 1909 (c. 30). See Vol. 25, p. 39. For s. 5 of that Act, see Vol. 25, p. 42.

Sunday Entertainments Act 1932 (c. 51), s. 1. See Vol. 25, p. 67.

53. Licensing of tracks for betting.—(1) The authority empowered to grant licences under Schedule 3 to the Betting, Gaming and Lotteries Act 1963 authorising the provision of betting facilities on tracks shall, in relation to Greater London, be the Greater London Council; but that Council may delegate their functions under that Schedule to a committee consisting of members thereof, and in that case—

(a) if the committee are specially appointed for the purpose, the number and term of office of the members thereof shall be fixed by the Greater London Council; and

(b) subject to the provisions of that Schedule and to any directions given by the Greater London Council, the procedure of the committee shall be such as they may themselves determine;

and section 5 (1) of this Act shall not apply to any functions of the Greater London Council by virtue of this section.

(2) Where, apart from this subsection, the betting days within the meaning of paragraph 14 of the said Schedule 3 for Greater London would

fall to be fixed for the period of twelve months beginning with 1st July in any year in accordance with paragraph 15 (4) of that Schedule, then, if within the period of one month from the date of the publication of the notice referred to in paragraph 15 (2) of that Schedule the authority referred to in subsection (1) of this section receive written notice signed by all the holders of licences under that Schedule for the time being in force in respect of tracks in Greater London, being tracks—

- (a) which, immediately before 1st April 1965, were in the same licensing area for the purposes of that Schedule; and
- (b) in respect of which such licences were in force immediately before that date,

stating that the signatories unanimously desire that the betting days for that period of twelve months for those tracks should be the days specified in the notice given under this subsection, and those days are days which might lawfully be fixed under that Schedule as the betting days for that period, that authority shall fix as the betting days for those tracks for that period the days so specified and the said paragraph 15 (4) shall not apply thereto.

(3) Where in the case of any particular track or group of tracks the betting days for any such period of twelve months as aforesaid are fixed by virtue of subsection (2) of this section, so much of paragraph 14 (3) of the said Schedule 3 as requires the betting days or, as the case may be, the four of those days fixed as special betting days for the purposes of section 7 (2) of the said Act of 1963 to be the same for the whole of Greater London shall be construed in relation to that period as a requirement that—

- (a) those of any betting days fixed by virtue of subsection (2) of this section which are fixed as special betting days shall be the same for all the tracks for which those betting days are fixed;
- (b) any betting days fixed otherwise than by virtue of subsection (2) of this section and those of them fixed as special betting days shall be the same for the whole of Greater London;

and unless the betting days fixed for that period are the same for the whole of Greater London, any reference in section 6 (3) or 15 (1) (a) of the said Act of 1963 to one of the betting days fixed as mentioned in that provision shall be construed in relation to any track in Greater London as a reference to one of the days fixed in accordance with that Schedule or subsection (2) of this section as the days on which betting facilities may be provided on that particular track.

NOTES

Commencement. See the note to s. 45, *ante*.

Greater London; Greater London Council. See s. 2, *ante*.

Functions. This includes powers and duties; see s. 89 (1), *post*.

Betting, Gaming and Lotteries Act 1963 (c. 2), ss. 6 (3), 7 (2), 15 (1) (a), Sch. 3.
See Halsbury's Statutes of England (2nd Edn.) Interim Service, pp. 11, 12, 21, 89.

54. Food, drugs, markets and animals.—(1) The council of a London borough shall, as respects that borough, be—

- (a) both the food and drugs authority and the local authority for the purposes of the Food and Drugs Act 1955;
- (b) the authority responsible for enforcing section 31 of that Act (which prohibits the sale of milk from diseased cows); and

- (c) the local authority for the purposes of the Slaughterhouses Act 1958 and the Slaughter of Animals Act 1958;

and the Common Council shall, as respects the City, be the authority responsible for enforcing the said section 31 and the local authority for the purposes of each of the said Acts of 1958; and in the said Act of 1955 Part III (which relates to the provision and regulation of markets) shall extend to all the London boroughs, Part IV (which relates to slaughterhouses, knackers' yards and cold-air stores) shall extend to the whole of Greater London, and so much of section 15 (2) as restricts the power of local authorities in London to make byelaws under that section shall cease to have effect.

(2) Notwithstanding anything in subsection (1) of this section, neither the council of any London borough nor the Common Council shall be required to carry out a review of, or submit a report on, slaughterhouse facilities under section 3 of the Slaughterhouses Act 1958, and section 4 (3) of that Act shall not apply to any such council; but—

- (a) in relation to the council of an inner London borough or the Common Council, section 4 (1) and (2) of that Act shall have effect as if the following provisions thereof were omitted, that is to say—

(i) in the said section 4 (1), the words from the beginning to “ last foregoing section ” and paragraphs (a) and (b);

(ii) in the said section 4 (2), the words from “ after ” to “ apply and ”;

- (b) in relation to the council of an outer London borough, sections 4 (1) and (2) and 6 (1) of that Act shall have effect as if any report submitted under section 3 of that Act which relates, or so far as it relates, to the area of that borough had been submitted by that council and any application refused under the said section 6 (1) by the authority by whom that report was submitted had been so refused by that council.

- (3) For the purposes of the Diseases of Animals Act 1950—

(a) subject to paragraph (b) of this subsection, the council of a London borough shall be the local authority for the borough;

(b) for the purpose of the provisions of that Act relating to imported animals, the Common Council shall be the local authority in and for the whole of Greater London.

(4) The Diseases of Animals Act 1950, the Food and Drugs Act 1955 and the Slaughter of Animals Act 1958 shall have effect subject to the modifications specified in relation thereto in Parts I, II and III respectively of Schedule 13 to this Act, being modifications consequential on the foregoing provisions of this section.

NOTES

Commencement. See the note to s. 45, *ante*.

London borough. See s. 1, *ante*.

Greater London. See s. 2 (1), *ante*.

Shall cease to have effect. The Food and Drugs Act 1955 (c. 16), s. 15 (2), Vol. 35, p. 115, is wholly repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

Definitions. For “ the City ” and “ the Common Council ”, see s. 89 (1), *post*; for “ inner London borough ” and “ outer London borough ”, see s. 1 (1), *ante*.

Food and Drugs Act 1955 (c. 16). See Vol. 35, p. 91. For ss. 15 (2) and 31 and Parts III and IV of that Act, see Vol. 35, pp. 115, 131, 145, 153.

Slaughterhouses Act 1958 (c. 70). See Vol. 38, p. 315. For ss. 4 and 6 (1) of that Act, see Vol. 38, pp. 326, 329.

Slaughter of Animals Act 1958 (c. 8). See Vol. 38, p. 938.

Diseases of Animals Act 1950 (c. 36). See Vol. 29, p. 16.

55. Smallholdings, allotments, etc.—(1) Part IV of the Agriculture Act 1947 (which relates to smallholdings) shall apply to the Greater London Council as it applies to a county council, and accordingly in section 47 (1) of that Act (which makes it the duty of every county council other than the London county council to provide smallholdings) for the words “ other than the London County Council ” there shall be substituted the words “ and of the Greater London Council ”.

(2) The Greater London Council shall have the like powers as a county council under section 12 of the Agricultural Land (Utilisation) Act 1931 with respect to the provision of cottage holdings; and any remaining functions under the provisions of the Small Holdings and Allotments Acts 1908 to 1931 repealed by the Small Holdings and Allotments Act 1926 or saved by proviso (a) to section 67 (2) of the Agriculture Act 1947 which, by virtue of section 19 (1) of the said Act of 1926 or the said section 67 (2), were exercisable immediately before 1st April 1965 by the Middlesex county council shall as from that date become functions of the Greater London Council.

(3) Section 61 (3) of the Agriculture Act 1947 (which relates to the matters which may be referred by a smallholdings authority to the smallholdings committee constituted by that authority under section 61 (1) of that Act) shall apply to the Greater London Council as it applies to the council of a county; and in section 71 (8) (c) of that Act (which relates to the discharge of the functions of County Agricultural Executive Committees in the existing county of London) for the words “ the county of London ” there shall be substituted the words “ Greater London ”.

(4) In its application to an inner London borough, section 23 of the Small Holdings and Allotments Act 1908 shall have effect as if—

- (a) in subsection (1) for the word “ shall ” wherever it occurs there were substituted the word “ may ”; and
- (b) subsection (2) were omitted;

and in section 20 of the Allotments Act 1922 for the words “ Metropolitan borough ” there shall be substituted the words “ outer London borough ”.

NOTES

Commencement. See the note to s. 45, *ante*.

Greater London Council. See s. 2, *ante*.

London County Council. See the note to s. 4, *ante*.

Middlesex county council; county of London. Cf. the note “ Counties of London and Middlesex ” to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Metropolitan borough. See the note “ Metropolitan boroughs ” to s. 3, *ante*.

Definitions. For “ county ” and “ functions ”, see s. 89 (1), *post*; for “ inner London borough ” and “ outer London borough ”, see s. 1 (1), *ante*.

Agriculture Act 1947 (c. 48), Part IV, ss. 47 (1), 61 (3), 67 (2), 71 (8) (c). See Vol. 1, pp. 831, 842, 846, 188.

Agricultural Land (Utilisation) Act 1931 (c. 41), s. 12. See Vol. 1, p. 821.

Small Holdings and Allotments Acts 1908 to 1931. For the Acts which may be cited by this collective title, see the Introductory Note to the Small Holdings and Allotments Act 1908 (c. 36), Vol. 1, p. 725.

Small Holdings and Allotment Act 1926 (c. 52). See Vol. 1, p. 803. For s. 19 (1) of that Act, see Vol. 1, p. 815.

Small Holdings and Allotments Act 1908 (c. 36), s. 23. See Vol. 1, p. 725.

Allotments Act 1922 (c. 51), s. 20. See Vol. 1, p. 793.

56. Library authorities.—(1) The Public Libraries Act 1892 shall be deemed to have been adopted in every London borough and each London

borough shall be a library district within the meaning of that Act; and—

- (a) in section 13 (2) (e) of that Act, for the words “ the administrative county of London ” there shall be substituted the words “ Greater London ”;
- (b) section 20 of that Act, section 8 of the Public Libraries Act 1901 and section 3 of the Public Libraries Act 1919 shall not apply to any London borough;
- (c) section 6 of the Public Libraries Act 1919 shall apply to a London borough council whether or not they are the local education authority.

(2) In section 13 of the Public Libraries Act 1901, for the words “ administrative county ” there shall be substituted the word “ City ”.

NOTES

Commencement. See the note to s. 45, *ante*.

London borough. See s. 1, *ante*.

Administrative county of London. Cf. the note “ Counties of London and Middlesex ” to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Public Libraries Act 1892 (c. 53). See Vol. 19, p. 148. For ss. 13 (2) (c) and 20 of that Act, see Vol. 19, pp. 155, 158.

Public Libraries Act 1901 (c. 19), ss. 8, 13. See Vol. 19, p. 166.

Public Libraries Act 1919 (c. 93), ss. 3, 6. See Vol. 19, pp. 227, 228.

57. Provision of entertainments, concert halls, museums, etc.—

(1) The Greater London Council shall be a local authority for the purposes of section 132 of the Local Government Act 1948 (which relates to the powers of local authorities with respect to the provision of entertainments).

(2) Any property (including the Royal Festival Hall) which immediately before 1st April 1965 was held by the London county council by virtue of any of the following enactments, that is to say—

- (a) section 46 of the London County Council (General Powers) Act 1901 (which relates to the Horniman museum);
- (b) the Iveagh Bequest (Kenwood) Act 1929;
- (c) section 3 of the London County Council (General Powers) Act 1940 (which relates to certain ponds at Ken Wood, Hampstead Heath and Parliament Hill);
- (d) section 4 of the London County Council (General Powers) Act 1947 (which relates to the provision of concert halls, etc.);
- (e) the London County Council (Crystal Palace) Act 1951;
- (f) section 29 of the London County Council (General Powers) Act 1959 (which relates to the Geffrye museum),

shall on that date vest in the Greater London Council; and the functions of the London county council by virtue of the enactments referred to in paragraph (a), (b), (e) or (f) of this subsection or by virtue of section 20 of the London County Council (General Powers) Act 1952 (which relates to the exhibition at Ken Wood of drawings from Sir John Soane’s museum) shall on that date become functions of the Greater London Council.

NOTES

Commencement. See the note to s. 45, *ante*.

London County Council. See the note to s. 4, *ante*.

Greater London Council. See s. 2, *ante*.

Functions. This includes “ powers and duties ”; see s. 89 (1), *post*.

Local Government Act 1948 (c. 26), s. 132. See Vol. 14, p. 675.

London County Council (General Powers) Act 1901 (c. cclxxii). Cf. Vol. 15, p. 657.

Iveagh Bequest (Kenwood) Act 1929. 19 & 20 Geo. 5 c. lxix; not printed in Halsbury's Statutes of England (2nd Edn.).

London County Council (General Powers) Act 1940 (c. xv), s. 3. See Vol. 15, p. 1321.

London County Council (General Powers) Act 1947 (c. xlvi), s. 4. See Vol. 15, p. 1328.

London County (Crystal Palace) Act 1951. 14 & 15 Geo. 6 c. xxviii; not printed in Halsbury's Statutes of England (2nd Edn.).

London County Council (General Powers) Act 1959 (c. liii), s. 29. Cf. Vol. 39, p. 893.

London County Council (General Powers) Act 1952 (c. viii), s. 20. Cf. Vol. 32, p. 566.

58. Parks and open spaces.—(1) The following provisions (being provisions relating to the powers of local authorities with respect to parks and open spaces), that is to say, section 164 of the Public Health Act 1875, the Open Spaces Act 1906 (other than section 14 thereof) and sections 52 to 54 of the Public Health Act 1961, and, for the purposes of the said section 54, the provision therein mentioned of the Public Health Act 1936, shall have effect as if—

(a) the London borough councils, and

(b) for the purposes of any park or open space for the time being vested in the Greater London Council or of the provision of further parks or open spaces where that provision is—

(i) by way of the appropriation of land held for other purposes, being, notwithstanding anything in section 23 of the Town and Country Planning Act 1959, an appropriation made with the consent of the Minister; or

(ii) approved by the Minister as being for the benefit of an area of Greater London substantially larger than the London boroughs in or near which the park or open space is proposed to be provided,

the Greater London Council,

were included among the local authorities to whom the provision in question applies.

(2) Any land which immediately before 1st April 1965 was vested in the London or Middlesex county council and used as a park or open space, not being land to which section 57 (2) or 59 (1) of this Act applies, shall on that date vest in the Greater London Council; but, not later than 31st March 1970 or such later date before 1st April 1975 as the Minister may direct, the Greater London Council shall, after consultation with the London borough councils, prepare and submit to the Minister a scheme with respect to that land—

(a) containing proposals as to what part, if any, of that land should, in the opinion of the Greater London Council, be retained by that Council and giving their grounds for that opinion;

(b) providing with respect to the remainder of that land for the transfer of any park or open space comprised therein to one, or to two or more jointly, of the London borough councils, and, in the case of a transfer to two or more councils jointly, providing for the management and control of the park or open space by a body representative of both or all of those councils;

- (c) in the case of any of that land proposed to be transferred, indicating any necessary modifications of any local Act or other instrument with respect to the land in question;

and the Minister may by order, after consultation with the Greater London Council and any London borough council to whom the order relates or in whose area any of the land is situated, give effect to the scheme without modification or with such modifications as the Minister thinks fit or make such other provision for the retention by the Greater London Council, or the transfer to one, or to two or more jointly, of the London borough councils, of any of that land as appears to the Minister appropriate; and any reference in this subsection to a London borough council shall be construed as including a reference to the Common Council and, in relation to any land outside Greater London, as including a reference to the council of any county or county district in whose area any of the land is situated.

(3) Until the coming into operation of the Minister's order under subsection (2) of this section, one half of the expenditure of the Greater London Council in the exercise of functions with respect to parks and open spaces, being functions which immediately before 1st April 1965 were functions of the London county council, shall be treated as expenditure for special London purposes and be chargeable only on the inner London boroughs, the City and the Temples.

NOTES

- Commencement.** See the note to s. 45, *ante*.
Greater London Council; Greater London. See s. 2 *ante*.
London boroughs. See s. 1, *ante*.
London or Middlesex county council. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.
Consultation. See the note "Consult" to s. 7, *ante*.
Appears. Cf. the note "Appear" to s. 1, *ante*.
County district. See the note to s. 3, *ante*.
London county council. See the note to s. 4, *ante*.
Definitions. For "the City", "the Common Council", "county", "functions", "land", "the Minister" and "the Temples", see s. 89 (1), *post*; for "inner London borough", see s. 1 (1) (a), *ante*, for "special London purpose", see Sch. 2, para. 19 (2), *post*.
Public Health Act 1875 (c. 55), s. 164. See Vol. 19, p. 77.
Open Spaces Act 1906 (c. 25). See Vol. 17, p. 251. For s. 14 of that Act, see Vol. 17, p. 262.
Public Health Act 1961 (c. 64), ss. 52-54. See Vol. 41, pp. 901 *et seq*.
Public Health Act 1936 (c. 49). The provisions in question of that Act are ss. 278, 331 and 334, Vol. 19, pp. 461, 489, 491.
Town and Country Planning Act 1959 (c. 53), s. 23. See Vol. 39, p. 1192.

59. The Green Belt.—(1) Where, in the case of any Green Belt land within the meaning of the Green Belt (London and Home Counties) Act 1938, immediately before 1st April 1965—

- (a) that land, not being land to which section 81 (1) of this Act applies, was vested in the London or Middlesex county council; or
 (b) any functions, rights or liabilities were exercisable with respect to that land by either of those councils,

then on that date that land shall vest in, or, as the case may be, those functions, rights and liabilities shall become functions, rights and liabilities of, the Greater London Council.

- (2) In the said Act of 1938—
- (a) in section 2 (1), in the definition of "the area", for the words from "London" onwards there shall be substituted the words "and Surrey, and Greater London";
 - (b) the expression "local authority" shall include the Greater London Council;
 - (c) the expression "contributing local authority" in relation to any land in relation to which, if this Act had not been passed, any existing council to whom section 3 (1) (b) of this Act applies would have been such an authority, shall, if that existing council is the London or Middlesex county council, include the Greater London Council or, in any other case, include the London borough council whose area includes the whole or any part of the area of that existing council;
 - (d) in sections 5, 6, 12, 15 and 32, the expression "the county council" in relation to any land in Greater London shall mean the Greater London Council;
 - (e) in section 17 (7) for the words "county or borough or district or parish" there shall be substituted the word "area".

NOTES

Commencement. See the note to s. 45, *ante*.

London or Middlesex county council. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

London borough council. Cf. s. 1, *ante*.

Definitions. For "existing", "functions" and "land", see s. 89 (1), *post*.

Green Belt (London and Home Counties) Act 1938 (c. xciii). See Vol. 17, p. 270. For ss. 2 (1), 5, 6, 12, 15, 17 (7) and 32 of that Act, see Vol. 17, pp. 270, 275, 276, 282, 283, 285, 290. For meaning of "Green belt land" in that Act, see s. 2 (1) thereof.

60. Functions under National Parks and Access to the Countryside Act 1949.—(1) Subject to the provisions of this section, as respects any part of the existing county of Hertfordshire, Essex, Kent or Surrey which on 1st April 1965 ceases to be part of that county and as respects any part of the existing county of Middlesex, any functions under sections 27 to 34 of the National Parks and Access to the Countryside Act 1949 (which relate to the ascertainment of footpaths, bridleways and certain other highways) which on 31st March 1965 still remained to be discharged by the county council shall on 1st April 1965 become functions—

- (a) in the case of any area falling within a London borough, of the council of that borough;
- (b) in the case of any part of the urban district of Potters Bar, of the Hertfordshire county council;
- (c) in the case of any part of the urban district of Staines or Sunbury-on-Thames, of the Surrey county council;

and, in the case of an area mentioned in paragraph (b) or (c) of this subsection, the county council so mentioned shall not be required to discharge as respects that area any functions under the said sections 27 to 34 already discharged by the Middlesex county council.

(2) As respects any part of a London borough to which the said sections 27 to 34 do not apply by virtue of subsection (1) of this section and as respects any part of the City, subsections (2), (3) and (5) of section 35 of the

said Act of 1949 (which relate to the extension of the said sections 27 to 34 to county boroughs) and, as respects any part of any London borough or the City, subsection (4) of that section (which relates to the exclusion of parts of a county from the operation of those sections) shall apply in relation to that London borough and the council thereof or to the City and the Common Council, as the case may be, as they apply in relation to a county borough (or, in the case of the said subsection (4), a county) and the council thereof.

(3) The London borough council to whom any functions of any county council other than the Middlesex county council are transferred by virtue of subsection (1) of this section may agree with the county council for the performance of any of those functions by that county council on behalf of the borough council; and where by virtue of subsection (1) or (2) of this section the said sections 27 to 34 for the time being apply to any part of any London borough or the City, the borough council or Common Council, as the case may be, may agree with the Greater London Council for the functions of the borough council or Common Council under the said sections 27 to 34 to be discharged by the Greater London Council, and while such an agreement with the Greater London Council is in force—

- (a) references in Part IV of the said Act of 1949 to the surveying authority shall be construed accordingly;
- (b) section 28 (1) of the said Act of 1949 shall have effect in relation to a survey carried out by the Greater London Council as if the reference therein to the councils of county districts and parishes were a reference to the borough council or Common Council, as the case may be.

(4) In section 23 of the said Act of 1949, the reference to the local planning authority shall be construed in relation to land in a London borough or the City as a reference to the borough council or, as the case may be, the Common Council.

(5) The provisions of Part V of the said Act of 1949 with respect to access agreements and access orders and section 90 of that Act shall not apply to the inner London boroughs or the City; and in relation to land in an outer London borough references in sections 64 to 82 and 90 of that Act to the local planning authority shall be construed as references to the borough council.

(6) In section 89 of the said Act of 1949 the expression "local planning authority", and in section 99 of that Act the expression "local authority", shall include the Greater London Council, a London borough council and the Common Council; and in section 102 of that Act—

- (a) the expression "local planning authority" shall include the council of an outer London borough; and
- (b) the expression "local authority" shall include the Greater London Council.

NOTES

Commencement. See the note to s. 45, *ante*.

General Note. This section must be read in the light of s. 3 (1), *ante*.

Sub-s. (1): County of Middlesex. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

London borough. See s. 1, *ante*.

Sub-s. (3): Greater London Council. See s. 2, *ante*.

Definitions. For "the City", "the Common Council", "county", "existing", "functions" and "land", see s. 89 (1), *post*; for "inner London borough" and "outer London borough", see s. 1 (1), *ante*.

National Parks and Access to the Countryside Act 1949 (c. 97). For s. 23 of that Act, see Vol. 17, p. 315; for Part IV and ss. 27-34 and 35 of that Act, see Vol. 28, pp. 568 *et seq.*; for Part V and ss. 64-82, 89, 90, 99 and 102 of that Act, see Vol. 17, pp. 316, 321 *et seq.*, 342, 343, 351, 354.

61. Functions under Town Development Act 1952.—(1) As respects participation in town development within the meaning of the Town Development Act 1952, and as respects the power to contribute towards expenses of such development conferred by sections 4 and 10 (3) of that Act on the council of a county borough, the Greater London Council shall be in the same position under that Act as the council of a county borough, and accordingly references in that Act to the council of a county borough as an authority participating or eligible to participate and the references to the council of a county borough in sections 4, 10 (3) and 12 (1) of that Act shall include references to the Greater London Council; and, for the purposes of any such development in respect of which the Greater London Council have power under the said section 4 to make a contribution to the council of any receiving district within the meaning of that Act, they shall also have power to make available to that council the services of any of their officers or servants.

(2) In section 2 (1) (b) of the said Act of 1952, for sub-paragraphs (ii) and (iii) there shall be substituted the following—

- “ (ii) Greater London; or
(iii) a county district in an area of continuous urban development adjacent to any big centre of population other than Greater London; or ”.

(3) It shall be the duty of the Greater London Council—

- (a) to implement, or complete the implementation of, any undertaking given before 1st April 1965 with the approval of the Minister—
(i) under section 4, 10 (3) or 19 (3) of the said Act of 1952 (including the said section 4 as extended by section 34 (2) of the Housing Act 1961) by any council to whom section 3 (1) (b) of this Act applies; or
(ii) under the said section 4 (as extended as aforesaid) by the Hertfordshire, Essex, Kent or Surrey county council in a case where the undertaking was in respect of development relieving congestion in any area falling within Greater London;
- (b) to take or complete any action which was agreed to be taken by any council to whom section 3 (1) (b) of this Act applies in pursuance of an agreement made before 1st April 1965, being an agreement made with the authority of the Minister under section 8 (1) of the said Act of 1952 or an agreement such as is referred to in section 8 (2) of that Act;

and the Greater London Council shall have the like rights under any agreement to which paragraph (b) of this subsection applies as the council whose liabilities thereunder they assume by virtue of that paragraph.

(4) References in subsection (3) of this section to an undertaking given or action agreed to be taken by any council shall be construed as including references to any undertaking or action which, having regard to the established practice of that council, should properly be deemed to have been so given or to have been so agreed to be taken; and any dispute as to the existence or extent of any duty, right or liability of the Greater London

Council by virtue of the said subsection (3) or as to whether or not any particular undertaking or action should properly be deemed as aforesaid shall be referred to and determined by the Minister.

(5) Any action authorised by an order under section 9 of the said Act of 1952 to be taken by any council to whom section 3 (1) (b) of this Act applies may be taken by the Greater London Council; and that Council shall have the like liabilities and rights in connection with any obligation with respect to that action imposed by the order as the council originally authorised by the order to take that action.

NOTES

Commencement. See the note to s. 45, *ante*.

Sub-s. (1): County borough. See the note to s. 4, *ante*.

Greater London Council. See s. 2, *ante*.

Sub-s. (2): Greater London. See s. 2 (1), *ante*.

County district. See the note to s. 3, *ante*.

Adjacent. Cf. the note to Sch. 9, Part III, paras. 13-15, *post*.

Definitions. For "the Minister", see s. 89 (1), *post*. Note as to "action", etc., and "undertakings", etc., sub-s. (4) of this section.

Town Development Act 1952 (c. 54). See Vol. 32, p. 1030. For ss. 2 (1) (b), 4, 8, 9, 10 (3), 12 (1) and 19 (3) of that Act, see Vol. 32, pp. 1032, 1034, 1037, 1039, 1041, 1046. For the meaning of "receiving district" and "town development" in that Act, see s. 1 thereof, Vol. 32, p. 1032.

Housing Act 1961 (c. 65), s. 34 (2). See Vol. 41, p. 506.

62. Miscellaneous local authority functions.—(1) The London borough councils and (where not already so) the Common Council shall be local authorities for the purposes of the following enactments—

- (a) the Canals Protection (London) Act 1898, which shall extend to the whole of Greater London;
- (b) the Celluloid and Cinematograph Film Act 1922, which shall extend to the whole of Greater London;
- (c) the Pharmacy and Poisons Act 1933;
- (d) section 17 of the Restriction of Ribbon Development Act 1935;
- (e) the Riding Establishments Act 1939;
- (f) the Schedule to the Consumer Protection Act 1961, including that Schedule as applied by section 6 (3) (b) of that Act.

(2) Schedule 14 to this Act shall have effect with respect to the discharge in Greater London and the adjoining areas of functions with respect to land drainage and flood prevention and other functions under the enactments therein mentioned.

(3) Without prejudice to the operation in Greater London of the Places of Worship Registration Act 1855, nothing in this Act shall transfer to any local authority in Greater London any functions under the Places of Religious Worship Act 1812.

(4) Unless provision for the purpose is made by some other Act passed during the same session as this Act, the Board of Trade may, as respects Greater London or any part thereof, by order make provision as to the authority by whom there shall be exercised on and after 1st April 1965 any function conferred on local authorities by the enactments relating to weights and measures.

(5) The confirmation and record of the rules of loan societies under the Loan Societies Act 1840 shall as respects any such society formed in Greater London be functions of the Greater London Council; and accordingly in

relation to that Act sections 3 and 78 of the Local Government Act 1888 shall have effect as if Greater London were a county and the Greater London Council were the council of that county.

NOTES

- Commencement.** See the note to s. 45, *ante*.
London borough councils. Cf. s. 1, *ante*.
Greater London. See s. 2 (1), *ante*.
Unless provision . . . is made. Provision is so made by the Weights and Measures Act 1963 (c. 31), Halsbury's Statutes of England (2nd Edn.) Interim Service, p. 481.
Passed during the same session, etc. See the note to s. 4, *ante*.
Definitions. For "the Common Council", "county" and "functions", see s. 89 (1), *post*.
Canals Protection (London) Act 1898 (c. 16). See Vol. 19, p. 882.
Celluloid and Cinematograph Film Act 1922 (c. 35). See Vol. 19, p. 230.
Pharmacy and Poisons Act 1933 (c. 25). See Vol. 15, p. 261.
Restriction of Ribbon Development Act 1935 (c. 47), s. 17. See Vol. 25, p. 385.
Riding Establishments Act 1939 (c. 56). See Vol. 1, p. 927.
Consumer Protection Act 1961 (c. 40), s. 6 (3) (b), Schedule. See Vol. 41, pp. 1057, 1058.
Places of Worship Registration Act 1855 (c. 81). See Vol. 7, p. 1287.
Places of Religious Worship Act 1812 (c. 155). See Vol. 7, p. 1275.
Loan Societies Act 1840 (c. 110). See Vol. 14, p. 54.
Local Government Act 1888 (c. 41), ss. 3, 78. See Vol. 14, pp. 173, 209.

PART VIII

RATING AND VALUATION AND ASSOCIATED MATTERS

63. Rating and valuation.—(1) Each London borough shall be a rating area and the rating authority therefor shall be the council of the borough; and, subject to subsection (2) of this section, the Rating and Valuation Act 1925 shall apply in Greater London as it applies elsewhere in England and Wales.

(2) The enactments relating to rating and valuation in England and Wales shall have effect subject to the modifications thereof specified in Schedule 15 to this Act, being—

- (a) modifications consequential on the foregoing subsection and other provisions of this Act; or
- (b) modifications of the said Act of 1925 in its application to Greater London; or
- (c) modifications extending to the whole of Greater London provisions applicable to the existing county of London.

NOTES

- Commencement.** This Part of the Act (other than ss. 65, 66 and 69, *post*) does not come into force until 1st April 1965; see s. 94 (2), *post*.
London borough. See s. 1, *ante*.
Greater London. See s. 2 (1), *ante*.
Definitions. For "county" and "existing", see s. 89 (1), *post*.
Rating and Valuation Act 1925 (c. 90). See Vol. 20, p. 103.

64. General grants.—(1) The authorities to whom general grants are payable under Part I of the Local Government Act 1958 shall include the London borough councils and the Common Council, and accordingly references in the said Part I to recipient authorities shall include references to those councils.

(2) The expenditure which qualifies as relevant expenditure for the

purposes of the said Part I shall include expenditure incurred by or on behalf of the Greater London Council in respect of the carrying out of that Council's functions by virtue of section 45 (3) of this Act and any expenditure by way of contributions by that Council—

- (a) by virtue of section 45 (4) of 47 (4) of this Act; or
- (b) by virtue of section 46 (3) of this Act so far as it relates to section 26 (6) of the National Assistance Act 1948.

(3) Where the provision of any service giving rise to relevant expenditure within the meaning of the said Part I as amended by the last foregoing subsection is a function of the Greater London Council or of a joint board whose district is wholly or partly comprised in a London borough or in the City, section 3 (1) of the said Act of 1958 (which enables the Minister to reduce a general grant in the case of default by a recipient authority) shall in relation to that borough or the City, as the case may be, apply to a failure on the part of the Greater London Council or the joint board to achieve or maintain reasonable standards as it would apply if the failure were that of the council of that borough or the Common Council, as the case may be.

(4) In its application to the council of an inner London borough or the Common Council, paragraph 4 of Part III of Schedule 1 to the said Act of 1958 shall have effect as if in sub-paragraph (1) thereof—

- (a) for any reference to the local education authority there were substituted a reference to the inner London Education Authority;
- (b) the reference to the centres provided as mentioned in that sub-paragraph were a reference to such centres provided by the council of any of the inner London boroughs or the Common Council;
- (c) for the first reference to the area of the authority there were substituted a reference to the Inner London Education Area and the second such reference were a reference to the inner London borough in question or, as the case may be, the City;

and, for the purposes of sub-paragraph (2) (b) of that paragraph, as if the Inner London Education Area were the area of a single local health authority.

(5) In paragraph 8 (3) of the said Part III, for the words " the administrative county of London " there shall be substituted the words " Greater London ".

NOTES

Commencement. See the note to s. 63, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For " the City ", " the Common Council ", " functions ", " Inner London Education Area " and " Inner London Education Authority ", see s. 89 (1), *post*; for " inner London borough ", see s. 1 (1) (a), *ante*.

Local Government Act 1958 (c. 55), Part I, s. 3 (1), Sch. 1, Part III, paras. 4, 8 (3). See Vol. 38, pp. 617, 619, 666, 667.

National Assistance Act 1948 (c. 67), s. 26 (6). See Vol. 16, p. 954.

65. Rate-deficiency grants.—(1) The authorities to whom rate-deficiency grants under Part I of the Local Government Act 1948 may become payable shall include the London borough councils, and accordingly references to those councils shall be substituted for references to metropolitan borough councils in sections 5 and 6 of the Local Government Act 1958

(which regulate the cases in which and conditions subject to which such grants are payable).

(2) For the purposes of the said section 5, sums payable by an authority by virtue of a precept issued by the Greater London Council, in so far as payable in respect of expenditure of that Council for general London purposes, shall not be treated as expenditure of the authority paying those sums.

(3) Section 6 of the said Act of 1958 (which provides for disregarding the amount of abnormal expenditure in determining the amount of any rate-deficiency grant) shall not affect the payment of rate-deficiency grants to a London borough council or the Common Council for the years 1965-66, 1966-67 and 1967-68.

NOTES

London borough councils. Cf. s. 1, *ante*.

Metropolitan borough councils. Cf. the note to "Metropolitan boroughs" to s. 3, *ante*.

Greater London Council. See s. 2, *ante*.

Definitions. For "the Common Council", see s. 89 (1), *post*; for "general London purposes", see Sch. 2, para. 19 (2) (a), *post*.

Local Government Act 1948 (c. 26), Part I. See Vol. 14, p. 655.

Local Government Act 1958 (c. 55), ss. 5, 6. See Vol. 38, pp. 621, 624.

66. Equalisation of rates.—(1) The Minister may, subject to and in accordance with the subsequent provisions of this section, make as respects the whole or any part or parts of Greater London a scheme or schemes for the purpose of reducing disparities in the rates levied in different rating areas of Greater London other than the Temples.

(2) Any such scheme shall take the form of provision for the making of contributions by rating authorities in Greater London elsewhere than the Temples to other such authorities, either directly, or through the Greater London Council, or by means of adjustments by the Greater London Council in the amounts for which they precept on those rating authorities respectively, or, in the case of rating authorities in the Inner London Education Area, by a re-allocation between those authorities of the aggregate amount payable to them by virtue of section 64 of this Act, or by a combination of any two or more of those methods.

(3) Rules made under section 9 of the Rating and Valuation Act 1925 and regulations made under section 15 of the Local Government Act 1948 may make the like provision for the purpose of schemes under this section as may be made by such rules or regulations for the purposes of the said section 9 or Part I of the said Act of 1948, as the case may be; and for the purposes of section 14 of the said Act of 1948 (which relates to investigations into the working of Part I of that Act) this section shall be deemed to be included in the said Part I and the expression "local authority" in the said section 14 shall include the Greater London Council.

(4) Any scheme under this section may, subject to the next following subsection, be revoked or varied by any subsequent scheme under this section.

(5) Before making a scheme under this section, the Minister shall consult with any association or committee which appears to him to be representative of the London borough councils and with the Common Council and the Greater London Council.

(6) In section 5 (6) of the Local Government Act 1958 (which, among other things, provides for disregarding payments under section 10 of the Local Government Act 1948 in determining the expenditure of an authority for the purpose of computing rate-deficiency grants) for the words " and, in the case of a local authority within the administrative county of London, no payments under section ten of the Act of 1948 were payable " there shall be substituted the words " were payable and, in the case of a local authority in Greater London, section 66 of the London Government Act 1963 had not been passed ".

NOTES

General Note. This section may be compared with the Local Government Act 1948 (c. 26), s. 10, Vol. 14, p. 661, as amended (repealed, together with the Local Government Act 1958 (c. 55), s. 8, Vol. 38, p. 626, as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Sub-s. (1): Greater London. See s. 2 (1), *ante*.

Sub-s. (3): Greater London Council. See s. 2, *ante*.

Sub-s. (5): Consult. See the note to s. 7, *ante*.

Arrears. Cf. the note " Appear " to s. 1, *ante*.

London borough councils. Cf. s. 1, *ante*.

Sub-s. (6): Administrative county of London. Cf. the note " Counties of London and Middlesex " to s. 3, *ante*.

Definitions. For " the Common Council ", " Inner London Education Area ", " the Minister " and " the Temples ", see s. 89 (1), *post*.

Rating and Valuation Act 1925 (c. 90), s. 9. See Vol. 20, p. 114.

Local Government Act 1948 (c. 26), Part I, ss. 10, 14, 15. See Vol. 14, pp. 655, 661, 664. S. 10 is repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

Local Government Act 1958 (c. 55), s. 5 (6). See Vol. 38, p. 622.

67. Chargeability of part of rating area with expenses incurred for another part thereof.—(1) Where, in the case of any rating area to which this section applies, different parts of that area would, apart from this section, be chargeable with expenses incurred by different authorities or bodies in the discharge of the like functions, then, if the rating authority so resolve, the aggregate of those expenses shall be chargeable on the whole of that area or, if those parts do not together comprise the whole of that area, on so much of that area as consists of those parts.

(2) This section applies to any rating area in Greater London and to any other rating area which falls partly in—

- (a) the metropolitan police district; or
- (b) the sewerage area of the Greater London Council; or
- (c) some other area comprising the whole or part of Greater London prescribed for the purposes of this section by an order of the Minister.

NOTES

Commencement. See the note to s. 63, *ante*.

Greater London. See s. 2 (1), *ante*.

Metropolitan police district. See s. 76 (1), *post*.

Definitions. For " functions ", " the Minister " and " sewerage area of the Greater London Council ", see s. 89 (1), *post*.

Order under this section. For provisions as to orders, see s. 90, *post*.

- 68. Financial provisions applicable to the Common Council.—(1)**
- The Common Council may levy a general rate for the purpose of defraying any expenses incurred by them under any enactment, being expenses which do not fall to be defrayed out of the poor rate.

(2) The Common Council may for the purposes of any enactment borrow money under the City of London Sewers Acts 1848 to 1897 in accordance with the provisions of those Acts or of any other Acts regulating the mode of borrowing money by the Council.

(3) In any enactment passed after 1st August 1958 and applying or subsequently applied to the Common Council any reference to the general rate fund of a local authority or any description of local authority shall, except where the context otherwise requires, be construed in relation to the Council as a reference to the general rate of the City.

(4) The foregoing provisions of this section apply to the Common Council as local authority, as police authority and as port health authority.

(5) In this section any reference to any enactment includes a reference to any instrument made under an enactment and any reference to any enactment or instrument includes a reference to any enactment or instrument contained in or made under this Act, or passed or made after this Act.

NOTES

Commencement. See the note to s. 63, *ante*.

Definitions. For "the City" and "the Common Council", see s. 89 (1), *post*. Note as to "enactment", sub-s. (5) of this section.

City of London Sewers Acts 1848 to 1897. Not printed in Halsbury's Statutes of England (2nd Edn.).

69. Initial expenses of new authorities.—(1) As soon as may be after the first election of councillors of the Greater London Council or, as the case may be, of any London borough, each existing rating authority whose area, or part of whose area, falls within Greater London or, as the case may be, that London borough shall, in accordance with arrangements made by the Minister by regulations, cause the appropriate contribution to be paid into the general fund of the Greater London Council or, as the case may be, the general rate fund of that London borough.

(2) In the foregoing subsection, the expression "the appropriate contribution" in relation to any existing rating area or any part of such an area means an amount equal to the product of a rate of a penny in the pound levied in that rating area or, as the case may be, that part thereof for the year 1964-65, being—

- (a) in the case of the area of a county borough, that product ascertained in accordance with the rules for the time being in force under section 16 of the Local Government Act 1958;
- (b) in a case where that product has been estimated by the rating authority for the purposes of section 9 (2) (d) of the Rating and Valuation Act 1925, that product as so estimated;
- (c) in any other case, that product estimated by the rating authority in like manner as it would fall to be estimated for the purposes of the said section 9 (2) (d).

(3) Any expenses incurred by any returning officer in relation to the holding of the first election of councillors of the Greater London Council or, as the case may be, of any London borough which, apart from this subsection, would under paragraph 19 of Schedule 3 to this Act fall to be paid by the Greater London Council or, as the case may be, the council of that London borough shall be paid by the existing rating authorities whose areas fall

wholly or partly within Greater London or, as the case may be, that London borough, the amount payable by each of those authorities being an amount bearing the same proportion to the aggregate amount of those expenses as the appropriate contribution of that authority to the general fund of the Greater London Council or, as the case may be, the general rate fund of that London borough under the foregoing provisions of this section bears to the aggregate amount of the appropriate contributions so payable to the fund in question.

(4) The Greater London Council and the London borough councils may borrow for the purpose of meeting any expenditure incurred by them before 1st April 1965.

NOTES

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Greater London. See s. 2 (1), *ante*.

County borough. See the note to s. 3, *ante*.

Definitions. For "existing" and "the Minister", see s. 89 (1), *post*. Note as to "the appropriate contribution", sub-s. (2) of this section.

Local Government Act 1958 (c. 55), s. 16. See Vol. 38, p. 628.

Rating and Valuation Act 1925 (c. 90), s. 9 (2) (d). See Vol. 20, p. 115.

Regulations under this section. No regulations had been made under this section up to 14th November 1963.

The power to make regulations is exercisable by statutory instrument; see s. 90, *post*.

70. Transitional assistance to certain counties.—(1) If the county of Essex, Hertfordshire, Kent or Surrey incurs an additional rate burden consequential on this Act which exceeds the estimated product of a rate of fivepence in the pound for the county for the year 1965-66, the Greater London Council shall pay as part of their expenditure for general London purposes to the council of that county as part of their receipts for general county purposes—

- (a) in the year 1965-66, an amount equal to that excess;
- (b) in the year 1966-67, an amount equal to seven-eighths of that excess;
- (c) in the year 1967-68, an amount equal to three-quarters of that excess;
- (d) in the year 1968-69, an amount equal to five-eighths of that excess;
- (e) in the year 1969-70, an amount equal to half that excess;
- (f) in the year 1970-71, an amount equal to three-eighths of that excess;
- (g) in the year 1971-72, an amount equal to a quarter of that excess;
- (h) in the year 1972-73, an amount equal to one-eighth of that excess.

(2) The provisions of Schedule 16 to this Act shall have effect for the purpose of determining whether any, and if so what, additional rate burden consequential on this Act has been incurred by any of the counties aforesaid.

(3) Any payments made by the Greater London Council under this section shall be disregarded in ascertaining the expenditure of any county council for the purposes of section 5 of the Local Government Act 1958.

NOTES

Greater London Council. See s. 2, *ante*.

Definitions. For "general London purposes", see Sch. 2, para. 19 (2) (a), *post*. By virtue of Sch. 16, para. 7, *post*, for "product of a rate, etc.", see the Rating and Valuation Act 1925 (c. 26), s. 144 (3), Vol. 20, p. 317.

Local Government Act 1958 (c. 55), s. 5. See Vol. 38, p. 621.

PART IX

MISCELLANEOUS AND GENERAL

Common services

71. Research and information on matters concerning Greater London.—(1) The Greater London Council shall establish an organisation for the purpose of conducting, or assisting in the conducting of, investigations into, and the collection of information relating to, any matters concerning Greater London or any part thereof and making, or assisting in the making of, arrangements whereby any such information and the results of any such investigation are made available to any authority concerned with local government in Greater London, any government department or the public; and without prejudice to the foregoing provisions of this subsection the Greater London Council shall be a local authority for the purposes of sections 134 and 135 of the Local Government Act 1948 (which relate respectively to information centres and to instruction and information on questions relating to local government).

(2) The appropriate Minister with respect to any matter may require the Greater London Council to provide him with any information with respect to that matter which is in the possession of, or available to, that Council, any London borough council or the Common Council in consequence of the exercise of any power conferred by or under any enactment; and where such a requirement is made in respect of any information which is so in the possession of, or available to, any London borough council or the Common Council but not the Greater London Council, the Greater London Council may require that borough council or, as the case may be, the Common Council to furnish the Greater London Council with that information.

NOTES

Greater London Council; Greater London. See s. 2, *ante*.

London borough council. Cf. s. 1, *ante*.

Definitions. For "appropriate Minister" and "the Common Council", see s. 89 (1), *post*.

Local Government Act 1948 (c. 26), ss. 134, 135. See Vol. 14, p. 678.

72. Supply of goods to authorities in Greater London.—(1) The Greater London Council may purchase and store and supply to any authority such as is mentioned in subsection (2) of this section any goods or materials required for the discharge of the functions of that authority, and that Council and any such authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient for the purpose of any such purchase, storage or supply.

(2) The authorities referred to in the foregoing subsection are—

- (a) any of the following, and any joint committee appointed by any two or more of the following, that is to say, the London borough councils, the Common Council and, in relation to any functions exercisable by them which are exercisable elsewhere in Greater London by the said councils, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple;
- (b) any body of persons discharging functions relating to education or public health in Greater London and receiving financial aid in

- relation to those functions from any of the councils aforesaid or from the Greater London Council or the Inner London Education Authority;
- (c) any person or body of persons responsible for the management or government of any school or other educational institution in Greater London in the case of which the fees or expenses of any person receiving education, instruction or training thereat are wholly or partly defrayed by a local education authority in Greater London;
 - (d) any voluntary organisation with which a local authority in Greater London have made such arrangements as are referred to in section 26 of the National Assistance Act 1948;
 - (e) any body of persons concerned with the promotion of the welfare of persons ordinarily resident in Greater London who are aged or to whom section 29 of the said Act of 1948 applies;
 - (f) any of the following bodies constituted under the National Health Service Act 1946, that is to say, any Regional Hospital Board or Executive Council constituted for an area which falls wholly or partly within Greater London, and any Hospital Management Committee appointed by, and the Board of Governors of any teaching hospital situated in the area of, any such Regional Hospital Board;
 - (g) the British Postgraduate Medical School.

NOTES

General Note. This section may be compared with the London Government Act 1939 (c. 40), s. 195, Vol. 15, p. 1164 (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*), as extended by the London County Council (General Powers) Act 1957 (c. xxxv), s. 79, Vol. 37, p. 754.

Greater London Council. See s. 2, *ante*.

London borough councils. Cf. s. 1, *ante*.

Greater London. See s. 2 (1), *ante*.

Definitions. For "the Common Council", "functions" and "Inner London Education Authority", see s. 89 (1), *post*.

National Assistance Act 1948 (c. 29), ss. 26, 29. See Vol. 16, pp. 953, 957.

National Health Service Act 1946 (c. 67). See Vol. 16, p. 669.

73. Publicity for amenities of Greater London.—(1) Subject to subsection (2) of this section the Greater London Council may, for the purpose of giving publicity to the amenities and advantages of Greater London—

- (a) enter into and carry into effect agreements for the purpose with any person approved by the Minister;
- (b) make reasonable contributions towards the expenses incurred by any such person in giving effect to any such agreement;
- (c) incur reasonable expenditure on the use of suitable media of advertising;
- (d) incur reasonable expenditure on the establishment and maintenance of office accommodation for the dissemination of information relating to Greater London.

(2) Nothing in the foregoing subsection shall authorise the Greater London Council to give publicity in the United Kingdom, whether by advertising or otherwise, to the commercial and industrial advantages of Greater London; and nothing in paragraph (c) or (d) of that subsection shall authorise

the publication of any advertisement, or the establishment or maintenance of office accommodation, by the Greater London Council themselves in any place outside the United Kingdom.

NOTES

General Note. This section is based on the London Government Act 1939 (c. 40), s. 190, Vol. 15, p. 1162 (repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*).

Greater London Council; Greater London. See s. 2, *ante*.

The Minister. *I.e.*, the Minister of Housing and Local Government; see s. 89 (1), *post*.

United Kingdom. *I.e.*, Great Britain and Northern Ireland; see the Royal and Parliamentary Titles Act 1928 (c. 4), s. 2 (2), Vol. 4, p. 192.

Miscellaneous

74. Borough architects.—(1) Without prejudice to section 106 of the Local Government Act 1933, the officers of each London borough council and the Common Council shall as soon as reasonably practicable, and in any event not later than 1st April 1968, include an architect for the borough or, as the case may be, the City.

(2) The architect aforesaid shall be appointed from among fit persons by, and hold office during the pleasure of, the borough council or Common Council and shall perform such duties as that council may direct, and shall be paid such reasonable remuneration as that council may determine.

NOTES

London borough council. Cf. s. 1, *ante*.

Definitions. For "the City" and "the Common Council", see s. 89 (1), *post*.

Local Government Act 1933 (c. 51), s. 106. See Vol. 14, p. 410.

75. Compensation for injury to or death of officers.—(1) Any of the following councils, that is to say, the Greater London Council, the London borough councils and the Common Council, may pay compensation—

(a) to any of their officers who sustains an injury in the course of his employment; or

(b) to the widow or widower or child of any of their officers who, in the course of his employment, dies or sustains an injury resulting in death.

(2) Any compensation payable under this section may be paid either—

(a) by way of a lump sum; or

(b) by way of periodical payments of such amounts and payable at such times and for such periods as the council in question may from time to time determine having regard to all the circumstances of the case.

(3) The payment of compensation under this section shall not affect any right or claim to damages or compensation which an officer of any of the councils aforesaid or his widow or widower or child may have against any person other than that council or, except so far as may be agreed when the compensation is granted, against that council.

NOTES

General Note. Sub-s. (1) may be compared with the London Government Act 1939 (c. 40), s. 92 (1), Vol. 15, p. 1116 (the whole of which Act is repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*). Sub-s. (2) is based on the London County

Council (General Powers) Act 1960 (c. xxix), s. 12 (1), Vol. 40, p. 544 (repealed as above-mentioned). Sub-s. (3) is based on s. 92 (4) of the Act of 1939.

Greater London Council. See s. 2, *ante*.

London borough councils. Cf. s. 1, *ante*.

Common Council. *I.e.*, the Common Council of the City of London; see s. 89 (1), *post*.

76. Adjustment to metropolitan police district.—(1) As from 1st April 1965, the metropolitan police district shall consist of the following areas, that is to say—

- (a) Greater London, excluding the City of London, the Inner Temple and the Middle Temple;
- (b) in the county of Essex, the urban districts of Chigwell and Waltham Holy Cross;
- (c) in the county of Hertfordshire, the urban districts of Bushey, Cheshunt and Potters Bar, the rural district of Elstree, and the parishes of Northaw in the rural district of Hatfield and Aldenham in the rural district of Watford;
- (d) in the county of Surrey, the borough of Epsom and Ewell, and the urban districts of Banstead, Esher, Staines and Sunbury-on-Thames,

and section 16 of, and Schedule 4 to, the Police Act 1946 shall cease to have effect.

(2) This section and the Metropolitan Police Acts 1829 to 1959 may be cited together as the Metropolitan Police Acts 1829 to 1963 and this section shall be construed as one with those Acts.

NOTES

Greater London. See s. 2 (1), *ante*.

County. *I.e.*, administrative county; see s. 89 (1), *post*.

Potters Bar. The urban district of Potters Bar will become part of the county of Hertfordshire as from 1st April 1965 by virtue of s. 3 (1) (c), *ante*.

Staines and Sunbury-on-Thames. The urban districts of Staines and Sunbury-on-Thames will become part of the county of Surrey as from 1st April 1965 by virtue of s. 3 (1) (d), *ante*.

Shall cease to have effect. The same repeals are made as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

Police Act 1946 (c. 46), s. 16, Sch. 4. See Vol. 18, pp. 175, 183.

Metropolitan Police Acts 1829 to 1959. For the Acts which may be cited by this collective title, see the Introductory Note to the Metropolitan Police Act 1829 (c. 44), Vol. 18, p. 13.

77. Application of Local Government Superannuation Acts.—(1) In the Local Government Superannuation Act 1937—

- (a) in section 1 (which relates to the local authorities who are required to maintain superannuation funds under Part I of that Act), in subsection (1) (a), for the words "metropolitan borough" there shall as from 1st April 1965 be substituted the words "London borough and the Greater London Council";
- (b) in section 40 (1), in the definition of "local authority", after the word "district" there shall be inserted the words "the council of a London borough, the Greater London Council";
- (c) in Part I of Schedule 1 (which relates to the local authorities whose whole-time officers are to be compulsorily superannuable), after the paragraph beginning "The council" there shall be inserted the following paragraphs—

"The council of a London borough.
The Greater London Council."

(2) For the purpose of the making before 1st April 1965 under section 2 of the said Act of 1937 of a combination scheme to come into force on or after that date, the Greater London Council or a London borough council shall be deemed to be an administering authority notwithstanding that they are not for the time being required to maintain a superannuation fund under Part I of that Act.

(3) Notwithstanding anything in section 4 of the said Act of 1937 (which relates to the funds to which contributions are payable), if in the case of any contributory employee or class of contributory employees of the Greater London Council or a London borough council it appears to the Minister expedient so to do, the Minister may by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, provide that for the purposes of that Act the appropriate superannuation fund in relation to that employee or class shall be such fund as may be specified in or determined under the order; and any such order may make such incidental, consequential, transitional or supplementary provision as may appear to the Minister to be necessary or proper for the purposes or in consequence of the order and for giving full effect thereto.

NOTES

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

London borough. See s. 1, *ante*.

Greater London Council. See s. 2, *ante*.

The Minister. *I.e.*, the Minister of Housing and Local Government; see s. 89 (1), *post*.

Annulment. Cf. the note to s. 23, *ante*.

Appear. Cf. the note to s. 1, *ante* (but note that the order is subject to the "negative resolution" procedure).

Local Government Superannuation Act 1937 (c. 68), Part I, ss. 1 (1) (a), 24, 40 (1), Sch. 1, Part I. See Vol. 14, pp. 570, 572, 575, 602, 606.

Order under this section. No order had been made under this section up to 14th November 1963.

For provisions as to orders, see s. 90, *post*; and note sub-s. (3) of this section.

78. Coroners.—(1) Subject to the following provisions of this section, the enactments relating to coroners, and in particular the Coroners Act 1844 and the Coroners Acts 1887 to 1954, shall apply in relation to Greater London (exclusive of the City and the Temples) as if that area were a county and the Greater London Council were the council of that county, and references in those enactments to a county alderman or a county councillor shall be construed accordingly.

(2) In their application to the said area of Greater London, the said enactments shall have effect subject to the following modifications:—

- (a) the requirements as to residence contained in section 5 of the Coroners Act 1844 shall not apply;
- (b) any sum required by section 27 (2) of the Coroners Act 1887 to be paid out of the local rate and any salary or pension required by section 8 of the Coroners (Amendment) Act 1926 to be defrayed as expenses for special county purposes, shall in the first instance be defrayed by the Greater London Council and shall be charged on the London boroughs;
- (c) any provision of the said enactments defining a county shall not apply.

(3) The Greater London Council may provide and maintain proper accommodation for the holding of inquests.

(4) It shall be the duty of the Greater London Council as respects the area of Greater London mentioned in subsection (1) of this section, and of the council of each county adjoining Greater London as respects their county review area, to take into consideration the division of that area into coroners' districts and, unless they consider it inexpedient to do so, to exercise before the end of 1964 the power conferred on them by section 12 of the Coroners (Amendment) Act 1926 of submitting a draft order providing for the division, or alteration of any division, of that area into coroners' districts; and the Greater London Council shall not later than 1st April 1965 appoint a sufficient number of coroners for the said area of Greater London and section 2 of the said Act of 1926 shall apply to any such appointment as if a vacancy had occurred in the office of coroner for that area.

(5) This section, except so far as it relates to the appointment of coroners and to coroners' districts, shall not come into force until 1st April 1965; and until that date the fact that any powers relating to the appointment of coroners and coroners' districts are exercisable by the Greater London Council shall not prevent the exercise of the like powers by the authorities by whom they were exercisable immediately before the passing of this Act.

NOTES

Commencement. Note as to the commencement of this section, sub-s. (5) thereof.

Greater London; Greater London Council. See s. 2, *ante*.

London boroughs. See s. 1, *ante*.

Adjoining. "Adjoin has been described as a larger word than "front" or "abut"; see *Lightbound v. Higher Bebington Local Board* (1885), 16 Q.B.D. 577, C.A., at p. 584, *per* Bowen, L.J. Yet, its primary and exact meaning is "conterminous", though it is also used in a looser sense as meaning "near" or "neighbouring"; see *New Plymouth Borough Council v. Taranaki Electricity-Power Board*, [1933] A.C. 680, P.C., at p. 682; and see also in particular, *Buckinghamshire County Council v. Trigg*, [1963] 1 All E. R. 403.

Passing of this Act. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

Definitions. For "the City", "county", "county review area" and "the Temples", see s. 89 (1), *post*.

Coroners Act 1844 (c. 92). See Vol. 4, p. 820. For s. 5 of that Act, see Vol. 4, p. 820.

Coroners Acts 1887 to 1954. For the Acts which may be cited by this collective title, see the Introductory Note to the Coroners Act 1887 (c. 71), Vol. 4, p. 824.

Coroners Act 1887 (c. 71), s. 27 (2). See Vol. 4, p. 836.

Coroners (Amendment) Act 1926 (c. 59), ss. 2, 8, 12. See Vol. 4, pp. 847, 850, 851.

79. Registration of local land charges.—Subject to any order under section 84 of this Act, as respects any local land charge within the meaning of section 15 of the Land Charges Act 1925 which affects land situated in any London borough or in the City, the proper officer to act as local registrar under that section shall, as from 1st October 1964, be the clerk, or the person for the time being authorised to act as clerk, of the council of that London borough or, as the case may be, the town clerk, or the person for the time being authorised to act as town clerk, of the City.

NOTES

London borough. See s. 1, *ante*.

Definitions. For "the City" and "land", see s. 89 (1), *post*.

Land Charges Act 1925 (c. 22), s. 15. See Vol. 20, p. 1088.

80. Compulsory registration of title in and around Greater London.—(1) Notwithstanding anything in section 120 of the Land Registration Act 1925, the registration of title to land shall continue at all times on and after 1st April 1965 to be compulsory on sale—

(a) in any part of Greater London in which immediately before that date such registration was so compulsory; and

(b) in the areas comprised in the existing urban districts of Potters Bar, Staines and Sunbury-on-Thames.

(2) Her Majesty may by Order in Council declare as respects any other part of Greater London specified in the Order that registration of title to land is to be compulsory on sale on and after such date as may be so specified; and nothing in section 122 of the said Act of 1925 shall apply to the making of an Order under this subsection.

(3) Nothing in any Order under subsection (2) of this section shall render compulsory the registration of the title to an incorporeal hereditament or to mines and minerals apart from the surface, or to corporeal hereditaments parcel of a manor and included in the sale of a manor as such.

(4) As soon as the registration of title to land has become compulsory on sale in the whole of Greater London as for the time being constituted at any time on or after 1st April 1965, any area which subsequently becomes part of Greater London shall be deemed to be included in an Order under subsection (2) of this section.

(5) The registration of title to land shall continue to be compulsory on sale in any area by virtue of subsection (1) (a), (2) or (4) of this section notwithstanding that the area in question ceases to be part of Greater London.

(6) Section 123 of the said Act of 1925 (which relates to the effect of that Act in areas where registration is compulsory) shall have effect as if the provisions of subsection (1) of this section were contained in an Order in Council; and section 124 of that Act (which provides that Part XI of that Act shall bind the Crown) shall have effect as if this section were included in the said Part XI.

NOTES

Sub-s. (1): Greater London. See s. 2 (1), *ante*.

Definitions. For "existing" and "land", see s. 89 (1), *post*.

Land Registration Act 1925 (c. 21), Part XI, ss. 120, 122, 123, 124. See Vol. 20, pp. 1040, 1041, 1043, 1044.

Order in Council under this section. No Order in Council had been made under this section up to 14th November 1963.

The power to make an Order in Council is exercisable by statutory instrument; see the Statutory Instruments Act 1946 (c. 36), s. 1 (1), Vol. 24, p. 441.

81. Charities in Greater London.—(1) Where immediately before 1st April 1965 any property (not being property to which section 57 (2) of this Act applies) was held exclusively for charitable purposes by the London or Middlesex county council as sole trustee, that property shall on that date vest in the Greater London Council for the like purposes, so, however, that where that property was so held by the London county council for the purposes of a charity registered in the register established under section 4 of the Charities Act 1960 in any part of that register which is maintained by virtue of section 2 of that Act by the Minister of Education, the charity trustees on and after that date shall be the Inner London Education Authority.

(2) Where immediately before 1st April 1965 any property was held exclusively for charitable purposes as sole trustee by any existing council to whom section 3 (1) (b) of this Act applies other than the London or Middlesex county council, that property shall on that date vest for the like purposes in the council of the appropriate London borough, that is to say, the London

borough whose area includes the whole or the greater part of the area of the existing council in question.

(3) Where immediately before 1st April 1965 any power with respect to any charity, not being a charity incorporated under the Companies Acts or by charter, was under the trusts of the charity or by virtue of section 37 (5) (c) of the said Act of 1960 vested in, or in the holder of any office connected with, any such existing council as aforesaid, that power shall at that date vest in, or in the holder of the corresponding office connected with, the council of the appropriate London borough aforesaid.

(4) Where under the trusts of any charity established for purposes which are by their nature or by the trusts of the charity directed wholly or mainly to the benefit of an area which falls wholly or mainly within Greater London, not being a charity incorporated as aforesaid, any power with respect to that charity was immediately before 1st April 1965 vested in, or in the holder of any office connected with, the London, Middlesex, Essex, Hertfordshire, Kent or Surrey county council, then, if the conditions specified in paragraph (a) or (b) of this subsection are satisfied, that power shall on that day vest in, or in the holder of the corresponding office connected with, the authority specified in that paragraph, that is to say—

- (a) if that area falls wholly or mainly within a single London borough and, where that borough is an inner London borough, the charity was immediately before that date registered in the register aforesaid in any part thereof which is maintained by the Charity Commissioners but not in any part thereof which is maintained as aforesaid by the Minister of Education, the council of that borough;
- (b) if the conditions specified in the foregoing paragraph are not satisfied but that area falls wholly or mainly within the Inner London Education Area, and subject to the next following subsection, the Inner London Education Authority.

(5) Where under subsection (4) (b) of this section any power vests or is to vest in, or in the holder of any office connected with, the Inner London Education Authority, that Authority or, as the case may be, the holder of that office may, with the consent of the Charity Commissioners and of the council or office-holder nominated, nominate for the purposes of this subsection the council of any inner London borough or, as the case may be, the holder of the corresponding office connected with any such council, and thereupon, or, if the nomination is made before 1st April 1965, on that date, that power shall vest in that council or, as the case may be, in the holder of that corresponding office.

(6) Where under the trusts of any charity, not being a charity incorporated as aforesaid, any power with respect to that charity was immediately before 1st April 1965 vested in, or in the holder of any office connected with, the London or Middlesex county council and neither paragraph (a) nor paragraph (b) of subsection (4) of this section applies, that power shall vest in, or in the holder of the corresponding office connected with, such of the following authorities, that is to say, the councils of the London boroughs, the Greater London Council and the Inner London Education Authority, as the charity trustees may not later than 1st April 1967 with the consent of that council or, as the case may be, of the holder of that corresponding office appoint or, in default of such appointment, as may be appointed by the Charity Commissioners or, in the case of an exempt charity, by the Minister.

(7) References in the foregoing provisions of this section to a power with respect to a charity shall not include references to any power of any person

by virtue of being a charity trustee thereof; but where under the trusts of any charity, not being a charity incorporated as aforesaid, the charity trustees immediately before 1st April 1965 included the holder of an office connected with any council to whom section 3 (1) (b) of this Act applies, then, as from that date, those trustees shall instead include the holder of such office connected with such of the following authorities, that is to say, the councils of the London boroughs, the Greater London Council and the Inner London Education Authority, as the Charity Commissioners may appoint.

(8) Nothing in the foregoing provisions of this section shall affect any power of Her Majesty, the court or any other person to alter the trusts of any charity.

(9) As from 1st April 1965—

- (a) sections 6, 10, 11 and 12 of the said Act of 1960 shall apply to the Greater London Council and to the Inner London Education Authority as if Greater London or, as the case may be, the Inner London Education Area were a county and that Council or, as the case may be, Authority were the council of that county and, for the purposes of subsection (4) of the said section 10, as if for the reference to any county district there were substituted a reference to any London borough;
- (b) the said sections 10 and 11 shall apply to the City as if it were a London borough and the Common Council were the council of that borough;
- (c) in Schedule 3 to that Act any reference to the county of London shall be construed as a reference to Greater London.

(10) In this section, the expressions "charitable purposes", "charity", "charity trustees", "exempt charity", "court" and "trusts" have the same meanings respectively as in the said Act of 1960.

NOTES

Sub-s. (1): London or Middlesex county council. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Greater London Council. See s. 2, *ante*.

Sub-s. (2): London borough. See s. 1, *ante*.

Sub-s. (4): Greater London. See s. 2 (1), *ante*.

Charity Commissioners. The constitution, etc., of the Charity Commissioners are governed by the Charities Act 1960 (c. 58), s. 1 and Sch. 1, Vol. 40, pp. 123, 178.

Sub-s. (9): County district. See the note to s. 3, *ante*.

Definitions. By virtue of sub-s. (10) of this section, for "charitable purposes", "charity trustees", "the court" and "trusts", see the Charities Act 1960 (c. 58), s. 46, Vol. 40, p. 174, for "charity", see s. 45 (1), (2) of that Act, Vol. 40, p. 173, and for "exempt charity", see s. 45 (1) of that Act. For "the City", "the Common Council", "county", "existing", "Inner London Education Area", "Inner London Education Authority" and "the Minister", see s. 89 (1), *post*; for "inner London borough", see s. 1 (1) (a), *ante*.

Charities Act 1960 (c. 58), ss. 2, 4, 6, 10, 11, 12, 37 (5) (c), Sch. 3. See Vol. 40, pp. 124, 127, 130, 135, 136, 137, 167, 180. Ss. 6 (8) and 10 (7) are partly repealed as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*.

General

82. Exercise of functions as respects the Temples.—(1) Her Majesty may at any time, whether before or after 1st April 1965, by Order in Council coming into force not earlier than that date provide that any functions exercisable as respects a London borough by the council of that borough, not being functions for the exercise of which as respects the Temples specific provision is made elsewhere in this Act and, without prejudice to the

foregoing provision, not being functions for which provision is made by Part V or VI of this Act, shall be exercisable—

- (a) as respects the Inner Temple by the Sub-Treasurer thereof and as respects the Middle Temple by the Under-Treasurer thereof; or
- (b) as respects both the Temples by the Common Council.

(2) Any Order in Council under this section may make such incidental, consequential, transitional or supplementary provision as appears to Her Majesty to be necessary or proper for the purposes or in consequence of any of the provisions of the Order, including provision—

- (a) applying any enactment relating to the functions in question (including any enactment in this Act or in any other Act passed during the same session as this Act) to the Inner Temple or the Middle Temple;
- (b) modifying any such enactment in its application thereto;
- (c) excluding the application of any such enactment thereto;
- (d) repealing any such enactment applying thereto.

(3) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any expenses incurred by the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple under this Act or any enactment applied to the Temples by or under this Act may be defrayed out of a rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

NOTES

London borough. See s. 1, *ante*.

Appears. Cf. the note "Appear" to s. 1, *ante* (but note sub-s. (3) of this section).

Passed during the same session, etc. See the note to s. 4, *ante*.

Annulment. Cf. the note to s. 23, *ante*.

Definitions. For "the Common Council", "functions" and "the Temples", see s. 89 (1), *post*.

Orders in Council under this section. No Order in Council had been made under this section up to 14th November 1963.

See also the second paragraph of the note to s. 80, *ante*.

83. Other adaptations of enactments.—(1) As from 1st April 1965, the enactments specified in Schedule 17 to this Act shall have effect subject to the provisions of that Schedule, being provisions necessary or expedient in consequence of other provisions of this Act.

(2) Her Majesty may at any time, whether before or after 1st April 1965, in any case where it appears to Her appropriate in consequence of the provisions of this Act, by Order in Council coming into force not earlier than 1st April 1965 make such further modifications of any enactment contained in any other public general Act passed before 1st April 1965 (not being an Act passed with respect only to the whole or part of the existing county of London) as may appear to Her to be necessary to make that enactment apply—

- (a) in relation to Greater London or the Greater London Council as it applies in relation to, or to the council of, a county (or a particular county to which section 3 (1) (b) of this Act applies); or
- (b) in relation to a London borough or the council thereof or, as the case may be, in relation to the City or the Common Council, as it applies in relation to, or to the council of, a county borough (or a particular county borough to which the said section 3 (1) (b) applies); or

- (c) in relation to a London borough or the council thereof as it applies in relation to, or to the council of, a metropolitan borough (or a particular metropolitan borough),

or, in the case of an enactment conferring on the London county council power to appoint members of any body, to make that power exercisable by some body appearing to Her to be representative of all or any of the councils of the London boroughs and the Common Council or by the Inner London Education Authority; but no such Order shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

NOTES

County of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Appear. Cf. the note to s. 1, *ante* (but note that the Order in Council is subject to the "positive resolution" procedure).

Greater London; Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

County borough. See the note to s. 4, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

London County Council. See the note to s. 4, *ante*.

Laid before . . . Parliament. See the note to s. 6, *ante*.

Definitions. For "the City", "the Common Council", "county", "existing" and "Inner London Education Authority", see s. 89 (1), *post*; for "inner London borough", see s. 1 (1) (a), *ante*.

Orders in Council under this section. No Order in Council had been made under this section up to 14th November 1963.

See also the second paragraph of the note to s. 80, *ante*.

84. Supplementary and transitional provision.—(1) The Minister or any appropriate Minister may at any time, whether before or after 1st April 1965, by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such incidental, consequential, transitional or supplementary provision as may appear to him—

- (a) to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto; or
- (b) to be necessary or proper in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to Greater London or any authority therein or any other area or authority affected by Part I of this Act;

and nothing in any provision of this Act shall be construed as prejudicing the generality of this subsection.

- (2) Any such order may in particular include provision—

- (a) with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities;
- (b) with respect to the membership of any body so far as that membership consists of persons elected by, or appointed by or on the nomination of—
- (i) any council affected by Part I of this Act; or
- (ii) any two or more bodies who include such a council;
- (c) for applying, amending or repealing or revoking, with or without savings, any Act passed or any instrument under an Act made before 1st April 1965;

- (d) for requiring the council of any London borough, with a view to securing that the introduction of a general rate of uniform amount per pound of rateable value throughout the borough is gradual, to make and levy during a limited period beginning on 1st April 1965 differential rates determined by reference to the circumstances of the existing rating areas and parts of such areas included in the borough;
- (e) for any of the matters specified in section 148 (1) (a) to (h) and (2) of the Local Government Act 1933;
- (f) for anything duly done before 1st April 1965 by any authority in the exercise of functions which on and after that date become functions of some other authority to be deemed as from that date to have been duly done by that other authority, and for any instrument made before that date, if or so far as it was made in the exercise of those functions, to continue in force on and after that date until varied or revoked in the exercise of those functions by that other authority.

(3) The provision which may be made by virtue of paragraph (e) of the last foregoing subsection shall include the making, in relation to any association mentioned in section 2 of the Auxiliary Forces Act 1953, of the like provision as may be made in relation to a public body under section 148 (1) (a) to (h) of the Local Government Act 1933, including provision for continuing in existence any such association and the area for which it is established or authorising the establishment of any such association under the said Act of 1953 for the whole or any part of Greater London and in either case for the appointment of a president and vice-president of any such association.

(4) Notwithstanding anything in the foregoing provisions of this section, the Minister shall not make an order under this section (or this section as extended by section 87 of this Act) affecting any Act or instrument applying only to the City (with or without the Temples) or to things or persons connected therewith except after consultation with the Common Council.

(5) Section 151 of the said Act of 1933 (which relates to financial adjustments by agreement between public bodies affected by any alteration of areas or authorities made by an order under Part VI of that Act) shall apply for the purposes of this Act as if the reference to such an order included a reference to any provision of, or of any instrument made under, this Act.

(6) The provisions of Part I of this Act shall not affect the liability of any person whose name was immediately before 1st April 1965 included in a jurors book for any county or other area to serve on a jury for that area, and any such person (unless duly exempted or excused) shall, so long as the jurors book in which his name was then included remains in force for any area affected by the said Part I, continue to be liable to serve on a jury for that area.

NOTES

General Note. This section should be read in conjunction with s. 38 (2), *ante*, as to agreements, etc., relating to trade effluents, s. 85, *post*, as to transfer and compensation of officers, s. 87, *post*, as to local Acts, etc., in and around Greater London, and Sch. 11, Part I, para. 15 (5), *post*, as to refuse.

Sub-s. (1): Annulment. Cf. the note to s. 23, *ante*.

Appear. Cf. the note to s. 1, *ante* (but note sub-s. (1) of this section).

Passed in the same session, etc. See the note "Passed during the same session, etc." to s. 4, *ante*.

Greater London. See s. 2 (1), *ante*.

Sub-s. (2): London borough. See s. 1, *ante*.

Sub-s. (4): Consultation. See the note "Consult" to s. 7, *ante*.

Joint committees of existing councils. For provisions as to joint committees of existing councils for consideration of certain matters, see s. 86, *post*.

Definitions. For "appropriate Minister", "the City", "the Common Council", "county", "existing", "functions", "the Minister" and "the Temples", see s. 89 (1), *post*.

Local Government Act 1933 (c. 51), ss. 148, 151. See Vol. 14, pp. 430, 434.

Auxiliary Forces Act 1953 (c. 50). See Vol. 33, p. 679. For s. 2 of that Act, see Vol. 33, p. 681.

Orders under this section. No order had been made under this section up to 14th November 1963.

For provisions as to orders, see s. 90, *post*; and note sub-s. (1) of this section.

85. Transfer and compensation of officers.—(1) Any order under section 6 or 84 of this Act may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order, the holder of any place, situation or employment and who is affected by any provision of, or of any instrument made under, this Act, and shall contain provisions for the protection of the interests of such persons.

(2) In the case of any person who on 31st March 1965 is in the employment of one or more local authorities who are or include a council to whom section 3 (1) (b) of this Act applies, being employment which, or which in the aggregate, is whole-time employment, the Minister shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 3 (1) (b), that person would apart from the order cease on 1st April 1965 to be in employment which, or which in the aggregate, would be whole-time employment by one or more local authorities, that person is transferred on 1st April 1965 to the employment of such local authority as may be specified in or determined under the order.

(3) The provision required by subsection (1) or (2) of this section or by section 24 (7) of this Act shall include such provision with respect to any person who is transferred under this Act (or, as the case may be, in pursuance of any agreement under the said section 24 (7)) from the employment of one authority to that of another as to secure that—

(a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those he enjoyed immediately before the date of transfer; and

(b) the said new terms and conditions are such that—

(i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and

(ii) the other terms and conditions of his employment, are not less favourable than those he enjoyed immediately before the date of transfer.

(4) The appropriate Minister shall by regulations make provision for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument (including

any agreement under section 24 (7)) made under this Act; and any such regulations—

- (a) may include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations; and
- (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) The Minister, after consulting with such bodies representative of local authorities or of staff employed by local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, shall not later than one month after the passing of this Act establish a staff commission for the purpose of—

- (a) considering and keeping under review the arrangements for the recruitment of staff by the Greater London Council and the London borough councils and for the transfer in consequence of the provisions of this Act or any instrument made thereunder of staff employed by other local authorities affected by Part I of this Act;
- (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Minister; and
- (c) advising the Minister on the steps necessary to safeguard the interests of such staff;

and the Minister may give directions to the commission as to their procedure and to any local authority (including any existing local authority) in Greater London with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by such authorities of any expenses incurred in connection with the commission.

NOTES

Sub-s. (1): Any order, etc. Sub-s. (1) may be compared with the Local Government Act 1933 (c. 51), s. 150 (1) (other than para. (b) thereof), Vol. 14, p. 432.

Sub-s. (4): The appropriate Minister, etc. Sub-s. (4) may be compared with the Local Government Act 1948 (c. 26), s. 140, Vol. 14, p. 679.

Annulment. Cf. the note to s. 23, *ante*.

Sub-s. (5): Consulting. See the note "Consult" to s. 7, *ante*.

Appear. Cf. the note to s. 1, *ante*.

Consultation. See the note "Consult" to s. 7, *ante*.

Passing of this Act. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

Greater London Council. See s. 2, *ante*.

London borough councils. Cf. s. 1, *ante*.

Greater London. See s. 2 (1), *ante*.

Joint committees of existing councils. For provisions as to joint committees of existing councils for consideration of certain matters, see s. 86, *infra*.

Definitions. For "appropriate Minister", "existing" and "the Minister", see s. 89 (1), *post*.

Order and regulations under this section. No order or regulations had been made under this section up to 14th November 1963.

For provisions as to orders and regulations, see s. 90, *post*; and note sub-s. (4) of this section.

86. Joint committees of existing councils for consideration of certain matters.—(1) In the case of any London borough other than the borough numbered 29 in Part I of Schedule 1 to this Act, for the purpose of the consideration of the matters to be included in the borough's charter or

incorporation order or to be dealt with under section 84, 85 (5) or 87 (2) of this Act, the councils of the existing boroughs, metropolitan boroughs or urban districts which, or parts of which, are to be included in that London borough, and the council of any existing county in which the whole or any part of the area of that London borough is situated, may, and within four weeks of being so required by the Minister shall, appoint such number of representatives respectively to a joint committee for the purpose as may be agreed between those councils, or, in default of such agreement, determined by the Minister.

(2) For the purpose of the consideration of the matters in connection with the establishment of the Greater London Council to be dealt with under section 84, 85 (5) or 87 (2) of this Act the councils of the existing counties and county boroughs whose areas lie wholly or partly within Greater London may, and within four weeks of being so required by the Minister shall, appoint such number of representatives respectively to a joint committee for the purpose as may be agreed between those councils or, in default of such agreement, determined by the Minister.

(3) Any expenses incurred by any joint committee established under this section shall be defrayed by the councils represented thereon in such proportions respectively as may be agreed between them, or in default of such agreement, determined by the Minister.

NOTES

London borough. See s. 1, *ante*.

Metropolitan boroughs. See the note to s. 3, *ante*.

Greater London Council. See s. 2, *ante*.

County boroughs. See the note "County borough" to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Definitions. For "county", "existing" and "the Minister", see s. 89 (1), *post*; for "incorporation order", see s. 1 (3), *ante*.

87. Local Acts and instruments in and around Greater London.

—(1) Subject to the provisions of this Act and any Act passed after this Act and before 1st April 1965 and of any order under section 84 of this Act or this section, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—

(a) notwithstanding the changes of administrative areas and abolition of local authorities effected by Part I of this Act and, in the case of an instrument made under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after that date to, but only to, the area, things or persons to which or to whom it applies before that date;

(b) have effect subject to any necessary modifications, including in particular—

(i) in the case of a Greater London statutory provision, the substitution for any reference to an existing county borough, metropolitan borough or county district situated wholly or partly within Greater London or the council thereof of a reference to so much of the London borough or boroughs as comprise that existing borough or district or any part thereof or, as the case may be, the council of that London borough or the councils of those London boroughs;

- (ii) in the case of an urban district statutory provision, the substitution for any reference to the county of Middlesex or the council thereof of a reference to the county in which the district in question is included by virtue of this Act or, as the case may be, the council of that county;

but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.

(2) An order made under section 84 of this Act by any Minister may—

- (a) repeal or revoke any Greater London statutory provision which appears to that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies;
- (b) transfer to any authority appearing to that Minister to be appropriate any functions of an existing local authority under a Greater London statutory provision which are not to become functions of some other authority under any provision of this Act except section 84 and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act or exercisable in, or with respect to things or persons connected with, the relevant area by any other existing local authority;
- (c) without prejudice to the last foregoing paragraph, make such modifications of any Greater London statutory provision in its application to any part of the relevant area as appears to that Minister to be expedient;
- (d) extend any such provision, with or without further modifications, to a part of the relevant area to which it did not previously extend.

(3) For the purpose of securing uniformity in the law applicable with respect to any matter in different parts of the relevant area, or in the relevant area or any part thereof and other parts of England and Wales, any appropriate Minister may, after consultation with such of the appropriate councils as appear to the Minister to be interested, by provisional order made after 1st April 1965 amend, repeal or revoke any Greater London statutory provision and extend it, with or without modifications, to a part of the relevant area to which it did not previously extend; and any such order may include such incidental, consequential, transitional or supplementary provision as may appear to the Minister to be necessary or proper for the purposes of the order or in consequence of any provisions thereof.

The appropriate councils for the purposes of this subsection are—

- (a) in relation to sewerage and sewage disposal so far as they concern the sewerage area of the Greater London Council, the Common Council and the councils of the London boroughs and county districts wholly or partly within that area;
- (b) in relation to land drainage, flood prevention and the like matters so far as they concern the London excluded area within the meaning of Schedule 14 to this Act, the Common Council and the councils of the London boroughs and county districts wholly or partly within that area;

- (c) in relation to any matters not falling within paragraphs (a) and (b) of this subsection, the Common Council and the councils of the London boroughs;

and also, in relation to any matter with respect to which the Greater London Council have functions, that Council.

(4) Where any Greater London statutory provision is continued in force in any area by subsection (1) of this section or is amended or modified in its application, or extended, to any area by an order under section 84 of this Act or subsection (3) of this section, any appropriate Minister may by that order or, in the case of a provision continued as aforesaid, by an order under this subsection provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes (including any enactment contained in or applied by this Act), or may make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area.

(5) Any appropriate Minister may by order provide that any Greater London statutory provision continued in force by subsection (1) of this section, being a provision of an instrument made under an enactment, shall cease to have effect, either generally or as respects any area, persons or things specified in the order, at the end of a period so specified.

(6) Any order under subsection (4) or (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(7) No order shall be made as respects any part of Greater London after the passing of this Act under section 303 of the Public Health Act 1875 or any other enactment which authorises the making in relation to any local statutory provision of provision corresponding to that which may be made in relation thereto by an order under section 84 of this Act or this section:

Provided that the foregoing provisions of this subsection shall not affect—

- (a) any order made under any such enactment before the passing of this Act; or
(b) the power of the Minister to make an order under section 82 of the Public Health Act 1961 with respect to any provision which appears to him to be inconsistent with, or unnecessary in consequence of, any provision of Part II of that Act as regards building regulations.

(8) This section applies to any local statutory provision in force immediately before 1st April 1965 and not expressly repealed or revoked by this Act, being a provision—

- (a) applying to any part of the relevant area or to things or persons connected with a part of the relevant area; or
(b) conferring on an existing local authority abolished by this Act functions the exercise of which is not restricted to a part of Greater London or to things or persons connected therewith; or
(c) applying to the urban district of Potters Bar, Staines or Sunbury-on-Thames or to things or persons connected with one of those districts.
(9) In this section—

“the relevant area” means Greater London except that—

- (a) in relation to sewerage and sewage disposal, it includes so much of any county district as is in the sewerage area of the Greater London Council;

(b) in relation to land drainage, flood prevention and the like matters, it includes so much of any county district as is in the London excluded area within the meaning of Schedule 14 to this Act;

“ Greater London statutory provision ” means any statutory provision to which this section applies, being a provision mentioned in subsection (8) (a) or (b) of this section;

“ local authority ” means the council of a county, county borough, metropolitan borough or county district or the Common Council or any joint committee, joint board, joint authority or other combined body all the members of which are representatives of any such council;

“ urban district statutory provision ” means any statutory provision to which this section applies, being a provision mentioned in subsection (8) (c) of this section.

NOTES

Sub-s. (1): Passed after this Act. This Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

County borough. See the note to s. 3, *ante*.

Metropolitan borough. See the note “ Metropolitan boroughs ” to s. 3, *ante*.

County district. See the note to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

London borough. See s. 1, *ante*.

County of Middlesex. Cf. the note “ Counties of London and Middlesex ” to s. 3, *ante*.

Sub-s. (2): Appears; appearing. Cf. the note “ Appear ” to s. 1, *ante* (but note s. 84 (1), *ante*).

Sub-s. (3): Consultation. See the note “ Consult ” to s. 7, *ante*.

Appear. Cf. the note to s. 1, *ante* (but note that, under the Local Government Act 1933 (c. 51), s. 285 (1), Vol. 14, p. 501, the order is subject to confirmation by Parliament).

Greater London Council. See s. 2, *ante*.

Sub-s. (6): Annulment. Cf. the note to s. 23, *ante*.

Sub-s. (7): Passing of this Act. See the note “ Passed after this Act ” above.

Sub-s. (9): London excluded area. For meaning in Sch. 14, *post*, see para. 15 (3) thereof.

Joint committees of existing councils. For provisions as to joint committees of existing councils for consideration of certain matters, see s. 86, *ante*.

Definitions. For “ appropriate Minister ”, “ the Common Council ”, “ county ”, “ existing ”, “ functions ”, “ local statutory provision ”, “ Minister ”, “ the Minister ” and “ sewerage area of the Greater London Council ”, see s. 89 (1), *post*. Note as to “ Greater London statutory provision ”, “ local authority ”, “ the relevant area ” and “ urban district statutory provision ”, sub-s. (9) of this section.

Public Health Act 1875 (c. 55), s. 303. See Vol. 19, p. 106.

Public Health Act 1961 (c. 64), Part II, s. 82. See Vol. 41, pp. 863, 922.

88. General provision as to inquiries.—(1) Any Minister may cause a local inquiry to be held for the purpose of any of his functions under this Act in any case where there is no duty and no power apart from this section to hold an inquiry.

(2) Section 290 (2) to (5) of the Local Government Act 1933 (which subsections relate to the giving of evidence at inquiries and the payment of costs) shall apply to any local inquiry caused to be held for the purposes of this Act by any Minister as if that Minister were a department for the purposes of that section, but shall not apply to any such inquiry so far as some other provision with respect to the subject-matter of those subsections is applicable to that inquiry by virtue of any other enactment.

NOTES

Definitions. For " functions " and " Minister ", see s. 89 (1), *infra*.
Local Government Act 1933 (c. 51), s. 290. See Vol. 14, p. 503.

89. Interpretation.—(1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

- " appropriate Minister ", in relation to the making of an order or regulation with respect to any matter, means the Minister in charge of any government department concerned with that matter; but the validity of any order or regulation purporting to be made by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;
- " the City " means the City of London;
- " the Common Council " means the Common Council of the City of London;
- " county " means an administrative county;
- " county review area " in relation to the county of Essex, Hertfordshire, Kent or Surrey, means the area with respect to which, by virtue of section 3 (2) of this Act, a county review by the council of that county under section 28 of the Local Government Act 1958 may for the time being be made;
- " existing " in relation to a local government area or authority, means that area or authority as it existed immediately before the passing of this Act;
- " functions " includes powers and duties;
- " Inner London Education Area " and " Inner London Education Authority " have the meanings respectively assigned to them by section 30 (1) of this Act;
- " land " includes land covered by water and any interest or right in, to or over land;
- " local statutory provision " means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to the whole or part of the existing county of London or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;
- " metropolitan road " means a road for the time being designated by or under section 17 of this Act as a metropolitan road;
- " Minister " includes the Board of Trade;
- " the Minister " means the Minister of Housing and Local Government;
- " Port of London " means the port of that name established for the purposes of the enactments relating to customs or excise;
- " relevant year of election " means the first year of election occurring after the first Order in Council is made after the passing of this Act under the House of Commons (Redistribution of Seats) Act 1949 giving effect to a report of the Boundary Commission for England under that Act with respect to the parliamentary constituencies situated wholly or partly in Greater London; and for the purposes of this definition " year of election " means the year 1967 or any third year thereafter;

“sewerage area of the Greater London Council” has the meaning assigned to it by section 39 of this Act;
 “the Temples” means the Inner Temple and the Middle Temple.

(2) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.

(3) References in any other Act to any enactment modified by this Act shall, except when the context otherwise requires, be construed as a reference to that enactment as so modified.

NOTES

Common Council of the City of London. See the note to s. 29, *ante*.

Passing of this Act. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

County of London. Cf. the note “Counties of London and Middlesex” to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Local Government Act 1958 (c. 55), s. 28. See Vol. 38, p. 637.

House of Commons (Redistribution of Seats) Act 1949 (c. 66). See Vol. 8, p. 564.

90. Orders, rules and regulations.—Any power to make orders, rules or regulations conferred by this Act on any Minister shall be exercisable by statutory instrument, and any power to make an order under any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.

NOTES

Minister. This includes the Board of Trade; see s. 89 (1), *ante*.

Statutory instrument. See the note to s. 10, *ante*.

91. Expenses.—(1) There shall be defrayed out of moneys provided by Parliament—

- (a) any expenses incurred by any Minister under this Act; and
- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

(2) Any sums received by any Minister under this Act shall be paid into the Exchequer.

NOTE

Minister. This includes the Board of Trade; see s. 89 (1), *ante*.

92. Amendment of House of Commons Disqualification Act 1957.
 —(1) The House of Commons Disqualification Act 1957 shall be amended in accordance with the following provisions of this section.

(2) In Part II of Schedule 1, in its application to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the South of Scotland Electricity Board there shall be inserted the words “The Staff Commission established under section 85 (5) of the London Government Act 1963”.

(3) In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers—

- (a) after the words " England and Wales " where they first occur there shall be inserted the words " of the Greater London Council ";
- (b) the words " of a metropolitan borough " shall cease to have effect; and
- (c) the words " outside London " shall cease to have effect:

Provided that the repeal made by paragraph (b) of this subsection shall not take effect until 1st April 1965.

NOTES

Greater London Council. See s. 2, *ante*.

Shall cease to have effect. The same repeal as is made by sub-s. (3) (b) is made as from 1st April 1965 by s. 93 (1) and Sch. 18, Part II, *post*, and the same repeal as is made by sub-s. (3) (c) is made by s. 93 (1) and Sch. 18, Part I, *post*.

House of Commons Disqualification Act 1957 (c. 20). For Sch. 1, Parts II and III, to that Act as applicable to the House of Commons of the United Kingdom, see Vol. 37, pp. 854, 857; for Sch. 1, Part III to that Act as applicable to the Parliament of Northern Ireland, see Vol. 37, p. 866.

93. Repeals and savings.—(1) In addition to the repeals by virtue of paragraph 70 of Schedule 6 to this Act, the enactments specified in Schedule 18 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule—

- (a) in the case of the enactments specified in Part I of that Schedule, as from the passing of this Act;
- (b) in the case of the enactments specified in Part II of that Schedule, as from 1st April 1965:

Provided that the repeal of any enactment specified in the said Part I shall not affect the operation of that enactment in relation to an election held on or after the date of the passing of this Act to fill a casual vacancy occurring before that date.

(2) Without prejudice to section 38 (1) of the Interpretation Act 1889, where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes, or applies some other enactment making, corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and, in particular, subject to any order under section 82, 83, 84, 85 or 87 of this Act, references in any enactment other than this Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.

(3) Nothing in this Act shall affect the boundary of the area for the supply of electricity or gas of any Area Board within the meaning of the Electricity Act 1947 or the Gas Act 1948.

(4) Nothing contained in, or done by virtue of, any provision of this Act other than section 84 (2) (b) or paragraph 35 of Schedule 4 shall affect the functions of the conservators of any common.

(5) Any enabling provision contained in this Act shall be deemed to be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of Her Royal prerogative.

NOTES

Passing of this Act. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

Functions. This includes powers and duties; see s. 89 (1), *ante*.

Interpretation Act 1889 (c. 63), s. 38 (1). See Vol. 24, p. 229.

Electricity Act 1947 (c. 54). For the meaning of "Area Board" in that Act, see s. 1 (3) thereof, Vol. 8, p. 919.

Gas Act 1948 (c. 67). For the meaning of "Area Board" in that Act, see s. 1 (1) thereof, Vol. 10, p. 862.

94. Short title, commencement and extent.—(1) This Act may be cited as the London Government Act 1963.

(2) The following provisions of this Act shall not come into force until 1st April 1965, that is to say, Parts II, III, and V to VIII other than sections 17 (6), 48 (2), 62 (4), 66, 69 and 70.

(3) Except for section 4 (4) and section 92 of this Act and the repeals made by this Act in the House of Commons Disqualification Act 1957, the provisions of this Act other than this subsection shall not extend to Scotland; and as from 1st April 1965 in paragraph 8 of Schedule 6 to the Valuation and Rating (Scotland) Act 1956 for the words "the Administrative County of London" there shall be substituted the words "Greater London other than the outer London boroughs".

(4) Except for the said section 92 and the said repeals, the provisions of this Act other than this subsection shall not extend to Northern Ireland.

NOTES

Administrative County of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Outer London boroughs. For meaning of "outer London borough", see s. 1 (1) (b), *ante*.

House of Commons Disqualification Act 1957 (c. 20). See Vol. 37, p. 843.

Valuation and Rating (Scotland) Act 1956. 4 & 5 Eliz. 2 c. 60; not printed in this work.

SCHEDULES

Section 1

SCHEDULE 1

THE LONDON BOROUGHS

PART I

Areas etc. of the London boroughs

1 Reference number of London borough	2 Area by reference to existing administrative areas	3 Initial number of councillors on Greater London Council
1	The metropolitan boroughs of Westminster, Paddington and St. Marylebone.	4
2	The metropolitan boroughs of Hampstead, Holborn and St. Pancras.	3
3	The metropolitan boroughs of Finsbury and Islington.	3

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1 Reference number of London borough	2 Area by reference to existing administrative areas	3 Initial number of councillors on Greater London Council
4	The metropolitan boroughs of Hackney, Shoreditch and Stoke Newington.	3
5	The metropolitan boroughs of Bethnal Green, Poplar and Stepney.	2
6	The metropolitan borough of Greenwich and so much of the metropolitan borough of Woolwich as lies south of the boundary referred to in paragraph 1 of Part II of this Schedule.	3
7	The metropolitan boroughs of Deptford and Lewisham.	4
8	The metropolitan boroughs of Bermondsey, Camberwell and Southwark.	4
9	The metropolitan borough of Lambeth and so much of the metropolitan borough of Wandsworth as lies east of the boundary referred to in paragraph 2 of Part II of this Schedule.	4
10	The metropolitan borough of Battersea and so much of the metropolitan borough of Wandsworth as lies west of the boundary referred to in paragraph 2 of Part II of this Schedule.	4
11	The metropolitan boroughs of Fulham and Hammersmith.	3
12	The metropolitan boroughs of Chelsea and Kensington.	3
13	The boroughs of Chingford, Leyton and Walthamstow.	3
14	The borough of Ilford, the borough of Wanstead and Woodford, so much of the borough of Dagenham as lies north of the boundary referred to in paragraph 3 of Part II of this Schedule, and so much of the urban district of Chigwell as lies south of the boundary referred to in paragraph 4 of the said Part II.	3
15	The borough of Romford and the urban district of Hornchurch.	3
16	So much of the borough of Barking as lies east of the boundary referred to in paragraph 5 of Part II of this Schedule, and so much of the borough of Dagenham as lies south of the boundary referred to in paragraph 3 of the said Part II.	2

1 Reference number of London borough	2 Area by reference to existing administrative areas	3 Initial number of councillors on Greater London Council
17	The county boroughs of East Ham and West Ham, so much of the borough of Barking as lies west of the boundary referred to in paragraph 5 of Part II of this Schedule and so much of the metropolitan borough of Woolwich as lies north of the boundary referred to in paragraph 1 of the said Part II.	3
18	The boroughs of Bexley and Erith, the urban district of Crayford, and so much of the urban district of Chislehurst and Sidcup as lies north of the boundary referred to in paragraph 6 of Part II of this Schedule.	3
19	The boroughs of Beckenham and Bromley, the urban districts of Orpington and Penge, and so much of the urban district of Chislehurst and Sidcup as lies south of the boundary referred to in paragraph 6 of Part II of this Schedule.	4
20	The county borough of Croydon and the urban district of Coulsdon and Purley.	4
21	The borough of Beddington and Wallington, the borough of Sutton and Cheam and the urban district of Carshalton.	2
22	The boroughs of Mitcham and Wimbledon and the urban district of Merton and Morden.	2
23	The borough of Kingston-upon-Thames, the borough of Malden and Coombe and the borough of Surbiton.	2
24	The boroughs of Barnes, Richmond and Twickenham.	2
25	The borough of Brentford and Chiswick, the borough of Heston and Isleworth, and the urban district of Feltham.	3
26	The borough of Uxbridge, the urban district of Hayes and Harlington, the urban district of Ruislip-Northwood, and the urban district of Yiewsley and West Drayton.	3
27	The boroughs of Acton, Ealing and Southall	4
28	The boroughs of Wembley and Willesden	4
29	The borough of Harrow	3
30	The boroughs of Finchley and Hendon, and the urban districts of Barnet, East Barnet and Friern Barnet.	4
31	The boroughs of Hornsey, Tottenham and Wood Green.	3
32	The boroughs of Edmonton, Enfield and Southgate.	3

PART II

Definition of certain boundaries

1. The boundary between the London boroughs numbered 6 and 17 respectively in Part I of this Schedule in the existing metropolitan borough of Woolwich shall be the line for the time being of the centre of the navigable channel of the River Thames at low water.

2. The boundary between the London boroughs numbered 9 and 10 respectively in the said Part I in the existing metropolitan borough of Wandsworth shall be such as the Minister may by order determine on or near the general line of Hazelbourne Road, Cavendish Road, the railway between Balham and Streatham Common stations and the railway between Streatham and Mitcham Junction stations.

3. The boundary between the London boroughs numbered 14 and 16 respectively in the said Part I in the existing borough of Dagenham shall be such as the Minister may by order determine on or near the general line of Billet Road.

4. The boundary of the London borough numbered 14 in the said Part I in the existing urban district of Chigwell shall be a line beginning where the eastern boundary of the railway from Ilford to Woodford crosses the existing urban district boundary and running northwards along that eastern boundary to the southern edge of the footway on the south side of Manor Road, thence north-eastwards along that southern edge to the eastern boundary of No. 251 Manor Road, thence south-eastwards along that eastern boundary and in a straight line in continuation thereof to the northern boundary of the London county council's Hainault estate, thence north-eastwards along that northern boundary to the western edge of the footway on the western side of Romford Road, and thence south-eastwards along that western edge to the point where it crosses the existing urban district boundary.

5. The boundary between the London boroughs numbered 16 and 17 respectively in the said Part I in the existing borough of Barking shall be such as the Minister may by order determine on or near the general line of the River Roding and Barking Creek.

6. The boundary between the London boroughs numbered 18 and 19 respectively in the said Part I in the existing urban district of Chislehurst and Sidcup shall be such as the Minister may by order determine on or near the general line of route A.20.

NOTES

Definitions. For "existing" and "the Minister", see s. 89 (1), *ante*.

Orders under this Part of this Schedule. No order had been made under this Part of this Schedule up to 14th November 1963.

For provisions as to orders, see s. 90, *ante*.

PART III

Division of borough into wards, etc.

1. If at any time the Secretary of State is satisfied as respects any London borough, whether on representations made to him by the council of the borough or otherwise, that there are sufficient grounds for considering an alteration of—

- (a) the number of the wards of the borough; or
- (b) the boundaries of any of those wards; or
- (c) the number of councillors of the borough; or
- (d) the apportionment of those councillors among those wards; or
- (e) the name of any ward,

he shall cause such notices to be given concerning the matter as he may think expedient.

2. The Secretary of State after considering any representations made in consequence of any notice given under the foregoing paragraph—

- (a) if he considers that no inquiry is necessary and is satisfied that an alteration with respect to the matter to which the notice related is desirable, may make provision accordingly by order;
- (b) in any other case, shall appoint a commissioner to hold a local inquiry and to report to the Secretary of State what alterations, if any, such as are mentioned in that paragraph the commissioner recommends should be made with respect to the borough in question.

3. Upon receiving any report by a commissioner appointed under the last foregoing paragraph, the Secretary of State may ask that commissioner for a further report on any matter raised at the inquiry held by him but not dealt with in his report.

4. The commissioner shall cause a copy of any report by him under either of the two last foregoing paragraphs to be sent to the town clerk of the London borough concerned and to any other person who appeared before the commissioner.

5. The Secretary of State may by order give effect to the recommendations of any such commissioner either with or without modifications or may decide that no alteration such as is mentioned in paragraph 1 of this Part of this Schedule shall for the time being be made.

6. Any order made under paragraph (2) (a) or 5 of this Part of this Schedule may contain such incidental, consequential, supplementary or transitional provision as appears to the Secretary of State to be necessary or expedient, including the revocation or amendment of any provision of a London borough's charter or incorporation order which relates to the same matter as the Secretary of State's order.

7. In considering the boundaries of the wards in a London borough, the Secretary of State and any commissioner appointed under this Part of this Schedule shall—

- (a) so far as reasonably practicable, and taking into account any change in the number or distribution of inhabitants of the borough likely to take place within the period of five years immediately following the consideration, ensure that the ratio of the number of local government electors to the number of councillors to be elected is as nearly as may be the same in every ward; and
- (b) have regard—
 - (i) to the desirability of fixing boundaries which are and will remain easily identifiable; and
 - (ii) to any local ties which have been or would be broken by the fixing of any particular boundary.

8. Any expenses incurred by the Secretary of State under this Part of this Schedule in relation to any London borough, excluding (without prejudice to section 88 of this Act) the costs of any local inquiry caused to be held by him, shall, if and to such extent as the Secretary of State so requires, be repaid to him by the council of that borough.

NOTES

General Note. This Part of this Schedule may be compared with the Local Government Act 1933 (c. 51), s. 25, Vol. 14, p. 372 (excluded by s. 8 (2), *ante*, and Sch. 4, para. 9, *post*), and the London Government Act 1939 (c. 40), s. 25 (2)–(7), Vol. 15, p. 1086 (repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*).

Para. 1: Satisfied. See the note to s. 6, *ante*.

London borough. See s. 1, *ante*.

Para. 6: Appears. Cf. the note "Appear" to s. 1, *ante*.

Incorporation order. For meaning, see s. 1 (3), *ante*.

Notices under Sch. 2. Paras. 2–5 of this Part of this Schedule are applied with modifications to certain notices under Sch. 2, *post*, by para. 8 (1) of that Schedule.

SCHEDULE 2

Section 2

CONSTITUTION AND GENERAL FUNCTIONS OF GREATER LONDON
COUNCIL

Chairman, vice-chairman, deputy chairman and aldermen

1.—(1) Subject to sub-paragraph (2) of this paragraph, sections 3 to 7 of the Local Government Act 1933 and section 14 of the Local Government (Miscellaneous Provisions) Act 1953 shall apply in relation to the chairman, vice-chairman and aldermen of the Greater London Council (hereafter in this Schedule referred to as "the Council") as if in those sections—

- (a) for any reference to a county council there were substituted a reference to the Council;
- (b) for any reference to county aldermen or county councillors there were substituted references to aldermen or councillors, as the case may be, of the Council;
- (c) for any reference to the provisions of that Act relating to the retirement of county councillors there were substituted a reference to the provisions of this Schedule relating to the retirement of councillors of the Council.

(2) In their application to the Council, the said provisions of the said Act of 1933 shall have effect subject to the following modifications, that is to say—

- (a) section 3 (5) and section 5 (3) from "except" onwards shall be omitted;
- (b) section 6 (2) shall have effect as if for the words "one-third" and "three" wherever those words occur there were substituted respectively the words "one-sixth" and "six";
- (c) the reference in section 6 (4) to those who have been aldermen for the longest time without re-election shall in relation to the year 1967 be construed as a reference to those of the first aldermen of the Council who were elected by the smallest number of votes; and if it is necessary to decide between two or more of those aldermen who received an equal number of votes, the choice shall be made by drawing lots at, and under the direction of the person presiding at, the annual meeting of the Council for 1964.

(3) The Council may appoint a member thereof to be deputy chairman thereof, and section 5 (2) and (3) of the said Act of 1933 shall apply in relation to the deputy chairman as they apply in relation to the vice-chairman of the Council.

NOTES

Greater London Council. See s. 2, *ante*.

Local Government Act 1933 (c. 51), ss. 3-7. See Vol. 14, pp. 362 *et seq.*

Local Government (Miscellaneous Provisions) Act 1953 (c. 26), s. 14. See Vol. 33, p. 364.

Councillors

2. Councillors of the Council shall be elected by the local government electors for Greater London in manner provided by this Act and Part I of the Representation of the People Act 1949.

3.—(1) The term of office of councillors of the Council shall be three years, and they shall retire together in the year 1967 and each third year thereafter.

(2) The day on which councillors of the Council retire as aforesaid shall be—

- (a) in any year before the relevant year of election, the fourth day after the day of election;
- (b) in the relevant year of election and any subsequent year, the ordinary day of retirement of borough councillors in England and Wales;

and the newly elected councillors of the Council shall come into office on the day on which their predecessors retire.

4. For the purposes of any election of councillors of the Council before the ordinary election in the relevant year of election, each of the London boroughs other than the borough numbered 1 in Part I of Schedule 1 to this Act (hereafter in this Schedule referred to as "borough 1") shall form an electoral area returning the aggregate number of councillors specified in relation to that borough in column 3 of the said Part I, and borough 1 together with the City and the Temples shall form an electoral area returning the aggregate number of councillors specified in relation to borough 1 in the said column 3.

5. For the purposes of the ordinary election of councillors of the Council in the relevant year of election and any subsequent election of such councillors, each London borough other than borough 1, and borough 1 together with the City and the Temples, shall be divided into such electoral areas each returning one councillor as the Secretary of State, after causing such notices to be given concerning the matter as he thinks expedient, may direct by order (being, except in the case of a borough or other area falling within paragraph 7 (1) (b) of this Schedule, an order by virtue of paragraph 8 (1) of this Schedule); and there shall be a separate election of a councillor for each of those areas.

6. If at any time the Secretary of State is satisfied, whether on representations made to him by the council of a London borough, or by the Greater London Council, or, in relation to borough 1, by the Common Council, or otherwise, that there are sufficient grounds for considering an alteration—

- (a) in the number of councillors of the Greater London Council to be elected for any such borough, or, in the case of borough 1, for that borough together with the City and the Temples; or
- (b) in the boundaries within any such boroughs of any of the electoral areas into which the borough is for the time being divided for the purpose of the election of those councillors; or
- (c) of the name of any of those electoral areas,

he may, after causing such notice to be given concerning the matter as he thinks expedient, by order (being, except in the case of a borough or other area falling within paragraph 7 (1) (b) of this Schedule, an order by virtue of paragraph 8 (1) of this Schedule) make any such alteration as aforesaid.

7.—(1) In considering for the purposes of paragraphs 5 and 6 of this Schedule the boundaries of any electoral area or the number of councillors of the Council to be elected for any borough or other area, the Secretary of State and, so far as those matters fall to be considered by him, any commissioner appointed by virtue of paragraph 8 of this Schedule—

- (a) shall ensure that the whole of the City and the Temples is included with part of borough 1 in the same electoral area and that each other electoral area lies wholly within a single London borough;
- (b) shall ensure that where a London borough does not include any part of a parliamentary constituency of which part is included in some other London borough, county borough or county district, each parliamentary constituency within the borough shall be an electoral area; and
- (c) in any case not falling within paragraph (b) of this sub-paragraph shall, subject to paragraph (a) thereof, ensure, so far as reasonably practicable and taking into account any change in the number or distribution of the inhabitants of Greater London likely to take place within the period of five years immediately following the consideration—
 - (i) that the number of local government electors in any one electoral area in the borough is as nearly as may be the same as the number of such electors in the other electoral areas in the borough and, so far as the operation of the other provisions of this paragraph permits, the same as the average number of such electors in each electoral area of Greater London; and
 - (ii) subject to sub-paragraph (i) of this paragraph, that each electoral area in the borough consists of two or more complete wards of the borough;

and shall have regard to the desirability of fixing boundaries which are easily identifiable and to any local ties which have been or would be broken by the fixing of any particular boundary.

(2) For the purposes of sub-paragraph (1) (b) and (c) of this paragraph, the City and the Temples shall be deemed to form part of borough 1, and to constitute a complete ward of that borough.

(3) For the purposes of sub-paragraph (1) (c) of this paragraph, the average number of local government electors in each electoral area in Greater London on any date shall be taken to be a number obtained by dividing the aggregate number of local government electors registered on that date in the several registers of local government electors for Greater London by the number of electoral areas in Greater London existing on that date.

8.—(1) Paragraphs 2 to 5 of Part III of Schedule 1 to this Act shall apply in relation to a notice given under paragraph 5 or 6 of this Schedule (other than a notice relating only to a borough or other area falling within paragraph 7 (1) (b) of this Schedule) as they apply in relation to a notice under paragraph 1 of the said Part III, and accordingly—

- (a) any reference in the said paragraphs 2 to 5 to the said paragraph 1 shall include a reference to paragraph 5 or, as the case may be, 6 of this Schedule (except so far as that paragraph relates to any such borough or other area as aforesaid); and
- (b) the reference in paragraph 4 of the said Part III to the town clerk of the borough concerned shall include a reference to the clerk to the Greater London Council.

(2) Any order made under paragraph 5 or 6 or by virtue of paragraph 8 (1) of this Schedule may contain such incidental, consequential, supplementary or transitional provision as appears to the Secretary of State to be necessary or expedient.

(3) Any expenses incurred by the Secretary of State by virtue of paragraphs 5 to 8 of this Schedule, excluding (without prejudice to section 88 of this Act) the costs of any local inquiry caused to be held by him, shall, if and to such extent as the Secretary of State so requires, be repaid to him by the Council.

9. Except in the exercise of a casting vote when presiding over a meeting of the Council or a committee thereof—

- (a) a councillor of the Council elected for an electoral area which includes the City and the Temples shall not vote at any such meeting on any matter involving only expenditure on account of which no part of the City, the Temples or borough 1 is for the time being liable to be charged; and
- (b) a councillor of the Council elected for any other electoral area shall not vote at any such meeting on any matter involving only expenditure on account of which the London borough in which that electoral area is situated is not for the time being liable to be charged.

NOTES

Para. 2: Local government electors. See Sch. 3, paras. 15 *et seq.*, *post*.

Greater London. See s. 2 (1), *ante*.

Para. 3: Fourth day after the day of election. See the note to s. 1, *ante*.

Para. 4: London boroughs. See s. 1, *ante*.

Para. 6: Satisfied. Cf. the note to s. 6, *ante*.

Greater London Council. See s. 2, *ante*.

Para. 7: County borough. See the note to s. 4, *ante*.

County district. See the note to s. 3, *ante*.

Para. 8: Appears. Cf. the note "Appear" to s. 1, *ante*.

Definitions. For "the City", "the Common Council" and "the Temples", see s. 89 (1), *ante*; for "the Council", see para. 1 (1) of this Schedule, *ante*. Note as to "borough 1", para. 4 thereof.

Supplementary provisions as to the Council

10. The Council shall be a local authority within the meaning of the Local Government Act 1933.

11.—(1) In their application to the Council by virtue of the last foregoing paragraph, the provisions of Part II of, and Schedule 3 to, the said Act of 1933 (which contain general provisions as to members and meetings of local authorities and elections) shall apply in like manner as if Greater London were a county and the Council were the council of that county and as if in those provisions—

- (a) any reference to a county alderman or county councillor included a reference to an alderman or, as the case may be, councillor of the Council;
- (b) any reference to election under that Act included a reference to election under this Act;
- (c) for the references in sections 67 (2) and 72 (1) of that Act to the county returning officer there were substituted references to the clerk to the Council.

(2) In its application to the Council, the said Schedule 3 shall have effect subject to the following modifications, that is to say—

- (a) in any year (including 1964) which is a year of election of councillors of the Council, the annual meeting of the Council shall be held on the eighteenth day after the day of election or on such other day within the seven days immediately following that eighteenth day as the Council may fix;
- (b) in paragraph 2 (2) of Part I, for any reference to five members there shall be substituted a reference to twenty members;
- (c) notwithstanding anything in paragraph 2 (3) (b) of Part I, if a member of the Council gives notice in writing to the clerk to the Council that he desires summonses to attend meetings of the Council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and delivered at or sent by post to the address so specified shall be deemed sufficient service of the summons;
- (d) paragraph 3 (2) of Part I shall have effect as if after the word "vice-chairman" there were inserted the words "or, in his absence, the deputy chairman (if any)"; and in paragraph 3 (3) of Part I the reference to the vice-chairman shall be construed as a reference to both the vice-chairman and the deputy chairman, if any;
- (e) notwithstanding anything in paragraph 3 of Part V or in any other enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the Council or any committee thereof may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the same or the next ensuing meeting of the Council or, as the case may be, at the same or any subsequent meeting of the committee by the person presiding thereat; and any minutes purporting to be so signed shall be received in evidence without further proof.

(3) Without prejudice to their powers by virtue of paragraph 10 of this Schedule under section 85 of the said Act of 1933, the Council may delegate to the Inner London Education Authority, or to any education committee established by that Authority under Part II of Schedule 1 to the Education Act 1944, any functions which they might delegate under subsection (1) of the said section 85 to a committee appointed by the Council under that subsection.

NOTES

Greater London. See s. 2 (1), *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "county" and "functions", see s. 89 (1), *ante*.

Local Government Act 1933 (c. 51). See Vol. 14, p. 253. For Part II and ss. 67 (2), 72 (1) and 85 of, and Sch. 3 to, that Act, see Vol. 14, pp. 385, 392, 394, 400, 519.

Education Act 1944 (c. 31), Sch. 1, Part II. See Vol. 8, p. 246.

Officers and records, etc., of the Council

12.—(1) The Council shall appoint from among fit persons a clerk and a treasurer to the Council and such other officers as the Council think necessary for the efficient discharge of the Council's functions and shall pay to any person so appointed such reasonable remuneration as the Council may determine; and, subject to section 121 of the Local Government Act 1933, any such person shall hold office during the pleasure of the Council.

(2) The offices of clerk and treasurer respectively to the Council shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.

(3) Any vacancy in the office of treasurer to the Council shall be filled within four months after its occurrence.

(4) Section 115 of the said Act of 1933 (which relates to the appointment of standing deputies for officers) shall have effect in relation to the clerk and the treasurer to the Council as if this paragraph were included in Part IV of that Act; and section 120 of that Act (which relates to the accountability of officers of local authorities) shall have effect as if the reference to the treasurer of a county included a reference to the treasurer to the Council.

(5) Any person serving under the Council shall be an agent within the meaning of the Prevention of Corruption Act 1906.

13. All records and documents relating to the business of the Council shall, subject to any directions which the Council may give, be in the charge and custody of the clerk to the Council who, subject to any such directions, shall be responsible therefor.

NOTES

Documents relating to the business of the Council. See also as to a document showing the extent for the time being of the sewerage area of the Council, s. 39 (3), *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "county" and "functions", see s. 89 (1), *ante*.

Local Government Act 1933 (c. 51), Part IV, ss. 115, 120, 121. See Vol. 14, pp. 406, 416, 418, 419.

Prevention of Corruption Act 1906 (c. 34). See Vol. 5, p. 924.

Additional powers of Council with respect to land etc.

14. The purposes for which, by virtue of paragraph 10 of this Schedule, the Council is empowered by section 157 (1) of the Local Government Act 1933 to acquire land by agreement shall include the benefit, improvement or development of Greater London; but the Council shall not have power by virtue of this paragraph to acquire land outside Greater London except with the consent of the Minister.

15. The Council may be authorised to purchase compulsorily any land, whether situated within or outside Greater London, for the purpose of any of their functions, and the said Act of 1933 shall have effect as if the power conferred by this paragraph had been conferred by that Act.

16. The Council may—

- (a) acquire by agreement any building or place of historical or architectural interest;
- (b) undertake, or contribute towards, the cost of preserving maintaining and managing any such building or place as aforesaid;
- (c) acquire by agreement any work of art;
- (d) agree with any person for the production by that person of a work of art for acquisition by the Council;
- (e) erect and maintain, or contribute towards the provision, erection and maintenance of, any work of art in any place within Greater London.

17.—(1) For the purpose of providing for the accommodation, exhibition and preservation of works of art or objects of historical antiquarian or other public interest which may for the time being be in the possession of the Council by virtue of any gift, loan or discovery, the Council may adapt, furnish and maintain any premises given to, and for the time being vested in, the Council for the purposes of this sub-paragraph.

(2) The Council may let any building vested in the Council for the purposes of the foregoing sub-paragraph on such terms and conditions as to payment or otherwise as the Council think fit, and may make charges for admission to any such building which may for the time being be under the management and control of the Council.

18. The Council may in the case of any building in Greater London—

- (a) cause investigations to be made, and information to be published, with respect to the history of the building;
- (b) provide for the giving of advice as to whether or not the building should be preserved and, if so, as to the method of preserving it.

NOTES

General Note. Para. 14 may be compared with the London Government Act 1939 (c. 40), s. 97 (2), Vol. 15, p. 1120 (the whole of which Act is repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*). Para. 15 may be compared with the Local Government Act 1933 (c. 51), s. 159 (1), Vol. 14, p. 437, and s. 100 of the Act of 1939. Para. 16 may be compared with s. 157 (1) of the Act of 1939, Vol. 15, p. 1148, and the London County Council (General Powers) Act 1940 (c. xv), s. 4, Vol. 15, p. 1322. Para. 17 is modelled on s. 157 (2), (3) of the Act of 1939.

Greater London. See s. 2 (1), *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "functions", "land" and "the Minister", see s. 89 (1), *ante*.

Local Government Act 1933 (c. 51). See Vol. 14, p. 353. For s. 157 (1) of that Act, see Vol. 14, p. 436.

Expenses and receipts

19.—(1) All receipts of the Council, whether for general or special London purposes, shall be carried to a general fund, and all liabilities falling to be discharged by the Council, whether for general or special London purposes, shall be discharged out of that fund; and in the application of any other Act to the Council, any reference in that Act to the general rate fund or to the county fund shall be construed in relation to the Council as a reference to their general fund.

(2) In this Schedule and, except where the context otherwise requires, and subject to section 36 (2) of this Act, in any other enactment relating to the expenses of the Council—

- (a) the expression "general London purposes" means all purposes for expenditure on which the whole of Greater London is chargeable;
- (b) the expression "special London purpose" means any purpose for expenditure on which part only of Greater London is chargeable.

20. Separate accounts shall be kept of receipts carried to, and payments out of, the Council's general fund—

- (a) for general London purposes;
- (b) for each special London purpose, so, however, that one separate account may be kept as respects any two or more special London purposes in the case of which the area chargeable is the same;

and the account for general London purposes shall be called the general London account and an account for any special London purpose shall be called a special London account.

21. All expenses incurred by the Council under any enactment shall, unless the enactment otherwise provides, be deemed to be expenses for general London purposes; and in determining the amount of expenses for any particular London purpose, whether general or special, a proper proportion of the cost of the officers

and buildings and establishment of the Council may be added to the expenses directly incurred for that purpose.

22. The Council shall have power to issue precepts for the levying of rates to meet all liabilities falling to be discharged by the Council for which provision is not otherwise made; and any such precept may include as separate items contributions for general and special London purposes respectively and shall be so issued as to secure that the rate is levied—

- (a) in the case of a rate to meet liabilities in respect of expenditure for general London purposes, on the whole of Greater London; and
- (b) in the case of a rate to meet liabilities in respect of expenditure for a special London purpose, on the area chargeable therewith.

23. The accounts of the Council shall be included among the accounts which are subject to audit by a district auditor under Part X of the Local Government Act 1933.

24. The Council may determine that any expenses incurred by the Council in promoting or opposing any Bill under Part XIII of the Local Government Act 1933 shall be treated as expenses incurred for special London purposes.

NOTES

Greater London. See s. 2 (1), *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*. Note as to "general London purposes" and "special London purpose", para. 19 (2) of this Schedule, *ante*.

Local Government Act 1933 (c. 51), Parts X, XIII. See Vol. 14, pp. 469, 488.

Capital expenditure, loans and borrowing by the Council

25. The expenditure by the Council on capital account or on lending to other persons shall be regulated by annual money Acts, the Bills for which shall be promoted by the Council and each of which shall make provision for a financial period consisting of a financial year (that is to say, a period of twelve months ending on the thirty-first day of March) and the immediately following six months.

26.—(1) During any such financial period as aforesaid, the Council may expend on capital account for such purposes as may be mentioned in the relevant annual money Act such sums as the Council think fit not exceeding the amounts specified in that Act in relation to those purposes for the first twelve months and the last six months respectively of that period.

(2) In addition to any other money which the Council are authorised by any such Act to expend for any purpose in the last six months of the relevant financial period, the Council may also expend for that purpose during those last six months any money which they are by that Act authorised to expend but have not expended for that purpose in the first twelve months of that period.

(3) Any money expended in the last six months of a financial period shall be treated as expenditure on account of the financial year comprising those six months.

27.—(1) During any such financial period as aforesaid the Council may lend to persons of any class mentioned in the next following sub-paragraph such sums as the Council think fit not exceeding the amounts specified in the relevant annual money Act in relation to loans to persons of that class for the first twelve months and the last six months respectively of that period.

(2) The classes of persons referred to in the foregoing sub-paragraph are—

- (a) the London borough councils;
- (b) any other persons having power to levy or to issue a precept for a rate within Greater London or to make any charge on a rate leviable within Greater London or to take or charge within Greater London any due or imposition in the nature of a rate;

- (c) the governors or managers of educational institutions, including special or approved schools;
- (d) committees of school treatment centres;
- (e) the governors or committees of voluntary hostels, homes or other establishments;
- (f) persons desiring to borrow money under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing (Financial Provisions) Act 1958;
- (g) persons of any other class specified in the relevant annual money Act.

(3) In addition to any other money which the Council are authorised by an annual money Act to lend to any class of persons in the last six months of a financial period, the Council may also lend to any persons of that class during those six months any money which the Council are by that Act authorised to lend but have not lent to persons of that class in the first twelve months of that period.

(4) A loan made under this paragraph during the last six months of a financial period shall be treated as a loan made on account of the financial year comprising those six months.

(5) Subject to the provisions of any enactment relating to the borrowing powers of the person concerned, any person shall have power to borrow from the Council any money which the Council are by virtue of the foregoing provisions of this paragraph authorised to lend to that person.

(6) Money lent under this paragraph shall be repaid to the Council with interest within such period as the borrower (with the consent of the Minister where his consent is necessary to the borrowing) and the Council may agree, but the period shall not exceed—

- (a) in the case of money lent to a person borrowing as mentioned in subparagraph (2) (f) of this paragraph, eighty years;
- (b) in any other case, sixty years.

(7) Money lent under this paragraph may be made repayable either in one sum or by instalments or by a series of equal annual or other instalments comprising both principal and interest or otherwise as may be agreed between the Council and the borrower.

(8) Where the Council lend money to a person whose power to borrow is subject to the consent of the Minister, the consent of the Minister to the borrowing of the money shall be conclusive evidence that that person had power to borrow the money at the time when the consent was given.

28.—(1) If the whole of the amount authorised by an annual money Act to be expended for any authorised purpose in the first twelve or last six months of the relevant financial period aforesaid is not required to be so expended, the Council may with the approval of the Treasury expend for any other authorised purpose in those twelve or, as the case may be, six months (in addition to the amount authorised in relation to that other purpose) an amount not exceeding the unexpended portion of the first-mentioned amount.

(2) If by reason of unforeseen circumstances the amount authorised by an annual money Act to be expended for any authorised purpose in the first twelve or last six months of the relevant financial period aforesaid is found to be insufficient, the Treasury may on the application of the Council authorise the Council to expend for that purpose such further sums as it is shown to the satisfaction of the Treasury to be necessary or desirable for the Council so to expend, not exceeding in the aggregate such amount as may be authorised in that behalf by that Act in relation to those twelve or, as the case may be, six months.

(3) In ascertaining for the purposes of paragraph 26 (2) or 27 (3) of this Schedule the amount which may be expended for any authorised purpose in the last six months of the financial period aforesaid to which an annual money Act relates, there shall be taken into account the extent to which the sum authorised to be expended for that purpose in the first twelve months of that period has been

expended under sub-paragraph (1) of this paragraph for any other authorised purpose.

(4) The provisions of paragraph 27 (6) to (8) of this Schedule shall apply to any loan under this paragraph as they apply to any loan under that paragraph.

(5) In this paragraph references in connection with an annual money Act to expenditure for an authorised purpose are references to expenditure—

- (a) on capital account for a purpose mentioned in that Act; or
- (b) on loans to persons of a class either mentioned in paragraph 27 (2) (a) to (f) of this Schedule or specified in that Act.

29. Notwithstanding anything in section 195 of the Local Government Act 1933, the Council may borrow money for the purpose of expenditure on capital account or on lending if, but only if, the expenditure is authorised by an annual money Act; and where any such expenditure is so authorised the consent of the sanctioning authority within the meaning of Part IX of the said Act of 1933 shall not be required to any borrowing for the purpose thereof.

NOTES

General Note. Paras. 26 and 27 are based on the London County Council (Loans) Act 1955 (4 & 5 Eliz. 2 c. xxvi), ss. 4 and 5, respectively (not printed in this work) (the whole of which Act is repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*). Para. 28 is based on s. 8 of the Act of 1955. Para. 29 may be compared with s. 11 of that Act.

London borough councils. Cf. s. 1, *ante*.

Greater London. See s. 2 (1), *ante*.

Satisfaction. Cf. the note "Satisfied" to s. 6, *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "the Minister", see s. 89 (1), *ante*. Note as to "... authorised purpose", para. 28 (5).

Small Dwellings Acquisition Acts 1899 to 1923. For the Acts which may be cited by this collective title, see the Introductory Note to the Small Dwellings Acquisition Act 1899 (c. 44), Vol. 11, p. 382.

Housing (Financial Provisions) Act 1958 (c. 42). See Vol. 38, p. 348.

Local Government Act 1933 (c. 51), Part IX, s. 195. See Vol. 14, p. 457.

Insurance fund

30.—(1) The Council may establish a fund (in this paragraph referred to as "the insurance fund") to be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as the Council may determine (in this paragraph referred to as "the specified risks").

(2) The establishment of the insurance fund shall not prevent the Council from insuring in any insurance office in the United Kingdom against the whole or any part of the specified risks.

(3) The Council shall in respect of each year after the establishment of the insurance fund pay into that fund such sum as they think necessary not exceeding the aggregate of—

- (a) a sum which in their opinion would be the aggregate amount of the premiums which would be payable during the year if the Council were fully insured against the specified risks in an insurance office in the United Kingdom; and
- (b) a sum equal to the amount of any income arising from the fund which is carried to the general London account of the Council's general fund under sub-paragraph (6) of this paragraph;

but so long as the insurance fund amounts to or exceeds a sum which in the opinion of the Council is reasonably necessary to cover the specified risks the Council may if they think fit discontinue the yearly payments required by this sub-paragraph.

(4) The amount by which any sum paid into the insurance fund in respect of any year exceeds the sum referred to in sub-paragraph (3) (b) of this para-

graph may at the discretion of the Council be provided from the respective revenues, funds or rates which, if the specified risks were insured in an insurance office, would be properly chargeable with the payment of the premiums on that insurance or may be provided as a payment for general London purposes.

(5) Pending the application of the insurance fund for the purposes authorised by this paragraph, the moneys in the fund shall, unless applied in any other manner authorised by any enactment, be invested in any investment for the time being authorised by law for the investment of trust property; and sections 1 to 6 of the Trustee Investments Act 1961 shall apply in relation to the power of investment conferred on the Council by this sub-paragraph as if the Council were trustees and the insurance fund were trust property.

(6) Any income arising from the investment of money in the insurance fund or otherwise from the application of that fund shall be credited to the general London account of the Council's general fund.

(7) If at any time the insurance fund is insufficient to make good any losses, damages, costs or expenses arising in respect of any specified risk, the Council shall make good the deficiency as a payment for general London purposes and may for that purpose borrow money.

(8) Where the Council insure against any risk in any insurance office in the United Kingdom, the Council may if they think fit pay out of the insurance fund any premiums payable in respect of that insurance; but no such premium shall be so paid if in consequence of the payment the fund would be reduced to less than the sum which in the opinion of the Council is reasonably necessary to cover the specified risks.

(9) Any covenant or obligation binding on the Council to insure against any risk shall, except in so far as the terms of the covenant or obligation otherwise specifically provide, be deemed to be satisfied by a determination by the Council that that risk shall be a specified risk.

(10) Without prejudice to the generality of the last foregoing sub-paragraph, where the effecting by the Council of an insurance in respect of any risk would satisfy any obligation imposed on the Council by section 119 (1) of the Local Government Act 1933, a determination by the Council that that risk shall be a specified risk shall be deemed to satisfy that obligation.

(11) References in this paragraph to insurance in an insurance office in the United Kingdom shall be deemed to include references to insurance with an underwriter carrying on business in the United Kingdom.

NOTES

General Note. This paragraph may be compared with the London County Council (General Powers) Act 1955 (c. xxix), s. 31, Vol. 35, p. 333 (repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*).

General London account. See para. 20 of this Schedule, *ante*.

Definitions. For "the Council" see para. 1 (1) of this Schedule, *ante*; for "general London purposes", see para. 19 (2) (a) of this Schedule, *ante*. Note as to "the insurance fund" and "the specified risks", sub-para. (1) of this paragraph.

Trustee Investments Act 1961 (c. 62), ss. 1-6. See Vol. 41, pp. 1078 *et seq.*

Extension of certain provisions to Council

31. The Council shall be a local authority within the meaning of the following enactments—

- (a) the Ferries (Acquisition by Local Authorities) Act 1919;
- (b) section 1 of the Local Authorities (Publicity) Act 1931;
- (c) the Electricity Act 1947;
- (d) sections 111 (1) (g), 130 and 136 of the Local Government Act 1948;
- (e) the Gas Act 1948;
- (f) section 454 of the Income Tax Act 1952;
- (g) section 1 of the Trading Representations (Disabled Persons) Act 1958;

and the following enactments shall apply to the Council as if they were the council of a county, that is to say—

- (i) Part VI and section 129 of the Local Government Act 1948;
- (ii) sections 1 to 3 of the Local Government (Miscellaneous Provisions) Act 1953;
- (iii) the Local Authorities (Expenses) Act 1956;
- (iv) the Litter Act 1958.

NOTES

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "county" see s. 89 (1), *ante*.

Ferries (Acquisition by Local Authorities) Act 1919 (c. 75). See Vol. 9, p. 1153.

Local Authorities (Publicity) Act 1931 (c. 17), s. 1. See Vol. 19, p. 293.

Electricity Act 1947 (c. 54). See Vol. 8, p. 917.

Local Government Act 1948 (c. 26), Part II, ss. 111 (1) (g), 129, 130, 136. See Vol. 14, pp. 665, 666, 674, 678.

Gas Act 1948 (c. 67). See Vol. 10, p. 860.

Income Tax Act 1952 (c. 10), s. 454. See Vol. 32, p. 432.

Trading Representations (Disabled Persons) Act 1958 (c. 49). See Vol. 38, p. 1122.

Local Government (Miscellaneous Provisions) Act 1953 (c. 26), ss. 1-3. See Vol. 33, pp. 361 *et seq.*

Local Authorities (Expenses) Act 1956 (c. 36). See Vol. 36, p. 488.

Litter Act 1958 (c. 34). See Vol. 38, p. 920.

SCHEDULE 3

Section 8

PARLIAMENTARY AND LOCAL GOVERNMENT ELECTIONS IN AND AROUND GREATER LONDON

PART I

PROVISIONS AS TO ELECTIONS

Constituencies and returning officers for parliamentary elections

1. It is hereby declared that nothing in this Act affects the constituencies for the time being established for the purposes of parliamentary elections and accordingly those constituencies as constituted immediately before 1st April 1965 shall remain unchanged on and after that date until altered by an Order in Council under the House of Commons (Redistribution of Seats) Act 1949.

2.—(1) On and after 1st April 1965 the returning officer for a parliamentary election for any county constituency situated wholly or partly in Greater London shall be the mayor of such London borough, or such sheriff of a county, mayor of a borough or chairman of the council of an urban district outside Greater London, as the Secretary of State may determine.

(2) Until 1st April 1965 the returning officer for a parliamentary election for any constituency situated wholly or partly in Greater London shall be the person who would by virtue of the Representation of the People Act 1949 have held that office apart from the changes of administrative areas effected by this Act.

NOTES

Greater London See s. 2 (1), *ante*.

London borough. See s. 1, *ante*.

County. *I.e.*, administrative county; see s. 89 (1), *ante*.

House of Commons (Redistribution of Seats) Act 1949 (c. 66). See Vol. 8, p. 564.

Representation of the People Act 1949 (c. 68). See Vol. 8, p. 573.

Registration of electors

3.—(1) On and after 1st April 1965 the registration officer for a county constituency situated wholly or partly in Greater London shall be the clerk of the authority of such London borough, or of such county, borough or urban district outside Greater London, as the Secretary of State may determine.

(2) Until 1st April 1965 the registration officer for any constituency situated wholly or partly in Greater London shall be the person who would by virtue of the Representation of the People Act 1949 have held that office apart from the changes of administrative areas effected by this Act.

4.—(1) Subject to the provisions of this paragraph and paragraph 5 of this Schedule—

(a) as respect any areas in Greater London, the registers of parliamentary and local government electors which are, or apart from the said paragraph 5 would be, required by the Representation of the People Acts to be published not later than 15th February in the years 1964 and 1965; and

(b) as respects any administrative areas outside Greater London which are affected by Part I of this Act, the registers of parliamentary and local government electors required as aforesaid to be published not later than 15th February 1965,

shall be prepared and published on the basis that the changes of administrative areas (including the abolition of existing local government areas and the transfer of certain urban districts from one county to another) effected by Part I of this Act had all taken place on the passing of this Act; and in any provision of those Acts or of regulations thereunder relating to the registration of electors, corrupt and illegal practices lists and polling districts, references to local government areas and electoral areas shall, so far as concerns those registers, be construed as references respectively to the local government areas as they will exist as from 1st April 1965 and to the electoral areas in those local government areas.

(2) The foregoing sub-paragraph shall not affect—

(a) the provisions of the Representation of the People Act 1949 or paragraph 3 (2) of this Schedule with respect to the office of registration officer;

(b) the areas for which jurors books are to be prepared under the Juries Acts 1825 to 1954;

(c) the exercise of any powers conferred by section 11, 25 or 37 of the Local Government Act 1933 or section 84 of, or Schedule 1 or 2 to, this Act.

5.—(1) If it appears to the Secretary of State that any electoral area in Greater London for which councillors are elected to a London borough council will not be ascertained in time for the registers of parliamentary and local government electors for any constituency or local government area comprising that electoral area to be published in compliance with regulations under section 42 of the Representation of the People Act 1949 by 15th February 1964 (being the time required by section 1 of the Electoral Registers Act 1949), he may by order provide for the registers for that constituency or local government area to be published by such later date in 1964 as may be specified in the order; and subsection (6) of the said section 1 (which provides for continuing old registers in force where the new register is not published in the time required by that section and for determining the qualifying date for elections held on the old register) shall apply accordingly where those registers are not published before 15th February 1964.

(2) Any order under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES

Greater London. See s. 2 (1), *ante*.

London borough. See s. 1, *ante*.

Passing of this Act. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

Appears. Cf. the note "Appear" to s. 1, *ante* (but note para. 5 (2) of this Schedule).

Annulment. Cf. the note to s. 23, *ante*.

Definitions. For "county" and "existing", see s. 89 (1), *ante*. By virtue of para. 20, *post*, for "electoral area", see the Representation of the People Act 1949 (c. 68), s. 172 (1), Vol. 8, p. 728, and for "registration officer", see s. 6 (1) of that Act, Vol. 8, p. 583.

Representation of the People Act 1949 (c. 68). See Vol. 8, p. 573.

Representation of the People Acts. See the note to s. 4, *ante*.

Juries Acts 1825 to 1954. For the Acts which may be cited by this collective title, see the Introductory Note to the Juries Act 1825 (c. 50), Vol. 13, p. 390.

Local Government Act 1933 (c. 51), ss. 11, 25, 37. See Vol. 14, pp. 366, 372, 377. S. 25 is excluded in relation to a London borough by s. 8 (2), *ante*, and Sch. 4, para. 9, *post*.

Order under para. 5. No order had been made under para. 5 up to 14th November 1963.

For provisions as to orders, see s. 90, *ante*.

Provision as to local government elections before 1st April 1965

6.—(1) No election of councillors of the county of London or of Middlesex or of any existing county borough, metropolitan borough, non-county borough or urban district situated wholly within Greater London shall be held after the date of the passing of this Act, except an election to fill a casual vacancy in an office where before that date the office has been declared to be vacant or notice of the vacancy has been given under section 67 (1) of the Local Government Act 1933 or section 42 (1) of the London Government Act 1939; and any such councillor holding office immediately before that date or elected on or after that date to fill a casual vacancy occurring before that date shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.

(2) As respects any such county or borough—

(a) no ordinary election of aldermen shall be held after the passing of this Act;

(b) any alderman whose term of office would apart from this Act have expired between the passing of this Act and 1st April 1965 shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until that date; and

(c) any casual vacancy occurring before 1st April 1965 in the office of alderman need not be filled unless the county or borough council so resolve.

(3) It shall not be necessary to fill any casual vacancy occurring during March 1965 in the office of—

(a) chairman of the London or Middlesex county council;

(b) mayor of any borough mentioned in sub-paragraph (1) of this paragraph;

(c) chairman of the council of any urban district so mentioned.

7. As respects the counties of Essex, Kent and Surrey the ordinary election of county councillors due (apart from this paragraph) to take place in April 1964 shall be postponed until such date in 1965 as the Secretary of State may by order specify in relation to the county in question, and—

(a) the county councillors and county aldermen due (apart from this paragraph) to retire on the ordinary day of retirement in 1964 or at the annual meeting of the county council in 1964, as the case may be, shall (unless they resign their offices or their offices otherwise become vacant) continue to hold office until the day in 1965 on which the county councillors elected at the postponed elections in that year come into office;

(b) the county councillors elected at those postponed elections shall retire on the ordinary day of retirement of county councillors in 1967;

(c) on the said day in 1965 all the county aldermen shall retire and, of the aldermen elected at the postponed elections in that year, one half as near as may be of their number, being those elected by the smallest

number of votes, shall retire immediately after the ordinary election of county aldermen in 1967 and the remainder shall retire immediately after the ordinary election of county aldermen in 1970;

- (d) if it is necessary for the purposes of the last foregoing sub-paragraph to decide the order of retirement of two or more county aldermen who received an equal number of votes, the question shall be determined by drawing lots at, and under the direction of the person presiding at, the annual meeting of the county council in 1965.

8. For the purpose of determining the date of the annual meeting in 1964 of the council of any county or borough mentioned in paragraph 6 or 7 of this Schedule—

- (a) in the case of any such county, 1964 shall be deemed not to be a year of election; and
 (b) in the case of any such county borough or non-county borough, as well as of the metropolitan boroughs, paragraph 2 (2) (b) of Schedule 6 to the Representation of the People Act 1948 shall have effect as if the reference to the day of election were a reference to the day of election in all other boroughs in England and Wales.

9. At the ordinary elections of councillors of the county of Hertfordshire and of the urban district of Chigwell due to take place in 1964, no councillors shall be elected for any electoral area situated wholly or partly in Greater London, and any such councillor elected for any such electoral area and holding office immediately before the passing of this Act shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.

10. No election to fill any casual vacancy in the office of councillor of—

- (a) any county mentioned in paragraph 7 or 9 of this Schedule; or
 (b) the urban district of Chigwell,

shall be held after the date of the passing of this Act for any electoral area situated wholly or partly in Greater London, unless before that date the office has been declared to be vacant or notice of the vacancy has been given under section 67 (1) of the Local Government Act 1933; and any such councillor elected for any such electoral area on or after that date to fill a casual vacancy occurring before that date shall (unless he resigns his office or it otherwise becomes vacant) continue to hold office until 1st April 1965.

11. It shall be the duty of the Essex, Kent and Surrey county councils as soon as may be after the passing of this Act to take into consideration the boundaries and numbers of the electoral divisions and numbers of county councillors for their respective county review areas with a view to making a representation under section 11 of the Local Government Act 1933, and if any of those councils fails to carry out the said duty the Secretary of State may himself take those matters into consideration and make proposals with respect thereto; and subsections (3) to (7) of that section shall apply to proposals made by the Secretary of State under this paragraph as they apply to representations made by the council of a county district under that section.

12. The provisions of paragraphs 6 to 11 of this Schedule shall have effect notwithstanding anything in the Local Government Act 1933, the London Government Act 1939 or section 57 of, or Schedule 6 to, the Representation of the People Act 1948.

NOTES

County of London or of Middlesex. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

County borough. See the note to s. 3, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Passing of this Act. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

London or Middlesex county council. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Definitions. For "county" and "existing", see s. 89 (1), *ante*. By virtue of para. 20 of this Schedule, *post*, for "electoral area", see the Representation of the People Act 1949 (c. 68), s. 172, Vol. 8, p. 728.

Local Government Act 1933 (c. 51). See Vol. 14, p. 353. For ss. 11 and 67 (1) of that Act, see Vol. 14, pp. 366, 392.

London Government Act 1939 (c. 40). See Vol. 15, p. 1073. For s. 42 (1) of that Act, see Vol. 15, p. 1093. That Act is wholly repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Representation of the People Act 1948 (c. 65), s. 57, Sch. 6. See Vol. 8, pp. 499, 546.

Conduct of elections of London borough councillors

13.—(1) The Representation of the People Acts shall apply to an election of London borough councillors as they apply to an election of other borough councillors subject, however, to the provisions of this paragraph and Parts II and III of this Schedule and subject also, in the case of the local elections rules in Schedule 2 to the Representation of the People Act 1949, to such adaptations, alterations and exceptions as may be made by rules made by the Secretary of State under this paragraph.

(2) The returning officer at an election of London borough councillors shall be—

(a) if the election is held before 1st April 1965, the clerk of such authority as may be designated by the Secretary of State;

(b) if the election is held on or after that date, the town clerk of the borough.

(3) The returning officer at any such election may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.

(4) The provisions of the Representation of the People Act 1949 with respect to the functions of the returning officer at an election of metropolitan borough councillors shall apply to the election of London borough councillors, but any other provision of that Act which makes special provision with respect to the election of metropolitan borough councillors shall cease to have effect.

(5) Any rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES

Functions. This includes powers and duties; see s. 89 (1), *ante*.

Annulment. Cf. the note to s. 23, *ante*.

Representation of the People Acts. See the note to s. 4, *ante*.

Representation of the People Act 1949 (c. 68). See Vol. 8, p. 573. For Sch. 2 to that Act, see Vol. 8, p. 733.

Rules under this paragraph. No rules had been made under this paragraph up to 14th November 1963.

For provisions as to rules, see s. 90, *ante*.

Conduct of elections of councillors of Greater London Council

14.—(1) The Representation of the People Acts shall apply to an election of a councillor of the Greater London Council as they apply to an election of a county councillor subject, however, to the provisions of this paragraph and Parts II and III of this Schedule and subject also, in the case of the local elections rules in Schedule 2 to the Representation of the People Act 1949, to such adaptations, alterations and exceptions as may be made by rules made by the Secretary of State under this paragraph.

(2) The returning officer at an election of a councillor of the Greater London Council shall be—

(a) if the election is held before 1st April 1965, the clerk of such authority as may be designated by the Secretary of State;

- (b) if the election is held on or after that date, the town clerk of the borough which constitutes or includes the electoral area for which the election is held or, in the case of the electoral area which includes the City and the Temples, the town clerk of the London borough numbered 1 in Part I or Schedule 1 to this Act.
- (3) The returning officer at any such election may by writing under his hand appoint a fit person to be his deputy for all or any of the purposes of the election, and any functions which a returning officer is authorised or required to discharge in relation to the election may be discharged by a deputy so appointed.
- (4) Any rules made under this paragraph shall be subject to annulment in pursuance of a resolution of either House of Parliament.

NOTES

Greater London Council. See s. 2, *ante*.

Annulment. Cf. the note to s. 23, *ante*.

Definitions. For "the City" and "the Temples", see s. 89 (1), *ante*. By virtue of para. 20 of this Schedule, *post*, for "electoral area", see the Representation of the People Act 1949 (c. 68), s. 172 (1), Vol. 8, p. 728.

Representation of the People Acts. See the note to s. 4, *ante*.

Representation of the People Act 1949 (c. 68), Sch. 2. See Vol. 8, p. 733.

Rules under this paragraph. No rules had been made under this paragraph up to 14th November 1963.

For provisions as to rules, see s. 90, *ante*.

Combined polls, polling districts and election notices for London borough and Greater London elections

15. After 1964 the ordinary election of councillors of the Greater London Council shall be held in 1967 and each third year thereafter and the ordinary day of election of such councillors shall—

- (a) in any year of election after 1964 and before the relevant year of election be the day fixed for the purpose for that year by the Secretary of State;
- (b) in the relevant year of election and each subsequent year of election be the day fixed for that year by the Secretary of State as the day of election of borough councillors in England and Wales.

16. Any polling district formed for the purpose of the election of councillors for any ward of a London borough shall, if the ward is wholly included in the electoral area for the election of a councillor of the Greater London Council, be a polling district for the election of a councillor of that Council for that electoral area.

17. The polls at an election of councillors for any ward of a London borough and at an election of a councillor of the Greater London Council for any electoral area which includes the whole or part of that ward shall, so far as they relate to polling districts which are the same for both elections, be taken together—

- (a) in the case of all ordinary elections held in or after the relevant year of election; and
- (b) in the case of elections to fill casual vacancies in both offices where the same day of election is fixed for both elections.

18. Without prejudice to section 34 of the Representation of the People Act 1949, any notice required to be given in connection with any election of London borough councillors or of a councillor of the Greater London Council may, where the polls are taken together, relate to both elections.

NOTES

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Electoral area. By virtue of para. 20 of this Schedule, *post*, for meaning, see the Representation of the People Act 1949 (c. 68), s. 172 (1), Vol. 8, p. 728.

Representation of the People Act 1949 (c. 68), s. 34. See Vol. 8, p. 607.

*Payment of expenses of elections of London borough and
Greater London councillors*

19.—(1) Subject to sub-paragraph (4) of this paragraph and to section 69 (3) of this Act, all expenses properly incurred by a returning officer in relation to the holding of an election of London borough councillors shall, in so far as, in cases where the scale fixed for the purposes of this sub-paragraph is applicable, they do not exceed that scale, be paid by the London borough council.

(2) Subject to sub-paragraph (4) of this paragraph and to the said section 69 (3), all expenses properly incurred by a returning officer in relation to the holding of an election of a councillor of the Greater London Council shall, in so far as, in cases where the scale fixed for the purposes of this sub-paragraph is applicable, they do not exceed that scale, be paid by the Greater London Council.

(3) The power to fix a scale for the purposes of sub-paragraph (1) or (2) of this paragraph shall be exercisable—

(a) if the scale relates to elections held before 1st April 1965, by the Secretary of State;

(b) if the scale relates to elections held on or after that date, by the Greater London Council.

(4) Where the polls at an election of London borough councillors and of a councillor of the Greater London Council are taken together, the expenses properly incurred by the returning officers in relation to the holding of the elections shall be payable by the Greater London Council and the borough council in such proportions as may be determined under sub-paragraph (5) of this paragraph:

Provided that where one of those elections is an election of a councillor of the Greater London Council for an electoral area which includes the City and the Temples, so much of the expenses of the returning officer at that election as is attributable to things done in or in relation to the City and the Temples shall be left out of account for the purposes of the foregoing provisions of this sub-paragraph and accordingly (so far as properly incurred) shall be payable by the Greater London Council alone.

(5) The amount of any expenses payable under sub-paragraph (4) of this paragraph by the Greater London Council and a borough council and the proportion payable by each of the councils shall be taken to be such as may be agreed between them or as may, in default of agreement, be determined by the Secretary of State.

(6) Before a poll is taken at an election of a London borough councillor or councillor of the Greater London Council, the authority whose clerk is returning officer shall, at the request of the returning officer or any person acting as returning officer, advance to him such reasonable sum in respect of his expenses at the election as he may require.

NOTES

London borough councillors; London borough council. Cf. s. 1, *ante*.

Greater London Council. See s. 2, *ante*.

Definitions. For "the City" and "the Temples" see s. 89 (1), *ante*. By virtue of para. 20 of this Schedule, *infra*, for "electoral area", see the Representation of the People Act 1949 (c. 68), s. 172 (1), Vol. 8, p. 728.

Interpretation

20. Any expression used in this Part of this Schedule which is also used in the Representation of the People Act 1949 shall have the same meaning in this Schedule as in that Act.

NOTE

Representation of the People Act 1949 (c. 68). See Vol. 8, p. 573.

PART II

GENERAL MODIFICATIONS OF REPRESENTATION OF
THE PEOPLE ACTS

21. References in the Representation of the People Acts to a metropolitan borough, metropolitan borough council or metropolitan borough councillor shall until 1st April 1965 be construed as including, and on and after that date be construed as, references respectively to a London borough, London borough council or London borough councillor:

Provided that this paragraph shall not affect the construction of any reference in Schedule 1 to the Representation of the People Act 1948 or any Order in Council under the House of Commons (Redistribution of Seats) Act 1949.

22. References in the Representation of the People Act 1949, the Local Government Elections Act 1956 and the House of Commons (Redistribution of Seats) Act 1958 to a county (other than in the phrase "county constituency"), county council or county councillor shall be construed as including references respectively to Greater London, the Greater London Council or councillors of the Greater London Council.

23. References in the said Acts of 1949 and 1956 in relation to elections of county councillors to an electoral division shall be construed in relation to elections of councillors of the Greater London Council as including references to an electoral area.

24. The three last foregoing paragraphs shall have effect subject to any specific provision contained in Part III of this Schedule and, so far as they modify the local elections rules in Schedule 2 to the said Act of 1949, to the provisions of rules under paragraph 13 or 14 of this Schedule.

NOTES

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

London borough. See s. 1, *ante*.

Greater London; Greater London Council. See s. 2, *ante*.

Representation of the People Acts. See the note to s. 4, *ante*.

Representation of the People Act 1948 (c. 65), Sch. 1. See Vol. 8, p. 505.

House of Commons (Redistribution of Seats) Act 1949 (c. 66). See Vol. 8, p. 564.

Representation of the People Act 1949 (c. 68). See Vol. 8, p. 573. For Sch. 2 to that Act, see Vol. 8, p. 733.

Local Government Elections Act 1956 (c. 43). See Vol. 36, p. 489.

House of Commons (Redistribution of Seats) Act 1958 (c. 26). See Vol. 38, p. 267.

Transitional provisions. For a saving, see para. 36 of this Schedule, *post*.

PART III

MODIFICATIONS OF REPRESENTATION OF THE PEOPLE ACT 1949

25. In section 5 (5) (b) the words "expressed by the Act creating it to be" shall be omitted.

26. As from 1st April 1965 sections 6 (2) and 17 (1) shall not apply to any county constituency situated wholly or partly in Greater London.

27.—(1) Section 22 (1) shall not apply in relation to elections of councillors of the Greater London Council.

(2) If the polling districts in an electoral area for the election of a councillor of the Greater London Council or in part of such an area are not determined by paragraph 16 of this Schedule, the council of the London borough which includes that electoral area or, in the case of an electoral area which includes the City and the Temples, the council of the London borough numbered 1 in Part I of Schedule 1 to this Act may divide that area or, as the case may be, that part of

that area into polling districts and may alter any polling district, and section 22 (3) shall apply to the power conferred by this paragraph.

28. Section 26 (2) to (7) shall not apply to elections of councillors of the Greater London Council.

29. Section 27 (2) to (5) shall not apply to elections of London borough councillors.

30. Section 41 (5) shall not apply to the Greater London Council.

31. As from 1st April 1965, for section 110 (3) (b) there shall be substituted—
“ (b) if the said constituency is wholly or partly in Greater London, the petition may be heard at such place within Greater London as the High Court may appoint ”.

32. As from 1st April 1965, section 111 (1) and (2) shall not apply to the trial of an election petition relating to a parliamentary election if the place of trial is at the Royal Courts of Justice or the Central Criminal Court.

33.—(1) In section 172 (1), the definition of “ county ” shall not apply in relation to Greater London, and in the definition of “ local government Act ” after the word “ 1933 ” there shall be inserted the words “ or the London Government Act 1963 ”.

(2) In section 172 (3), for the words “ London county councillors ” there shall be substituted the words “ councillors of the Greater London Council ”.

34. In the local elections rules in Schedule 2—

(a) rule 3 (3) shall be omitted;

(b) rules 4 (1) (b) and 4 (2) shall not apply to an election of councillors of the Greater London Council;

(c) for rule 4 (3) there shall be substituted the following:

“ (3) At an election of councillors of the Greater London Council a notice shall be published by causing it—

(a) to be affixed to the town hall of the borough which constitutes or includes the electoral area and, if the electoral area includes the City of London, at the Guildhall of the said City; and

(b) to be exhibited in such places in the electoral area as the returning officer may determine; ”

(d) in rule 4 (4) for the word “ London ” in both places where it occurs there shall be substituted the words “ Greater London ”;

(e) for rule 47 (b) there shall be substituted the following:—

“ (b) at an election of councillors for the Greater London Council, to the clerk to that Council.”

35. Paragraph 3 of Schedule 7 shall not apply to the Greater London Council.

36. Any modifications of an enactment made by Part II or this Part of this Schedule shall not affect the operation of that enactment in relation to an election held on or after the date of the passing of this Act to fill a casual vacancy occurring before that date.

NOTES

Para. 25: Shall be omitted. The same repeal is made by s. 93 (1), *ante*, and Sch. 18, Part I, *post*.

Para. 26: Greater London. See s. 2 (1), *ante*.

Para. 27: Greater London Council. See s. 2, *ante*.

Para. 36: Passing of this Act. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

Representation of the People Act 1949 (c. 68), ss. 5 (5) (b), 6 (2), 17 (1), 22, 26, 27, 41 (5), 110 (3) (b), 111, 172, Sch. 2, Sch. 7, para. 3. See Vol. 8, pp. 582, 583, 594, 598, 603, 604, 612, 673, 674, 728, 733, 814.

MODIFICATIONS OF LOCAL GOVERNMENT ACT 1933

1. In section 1 (1), as from 1st April 1965, for the word "London" there shall be substituted the words "Greater London".
2. In sections 3 (2), 5 (2), 18 (2) and 20 (1), the words "or ceases to be qualified" shall be omitted.
3. In sections 4 (3), 7 (5), 19 (3) and 22 (5) for the words from "whether or not" onwards there shall be substituted the words "whether or not he voted or was entitled to vote in the first instance, shall give a casting vote".
4. After section 6 (3) there shall be inserted—
 " (3A) If a county alderman is elected to and accepts the office of county councillor, his office of county alderman shall thereupon become vacant."
5. Section 18 (7) and (10) and, in section 20 (3), the words from "and" onwards shall not apply to a London borough.
6. For section 21 (2) there shall be substituted—
 " (2) The number of aldermen shall be one-third of the whole number of councillors or, if that number is not divisible by three, one-third of the highest number below that number which is divisible by three.
 (2A) In its application to a London borough, subsection (2) of this section shall have effect as if for the words 'one-third' and 'three' wherever those words occur there were substituted respectively the words 'one-sixth' and 'six'."
7. After section 21 (3) there shall be inserted—
 " (3A) If an alderman is elected to, and accepts the office of, councillor of the borough, his office of alderman shall thereupon become vacant."
8. After section 23 (2) there shall be inserted—
 " (2A) Subsection (2) of this section shall not apply to a London borough, but the term of office of councillors of such a borough shall be three years, and they shall retire together in the year 1967 and every third year thereafter on the ordinary day of retirement of borough councillors in England and Wales."
9. Section 25 shall not apply to a London borough.

NOTES

General Note. Paras. 1-9 contain modifications of the Local Government Act 1933 (c. 51), Part I, Vol. 14, p. 361.

Para. 1: Greater London. See s. 2 (1), *ante*.

Para. 2: Shall be omitted. The same repeals are made by s. 93 (1), *ante*, and Sch. 18, Part I, *post*.

Para. 5: London borough. See s. 1, *ante*.

Local Government Act 1933 (c. 51), ss. 1 (1), 3 (2), 4 (3), 5 (2), 6 (3), 7 (5), 18, 19 (3), 20, 21, 22 (5), 23 (2), 25. See Vol. 14, pp. 361, 363, 364, 365, 368, 370, 371, 372.

10. Nothing in section 59 (1) (a) or (2) shall operate to disqualify any person from being elected or being—

- (a) the chairman or an alderman of the Greater London Council;
- (b) a councillor of the Greater London Council for an electoral area in an outer London borough;
- (c) a member of the council of an inner London borough, by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by the Inner London Education Authority.

11. In section 65, at the end there shall be added—

“(h) in the case of a county alderman accepting the office of county councillor or of an alderman of a borough accepting the office of councillor of the borough, upon the date on which he accepts that office.”

12. In section 67 (2), for the words “by the mayor” there shall be substituted the words “(other than a London borough) by the mayor, in the case of an election of a councillor of a London borough by the returning officer”.

13. In section 72 (1)—

- (a) after the word “borough” in the second place where that word occurs there shall be inserted the words “(other than a London borough)”;
- (b) immediately before the words “district councillors” in the second place where those words occur there shall be inserted the words “councillors of a London borough or of”.

NOTES

General Note. Paras. 10–13 contain modifications of the Local Government Act 1933 (c. 51), Part II, Vol. 14, p. 385.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For “inner London borough” and “outer London borough”, see s. 1 (1), *ante*. By virtue of s. 89 (1), *ante*, for “Inner London Education Authority”, see s. 30 (1), *ante*.

Local Government Act 1933 (c. 51), ss. 59, 65, 67 (2), 72 (1). See Vol. 14, pp. 386, 391, 392, 394.

14. In section 93 (1) (a), after the words “county council” there shall be inserted the words “the Greater London Council, the council of a London borough”.

15. For section 97 there shall be substituted the following:—

“97.—**Application to City of London of provisions relating to joint committees.** The provisions of this Part of this Act relating to joint committees shall apply to the Common Council of the City of London as if that City were a London borough and the Common Council were the council of that borough, but subject to the modification that a reference to disqualification under Part II of this Act shall be construed as a reference to disqualification under the provisions of any enactment for the time being in force relating to disqualification for membership of the Common Council.”

NOTES

General Note. Paras. 14 and 15 contain modifications of the Local Government Act 1933 (c. 51), Part III, Vol. 14, p. 400.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Common Council of the City of London. See the note to s. 29, *ante*.

Local Government Act 1933 (c. 51), ss. 93 (1) (a), 97. See Vol. 14, pp. 404, 406.

16. In section 110, after the words “county borough” wherever those words occur there shall be inserted the words “London borough”.

17. In section 112 (5), after the words “county borough” there shall be inserted the words “London borough”.

18. After section 123, there shall be inserted the following section:—

“123A. **Payment of salary etc. due to mentally disordered person.**—(1) Subject to the provisions of this section the power of a local authority to pay remuneration to their officers shall include power, where the authority are satisfied after considering medical evidence

that the person to whom, apart from this section, any sum to which this section applies is payable (hereafter in this section referred to as 'the patient') is incapable, by reason of mental disorder within the meaning of the Mental Health Act 1959, of managing and administering his property and affairs, to pay that sum or such part thereof as the authority think fit to the institution or person having the care of the patient to be applied for his benefit and to pay the remainder, if any, or such part thereof as the authority think fit—

- (a) to or for the benefit of persons who appear to the authority to be members of the patient's family or other persons for whom the patient might be expected to provide if he were not mentally disordered; or
- (b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient's debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.

(2) This section applies to any sum payable by a local authority to an officer or pensioner of the authority, or to the widow or widower or a child of a deceased officer or pensioner thereof, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund; and in this subsection the expression 'pensioner' includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority:

Provided that a local authority shall not in exercise of the powers conferred by subsection (1) of this section apply more than one hundred pounds in any year in respect of any one person.

(3) Before exercising their powers under this section in relation to any patient a local authority shall give to the authority having jurisdiction under Part VIII of the said Act of 1959 notice in writing of their intention so to do, specifying the name and address of the patient and the amount and nature of the sums in respect of which the local authority intend to exercise those powers, and the local authority shall, at the same time, give notice in writing to the patient in a form approved by the authority having jurisdiction as aforesaid; and, except with the approval of the authority having jurisdiction as aforesaid, the local authority shall not make the first payment under this section in relation to that patient before the expiration of the period of fourteen days beginning with the date of the service of the notice.

(4) If at any time the authority having jurisdiction as aforesaid gives to the local authority notice in writing that the first-mentioned authority objects to the exercise by the local authority of their said powers in relation to any patient, those powers shall, as from the date of the receipt by the local authority of the notice, cease to be exercisable by the local authority in relation to that patient unless and until the first-mentioned authority withdraws the notice.

(5) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of their powers under this section."

NOTES

General Note. Paras. 16–18 contain modifications of the Local Government Act 1933 (c. 51), Part IV, Vol. 14, p. 406.

London borough. See s. 1, *ante*.

Definitions. For "local authority" and "officer", see the Local Government Act 1933 (c. 51), s. 305, Vol. 14, p. 510, as amended by s. 8 (2), *ante*, and para. 43 of this Schedule, *post*. Note as to "the patient" and "pensioner", para. 18 thereof.

Local Government Act 1933 (c. 51), ss. 110, 112 (5), 123. See Vol. 14, pp. 413, 415, 419.

Mental Health Act 1959 (c. 72). For the meaning of "mental disorder" in that Act, see s. 4 (1) thereof, Vol. 39, p. 967. For the authority having jurisdiction under Part VIII of that Act, see s. 118 (2) thereof, Vol. 39, p. 1060.

19. In section 157 (1), the words "under this or any other public general Act" shall be omitted.

20. The purposes for which the council of a London borough is empowered by section 157 (1) to acquire land by agreement shall include the benefit, improvement or development of the borough; but such a council shall not have power by virtue of this paragraph to acquire land outside the borough except with the consent of the Minister.

21. In section 158 (1), the words "by this or any other public general Act" shall be omitted.

22. Section 171 shall not apply to an inner London borough.

23. In section 176, the words "the provisions relating to the acquisition of land otherwise than by agreement and" shall not apply to Greater London.

NOTES

General Note. Paras. 19-23 contain modifications of the Local Government Act 1933 (c. 51), Part VII, Vol. 14, p. 436.

Shall be omitted. The same repeals are made by s. 93 (1), *ante*, and Sch. 18, Part I, *post*.

London borough. See s. 1, *ante*.

Greater London. See s. 2 (1), *ante*.

Definitions. For "inner London borough" see s. 1 (1) (a), *ante*; for "land" and "the Minister", see s. 89 (1), *ante*.

Local Government Act 1933 (c. 51), ss. 157 (1), 158 (1), 171, 176. See Vol. 14, pp. 436, 446, 448.

24. In sections 198 (1) and 213 (1), the references to sums borrowed as therein mentioned shall be construed as including references to sums borrowed by the Greater London Council under paragraph 29 of Schedule 2 to this Act.

25. In section 212 (1), for the words "or half-yearly" there shall be substituted the words "half-yearly or quarterly" and, in section 212 (2), after the words "six months" there shall be inserted the words "or, where the moneys are repayable by quarterly instalments, within three months".

26. In section 218, in the definition of "sanctioning authority", after the word "means" there shall be inserted the words "in relation to the Greater London Council, the Treasury or, in relation to any other local authority".

NOTES

General Note. Paras. 24-26 contain modifications of the Local Government Act 1933 (c. 51), Part IX, Vol. 14, p. 457.

Greater London Council. See s. 2, *ante*.

Local authority. For meaning, see the Local Government Act 1933 (c. 51), s. 305, Vol. 14, p. 510, as amended by s. 8 (2), *ante*, and para. 43 of this Schedule, *post*.

Local Government Act 1933 (c. 51), ss. 198 (1), 212, 213 (1), 218. See Vol. 14, pp. 459, 465, 469.

27. In section 219—

(a) in paragraph (a), after the words "county council" there shall be inserted the words "of the Greater London Council, of every London borough council";

(b) in paragraph (c), for the words "county or", there shall be substituted the words "county council, the Greater London Council, a";

28. Sections 237 and 239 shall not apply to a London borough.

NOTES

General Note. Paras. 27 and 28 contain modifications of the Local Government Act 1933 (c. 51), Part X, Vol. 14, p. 469.

Greater London Council. See s. 2, *ante*.

London borough council. Cf. s. 1, *ante*.

London borough. See s. 1, *ante*.

Local Government Act 1933 (c. 51), ss. 219, 237, 239. See Vol. 14, pp. 469, 478, 479.

29. Sections 250 to 252 shall apply in relation to byelaws made under any enactment (whether passed before or after this Act) by the Common Council, whether acting as a local authority within the meaning of the enactment in question or as a port health authority, or by the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, as those sections apply in relation to byelaws made under the enactments mentioned in section 250 by a local authority within the meaning of that section.

30. In section 250 (9), references to a county, a county council and the council of a county district shall include references respectively to Greater London, the Greater London Council and the council of a London borough, except that, in the application of that subsection to byelaws relating to sewerage or sewage disposal, the references to a county shall be construed as including references to the sewerage area of the Greater London Council instead of Greater London.

31. In section 250 (10), for the words "and in the case of" there shall be substituted the words "or if no authority or person is so specified, or if the byelaws are".

NOTES

General Note. Paras. 29–31 contain modifications of the Local Government Act 1933 (c. 51), Part XII, Vol. 14, p. 484.

County district. See the note to s. 3, *ante*.

Greater London; Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the Common Council", "county", and "sewerage area of the Greater London Council", see s. 89 (1), *ante*.

Local Government Act 1933 (c. 51), ss. 250–252. See Vol. 14, pp. 485, 487.

32. In section 259, at the end there shall be added—

"(3) A borough council may expend such reasonable sum as they think fit for the purpose of presenting an address or a casket containing an address to a person admitted to be an honorary freeman of the borough."

33. Without prejudice to anything contained in its charter or incorporation order, sections 260 to 264 shall not apply to a London borough.

NOTES

General Note. Paras. 32 and 33 contain modifications of the Local Government Act 1933 (c. 51), Part XIV, Vol. 14, p. 490.

London borough. See s. 1, *ante*.

Definitions. For "freeman", see the Local Government Act 1933 (c. 51), s. 305, Vol. 14, p. 510; for "incorporation order", see s. 1 (3), *ante*.

Local Government Act 1933 (c. 51), ss. 259, 260–264. See Vol. 14, pp. 490, 491, 492.

34. Section 269 (1) and (3) shall not apply to an inner London borough.

35.—(1) In section 270, for the words "or county borough" wherever those words occur there shall be substituted the words "county borough or London borough".

(2) In section 270 (1), after the word "district" there shall be inserted the words "and not being the council of a London borough".

(3) After section 270 (3) there shall be added:—

"(4) This section shall apply to the City of London as if it were a London borough and the Common Council were the council of that borough".

36. In section 275 (1) (b), for the words "or under" where first occurring there shall be substituted the words "the London Government Act 1963 or".

37. In relation to any parish which immediately before 1st April 1965 was situated wholly within Greater London—

(a) references in sections 281 and 282 to the borough in which a parish is situated shall be construed as including references to the London borough whose area includes the area of that parish;

(b) section 281 (3) shall have effect as if after the words "county borough" there were inserted the words "or a parish the area of which is included in the area of a London borough".

38. In section 286 (1), for the words "any enactment passed or statutory order made after the commencement of this Act" there shall be substituted the words "any other enactment or statutory order".

39. After section 287 there shall be inserted the following sections:—

"287A. **Service of notices by local authority.**—(1) Any document to which this section applies, being a document required or authorised to be served on any person, shall be deemed to be duly served—

(a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either—

(i) sent by post, or

(ii) delivered at the registered office, or at the principal office or place of business, of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(i) sent by post, or

(ii) delivered at the said place of business;

(c) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the clerk, secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

(i) sent by post, or

(ii) delivered at that office;

(d) in any other case, if the document is addressed to the person to be served, and is either sent to him by post or delivered at his residence or place of business.

(2) Any document to which this section applies, being a document required or authorised to be served on the owner or occupier of any premises, may be addressed 'the owner' or 'the occupier,' as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—

(a) if the document so addressed is sent or delivered in accordance with paragraph (d) of the foregoing subsection; or

(b) if the document so addressed, or a copy thereof so addressed, is delivered to some person on the premises or, where there is no person on the premises to whom it can be delivered, is affixed to some conspicuous part of the premises.

(3) Where a document to which this section applies is served on a

partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) For the purpose of enabling any document to be served on the owner of any premises, the local authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.

(5) This section applies to any notice, order or other document which is required or authorised by any enactment or any instrument made under an enactment to be served by or on behalf of a local authority, or by an officer of a local authority, not being a document to the service of which the provisions of some enactment other than this section or some instrument made under an enactment are applicable.

(6) For the purposes of this section, a notice, order or other document shall be deemed to be a notice, order or other document which is required or authorised to be served on a person if it is required or authorised to be notified, given or transmitted, or (in the case of a demand) if it is required or authorised to be made, to that person, and in this section the expressions 'served' and 'service' shall be construed accordingly.

287B. Authentication of documents.—(1) Any notice, order or other document which a local authority are authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the authority by the clerk of the authority or by any other officer of the authority authorised by the authority in writing to sign documents of the particular kind or the particular document, as the case may be.

(2) Any document purporting to bear the signature of the clerk of the authority or of any officer stated therein to be duly authorised by the authority to sign such a document or the particular document, as the case may be, shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority.

In this subsection the word 'signature' includes a facsimile of a signature by whatever process reproduced.

(3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents."

40. In section 289, after the word "shall" there shall be inserted the words "in respect of each offence".

41. In section 290 (3), after the word "shall" there shall be inserted the words "in respect of each offence".

42. In section 295, references to the Local Government Act 1933 shall be construed as including references to sections 1 (7) and 2 (4) of, and Schedules 2 and 3 to, this Act.

43. In section 305, at the end of the definition of "local authority" there shall be added the words "the council of a London borough or the Greater London Council".

NOTES

General Note. Paras. 34-43 contain modifications of the Local Government Act 1933 (c. 51), Part XV, Vol. 14, p. 492.

Para. 35: County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

Common Council. See the note "Common Council of the City of London" to s. 29, *ante*.

Para. 37: Greater London. See s. 2 (1), *ante*.

Para. 39: Summary conviction. Summary jurisdiction and procedure are now mainly governed by the Magistrates' Courts Act 1952 (c. 55), Vol. 32, p. 416, and the Magistrates' Courts Act 1957 (c. 29), Vol. 37, p. 626.

Definitions. For "enactment", "local authority" and "statutory order", see the Local Government Act 1933 (c. 51), s. 305, Vol. 14, p. 510, as amended by s. 8 (2), *ante*, and para. 43 of this Schedule; for "inner London borough", see s. 1 (1) (a), *ante*. Note as to "served", "service" and "signature", para. 39.

Local Government Act 1933 (c. 51), ss. 269, 270, 275 (1) (b), 281, 282, 286 (1), 287, 289, 290 (3), 295, 305. See Vol. 14, pp. 494, 495, 497, 499, 500, 502, 504, 507, 510.

44. In paragraph 3 (1) of Part V of Schedule 3, for the words "committee, as the case may be" there shall be substituted the words "as the case may be, at the same or any subsequent meeting of the committee".

NOTE

Local Government Act 1933 (c. 51), Sch. 3, Part V, para. 3 (1). See Vol. 14, p. 523.

45. In paragraph 18 of Schedule 9, after the word "shall" there shall be inserted the words "in respect of each offence".

NOTE

Local Government Act 1933 (c. 51), Sch. 9, para. 18. See Vol. 14, p. 534.

SCHEDULE 5

Section 15

MODIFICATIONS AS FROM 1ST APRIL 1965 OF ENACTMENTS RELATING
TO ROAD TRAFFIC

PART I

THE ROAD TRAFFIC ACT 1960

1. In section 17 (5), at the end there shall be added the words "and in this subsection the expression 'county borough' includes a London borough".

2.—(1) In section 21 (1)—

(a) for the words "the London Traffic Area" in both places where they occur there shall be substituted the words "Greater London";

(b) in paragraph (b), for the word "Minister" there shall be substituted the words "Greater London Council".

(2) In section 21 (2), after the words "paragraph (a)" there shall be inserted the words "or (b)" and after the word "authority" there shall be inserted the words "or the Greater London Council, as the case may be".

(3) In section 21 (5), as substituted by section 12 (2) of the Road Traffic Act 1962, after the words "paragraph (a)" there shall be inserted the words "or to the Greater London Council as respects any road falling within paragraph (b)".

3. In section 22 (5)—

(a) in paragraph (a), for the words "the London Traffic Area" there shall be substituted the words "Greater London";

(b) for paragraph (b) there shall be substituted—

"(b) as respects a road in Greater London, not being a trunk road, the Greater London Council".

4. In section 26 (1), for the words "the London Traffic Area" there shall be substituted the words "Greater London".

5.—(1) In section 34 (1)—

- (a) for the words "The Minister may make regulations" there shall be substituted the words "Subject to section 10 (2) of the London Government Act 1963, the Minister may by order made by statutory instrument, which may be varied or revoked by a subsequent order so made, make provision";
- (b) for the words "the London Traffic Area" there shall be substituted the words "Greater London".

(2) In section 34 (2)—

- (a) for the word "regulations" there shall be substituted the word "order";
- (b) for the words "the London Traffic Area" there shall be substituted the words "Greater London".

(3) In section 34 (3)—

- (a) for the word "regulations" in the first place where it occurs there shall be substituted the word "order";
- (b) for the words "regulations remain" there shall be substituted the words "order remains";
- (c) for the words "regulations made by the Minister" in the first place where they occur there shall be substituted the word "order";
- (d) for the words "regulations made by the Minister apply" there shall be substituted the words "order applies".

(4) In section 34 (4) as substituted by Schedule 1 to the Road Traffic Act 1962 and in section 34 (6) and (7), for the word "regulations" wherever it occurs there shall be substituted the word "order".

6.—(1) In section 35 (1), for the words "the Minister" there shall be substituted—

- (a) in the first place where they occur, the words "the Greater London Council";
- (b) in the second place where they occur, the words "that Council".

(2) After section 35 (1) there shall be inserted—

"(1A) The said Council shall not give their consent to any such scheme as aforesaid affecting a trunk road except with the agreement of the Minister; and in the case of any particular scheme the Minister may after consultation with that Council direct the Council to consent thereto within a specified period or to withhold their consent therefrom."

(3) In section 35 (4), for the words from "regulations made" onwards there shall be substituted the words "any order for the time being in force under section 34 of this Act or section 10 (1) of the London Government Act 1963".

(4) In section 35 (5)—

- (a) for the word "Minister" in the first place where it occurs there shall be substituted the words "said Council";
- (b) for the words from "regulations of" onwards there shall be substituted the words "an order under the said section 34 or 10 (1)".

(5) In section 35 (7), for the words "the metropolitan police district and the City of London" there shall be substituted the words "Greater London".

7. In section 39 (2) for the words "the London Traffic Area" there shall be substituted the words "Greater London".

8.—(1) In section 44 (6) (a) after the word "Wales" there shall be inserted the words "other than Greater London".

(2) After section 44 (7) there shall be inserted—

"(7A) In the application of this section to Greater London, 'local authority' means—

- (a) as respects a road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road, the Greater London Council;

(b) as respects any other road in a London borough, the council of the borough;

(c) as respects any other road in the City of London, the Common Council;

but before the Greater London Council submit any scheme under this section with respect to a road for the time being designated as aforesaid they shall consult with any other of the councils aforesaid within whose area that road is situated."

(3) In section 44 (8) for the words " the London Traffic Area " there shall be substituted the words " Greater London ".

9.—(1) In section 49 (1) the words from " other than " to " county borough " shall be omitted.

(2) At the end of section 49 there shall be added—

" (9) In its application to Greater London, this section shall have effect as if—

(a) the City of London were a borough and the Common Council the council of that borough;

(b) for any reference to the appropriate Minister there were substituted a reference to the Greater London Council; and

(c) the words ' by statutory instrument ' in subsection (5) were omitted."

10. In section 50, after the word " confirmation " there shall be inserted the words " in the case of byelaws of a local authority in Greater London by the Greater London Council or in any other case ".

11. In section 60 (2) for the words " metropolitan borough " there shall be substituted the words " London borough ".

12. In section 63 (1), after the word " Act " there shall be inserted the words " or sections 10 to 12 of the London Government Act 1963 ".

13. In section 65 (3), at the end there shall be added the words " the Greater London Council or the Common Council of the City of London ".

14. In section 75 (3), for the words from " not being " to " borough " there shall be substituted the words " being the council of a non-county borough or urban district ".

15. In section 79 (1), for the words " the London Traffic Area " there shall be substituted the words " Greater London ".

16. In section 80 (1), for the words " the London Traffic Area " there shall be substituted the words " Greater London ".

17.—(1) In section 81 (1), for the words " the London Traffic Area " there shall be substituted the words " Greater London ".

(2) In section 81 (16) (a), for the words " or county district " there shall be substituted the words " London borough or county district, the Common Council of the City of London or, subject to subsection (16A) of this section, the Greater London Council ".

(3) After section 81 (16) there shall be inserted—

" (16A) The Greater London Council shall not exercise their powers under this section—

(a) as respects any London borough, without the consent of the council of that borough, or

(b) as respects the City, without the consent of the Common Council, except with the consent of the Minister of Transport."

18.—(1) In section 85 (1), at the beginning there shall be inserted the words " Subject to section 13 (2) of the London Government Act 1963 ".

(2) In section 85 (4), for the words " metropolitan borough " there shall be substituted the words " London borough ".

(3) In section 85 (5)—

- (a) at the beginning there shall be inserted the words " Subject to section 13 (2) of the London Government Act 1963 ";
- (b) for the words " the metropolitan police district or the City of London " there shall be substituted the words " Greater London ";
- (c) in paragraph (b), for the words " London County " there shall be substituted the words " Greater London ";
- (d) at the end of paragraph (c) there shall be added the words " and, where the transfer is made to the Greater London Council, as if that Council were a local authority within the meaning of this section ".

(4) In section 85 (10), at the end there shall be added the words " or section 10 (1) of the London Government Act 1963 ".

19. In section 86, as substituted by section 29 (1) of the Road Traffic Act 1962, at the beginning of subsection (1) and at the beginning of subsection (2) there shall be inserted the words " Subject to section 13 (2) of the London Government Act 1963 ".

20. In section 87, as substituted by the said section 29 (1)—

- (a) in subsection (2) for the words from " and such " to " such a designation " there shall be substituted the words " or section 10 (1) of the London Government Act 1963, and such an order, or an order under any of those sections containing a designation of a place as a parking place ";
- (b) at the beginning of subsection (3) there shall be inserted the words " Subject to section 13 (2) of the London Government Act 1963."

21. In section 88 (1) (b), after the word " Minister " there shall be inserted the words " or the Greater London Council."

22. In section 89 (3) (c), after the word " council " there shall be inserted the words " to the Greater London Council ".

23.—(1) In section 90 (3) after the word " conferred " there shall be inserted the words " on the Minister ".

(2) After section 90 (7) there shall be added—

" (8) In relation to any functions exercised by the Greater London Council, any reference in subsection (1) or (2) of this section to the Minister shall be construed as a reference to that Council."

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 15 (1), *ante*, it must be regarded as part of that subsection, which, being in Part II of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule.

General Note. Paras. 1-23 contain modifications of the Road Traffic Act 1960 (c. 16), Part I, Vol. 40, p. 711.

Para. 1: London borough. See s. 1, *ante*.

Para. 2: Greater London; Greater London Council. See s. 2, *ante*.

Para. 3: Trunk road. See the note " Trunk roads " to s. 10, *ante*.

Para. 5: Statutory instrument. See the note to s. 10, *ante*.

Para. 6: Consultation. See the note " Consult " to s. 7, *ante*.

Para. 8: Common Council. See the note " Common Council of the City of London " to s. 29, *ante*.

Consult. See the note to s. 7, *ante*.

Para. 9: Shall be omitted. The same repeal is made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Para. 11: Metropolitan borough. See the note " Metropolitan boroughs " to s. 3, *ante*.

Para. 17: County district. See the note to s. 3, *ante*.

Common Council of the City of London. See the note to s. 29, *ante*.

Definitions. For " the appropriate Minister ", " the Minister " and " road ", see the Road Traffic Act 1960 (c. 16), s. 257 (1), Vol. 40, p. 925.

Road Traffic Act 1960 (c. 16), ss. 17 (5), 21, 22 (5), 26 (1), 34, 35, 39 (2), 44, 49,

50, 60 (2), 63 (1), 65 (3), 75 (3), 79 (1), 80 (1), 81, 85, 88 (1) (b), 89 (3) (c), 90. See Vol. 40, pp. 725, 727, 729, 732, 739, 740, 745, 750, 755, 756, 761, 762, 765, 777, 779, 780, 786, 792, 794, 795.

Road Traffic Act 1962 (c. 59), ss. 12 (2), 29 (1), Sch. 1. See Vol. 42, pp. 897, 911, 923.

24. In section 101 (1), after the word "resides" where first occurring there shall be inserted the words "or, if he resides in Greater London, the Greater London Council".

NOTES

Commencement. See the note to paras. 1-23 of this Part of this Schedule, *ante*.

General Note. This paragraph contains a modification of the Road Traffic Act 1960 (c. 16), Part II, Vol. 40, p. 800.

Greater London; Greater London Council. See s. 2, *ante*.

Road Traffic Act 1960 (c. 16), s. 101 (1). See Vol. 40, p. 805.

25. After section 135 (8) there shall be added—

"(9) In relation to any route, stopping place or terminal point within Greater London, any reference in subsection (8) of this section to the commissioner of police of the metropolis or the commissioner of police for the City of London shall be construed as including a reference to the Greater London Council."

26. After section 141 (8) there shall be added—

"(9) In relation to any route or part of a route which lies within Greater London, any reference in subsections (2) to (6) of this section to the commissioner of police shall be construed as including a reference to the Greater London Council."

NOTES

Commencement. See the note to paras. 1-23 of this Part of this Schedule, *ante*.

General Note. Paras. 25 and 26 contain modifications of the Road Traffic Act 1960 (c. 16), Part III, Vol. 24, p. 817.

Greater London; Greater London Council. See s. 2, *ante*.

Road Traffic Act 1960 (c. 16), ss. 135 (8), 141 (8). See Vol. 40, pp. 832, 837.

27. In section 202 (2) (a), for the words "metropolitan borough" there shall be substituted the words "London borough, the Greater London Council".

NOTES

Commencement. See the note to paras. 1-23 of this Part of this Schedule *ante*.

General Note. This paragraph contains a modification of the Road Traffic Act 1960 (c. 16), Part VI, Vol. 40, p. 882.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

London borough. See s. 1, *ante*.

Greater London Council. See s. 2, *ante*.

Road Traffic Act 1960 (c. 16), s. 202 (2) (a). See Vol. 40, p. 885.

28. In section 220 (6), for the words "metropolitan borough" there shall be substituted the words "London borough".

29. In section 221 (3), after the word "district" there shall be inserted the words "the Greater London Council".

30. In section 248, after the words "purposes of this Act" there shall be inserted the words "or sections 9 to 15 and 20 (2) of the London Government Act 1963".

31. In section 249 (1), after the word " Act " there shall be inserted the words " or section 10 of the London Government Act 1963 ".

32. In section 257 (1), in the definition of " highway authority " for the words " or the council of a metropolitan borough " there shall be substituted the words " the council of a London borough or the Greater London Council ".

NOTES

Commencement. See the note to paras. 1-23 of this Part of this Schedule, *ante*.

General Note. Paras. 28-32 contain modifications of the Road Traffic Act 1960 (c. 16), Part VII, Vol. 40, p. 898.

Metropolitan borough. See the note " Metropolitan boroughs " to s. 3, *ante*.

London borough. See s. 1, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

Road Traffic Act 1960 (c. 16), ss. 220 (6), 221 (3), 248, 249 (1), 257 (1). See Vol. 40, pp. 900, 901, 919, 925.

33. In Schedule 4, in paragraph 11, for the words " the metropolitan police district and the City of London ", there shall be substituted the words " Greater London ".

NOTES

Commencement. See the note to paras. 1-23 of this Part of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Road Traffic Act 1960 (c. 16), Sch. 4, para. 11. See Vol. 40, p. 938.

34. In Schedule 8, in paragraph 1, for the words " the administrative county of London " there shall be substituted the words " Greater London ".

NOTES

Commencement. See the note to paras. 1-23 of this Part of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Road Traffic Act 1960 (c. 16), Sch. 8, para. 1. See Vol. 40, p. 941.

35. In Schedule 10—

(a) for paragraph 3 there shall be substituted—

" 3. The Minister shall take into consideration any objections duly made to the making of the order ";

(b) in paragraph 5 (1), for the words " the London Traffic Area " there shall be substituted the words " Greater London ";

(c) for paragraph 7 there shall be substituted—

" 7. After advertising in pursuance of the last foregoing paragraph any proposal to make an order, the Minister shall take into consideration any objections duly made to the proposal."

NOTES

Commencement. See the note to paras. 1-23 of this Part of this Schedule, *ante*.

The Minister. *I.e.*, the Minister of Transport; see the Road Traffic Act 1960 (c. 16), s. 257 (1), Vol. 40, p. 925.

Greater London. See s. 2 (1), *ante*.

Road Traffic Act 1960 (c. 16), Sch. 10, paras. 3, 5 (1), 7. See Vol. 40, pp. 944, 945.

PART II

THE ROAD TRAFFIC AND ROADS IMPROVEMENT ACT 1960

1. In section 3, at the end there shall be added—

" (5) In its application to Greater London, this section shall have effect subject to the provisions of section 13 (2) to (7) of the London Government Act 1963."

2.—(1) In section 4 (1), for the words " the London area " there shall be substituted the words " Greater London ".

(2) In section 4 (2)—

(a) for the words " the London area " there shall be substituted the words " Greater London ";

(b) after the words " received by him " there shall be inserted the words " by way of charges made by him for vehicles left in parking places designated under the said subsection (5) ".

(3) In section 4 (3) for the words from " any local " to " area " there shall be substituted the words " the Greater London Council, the council of any London borough or the Common Council of the City of London ".

3.—(1) In section 5 (1)—

(a) the words " subsection (8) or (9) of " shall be omitted;

(b) for the words " the London Traffic Area " and " that area " there shall be substituted the words " Greater London ".

(2) In section 5 (7)—

(a) for the words " the London Traffic Area " in both places where those words occur there shall be substituted the words " Greater London ";

(b) the words " by virtue of subsection (8) or (9) of that section " and " so " shall be omitted.

4.—(1) In section 8 (3), for the words " regulations under the said section 34 " there shall be substituted the words " an order under the said section 34 or under section 10 (1) of the London Government Act 1963 ".

(2) In section 8 (4)—

(a) for the words from the beginning to " impose " there shall be substituted the words " Any such order which imposes ";

(b) for the words " the London Traffic Area " there shall be substituted the words " Greater London ".

(3) In section 8 (5), for the words " Regulations under the said section 34 " there shall be substituted the words " Any such order " and for the word " regulations " wherever else it occurs there shall be substituted the word " order ".

(4) In section 8 (6), for the words from " traffic regulations " to " being regulations " there shall be substituted the words " any order in force under the said section 34 or 10 (1), being an order ".

5.—(1) In section 15 (4) (d)—

(a) for the words " the London Traffic Area " there shall be substituted the words " Greater London ";

(b) after the figures " 1960 " there shall be inserted the words " or section 10 (1) of the London Government Act 1963 ".

(2) In section 15 (4) (d) and (e), for the words " metropolitan borough " there shall be substituted the words " London borough ".

6.—(1) In section 18 (1), for the words " the London area " there shall be substituted the words " Greater London ".

(2) In section 18 (1), for the words from " Minister " to " authority " there shall be substituted the words " Greater London Council—

(a) in the case of any highway for which they are the highway authority, or

(b) on the application of the council of a London borough or the Common Council of the City of London, in the case of any highway for which the borough council or Common Council, as the case may be, are the highway authority,

may, if on grounds of urgency they consider it expedient ".

(3) In section 18 (2), for the words from the beginning to " road improvement " there shall be substituted the words " Where the Greater London Council

give authority under the foregoing subsection for the execution of any works of road improvement, or receive notice from the Minister that such works of road improvement as are mentioned in the foregoing subsection are to be executed in the case of a highway for which he is the highway authority”.

(4) In section 18 (2) (a), for the words “ he ” and “ him ” there shall be substituted respectively the words “ they ” and “ them ”.

7. In section 19 (1)—

(a) at the beginning there shall be inserted the words “ Subject to section 14 (2) of the London Government Act 1963 ”;

(b) for the words “ the London area ” there shall be substituted the words “ Greater London.”

8. After section 19 there shall be inserted the following section—

“ 19A. **Power of Greater London Council to execute road improvements not involving widening.**—(1) Where the Greater London Council, after consultation with the council of a London borough or the Common Council of the City of London, are of the opinion that, with a view to facilitating the movement of traffic, it is expedient for works to be executed for the improvement of a highway in Greater London for which the borough council or the Common Council are the highway authority, then—

(a) the highway authority shall, within three months of being notified of that fact, inform the Greater London Council whether they are prepared to undertake those works and, if so, within what time; and

(b) if the Greater London Council at the expiration of the said three months are not satisfied that the highway authority will with reasonable despatch undertake those works (or within the said three months are satisfied that they will not), the Greater London Council may execute those works or other works appearing to them to secure the same or an equivalent improvement of the highway;

and for the purposes of this subsection it shall not be treated as widening a highway to take into the highway land not forming part of it but situated within its outer limits.

(2) Subsections (2) to (6) of section 19 of this Act shall have effect for the purposes of this section as if in those subsections—

(a) for any reference to the Minister there were substituted a reference to the Greater London Council; and

(b) for any reference to the execution of works under that section there were substituted a reference to the execution of works under this section,

and as if in subsection (3) of that section the words from “ except ” to “ by the Minister ” were omitted.”

9. In section 22 (1) (a), for the words “ the London area ” there shall be substituted the words “ Greater London ”.

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 15 (1), *ante*, it must be regarded as part of that subsection, which, being in Part II of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule, *ante*.

Para. 1: Greater London. See s. 2 (1), *ante*.

Para. 2: Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Common Council of the City of London. See the note to s. 29, *ante*.

Sub-s. (3): Shall be omitted. The same repeal is made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Para. 6: The Minister. *I.e.*, the Minister of Transport; see the Road Traffic and Roads Improvement Act 1960 (c. 63), s. 23 (1), Vol. 40, p. 1016.

Para. 8: Consultation. See the note "Consult" to s. 7, *ante*.

Road Traffic and Roads Improvement Act 1960 (c. 63), ss. 3, 4, 5, 8, 15 (4), 18, 19, 22 (1) (a). See Vol. 40, pp. 996, 997, 1001, 1010, 1012, 1013, 1015.

PART III

THE ROAD TRAFFIC ACT 1962

1.—(1) In section 11 (2) (a), the words "or any road in the London Traffic Area" shall be omitted.

(2) After section 11 (2) (a), there shall be inserted—

"(aa) as respects any road in Greater London other than a trunk road, shall be either the appropriate Minister or the Greater London Council; and"

(3) In section 11 (3)—

(a) after the word "authority" where first occurring there shall be inserted the words "or by the Greater London Council";

(b) after the word "authority" in the second place where it occurs there shall be inserted the words "or that Council".

(4) In section 11 (4) (a), after the word "authority" where first occurring there shall be inserted the words "or the Greater London Council".

(5) For section 11 (4) (b) there shall be substituted—

"(b) unless the road is a trunk road, the appropriate Minister shall give notice of his intention to make the order, in the case of a road in Greater London, to the Greater London Council or, in any other case, to the local authority."

2. In section 26—

(a) for the words from the beginning to "Committee)" there shall be substituted the words "An order under section 34 of the principal Act or section 10 (1) of the London Government Act 1963";

(b) for the word "regulations" in the last two places where that word occurs there shall be substituted the word "order";

(c) for the words from "in accordance" to "Act" where next occurring there shall be substituted the words "the Greater London Council".

3.—(1) In section 28 (1)—

(a) in paragraph (a), for the words "the London Traffic Area" there shall be substituted the words "Greater London";

(b) for paragraph (b) there shall be substituted—

"(b) as respects traffic on roads in Greater London, as may be made by an order under section 34 of that Act or section 10 (1) of the London Government Act 1963".

(2) For section 28 (2) there shall be substituted—

"(2) The authority having power to make an experimental traffic order—

(a) as respects roads outside Greater London, other than trunk roads, shall be the local authority;

(b) as respects roads in Greater London, other than trunk roads, shall be the Greater London Council or, subject to section 11 (2) of the London Government Act 1963, the appropriate Minister;

(c) as respects any trunk road in Greater London, shall be the appropriate Minister or, with the consent of that Minister, the Greater London Council;

(d) as respects trunk roads outside Greater London, shall be the appropriate Minister;

and the appropriate Minister may, after giving the local authority or the Greater London Council notice of his intention to do so, by order vary or revoke any experimental traffic order made by the local authority or that Council."

(3) In section 28 (3) (b), after the word " Minister " there shall be inserted the words " or by the Greater London Council ".

(4) In section 28 (9), for the words from " by " onwards there shall be substituted the words " as respects a road in Greater London as it applies in relation to an order under section 34 of the principal Act or section 10 (1) of the London Government Act 1963 ".

(5) In section 28 (11) (b), for the words " the London Traffic Area " there shall be substituted the words " Greater London ".

4.—(1) For section 34 (1), there shall be substituted—

" (1) For the purposes of the following provisions, that is to say—

(a) sections 20 (3) and 34 (1) of the principal Act;

(b) sections 11 (1) and 28 of this Act; and

(c) section 10 (1) of the London Government Act 1963,

where any part of the width of a road is in Greater London, the whole width thereof shall be deemed to be in Greater London."

(2) In section 34 (5), for the words " metropolitan borough " there shall be substituted the words " London borough ".

5. In section 35, for the words " other than section 34 " there shall be substituted the words " otherwise than by virtue of section 34 of this Act ".

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 15 (1), *ante*, it must be regarded as part of that subsection, which, being in Part II of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule, *ante*.

Shall be omitted. The same repeal is made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Greater London; Greater London Council. See s. 2, *ante*.

Trunk road. See the note " Trunk roads " to s. 10, *ante*.

Para. 4: Metropolitan borough. See the note " Metropolitan boroughs " to s. 3, *ante*.

London borough. See s. 1, *ante*.

Definitions. By virtue of the Road Traffic Act 1962 (c. 59), s. 52 (2), Vol. 42, p. 922, for " the appropriate Minister ", see the Road Traffic Act 1960 (c. 16), s. 257 (1), Vol. 40, p. 925. For " experimental traffic order ", see s. 28 (1) of the Act of 1962, Vol. 42, p. 908. By virtue of s. 28 (11) (a) of the Act of 1962, for " local authority ", see s. 26 (2) (a) of the Act of 1960, Vol. 40, p. 732. For " road ", see s. 49 (1) of the Act of 1962, Vol. 42, p. 921, in conjunction (so far as applicable) with s. 28 (11) (b) of that Act, as amended by s. 15 (1), *ante*, and para. 3 (5) of this Part of this Schedule.

Road Traffic Act 1962 (c. 59), ss. 11, 26, 28, 34, 35. See Vol. 42, pp. 896, 908, 913, 914.

Section 16

SCHEDULE 6

AMENDMENTS AS FROM 1ST APRIL 1965 IN HIGHWAYS ACT 1959

1. In section 1 (2), for the word " borough " where first occurring there shall be substituted the words " county borough, non-county borough ".

2. After section 2 (b) there shall be inserted—

" (c) where the road is situated in a London borough, the Greater London Council or the council of the borough, according as the road is or is not designated by the order as a metropolitan road ".

3. In section 3 (1) for the words " The council of a county, borough or urban district " there shall be substituted the words " Any council other than the council of a rural district. "

NOTES

Commencement. As this Schedule takes effect by virtue of s. 16 (2) (a), *ante*, it must be regarded as part of that subsection, which, being in Part II of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule.

General Note. Paras. 1-3 contain amendments of the Highways Act 1959 (c. 25), Part I, Vol. 39, p. 412.

County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

Greater London Council. See s. 2, *ante*.

Designated . . . as a metropolitan road. See s. 17, *ante*.

Any council. For meaning of " council " in this context, see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*.

Highways Act 1959 (c. 25), ss. 1 (2), 2 (b), 3 (1). See Vol. 39, pp. 412, 414.

4. In section 8 (2)—

(a) in paragraph (b), after the words " that council " there shall be inserted the words " (and, if the road is situated in Greater London, also by the Greater London Council) ";

(b) in paragraph (c) after the words " of the Minister " there shall be inserted the words " (and, if the road is situated in Greater London, also by the Greater London Council with such consent) ".

5.—(1) In section 10 (1), for the words " (including the county of London) " there shall be substituted the words " with the Greater London Council ", and for the words " or county borough " there shall be substituted the words " county borough or London borough ".

(2) In section 10 (4) after the word " county " there shall be inserted the words " with the Greater London Council or with the council of a ".

6. In section 13 (6), for the words " (including the county of London) " there shall be substituted the words " the Greater London Council " and for the words " metropolitan borough " there shall be substituted the words " London borough ".

7. In section 21 (1), after the word " highways " there shall be inserted the words " outside Greater London ".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 4-7 contain amendments of the Highways Act 1959 (c. 25), Part II, Vol. 39, p. 418.

Greater London; Greater London Council. See s. 2, *ante*.

County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

Highways Act 1959 (c. 25), ss. 8 (2), 10, 13 (6), 21 (1). See Vol. 39, pp. 420, 422, 427, 434.

8. In section 26 (1) for the words " the council of every county, borough and urban district through which " there shall be substituted the words " every council (other than the council of a rural district) through whose area ".

9. In section 29, at the end there shall be added—

" (5) This section shall apply to Greater London as if Greater London were a county, the Greater London Council were the council of that county and the London boroughs and the City of London were county districts in that county."

10. In section 30 (6), for the words from " the council " where first occurring onwards there shall be substituted the words " or any council ".

11. In section 34, at the end there shall be added—

" (12) This section shall apply to a London borough or the City of London as if it were a county borough and, in the case of the City of London, as if the Common Council were the council of that county borough."

12. In section 37, after the word " district " there shall be inserted the words " or the Common Council ".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 8-12 contain amendments of the Highways Act 1959 (c. 25), Part III, Vol. 39, p. 442.

Greater London; Greater London Council. See s. 2, *ante*.

London boroughs. See s. 1, *ante*.

County districts. See the note " County district " to s. 3, *ante*.

County borough. See the note to s. 4, *ante*.

Definitions. For " Common Council " and " council ", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*.

Highways Act 1959 (c. 25), ss. 26 (1), 29, 30 (6), 34, 37. See Vol. 39, pp. 442, 445, 447, 450, 453.

13.—(1) In section 38 (2) (c)—

(a) after the words " urban district " there shall be inserted the words " the Greater London Council or the Common Council ";

(b) after the word " authority " there shall be inserted the words " or the Greater London Council ".

(2) At the end of section 38 there shall be added—

" (7) In the application of this section to any highway situated in an area which immediately before 1st April 1965 formed part of the administrative county of London—

(a) any reference therein to the commencement of this Act shall be construed as a reference to the said 1st April;

(b) the reference in subsection (3) to the council of a borough shall be construed as including a reference to the council of a metropolitan borough and the Common Council ".

14. In section 39 (1), the words " of the county, borough or urban district " shall be omitted.

15. In section 40 (4)—

(a) in paragraph (a), after the word " section " there shall be inserted the words " is intended to become a metropolitan road or ";

(b) in paragraph (b), after the word " section " there shall be inserted the words " crosses or will cross a metropolitan road or, as the case may be ";

(c) after the word " exercisable " there shall be inserted the words " by the Greater London Council and not by any other local highway authority or ".

16. Section 42 shall cease to have effect.

17. In section 43, after the word " district " there shall be inserted the words " or the Common Council ".

18.—(1) In section 48 (5), at the end there shall be added the words " or, if the materials are to be used in Greater London, from any quarry in Greater London ".

(2) In section 48 (6), after the words " in which the bridge is " there shall be inserted the words " or, if the bridge is in Greater London, from any quarry in Greater London ".

(3) In section 48 (9) at the end there shall be added—

“ ‘ borough ’ includes the City of London;
‘ trunk road ’ includes a metropolitan road, and ‘ trunk road bridge ’
shall be construed accordingly.”

19. In section 50 (2), after the words “ special road ” there shall be inserted the words “ metropolitan road ”.

20. In section 60, at the end there shall be added—

“ (5) In this section the expression ‘ borough ’ includes the City of London.”

NOTES

Commencement. See the note to paras. 1–3 of this Schedule, *ante*.

General Note. Paras. 13–20 contain amendments of the Highways Act 1959 (c. 25), Part IV, Vol. 39, p. 453.

Para. 13: Greater London Council. See s. 2, *ante*.

Administrative county of London. Cf. the note “ Counties of London and Middlesex ”, to s. 3, *ante*.

Metropolitan borough. See the note “ Metropolitan boroughs ” to s. 3, *ante*.

Para. 14: Shall be omitted. The same repeal is made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Para. 16: Shall cease to have effect. The same repeal is made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Para. 18: Greater London. See s. 2 (1), *ante*.

Definitions. For “ bridge ”, “ Common Council ”, “ local highway authority ” and “ metropolitan road ”, see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*.

Highways Act 1959 (c. 25), ss. 38, 39 (1), 40 (4), 42, 43, 48, 50 (2), 60. See Vol. 39, pp. 453, 455, 458, 459, 461, 464, 469, 479.

21. In section 65, at the end there shall be added—

“ (6) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough.”

22. In section 67, at the end there shall be added—

“ (7) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough.”

23. In section 69, at the end there shall be added—

“ (4) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough.”

24. In section 75, at the end there shall be added—

“ (5) In this section, the expression ‘ borough ’ includes the City of London.”

25. In section 76 (4) for the words from “ and ” to “ may be ” there shall be substituted the words “ in relation to a metropolitan road, the Greater London Council, and in any other case the local authority for the area in which the highway is situated ”.

26.—(1) After section 85 (4) (a) there shall be inserted—

“ (aa) as respects a highway being a trunk road situated in a London borough, both by the council of the borough and by the Greater London Council as well as by the Minister, and ”.

(2) In section 85 (5), after the words “ land is ” there shall be inserted the words “ (or, if that land is in a London borough, both by the council of the borough and by the Greater London Council) ”.

27. After section 101 (2) (c) there shall be inserted—

“ (d) in the case of a bridge the highway over which is a metropolitan road or partly a metropolitan road, by the Greater London Council;

- (e) in the case of any other bridge in a London borough or the City of London, by the council of the borough or, as the case may be, the Common Council."

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 21-27 contain amendments of the Highways Act 1959 (c. 25), Part V, Vol. 39, p. 485.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "bridge", "Common Council", "land", "local authority", "metropolitan road", "the Minister" and "trunk road", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*; for "highway", see s. 294 (1), (2) of that Act, Vol. 39, p. 705.

Highways Act 1959 (c. 25), ss. 65, 67, 69, 75, 76 (4), 85, 101 (2) (c). See Vol. 39, pp. 486, 487, 489, 498, 499, 506, 519.

28. After section 108 (10) (a) there shall be inserted—

"(aa) in relation to a metropolitan road, the local authority for the area in which the road is situated acting with the consent of the Greater London Council; and"

29. In section 112 (2), at the end there shall be added—

"(d) as respects any part thereof in a London borough or in the City of London, except with the consent of the council of that borough or, as the case may be, of the Common Council."

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 28 and 29 contain amendments of the Highways Act 1959 (c. 25), Part VI, Vol. 39, p. 523.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "Common Council", "local authority" and "metropolitan road", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*.

Highways Act 1959 (c. 25), ss. 108 (10) (a), 112 (2). See Vol. 39, pp. 524, 530.

30. For section 116 (2) there shall be substituted—

"(2) The council of a county as respects any county road in the county, or the Greater London Council, the council of a county borough or London borough or the Common Council as respects any highway in their area, may assert and protect the rights of the public to the use and enjoyment of any such road or highway, including any roadside waste which forms part thereof."

31. In section 118 (2), for the words "borough or of an" there shall be substituted the words "county borough, non-county borough or".

32. In section 130 (4), at the end there shall be added the words "and this section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough."

33. In section 132, at the end there shall be added—

"(9) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough."

34. In section 133, at the end there shall be added—

"(5) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough."

35. In section 137—

- (a) for the words " the London Traffic Area " in subsections (1), (5) and (6) and for the words " that area " in subsection (1) there shall be substituted the words " Greater London ";
- (b) for the word " Minister " there shall be substituted—
 - (i) in the first place where it occurs in subsection (1), the words " Greater London Council (hereafter in this and the next following section referred to as ' the Council ') " ; and
 - (ii) subject to sub-paragraphs (d) and (e) of this paragraph, in every other place where it occurs, the word " Council " ;
- (c) subject to the next following sub-paragraph, for the word " him " wherever it occurs there shall be substituted the word " them " ;
- (d) in subsection (3), for the words from the beginning to " report " where last occurring there shall be substituted the words " The Council shall consider in relation to one another the proposals contained in the statements submitted to, or prepared by, them under this section and, after consultation with the appropriate commissioner of police and the London Transport Board " ;
- (e) in subsection (3), after the words " authorities affected " there shall be inserted the words " other than the Minister " ;
- (f) in the proviso to subsection (3), for the word " he " there shall be substituted the word " they " .

36. In section 138—

- (a) for the word " Minister " wherever it occurs there shall be substituted the word " Council " ;
- (b) for the words " him " , " his " , or " he thinks " , wherever any of those words occur, there shall be substituted respectively the words " them " , " their " , or " they think " ;
- (c) after subsection (3) there shall be inserted—

" (3A) The consent of the Council for the purposes of subsection (2) of this section shall not be unreasonably withheld, and any question arising under this subsection whether the withholding of consent is unreasonable shall be determined in like manner as any similar question arising under subsection (4) of section 136 of this Act; and subsections (6) and (7) of that section shall have effect as if the references therein to subsection (1) of that section included references to the said subsection (2) " .

37. In section 139 (1), for the words " the London Traffic Area " there shall be substituted the words " Greater London " .

38. In section 142 (5), at the end there shall be added the words " and this section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough " .

39. In section 143 (5), at the end there shall be added the words " and this section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough " .

40. In section 146 (1), for the word " borough " in the first place where it occurs there shall be substituted the words " county borough, non-county borough " .

41. In section 148 (1), after the word " Act " there shall be inserted the words " or in any area in Greater London " .

42. In section 149 (1), after the words " urban district " there shall be inserted the words " the Greater London Council or the Common Council " .

43. In section 154 (1), after the words " urban district " there shall be inserted the words " or in the City of London " .

44. In section 155 (11), for the words from " a highway in a borough " to " case may be " there shall be substituted the words " any other highway, the local authority for the area in which it is situated ".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 30-44 contain amendments of the Highways Act 1959 (c. 25), Part VII, Vol. 39, p. 535.

Greater London Council. See s. 2, *ante*.

County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

Greater London. See s. 2 (1), *ante*.

Consultation. See the note " Consult " to s. 7, *ante*.

Appropriate commissioners of police. See the note to s. 10, *ante*.

Definitions. For " Common Council ", " county road ", " local authority " and " the Minister ", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*; for " highway ", see s. 294 (1), (2) of that Act, Vol. 39, p. 705. Note as to " the Council ", para. 35 (b).

Highways Act 1959 (c. 25), ss. 116 (2), 118 (2), 130 (4), 132, 133, 136, 137, 138, 139 (1), 142 (5), 143 (5), 146 (1), 148 (1), 149 (1), 154 (1), 155 (11). See Vol. 39, pp. 535, 539, 549, 551, 553, 556, 558, 560, 561, 564, 565, 568, 570, 571, 576, 578.

45. In section 157, at the end there shall be added—

" (9) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough ".

46. For section 159 (8) (b) there shall be substituted—

" (b) in relation to any other highway, the local authority for the area in which the highway is situated ".

47. In section 163, at the end there shall be added—

" (7) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough ".

48. In section 164 (1), after the word " Act " there shall be inserted the words " and any local authority in Greater London ".

49. In section 165, at the end there shall be added—

" (4) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough ".

50. For section 166 (6) (b) there shall be substituted—

" (b) in relation to any other highway, the local authority for the area in which the highway is situated."

51. In section 167, at the end there shall be added—

" (8) This section shall apply to the City of London as if it were a borough and the Common Council were the council of that borough."

52. In section 170 (3), after the word " Act " where first occurring there shall be inserted the words " and the local authority for any area in Greater London ".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 45-52 contain amendments of the Highways Act 1959 (c. 25), Part VIII, Vol. 39, p. 581.

Greater London. See s. 2 (1), *ante*.

Definitions. For " Common Council " and " local authority ", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*; for " highway ", see s. 294 (1), (2) of that Act, Vol. 39, p. 705.

Highways Act 1959 (c. 25), ss. 157, 159 (8) (b), 163, 164 (1), 165, 166 (6) (b), 167, 170 (3). See Vol. 39, pp. 581, 584, 587, 589, 590, 592, 595.

53.—(1) In section 173 (1), after the word " apply " there shall be inserted the words " in all London boroughs, in the City of London ", and for the words

" any borough " there shall be substituted the words " any county borough, non-county borough ".

(2) In section 173 (2), for the word " boroughs " there shall be substituted the words " county boroughs, non-county boroughs ".

(3) In section 173 (3), for the words " boroughs and " there shall be substituted the words " boroughs other than the inner London boroughs and in all ".

54. In section 192 (3) (i), for the words " (including the county of London) " there shall be substituted the words " the Greater London Council, the council of a " and for the words " metropolitan borough " there shall be substituted the words " London borough ".

55. In section 204 (1), after the words " situated in " there shall be inserted the words " a London borough, the City of London or ".

56. In section 206 (9), at the end there shall be added the words " and this section shall apply to a London borough or the City of London as if it were a county borough and, in the case of the City of London, as if the Common Council were the council of that county borough."

57.—(1) In section 213 (2), in the definition of " street works authority ", after paragraph (a) there shall be inserted—

" (aa) as respects a street in the City of London, the Common Council; and "

(2) In section 213 (3) (a), after the word " force " there shall be inserted the words " and in a London borough and the City of London ".

(3) In section 213 (4), at the end there shall be added the words " and in this subsection the expression ' county borough ' includes a London borough and the City of London ".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 53-57 contain amendments of the Highways Act 1959 (c. 25), Part IX, Vol. 39, p. 597.

London boroughs. See s. 1, *ante*.

County borough. See the note to s. 4, *ante*.

County of London. Cf. the note " Counties of London and Middlesex " to s. 3, *ante*.

Greater London Council. See s. 2, *ante*.

Metropolitan borough. See the note " Metropolitan boroughs " to s. 3, *ante*.

Definitions. For " Common Council " and " street ", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*; for " inner London borough ", see s. 1 (1) (a), *ante*.

Highways Act 1959 (c. 25), ss. 173, 192 (3) (i), 204 (1), 206 (9), 213. See Vol. 39, pp. 597, 616, 629, 632, 638.

58. After section 214 (7) (a) there shall be inserted—

" (aa) in the case of a trunk road in a London borough, both by the council of that borough and by the Greater London Council as well as by the Minister, and "

59. After section 223 (2) (a) there shall be inserted—

" (aa) if the acquisition is for a purpose so specified in connection with a trunk road in a London borough, both by the council of that borough and by the Greater London Council as well as by the Minister, and "

60. In section 233 (1), after the word " Minister " where first occurring there shall be inserted the words " or, in the case of any other highway, being a highway situated in a London borough or in the City of London, either the council of the borough or the Common Council, as the case may be, or the Greater London Council ".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 58-60 contain amendments of the Highways Act 1959 (c. 25), Part X, Vol. 39, p. 640. . . .

London borough. See s. 1, *ante*.

Greater London Council. See s. 2, *ante*.

County borough. See the note to s. 4, *ante*.

Definitions. For "Common Council", "the Minister" and "trunk road", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule, *post*; for "highway", see s. 294 (1), (2) of that Act, Vol. 39, p. 705.

Highways Act 1959 (c. 25), ss. 214 (7) (a), 223 (2) (a), 233 (1). See Vol. 39, pp. 641, 649, 660.

61.—(1) In section 238 (1), for the words "or county borough" there shall be substituted the words "the Greater London Council and the council of a county borough or London borough".

(2) In section 238 (3), at the end there shall be added the words "and this subsection shall have effect as if Greater London were a county, the Greater London Council were the council of that county and a London borough were a non-county borough in that county".

62. In section 239 (2), for the words from "the council" where first occurring onwards there shall be substituted the words "or any council".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 61 and 62 contain amendments of the Highways Act 1959 (c. 25), Part XI, Vol. 39, p. 663.

County borough. See the note to s. 4, *ante*.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Greater London. See s. 2 (1), *ante*.

Any council. See the note to paras. 1-3 of this Schedule, *ante*.

Highways Act 1959 (c. 25), ss. 238, 239 (2). See Vol. 39, pp. 667, 668.

63.—(1) In section 252 (1), after the words "the authority" there shall be inserted the words "or, in the case of any area in Greater London, either the local authority or the highway authority for either of the streets in question (not being the Minister)".

(2) In section 252 (2) after the word "authority" there shall be inserted the words "or highway authority".

64. In section 257 (1), after the word "Act" there shall be inserted the words "and any local authority in Greater London".

65. In section 276, at the end there shall be added—

"(10) In this section, the expression 'borough' includes the City of London."

66. In section 286 (2), after the word "Government" there shall be inserted the words "or made by the Greater London Council".

67. Section 291, except subsection (3) thereof, shall cease to have effect.

68. In section 295 (1)—

(a) after the paragraph beginning "code of 1875" there shall be inserted—
" 'Common Council' means the Common Council of the City of London ";

(b) in the definition of "council", after the words "county council" there shall be inserted the words "the Greater London Council";

(c) in the definition of "local authority", for the words "or county district" there shall be substituted the words "London borough or county district or the Common Council";

(d) after the paragraph beginning " maintenance " there shall be inserted—
" 'metropolitan road' means a road for the time being designated by or under section 17 of the London Government Act 1963 as a metropolitan road; "

69. In section 297, after the words " or county borough " there shall be inserted the words " or relating to the functions of the Greater London Council as respects metropolitan roads or of the council of a London borough as respects any other highway ".

70. Section 312 (3) shall cease to have effect and the repeal effected by section 312 (2) shall extend to the whole of Greater London.

71. In section 312 (5), for the words from " in force " onwards there shall be substituted the words " in force in any part of Greater London on 31st March 1965 shall cease to have effect on 1st April 1965 ".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 63-71 contain amendments of the Highways Act 1959 (c. 25), Part XII, Vol. 39, p. 672.

Greater London; Greater London Council. See s. 2, *ante*.

Shall cease to have effect. The same repeals are made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part. II, *post*.

Common Council of the City of London. See the note to s. 29, *ante*.

London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Definitions. For " functions ", " local authority ", " metropolitan road ", " the Minister " and " street ", see the Highways Act 1959 (c. 25), s. 295 (1), Vol. 39, p. 706, as amended by s. 16 (2) (a), *ante*, and para. 68 of this Schedule; for " highway ", see s. 294 (1), (2) of that Act, Vol. 39, p. 705.

Highways Act 1959 (c. 25), ss. 252, 257 (1), 276, 286 (2), 291, 295 (1), 297, 312. See Vol. 39, pp. 673, 678, 689, 696, 701, 706, 712, 720.

72. In Schedule 1, in paragraph 3, in the Table—

- (a) in head (i), for the words " The council of every county and county borough in which " there shall be substituted the words " Every council (other than the council of a county district) in whose area ";
- (b) in head (iii), for the words " The council of every county, county borough and county district in which " there shall be substituted the words " Every council in whose area ".

73. In Schedule 1, in paragraph 8 (a), for the words " the council of every county, county borough and county district in which " there shall be substituted the words " every council in whose area."

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

County borough. See the note to s. 4, *ante*.

County district. See the note to s. 3, *ante*.

Every council. See the note " Any council " to paras. 1-3 of this Schedule, *ante*.

Highways Act 1959 (c. 25), Sch. 1, paras. 3, 8 (a). See Vol. 39, pp. 722, 724.

74. In Schedule 7, in paragraph 1 (3) (b) (i)—

- (a) for the words " the Council of every county, county borough, county district and " there shall be substituted the words " every council, the council of every ";
- (b) for the words " county, borough, district or parish which " there shall be substituted the words " council or parish whose area ".

75. In Schedule 7, in paragraph 3 (3) (a), for the words "the council of a county, county borough or county district", there shall be substituted the words "any council".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

County borough. See the note to s. 4, *ante*.

County district. See the note to s. 3, *ante*.

Every council; any council. See the note "Any council" to paras. 1-3 of this Schedule, *ante*.

Highways Act 1959 (c. 25), Sch. 7, paras. 1 (3) (b), (i), 3 (3) (a). See Vol. 39, pp. 730, 731.

76. In Schedule 9, in paragraph 1, after the words "county council" there shall be inserted the words "or the Greater London Council".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

Greater London Council. See s. 2, *ante*.

Highways Act 1959 (c. 25), Sch. 9, para. 1. See Vol. 39, p. 734.

77. In Schedule 19, in column 2, in the entries relating to sections 118, 146 (1) and 204, for the word "Borough" there shall be substituted the words "County borough, non-county borough".

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

County borough. See the note to s. 4, *ante*.

Highways Act 1959 (c. 25), ss. 118, 146 (1), 204, Sch. 19. See Vol. 39, pp. 539, 568, 629, 749.

78. Without prejudice to the power to make an order for corresponding purposes under section 84 of this Act, Schedule 24 shall not apply to Greater London other than the outer London boroughs.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Outer London boroughs. For meaning of "outer London borough", see s. 1 (1) (a), *ante*.

Highways Act 1959 (c. 25), Sch. 24. See Vol. 39, p. 761.

Section 17

SCHEDULE 7

METROPOLITAN ROADS

PART I

Route Number	From	To
A.1 ...	Junction with A.501 (Islington).	Highgate Archway, Archway Road.
A.2 ...	Junction with A.3 (Southwark).	Junction with Crown Woods Way, Woolwich.
A.3 ...	Southern end of London Bridge.	Beverley Bridge at Roehampton Vale.

Route Number	From	To
A.4 ...	Junction of Strand and Aldwych near St. Clement Danes Church. Junction with A.400 at Trafalgar Square by Strand.	Junction with A.301 at Lancaster Place, Strand. 60 yds. east of junction with Netheravon Road South, Chiswick.
A.5 ...	Junction with A.40 (Marble Arch).	Junction with A.4003 (Kilburn).
A.10 ...	Junction with A.1202 (Shoreditch).	Junction with Craven Park Road, Stamford Hill.
A.11 ...	Junction with A.1210 (Aldgate).	Junction with Borthwick Road, Leyton.
A.13 ...	Junction with A.11 (White-chapel).	Junction with Hermit Road, West Ham.
A.20 ...	Junction with A.2 (Deptford).	44 yds. east of junction with Mervyn Avenue, New Eltham.
A.21 ...	Junction with A.20 (Lewisham Clock Tower).	The boundary of Greater London at Orpington.
A.22 ...	Junction with A.23 (Purley).	The boundary of Greater London at Whyteleafe.
A.23 ...	Junction with A.3200 (Lambeth).	Junction with A.235 (Purley).
A.24 ...	Junction with A.3 at Clapham Common.	The boundary of Greater London at Ewell.
A.40 ...	Junction with A.4200 (Holborn).	Junction with Old Oak Road, Acton.
A.41 ...	Junction with A.501 (Marylebone).	Junction with A.598 (Hampstead).
A.100 ...	Junction with A.1211 (Tower Hill). Southern end of Tower Bridge.	Junction with A.1210 (Tower Hill). Junction with A.2 (Southwark).
A.101 ...	Junction with A.1203 (Stepney).	Junction with A.200 (Bermondsey).
A.102 ...	Junction with A.106 (Hackney).	Junction with A.206 (Greenwich).
A.104 ...	Junction with A.1 at Islington Green.	Junction with A.11 (Woodford).
A.105 ...	Junction with A.104 (Dalston).	Junction with A.1004 (Palmer's Green).

Route Number	From	To
A.106 ...	Junction with A.107 (Hackney).	Junction with A.112 (Leyton).
A.107 ...	Junction with A.10 (Stoke Newington).	Junction with A.11 (Stepney).
A.110 ...	Junction with A.1000 (New Barnet).	Junction with A.11 at Buckhurst Hill.
A.111 ...	The boundary of Greater London at Enfield.	Junction with A.406 (Edmonton).
A.112 ...	Junction with A.1011 (Silvertown). Junction with A.106 (Leyton).	Junction with A.11 (Stratford). The boundary of Greater London at Chingford.
A.113 ...	Junction with A.11 (Leyton).	The boundary of Greater London at Woodford Bridge.
A.114 ...	Junction with A.116 (Wanstead).	Junction with A.104 (Leyton).
A.116 ...	Junction with A.114 (Wanstead).	Junction with A.117 (East Ham).
A.117 ...	Junction with A.16 (East Ham).	Woolwich Ferry (north side).
A.118 ...	Junction with A.11 (Stratford).	Junction with A.12 and A.127 at Gallows Corner.
A.123 ...	Junction with A.13 (Barking).	Junction with A.124 (Barking).
A.124 ...	Junction with A.13 (West Ham).	Junction with A.1112 (Dagenham).
A.200 ...	Junction with A.3 (Bermondsey).	Junction with A.206 (Greenwich).
A.201 ...	Junction with A.2 (Southwark). Northern end of Blackfriars Bridge.	Southern end of Blackfriars Bridge. Junction with A.401 (Finsbury).
A.202 ...	Junction with A.2 (Deptford).	Junction with A.302 at Victoria Street, Westminster.
A.203 ...	Junction with A.23 (Lambeth).	Junction with A.202 at Vauxhall.
A.204 ...	Junction with A.215 (Tulse Hill).	Junction with A.23 (Lambeth).
A.205 ...	Junction with A.206 (Woolwich).	Junction with A.406 (Gunnery).
A.206 ...	Junction with A.2 (Greenwich). Junction with A.220 (Erith).	Junction with A.2016 (Erith). The boundary of Greater London at Dartford.

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Route Number	From	To
A.207 ...	Junction with A.2 (Greenwich).	The boundary of Greater London at Dartford.
A.209 ...	Junction with A.2 (Woolwich).	Junction with A.207 (Bexley).
A.210 ...	Junction with A.20 (Woolwich).	Junction with A.205 (Woolwich).
A.212 ...	Junction with A.205 (Lewisham).	Junction with A.215 (Croydon).
A.214 ...	Junction with A.3 (Wandsworth Common).	Junction with A.212 (Crystal Palace).
A.214 ...	Junction with A.222 (Elmerside Road) at Elmers End.	Junction with A.222 (Upper Elmers End Road) at Elmers End.
A.215 ...	Junction with A.3 (Elephant and Castle).	Junction with A.222 (Croydon).
A.216 ...	Junction with A.23 (Streatham).	Junction with A.217 (Mitcham).
A.217 ...	Junction with A.308 (Fulham).	The boundary of Greater London at Banstead.
A.219 ...	Junction with A.24 (Merton).	Junction with A.404 (Willesden).
A.220 ...	Junction with A.207 (Bexley).	Junction with A.206 (Erith).
A.222 ...	Junction with A.20 (Sidcup).	Junction with A.232 (Croydon).
A.224 ...	Junction with A.20 (Sidcup).	The boundary of Greater London at Orpington.
A.232 ...	Junction with A.224 (Orpington). Junction with A.23 (Croydon).	Junction with A.235 (Croydon). The boundary of Greater London at Ewell.
A.234 ...	Junction with A.212 (Crystal Palace).	Junction with A.222 (Beckenham).
A.235 ...	Junction with A.23 (Thornton Heath).	Junction with A.23 (Purley).
A.236 ...	Junction with A.217 (Mitcham).	Junction with A.23 (Croydon).
A.238 ...	Junction with A.24 (Merton).	Junction with A.298 (Raynes Park).
A.240 ...	The boundary of Greater London at Ewell.	Junction with A.3 (Tolworth).
A.243 ...	The boundary of Greater London at Leatherhead.	Junction with A.307 (Surbiton).

Route Number	From	To
A.244 ...	The boundary of Greater London at Sunbury.	Junction with A.312 (Feltham).
A.297 ...	Junction with A.24 (Morden).	Junction with A.217 (St. Helier).
A.298 ...	Junction with A.238 (Raynes Park).	Junction with A.3 (Raynes Park).
A.300 ...	Southern end of Southwark Bridge.	Junction with A.3201 (Southwark).
A.301 ...	Junction with A.3202 (Southwark).	Junction with A.4 at the Strand.
A.302 ...	Junction with A.3212 at St. Margaret Street, Westminster. Junction with A.202 at Vauxhall Bridge Road, Victoria.	Junction with A.3200 (Lambeth). Junction with A.4 at Hyde Park Corner.
A.305 ...	Junction with A.307 (Richmond). Junction with A.312 (Feltham).	Junction with A.310 (Twickenham). The boundary of Greater London at Sunbury.
A.306 ...	Junction with A.3 (Wandsworth).	Junction with A.219 (Hammersmith).
A.307 ...	The boundary of Greater London at Thames Ditton.	Junction with A.205 (Kew).
A.308 ...	Junction with A.3220 at Ashburnham Road, Chelsea.	The boundary of Greater London at Sunbury.
A.309 ...	Junction with A.308 (Hampton Court).	The boundary of Greater London at Esher.
A.310 ...	Junction with A.305 (Twickenham).	Junction with A.308 (Hampton Wick).
A.311 ...	Junction with A.308 (Hampton).	Junction with A.312 (Hampton Hill).
A.312 ...	Junction with A.311 (Hampton Hill).	Junction with A.4090 (Harrow).
A.314 ...	Junction with A.315 (Hounslow).	Junction with A.305 (Feltham).
A.315 ...	Junction with A.219 at Butterwick, Hammersmith. Junction with A.205 at Kew Bridge.	Junction with A.219 at Queen Caroline Street, Hammersmith. Junction with A.30 (East Bedford).
A.316 ...	Junction with A.4 (Chiswick).	Junction with A.312 (Feltham).

Route Number	From	To
A.400 ...	Junction with A.4 at Strand by Charing Cross.	Junction with A.1 at Highgate Hill.
A.401 ...	Junction with A.4 at Piccadilly Circus. Junction with A.201 at Farringdon Road.	Junction with A.40 at New Oxford Street. Junction with A.501 at Pentonville Road.
A.404 ...	Junction with A.5 (Paddington).	The boundary of Greater London at Rickmansworth.
A.407 ...	Junction with A.4003 (Willesden).	Junction with A.4088 (Willesden).
A.409 ...	Junction with A.404 (Harrow).	The boundary of Greater London at Bushey.
A.410 ...	Junction with A.404 (Harrow).	Junction with A.41 (Edgware).
A.411 ...	The boundary of Greater London at Borehamwood.	Junction with A.1000 at Barnet.
A.501 ...	Junction with A.5 (Marylebone).	Junction with A.5201 (Finsbury).
A.502 ...	Junction with A.400 at Camden Town.	Junction with A.406 (Hendon).
A.503 ...	Junction with A.400 at Camden Town.	Junction with A.406 (Walthamstow).
A.598 ...	Junction with A.41 (Hampstead).	Junction with A.1000 (Finchley).
A.1000 ...	Junction with A.1 (Highgate).	The boundary of Greater London at Barnet.
A.1004 ...	Junction with A.105 (Palmers Green).	Junction with A.111 (Southgate).
A.1011 ...	Junction with A.13 (West Ham).	Junction with A.117 (North Woolwich).
A.1081 ...	Junction with A.1000 (Barnet).	The boundary of Greater London at Barnet.
A.1112 ...	Junction with A.13 (Dagenham).	Junction with A.12 (Chadwell Heath).
A.1200 ...	Junction with A.501 (Shoreditch).	Junction with A.1 (Islington).
A.1202 ...	Junction with A.5201 (Shoreditch).	Junction with A.11 (Stepney).
A.1203 ...	Junction with A.1210 (Tower Hill).	Junction with A.13 (Stepney).

Route Number	From	To
A.1205 ...	Junction with A.13 (Stepney).	Junction with A.11 (Stepney).
A.1206 ...	Junction with A.13 (Stepney).	Millwall Outer Dock Lock, Isle of Dogs.
A.1208 ...	Junction with A.10 (Shoreditch).	Junction with A.107 (Bethnal Green).
A.1210 ...	Junction with A.100 (Tower Hill).	Junction with A.11 (Whitechapel).
A.1211 ...	Junction with A.100 (Tower Hill).	Junction with A.11 (Aldgate).
A.2015 ...	Junction with A.21 (Lewisham).	Junction with A.222 (Beckenham).
A.2016 ...	Junction with A.206 (Erith).	Junction with A.220 (Erith).
A.2203 ...	Junction with A.102 (Greenwich).	Junction with A.206 (Greenwich).
A.2204 ...	Junction with A.206 (Woolwich).	Woolwich Ferry (south side).
A.2211 ...	Junction with A.206 (Greenwich).	Junction with A.20 (Lewisham).
A.2213 ...	Junction with A.2 (Greenwich).	Junction with A.20 (Woolwich) (including Kidbrooke Way).
A.3005 ...	Junction with B.358 (Norwood Green).	Junction with A.315 (Hounslow).
A.3006 ...	Junction with A.315 (Hounslow).	Junction with A.4 (Hounslow).
A.3036 ...	Junction with A.23 at Westminster Bridge Road.	Junction with A.3 (Wandsworth).
A.3200 ...	Junction with A.3 (Southwark).	Junction with A.23 (Lambeth).
A.3201 ...	Junction with A.300 (Southwark).	Junction with A.3 (Southwark).
A.3202 ...	Junction with A.3 (Southwark).	Junction with A.23 (Lambeth).
A.3203 ...	Junction with A.201 (Southwark).	Junction with A.3212 at Millbank.
A.3204 ...	Junction with A.3 (Elephant and Castle).	Junction with A.202 (Vauxhall).
A.3205 ...	Junction with A.203 (Vauxhall).	Junction with A.3036 (Vauxhall).
A.3211 ...	Junction with A.201 at Blackfriars Bridge.	Junction with A.302 at Westminster Bridge.

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Route Number	From	To
A.3212 ...	Junction with A.4 at Pall Mall East at Trafalgar Square.	Junction with A.3220 at Battersea Bridge.
A.3214 ...	Junction with A.302 (Victoria).	Junction with A.3215 (Victoria).
A.3215 ...	Junction with A.3214 (Victoria).	Junction with A.302 (Victoria).
A.3216 ...	Junction with A.4 at Knightsbridge.	Junction with A.3 (Clapham Common) (excluding the whole of the centre island of Sloane Square).
A.3220 ...	Junction with A.3 (Clapham Common).	Junction with A.40 (Shepherds Bush).
A.4003 ...	Junction with A.5 (Kilburn) ...	Junction with A.407 (Willesden).
A.4005 ...	Junction with A.406 (Alperton).	Junction with A.404 (Sudbury).
A.4006 ...	Junction with A.409 (Harrow).	Junction with A.5 (Hendon).
A.4020 ...	Junction with A.40 at Shepherds Bush Green.	The boundary of Greater London at Uxbridge.
A.4088 ...	Junction with A.407 (Willesden).	Junction with A.404 (Sudbury).
A.4090 ...	Junction with A.312 (Harrow).	Junction with A.410 (Harrow).
A.4127 ...	Junction with A.4020 (Southall).	Junction with A.404 (Wembley).
A.4140 ...	Junction with A.410 (Stanmore).	The boundary of Greater London at Bushey.
A.4200 ...	Junction with A.4 at Aldwych.	Junction with A.400 (Camden Town).
A.4201 ...	Junction with A.4 at Piccadilly Circus.	Junction with A.40 at Oxford Circus.
A.4202 ...	Junction with A.4 at Hyde Park Corner.	Junction with A.40 at Marble Arch.
A.4209 ...	Junction with A.5 (Paddington).	Junction with A.40 (Paddington).
A.5201 ...	Junction with A.501 (Finsbury).	Junction with A.10 (Shoreditch).
A.5203 ...	Junction with A.501 (King's Cross).	Junction with A.1 (Islington).
B.112 ...	Junction with A.107 (Hackney).	Junction with B.114 (Hackney).
B.113 ...	Junction with B.114 and B.116 (Hackney).	Junction with A.106 (Hackney).
B.114 ...	Junction with B.112 (Hackney).	Junction with B.113 (Hackney).

Route Number	From	To
B.115 ...	Junction with A.112 (Leyton).	Junction with A.11 (Leyton).
B.124 ...	Junction with A.13 (Poplar).	Millwall Outer Dock Lock.
B.126 ...	Junction with A.1211 (Tower Hill).	Junction with A.1210 (Tower Hill).
B.164 ...	Junction with A.112 (Stratford).	Junction of Stephenson Street and Manor Road (Canning Town).
B.211 ...	Junction with A.206 (Greenwich).	Junction with B.210 (Greenwich).
B.212 ...	Junction with B.211 (Greenwich).	Junction with A.2 (Greenwich).
B.304 ...	Junction with A.3212 at Chelsea Embankment.	Junction with A.3220 at Battersea Bridge Road.
B.358 ...	Junction with B.454 (Southall).	Junction with A.3005 (Southall).
B.362 ...	Junction with A.315 (Hounslow).	Junction with A.314 (Hounslow).
B.454 ...	Junction with A.4020 (Southall).	Junction with B.358 (Southall).
B.461 ...	Junction with B.4566 (Canons Park).	Junction with A.410 (Stanmore).
B.4566 ...	Junction with A.4088 (Wembley).	Junction with B.461 (Harrow).

PART II

Name of Road	From	To
Hardel Rise (Tulse Hill).	Junction with A.205 ...	Junction with A.215.
Manor Road (Canning Town).	Junction with Stephenson Street.	Junction with Star Lane.
Star Lane (Canning Town).	Junction with Manor Road.	Junction with Liverpool Road.
Liverpool Road (Canning Town).	Junction with Star Lane.	Junction with A.13.

SCHEDULE 8

Section 21

MODIFICATIONS AS FROM 1ST APRIL 1965 OF ENACTMENTS
RELATING TO HOUSING

PART I

THE HOUSING ACT 1957

1. In section 1 (1), for the words " administrative county " there shall be substituted the word " City ".
2. In section 6 (1)—
 - (a) in paragraph (c), after the words " fifty-seven " there shall be inserted the words " and before 1st April 1965 ";
 - (b) at the end there shall be added—
 - " (d) to a contract made on or after 1st April 1965 for letting for human habitation a house at a rent not exceeding—
 - (i) in the case of a house situated outside Greater London or in an outer London borough, fifty-two pounds;
 - (ii) in the case of a house situated in any other part of Greater London, eighty pounds."
3. In section 93 (3)—
 - (a) for the words " London County Council and of a metropolitan " there shall be substituted the words " Greater London Council and of a London ";
 - (b) for the words " the administrative county of London " there shall be substituted the words " Greater London ".
4. For section 131 (2) there shall be substituted—

" (2) In the application of this section to the Common Council of the City of London, for the reference to the Public Health Act 1936 there shall be substituted a reference to the City of London (Sewers) Acts 1848 to 1897."
5. In the proviso to section 145 (1)—
 - (a) for the words " the administrative county of London " there shall be substituted the words " Greater London other than the outer London boroughs ";
 - (b) for the words " the county " there shall be substituted the words " that area "; and
 - (c) for the words " London County Council " there shall be substituted the words " Greater London Council ".
6. In section 145 (3)—
 - (a) for the words " the administrative county of London " there shall be substituted the words " Greater London other than the outer London boroughs ";
 - (b) for the words " London County Council " there shall be substituted the words " Greater London Council "; and
 - (c) for the words " metropolitan borough " there shall be substituted the words " London borough ".
7. In section 146, for the words " within the administrative county of London, the London County Council " there shall be substituted the words " in Greater London other than the outer London boroughs, the Greater London Council ".
8. In section 147 (5), for the words " the administrative county of London " there shall be substituted the words " Greater London other than the outer London boroughs ".

9. In section 148, at the end there shall be added—

“ (4) In this section, the expression “ borough ” does not include an inner London borough.”

10. In section 166 (2), for the words “ London County Council ” in both places where those words occur there shall be substituted the words “ Greater London Council ”.

11. In section 189 (2), at the end there shall be added the words “ and the Greater London Council ”.

12. In Schedule 9, in paragraph 1, for the words “ administrative county ” and for the word “ county ” in the second place where it occurs there shall be substituted the word “ City ”.

13. In Schedule 9, in paragraph 11 (c)—

(a) the words from “ as respects England ” to “ London ” where first occurring and the words from “ as respects the City ” to “ metropolitan borough ” shall be omitted;

(b) at the end there shall be added the words “ and, where any such house is situated in the City of London, the Common Council ”.

NOTES

Commencement. As this Schedule takes effect by virtue of s. 21 (12), *ante*, it must be regarded as part of that subsection which, being in Part III of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule.

Para. 2: Greater London. See s. 2 (1), *ante*.

Para. 3: London County Council. See the note to s. 4, *ante*.

Greater London Council. See s. 2, *ante*.

Para. 5: Common Council of the City of London. See the note to s. 29, *ante*.

Para. 6: Administrative county of London. Cf. the note “ Counties of London and Middlesex ” to s. 3, *ante*.

Para. 6: Metropolitan borough. See the note “ Metropolitan boroughs ” to s. 3, *ante*.

London borough. See s. 1, *ante*.

Para. 13: Shall be omitted. The same repeal is made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Common Council. See the note “ Common Council of the City of London ” to s. 29, *ante*.

Definitions. For “ house ”, see the Housing Act 1957 (c. 56), s. 189 (1), Vol. 37, p. 457, in conjunction with s. 6 (4) of that Act, Vol. 37, p. 324; for “ inner London borough ” and “ outer London borough ”, see s. 1 (1), *ante*.

Housing Act 1957 (c. 56), ss. 1 (1), 6 (1), 93 (3), 131 (2), 145, 146, 147 (5), 148, 166 (2), 189 (2), Sch. 9, paras. 1, 11 (c). See Vol. 37, pp. 319, 323, 400, 425, 433, 435, 436, 446, 458, 482, 483.

Public Health Act 1936 (c. 49). See Vol. 19, p. 302.

City of London (Sewers) Acts 1848 to 1897. Not printed in this work.

PART II

Other enactments

14. The Small Dwellings Acquisition Act 1899 shall apply—

(a) in relation to a London borough as if a London borough were a county borough;

(b) in relation to the City as if the City were a county borough and the Common Council were the council of that county borough;

(c) in relation to the Greater London Council, as if Greater London were a county and the greater London Council were the council of that county.

15. In the Housing (Financial Provisions) Act 1958—

- (a) in section 9 (4), as substituted by section 16 of the House Purchase and Housing Act 1959, for the words "metropolitan boroughs" there shall be substituted the words "London boroughs, the Greater London Council";
- (b) in Schedule 3, in paragraph 2 (1), for the words from "other than the" to "borough council" there shall be substituted the words "(including any such loss borne by the Greater London Council)".

16. In the House Purchase and Housing Act 1959—

- (a) in section 2 (2) (a), the reference to the metropolitan police district shall not include the London borough numbered 15 in Part I of Schedule 1 to this Act;
- (b) in section 13 (4), for the words "metropolitan boroughs" there shall be substituted the words "London boroughs, the Greater London Council".

17.—(1) In the application to the Greater London Council or a London borough council of section 4 of, and Schedule 1 to, the Housing Act 1961—

- (a) in relation to a dwelling completed in the financial year 1965-66—
 - (i) that year shall be the relevant financial year; and
 - (ii) Part I of that Schedule shall have effect as if the words "preceding that" wherever those words occur in paragraph 1 or 2 thereof were omitted;
 - (b) the financial year 1965-66 shall be the earliest financial year which may be determined by the Minister under paragraph 5 (2) of that Schedule;
 - (c) where the financial year 1965-66 is the relevant financial year, the references in paragraph 6 (1) (a) and (b) of that Schedule to houses within the local authority's Housing Revenue Account for the last year preceding the relevant financial year or, as the case may be, for the relevant financial year shall be construed as references to houses within the local authority's Housing Revenue Account on 1st April 1965 or, as the case may be, on 31st March 1966.
- (2) In the said Schedule—
- (a) in paragraph 1 (2)—
 - (i) for the words "London County Council" there shall be substituted the words "Greater London Council";
 - (ii) for the words "metropolitan boroughs and the City of London" there shall be substituted the words "rating areas in Greater London";
 - (b) in paragraph 1 (5), at the end there shall be added the words "and except that it includes any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple".

NOTES

Commencement. See the note to Part I of this Schedule, *ante*.

London borough. See s. 1, *ante*.

County borough. See s. 4, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

Metropolitan boroughs. See the note to s. 3, *ante*.

Financial year. *I.e.*, the twelve months ending 31st March; see the Interpretation Act 1889 (c. 63), s. 22, Vol. 24, p. 222.

Housing Revenue Account. This Account is to be kept under the Housing (Financial Provisions) Act 1958 (c. 42), s. 50, Vol. 38, p. 400, in accordance with Sch. 5 to that Act, Vol. 38, p. 417.

London County Council. See the note to s. 4, *ante*.

Definitions. For "the City", "the Common Council", "county" and "the Minister", see s. 89 (1), *ante*.

Small Dwellings Acquisition Act 1899 (c. 44). See Vol. 11, p. 382.

Housing (Financial Provisions) Act 1958 (c. 42), Sch. 3, para. 2 (1). See Vol. 38, p. 413.

House Purchase and Housing Act 1959 (c. 33), ss. 2 (2) (a), 13 (4), 16. See Vol. 39, pp. 805, 815, 818.

Housing Act 1961 (c. 65), s. 4, Sch. 1. See Vol. 41, pp. 474, 507.

Section 35

SCHEDULE 9

MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF ENACTMENTS
RELATING TO SEWERAGE AND DRAINAGE

PART I

GENERAL MODIFICATIONS OF SEWERAGE PROVISIONS OF
PUBLIC HEALTH ACTS

1. Subject to the provisions of this Schedule, the Greater London Council as well as the council of a London borough or county district shall be a local authority for the purposes of the enactments mentioned in section 37 (1) of this Act and accordingly shall be a sewerage authority within the definition of that term in section 90 of the Public Health Act 1936, and any reference in those enactments to the district of a local authority shall, in relation to the Greater London Council, be construed as a reference to the sewerage area of the Greater London Council.

2. Subject as aforesaid, any such enactment conferring on a local authority any function with respect to the provision, construction or acquisition of, or other dealing with, a sewer or sewage disposal works or any function in connection with drainage shall—

- (a) so far as the enactment relates to a main sewer or sewage disposal works primarily serving the sewerage area of the Greater London Council, have effect as if any reference to a local authority were a reference to that Council;
- (b) so far as the enactment relates to a sewer primarily serving that area other than a main sewer or to drainage in that area, have effect as if any reference to a local authority were a reference to the council of a London borough or county district, as the case may be:

Provided that this paragraph shall not affect the exercise of any function with respect to a main sewer or sewage disposal works primarily serving that area so long as the sewer or works remains vested in the council of a London borough or county district.

3. The following provisions, that is to say—

- (a) the enactments mentioned in section 37 (1) of this Act, so far as they relate to functions exercisable (by virtue of the two foregoing paragraphs) by the Greater London Council, and
- (b) section 27 of the Public Health Act 1936 and Part XII of that Act so far as it relates to that section,

shall extend to the City and the Temples, but save as aforesaid and except as provided by paragraph 4 of this Part of this Schedule those enactments shall not apply to the City or the Temples.

4. The Minister may, on the application of the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, as the case may be, and after consultation with the Greater London Council, extend to the City, the Inner Temple or the Middle Temple the enactments mentioned in section 37 (1) of this Act and the provisions of Part III of this Schedule, so far as they do not otherwise extend there, subject, however, to such exceptions and modifications as may be specified in the order; and any such order may, so far as it appears to the Minister to be necessary or proper for the purposes or in

consequence of any of the provisions of the order, modify section 35 (3) of this Act, the foregoing provisions of this Part of this Schedule and the provisions of Part II of this Schedule.

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 37 (1) *ante*, it must be regarded as part of that subsection, which, being in Part V of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Consultation. See the note "Consult" to s. 7, *ante*.

Appears. Cf. the note "Appear" to s. 1, *ante*.

Minister. See the note to s. 35, *ante*.

Definitions. For "the City", "the Common Council" and "the Temples", see s. 89 (1), *ante*; for "main sewer" and "sewerage area of the Greater London Council", see s. 39 (1), *ante*. By virtue of s. 39 (1) (c), *ante* (so far as applicable), for "district" and "local authority", see s. 1 (2) of that Act, Vol. 19, p. 313 (but note para. 1 of this Part of this Schedule), for "functions", see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495, and for "sewer", see s. 343 (1) of that Act, Vol. 19, p. 495, in conjunction with s. 90 (4) thereof, Vol. 19, p. 377, and with s. 39 (4), *ante*; and see as to "construction", s. 90 (5) of the Act of 1936 and as to "sewage disposal works", s. 90 (4) of that Act and s. 39 (4), *ante*.

Public Health Act 1936 (c. 49), ss. 27, 90, Part XII. See Vol. 19, pp. 334, 377, 459.

Order under this Part of this Schedule. For provisions as to orders, see s. 90, *ante*.

PART II

SPECIFIC MODIFICATIONS OF SEWERAGE PROVISIONS OF PUBLIC HEALTH ACT 1936

1.—(1) The powers conferred by section 15 (1) (i) shall not be exercisable by the Greater London Council, but that Council shall instead have the powers conferred by paragraph 1 of Part III of this Schedule.

(2) Nothing in section 15 shall be construed as absolving the council of a London borough or county district from complying with any relevant requirement imposed by paragraph 7 of Part III of this Schedule.

2.—(1) The power of a local authority under section 17 to make a declaration vesting in themselves a sewer or sewage disposal works situate within or serving their district or any part of their district shall not be exercisable—

(a) by the Greater London Council as respects a sewer or sewage disposal works which is vested in the council of a London borough or county district;

(b) by the council of a London borough or county district as respects a sewer or sewage disposal works which is vested in the Greater London Council.

(2) In section 17 (1) the words from "being" to "Act" shall be omitted.

(3) Section 17 (7) and (8) shall not be construed as applying to a declaration by the Greater London Council with respect to a sewer or sewage disposal works unless the sewer or works is situate outside, or serves a district outside, the Council's sewerage area and in relation to a declaration by the council of a borough or county district with respect to a sewer situate within, or serving a district within, that area shall have effect as if any reference to another local authority did not include a reference to the Greater London Council.

3. Section 18 (3) shall not be construed as applying to an agreement to vest a sewer or sewage disposal works in the Greater London Council unless the

sewer or works is situate outside the Council's sewerage area and in relation to an agreement to vest in the council of a borough or county district a sewer situate within that area shall have effect as if any reference to another local authority did not include a reference to the Greater London Council.

4.—(1) In section 20 (1) the reference to section 29 of the Local Government Act 1929 shall be construed not only as a reference to section 227 of the Highways Act 1959 but also as including a reference to section 17 (5) of this Act.

(2) For section 20 (2) there shall be substituted the following subsection:—

“(2) Sewers which by virtue of this section continue to be or become vested in a local authority, and sewers and drains which by virtue of section 35 of the London Government Act 1963 become so vested shall be known, and are referred to in this Act, as public sewers:

Provided that a sewer constructed by a local authority after 1st April 1965, or a sewer or drain constructed by such an authority or one of their predecessors between 30th September 1937 and that date for the purpose only of draining property belonging to the authority or their predecessors, being in the case of a sewer or drain constructed before that date by the London county council or a metropolitan borough council a sewer or drain used only for that purpose at that date, shall not be deemed to be a public sewer for the purposes of this Act unless or until it has been declared (whether before or after that date) to be a public sewer.”

5. In section 21, in its application to Greater London (whether or not in the sewerage area of the Greater London Council) but not in its application to any part of that area outside Greater London, any reference to a county council shall include a reference to the Greater London Council and in subsection (4) of that section a reference to section 29 (2) of the Local Government Act 1929 shall be construed not only as a reference to section 227 of the Highways Act 1959 but also as including a reference to section 17 (5) of this Act.

6.—(1) Section 24 (4), in its application to an inner London borough, shall have effect as if references to the commencement of that Act were references to 1st April 1965 and as if at the end there were added the words “ or

(c) any length which immediately before 1st April 1965 was used for draining any group or block of houses by a combined operation under an order of a metropolitan borough council or their predecessors; or

(d) any length which immediately before that date was used for draining a group or block of houses by a combined operation, being a length laid or constructed before 1856 in pursuance of an order or direction of, or with the sanction or approval of, the Metropolitan Commissioners of Sewers.”

(2) Section 24 (5) shall not apply to an inner London borough, the City or the Temples.

7. Sections 25, 37 and 38 shall not apply to an inner London borough, the City or the Temples, and in their application to any other part of the sewerage area of the Greater London Council shall have effect as if references to a local authority did not include references to that Council.

8. For the purposes of section 27 all sewers provided by the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple shall be treated as public sewers.

9.—(1) If so requested by the Greater London Council, the council of a London borough or county district shall enter into an agreement under section 28 on such terms, if any, as the Greater London Council may direct for causing a sewer in the sewerage area of the Greater London Council to communicate with or discharge into a sewer or sewage disposal works outside that area with any other sewerage authority who are willing to enter into the agreement on such terms.

(2) The Common Council shall be included among the sewerage authorities

with whom the council of an inner London borough may enter into an agreement under section 28.

(3) Where the council of a London borough or county district enter into such an agreement at the request of the Greater London Council and in consequence reasonably incur expenditure in excess of that which they would have incurred apart from the agreement the amount of the excess shall be reimbursed to them by the Greater London Council; and any dispute as to the reasonableness of the expenditure or the amount of the excess shall, in default of agreement, be determined by the Minister.

10. The power of letting land conferred on a local authority by section 29 shall not be exercised by the council of a London borough or county district in the case of land in the sewerage area of the Greater London Council without the consent of the Greater London Council.

11. In section 30 the reference to Part II of the Public Health Act 1936, and in section 31 the reference to the foregoing provisions of the said Part II, shall be construed as including references to Part III of this Schedule.

12.—(1) The requirement to keep a map imposed on a local authority by section 32 shall not be construed as requiring the council of a London borough or county district to keep a map showing and distinguishing any sewers or drains within their district which are not vested in the council.

(2) Section 32 (3) shall not apply in the sewerage area of the Greater London Council.

(3) At the end of section 32 there shall be added the following subsection—

“(4) The council of every London borough and county district having sewers in the sewerage area of the Greater London Council shall supply a copy of the said map to the Greater London Council.”

13.—(1) Where a person proposes under section 34 or 35 to make a communication between a drain or sewer and a public sewer of the Greater London Council, the grounds on which the Council may refuse under section 34 (3) or 35 (1) to permit the communication shall be such grounds as they think fit and no application to a magistrates' court may be made under the proviso to section 34 (3) or under section 35 (2) in respect of any such refusal by the Council.

(2) Where a communication is made under section 34 or 35 between a drain or sewer and a public sewer of the council of a borough or county district the council shall as soon as may be after the making of the communication give the Greater London Council notice of the fact together with such particulars of the communication as the Greater London Council may require in that case or that class of case.

14. In sections 39 and 40, any reference to a local authority shall not include a reference to the Greater London Council.

15. Section 41 shall apply throughout the sewerage area of the Greater London Council and not only to the areas mentioned in subsection (1) of that section, and references in that section to a local authority shall—

(a) in relation to a public sewer, be construed as a reference to the local authority in whom the sewer is vested; and

(b) in relation to any other sewer or in relation to a cesspool or other receptacle for drainage, be construed as a reference to the council of the London borough or county district in which the sewer, cesspool or other receptacle is situated.

16. Any reference in section 42 to a local authority shall be construed as a reference to the local authority in whom the sewer in question is vested or, as the case may be, the council of the London borough or county district in which the cesspool in question is situated.

17. In the provisions of Part XII mentioned in section 37 (1) of this Act any

reference to the Public Health Act 1936 shall include a reference to Part V of this Act (including Part III of this Schedule).

18. Section 290 (2) to (7) shall apply in relation to any notice given under paragraphs 14 (1) and (3) and 15 (2) of Part III of this Schedule.

19. In section 343 (1) the definition of "local authority" shall not apply in relation to the enactments mentioned in section 37 (1) of this Act.

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 37 (1), *ante*, and partly also s. 37 (3), *ante* (see further, s. 37 (4), *ante*), it must be regarded as part of that section, which, being in Part V of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule, *ante*.

Para. 1: Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Para. 5: Greater London. See s. 2 (1), *ante*.

Para. 6: Metropolitan borough council. Cf. the note "Metropolitan boroughs", to s. 3, *ante*.

Para. 9: Minister. See the note to s. 35, *ante*.

Definitions. By virtue of s. 39 (1) (c), *ante* (so far as applicable), for "cesspool", see the Public Health Act 1936 (c. 49), s. 90 (1), Vol. 19, p. 377, for "district" and "local authority", see s. 1 (2) of that Act, Vol. 19, p. 313, in conjunction with Part I, para. 1, of this Schedule, *ante*, for "drain", see s. 343 (1) of the Act of 1936, Vol. 19, p. 495, in conjunction with s. 90 (4) thereof and Part III, para. 13 (5) of this Schedule, *post*, for "house" and "land", see s. 343 (1) of that Act, for "public sewer", see s. 20 (2) of that Act, as substituted by s. 37 (1), *ante*, and para. 4 (2) of this Part of this Schedule, for "sewer", see s. 343 (1) of the Act of 1936, in conjunction with s. 90 (4) thereof and with s. 39 (4), *ante*, for "sewerage authority", see s. 90 (1) of the Act of 1936, in conjunction with Part I, para. 1, of this Schedule, *ante*, and para. 9 (2) of this Part of this Schedule; and see as to "constructed", s. 90 (5) of the Act of 1936 and as to "sewage disposal works", s. 90 (4) of that Act and s. 39 (4), *ante*. For "the City", "the Common Council" and "the Temples", see s. 89 (1), *ante*; for "inner London borough", see s. 1 (1) (a), *ante*; for "sewerage area of the Greater London Council", see s. 39 (1) (b), *ante*.

Public Health Act 1936 (c. 49). See Vol. 19, p. 302. For Part II, ss. 15, 17, 18 (3), 20, 21, 24, 25, 27, 28, 29, 30, 31, 32, 34, 35, 37, 38, 39, 40, 41 and 42, Part XII, ss. 290 and 343 (1) of that Act, see Vol. 19, pp. 322, 323, 325, 327, 329, 331, 333, 334, 335, 336, 338, 339, 341, 342, 343, 344, 459, 468, 495.

Local Government Act 1929 (c. 17), s. 29. See Vol. 14, p. 269. That section was repealed by the Highways Act 1959 (c. 25), s. 312 (2) and Sch. 25, Vol. 39, pp. 720, 772. The repeal is extended to the whole of Greater London as from 1st April 1965 by s. 16 (2) (a) and Sch. 6, para. 71, *ante*.

Highways Act 1959 (c. 25), s. 227. See Vol. 39, p. 654.

PART III

PROVISIONS REPRODUCED FROM PART II OF PUBLIC HEALTH (LONDON) ACT 1936

Construction, maintenance and operation of sewers, etc.

1.—(1) For the purpose of exercising their functions under the enactments mentioned in section 37 (1) of this Act, the Greater London Council may construct a public sewer—

- (a) in, under or over any street, or in or under any cellar or vault below any street;
- (b) in, on or over any land not forming part of a street; and
- (c) in, under or over the bed, banks or shores of the River Thames.

(2) Where the Greater London Council propose in the exercise of their powers under this paragraph to construct a sewer which will cross or interfere with any watercourse or works vested in, or under the control of, a land drainage

authority other than the Council or the council of a London borough or county district, they shall before adopting plans for the construction of the sewer give notice of their proposals to that authority; and if that authority within twenty-eight days of the giving of the notice to them serve on the Greater London Council notice of objection to the proposals, the Council shall not proceed with the proposals unless all objections so made are withdrawn or the Minister after a local inquiry has approved the proposals with or without modification.

(3) Section 31 (2) of the Land Drainage Act 1961 (which requires the consent of a river authority to the erection, alteration or repair of structures in, over or under watercourses) shall not apply to any work executed under this paragraph.

(4) The foregoing provisions of this paragraph shall not be construed as exempting the Council from compliance with any relevant requirement imposed by or by virtue of section 279 or any other provision of Part XII of the Public Health Act 1936 or by or by virtue of the Public Utilities Street Works Act 1950.

(5) Except where notice has to be given by the Greater London Council in pursuance of sub-paragraph (2) of this paragraph or of any requirement mentioned in sub-paragraph (4) thereof, no notice need be given by them of any exercise of the powers conferred by this paragraph.

2.—(1) Where any sewer or part of a sewage disposal works vested in the Greater London Council interrupts or will interrupt communications between any premises and any other land or between several parts of the same premises, the Greater London Council may construct such bridges, arches, roads, passages or culverts as they think appropriate for restoring or preserving those communications or may instead pay such compensation to the owners and occupiers of the premises affected as may be agreed with them or as may be just.

(2) Without prejudice to any duty imposed on them by any other enactment, any bridges, arches, roads, passages or culverts constructed in pursuance of this paragraph shall be maintained by the Greater London Council.

3. No works under or over the main navigable channel of the River Lee shall be executed by the Greater London Council in pursuance of the enactments mentioned in section 37 (1) of this Act or in pursuance of this Part of this Schedule, unless—

- (a) in the case of any work under the navigation, the top of the work is at least twelve feet below high water, Trinity standard, and
- (b) in the case of any work over any part of the navigation, the soffit of the work is at least eight feet six inches above high water, Trinity standard, with a clear span over the river, inclusive of the towing path thereof, of at least fifty-four feet:

Provided that the British Waterways Board, upon the application of the Greater London Council, may allow a variation of the said dimensions or any of them.

4.—(1) Notwithstanding anything in sections 30, 31 and 331 of the Public Health Act 1936, the Greater London Council—

- (a) may cause storm water to be discharged from any sewer or pumping station for the time being vested in them into Channelsea river or Abbey creek or both, at any point in the London borough numbered 17 in Part I of Schedule 1 to this Act south of the bridge carrying Abbey road over that river or, as the case may be, that creek; and
- (b) may permit any storm water discharged under this paragraph into the said river or creek to flow thence into Bow Creek and thence into the River Thames:

Provided that the Greater London Council—

- (i) shall cause the storm water to be discharged only at such times and in such manner as may be necessary to prevent the flooding of places and premises within the sewerage area of the Greater London Council; and

- (ii) shall take all steps to avoid, so far as practicable, the creation of any nuisance in Channelsea river or Abbey creek by reason of the exercise of the powers of the Council under this paragraph.

(2) The Greater London Council shall, at the request of the British Waterways Board, cause to be removed at the expense of the Council, by dredging or otherwise to the reasonable satisfaction of the engineer of the said Board, any deposit on the bed of Channelsea river or Abbey creek caused by, or arising from, the discharge by the Council of storm water into the said river or creek under this paragraph.

Any dispute arising under this sub-paragraph between the Greater London Council and the British Waterways Board shall be determined by an arbitrator, who shall, in default of agreement, be appointed by the Minister of Transport on the application of either party to the dispute.

(3) Save as otherwise agreed in writing between the Greater London Council and the Lee Conservancy Catchment Board, the Council, in exercise of their powers under this paragraph, shall not begin any such part of the works required for the purpose of a storm outlet as may involve interference with any river, watercourse, sewer, drain, pipe, river wall or defence or other work which is under the management or control of the Board by virtue of the transfer to them under the Land Drainage Act 1930 of powers formerly exercisable by the council of the county borough of West Ham under the West Ham Corporation (Improvements) Act 1888, unless the Greater London Council have given to the Board at least one month's previous notice of the Council's intention to begin that part of the works aforesaid, together with a plan and section thereof; and in respect of that part of the works and the execution and maintenance thereof, the Council shall comply with all such reasonable requirements as may be communicated to them in writing by the Board within fourteen days after service of the said notice upon them, and that part of the works shall be executed to the reasonable satisfaction of the Board and the reasonable expenses incurred by the Board in connection therewith shall be paid by the Council.

Any dispute arising under this sub-paragraph between the Greater London Council and the said Board shall be determined by an arbitrator who shall, in default of agreement, be appointed by the President of the Institution of Civil Engineers on the application of either party to the dispute.

5.—(1) For the purpose of securing the efficient maintenance of the main and general sewerage of their sewerage area, the Greater London Council shall make such orders as they think proper—

- (a) for the guidance, direction and control of councils of London boroughs and county districts in relation to the levels, construction, abandonment, alteration, maintenance and cleansing of sewers in their respective areas;
- (b) for securing that proper communications are made between the various sewers vested in the councils of London boroughs and county districts and between those sewers and the sewers vested in the Greater London Council;
- (c) generally for the guidance, direction and control of councils of London boroughs and county districts in the discharge of their functions in relation to sewerage.

(2) Orders under this paragraph may be so framed as to apply generally or to any particular case or class of case and may make different provision for different cases.

(3) Where the Greater London Council propose to make an order under this paragraph they shall serve a copy of a draft of the order on such as will be affected of the councils of the boroughs and county districts wholly or partially situate within their sewerage area, and any council affected may within six weeks of the service on them of a copy of the draft order refer to the Minister the question whether the order or any provision thereof should be made or whether it should contain other provisions in addition to or in substitution for those contained in the draft order; and on the determination of the reference the

Minister may confirm or disallow the draft order and, if he confirms it, may make such modifications thereof as he thinks fit.

(4) An order under this paragraph shall not be made until the expiration of six weeks beginning with the service of the last copy of the draft order to be served or, if it is referred to the Minister, until the Minister has determined the reference and confirmed the order with or without modifications.

(5) On its coming into force, an order under this paragraph shall be binding on the councils of London boroughs and county districts.

6.—(1) The Greater London Council may make byelaws—

- (a) for regulating the dimensions, form and mode of construction, and the maintenance, cleansing and repair, of pipes, drains and other means of communication with sewers, and the traps and apparatus connected therewith, and for prescribing the levels at which such means of communication, traps and apparatus as aforesaid are to be laid;
- (b) for requiring persons who are about to construct, reconstruct, or alter pipes, drains or other means of communication with a sewer, or the traps or apparatus connected therewith, to deposit with the local authority such plans, sections and particulars of the proposed work as may be necessary for the purpose of ascertaining whether it will comply with the requirements of the enactments mentioned in section 37 (1) of this Act, of this Part of this Schedule and of any byelaws under this paragraph:

Provided that byelaws made under paragraph (b) of this sub-paragraph—

- (i) shall not require the deposit of plans or sections in the case of any repair which does not involve the alteration or entire reconstruction of any such means of communication as aforesaid or of the traps or apparatus connected with a sewer, and
- (ii) in a case where the alteration of a drain must be carried out at once, shall not require the deposit of plans, sections and particulars of the proposed work before it is begun, but may require the deposit thereof within such period after the commencement of the work as may be specified in the byelaws.

(2) Byelaws under this paragraph shall only apply to the inner London boroughs.

7.—(1) Where the council of a London borough or county district propose to construct a public sewer or to make a communication between any sewer or drain of theirs and a sewer vested in the Greater London Council, they shall, before beginning any works for the purpose, give notice of the proposal to the Council and shall not proceed with a proposal to make any such communication except with the written approval and in accordance with the directions of the Council.

(2) Any notice under this paragraph shall be accompanied by—

- (a) plans and sections of the sewer or communication, as the case may be, drawn to such convenient scale, and showing its location and such other matters, as the Council may direct, and
- (b) such other particulars of the proposal as the Council may direct.

(3) Any dispute as to whether any approval under this paragraph has been unreasonably withheld or whether any directions thereunder are unreasonable shall, in default of agreement, be determined by the Minister.

8.—(1) Where proposals for the carrying out of any work have been finally approved under paragraph 7 of this Part of this Schedule, then, without the requisite approval—

- (a) the proposals shall not be substantially departed from; and
- (b) if the work is not completed within two years of the approval of the original proposals, it shall not be proceeded with.

(2) The said paragraph 7 shall apply in relation to an application for approval under this paragraph as it applies in relation to the original proposal, except that where it is proposed to depart in any respect from the original proposals, the plans, sections and any particulars required by that paragraph shall show the nature of the variation.

(3) This paragraph shall apply in relation to proposals approved thereunder as it applies in relation to proposals originally approved under the said paragraph 7.

9. The Greater London Council or the council of an inner London borough may, so far as may be necessary for the execution in the sewerage area of the Council or in that borough, as the case may be, of any works by that council under the enactments mentioned in section 37 (1) of this Act or under this Part of this Schedule, close or stop up any street.

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 37 (2), *ante*, it must be regarded as part of that subsection, which being in Part V of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule, *ante*.

Para. 1: Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Serve. See the note "Has given . . . notice" to paras. 13-15 of this Part of this Schedule, *post*.

Minister. See the note to s. 35, *ante*.

Para. 4: At least one month's previous notice. *I.e.*, at least one month must intervene between the day when the notice is given and the day when the operations in question are begun; see, in particular, *R. v. Turner*, [1910] 1 K.B. 346; *Re Hector Whaling, Ltd.*, [1936] Ch. 208; [1935] All E.R. Rep. 302; *R. v. Long*, [1959] 3 All E.R. 559; [1960] 1 Q.B. 681; and *Thompson v. Stimpson*, [1960] 3 All E.R. 500; [1961] 1 Q.B. 795.

Para. 5: London boroughs. See s. 1, *ante*.

Beginning with, etc. In calculating the period of twenty-eight days the date from which it runs must be included; see *Hare v. Gocher*, [1962] 2 All E.R. 763; [1962] 2 Q.B. 641.

Definitions. By virtue of s. 39 (1) (c), *ante* (so far as applicable), for "drain", see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495, in conjunction with s. 90 (4) of that Act, Vol. 19, p. 377, and with para. 13 (5) of this Part of this Schedule, *post*, for "functions", "land", "land drainage authority", "owner", "premises" and "street", see s. 343 (1) of that Act, for "public sewer", see s. 20 (2) of that Act, as substituted by s. 37 (1), *ante*, and Part II, para. 4 (2) of this Schedule, *ante*, and for "sewer" see s. 343 (1) of the Act of 1936, in conjunction with s. 90 (4) of that Act and with s. 39 (4), *ante*; and see as to "constructed", s. 90 (5) of the Act of 1936 and as to "sewage disposal works", s. 90 (4) of that Act and s. 39 (4), *ante*. For "inner London borough", see s. 1 (1) (a), *ante*; for "sewerage area of the Greater London Council", see s. 39 (1) (b), *ante*.

Land Drainage Act 1961 (c. 48), s. 31 (2). See Vol. 41, p. 680.

Public Health Act 1936 (c. 49), ss. 30, 31, Part XII, ss. 279, 331. See Vol. 19, pp. 335, 459, 462, 489. See also Part II, para. 11, of this Schedule, *ante*.

Public Utilities Street Works Act 1950 (c. 39). See Vol. 29, p. 315.

Land Drainage Act 1930 (c. 44). See Vol. 13, p. 551.

West Ham Corporation (Improvements) Act 1888. 51 & 52 Vict. c. clxxix; not printed in Halsbury's Statutes of England (2nd Edn.).

Transfer of sewerage responsibilities and of sewers

10.—(1) If it appears to the Greater London Council that any part of a London borough or county district is so situate that it would be convenient for the purposes of sewerage and drainage that that part should be placed under the management of the council of an adjoining borough or district, the Greater London Council may by order direct that that part shall, for those purposes, be under the management of that borough or district council.

(2) Where, by virtue of an order under this paragraph, any part of a London borough or county district is placed under the management of the council of an

adjoining borough or district, the sums which that council require for defraying the expenses incurred by them in the discharge of their functions relating to sewerage in the said part of the first-mentioned borough or district shall be paid, upon the order of that council, by the council of the first-mentioned borough or district.

11. Where—

- (a) a street or line of street is situate in two or more boroughs or county districts, or
- (b) the whole of a street is situate in one borough or county district, but the whole or any part of the buildings abutting on that street is situate in another borough or county district,

the Greater London Council may order that the street or line of street shall, for the purposes of sewerage or drainage or both, be under the exclusive management of the council of one of the said boroughs or districts, and may by order direct in what proportions the costs of constructing and maintaining any new sewer or drain in the street or line of street, or of reconstructing, repairing or maintaining any sewer or drain therein, are to be borne and defrayed respectively by the councils of those boroughs or districts, and the decision of the Greater London Council with respect thereto shall be final.

12.—(1) The Greater London Council may by order declare that any sewer vested in them shall as from such date as may be specified in the order vest in the council of the London borough or county district in which the sewer is situated.

(2) The transfer of a sewer under this paragraph shall not be made without the consent of the council to whom it is to be transferred and shall be made on such terms and conditions as may be agreed between that council and the Greater London Council:

Provided that the foregoing requirement shall not apply if the Minister on the application of the Greater London Council and after consultation with the other council dispenses with the requirement.

(3) Any dispensation granted by the Minister under the last foregoing subparagraph may be given either unconditionally or subject to conditions (including conditions requiring the Greater London Council to make payments to the other council in respect of the expenses of repairing or renewing the sewer to be transferred).

(4) Where a sewer transferred under this paragraph is situated in a part of a London borough or county district or in a street to which an order under paragraph 10 or 11 of this Part of this Schedule applies, the Greater London Council may make such amendments of that order as appear to them to be appropriate in consequence of the transfer.

(5) In this paragraph "sewer" includes a part of a sewer.

NOTES

Commencement. See the note to paras. 1-9 of this Part of this Schedule, *ante*.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Adjoining. See the note to s. 78, *ante*.

Minister. See the note to s. 35, *ante*.

Abutting. This properly means "actually touching"; see *Barnet v. Covell* (1903), 90 L.T. 29, and *R. (on prosecution of Lewisham Borough Council) v. South Eastern Rail. Co.* (1910), 74 J.P. 137, C.A., at p. 139, *per* Kennedy, L.J. Yet, this is not the only sense in which the expression is used; see, in particular *R. (on prosecution of Lewisham Borough Council) v. South Eastern Rail. Co.*, *supra*.

Consultation. See the note "Consult" to s. 7, *ante*.

Definitions. By virtue of s. 39 (1) (c), *ante* (so far as applicable), for "drain" see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495, in conjunction with

s. 90 (4) of that Act, Vol. 19, p. 377, and with para. 13 (5) of this Part of this Schedule, *post*, for "functions" and "street", see s. 343 (1) of that Act, Vol. 19, p. 495, for "sewer", see that subsection, in conjunction with s. 90 (4) of that Act, with s. 39 (4), *ante*, and with para. 12 (5) of this Schedule.

Control of drainage works

13.—(1) It shall not be lawful in an inner London borough—

- (a) to erect any house or other building, or
- (b) to rebuild any house or other building which has been pulled down to, or to a level below, the floor commonly called the ground floor,

unless there are provided to the satisfaction of the borough council drains conforming with the requirements of this paragraph and all such drains and all works and apparatus in connection therewith are constructed to the satisfaction of the council and, in particular, are constructed of such materials and size, at such level and with such fall, as are approved by the council and are provided with a water supply.

(2) In an inner London borough it shall not be lawful to occupy any house or other building which has been erected or rebuilt in contravention of the foregoing sub-paragraph or of section 37 of the Public Health (London) Act 1936.

(3) In order to conform with the requirements of this paragraph a drain must provide for the drainage of the house or building in connection with which it is required—

- (a) into such sewer, situate or intended to be constructed near the house, building or site, as the borough council may direct; or
- (b) if no sewer is or will be available for the drainage of the house or building, into such covered cesspool or other place, not being under any house or other building, as the council may direct;

and the drains must secure efficient drainage by gravitation at all times and under all conditions of all parts of the house or building including any areas, water-closets, privies and offices belonging to the house or building.

(4) In rebuilding in an inner London borough any house or building which has been pulled down to, or to a level below, the floor commonly called the ground floor, the level of the lowest floor of the house or building shall, subject to the provisions of the next following sub-paragraph, be raised so far as may be necessary to allow of the construction of such works as are required by this paragraph, and for that purpose levels shall be taken and determined under the direction of the borough council.

(5) Notwithstanding anything in the foregoing provisions of this paragraph, where it is proposed to erect or rebuild in an inner London borough any house or building at such a level as will not allow of the drainage of all parts of the house or building by gravitation as aforesaid, the borough council may, as respects any part of the house or building which cannot be so drained, either—

- (a) allow that part to be constructed so as not to require drainage therefrom; or
- (b) allow that part to be drained by means of such pumping or lifting apparatus as may be provided to the satisfaction of the council.

Any pumping or lifting apparatus provided under this sub-paragraph shall be deemed to be a drain.

(6) Where separate sewers for the reception of surface water and sewage respectively have been, or are intended to be, provided in any street, the borough council may, in the discharge of their functions under this paragraph in relation to any house or other building which is to be drained into the sewers in that street, require that the house or building be provided with separate drains for discharging surface water and sewage respectively into the appropriate sewers.

(7) Any person aggrieved by any order, direction, requirement or other decision of a borough council under the foregoing provisions of this paragraph may appeal to a magistrates' court.

14.—(1) Where in an inner London borough—

(a) any house or other building, whether erected before or after 1st April 1965, is not drained, to the satisfaction of the borough council, by means of a sufficient drain communicating with, and emptying itself into, a sewer, and

(b) a sewer is or will be available for the drainage of the house or building, the council may, by notice served on the owner of the house or building, impose such requirements as are mentioned in the next following sub-paragraph.

(2) The requirements which may be imposed by notice under this paragraph are requirements—

(a) to construct a covered drain from the house or building into the said sewer and such connections to the drain as are adequate for the purposes of draining the house or building, including any areas, water-closets, privies and offices belonging to the house or building and of conveying the sewage therefrom into the sewer;

(b) to construct the drain and the connections of such materials and size, at such level and with such fall, as are adequate for the said purposes;

(c) to provide proper paved or impermeable sloping surfaces for carrying surface water into the drain or any connections thereto;

(d) to provide proper sinks, and proper inlets and outlets, syphoned or otherwise trapped, for preventing the emission of effluvia from the drain or any connections thereto;

(e) to provide a proper water supply and water-supplying pipes, cisterns and apparatus for scouring the drain and any connections thereto, and for causing the drain and any connections thereto to convey away the soil;

(f) to provide proper sand traps, expanding inlets and other apparatus for preventing the entry of improper substances into the drain or any connections thereto; and

(g) to provide all such other proper works and arrangements as appear to the council or their officers necessary to secure the safe and proper working of the drain and to prevent it from obstructing or otherwise injuring, or impeding the action of, the sewer into which it leads.

(3) Where—

(a) any house or other building in an inner London borough, whether erected before or after 1st April 1965, is without sufficient drainage; and

(b) there is no proper sewer within two hundred feet of any part of the house or building,

the borough council may, with a view to making temporary provision for the drainage of the house or building and for the abatement of any nuisance existing therein or caused thereby, serve on the owner of the house or building a written notice requiring him—

(i) to construct, elsewhere than under a house and not nearer to any house than the council may direct, a covered watertight cesspool or tank or other suitable receptacle; and

(ii) to construct and lay a covered drain leading from the first-mentioned house or building into that cesspool, tank or other receptacle.

(4) Where a borough council have required any works to be executed under the foregoing provisions of this paragraph, the council may, from time to time during the execution of the works, cause them to be inspected and may by further notice served on the owner of the house or building require such reasonable alterations thereof, additions thereto or abandonment of parts thereof as the council or their officers, with the fuller knowledge afforded by the opening

of the ground, consider necessary to secure that the works will be thoroughly effective for their purpose.

(5) Where—

- (a) it appears to the council of an inner London borough that a group or block of contiguous houses, or of adjacent detached or semi-detached houses, can more economically or advantageously be drained and improved in combination than separately; and
- (b) a sewer of sufficient size is situate, or about to be constructed, within one hundred feet of any part of the group or block,

the council may by order require that the group or block be drained by a combined operation complying with such of the requirements mentioned in sub-paragraph (2) of this paragraph as may be specified in the order.

(6) Any person aggrieved by an order made by a borough council under the last foregoing sub-paragraph may appeal to a magistrates' court.

15.—(1) No person shall—

- (a) begin to lay or to dig out the foundations of any house or building in an inner London borough, or to rebuild any house or building therein; or
- (b) begin to make any drain for the purpose of draining directly or indirectly into a sewer under the control of the council of such a borough,

unless, at least seven days previously, he has given to the borough council notice of his intention so to do, and if any person begins to lay or dig out the foundations of any such house or building, or to make any drain for the purpose aforesaid, in contravention of this paragraph, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for every day thereafter until the notice is given.

(2) If any house or building, or any drain for draining directly or indirectly into a sewer under the control of the council of a London borough, or any connections to such a drain, or any works, apparatus or water supply in connection with such a drain, is or are begun, erected, made or provided in an inner London borough in contravention of the provisions of this Part of this Schedule or of the corresponding provisions of any enactment repealed by this Act, the council of the borough at their option may either—

- (a) serve upon the owner of the house or building or of the drain (as the case may be) a notice requiring him to cause the house or building to be demolished or altered or to cause the drain or the connections or other works and apparatus in connection therewith or the water supply to be relaid, remade, altered or added to, as the case may require; or
- (b) recover from the person in default, as a debt due from him to the council, a penalty not exceeding five pounds, and a further penalty not exceeding forty shillings for every day on which the contravention continues.

NOTES

Commencement. See the note to paras. 1–9 of this Part of this Schedule, *ante*.

Aggrieved. See on the meaning of this expression, in particular, *Re Sidebotham, Ex parte Sidebotham* (1880), 14 Ch. D. 458, C.A., at p. 465, *per James, L.J.*; *Re Reed Bowen & Co., Ex parte Official Receiver* (1887), 19 Q.B.D. 174, C.A., at pp. 177, 178, *per Lord Esher, M.R.*; *Sevenoaks Urban District Council v. Twynam*, [1929] 2 K. B. 440, *per Lord Hewart, C.J.*; *R. v. Nottingham Quarter Sessions, Ex parte Harlow*, [1952] 2 All E.R. 78; [1952] 2 Q.B. 601; *Ealing Borough Council v. Jones*, [1959] 1 All E.R. 286; [1959] 1 Q.B. 384; *Buxton v. Minister of Housing and Local Government*, [1960] 3 All E.R. 408; [1961] 1 Q.B. 278; and *Attorney-General of the Gambia v. N'Jie*, [1961] 2 All E.R. 504; [1961] A.C. 617, P.C.

May appeal, etc. By virtue of Part II, para. 17, of this Schedule, *ante*, for further provisions, see the Public Health Act 1936 (c. 49), ss. 300 *et seq.*, Vol. 19, pp. 473, 474.

Para. 14: Served. By virtue of Part II, para. 17, of this Schedule, *ante*, for provisions as to service, see the Public Health Act 1936 (c. 49), s. 285, Vol. 19, p. 464.

Contiguous. See the note to s. 5, *ante*.

Adjacent. This word has in ordinary usage no precise and uniform meaning, but is not confined to places adjoining and includes places close to or near; see *Wellington Corpn. v. Lower Hutt Corpn.*, [1904] A.C. 773, P.C.; and cf. *Re Ecclesiastical Comrs. for England's Conveyance*, [1936] Ch. 430; [1934] All E.R. Rep. 118, at p. 441 and p. 123, respectively. It follows that, used in contradistinction to "contiguous", as it is used here, the expression refers to houses which lie near, but are not in actual contact with, one another; cf. *Re Ecclesiastical Comrs. for England's Conveyance, supra*. Yet, the degree of proximity required is entirely a question of circumstances; see *Wellington Corpn. v. Lower Hutt Corpn., supra*; and cf. *Re Ecclesiastical Comrs. for England's Conveyance, ubi supra*.

Para. 15: At least seven days previously. Cf. the note "At least one month's previous notice" to paras. 1-9 of this Part of this Schedule, *ante*.

Has given . . . notice. For provisions as to giving notice to local authorities, see the Local Government Act 1933 (c. 51), s. 286 (1), Vol. 14, p. 502, as amended by s. 8 (2) and Sch. 4, para. 38, *ante*.

Shall be liable, etc. By virtue of Part II, para. 17, of this Schedule, *ante*, for further provisions, see the Public Health Act 1936 (c. 49), ss. 296 *et seq.*, Vol. 19, pp. 472, 473.

No fine may be imposed in respect of any day earlier than six months before the information was laid; see *R. v. Chertsey Justices, Ex parte Franks*, [1961] 1 All E.R. 825; [1961] 2 Q.B. 152.

Recover, etc. By virtue of Part II, para. 17, of this Schedule, *ante*, for provisions as to recovery, see the Public Health Act 1936 (c. 49), s. 293, Vol. 19, p. 471; and see also s. 297 of that Act.

Definitions. By virtue of s. 39 (1) (c), *ante* (so far as applicable), for "cesspool" and "water-closet", see the Public Health Act 1936 (c. 49), s. 90 (1), Vol. 19, p. 377, for "drain", see s. 343 (1) of that Act, Vol. 19, p. 495, in conjunction with s. 90 (4) thereof and with para. 13 (5) of this Part of this Schedule, for "functions", "house", "owner" and "street", see s. 343 (1) of that Act and for "sewer", see that subsection, in conjunction with s. 90 (4) of that Act and with s. 39 (4), *ante*; and see as to "constructed", s. 90 (5) of the Act of 1936, and as to "erect", s. 90 (2) thereof. For "inner London borough", see s. 1 (1) (a), *ante*.

Public Health (London) Act 1936 (c. 50), s. 37. See Vol. 15, p. 910. The whole of that Act is repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Miscellaneous

16. It shall be the duty of the council of a London borough or county district, the Common Council, the Sub-Treasurer or the Under-Treasurer, as the case may be, to cleanse every grating and gully in the borough, district, City, Inner Temple or Middle Temple, as the case may be, which satisfies all the following conditions, that is to say—

- (a) it is vested in, or under the control of, the Greater London Council; and
- (b) it is situate in a street which is not a metropolitan road; and
- (c) it communicates with a sewer vested in the Greater London Council.

17.—(1) The council of a London borough or county district may serve on the owner or occupier of any land abutting on a street vested in, or repairable by, the council a notice requiring him within the period of twenty-eight days beginning with the service of the notice to carry out such works on the land as may be specified in the notice for preventing soil or refuse from the land from entering any sewer or gully in the street in such quantities as to choke up the sewer or gully.

(2) If any person fails to comply with the requirements of a notice under this paragraph, he shall be liable to a fine not exceeding five pounds and to a further fine not exceeding twenty shillings for every day on which the failure continues after conviction.

(3) Any person aggrieved by the requirements of any such notice may appeal to a magistrates' court.

18.—(1) If any person—

- (a) knowingly erects or places any building, wall, bridge, fence, obstruction or encroachment in, on, over or under any sewer vested in the Greater London Council or in the council of an inner London borough; or
- (b) obstructs, fills in or diverts any sewer or drain vested in or under the control of, the Greater London Council or the council of an inner London borough,

without the previous consent in writing of the council in whom the sewer or drain is vested or by whom it is controlled, then, without prejudice to any other proceedings which may be taken against him, that council—

- (i) may recover from him, as a debt due from him to the council, a penalty not exceeding twenty pounds, and a further penalty not exceeding five pounds for every day on which the contravention continues after notice thereof has been served on him by the council; and
- (ii) may demolish and remove the building, wall, bridge, fence, obstruction or encroachment, and execute any works necessary for re-opening, restoring, repairing or reinstating the sewer or drain, as the case may be, and may recover from the offender the expenses incurred by the council in so doing.

(2) Nothing in this paragraph shall prevent or impede the maintenance, repair or renewal of any building or works under which a sewer or drain has been constructed, so however that the building or works shall not injure or obstruct the sewer or drain.

19. If any person—

- (a) removes, demolishes or otherwise interferes with any sewer or part of a sewer vested in the Greater London Council or in the council of a London borough or county district, without the previous consent in writing of the council concerned; or
- (b) wilfully damages any sewer, bank, defence, wall, penstock, grating, gully, side entrance, tide valve, flap, work or thing vested in the Greater London Council or in the council of a London borough or county district; or
- (c) does anything by reason of which the drainage of the sewerage area of the Greater London Council or any part thereof may be obstructed or damaged,

the council concerned may, without prejudice to any other proceedings which may be taken against that person, recover from him, as a debt due from him to the council, a penalty not exceeding twenty pounds, and also the amount of the expenses incurred by that council in repairing, restoring or reinstating the sewer or other work or thing removed, demolished, interfered with, damaged or obstructed, as the case may be.

20.—(1) Every person found in, or attempting to enter, any sewer vested in the Greater London Council or in the council of a London borough or county district without the permission of the council in whom the sewer is vested, shall be liable to a fine not exceeding forty shillings.

(2) Any person found in, or attempting to enter, any such sewer as aforesaid without the permission of the council in whom it is vested may be removed from the sewer by an officer of that council, and in the event of the name and address of that person not being known the officer may detain him and hand him over to a police constable.

21. Without prejudice to the generality of the enactments relating to the acquisition of land by local authorities, the Greater London Council and the council of a London borough or county district may—

- (a) purchase, or procure the removal of the whole or any part of, any structure, apparatus or other thing which interrupts or impedes sewerage or drainage, and purchase any land which it may be necessary or

- expedient to purchase for the purpose of preventing the obstruction of sewerage or drainage;
- (b) purchase or take on lease the whole or any part of any stream or spring of water or any rights therein which it appears to them necessary to acquire and use for the purpose of cleansing sewers and drains or for any other purposes of Part II of the Public Health Act 1936 or this Part of this Schedule;
- (c) purchase or take on lease any land which the council consider it advisable to purchase or take on lease for the purpose of drawing or obtaining water from springs or by sinking of wells, and for making and providing reservoirs, tanks, aqueducts, water-courses and other works, or for any other purpose connected with the works for obtaining such supply of water as aforesaid:

Provided that nothing in this paragraph shall authorise any council to use any works executed by them under Part II of the Public Health Act 1936 or this Part of this Schedule, or permit such works to be used, for the purpose of carrying water by supply pipes into any house or factory for domestic manufacturing or commercial purposes.

NOTES

Commencement. See the note to paras. 1-9 of this Part of this Schedule, *ante*.

Para. 16: London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Greater London Council. See s. 2, *ante*.

Para. 17: Serve. See the note "Served" to paras. 13-15 of this Part of this Schedule, *ante*.

Abutting. See the note to paras. 1-9 of this Part of this Schedule, *ante*.

Abutting; beginning with, etc. See the notes to paras. 1-9 of this Part of this Schedule, *ante*.

Shall be liable; aggrieved; may appeal, etc. See the notes to paras. 13-15 of this Part of this Schedule, *ante*.

Para. 18: Recover, etc. See the note to paras. 13-15 of this Part of this Schedule, *ante*.

Definitions. For "the City", "the Common Council" and "metropolitan road", see s. 89 (1), *ante*. By virtue of s. 39 (1) (c), *ante* (so far as applicable), for "drain", see the Public Health Act 1936 (c. 49), s. 343 (1), Vol. 19, p. 495, in conjunction with s. 90 (4) of that Act, Vol. 19, p. 377, and with para. 13 (5) of this Part of this Schedule, *ante*, for "enactment", "house", "land", "owner" and "street", see s. 343 (1) of the Act of 1936, for "local authority", see s. 1 (2) of that Act, Vol. 19, p. 313, in conjunction with para. 1 of Part I of this Schedule, *ante*, and for "sewer", see s. 343 (1) of the Act of 1936, in conjunction with s. 90 (4) of that Act and with s. 39 (4), *ante*; and see as to "constructed", s. 90 (5) of the Act of 1936 and as to "erect", s. 90 (2) of that Act. For "inner London borough", see s. 1 (1) (a), *ante*; for "sewerage area of the Greater London Council", see s. 39 (1) (b), *ante*.

Public Health Act 1936 (c. 49), Part II. See Vol. 19, p. 322.

SCHEDULE 10

Section 38

MODIFICATIONS AS FROM 1ST APRIL 1965 OF ENACTMENTS
RELATING TO TRADE EFFLUENTS

1. Subject to the provisions of this Schedule, for the purposes of the enactments relating to trade effluents mentioned in section 38 (1) of this Act in their application to the sewerage area of the Greater London Council—

- (a) the Greater London Council shall be the local authority for that area both as respects public sewers vested in the Council and as respects those vested in a sewerage authority mentioned in sub-paragraph (b) of this paragraph; and
- (b) in addition to the Greater London Council, the council of a London borough or county district, the Common Council, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple shall be sewerage authorities.

2. In those enactments in their application to the said sewerage area—
- (a) any reference to an interested body in relation to a sewer which discharges into a sewer or sewage disposal works of the Greater London Council shall be construed as including a reference to any sewerage authority in whom that sewer is vested;
 - (b) any reference to a public sewer or to a sewer of a local authority shall be construed as a reference to a public sewer of the Greater London Council or of some other sewerage authority, as the case may require; and
 - (c) any reference to the district of a local authority shall be construed as a reference to the sewerage area of the Greater London Council;

and for the purposes of those enactments and this Part of this Schedule any sewer vested in the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple shall be deemed to be a public sewer.

3. The Public Health (Drainage of Trade Premises) Act 1937 in its application to the said sewerage area shall have effect subject to the following provisions:—

- (a) any reference in the said Act of 1937 to a provision of the Public Health Act 1936 which is modified by Schedule 9 to this Act shall be construed as a reference to that provision as so modified;
- (b) section 1 shall not prejudice the operation of any provision of the City of London Sewers Act 1848 with respect to the making of communications with sewers or the construction or execution of works to or in connection with any sewers or drains;
- (c) in section 4 (1) (c) for the first reference to the local authority there shall be substituted a reference to the authority in whom the sewer was vested at the time when the agreement was made;
- (d) in section 4 (2) the first reference to the local authority shall, in relation to a drain or sewer, be construed as a reference to the authority who closed the drain or sewer and provided a new one as mentioned in that subsection;
- (e) in the application of the said Act of 1937 to the inner London boroughs, the City, the Temples and any other area to which that Act did not apply immediately before 1st April 1965—
 - (i) a reference to that date shall be substituted for the references in sections 4 (1) and 9 (2) to 3rd March 1937 and for the reference in section 7 (5) to the passing of that Act;
 - (ii) section 12 shall not have effect;
 - (iii) in the case of any part of the said sewerage area falling within an outer London borough or a county district, any question arising under section 4 (1) (as modified by this sub-paragraph) whether a trade effluent discharged within the period of one year ending on 1st April 1965 was lawfully discharged shall be determined as if the Public Health Act 1936 had not been in operation; and
- (f) in the application of the said Act of 1937 to any part of the said sewerage area to which that Act applied immediately before 1st April 1965 by virtue only of an order under section 22 of the London County Council (General Powers) Act 1953, the modifications of the said Act of 1937 specified in that order shall continue to have effect notwithstanding the repeal of the said section 22 by this Act.

4. Section 7 of the said Act of 1937 (which enables a local authority to make agreements for the reception and disposal of trade effluents with the owners or occupiers of trade premises within the district of the authority) shall be construed as enabling—

- (a) the Greater London Council to enter into such agreements with the owners or occupiers of trade premises outside their sewerage area;
- (b) sewerage authorities outside that area to enter into such agreements with the owners or occupiers of trade premises within that area;

- (c) the Greater London Council and any interested body in whom is vested a sewer in the Council's sewerage area to enter jointly into such agreements with the owners or occupiers of trade premises whether within or outside that area.

5.—(1) Any payments mentioned in sub-paragraph (2) of this paragraph and received by the Greater London Council shall—

- (a) if the payment is in respect of the reception or disposal of a trade effluent which has passed through the public sewers of any interested body in the Council's sewerage area, be apportioned between the Council and that body; and
- (b) if the payment is in respect of the reception and disposal of a trade effluent which has passed through the public sewers of a sewerage authority outside that area, be apportioned between the Council and that sewerage authority,

in either case in such proportions as may be agreed or in default of agreement determined by the Minister.

(2) The said payments are—

- (a) payments made in pursuance of conditions imposed by virtue of section 2 of the Public Health (Drainage of Trade Premises) Act 1937 (whether as originally enacted or as amended by section 59 of the Public Health Act 1961);
- (b) such payments as are mentioned in section 4 (1) (c) of the said Act of 1937 (as modified by the foregoing provisions of this Schedule);
- (c) payments made in pursuance of an agreement under section 7 of the said Act of 1937 (whether as originally enacted or as modified by paragraph 4 of this Schedule); and
- (d) payments made in pursuance of a direction under section 55 of the Public Health Act 1961.

6. In section 68 of the said Act of 1961 any reference to any information which has been furnished under the said Act of 1937 or Part V of the said Act of 1961 shall be construed as including a reference to information which has been furnished under Part II of the London County Council (General Powers) Act 1953 or Part V of the London County Council (General Powers) Act 1962.

7. The enactments relating to trade effluents mentioned in section 38 (1) of this Act shall apply to any part of Greater London which does not form part of the sewerage area of the Greater London Council as they apply elsewhere in England and Wales, and accordingly the local authority for the purposes of those enactments in their application to any such part of Greater London shall as respects a London borough be the council of the borough; but the foregoing provision shall not affect the application of paragraphs 4 and 5 of this Schedule or of any local statutory provision having effect in the district of the West Kent Main Sewerage Board.

NOTES

Commencement. As this Schedule takes effect by virtue of s. 38 (1), *ante*, it must be regarded as part of that subsection, which, being in Part V of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule.

Para. 1: Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Para. 4: Trade premises. For the meaning in the Public Health (Drainage of Trade Premises) Act 1937 (c. 40), see s. 14 (1) thereof, Vol. 19, p. 521, in conjunction with the Public Health Act 1961 (c. 64), s. 63 (1), Vol. 41, p. 911.

Para. 5: Trade effluent. For meaning in the Public Health (Drainage of Trade Premises) Act 1937 (c. 40), see s. 14 (1) thereof, Vol. 19, p. 521, in conjunction with the Public Health Act 1961 (c. 64), s. 63 (1), Vol. 41, p. 911.

Minister. See the note to s. 35, *ante*.

Para. 7: Greater London. See s. 2 (1), *ante*.

Definitions. For "the City, "the Common Council", "local statutory provision" and "the Temples", see s. 89 (1), *ante*. By virtue of s. 39 (1) (c), *ante* (so far as applicable), for "district" and "local authority", see the Public Health Act 1936 (c. 49), s. 1 (2), Vol. 19, p. 313, in conjunction with Sch. 9, Part I, para. 1, *ante*, for "drain", see s. 343 (1) of the Act of 1936, Vol. 19, p. 495, in conjunction with s. 90 (4) of that Act, Vol. 19, p. 377, and with Sch. 9, Part III, para. 13 (5), *ante*, for "owner", see s. 343 (1) of the Act of 1936, for "public sewer", see s. 20 (2) of that Act, as substituted by s. 37 (1) and Sch. 9, Part II, para. 4 (2), *ante*, in conjunction with para. 2 of this Schedule, for "sewer", see s. 343 (1) of the Act of 1936, in conjunction with s. 90 (4) of that Act and with s. 39 (4), *ante*, for "sewerage authority", see s. 90 (1) of the Act of 1936, in conjunction with Sch. 9, Part I, para. 1, *ante*; and see as to "sewage disposal works", s. 90 (4) of the Act of 1936 and s. 39 (4), *ante*. For "outer London borough" see s. 1 (1) (b), *ante*; for "sewerage area of the Greater London Council", see s. 39 (1) (b), *ante*.

Public Health (Drainage of Trade Premises) Act 1937 (c. 40). See Vol. 19, p. 510. For ss. 1, 2, 4, 7, 9 (2) and 12 of that Act, see Vol. 19, pp. 510, 511, 513, 517, 518, 520.

Public Health Act 1936 (c. 49). See Vol. 19, p. 302.

City of London Sewers Act 1848. 11 & 12 Vict. c. clxiii; not printed in Halsbury's Statutes of England (2nd Edn.)

London County Council (General Powers) Act 1953 (c. xliii), Part II, s. 22. See Vol. 33, pp. 386, 407. Part II is repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Public Health Act 1961 (c. 64), Part V, ss. 55, 59, 68. See Vol. 41, pp. 904, 908, 916.

London County Council (General Powers) Act 1962 (c. xlv), Part V. The reference to Part V of that Act, which does not exist, should clearly be a reference to Part II thereof, Vol. 42, p. 444 (repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *ante*).

Section 40

SCHEDULE II

MODIFICATION AND RE-ENACTMENT AS FROM 1ST APRIL 1965 OF PROVISIONS OF PUBLIC HEALTH ACTS

PART I

MODIFICATIONS

GENERAL MODIFICATIONS

1. Subject to the provisions of this Schedule, any reference in the enactments to which section 40 of this Act applies to the council of a county borough shall be construed as including a reference to the council of a London borough, the Common Council, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.

2. Subject as aforesaid, and without prejudice to the foregoing paragraph, any reference in the said enactments to the district of a local authority or urban authority shall be construed as including a reference to a London borough, the City, the Inner Temple and the Middle Temple and any reference to a borough or urban district shall be construed as including a reference to the City, the Inner Temple and the Middle Temple.

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 40 (1), *ante*, it must be regarded as part of that subsection, which, being in Part VI of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule.

County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the City" and "the Common Council", see s. 89 (1), *ante*.

THE PUBLIC HEALTH ACT 1875

3. Sections 160 and 171 shall not apply to Greater London.
4. Any reference in section 161 to an urban authority shall, in relation to a metropolitan road, be construed as a reference to the Greater London Council alone.
5. The paragraph in Part III of Schedule 5 relating to vaults and graves in churches and other places of public worship shall not apply to the inner London boroughs, the City or the Temples.

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*.

Greater London; Greater London Council. See s. 2, *ante*.

Definitions. For "the City", "metropolitan road", and "the Temples", see s. 89 (1), *ante*; for "inner London borough", see s. 1 (1) (a), *ante*.

Public Health Act 1875 (c. 55), ss. 160, 161, 171, Sch. 5, Part III. See Vol. 19, pp. 76, 77, 79, 115.

THE PUBLIC HEALTH ACTS AMENDMENT ACT 1890

6. At the end of section 2 (2) there shall be added the words "other than a district in Greater London, and any provision of Part III which may be adopted by a local authority in England and Wales shall extend to Greater London without being adopted there, but Part IV shall not extend to, and may not be adopted in, Greater London", and section 3 shall not apply to Greater London.

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Public Health Acts Amendment Act 1890 (c. 59), ss. 2 (2), 3, Parts III, IV. See Vol. 19, pp. 127, 135, 140.

THE PUBLIC HEALTH ACTS AMENDMENT ACT 1907

7. At the end of section 2 (2) there shall be added the words "other than a district in Greater London and such of those Parts or sections as may be so applied to a district in England and Wales shall extend to Greater London without being so applied", and section 3 shall not apply to Greater London.

8. Sections 21 and 80 and so much of section 81 as relates to the Town Police Clauses Act 1847 shall not apply to Greater London.

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Public Health Acts Amendment Act 1907 (c. 71), ss. 2 (2), 3, 20, 80, 81. See Vol. 19, pp. 185, 194, 199, 200.

Town Police Clauses Act 1847 (c. 89). See Vol. 24, p. 517.

THE PUBLIC HEALTH ACT 1925

9. Notwithstanding anything in section 2 (2) or 3, sections 14, 16 and 26 shall extend to Greater London without being adopted there and sections 17 to 19 shall not extend to, and may not be adopted in, Greater London, and accordingly the said sections 2 (2) and 3 shall not apply to Greater London.

10. Section 76 shall not apply to Greater London.

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Public Health Act 1925 (c. 71), ss. 2 (2), 3, 14, 16, 17-19, 26, 76. See Vol. 19, pp. 239, 240, 243, 244, 245, 250, 263.

THE PUBLIC HEALTH ACT 1936

11. Subject to the provisions of the Public Health Act 1936, section 41 of this Act and this Schedule, in any district in Greater London the duty imposed by section 1 (1) of carrying the said Act of 1936 into execution shall, so far as relating to the enactments to which section 40 of this Act applies, be the duty of the local authority for that district.

12. Sections 43, 53 to 55, and 57 to 71 shall not apply to an inner London borough, the City or the Temples.

13. Section 51 shall in its application to Greater London have effect as if any reference to a water closet included a reference to a urinal and as if that section required the occupier of every building in or in connection with which a urinal is provided to cause the urinal to be supplied with flushing apparatus.

14.—(1) It shall be the duty of a local authority in Greater London other than the outer London boroughs to perform the following services throughout their district:—

- (a) the services mentioned in section 72 (1);
- (b) the removal under section 73 (1) of trade refuse of any kind whatsoever at the request of the occupier of premises; and
- (c) the cleansing of streets under section 77 (1);

and every such authority shall be treated for the purposes of sections 72 to 77 as having undertaken the performance throughout their district of the said services, but shall not be entitled to rescind the undertaking.

(2) Section 72 (2) shall not apply in relation to the removal of house refuse in Greater London other than the outer London boroughs, but the following provisions shall have effect therein instead:—

- (a) the local authority shall appoint, and give sufficient notice of, the times for removing house refuse from premises within their district;
- (b) where house refuse is not removed from any premises at the time appointed for those premises, the occupier of the premises may serve on the local authority a notice requiring the authority to remove the refuse;
- (c) if the local authority fail, without reasonable excuse, to comply with the notice within the period of forty-eight hours beginning with the service thereof (exclusive of Sundays, Christmas Day, Good Friday, bank holidays and any day appointed for public thanksgiving or mourning), the occupier of the premises may recover summarily as a civil debt from the authority the sum of five shillings for every day during which the default continues after the expiration of that period.

(3) The council of an outer London borough shall not without the consent of the Greater London Council undertake under section 73 (1) to remove from premises within their district trade refuse of a kind which has not previously (whether before or after 1st April 1965) been removed within any part of that district.

15.—(1) The powers exercisable by a local authority under sections 74 (2) and 76 (1) shall be exercisable throughout Greater London by the Greater London Council to the exclusion of any other authority, except that the powers conferred by section 76 (1) (c), so far as they relate to the provision of plant or apparatus for sorting and baling waste paper collected separately from other

refuse, shall be exercisable concurrently by the authority collecting the paper and the Greater London Council; and—

- (a) any reference to a local authority in the said sections 74 (2) and 76 (1) shall be construed accordingly; and
- (b) any reference to a local authority in section 76 (3), so far as that subsection relates to material deposited in a place provided for the deposit of refuse, shall be construed as a reference to the Greater London Council and not to any other authority.

(2) The places provided by the Greater London Council under section 76 (1) for the deposit of refuse may be either places for the initial deposit by other local authorities in Greater London of refuse removed by those authorities or places for the final deposit of refuse, and the powers of the Greater London Council under that section shall include power—

- (a) to transport refuse from the former kind of place to the latter kind or to plant or apparatus provided by the Greater London Council under that section; and
- (b) to sell any refuse which has been deposited at any such place or delivered to the Council under section 74 (2).

(3) It shall be the duty of a local authority in Greater London other than the Greater London Council, unless otherwise directed by the Greater London Council, to deposit at the place appointed for the initial deposit thereof all refuse removed by that authority within the district of the authority except any refuse sold by that authority under section 76 (2).

(4) If a dispute arises between the Greater London Council and any other authority in Greater London as to whether a place provided for the initial deposit of refuse from the district of that other authority is unreasonably far from that district or is unsuitable for that authority's refuse removal vehicles the dispute shall, in default of agreement, be determined by the Minister.

(5) An order under section 84 of this Act may include provisions for securing that proper arrangements are in force with respect to the removal, treatment and disposal of refuse during the period of two years beginning with 1st April 1965, and sections 74 (2) and 76 of the Public Health Act 1936 and the foregoing provisions of this paragraph shall have effect subject to the provisions of any such order.

16.—(1) The charge which may be made by a local authority in Greater London under section 75 (3) in respect of a dustbin provided by them and having a capacity of more than three and one quarter cubic feet may exceed the limit for the time being applicable by virtue of section 8 (3) of the Local Government (Miscellaneous Provisions) Act 1953, but shall be of such reasonable amount as may be determined by the authority.

(2) Any charge so made in respect of a dustbin provided by a local authority in Greater London for premises in more than one occupation for rating purposes shall be apportioned by the authority in such proportions as may be just between the parts of the premises separately occupied for those purposes.

17. Byelaws made under section 81 with respect to Greater London may include provision for preventing the occurrence of nuisances from ice, salt, offal, carrion, fish or other matter as well as nuisance from the matters therein mentioned.

18.—(1) Byelaws made under section 82 (1) with respect to Greater London may make the like provision for the removal or carriage by water of faecal or offensive or noxious matter or liquid as may be made with respect to the removal or carriage thereof through the streets and may provide that any receptacle or any ship or other vessel used for the purpose shall be properly constructed and covered so as to prevent the escape of any such matter or liquid and so as to prevent any nuisance arising therefrom.

(2) In section 82 (2) for the words from " a regulation " onwards there shall be substituted the words " an order under section 34 of the Road Traffic Act

1960 or section 10 (1) of the London Government Act 1963, the order shall prevail”.

19. Sections 87 and 88, in their application to Greater London, shall have effect as if references to a county council included references to the Greater London Council.

20. For the purposes of section 107 in its application to a London borough, the City or the Temples, the expression “offensive trade” shall include any business declared by an order under section 140 of the Public Health (London) Act 1936 to be an offensive business, being an order in force immediately before 1st April 1965 in some part of that London borough or in the City or the Temples, as the case may be.

21. Section 137 shall not apply to an inner London borough, the City or the Temples.

22. An order under section 305 of the Public Health (London) Act 1936 in force immediately before 1st April 1965 and applying all or any of the provisions of Part IX of that Act to an infectious disease in any area shall be deemed to be an order which has been made and come into operation under section 147 of the Public Health Act 1936 applying the corresponding provisions of Part V of the latter Act to that disease in the whole of any district of a local authority comprising any part of that area.

23. In section 266 (1) (i) the references to a land drainage authority shall include references to the Greater London Council.

24. In Part XII—

(a) any reference to the Public Health Act 1936 shall include a reference to section 41 of this Act and this Schedule;

(b) any reference to a council shall be construed as including a reference to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple, except that any reference in any provision of Part XII to the clerk or any officer or authorised officer of the council shall, in relation to the Inner Temple or the Middle Temple, be construed as a reference to an officer authorised by the Sub-Treasurer or the Under-Treasurer, as the case may be, to act for the purposes of that provision;

(c) any reference to a local authority or the district of a local authority shall, so far as relating to any enactment under which the Greater London Council has functions, be construed as a reference to that Council or Greater London as the case may be.

25. No order shall be made under section 314 after the passing of this Act as respects the port health authority for the Port of London.

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*; but note para. 25 of this Schedule.

Para. 11: Greater London. See s. 2 (1), *ante*.

Para. 14: Greater London Council. See s. 2, *ante*.

Para. 25: Passing of this Act. The Act was passed, *i.e.*, received the Royal Assent, on 31st July 1963.

Definitions. For “the City”, “functions”, “the Minister”, “Port of London” and “the Temples”, see s. 89 (1), *ante*; for “inner London borough” and “outer London borough”, see s. 1 (1), *ante*.

Public Health Act 1936 (c. 49). See Vol. 19, p. 302. For ss. 1 (1), 43, 51, 53–55, 57–71, 72–77, 81, 82, 87, 88, 107, 137, 147 and 266 (1) (i), Part XII and s. 314 of that Act, see Vol. 19, pp. 313, 344, 350, 352, 354 *et seq.*, 366 *et seq.*, 372, 375, 387, 403, 411, 453, 459, 479.

Local Government (Miscellaneous Provisions) Act 1953 (c. 26), s. 8 (3). See Vol. 33, p. 554.

Road Traffic Act 1960 (c. 16), s. 34. See Vol. 40, p. 739.

Public Health (London) Act 1936 (c. 50), s. 305. See Vol. 15, p. 1035. That Act is wholly repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

THE WATER ACT 1945

26. Section 39 shall apply throughout Greater London.

27. In section 59 (1)—

- (a) at the end of the definition of "district" there shall be inserted the words "and includes the Inner Temple and the Middle Temple";
- (b) in the definition of "local authority" after the words "county borough" there shall be inserted the words "London borough" and for the words "or the council of a metropolitan borough" there shall be substituted the words "the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple"; and
- (c) in the definition of "local enactment" for the word "London" there shall be substituted the words "Greater London and the surrounding area".

28. In Schedule 1 any reference to the county council shall be construed as including a reference to the Greater London Council.

29. In paragraph 1 (1) of Schedule 3, in the definition of "local authority", after the words "rural district" there shall be inserted the words "or the Common Council of the City of London, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple", and at the end of the definition of "district" there shall be inserted the words "in relation to the Common Council, means the City of London, and includes the Inner Temple and the Middle Temple."

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

London borough. See s. 1, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

Greater London Council. See s. 2, *ante*.

Common Council of the City of London; Common Council. See the note "Common Council of the City of London" to s. 29, *ante*.

Water Act 1945 (c. 42), ss. 39, 59 (1), Sch. 1, Sch. 3, para. 1 (1). See Vol. 26, pp. 831, 842, 846, 858.

THE CLEAN AIR ACT 1956

30. Any reference to building byelaws and building regulations shall, in relation to Greater London other than the outer London boroughs, be construed as a reference to byelaws made by the Greater London Council or the London county council under the London Building Act (Amendment) Act 1935.

31. In section 10 (1), for the words "the administrative county of London" there shall be substituted the words "Greater London or in an outer London borough".

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*.

Greater London; Greater London Council. See s. 2, *ante*.

London County Council. See the note to s. 4, *ante*.

Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Outer London borough. For meaning, see s. 1 (1) (b), *ante*.

Clean Air Act 1956 (c. 52). See Vol. 36, p. 692. For s. 10 (1), see Vol. 36, p. 703.

London Building Act (Amendment) Act 1935 (c. xcii). See Vol. 15, p. 858.

THE NOISE ABATEMENT ACT 1960

32. In section 2 (5) for the words "metropolitan borough" there shall be substituted the words "London borough" and after the word "district" there shall be inserted the words "the Greater London Council".

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*.

London borough. See s. 1, *ante*.

Greater London Council. See s. 2, *ante*.

Noise Abatement Act 1960 (c. 68), s. 2 (5). See Vol. 40, p. 629.

THE PUBLIC HEALTH ACT 1961

33. In section 2 (3) after the word "district" there shall be inserted the words "the Common Council, the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple".

34. Sections 4 to 11 shall not apply to an inner London borough, the City or the Temples.

35. In section 20, in its application to Greater London, the reference to a water closet shall include a reference to a urinal.

36. Sections 24 to 31 and 33 shall not apply to an inner London borough, the City or the Temples.

37. In sections 43 and 44 the references to a local authority shall be construed as including references to the Greater London Council, but as not including references to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.

38. Any reference in section 45 to a local authority shall in relation to a metropolitan road be construed as a reference to the Greater London Council alone.

39. In section 73, in its application to Greater London, any reference to a local authority shall be construed as a reference to the Greater London Council alone.

40. In section 81 after the word "meeting" there shall be inserted the words "or by the Greater London Council".

41. In Schedule 1, in paragraph (a) of the amendment of section 33 of the Civil Defence Act 1939, for the words "outside the administrative county of London" there shall be substituted the words "outside Greater London and in the outer London boroughs".

NOTES

Commencement. See the note to paras. 1 and 2 of this Part of this Schedule, *ante*.

Para. 33: Common Council. See the note "Common Council of the City of London" to s. 29, *ante*.

Para. 35: Greater London. See s. 2 (1), *ante*.

Para. 37: Greater London Council. See s. 2, *ante*.

Para. 41: Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Definitions. For "the City", "metropolitan road" and "the Temples", see s. 89 (1), *ante*; for "inner London borough" and "outer London borough", see s. 1 (1), *ante*.

Public Health Act 1961 (c. 64), ss. 2 (3), 4-11, 20, 24-31, 33, 43, 44, 45, 73, 81, Sch. 1. See Vol. 41, pp. 863 *et seq.*, 874, 878 *et seq.*, 888, 895, 918, 922, 924.

Civil Defence Act 1939 (c. 31), s. 33. See Vol. 26, p. 411.

Ancient Monuments Consolidation and Amendment Act 1913 (c. 32), s. 18. See Vol. 17, p. 387.

PART II

PROVISIONS REPRODUCED FROM ENACTMENTS RELATING TO PUBLIC
HEALTH IN LONDON

1.—(1) Without prejudice to sections 259 and 262 of the Public Health Act 1936, but subject to the following provisions of this paragraph, if a local authority consider that in any premises a pond, pool, ditch, gutter or place containing, or used for the collection of, any drainage, filth, stagnant water or other matter is likely to be prejudicial to health or a nuisance, they may by notice require the owner or occupier of the premises to drain, cleanse, cover or fill up the pond, pool, ditch, gutter or place, or to construct a proper drain for the discharge of the matter, or to execute such other works as the circumstances may require.

(2) The local authority may contribute towards the expenses incurred by any person in complying with a notice under this paragraph.

(3) Where any works required by a notice under this paragraph interfere with any right to the use of water, the local authority may, with the agreement of the person in whom the right is vested, acquire from him the right and any land for the benefit of which the right enures instead of compensating him under section 278 of the Public Health Act 1936.

(4) The provisions of Part XII of the Public Health Act 1936 with respect to appeals against, and the enforcement of, notices requiring the execution of works shall apply in relation to any notice given under this paragraph.

2.—(1) The Greater London Council may make byelaws in relation to the demolition of buildings in the inner London boroughs—

- (a) requiring the fixing of fans at the level of each floor of any such building undergoing demolition;
- (b) requiring the hoarding up of windows in any such building from which sashes and glass have been removed;
- (c) regulating the demolition of internal parts of buildings before any external walls are taken down;
- (d) requiring the placing of screens or mats, the use of water or the taking of other precautions to prevent nuisances arising from dust;
- (e) regulating the hours during which ceilings may be broken down and mortar may be shot, or be allowed to fall, into any lower floor;
- (f) requiring any person proposing to demolish any such building to give to the borough council such notice of his intention to do so as may be specified in the byelaws.

(2) Byelaws under this paragraph may make different provision for different cases, and in particular may provide that, in their application to any area specified in the byelaws, the byelaws shall have effect subject to such modifications or exceptions as may be so specified.

(3) No byelaws under this paragraph shall apply to a building (not being a dwelling-house) belonging to any Board carrying on a railway undertaking and used by that Board as a part of, or in connection with that undertaking.

3. The Greater London Council shall make byelaws with respect to sanitary conveniences, ashpits, cesspools and receptacles for dung and their accessories, in connection with buildings in the inner London boroughs and the Temples, whether constructed before or after 1st April 1965.

4. The Greater London Council shall make byelaws with respect to the construction and use of incinerators for the disposal of refuse in the inner London boroughs, the City and the Temples, being incinerators which are, or are in the nature of, buildings or structures or which form part of a building or structure.

5. It shall be the duty of each local authority to enforce in their district any byelaws under paragraphs 2 to 4 of this Part of this Schedule which are in force in their district.

6. The council of any London borough and the Common Council may make byelaws with respect to the following operations, except when carried out by a local authority (including the Greater London Council) and except so far as byelaws with respect thereto may be made under section 72 or 82 of the Public Health Act 1936, that is to say—

- (a) the removal of refuse from premises in the council's area;
- (b) the conveyance of refuse by rail, road or water from loading points in that area;
- (c) the deposit of refuse in premises in that area pending its removal or disposal.

7. Any person who has in his possession or under his control any article of food which is unsound, unwholesome or unfit for human consumption may, by notice to the local authority, specifying and identifying the article, request its removal, and the local authority shall cause it to be removed as if it were trade refuse which they had undertaken to remove under section 73 (1) of the Public Health Act 1936.

8. If the local authority are requested so to do by the occupier of any premises in which there is a person suffering from a notifiable disease, they shall provide for the removal and disinfection or destruction of any rubbish which has been exposed to infection from that disease.

9.—(1) Where it appears to a local authority, being the council of a London borough or the Common Council, that any land within the area of the authority is by reason of its derelict, neglected or unsightly condition detrimental to the amenities of the neighbourhood, the authority may, after serving notice of their proposals on the owner and on the occupier of the land and subject to sub-paragraph (3) of this paragraph, execute such works and do such other things as the authority consider expedient for the purpose of restoring or improving and thereafter preserving the appearance of the land:

Provided that the works and other things which may be required to be executed or done under this paragraph shall not include the erection or maintenance of any building or the doing of anything in or upon any building, but may include the erection or maintenance of a hoarding or fence.

(2) Any person served with a notice under the foregoing sub-paragraph may, if aggrieved by the proposal specified in the notice, appeal to a magistrates' court within the period of twenty-eight days beginning with the date of the service of the notice.

(3) A local authority may proceed with the proposals specified in a notice under sub-paragraph (1) of this paragraph if but only if—

- (a) none of the persons on whom the notice was served has, within the said period of twenty-eight days, taken steps to implement the proposals himself or instituted an appeal against the proposals to a magistrates' court; or
- (b) any such steps begun to be taken by any such person within that period are not completed within a reasonable time; or
- (c) any appeal instituted within that period has been dismissed or abandoned or failed for want of prosecution.

(4) Any expenses incurred by the local authority in removing any materials from any land in exercise of the powers conferred on them by this paragraph and the cost of selling any materials so removed may be deducted by the authority from the proceeds which they are required by section 276 of the Public Health Act 1936 to pay to the person to whom the materials belonged.

(5) The foregoing provisions of this paragraph shall not be construed as prejudicing the powers exercisable by the Greater London Council under section 69 of the London Building Acts (Amendment) Act 1939, or by the council of an outer London borough under section 27 of the Public Health Act 1961, or by the local planning authority under section 89 of the National Parks and Access to the Countryside Act 1949.

10. Without prejudice to paragraph 24 of Part I of this Schedule, expressions used in this Part of this Schedule and the Public Health Act 1936 have the same meanings in this Part of this Schedule as in that Act.

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 40 (3), *ante*, it must be regarded as part of that subsection, which, being in Part VI of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule, *ante*.

Para. 2: Greater London Council. See s. 2, *ante*.

Para. 6: London borough. See s. 1, *ante*.

Para. 9: Aggrieved. See the note to Sch. 9, Part III, paras. 13-15, *ante*.

Appeal, etc. By virtue of Part I, para. 24, of this Schedule, *ante*, for further provisions, see the Public Health Act 1936 (c. 49), ss. 300 *et seq.*, Vol. 19, pp. 473, 474.

Beginning with, etc. See the note to Sch. 9, Part III, paras. 1-9, *ante*.

Definitions. By virtue of para. 10 of this Part of this Schedule, for "cesspool", see the Public Health Act 1936 (c. 49), s. 90 (1), Vol. 19, p. 377, for "drain", "land", "owner" and "premises", see s. 343 (1) of that Act, Vol. 19, p. 495, and for "local authority", see s. 1 (2) thereof, Vol. 19, p. 313, in conjunction with Part I, para. 1, of this Schedule, *ante*. For "the City", "the Common Council" and "the Temples", see s. 89 (1), *ante*; for "inner London borough", see s. 1 (1) (a), *ante*.

Public Health Act 1936 (c. 49). See Vol. 19, p. 302. For ss. 72, 73 (1), 82, 259 and 262, Part XII and ss. 276 and 278 of that Act, see Vol. 19, pp. 366, 367, 372, 449, 451, 459, 460, 461.

London Buildings Acts (Amendment) Act 1939 (c. xcvi), s. 69. See Vol. 15, p. 1241.

Public Health Act 1961 (c. 64), s. 27. See Vol. 41, p. 881.

National Parks and Access to the Countryside Act 1949 (c. 97), s. 89. See Vol. 17, p. 342.

SCHEDULE 12

Section 52

LICENSING OF PUBLIC ENTERTAINMENTS IN GREATER LONDON
ON AND AFTER 1ST APRIL 1965

Music and dancing licences

1.—(1) Subject to sub-paragraph (6) of this paragraph no premises in Greater London, whether or not licensed for the sale of intoxicating liquor, shall be used for any of the following purposes, that is to say, public dancing or music and any other public entertainment of the like kind, except under and in accordance with the terms of a licence granted under this paragraph by the Greater London Council (hereafter in this Schedule referred to as "the Council").

(2) The Council may grant to any applicant therefor and from time to time renew a licence for the use of any premises specified therein for all or any of the purposes aforesaid on such terms and conditions and subject to such restrictions as may be so specified.

(3) Subject to the next following sub-paragraph and to paragraph 19 (3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10 (4) of this Schedule remain in force for one year or for such shorter period specified in the licence as the Council may think fit.

(4) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an "occasional music licence".

(5) Where a licence has been granted under this paragraph to any person, the Council may, if they think fit, transfer that licence to any other person on the application of that other person or the holder of the licence.

(6) Sub-paragraph (1) of this paragraph shall not apply to the Theatre Royal Drury Lane, the Royal Covent Garden Opera House, the Theatre Royal Haymarket or the Royal Albert Hall or to any entertainment lawfully held by virtue

of letters patent or licence of the Crown or the licence of the lord chamberlain of Her Majesty's household.

2.—(1) An applicant for the grant or transfer of a licence under paragraph 1 of this Schedule in respect of any premises shall give to the Council and to the commissioner of police in whose district the premises are situated not less than twenty-one days' notice of his intention to make the application and furnish such particulars and give such other notices as the Council may by regulations prescribe.

(2) An applicant for the renewal of a licence under the said paragraph 1 shall give to the Council twenty-eight days' notice of his intention to make the application.

(3) In relation to an application for the grant, renewal or transfer of an occasional music licence, the two foregoing sub-paragraphs shall have effect as if for the reference to twenty-one or, as the case may be, twenty-eight days' notice there were substituted a reference to fourteen days' notice and as if the requirement as to notice to the commissioner of police were omitted.

3. The person making an application for the grant, renewal or transfer of a licence under paragraph 1 of this Schedule shall (except where the licence is for an entertainment which in the opinion of the Council is of an educational or other like character or is given for a charitable or other like purpose) on making the application pay to the Council such fee as the Council may fix not exceeding—

- (a) where the application is for the grant or renewal of such a licence for a period of one year, not being an application in respect of such premises as are referred to in sub-paragraph (c) of this paragraph, one pound;
- (b) where the application is for the grant or renewal of such a licence for any period of less than one year, not being an application in respect of such premises as aforesaid, five shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of the same year and the same premises shall not exceed one pound;
- (c) where the application is in respect of premises for which a licence is for the time being in force under the Cinematograph Act 1909, five shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of any licence in respect of those premises under the said paragraph 1 shall not in respect of any one year exceed ten shillings;
- (d) where the application is for the transfer of a licence under the said paragraph 1, five shillings.

NOTES

Commencement. As this Schedule takes effect by virtue of s. 52 (3), *ante*, it must be regarded as part of that subsection, which, being in Part VII of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule.

Greater London; Greater London Council. See s. 2, *ante*.

Not less than twenty-one days' notice; twenty-eight days' notice; fourteen days' notice. Cf. the note "At least one month's previous notice" to Sch. 9, Part III, paras. 1-9, *ante*.

Definitions. For "premises", see para. 20 of this Schedule, *post*. Note as to "the Council", para. 1 (1).

Cinematograph Act 1909 (c. 30). See Vol. 25, p. 39.

Boxing and wrestling licences

4.—(1) This paragraph shall apply to any boxing or wrestling entertainment (that is to say, any public contest, exhibition or display of boxing or, as the case may be, wrestling) which is provided in Greater London other than such an entertainment provided—

- (a) by a travelling showman at a pleasure fair;
- (b) at the Royal Albert Hall;

- (c) by members of the Boy Scouts' Association or of any organisation constituted by the Boy Scouts' Association in pursuance of their charter;
- (d) by any school; or
- (e) by a bona fide association, club, hospital or society not carried on for profit.

(2) A boxing or wrestling entertainment to which this paragraph applies shall not be given elsewhere than at premises licensed for the purpose in accordance with the provisions of this paragraph and in accordance with the terms of that licence.

(3) The Council may grant to any applicant therefor and from time to time renew a licence to use any premises specified therein for the purpose of a boxing or wrestling entertainment on such terms and conditions and subject to such restrictions as may be so specified.

(4) Subject to the next following sub-paragraph and to paragraph 19 (3) of this Schedule, a licence granted under this paragraph shall, unless previously cancelled under paragraph 8 or revoked under paragraph 10 (4) of this Schedule, remain in force for one year or for such shorter period specified in the licence as the Council may think fit.

(5) The Council may grant a licence under this paragraph in respect of such one or more particular occasions only as may be specified in the licence, and a licence granted by virtue of this sub-paragraph is hereafter in this Schedule referred to as an "occasional sports licence".

(6) Where a licence has been granted under this paragraph to any person, the Council may if they think fit transfer that licence to any other person on the application of that other person or the holder of the licence.

5.—(1) An applicant for the grant, renewal or transfer of a licence under paragraph 4 of this Schedule other than an occasional sports licence shall give to the Council and to the commissioner of police in whose district the premises to which the application relates are situated not less than twenty-one days' notice of his intention to make the application.

(2) An applicant for the grant, renewal or transfer of an occasional sports licence shall give to the Council not less than fourteen days' notice of his intention to make the application.

6. The person making an application for the grant, renewal or transfer of a licence under paragraph 4 of this Schedule shall on making the application pay to the Council such fee as the Council may fix not exceeding—

- (a) where the application is for the grant or renewal of a licence for a period of one year, two pounds;
- (b) where the application is for the grant or renewal of a licence (not being an occasional sports licence) for a period of less than one year, ten shillings for every month or part of a month, so, however, that the aggregate of the fees payable in respect of the same year and the same premises shall not exceed fifty shillings;
- (c) where the application is for the grant or renewal of an occasional sports licence, ten shillings;
- (d) where the application is for the transfer of a licence, five shillings.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Not carried on for profit. It seems clear that the activities of a body may be carried on otherwise than for profit although profits are made; see, in particular, *National Deposit Friendly Society Trustees v. Shegness Urban District Council*, [1959] A.C. 293; [1958] 2 All E.R. 601. In fact there is authority for saying that the making of profits is irrelevant if it is only a subsidiary object, *i.e.*, only a means whereby the main object of the body in question can be furthered or achieved; see, in particular, *National Deposit*

Friendly Society Trustees v. Skegness Urban District Council, *supra*, at pp. 319, 320 and p. 612, respectively, *per* Lord Denning.

Shall give . . . notice. Cf. the notes "At least one month's previous notice" to Sch. 9, Part III, paras. 1-9, and "Has given . . . notice" to Sch. 9, Part III, paras. 13-15, *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "premises", see para. 20 of this Schedule, *post*. Note as to "occasional sports licence", para. 4 (5).

Transmission and cancellation of licences

7. In the event of the death of the holder of a licence granted under paragraph 1 or 4 of this Schedule, then, until a legal personal representative of the deceased holder has been duly constituted, the person carrying on at the premises in respect of which the licence was granted the functions to which the licence relates shall be deemed to be the holder of the licence unless and until it is transferred to some other person.

8. The Council upon receiving from the holder of a licence under paragraph 1 or 4 of this Schedule which is for the time being in force a written request in that behalf accompanied by the licence may cancel the licence.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. Paras. 7 and 8 are modelled on the Middlesex County Council Act 1944 (7 & 8 Geo. 6 c. xxi), ss. 370 and 371, respectively (not printed in this work) (repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*).

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "functions", see s. 89 (1), *ante*; for "premises", see para. 20 of this Schedule, *post*.

Power to impose general terms, conditions and restrictions by regulations

9.—(1) Subject to the provisions of this Schedule, the Council may make regulations prescribing generally the terms, conditions and restrictions on and subject to which licences under paragraph 1 or 4 of this Schedule may be granted, renewed or transferred and, where any such regulations are made, then, without prejudice to the power of the Council to grant a licence on any special terms or conditions or subject to any special restrictions, every such licence shall be deemed to be granted subject to the regulations.

(2) Prima facie evidence of any regulations under this paragraph may be given in any legal proceedings by the production of a copy purporting to be certified as a true copy by the clerk to the Council or some other officer of the Council authorised to give a certificate for the purposes of this paragraph, and no proof shall be required of the handwriting or official position or authority of any person giving such a certificate.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

General Note. This paragraph is modelled on the Middlesex County Council Act 1944 (7 & 8 Geo. 6 c. xxi), s. 374 (not printed in Halsbury's Statutes of England (2nd Edn.) (repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*).

The Council. *I.e.*, the Greater London Council; see para. 1 (1) of this Schedule, *ante*.

Enforcement of paragraphs 1 to 9

10.—(1) If at any premises any entertainment in respect of which a licence is required under paragraph 1 or 4 of this Schedule is provided without such a licence being held in respect thereof, then—

(a) any person concerned in the organisation or management of that entertainment; and

- (b) any other person who, knowing or having reasonable cause to suspect that such an entertainment would be so provided at those premises—
- (i) allowed the premises to be used for the provision of that entertainment; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with the entertainment has been committed,

shall be guilty of an offence.

(2) If any premises in respect of which a licence under the said paragraph 1 or 4 is in force are used for any entertainment otherwise than in accordance with the terms, conditions or restrictions on or subject to which the licence is held, then, subject to paragraph 11 of this Schedule—

- (a) the holder of the licence; and
- (b) any other person who, knowing or having reasonable cause to suspect that the premises would be so used—
 - (i) allowed the premises to be so used; or
 - (ii) let the premises, or otherwise made the premises available, to any person by whom an offence in connection with that use of the premises has been committed,

shall be guilty of an offence.

(3) Any person guilty of an offence under sub-paragraph (1) or (2) of this paragraph shall be liable on summary conviction to a fine not exceeding two hundred pounds or to imprisonment for a term not exceeding three months or to both.

(4) If the holder of a licence under the said paragraph 1 or 4 is convicted by virtue of sub-paragraph (2) (a) of this paragraph, then, subject to paragraph 19 of this Schedule, the Council may revoke the licence.

11. Where, in the case of any premises in respect of which a licence under paragraph 1 of this Schedule is for the time being in force, a special order of exemption on any special occasion has been granted in respect of those premises under section 107 of the Licensing Act 1953, no person shall be guilty of an offence under paragraph 10 (2) of this Schedule by reason only of those premises being kept open on that special occasion for any of the purposes authorised by the licence after the latest hour so authorised but not later than the hour specified in that special order as the hour for closing.

12.—(1) A police constable or any person appointed for the purpose by the Council may at all reasonable times enter any premises in respect of which a licence under paragraph 1 or 4 of this Schedule is for the time being in force at which he has reason to believe that an entertainment to which either of those paragraphs applies is being or is about to be given with a view to seeing whether the provisions of this Schedule applicable to that entertainment and the terms, conditions or restrictions on or subject to which the licence is held are complied with.

(2) A police constable or any person appointed as aforesaid may, if authorised in that behalf by a warrant granted by a justice of the peace, enter any premises in respect of which he has reason to suspect that an offence under this Schedule is being committed.

(3) Any person who refuses to permit any such constable or person to enter or inspect any premises in accordance with the provisions of this paragraph shall for every such refusal be liable on summary conviction to a fine not exceeding twenty pounds.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

Summary conviction. See the note to Sch. 4, paras. 34-43, *ante*.

Three months. As the maximum term of imprisonment does not exceed three

months, trial by jury cannot be claimed under the Magistrates' Courts Act 1952 (c. 55), s. 25, Vol. 32, p. 443.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "premises", see para. 20 of this Schedule, *post*.

Licensing Act 1953 (c. 46), s. 107. See Vol. 33, p. 239.

Modifications of Theatres Act 1843

13. References in the Theatres Act 1843 to having or keeping premises for the public performance of stage plays shall, in their application to premises which, by virtue of section 52 (1) of this Act, are for the purposes of that Act under the control of the Council, extend to and be deemed to include references to the using of premises whether on one occasion or on more than one occasion for the public performance of any stage play, and the expressions "have or keep" and "kept open" wherever occurring in that Act shall be construed accordingly.

14. Except in any case in which the Council otherwise require, so much of section 7 of the said Act of 1843 as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in that section shall not have effect as respects licences granted by the Council under that Act.

15. In relation to a licence under the said Act of 1843 falling to be granted by the Council, paragraph 9 of this Schedule shall have effect as if for the reference to paragraph 1 or 4 of this Schedule there were substituted a reference to the said Act of 1843, and section 9 of that Act shall not apply.

16.—(1) If the licensee of a theatre licensed by the Council under the said Act of 1843 uses or allows it to be used in contravention of the provisions of that Act or of any term, condition or restriction upon or subject to which the licence is held, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

(2) Subject to paragraph 19 of this Schedule, on the conviction of such a licensee as aforesaid under the foregoing sub-paragraph, the Council may revoke the licence.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

Summary conviction. See the note to Sch. 4, paras. 34-43, *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "premises", see para. 20 of this Schedule, *post*.

Theatres Act 1843 (c. 68). See Vol. 25, p. 19. For ss. 7 and 9 of that Act, see Vol. 25, pp. 23, 24.

Provisional grant of licences

17.—(1) Where application is made to the Council for the grant of a licence under the Theatres Act 1843, the Cinematograph Act 1909 or paragraph 1 or 4 of this Schedule in respect of premises which are to be, or are in the course of being, constructed, extended or altered and the Council are satisfied that the premises would, if completed in accordance with plans deposited in accordance with the requirements of the Council, be such that the Council would grant the licence, the Council may grant the licence subject to a condition that it shall be of no effect until confirmed by the Council.

(2) The Council shall confirm any licence granted by virtue of the foregoing sub-paragraph if and when they are satisfied that the premises have been completed in accordance with the plans aforesaid, or in accordance with those plans as modified with the approval of the Council, and that the licence is held by a fit and proper person.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "premises", see para. 20 of this Schedule, *post*.

Theatres Act 1843 (c. 68). See Vol. 25, p. 19.

Cinematograph Act 1909 (c. 30). See Vol. 25, p. 39.

Variation of licences

18. The holder of a licence in respect of any premises—

(a) granted under paragraph 1 or 4 of this Schedule or,

(b) granted by the Council under the Theatres Act 1843 or the Cinematograph Act 1909,

may at any time apply to the Council for such variations of the terms, conditions or restrictions on or subject to which the licence is held as may be specified in the application; and, subject to paragraph 19 of this Schedule, on any such application the Council may make such variations in any of those terms, conditions or restrictions, whether or not those specified in the application, as they think appropriate or may refuse the application.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "premises", see para. 20 of this Schedule, *post*.

Theatres Act 1843 (c. 68). See Vol. 25, p. 19.

Cinematograph Act 1909 (c. 30). See Vol. 25, p. 39.

Appeals

19.—(1) Any of the following persons, that is to say—

(a) an applicant for—

(i) the grant, renewal or transfer of a licence in respect of any premises under paragraph 1 or 4 of this Schedule; or

(ii) the grant of a licence in respect of any premises by the Council under the Theatres Act 1843; or

(iii) the variation of the terms, conditions or restrictions on or subject to which any such licence as aforesaid is held, whose application is refused;

(b) the holder of any such licence as aforesaid whose licence is revoked by the Council or who is aggrieved by any term, condition or restriction on or subject to which the licence is held,

may at any time before the expiration of the period of twenty-one days beginning with the date when he is notified of the refusal of his application or revocation of his licence, or when the term, condition or restriction becomes operative with respect to his licence, as the case may be, appeal to a magistrates' court acting for the petty sessions area in which the premises are situated; and the court may make such order as it thinks fit and, subject to the next following sub-paragraph, that order shall be binding on the Council.

(2) Any person aggrieved by the order of a magistrates' court on an appeal under the foregoing sub-paragraph may appeal therefrom to a court of quarter sessions.

(3) Where any such licence as aforesaid is revoked under paragraph 10 (4) or 16 (2) of this Schedule or an application for the renewal of a licence under the said paragraph 1 or 4 is refused, the licence shall be deemed to remain in force—

(a) during any period within which an appeal under this paragraph may be brought and, if such an appeal is brought within the relevant period, until the determination or abandonment of the appeal; and

(b) where such an appeal relating to such a refusal as aforesaid is successful and no further such appeal is available, until the licence is renewed by the Council.

(4) In the case of an appeal in relation to an application of which, in accordance with paragraph 2 (1) or 5 (1) of this Schedule, notice was required to be given to a commissioner of police, notice of that appeal shall be given to that commissioner as well as to any other person to whom it is required to be given apart from this sub-paragraph.

(5) Section 6 of the Cinematograph Act 1952 shall apply in relation to any person aggrieved—

- (a) by the refusal of an application in respect of a licence under the Cinematograph Act 1909 made under paragraph 18 of this Schedule; or
- (b) by any term, condition or restriction substituted under that paragraph for any term, condition or restriction on or subject to which that licence was previously held,

as it applies in relation to a person aggrieved as mentioned in subsection (1) of that section.

NOTES

Commencement. See the note to paras. 1-3 of this Schedule, *ante*.

Aggrieved. See the note to Sch. 9, Part III, paras. 13-15, *ante*.

Beginning with, etc. Cf. the note to Sch. 9, Part III, paras. 1-9, *ante*.

Appeal to a magistrates' court, etc. The appeal is by way of a complaint; see the Magistrates' Courts Rules 1952, S.I. 1952 No. 2190, r. 30; 13 Halsbury's Statutory Instruments, title Magistrates, Part 1.

Appeal therefrom . . . quarter sessions. This appeal is governed by the Summary Jurisdiction Act 1879 (c. 49), Vol. 14, p. 869, as amended, and the Magistrates' Courts Act 1952 (c. 55), s. 84, Vol. 32, p. 486. See also the Magistrates' Courts Rules 1952, S.I. 1952 No. 2190, r. 59; 13 Halsbury's Statutory Instruments, title Magistrates Part 1.

Quarter sessions cannot be compelled to grant an application by a party dissatisfied with their decision on an appeal under sub-para. (2) to state a case for the opinion of the High Court; see *R. v. Somerset Justices, Ex parte Ernest J. Cole & Partners, Ltd.*, [1950] 1 All E.R. 264; [1950] 1 K. B. 519. See also, generally, as to the statement of a case by quarter sessions, 25 Halsbury's Laws (3rd Edn.) 312 *et seq.*

Definitions. For "the Council", see para. 1 (1) of this Schedule, *ante*; for "premises", see para. 20 of this Schedule, *infra*.

Theatres Act 1843 (c. 68). See Vol. 25, p. 19.

Cinematograph Act 1952 (c. 68), s. 6. See Vol. 25, p. 1025.

Cinematograph Act 1909 (c. 30). See Vol. 25, p. 39.

Interpretation

20. In this Schedule, the expression "premises" includes any place.

Section 54

SCHEDULE 13

MODIFICATIONS AS FROM 1ST APRIL 1965 OF ENACTMENTS RELATING TO FOOD, DRUGS, MARKETS AND ANIMALS

PART I

THE DISEASES OF ANIMALS ACT 1950

1. In section 59 (2)—

- (a) in paragraph (a), for the words "borough not being (i)" there shall be substituted the words "London borough and as respects any other borough except";
- (b) in paragraph (a), the words "or (ii) a metropolitan borough" shall be omitted;
- (c) in the proviso, for the words "county of London" there shall be substituted the words "whole of Greater London".

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 54 (4), *ante*, it must be regarded as part of that subsection, which, being in Part VII of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule, *ante*.

London borough. See s. 1, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

Shall be omitted. The same repeal is made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Greater London. See s. 2 (1), *ante*.

Diseases of Animals Act 1950 (c. 36), s. 59 (2). See Vol. 29, p. 58.

PART II

THE FOOD AND DRUGS ACT 1955

2. In section 83 (1) (b), for the words "metropolitan borough" there shall be substituted the words "London borough".

3. In section 135 (1), in the definition of "district", for the words "or any local authority in London" there shall be substituted the words "the City of London or the Inner or Middle Temple".

4. For section 137 (3) there shall be substituted—

"(3) Part III of this Act shall not extend to the City of London, the Inner Temple or the Middle Temple."

5. In Schedule 6, in column 1, for the words "County councils and county borough councils" there shall be substituted the words "Councils of counties, county boroughs and London boroughs and the Common Council of the City of London."

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 54 (4), *ante*, it must be regarded as part of that subsection, which, being in Part VII of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

London borough. See s. 1, *ante*.

County boroughs. See the note "County borough" to s. 4, *ante*.

Common Council of the City of London. See the note to s. 29, *ante*.

Food and Drugs Act 1955 (c. 16), Part III, ss. 83 (1) (b), 135 (1), 137 (3), Sch. 6. See Vol. 35, pp. 145, 167, 211, 215, 222.

PART III

THE SLAUGHTER OF ANIMALS ACT 1958

6. In section 10, for the definition of "local authority" there shall be substituted—

"'local authority' means the council of a borough, or of an urban or rural district or the Common Council of the City of London".

NOTES

Commencement. As this Part of this Schedule takes effect by virtue of s. 54 (4), *ante*, it must be regarded as part of that subsection, which, being in Part VII of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading of this Schedule, *ante*.

Borough. This includes a London borough; see s. 1 (6), *ante*.

Common Council of the City of London. See the note to s. 29, *ante*.

Slaughter of Animals Act 1958 (c. 8), s. 10. See Vol. 38, p. 947.

FUNCTIONS AS FROM 1ST APRIL 1965 WITH RESPECT TO LAND
DRAINAGE, FLOOD PREVENTION, ETC.

1. Subject to the following provisions of this Schedule, the functions exercisable by the council of a county borough under the Land Drainage Act 1930 and the Land Drainage Act 1961 (hereafter in this Schedule respectively referred to as "the Act of 1930" and "the Act of 1961") shall be exercisable as respects a London borough by the council of the borough and as respects the City by the Common Council, and accordingly references in those Acts to a county borough and the council thereof shall, without prejudice to paragraphs 2 and 4 of this Schedule, be construed as including references respectively to a London borough and the council thereof and the City and the Common Council.

2. Subject as aforesaid, the functions exercisable by the council of a county borough under or by virtue of Part V and section 51 of the Act of 1930 and sections 28 and 34 of the Act of 1961 shall also be exercisable as respects the metropolitan watercourses by the Greater London Council, and accordingly references in those provisions to a county borough and the council thereof shall, in their application to the metropolitan watercourses, be construed as including references respectively to Greater London and the Greater London Council.

3. The functions exercisable under the Acts of 1930 and 1961 by the council of a London borough or county district or by the Common Council shall, so far as concerns the main metropolitan watercourses, including the banks thereof and drainage works in connection therewith, be exercisable solely by the Greater London Council; and, without prejudice to the foregoing restriction, any provision of the Acts of 1930 and 1961 which precludes or restricts the exercise by a county borough council of any functions with respect to a main river shall apply to the exercise by the council of a London borough or county district or the Common Council of any functions with respect to a main metropolitan watercourse.

4. References to a county borough and the council thereof in section 4 (2), 6 (4) and 54 of, and paragraph 1 of Part I of Schedule 2 to, the Act of 1930 and in section 17 of the Act of 1961 shall be construed as including references respectively to Greater London and the Greater London Council.

5. Section 78 of the Land Drainage Act 1930 shall cease to have effect, but sections 10, 17 to 19 and 50 (1) (a) and (4) of that Act shall not apply in relation to the metropolitan watercourses.

6. The foregoing provisions of this Schedule shall not be construed as applying to any river board area or river authority area a provision of the Act of 1930 which is excluded by paragraph 2 of Schedule 3 to the River Boards Act 1948, or any corresponding provision of the Water Resources Act 1963.

7. Subject to the provisions of paragraph 16 of this Schedule and to any provision made by an order under section 84 or 87 of this Act—

- (a) the functions of the council of any county or county borough under the local enactments relating to the metropolitan watercourses shall instead of being exercisable by that council be exercisable by the Greater London Council, and references in any such enactment to any such council shall be construed accordingly;
- (b) the local enactments relating to so much of the tidal Thames as lies within the existing county of London shall apply to the whole of the tidal Thames (as described in the Table in paragraph 15 (1) of this Schedule), and in those enactments references to, or which are to be taken as references to, the county of London shall be construed as references to the London excluded area;
- (c) no functions relating to land drainage, flood prevention and the like matters shall (subject to paragraph 16 of this Schedule) be exercisable with respect to the tidal Thames by any authority under any local

statutory provisions other than the enactments mentioned in sub-paragraph (b) of this paragraph or by virtue only of section 83 (3) of the Act of 1930.

8. Subject to the provisions of section 21 of the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 and to any provision made by an order under section 84 or 87 of this Act, the power of the Greater London Council under the said Act of 1879 and the other enactments relating to the tidal Thames to approve, require the execution of and execute flood works for the protection of land from flooding by the river Thames in the London excluded area shall be exercisable by them for the protection of land from flooding by such of the river's associated watercourses as lie within the flow and re-flow of its tides in the Lee Catchment area.

9. The River Boards Act 1948 shall have effect subject to the following modifications:—

(a) until the repeal of that Act by the Water Resources Act 1963 takes effect, any reference to a county borough, whether as such or as a local authority, shall be construed as including a reference to a London borough council and the Common Council;

(b) in section 9 (5) (so far as applicable by virtue of section 9 (10) to the Conservators of the River Thames and the Lee Conservancy Catchment Board), the reference to local authorities shall, without prejudice to the foregoing sub-paragraph, be construed as including a reference to the Greater London Council, London borough councils and the Common Council.

10. In the Water Resources Act 1963, subject to any provision made by an order under section 84 of this Act—

(a) references to a county borough and the council thereof shall be construed as including references respectively to a London borough and the council thereof and the City and the Common Council;

(b) without prejudice to the foregoing sub-paragraph, references to local authorities shall be construed as including references to the Greater London Council, London borough councils and the Common Council;

and the transitional, incidental, supplementary and consequential provisions which may be included in an order under that Act altering the area of a river authority, or designating a new area and establishing a new river authority therefor, or conferring functions on the Conservators of the river Thames or the Lee Conservancy Catchment Board (being an order affecting Greater London or any part thereof) shall include provisions repealing or amending any of the provisions of this Schedule.

11. The expenses incurred by the Greater London Council in the discharge of the functions conferred on them by virtue of this Schedule shall be chargeable on the London boroughs falling wholly or partly within the London excluded area and on the City and the Temples, and where part only of a London borough falls within that area those expenses shall be chargeable only on that part of the borough.

12. The expenses so incurred shall be expenses for special London purposes.

13. Where any expenses incurred by the Greater London Council in the discharge of their said functions are by virtue of paragraph 11 of this Schedule chargeable on part of a London borough, any payments made by the council of that borough for meeting precepts for defraying expenses incurred by some other body of persons in the discharge of the like functions with respect to another part of the borough shall be chargeable only on that other part of the borough or such part thereof as the council of that borough shall determine under section 23 of the Act of 1930 (whether as originally enacted or as applied by any other enactment).

14. Paragraphs 11 to 13 of this Schedule shall have effect subject to section 67 of this Act.

15.—(1) Subject to the provisions of any order under the next following sub-paragraph, in this Schedule—

“ the metropolitan watercourses ” means the watercourses described in column 1 of the following Table;

“ the main metropolitan watercourses ” means the tidal Thames and the watercourses mentioned by name in paragraphs 2 to 4 of that Table;

“ the tidal Thames ” means the watercourses described in paragraph 1 of that Table;

“ local enactment ” means, in relation to any watercourse, the enactments specified in relation thereto in column 2 of that Table:

TABLE

1. So much of the river Thames as lies within the London excluded area, including all its associated watercourses within the flow and re-flow of its tides in that area.	The Thames River (Prevention of Floods) Acts 1879 to 1962 and section 14 of the London County Council (General Powers) Act 1932.
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2. The river Ravensbourne, the Chaffinch Brook, the Beck River, the Pool River, the Quaggy River, the Kid Brook, the Kyd Brook and the Lower Kid Brook, and their associated watercourses.	The River Ravensbourne, &c. (Improvement and Flood Prevention) Act 1961.
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3. The Beverley Brook, the river Graveney, the Pyl Brook and the river Wandle, and their associated watercourses.	Part II of the Surrey County Council Act 1925, section 15 of the Surrey County Council Act 1931, Part II of the Surrey County Council Act 1936 and the London and Surrey (River Wandle and River Graveney) (Jurisdiction) Act 1960.
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4. The river Brent, the river Crane and the Duke of Northumberland's river and their associated watercourses.	Part V of the Middlesex County Council Act 1944.
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(2) The Minister of Agriculture, Fisheries and Food may, after consultation with the Greater London Council and the council of any London borough or county district appearing to him to be affected, by order provide that—

- (a) the whole or any part of a watercourse within the London excluded area shall become a metropolitan watercourse; or
- (b) the whole or any part of a watercourse other than the tidal Thames shall cease to be a metropolitan watercourse; or
- (c) the whole or any part of a metropolitan watercourse shall become or cease to be a main metropolitan watercourse.

(3) In this Schedule—

“ associated watercourse ” in relation to any river means a tributary or other watercourse the water from which ultimately flows into, or which is directly or indirectly connected with, that river;

“ banks ” has the same meaning as in the Land Drainage Act 1930;

“ flood works ”, in relation to the tidal Thames, has the same meaning as in the local enactments relating thereto;

“ London excluded area ” means so much of Greater London, and of any area adjoining Greater London, as does not lie within the Thames catchment area, the Lee catchment area or the area of any river board or river authority;

" public sewer " has the same meaning as in the Public Health Act 1936;

" watercourse " includes all rivers, streams, ditches, drains, cuts, culverts, dykes, sluices, sewers and passages through which water flows, except that it does not include so much of any public sewer as lies outside the flow and re-flow of the tides;

and any reference in this Schedule to a particular river does not include a reference to so much of the river as is a public sewer and lies outside the flow and re-flow of the tides, and any mention of a particular river shall not be construed as prejudicing the meaning of the expression " associated watercourse ".

16. Paragraph 7 (a) and (b) of this Schedule and so much of paragraph 15 thereof as relates to the said paragraph 7 (a) and (b) shall not be construed as extending or restricting the application of any of the local enactments relating to the tidal Thames to property for the time being held for the purposes of their undertaking by the Port of London Authority or as extending or restricting the functions of that Authority; and the other provisions of this Schedule shall not apply to any property for the time being so held or affect any functions of that Authority.

NOTES

Commencement. As this Schedule takes effect by virtue of s. 62 (2), *ante*, it must be regarded as part of that subsection, which, being in Part VII of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading to this Schedule, above.

Para. 1: County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

Para. 2: Greater London Council; Greater London. See s. 2, *ante*.

Para. 3: County district. See the note to s. 3, *ante*.

Para. 5: Shall cease to have effect. The same repeal is made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Para. 15: Consultation. See the note " Consult " to s. 7, *ante*.

Appearing. Cf. the note " Appear " to s. 1, *ante*.

Thames catchment area; Lee catchment area. These are the areas the drainage of which is directed to the river Thames above Teddington Lock and the river Lee, respectively; see the Land Drainage Act 1930 (c. 44), s. 2 (1) and Sch. 1, Part I, Vol. 13, pp. 554, 621. See also as to maps, s. 5 of that Act, Vol. 13, p. 558; and see for power to alter the areas, s. 2 (2), (3) of that Act, as amended.

Para. 16: Port of London Authority. See generally, as to the Port of London Authority, 39 Halsbury's Laws (3rd Edn.) 618 *et seq.*

Definitions. For " the City ", " the Common Council ", " county ", " existing ", " functions ", " land ", " local statutory provision " and " the Temples ", see s. 89 (1), *ante*; for " special London purpose ", see Sch. 2, para. 19 (2) (b), *ante*. Note as to " the Act of 1930 " and " the Act of 1961 ", para. 1 of this Schedule; as to " associated watercourse ", " banks ", " flood works ", " London excluded area ", " public sewer " and " watercourse " and the references to particular rivers, para. 15 (3); as to " local enactment " and " the tidal Thames ", para. 15 (1); and as to " the main metropolitan watercourses " and " the metropolitan watercourses " para. 15 (1), (2). Note also para. 16 of this Schedule.

Land Drainage Act 1930 (c. 44). See Vol. 13, p. 551. For ss. 4 (2), 6 (4), 10, 17-19, 23, Part V, ss. 50, 51, 54, 78, 83 (3) of, and Sch. 2, Part I, para. 1 to, that Act, see Vol. 13, pp. 557, 560, 563, 567, 568, 573, 582, 597, 598, 600, 614, 620, 623. For the meaning of " banks " in that Act, see s. 81 thereof, Vol. 13, p. 618.

Land Drainage Act 1961 (c. 48). See Vol. 41, p. 652. For ss. 17, 28 and 34 of that Act, see Vol. 41, pp. 667, 676, 682.

River Boards Act 1948 (c. 32). See Vol. 26, p. 1101. For s. 9 of, and Sch. 3, para. 2 to, that Act, see Vol. 26, pp. 1111, 1141.

Water Resources Act 1963 (c. 38). See Halsbury's Statutes of England (2nd Edn.) Interim Service, p. 945.

Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 (c. xcvi). See Vol. 26, p. 1064.

Thames River (Prevention of Flood) Acts 1879 to 1962. For the enactments which may be cited by this collective title, see the Introductory Note to the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879 (c. xcvi), Vol. 26, p. 1065.

London County Council (General Powers) Act 1932 (c. lxx), s. 14. See Vol. 26, p. 1100.

River Ravensbourne, &c. (Improvement and Flood Prevention) Act 1961. 9 & 10 Eliz. 2 c. xlvi; not printed in Halsbury's Statutes of England (2nd Edn.).

Surrey County Council Act 1925. 15 & 16 Geo. 5 c. cxv; not printed in Halsbury's Statutes of England (2nd Edn.).

Surrey County Council Act 1931. 21 & 22 Geo. 5 c. ci; not printed in Halsbury's Statutes of England (2nd Edn.).

Surrey County Council Act 1936. 26 Geo. 5 & 1 Edw. 8 c. cxxx; not printed in Halsbury's Statutes of England (2nd Edn.).

London and Surrey (River Wandle and River Graveney) (Jurisdiction) Act 1960. 8 & 9 Eliz. 2 c. x; not printed in Halsbury's Statutes of England (2nd Edn.).

Middlesex County Council Act 1944. 7 & 8 Geo. 6 c. xxi; not printed in Halsbury's Statutes of England (2nd Edn.).

Public Health Act 1936 (c. 49). For the meaning of "public sewer" in that Act, see s. 20 (2) thereof, Vol. 19, p. 329, and that subsection, as substituted by s. 37 (1) and Sch. 9, Part II, para. 4 (2), *ante*.

Sections 44 and 63

SCHEDULE 15

MODIFICATIONS AS FROM 1ST APRIL 1965 OF RATING AND VALUATION ENACTMENTS

PART I

THE RATING AND VALUATION ACT 1925

1. For section 1 (1) there shall be substituted—

" (1) The council of every county borough, London borough and county district shall be the rating authority for the borough or district, and the rating authority—

(a) for the City of London shall be the Common Council; and

(b) for the Inner Temple and the Middle Temple shall be the Sub-Treasurer and the Under-Treasurer thereof respectively,

and no authority or person other than the rating authority shall have power to make or levy any rate within any rating area."

2.—(1) The provisions of section 2 other than subsections (4) and (7) shall not apply to the City or the Temples.

(2) In section 2 (6), after the words "rating authority" there shall be inserted the words "in the case of the council of a London borough as part of the general rate and in any other case".

3.—(1) Section 4 (1) shall not apply to the City.

(2) At the end of section 4 (4) there shall be added—

" Provided that, in relation to any rate to which section 177 of the City of London Sewers Act 1848 (which relates to the rating of empty houses in the City of London) applies, this subsection shall have effect subject to the provisions of the said section 177, and any amount in respect of any such rate which any person is required by that section to pay or allow in respect of any period during which a hereditament is unoccupied shall be allowed to the rating authority in computing any sum which that person is entitled to recover from the authority in respect of that hereditament under this subsection."

4. Sections 6, 7 and 8 shall not apply to the City.

5.—(1) Section 9 (1) shall not apply to Greater London.

(2) Section 9 (2) to (5) shall apply in relation to Greater London as if the Greater London Council were the council of a county.

(3) In the application of section 9 (2) (b) to the City, for references to the general rate there shall be substituted references to the poor rate.

(4) Section 9 (3) shall apply to Greater London as if for the reference to the commencement of the said Act of 1925 there were substituted a reference to 31st March 1965.

6. Section 10 (1) and (2) shall not apply to the City or the Temples.

7. In the application of section 11 to the Temples, for any reference to a resolution of the rating authority there shall be substituted a reference to an order of the rating authority.

8. Section 12 shall not apply to the Temples.

9. In the application of section 21 (1) to Greater London, the words " or other area which is liable to be charged separately in respect of any expenses " (being words inserted by paragraph 1 of Schedule 4 to the Rating and Valuation Act 1961) shall be omitted.

10. Section 54 (1) shall not apply to the City or the Temples, but—

(a) the accounts of the Common Council so far as they relate to the poor rate levied in the City; and

(b) the accounts of the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple so far as they relate to any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be,

shall be subject to audit by a district auditor under Part X of the Local Government Act 1933.

11. In section 64, paragraphs (b) to (e) of subsection (1), the proviso to subsection (1), and subsection (2) shall not apply to an inner London borough, the City or the Temples.

12. In section 68 (1), in the definition of " urban rating area ", for the words " or an urban district " there shall be substituted the words " non-county borough or urban district or a rating area in Greater London ".

13. In section 68, at the end there shall be added—

" (5) Subsection (4) of this section shall not apply to Greater London, but any reference to a parish in this or any other Act, whether passed before or after this Act, shall, unless the contrary intention appears, be construed in relation to Greater London as a reference to a rating area and, in the case of an enactment relating to rating or valuation, as including a reference to any part of a rating area which is subject (otherwise than in respect of a garden or square or by reason of any provision of the City of London (Tithes and Rates) Act 1910 or the City of London (Tithes) Act 1947) to separate or differential rating."

NOTES

Commencement. As this Schedule takes effect by virtue of s. 63 (2), *ante*, it must be regarded as part of that subsection, which, being in Part VIII of this Act, *ante*, by virtue of s. 94 (2), *ante*, does not come into force until 1st April 1965; cf. the heading to this Schedule, above.

Para. 1: The Council . . . shall be the rating authority, etc. So far as it relates to the area included in the existing Administrative County of London, the new s. 1 (1) supersedes the Rating and Valuation (Apportionment) Act 1928 (c. 44), s. 7 (2), Vol. 20, p. 189 (in part) (repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*).

County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

County district. See the note to s. 3, *ante*.

Common Council. See the note "Common Council of the City of London" to s. 29, *ante*.

Para. 2: General rate. See also para. 14 of this Schedule, *post*.

Para. 5: Greater London; Greater London Council. See s. 2, *ante*.

Definitions. For " the City ", " the Common Council ", in para. 10, " county " and " the Temples ", see s. 89 (1), *ante*; for " hereditament ", " rate " and " rating area ",

see the Rating and Valuation Act 1925 (c. 90), s. 68 (1), Vol. 20, p. 145; for "inner London borough", see s. 1 (1) (a), *ante*.

Rating and Valuation Act 1925 (c. 90), ss. 1 (1), 2, 4, 6, 7, 8, 9, 10, 11, 12, 21 (1), 54 (1), 64, 68. See Vol. 20, pp. 104, 105, 110, 112, 113, 114, 118, 119, 123, 127, 137, 141, 145.

City of London Sewers Act 1848. 11 & 12 Vict. c. clxiii; not printed in Halsbury's Statutes of England (2nd Edn.).

Rating and Valuation Act 1961 (c. 45), Sch. 4, para. 1. See Vol. 41, p. 981.

Local Government Act 1933 (c. 51), Part X. See Vol. 14, p. 469.

City of London (Tithes and Rates) Act 1910. 10 Edw. 7 & 1 Geo. 5 c. xxx; not printed in Halsbury's Statutes of England (2nd Edn.).

City of London (Tithes) Act 1947. 10 & 11 Geo. 6 c. xxxi; not printed in Halsbury's Statutes of England (2nd Edn.).

PART II

Modifications of Act of 1925 and other enactments

14. Without prejudice to any modification having effect by virtue of Part I or Part III of this Schedule, any reference to a general rate in any enactment relating to rating and valuation, including the Rating and Valuation Act 1925, shall, in relation to the City, include a reference to a poor rate and, in relation to the Temples, be construed as a reference to any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

15.—(1) Without prejudice to the operation of any other enactment relating to the recovery of rates, where—

- (a) any hereditament in a rating area in Greater London is occupied upon terms which provide that the owner shall pay the general rate charged on that hereditament; and
- (b) the occupier of the hereditament would in any proceedings against him by the rating authority to enforce payment of that rate be entitled to claim diplomatic immunity,

the owner shall be liable to pay to the rating authority an amount equal to so much of any payment in respect of rent received by him from the occupier as represents the proportion of rate included in that payment, and that amount may be recovered from the owner in the same manner and subject to the same conditions as rates recoverable from the occupiers of rated hereditaments.

(2) In this paragraph—

- (a) the expression "diplomatic immunity" means immunity from suit and legal process which is accorded by law to an envoy or other public minister of a foreign sovereign power accredited to Her Majesty, or to the family or official or domestic staff of such an envoy or minister or to the families of any such staff, and includes any like immunity and any exemption or relief from rates which is conferred on any person or organisation by or under the International Organisations (Immunities and Privileges) Act 1950 or the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952;
- (b) the expression "owner" in relation to a hereditament includes any person who receives any rent of the hereditament whether on his own account or as agent or trustee for another person.

NOTES

Commencement. See the note to Part I of this Schedule, *ante*.

Without prejudice to the operation, etc. Para. 15 supersedes the Metropolitan Paving Act 1817 (c. xxix), s. 31, Vol. 15, p. 502, and the London County Council (General Powers) Act 1953 (c. xliii), s. 44, Vol. 33, p. 414 (both repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*).

Greater London. See s. 2 (1), *ante*.

Definitions. For "the City" and "the Temples", see s. 89 (1), *ante*. Note as to "diplomatic immunity" and "owner", para. 15 (2) of this Schedule.

Rating and Valuation Act 1925 (c. 90). See Vol. 20, p. 103.

International Organisations (Immunities and Privileges) Act 1950 (c. 14).
See Vol. 29, p. 151.

Diplomatic Immunities (Commonwealth Countries and Republic of Ireland)
Act 1952 (c. 18). See Vol. 32, p. 45.

PART III

Modifications of enactments other than Act of 1925

16. Section 177 of the City of London Sewers Act 1848 shall not apply to any hereditament in the City so long as an undertaking in respect of that hereditament is in force under section 11 (2) (a) of the Rating and Valuation Act 1925.

17. Sections 10 and 12 of the London Government Act 1899 and any scheme under the said section 10 shall cease to have effect.

18. In section 117 (8) of the Local Government Act 1929, for the words from "county borough" onwards there shall be substituted the words "rating area in which that parish or other area is situated, to be credited to that parish or other area".

19.—(1) Section 45 of the Local Government Act 1948 shall apply in relation to Greater London as if Greater London were a county and the Greater London Council were the council of that county, and shall have effect subject to the following provisions of this paragraph.

(2) It shall be the duty of the Greater London Council and of the council of each of the counties of Essex, Hertfordshire, Kent and Surrey to make and submit to the Minister not later than 30th June 1966 a scheme for the constitution of one or more local valuation panels for the area of, or for areas which together comprise the whole of, Greater London or, as the case may be, the county review area of that county; and any such scheme shall be treated for all purposes as having been made and submitted to the Minister under subsection (1) of the said section 45.

(3) Any such scheme approved by the Minister under subsection (3) of the said section 45 shall not come into operation until 1st April 1967.

(4) Any scheme under the said section 45 for the constitution of local valuation panels for an area abolished or altered by this Act, being a scheme in force immediately before 1st April 1965, shall, notwithstanding the abolition or alteration of that area, but subject to subsection (5) of that section, continue in force until 1st April 1967 and then expire.

(5) Any vacancy occurring before 1st April 1967 in the membership of a local valuation panel constituted under a scheme continued in force by the last foregoing sub-paragraph shall—

- (a) if the area for which the panel is constituted falls wholly within Greater London, be filled by a person appointed by the Greater London Council;
- (b) if the said area falls wholly within the county review area of one of the said counties aforesaid, be filled by a person appointed by the council of that county;
- (c) in any other case, be filled by a person appointed jointly by those of the said councils within whose areas or county review areas any part of the area for which the panel is constituted falls.

20. Section 69 of the said Act of 1948 shall have effect as if the Greater London Council were a county council.

21. In section 144 (1) of the said Act of 1948, in the definition of "local authority", for the words "metropolitan borough" there shall be substituted the words "London borough".

22. In section 13 (2) of the Rating and Valuation Act 1961, for the words "metropolitan borough" there shall be substituted the words "London borough", and after the words "parish meeting" there shall be inserted the words "the Greater London Council".

23. In section 18 (2) (d) of the said Act of 1961, after the words "each county borough" there shall be inserted the words "to each rating area in Greater London", and after the word "borough" in the second and third places where it occurs there shall be inserted the words "rating area".

24. In the application of section 22 (3) of the said Act of 1961 to Greater London, the definition of "parish" shall be omitted.

25. In section 24 (4) of the said Act of 1961, after the word "counties" there shall be inserted the words "the Greater London Council, the councils of London boroughs".

26. In Schedule 4 to the Licensing Act 1961, in paragraph 2 (5) (a), for the words "urban parish" there shall be substituted the words "urban rating area within the meaning of the Rating and Valuation Act 1925".

NOTES

Commencement. See the note to Part I of this Schedule, *ante*.

Para. 17: Shall cease to have effect. The enactments specified in para. 17 are also repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Para. 19: Greater London; Greater London Council. See s. 2, *ante*.

Para. 21: Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the City", "county", "county review area" and "the Minister", see s. 89 (1), *ante*.

City of London Sewers Act 1848. 11 & 12 Vict. c. clxiii; not printed in this work.

Rating and Valuation Act 1925 (c. 90). For s. 11 (2) (a) of that Act, see Vol. 20, p. 120. For the meaning of "urban rating area" in that Act, see s. 68 (1) thereof, Vol. 20, p. 145, as amended by s. 63 (2) and para. 12 of this Schedule, *ante*.

London Government Act 1899 (c. 14), ss. 10, 12. See Vol. 15, pp. 647, 649.

Local Government Act 1929 (c. 17), s. 117 (8). See Vol. 14, p. 294.

London Government Act 1948 (c. 26), ss. 45, 69, 144 (1). See Vol. 20, pp. 245, 267, 317.

Rating and Valuation Act 1961 (c. 45), ss. 13 (2), 18 (2) (d), 22 (3), 24 (4). See Vol. 41, pp. 956, 962, 969, 970.

Licensing Act 1961 (c. 61), Sch. 4, para. 2 (5) (a). See Vol. 41, p. 627.

Section 70

SCHEDULE 16

DETERMINATION OF ADDITIONAL RATE BURDEN

1. There shall be determined—

- (a) the amount in the pound for which the county council would have to precept for the year 1964-65 in order to cover the net expenditure of that council for general county purposes;
- (b) the amount in the pound for which that council would have had to precept for that year in order to cover that expenditure if the changes taking place under this Act on 1st April 1965 had taken place on 1st April 1964.

2. If the amount determined under paragraph 1 (b) of this Schedule exceeds that determined under paragraph 1 (a) thereof, there shall be calculated the amount representing the estimated penny rate product for the county for the year 1965-66 multiplied by the number of pence in that excess.

3.—(1) Subject to sub-paragraph (2) of this paragraph, there shall be determined as respects each rating area or part of a rating area in the county council's county review area—

- (a) the amount in the pound for which the county council would have to precept in the year 1964-65 in order to cover the net expenditure of that council for special county purposes chargeable on that rating area or part;
- (b) the amount in the pound for which that council would have had to precept in that year in order to cover that expenditure if the changes taking place under this Act on 1st April 1965 had taken place on 1st April 1964.

(2) In relation to—

- (a) the Hertfordshire county council and the urban district of Potters Bar; and
- (b) the Surrey county council and the urban districts of Staines and Sunbury-on-Thames,

for the purposes of the determination under paragraph (a) of the foregoing sub-paragraph, references in that paragraph to the county council shall be construed as references to the Middlesex county council and there shall be left out of account any expenditure to which section 93 (1) of the Middlesex County Council Act 1944 applies.

4. If in the case of any rating area or part of a rating area the amount determined under paragraph 3 (1) (b) of this Schedule exceeds that determined under paragraph 3 (1) (a) thereof, there shall be calculated the amount representing the estimated penny rate product for the year 1965-66 for that rating area or part multiplied by the number of pence in that excess.

5. The amount, if any, of the additional rate burden of the county consequential on this Act shall be determined by adding together the amounts, if any, calculated under paragraphs 2 and 4 of this Schedule for the county and for each respectively of the rating areas or parts of rating areas within the county council's county review area.

6. The Minister may make regulations, which shall be subject to annulment in pursuance of a resolution of either House of Parliament—

- (a) as to the manner in which, the assumptions on which, and the person by whom, any amount is to be determined under this Schedule;
- (b) requiring the county council and any rating authority concerned to furnish the person aforesaid with such information or estimates as he may reasonably require;
- (c) requiring the person aforesaid to consider any representations as to the determination of any amount which may be made to him by the county council or any such rating authority or by the Greater London Council or any rating authority in Greater London;
- (d) as to the manner in which any payment by the Greater London Council under section 70 (1) of this Act is made;

and any such regulations may contain such provisions as appear to the Minister to be necessary or expedient for the purposes of the said section 70 and this Schedule in consequence of any changes in the area, status or functions of local authorities or generally for the purpose of giving effect to the said section 70 and this Schedule.

7. Section 144 (3) and (4) of the Local Government Act 1948 shall have effect for the purposes of the said section 70 and this Schedule as they have effect for the purposes of that Act.

NOTES

Para. 2: Penny rate product. By virtue of para. 7 of this Schedule, for meaning see the Rating and Valuation Act 1948 (c. 26), s. 144 (4), Vol. 20, p. 317.

Para. 6: Annulment. Cf. the note to s. 23, *ante*.

Greater London Council; Greater London. See s. 2, *ante*.

Appear. Cf. the note to s. 1, *ante* (but note that the regulations are subject to the "negative resolution" procedure).

Definitions. For "county", "county review area", "functions" and "the Minister", see s. 89 (1), *ante*.

Middlesex County Council Act 1944. 7 & 8 Geo. 6 c. xxi; not printed in Halsbury's Statutes of England (2nd Edn.).

Local Government Act 1948 (c. 26), s. 144. See Vol. 20, p. 317.

Regulations under this Schedule. No regulations had been made under this Schedule up to 14th November 1963.

For provisions as to regulations, see s. 90, *ante*; and note para. 6 of this Schedule.

Section 83

SCHEDULE 17

MISCELLANEOUS MODIFICATIONS OF ENACTMENTS AS FROM
1ST APRIL 1965

1. In the Highways and Locomotives (Amendment) Act 1878, in section 26, for the words from the beginning to "and" where first occurring there shall be substituted the words "The council of a county or county borough may, with respect to all or any of the highways in their county or borough, and the Greater London Council, the council of a London borough or the Common Council of the City of London may, with respect to all or any of the highways for which they are the highway authority, make and".

NOTES

Commencement. By virtue of s. 83 (1), *ante*, this Schedule has effect as from 1st April 1965; cf. the heading of this Schedule.

County borough. See the note to s. 4, *ante*.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Common Council of the City of London. See the note to s. 29, *ante*.

Highways and Locomotives (Amendment) Act 1878 (c. 77), s. 26. See Vol. 11, p. 169.

2. The Local Government Act 1888 shall have effect subject to the following modifications, that is to say—

(a) section 20 (3) shall apply—

- (i) to the Greater London Council and Greater London; and
- (ii) to the council of a London borough and their borough; and
- (iii) to the Common Council and the City,

as it applies to a county council and their county; and any sums received by the Greater London Council by virtue of an Order under section 20 (3) by way of the proceeds of local taxation licence duties shall be applicable to general London purposes;

(b) any powers, duties or liabilities within the City which immediately before 1st April 1965 were by virtue of section 41 (1) (b) powers, duties or liabilities of the London county council shall become powers, duties or liabilities of the Common Council.

NOTES

Commencement. See the note to para. 1 of this Schedule, *supra*.

Greater London Council; Greater London. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "the City", "the Common Council" and "county", see s. 89 (1), *ante*; for "General London purposes", see Sch. 2, para. 19 (2), *ante*.

Local Government Act 1888 (c. 41), ss. 20 (3), 41 (1) (b). See Vol. 14, pp. 182, 197.

3. In the Telegraph Act 1892, in section 5 (2)—

(a) for the words "London of the county council" there shall be substituted the words "Greater London of the Greater London Council";

- (b) for the word "London" in the second place where it occurs there shall be substituted the words "Greater London"; and
(c) after the words "which the" there shall be inserted the words "Greater London Council".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Greater London; Greater London Council. See s. 2, *ante*.

Telegraph Act 1892 (c. 59), s. 5 (2). See Vol. 24, p. 1039.

4. In the Canals Protection (London) Act 1898, in section 7, for the words "the administrative county of London" there shall be substituted the words "Greater London".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Canals Protection (London) Act 1898 (c. 16), s. 7. See Vol. 19, p. 884.

5. In the Alkali, &c. Works Regulation Act 1906, in section 27 (1), at the end of the definition of "sanitary authority" there shall be added the words "other than the Greater London Council".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Greater London Council. See s. 2, *ante*.

Alkali, &c. Works Regulation Act 1906 (c. 14), s. 27 (1). See Vol. 19, p. 179.

6. In the Local Government Act 1929, in section 115 (7)—

- (a) for the words "the county of London" there shall be substituted the words "Greater London";
(b) for the words "metropolitan borough" in both places where they occur there shall be substituted the words "London borough".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

County of London. *I.e.*, the administrative County of London; see the Local Government Act 1929 (c. 17), s. 134, Vol. 14, p. 305.

Greater London. See s. 2 (1), *ante*.

Metropolitan borough. See the note "Metropolitan boroughs", to s. 3, *ante*.

London borough. See s. 1, *ante*.

Local Government Act 1929 (c. 17), s. 115 (7). See Vol. 14, p. 292.

7. In the London Passenger Transport Act 1933, in section 107 (1), in the definition of "Special Area" for the words from "so" onwards there shall be substituted the words "the London special area as defined by section 252 (1) of the Road Traffic Act 1960".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

London Passenger Transport Act 1933 (c. 14), s. 107 (1). See Vol. 24, p. 932.

Road Traffic Act 1960 (c. 16), s. 252 (1). See Vol. 40, p. 921.

8. For the purposes of section 1 (1) (a) of the Acquisition of Land (Authorisation Procedure) Act 1946 this Act shall be deemed to be an enactment in force immediately before the commencement of that Act.

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Acquisition of Land (Authorisation Procedure) Act 1946 (c. 49), s. 1 (1) (a). See Vol. 3, p. 1065.

9. In the Civic Restaurants Act 1947—

(a) for section 1 (1) (a) there shall be substituted—

“ (a) in Greater London, the council of a London borough or the Common Council of the City of London; ”

(b) in section 4 (3), for the words “ metropolitan borough ” there shall be substituted the words “ London borough ”.

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.**Greater London.** See s. 2, *ante*.**London borough.** See s. 1, *ante*.**Common Council of the City of London.** See the note to s. 29, *ante*.**Metropolitan borough.** See the note “ Metropolitan boroughs ” to s. 3, *ante*.**Civic Restaurants Act 1947 (c. 22), ss. 1 (1) (a), 4 (3).** See Vol. 14, pp. 650, 653.

10. In section 1 (1) of the Prevention of Damage by Pests Act 1949—

(a) for the words “ metropolitan boroughs ” there shall be substituted the words “ London boroughs ”;

(b) in paragraph (b) of the proviso, after the word “ county ” there shall be inserted the words “ or in the Greater London Council ”.

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.**Metropolitan boroughs.** See the note to s. 3, *ante*.**London boroughs.** See s. 1, *ante*.**Greater London Council.** See s. 2, *ante*.**Prevention of Damage by Pests Act 1949 (c. 55), s. 1 (1).** See Vol. 19, p. 534.

11. In the Rag Flock and Other Filling Materials Act 1951, in section 35, for the definition of “ local authority ” there shall be substituted the following—

“ ‘ local authority ’ means the council of a borough or of an urban or rural district or the Common Council of the City of London ”.

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.**Borough.** This includes a London borough; see s. 1 (6), *ante*.**Common Council of the City of London.** See the note to s. 29, *ante*.**Rag Flock and Other Filling Materials Act 1951 (c. 63), s. 35.** See Vol. 30, p. 402.

12. In any part of Greater London which is an excluded area within the meaning of the Rivers (Prevention of Pollution) Acts 1951 to 1961 and which does not fall within the Thames catchment area or the Lee catchment area, the functions of the Greater London Council shall include the enforcement of those Acts.

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.**Greater London.** See s. 2 (1), *ante*.**Thames catchment area; Lee catchment area.** See the note to Sch. 14, *ante*.**Functions.** This expression includes powers and duties; see s. 89 (1), *ante*.**Greater London Council.** See s. 2, *ante*.**Rivers (Prevention of Pollution) Acts 1951 to 1961.** *I.e.*, the Rivers (Prevention of Pollution) Act 1951 (c. 64), Vol. 30, p. 617; the Clean Rivers (Estuaries and Tidal Waters) Act 1960 (c. 54), Vol. 40, p. 1173; and the Rivers (Prevention of Pollution) Act 1961 (c. 50), Vol. 41, p. 1102. For definition of “ excluded area ”, see s. 11 (1) of the Act of 1951, Vol. 30, p. 633.

13. In the Local Government (Miscellaneous Provisions) Act 1953—

(a) in section 2 (2) (a), after the word “ borough ” there shall be inserted the words “ or London borough, or the Common Council of the City of London ”;

- (b) in section 2 (2) (c), for the words from "metropolitan" to "London" there shall be substituted the words "county district".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.
London borough. See s. 1, *ante*.
Common Council of the City of London. See the note to s. 29, *ante*.
County district. See the note to s. 3, *ante*.
Local Government (Miscellaneous Provisions) Act 1953 (c. 26), s. 2 (2). See Vol. 33, p. 363.

14. In the Licensing Act 1953—

- (a) any reference to the administrative county of London shall be construed as a reference to the area which immediately before 1st April 1965 was comprised in that county;
- (b) in paragraph 11 (c) of Schedule 7, for the words "appointed by the London County Council" there shall be substituted the words "appointed one each by the councils of the inner London boroughs";
- (c) in paragraph 11 (d) of Schedule 7, for the words from "appointed" (in the second place where that word occurs) onwards there shall be substituted the words "appointed by the Common Council of the City of London";
- (d) in paragraph 12 of Schedule 7—
- (i) for the words "the London County Council" there shall be substituted the words "the councils of the inner London boroughs";
- (ii) after the word "specify" there shall be inserted the words "and, in the case of the members referred to in the said sub-paragraph (c), any such order may make provision for that lower number of those members to be appointed by the councils aforesaid in such manner as the order may specify".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.
Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.
London County Council. See the note to s. 4, *ante*.
Inner London boroughs. For meaning of "inner London borough", see s. 1 (1) (a), *ante*.
Common Council of the City of London. See the note to s. 29, *ante*.
Licensing Act 1953 (c. 46). See Vol. 33, p. 142. For Sch. 7, paras. 11 and 12, to that Act, see Vol. 33, p. 303.

15. In the Auxiliary Forces Act 1953, in paragraph 1 (f) of Schedule 1—

- (a) sub-paragraph (i) from "including" onwards and sub-paragraph (ii) from "or, if" onwards shall be omitted;
- (b) after sub-paragraph (v) there shall be inserted—
- "(vi) if that area consists of or comprises the whole or any part of Greater London, a London borough or the City of London, of representatives of the Greater London Council and of the council of that borough or the Common Council, as the case may be, and, if that area consists of or comprises the whole or any part of the Inner London Education Area, of a representative of the Inner London Education Authority in addition to representatives of the Greater London Council."

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.
Shall be omitted. The same repeals are made as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

- Greater London.** See s. 2 (1), *ante*.
London borough. See s. 1, *ante*.
Greater London Council. See s. 2, *ante*.
Common Council. See the note "Common Council of the City of London" to s. 29, *ante*.
Inner London Education Area; Inner London Education Authority. See s. 30 (1), *ante*.
Auxiliary Forces Act 1953 (c. 50), Sch. 1, para. 1 (f). See Vol. 33, p. 720.

16. In the Housing Repairs and Rents Act 1954, in section 33 (1) (a) for the words "metropolitan borough" there shall be substituted the words "London borough, the Greater London Council".

NOTES

- Commencement.** See the note to para. 1 of this Schedule, *ante*.
Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.
London borough. See s. 1, *ante*.
Greater London Council. See s. 2 (1), *ante*.
Housing Repairs and Rents Act 1954 (c. 53), s. 33 (1) (a). See Vol. 34, p. 357.

17. In the Nurses Agencies Act 1957, in section 2 (1) for the words from "the remainder" to "or any" there shall be substituted "any county or to any London or".

NOTES

- Commencement.** See the note to para. 1 of this Schedule, *ante*.
Nurses Agencies Act 1957 (c. 16), s. 2 (1). See Vol. 37, p. 670.

18. In the Local Government Act 1958—

- (a) in section 55 (1), for the words "The council of any county or county borough" there shall be substituted the words "Any of the following councils, that is to say, the council of any county, county borough or London borough, the Common Council of the City of London and the Greater London Council";
 (b) in section 58 (3), for the words "metropolitan borough" there shall be substituted the words "London borough and the Greater London Council";
 (c) in paragraph 2 (5) of Schedule 8, for the words "or county borough council" there shall be substituted the words "county borough or London borough council or the Common Council of the City of London".

NOTES

- Commencement.** See the note to para. 1 of this Schedule, *ante*.
County borough. See the note to s. 4, *ante*.
London borough. See s. 1, *ante*.
Common Council of the City of London. See the note to s. 29, *ante*.
Greater London Council. See s. 2, *ante*.
Local Government Act 1958 (c. 55), ss. 55 (1), 58 (3), Sch. 8, para. 2 (5). See Vol. 38, pp. 655, 657, 679.

19. In section 20 (4) (b) of the Rent Act 1957, the reference to the local authority shall, in the case of houses the construction of which was promoted either by the London county council or by the Greater London Council or in respect of which improvement grants were made by either of those councils under the Housing Act 1949 or the Housing (Financial Provisions) Act 1958, be construed as a reference to the Greater London Council.

NOTES

- Commencement.** See the note to para. 1 of this Schedule, *ante*.
London County Council. See the note to s. 4, *ante*.
Greater London Council. See s. 2, *ante*.

Rent Act 1957 (c. 25), s. 20 (4) (b). See Vol. 37, p. 572.

Housing Act 1949 (c. 60). See Vol. 28, p. 604.

Housing (Financial Provisions) Act 1958 (c. 42). See Vol. 38, p. 348.

20. In the Town and Country Planning Act 1959—

- (a) the Greater London Council and the London borough councils shall be included among the authorities to whom Part II of that Act applies;
- (b) in section 57 (11), for the words " the administrative county of London " there shall be substituted the words " Greater London ".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Greater London Council. See s. 2, *ante*.

London borough councils. Cf. s. 1, *ante*.

Administrative county of London. Cf. the note " Counties of London and Middlesex " to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Town and Country Planning Act 1959 (c. 53), Part II, s. 57 (11). See Vol. 39, pp. 1191, 1232.

21.—(1) In the Caravan Sites and Control of Development Act 1960—

- (a) Part I shall extend to the whole of Greater London;
- (b) in section 29 (1), in the definition of " local authority ", after the word " district " there shall be inserted the words " the Common Council of the City of London ".

(2) Subject to sub-paragraphs (3) and (4) of this paragraph, where in the case of any land in the area of the existing county of London a licence granted with or without conditions under section 22 of the London County Council (General Powers) Act 1959 was in force in relation to that land immediately before 1st April 1965, then—

- (a) until the expiration of the period of two months beginning with the date when that licence would have expired if this Act had not been passed, and
- (b) if by the expiration of that period the occupier of that land has duly made an application for a site licence in respect of that land under the said Part I, but that site licence has not yet been issued, until the date when such a site licence is first issued in respect of that land,

the licence under the said section 22 shall be deemed to be a site licence under the said Part I granted for an unlimited period, but subject to the same conditions (if any) as the licence under the said section 22, by the council of the London borough in which that land is situated.

(3) Where in the case of any such land as aforesaid no occupier thereof at any time since the grant of the licence under the said section 22 has been entitled to the benefit of a permission for the use of the land as a caravan site granted under Part III of the Town and Country Planning Act of 1947 or of 1962 otherwise than by a development order, paragraph (b) of the last foregoing sub-paragraph shall not apply to that land but—

- (a) if before the expiration of the period referred to in paragraph (a) of that sub-paragraph the occupier of the land duly makes an application for a site licence in respect of that land under the said Part I, then, so long as the conditions, if any, attached to the licence under the said section 22 are complied with, no offence shall be committed under section 1 of the said Act of 1960 in respect of the land at any time after the expiration of that period and before such a licence is first issued in respect of the land; and
- (b) section 17 of the said Act of 1960 shall apply to that land as if the land were an existing site within the meaning of that Act and as if any reference in that section to the commencement of that Act were a reference to the date referred to in the said paragraph (a).

(4) Where in the case of any such land as aforesaid such permission as aforesaid for the use of that land as a caravan site has been granted in terms such that it will expire at the end of a specified period, nothing in sub-paragraph (2) of this paragraph shall cause any licence in respect of that land under the said section 22 to continue in force after the end of that period.

(5) In this paragraph, the expressions "caravan site" and "occupier" have the meanings respectively assigned by section 1 of the said Act of 1960.

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Common Council of the City of London. See the note to s. 29, *ante*.

County of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Beginning with, etc. Cf. the note to Sch. 9, Part III, paras. 1-9, *ante*.

London borough. See s. 1, *ante*.

Definitions. For "county", "existing" and "land", see s. 89 (1), *ante*. Note as to "caravan site" and "occupier" sub-para. (5) of this paragraph.

Caravan Sites and Control of Development Act 1960 (c. 62), Part I, ss. 1, 17, 29 (1). See Vol. 40, pp. 1068, 1079, 1088.

London County Council (General Powers) Act 1959 (c. lli), s. 22. See Vol. 39, p. 886. That section is repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

Town and Country Planning Act of 1947 or of 1962, Part III. The reference is to the Town and Country Planning Act 1947 (c. 51), Part III, Vol. 25, p. 506 (repealed, subject to savings and transitional provisions, by the Town and Country Planning Act 1962 (c. 38), s. 223 and Sch. 15, Vol. 42, pp. 1187, 1243), and Part III of that Act, Vol. 42, p. 975.

22. In the Factories Act 1961—

(a) in section 42 (4), for the words "outside London" there shall be substituted the words "outside Greater London or in any outer London borough";

(b) in section 46 (7), for the words "the Administrative County of London" there shall be substituted the words "Greater London other than the outer London boroughs" and for the words "London County Council" there shall be substituted the words "Greater London Council".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Outer London borough. For meaning, see s. 1 (1) (b), *ante*.

London County Council. See the note to s. 4, *ante*.

Greater London Council. See s. 2, *ante*.

Factories Act 1961 (c. 34), ss. 42 (6), 46 (7). See Vol. 41, pp. 288, 291.

23. In the Consumer Protection Act 1961, in section 6 (3) (b) and in paragraph 7 of the Schedule, after the word "Wales" there shall be inserted the words "outside Greater London".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Greater London. See s. 2 (1), *ante*.

Consumer Protection Act 1961 (c. 40), s. 6 (3) (b), Schedule, para. 7. See Vol. 41, pp. 1057, 1059.

24. In the Licensing Act 1961, for section 8 (1) (a) there shall be substituted—
" (a) Schedule 12 to the London Government Act 1963 "

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Licensing Act 1961 (c. 61), s. 8 (1) (a). See Vol. 41, p. 577.

25. In the Trustee Investments Act 1961—

- (a) in section 11 (4) (a), after the word "London" there shall be inserted the words "the Greater London Council"; and
- (b) in paragraph 4 of Part IV of Schedule 1, in the definition of "local authority", after the word "London" there shall be inserted the words "the Greater London Council".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Greater London Council. See s. 2, *ante*.

Trustee Investments Act 1961 (c. 62), s. 11 (4) (a), Sch. 1, Part IV, para. 4.
See Vol. 41, pp. 1087, 1094.

26. In the Transport Act 1962—

- (a) in section 46 (8) (a), for the words "London County Council, the council of any metropolitan borough," there shall be substituted the words "Greater London Council, the council of any London borough";
- (b) in section 87, any reference to the administrative county of London shall be construed as a reference to Greater London other than the outer London boroughs, and in subsection (1) thereof, except in relation to proposals submitted thereunder to the Minister before 1st April 1965, the reference to the London county council shall be construed as a reference to the Greater London Council;
- (c) in section 92 (1), in the definition of "the London Special Area", for the words from "means" onwards there shall be substituted the words "has the meaning assigned by section 252 (1) of the Road Traffic Act 1960".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

London County Council. See the note to s. 4, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

Greater London Council. See s. 2, *ante*.

London borough. See s. 1, *ante*.

Administrative county of London. Cf. the note "Counties of London and Middlesex" to s. 3, *ante*.

Greater London. See s. 2 (1), *ante*.

Definitions. For "the Minister", see s. 89 (1), *ante*; for "outer London borough" see s. 1 (1) (b), *ante*.

Transport Act 1962 (c. 46), ss. 46 (8) (a), 87, 92 (1). See Vol. 42, pp. 609, 657, 659.

Road Traffic Act 1960 (c. 16), s. 252 (1). See Vol. 40, p. 921.

27. In the Local Government (Records) Act 1962—

- (a) in section 2 (6), for the words "or county borough" there shall be substituted the words "county borough or London borough, to the Greater London Council";
- (b) in section 8 (1), in the definition of "local authority", for the words "metropolitan borough" there shall be substituted the words "London borough" and after the words "county district" there shall be inserted the words "or the Greater London Council".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

Greater London Council. See s. 2, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

County district. See the note to s. 3, *ante*.

Local Government (Records) Act 1962 (c. 56), ss. 2 (6), 8 (1). See Vol. 42, pp. 406, 409.

28. In the Betting, Gaming and Lotteries Act 1963—

- (a) in paragraph 1 (1) (a) of Schedule 2, for the words "or county borough" there shall be substituted the words "county borough or London borough";
- (b) in paragraph 1 of Schedule 3, after the words "of this Schedule", there shall be inserted the words "elsewhere than in Greater London";
- (c) in paragraph 2 of Schedule 1, paragraphs 5 and 6 of Schedule 3, paragraph 9 (a) of Schedule 6, and paragraph 1 (2) (a) of Schedule 7, for the words "metropolitan borough" wherever those words occur there shall be substituted the words "London borough".

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

County borough. See the note to s. 4, *ante*.

London borough. See s. 1, *ante*.

Greater London. See s. 2, *ante*.

Metropolitan borough. See the note "Metropolitan boroughs" to s. 3, *ante*.

Betting, Gaming and Lotteries Act 1963 (c. 2), Sch. 1, para. 2, Sch. 2, para. 1 (1) (a), Sch. 3, Sch. 6, para. 9 (a), Sch. 7, para. 1 (2) (a). See Halsbury's Statutes of England (2nd Edn.) Interim Service, pp. 65, 79, 89, 101, 102.

29. The following enactments shall cease to have effect—

- (a) section 29 of the London Hackney Carriages Act 1843;
- (b) in the Metropolitan Streets Act 1867, sections 10 to 16 and 18;
- (c) the Racecourses Licensing Act 1879;
- (d) the Metropolitan Streets Act 1903;
- (e) section 4 of the London Cab and Stage Carriage Act 1907;
- (f) any provision of the Public Health (London) Act 1936 not already superseded by the provision of Parts V and VI of this Act;
- (g) section 14 (3) of the Statistics of Trade Act 1947;
- (h) in the Home Safety Act 1961, section 1 (4) from "or metropolitan" onwards.

NOTES

Commencement. See the note to para. 1 of this Schedule, *ante*.

Shall cease to have effect. The enactments mentioned in para. 25 (a)-(f), (h), (i) are also, and the Public Health (London) Act 1936 (c. 50), Vol. 15, p. 887, is wholly repealed as from 1st April 1965 by s. 93 (1), *ante*, and Sch. 18, Part II, *post*.

London Hackney Carriages Act 1843 (c. 86), s. 29. See Vol. 24, p. 835.

Metropolitan Streets Act 1867 (c. 134), ss. 6, 10-16, 18. See Vol. 24, pp. 860 *et seq.*, 864.

Racecourses Licensing Act 1879 (c. 18). See Vol. 10, p. 775.

Metropolitan Streets Act 1903 (c. 17). See Vol. 24, p. 876.

London Cab and Stage Carriage Act 1907 (c. 55), s. 4. See Vol. 24, p. 879.

Public Health (London) Act 1936 (c. 50). See Vol. 15, p. 887. See also the note

"Shall cease to have effect" above.

Statistics of Trade Act 1947 (c. 39), s. 14 (3). Cf. Vol. 25, p. 716.

Home Safety Act 1961 (c. 20), s. 1 (4). See Vol. 41, p. 707.

SCHEDULE 18

REPEALS

PART I

ENACTMENTS REPEALED AS FROM PASSING OF THIS ACT

Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5 c. 51	The Local Government Act 1933	In section 3 (2), the words " or ceases to be qualified ". In section 5 (2), the words " or ceases to be qualified ". In section 18 (2), the words " or ceases to be qualified ". In section 20 (1), the words " or ceases to be qualified ". In section 67 (4), the words " of an ". In section 67 (5), the words " of an ". In section 157 (1), the words " under this or any other public general Act ". In section 158 (1), the words " by this or any other public general Act ".
11 & 12 Geo. 6 c. 65	The Representation of the People Act 1948	Section 59. In section 75 (1) (a), in sub-paragraph (i), the words " except London " and sub-paragraph (ii). In section 77 (1), the definition of " borough " and in the definition of " electoral area " the words " or the London Government Act 1939 ".
12, 13 & 14 Geo. 6 c. 66	The House of Commons (Redistribution of Seats) Act 1949	In section 3 (2), the words from " and (b) " onwards.
12, 13 & 14 Geo. 6 c. 68	The Representation of the People Act 1949	In section 5 (5) (b), the words " expressed by the Act creating it to be ". Section 11 (2) (e). In section 22, in subsection (1), the words " other than metropolitan borough councillors ", and subsection (2). In section 26 (4), the words " other than a metropolitan borough ". In section 27 (6), the words from " or " onwards. Section 28. In section 29 (2), the words " other than a metropolitan borough ".

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6 c. 68 —cont.	The Representation of the People Act 1949—cont.	<p>Section 35 (3).</p> <p>In section 36 (2), the words " or section forty-seven of the London Government Act 1939 ".</p> <p>In section 83 (1) (a), the words " except in London ".</p> <p>In the local elections rules in Schedule 2, rule 3 (3); in rule 4 (1) (b) and (2), the words " except London "; in rule 6 (1), the words from " except " to " councillors "; in rule 6 (3), the words " except London "; in rule 6 (4), the words " of London county councillors or "; in rule 8 (2), the words " except London "; rule 8 (3); in rule 13 (4), the words " except London "; in rule 13 (5) the words " or London county councillors " and " or chairman of the London County Council, as the case may require "; rule 26 (2) and (3); in rule 31 (b) (ii), the words from " [In London " onwards; rule 41 (b); in rule 47, the words " other than a London county councillor ".</p> <p>In Schedule 8, so much of the Table in paragraph 5 (1) as relates to the London Government Act 1939.</p>
4 & 5 Eliz. 2 c. 43	The Local Government El- ections Act 1956	In section 6 (1), in paragraph (a) the words " outside the administrative county of London ", and paragraph (b).
5 & 6 Eliz. 2 c. 20	The House of Commons Disqualification Act 1957	In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers, the words " outside London ".
6 & 7 Eliz. 2 c. 55	The Local Government Act 1958	<p>Section 17 (4).</p> <p>Section 28 (6).</p> <p>Section 31 (3).</p> <p>Section 33 (3).</p> <p>Section 35 (4).</p> <p>In section 53, in subsection (1) the words from " Subject " to " section " and subsection (2).</p>

Chapter	Short Title	Extent of Repeal
6 & 7 Eliz. 2 c. 55— <i>cont.</i>	The Local Government Act 1958— <i>cont.</i>	In section 66 (1), the definition of "metropolitan area". Schedule 5.

PART II

ENACTMENTS REPEALED AS FROM 1ST APRIL 1965

Chapter	Short Title	Extent of Repeal
25 Geo. 2 c. 36	The Disorderly Houses Act 1751	Sections 2 to 4.
57 Geo. 3 c. xxix	An Act for better paving, improving and regulating the streets of the metro- polis	The whole Act.
5 & 6 Will. 4 c. 50	The Highway Act 1835	In section 112, the words from "the powers" where first occurring to "therein, or".
6 & 7 Vict. c. 86	The London Hackney Carriages Act 1843	Section 29.
15 & 16 Vict. c. 85	The Burial Act 1852	Sections 2 to 9. Sections 10 to 40, 42 to 44, and 50, so far as relating to Greater London. Sections 53 and 54. Schedules (A) and (B).
6 & 17 Vict. c. 134	The Burial Act 1853	In section 1, so far as relating to Greater London, the words from "for the protection" to "prohibited, or that" and from "that no new burial" to "case may require)". Sections 6 and 8, so far as rela- ting to Greater London. Section 9.
17 & 18 Vict. c. 87	The Burial Act 1854	The whole Act so far as relating to Greater London.
18 & 19 Vict. c. 120	The Metropolis Manage- ment Act 1855	Sections 120 and 130.
18 & 19 Vict. c. 128	The Burial Act 1855	Sections 3 to 7 and 9 to 17, so far as relating to Greater London. In section 18, so far as relating to Greater London, the words "burial board or", in the second place where they occur, the words "as the case may be", in the second place where they occur, and the words "or burial ground", in the third place where they occur. Sections 19 and 20, so far as re- lating to Greater London.

Chapter	Short Title	Extent of Repeal
20 & 21 Vict. c. 35	The City of London Burial Act 1857	The whole Act.
20 & 21 Vict. c. 81	The Burial Act 1857	The whole Act, so far as relating to Greater London, except sections 23 to 25.
23 & 24 Vict. c. 64	The Burial Act 1860	The whole Act, so far as relating to Greater London.
30 & 31 Vict. c. 134	The Metropolitan Streets Act 1867	Sections 10 to 16 and 18.
31 & 32 Vict. c. 122	The Poor Law Amendment Act 1868	Section 29.
32 & 33 Vict. c. 67	The Valuation (Metropolis) Act 1869	The whole Act.
34 & 35 Vict. c. 33	The Burial Act 1871	The whole Act, so far as relating to Greater London.
37 & 38 Vict. c. 54	The Rating Act 1874	Section 12.
38 & 39 Vict. c. 17	The Explosives Act 1875	Section 67 (2). In section 70, the words from " In the city " to " such city ".
38 & 39 Vict. c. 33	The Metropolis Management Act 1875	The whole Act.
38 & 39 Vict. c. 55	The Public Health Act 1875	Section 2, from " nor " onwards. In section 4, the definition of " The metropolis ".
39 & 40 Vict. c. 75	The Rivers Pollution Prevention Act 1876	Sections 175 to 178.
41 & 42 Vict. c. 32	The Metropolis Management and Building Acts Amendment Act 1878	Section 7.
41 & 42 Vict. c. 77	The Highways and Locomotives (Amendment) Act 1878	The whole Act.
42 & 43 Vict. c. 18	The Racecourses Licensing Act 1879	Section 2 from " and save " onwards.
45 & 46 Vict. c. lvi	The Metropolitan Board of Works (Various Powers) Act 1882	In section 38, the definition of " The metropolis ".
48 & 49 Vict. c. 21	The Burials Boards (Contested Elections) Act 1885	The whole Act.
48 & 49 Vict. c. 72	The Housing of the Working Classes Act 1885	Section 45.
50 & 51 Vict. c. 27	The Markets and Fairs (Weighing of Cattle) Act 1887	The whole Act, so far as relating to Greater London.
51 & 52 Vict. c. 41	The Local Government Act 1888	Sections 9 and 10.
		Sections 4 to 9, so far as respects any London borough council who are a market authority for the purposes of Part III of the Food and Drugs Act 1955.
		Section 3 (v) from " and the " onwards.
		Section 40 (6) and (9).
		Section 41 (3), (4) and (7).

Chapter	Short Title	Extent of Repeal
51 & 52 Vict. c. 41— <i>cont.</i>	The Local Government Act 1888— <i>cont.</i>	In Schedule 3, the entries relating to Croydon and West Ham. Any provision already repealed except as respects London other than a provision in section 30 or 83.
52 & 53 Vict. c. 63	The Interpretation Act 1889	Section 5.
53 & 54 Vict. c. 59	The Public Health Acts Amendment Act 1890	In section 2 (2), the words "exclusive of the administrative county of London".
54 & 55 Vict. c. 70	The Markets and Fairs (Weighing of Cattle) Act 1891	Sections 1 and 2, so far as respects any London borough council who are a market authority for the purposes of Part III of the Food and Drugs Act 1955.
55 & 56 Vict. c. 53	The Public Libraries Act 1892	Section 21 (3).
55 & 56 Vict. c. 59	The Telegraph Act 1892	In section 9, in the definition of "urban sanitary authority", the words from "and a sanitary" to "1891", and the definition of "London".
56 & 57 Vict. c. 73	The Local Government Act 1894	In section 21 (3), the words "and every other" so far as they apply to the Rating and Valuation Act 1925.
61 & 62 Vict. c. 16	The Canals Protection (London) Act 1898	In section 8, the paragraph beginning "local authority".
62 & 63 Vict. c. 14	The London Government Act 1899	Sections 10 and 12. In section 34, the words "and the Public Libraries Acts 1892 and 1893".
62 & 63 Vict. c. 44	The Small Dwellings Acquisition Act 1899	Section 9 (3) from the beginning to "but". Section 9 (5) from "in like manner" onwards.
1 Edw. 7 c. 19	The Public Libraries Act 1901	Section 9 (10). In section 13, the words "and a metropolitan borough council" and "and a metropolitan borough" and the words from "Any expenses" onwards.
3 Edw. 7 c. 17	The Metropolitan Streets Act 1903	The whole Act.
3 Edw. 7 c. 24	The Education (London) Act 1903	The whole Act.
6 Edw. 7 c. 14	The Alkali, &c. Works Regulation Act 1906	Section 24. In section 27 (1), in the definition of "the Public Health Act", the words "or in the case of London the Public Health (London) Act 1891".

Chapter	Short Title	Extent of Repeal
6 Edw. 7 c. 25	The Open Spaces Act 1906	In section 1, the words "or metropolitan". In section 15 (2) (a), the words "other than the London County Council". Section 15 (2) (b) and (d). Section 18 from "in the case of a county council" onwards.
6 Edw. 7 c. 44	The Burial Act 1906	Section 1, so far as relating to Greater London.
7 Edw. 7 c. 53	The Public Health Acts Amendment Act 1907	In section 2 (2), the words "exclusive of the administrative County of London".
7 Edw. 7 c. 55	The London Cab and Stage Carriage Act 1907	Section 4.
8 Edw. 7 c. 36	The Small Holdings and Allotments Act 1908	Section 36.
9 Edw. 7 c. lxxvii	The City of London (Street Traffic) Act 1909	Section 2 (2).
3 & 4 Geo. 5 c. 32	The Ancient Monuments Consolidation and Amendment Act 1913	Section 18. Section 21 (2) from the beginning to "general rate, and" and from "in the case of a county council" onwards.
4 & 5 Geo. 5 c. iii	The East Ham Corporation Act 1914	Part II.
5 & 6 Geo. 5 c. lxxvi	The London County Council (Parks &c.) Act 1915	Section 8.
5 & 6 Geo. 5 c. ciii	The London County Council (General Powers) Act 1915	Part II.
5 & 6 Geo. 5 c. cviii	The London County Council (Celluloid &c.) Act 1915	The whole Act.
6 & 7 Geo. 5 c. 69	The Public Authorities and Bodies (Loans) Act 1916	The whole Act.
9 & 10 Geo. 5 c. 59	The Land Settlement (Facilities) Act 1919	Section 24.
12 & 13 Geo. 5 c. 35	The Celluloid and Cinematograph Film Act 1922	In section 11 (2), the words "to the administrative county of London or".
12 & 13 Geo. 5 c. 51	The Allotments Act 1922	In section 20, the words "the London County Council or". In section 22 (1), the definition of "borough". Section 22 (5).
13 & 14 Geo. 5 c. vii	The London County Council (General Powers) Act 1923	Section 16.
14 & 15 Geo. 5 c. lvii	The London County Council (General Powers) Act 1924	Part III.
15 & 16 Geo. 5 c. 71	The Public Health Act 1925	In section 2 (1), the words "or to the administrative county of London".
15 & 16 Geo. 5 c. 90	The Rating and Valuation Act 1925	Section 64 (5). In section 70 (1) the words "or the administrative county of London".

Chapter	Short Title	Extent of Repeal
16 & 17 Geo. 5 c. 21	The Markets and Fairs (Weighing of Cattle) Act 1926	The following provisions so far as respects any London borough council who are a market authority for the purposes of Part III of the Food and Drugs Act 1955, that is to say— in section 2 the words from the beginning to "facili- ties for weighing cattle, and" and the word "respectively"; section 3; and the Schedule.
16 & 17 Geo. 5 c. 31	The Home Counties (Music and Dancing) Licensing Act 1926	Schedule 1 from "The county boroughs" onwards.
16 & 17 Geo. 5 c. 45	The Fertilisers and Feeding Stuffs Act 1926	Section 27 (b)
18 & 19 Geo. 5 c. 8	The Rating and Valuation Act 1928	Section 1. In section 5 (2), the words "except so far as it relates to London".
18 & 19 Geo. 5 c. 44	The Rating and Valuation (Apportionment) Act 1928	Section 7. Schedule 2.
19 & 20 Geo. 5 c. 17	The Local Government Act 1929	In section 84 the words "in relation to places outside London", the words "and in relation to London, the Valu- ation (Metropolis) Act 1869, as so amended as aforesaid" and the words "or as the Rating and Valuation (Metro- polis) Acts 1869 to 1929, as the case may be". Section 128 (3). In Schedule 10, paragraph 24.
20 & 21 Geo. 5 c. 43	The Road Traffic Act 1930	In section 121 (1A), the words "and the London Traffic Area".
20 & 21 Geo. 5 c. 44	The Land Drainage Act 1930	In section 32 (2) the words from "under those Acts" onwards. Section 53 (2) (a) and (b). Section 69. In section 73, the words from "or (b)" to "boundary lines are altered". Section 78.
20 & 21 Geo. 5 c. 51	The Reservoirs (Safety Provisions) Act 1930	In section 4 (2), the words "or metropolitan". Section 9 (b).
20 & 21 Geo. 5 c. clviii	The London Building Act 1930	Parts II and III. Sections 51 to 53.

Chapter	Short Title	Extent of Repeal
20 & 21 Geo. 5 c. clix	The London County Council (General Powers) Act 1930	Part III.
21 & 22 Geo. 5 c. 17	The Local Authorities (Publicity) Act 1931	In section 1 (2), the words “(including a metropolitan borough)”. Section 1 (3) from “or of” on- wards.
23 & 24 Geo. 5 c. 12	The Children and Young Persons Act 1933	Section 96 (6). In section 97, in proviso (a), the words from “London” to “as”.
23 & 24 Geo. 5 c. 14	The London Passenger Transport Act 1933	Sections 59 and 62. In section 107 (1A), the words “and the London Traffic Area”.
23 & 24 Geo. 5 c. 25	The Pharmacy and Poisons Act 1933	In section 29, in the definition of “local authority”, the words from “in London” to “else- where”.
23 & 24 Geo. 5 c. 51	The Local Government Act 1933	In section 219, in paragraph (a) the words “metropolitan borough council” and in para- graph (c) the words “metro- politan borough or”. Section 229 (2) from “or by” onwards. In section 230 (2), the words from “or by” to “London”. Section 243. In section 248, the words from the beginning to “accordingly” and the words “a metropolitan borough council and”. In section 305, the definitions of “London”, “rating area” and “rating authority”. Section 308 (2) from “nor” on- wards. In Schedule 1, in paragraph (a) of Part I, the words “(exclusive of London)” and the word “Middlesex”. In Schedule 1, in paragraph (a) of Part II, the words “Croydon”, “East Ham” and “West Ham”. In Schedule 1, in paragraph (a) of Part III— in the entry relating to Essex, the words “Barking”, “Ilford”, “Leyton” and “Walthamstow”; in the entry relating to Kent, the word “Bromley”;

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Chapter	Short Title	Extent of Repeal
23 & 24 Geo. 5 c. 51— <i>cont.</i>	The Local Government Act 1933— <i>cont.</i>	the whole of the entry relating to Middlesex; in the entry relating to Surrey, the words "Barnes", "Kingston-upon-Thames", "Richmond" and "Wimbledon".
23 & 24 Geo. 5 c. xxiii	The City of London (Various Powers) Act 1933	In section 2, the words "Part V.—City of London Cemetery". Section 11. Section 20.
25 & 26 Geo. 5 c. 47	The Restriction of Ribbon Development Act 1935	Section 4 (1) (a).
25 & 26 Geo. 5 c. xcii	The London Building Act (Amendment) Act 1935	Section 4 (1) (a).
26 Geo. 5 & 1 Edw. 8 c. 49	The Public Health Act 1936	In section 17, in subsection (7), the words from "In this subsection" onwards; in subsection (8), the words "or within a metropolitan borough" and "or, as the case may be, to the council of that borough"; and in subsection (9), the words "the council of a metropolitan borough" and "(including the London County Council)". In section 18 (3), the words "or within a metropolitan borough" and "or, as the case may be, the council of that borough". Section 28 (2). In section 90 (1), in the definition of "sewerage authority" the words "the council of a metropolitan borough" and "(including the London County Council)". Section 98 (2). Section 143 (8). In section 199 (1), in paragraph (i) of the definition of "nursing home" the words "(including the London County Council)" and "or metropolitan borough council." Section 257. Section 266 (1) (ii). Sections 335 and 336. Section 342. In section 343 (1), the definition of "London". In section 347 (2), the words "or London". Schedule 2.

Chapter	Short Title	Extent of Repeal
26 Geo. 5 & 1 Edw. 8 c. 50	The Public Health (London) Act 1936	The whole Act.
26 Geo. 5 & 1 Edw. 8 c. lx	The London County Council (General Powers) Act 1936	Part VII.
1 Edw. 8 & 1 Geo. 6 c. 40	The Public Health (Drainage of Trade Premises) Act 1937	In section 15 (2) the words from "or the administrative county" onwards.
1 Edw. 8 & 1 Geo. 6 c. 68	The Local Government Superannuation Act 1937	In section 40 (1), in the definition of local authority, the words "metropolitan borough".
1 Edw. 8 & 1 Geo. 6 c. xci	The London County Council (General Powers) Act 1937	In Part I of Schedule 1, the words "metropolitan borough". Sections 66 and 121.
1 & 2 Geo. 6 c. 6	The Air-Raid Precautions Act 1937	Section 2. Section 7 (3).
1 & 2 Geo. 6 c. 65	The Rating and Valuation (Air-Raid Works) Act 1938	In section 1 (4) the words "in relation to places outside the administrative county of London" and the words from "and (b)" onwards.
1 & 2 Geo. 6 c. xxxviii	The London County Council (General Powers) Act 1938	Section 2 (3). Section 5.
1 & 2 Geo. 6 c. xciii	The Green Belt (London and Home Counties) Act 1938	In section 17 (5), the words from "and section" to "1934". In section 35, the words from "(or in" to "1888)" and the words from "and the" on- wards.
2 & 3 Geo. 6 c. 31	The Civil Defence Act 1939	In section 11 (1), the words from the beginning to "London". In section 25, the words from the beginning to "London". In section 35 (1), the words from the beginning to "London". Section 73 (2) (a). Section 84. In section 90 (1), in the definition of "fire authority" the words from "subject" to "London".
2 & 3 Geo. 6 c. 40	The London Government Act 1939	The whole Act.
2 & 3 Geo. 6 c. 56	The Riding Establishments Act 1939	In section 3 (1), the words from "as respects the City" to "County Council". Section 3 (2).
2 & 3 Geo. 6 c. xxi	The City of London (Various Powers) Act 1939	In section 3 (3) the words "(other than the London County Council)". Sections 3 and 4.

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Chapter	Short Title	Extent of Repeal
2 & 3 Geo. 6 c. xcvi	The London Building Acts (Amendment) Act 1939	Section 38 (3). In section 84 (1), the words "including the estimated cost thereof". Sections 128, 129, 130 and 131. In section 144 (1), the words "of Part II (Formation and widen- ing of streets) and". In section 148 (2) paragraphs (i) to (iii), (xxviii) and (xxix) of the Table; and in section 148 (3), in paragraph (ii) of the Table the words "Part III (Lines of building frontage) of the Act of 1930 or". In section 152, the proviso. In section 155, subsections (1) (b) and (2) (a). Section 156. Section 76.
2 & 3 Geo. 6 c. c	The London County Council (General Powers) Act 1939	Section 117.
7 & 8 Geo. 6 c. 31	The Education Act 1944	So much of Schedule 8 as relates to the London Government Act 1939.
7 & 8 Geo. 6 c. 47	The Town and Country Planning Act 1944	In section 65 (1) as applied by and for the purposes of the New Towns Act 1946, in the definition of local highway authority, the words from "and" onwards.
7 & 8 Geo. 6 c. xxi	The Middlesex County Council Act 1944	Part XIII.
8 & 9 Geo. 6 c. 18	The Local Authorities Loans Act 1945	Section 8 (2) (d) from "or by" onwards.
8 & 9 Geo. 6 c. 42	The Water Act 1945	Section 39 (2).
9 & 10 Geo. 6 c. 30	The Trunk Roads Act 1946	Section 15 and Schedule 4.
9 & 10 Geo. 6 c. 46	The Police Act 1946	Section 16. Schedule 4.
9 & 10 Geo. 6 c. 68	The New Towns Act 1946	In section 26 (1), in the definition of local highway authority, the words from "and" onwards.
9 & 10 Geo. 6 c. 81	The National Health Service Act 1946	In section 21 (1) (f) the words "or section two hundred and ninety-eight of the Public Health (London) Act 1936". In section 22 (3), the words from "and section" onwards. In Schedule 4, in paragraph 2 (a) of Part I, the words from "and section" to "1939". In Schedule 10, the amendments of the Public Health (London) Act 1936.

Chapter	Short Title	Extent of Repeal
10 & 11 Geo. 6 c. 22	The Civic Restaurants Act 1947	In section 3 (3), the words "other than the administra- tive county of London".
10 & 11 Geo. 6 c. 39	The Statistics of Trade Act 1947	Section 3 (4). Section 14 (3).
10 & 11 Geo. 6 c. 48	The Agriculture Act 1947	In section 71 (1), the words "except the County of London".
11 & 12 Geo. 6 c. 26	The Local Government Act 1948	Section 10. In section 33 (1), the words "and the Rating and Valua- tion (Metropolis) Acts 1869 to 1940". Section 54. In section 55 (1), the words "out- side London". Section 61 (2) (a). In section 63 (1) the words "shall extend to London and" and the words from "in relation" where they first occur to "inside and outside London". Section 65. In section 120, subsections (1), (2) and (4), and in subsection (3) the words "or section one hundred and seventeen of the London Government Act 1939". In section 121 (4), the words "both within and outside London". Section 123. Section 131 (5). In section 141 (1) (b) the words "(including a metropolitan borough)". In section 144 (1), in the defini- tion of "rating area", the words "(in relation to London as well as the remainder of England and Wales)".
11 & 12 Geo. 6 c. 29	The National Assistance Act 1948	In section 34 (3), paragraph (a), the words "in the case of any other county", and the words "(a) or". In section 38 (5), the words "and that Act extended to London". In section 47 (12), the words "and the authorities which are sanitary authorities for the purposes of the Public Health (London) Act 1936".

Chapter	Short Title	Extent of Repeal
11 & 12 Geo. 6 c. 29— <i>cont.</i>	The National Assistance Act 1948— <i>cont.</i>	In section 50 (2), the words " and the authorities which are sanitary authorities for the purposes of the Public Health (London) Act 1936 ". In section 64 (1), in the definition of " local authority ", the words from " or metropolitan " onwards. In Schedule 3, in paragraph 11 (a), the words " and section one hundred and ninety-six of the London Government Act 1939 ".
11 & 12 Geo. 6 c. 40	The Education (Miscellaneous Provisions) Act 1948	In section 10 (2), the words from " or, as the case may be " to " 1939 ".
11 & 12 Geo. 6 c. 53	The Nurseries and Child-Minders Regulation Act 1948	In section 6 (5), the words " and that Act extended to London ".
11 & 12 Geo. 6 c. 65	The Representation of the People Act 1948	In Schedule 6, in paragraph 2 the proviso to sub-paragraph (1).
11 & 12 Geo. 6 c. liii	The London County Council (General Powers) Act 1948	Section 47.
12, 13 & 14 Geo. 6 c. 26	The Public Works (Festival of Britain) Act 1949	In section 5 (3), the words from " for the purposes " to " subsection ". In Schedule 3, in paragraph 10, sub-paragraph (1) from " in manner " onwards and sub-paragraph (2).
12, 13 & 14 Geo. 6 c. 32	The Special Roads Act 1949	Section 22 (2).
12, 13 & 14 Geo. 6 c. 55	The Prevention of Damage by Pests Act 1949	Section 24.
12, 13 & 14 Geo. 6 c. 66	The House of Commons (Redistribution of Seats) Act 1949	In Schedule 2, in paragraph 4 (2), in the definition of " county " the words " other than the county of London ".
12, 13 & 14 Geo. 6 c. 67	The Civil Aviation Act 1949	Section 21.
12, 13 & 14 Geo. 6 c. 68	The Representation of the People Act 1949	In section 41 (4) (a), the words " or under section eighty-two or eighty-three of the London Government Act 1939 ", and in section 41 (5), the words " (other than the London county council) ". In section 102 (10), the words " or a member of the London county council " and " or for the county, as the case may be ". Section 116 (2), from " Where " onwards.

Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6 c. 68 — <i>cont.</i>	The Representation of the People Act 1949— <i>cont.</i>	<p>In section 172 (1), the definition of "borough" and, in the definition of "local government Act", the words "except in relation to the administrative County of London", and the words from "and" onwards.</p> <p>In Schedule 7, in paragraph 3 (1), the words "With the exception of the London county council".</p> <p>In Schedule 8, paragraph 6.</p>
12, 13 & 14 Geo. 6 c. 84	The War Damaged Sites Act 1949	<p>In section 6 (2), the words from "and Part V" to "1939".</p> <p>Section 18 (2).</p>
12, 13 & 14 Geo. 6 c. 97	The National Parks and Access to the Countryside Act 1949	<p>Section 35 (1) from the beginning to "this section" and from "shall" onwards.</p> <p>In section 35 (2), the words "the London County Council, or", "of the said county or" and "as the case may be".</p> <p>In section 35 (3), the words "of the administrative county of London or", "the London County Council or" and "said county or" and the words "as the case may be" in both places where they occur.</p> <p>In section 35 (4), the words "other than the administrative county of London".</p> <p>In section 35 (5), the words "of the administrative county of London or"; paragraph (a), in paragraph (b) the words "in the case of a part of a county borough" and in paragraphs (c) and (d) the words "in either case".</p> <p>In section 104 (4), the words "and subsections (2) and (3) of section one hundred and six of the London Government Act 1939".</p> <p>In section 104 (10), the words from "or of subsection (1)" to "1939".</p> <p>In section 104 (11), the words "and section one hundred and nine of the London Government Act 1939".</p>
12, 13 & 14 Geo. 6 c. 101	The Justices of the Peace Act 1949	<p>In section 4 (8), the words "the London Government Act 1939".</p>

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Chapter	Short Title	Extent of Repeal
12, 13 & 14 Geo. 6 c. 101 — <i>cont.</i>	The Justices of the Peace Act 1949— <i>cont.</i>	In section 28 (2), the words from " or in " to " 1939 ".
12, 13 & 14 Geo. 6 c. 102	The Festival of Britain (Supplementary Provisions) Act 1949	Section 7 (4).
12, 13 & 14 Geo. 6 c. lv	The London County Council (General Powers) Act 1949	Part III. Section 52. In section 53 (3), the words " under the Act of 1939 or " and the word " other " in the first place where it occurs. Section 53 (7). In section 54 (1), the words from " in section 34 " to " 1939 or ". In section 56, the words from " and section " onwards.
14 Geo. 6 c. 22	The London Government Act 1950	The Schedule. The whole Act.
14 Geo. 6 c. 28	The Shops Act 1950	Section 73 (2) from " and the London " onwards. In section 74 (1), in the definition of " Public Health Acts," the words from " or " onwards.
14 Geo. 6 c. 36	The Diseases of Animals Act 1950	In section 59 (2) (a), the words " or (ii) a metropolitan borough ". Section 60 (3). Section 69 from " Provided that " onwards.
14 Geo. 6 c. 39	The Public Utilities Street Works Act 1950	In Schedule 7, paragraphs 2 to 4, paragraph 5 (a) from " or " onwards, paragraph 7 (1) from " and " onwards, and paragraph 9.
14 Geo. 6 c. v	The City of London (Various Powers) Act 1950	Section 20.
14 Geo. 6 c. xlii	The London County Council (General Powers) Act 1950	Sections 32 and 34.
14 & 15 Geo. 6 c. 53	The Midwives Act 1951	Section 11 (3).
14 & 15 Geo. 6 c. 64	The Rivers (Prevention of Pollution) Act 1951	Section 1 (1) (b) (iii).
14 & 15 Geo. 6 c. xli	The London County Council (General Powers) Act 1951	Part II. Sections 31 and 34. The Schedule.
15 & 16 Geo. 6 & 1 Eliz. 2 c. 54	The Town Development Act 1952	Section 19.
1 & 2 Eliz. 2 c. 26	The Local Government (Miscellaneous Provisions) Act 1953	In section 15, paragraph (b).
1 & 2 Eliz. 2 c. 33	The Education (Miscellaneous Provisions) Act 1953	In section 13, in subsection (1), the words " outside London " and subsection (2).

Chapter	Short Title	Extent of Repeal
1 & 2 Eliz. 2 c. 37	The Registration Service Act 1953	In section 21 (2), the words "the application of" and "to London" and paragraph (a).
1 & 2 Eliz. 2 c. 42	The Valuation for Rating Act 1953	Section 8 (2) from "and" onwards.
1 & 2 Eliz. 2 c. 50	The Auxiliary Forces Act 1953	In Schedule 1, paragraph 1 (f) (i) from "including" onwards and paragraph 1 (f) (ii) from "or, if" onwards.
1 & 2 Eliz. 2 c. xliii	The London County Council (General Powers) Act 1953	Part II. Section 44.
2 & 3 Eliz. 2 c. 8	The Electoral Registers Act 1953	In the list at the end of the Schedule the words "London Government Act 1939".
2 & 3 Eliz. 2 c. 59	The Slaughter of Animals (Amendment) Act 1954	In section 1, subsections (1) to (3). Section 10.
2 & 3 Eliz. 2 c. 70	The Mines and Quarries Act 1954	Section 151 (4).
2 & 3 Eliz. 2 c. xxiv	The London County Council (General Powers) Act 1954	Section 5. Part IV. Section 18.
4 & 5 Eliz. 2 c. 9	The Rating and Valuation (Miscellaneous Provisions) Act 1955	In section 3 (1) (a) the words from "or under any" to "lists". In section 4 (2) the words from "and of" to "1948". In section 5 (1) the words "outside London" and "and as extended by". Section 5 (6). In section 9 (2), the words "(outside London)" and the words from "or (in London)" to "Public Health (London) Act 1936". In section 16, the definition of "London" in subsection (1) and subsection (2) from "and in" onwards. In Schedule 2, in column 2 the words "outside London", and column 3. In Schedule 7, in Part III, the amendment of section 65.
4 & 5 Eliz. 2 c. 16	The Food and Drugs Act 1955	In section 8 (4) the words from "or under" to "1936". In section 12 (2), the words from "or under" to "1936". Section 15 (2). Section 25 (4). In section 26 (6) the words from the beginning to "such a disqualification" and the words from "other than" to "1939".

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Chapter	Short Title	Extent of Repeal
4 & 5 Eliz. 2 c. 16— <i>cont.</i>	The Food and Drugs Act 1955— <i>cont.</i>	In section 42 (4), the words " or the London Government Act 1939 " In section 43 (4), the words " or the London Government Act 1939 " In section 85, paragraph (b) and, in paragraph (d), the word " other " Section 88 (4). Section 125 (2). Section 126 (3). In section 135 (1), the definition of " London " Section 136 (3) (a). In Schedule 12, paragraph 6. The whole Act.
4 & 5 Eliz. 2 c. xxvi.	The London County Council (Loans) Act 1955	The whole Act.
4 & 5 Eliz. 2 c. xxix	The London County Council (General Powers) Act 1955	Part V. Section 31.
4 & 5 Eliz. 2 c. 43	The Local Government Elections Act 1956	In section 6 (1), in para- graph (a), the words " out- side the administrative county of London " and paragraph (b).
4 & 5 Eliz. 2 c. 52	The Clean Air Act 1956	Section 32. In section 35 (1), the words " Part V of the Public Health (London) Act 1936 " Part II of Schedule 3.
4 & 5 Eliz. 2 c. 66	The Sanitary Inspectors (Change of Designation) Act 1956	In section 1, the words " or the London Government Act 1939 " Section 61.
4 & 5 Eliz. 2 c. lxxvii	The London County Council (General Powers) Act 1956	Section 61.
4 & 5 Eliz. 2 c. xc.	The Middlesex County Council Act 1956	Section 80.
5 & 6 Eliz. 2 c. 19	The Public Health Officers (Deputies) Act 1957	In section 1 (1), the words " out- side the administrative county of London " Section 1 (3).
5 & 6 Eliz. 2 c. 20	The House of Commons Disqualification Act 1957	In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers, the words " of a metropolitan borough "
5 & 6 Eliz. 2 c. 25	The Rent Act 1957	In section 20 (4) (b) the words from " (or the " to " 1949) "

Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2 c. 56	The Housing Act 1957	<p>In section 1 (2), the words " as respects the administrative county of London " where first occurring, and paragraph (b).</p> <p>Sections 2 (4) and 3 (2).</p> <p>In section 15 (1) (b), the words " or the Public Health (London) Act 1936."</p> <p>Sections 41 and 52.</p> <p>In section 55 (1), the words from " the rest " to " county borough " and the word " non-county ".</p> <p>Sections 58, 66, 71 and 75.</p> <p>In section 86, the words from " and by " to " in London " and from " and section " to " respectively ".</p> <p>Sections 88, 89, 90 (7), 109 (4), 112 (4), 121 (4), 132 and 133.</p> <p>In section 135 (2), the words " other than the London County Council ".</p> <p>Section 135 (3).</p> <p>In section 136 (1), the words " (other than the London County Council) ".</p> <p>Section 136 (2).</p> <p>In section 136 (3), the words " the London County Council or ".</p> <p>In section 138 (1), the words " (other than a metropolitan borough council) ".</p> <p>In section 156, the words " other than the London County Council ".</p> <p>Section 157 (4) from " and in " onwards.</p> <p>Sections 164 (4), 177, 183, 184, 185 and 186.</p> <p>In section 189 (2), the words from " the London " to " council and ".</p> <p>In Schedule 8, in paragraph 6, the words " by the London County Council or " and the word "other ".</p> <p>In Schedule 9, in paragraph 11 (c), the words from " as respects England " to " London " where first occurring and the words from " as respects the City " to " metropolitan borough ".</p>

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Chapter	Short Title	Extent of Repeal
5 & 6 Eliz. 2 c. 56— <i>cont.</i>	The Housing Act 1957 — <i>cont.</i>	So much of Schedule 10 as relates to the London Government Act 1939.
6 & 7 Eliz. 2 c. 26	The House of Commons (Redistribution of Seats) Act 1958	In section 4 (3), the words " (including a metropolitan borough) "
6 & 7 Eliz. 2 c. 42	The Housing (Financial Provisions) Act 1958	Section 26 (2). In section 41 (1), the words from " as respects " to " London ". Section 41 (2) from the beginning to " purposes and ". Section 54 (2). In section 54 (3), the words " the London County Council or " and the words from " and in " onwards. In section 58 (1), the definition of " general rate fund ". In section 59 (4), the reference to section 2 (5) of the Housing (Financial Provisions) Act 1924. In Schedule 3, paragraph 2 (2) and (3). In Schedule 5, paragraphs 1 (2) and (7) and 2 (2). Section 8. Section 53.
6 & 7 Eliz. 2 c. 55	The Local Government Act 1958	In section 55 (3), the words " and to the council of any metropolitan borough ". Section 58 (2) (b).
6 & 7 Eliz. 2 c. 70	The Slaughterhouses Act 1958	In section 14, subsections (1), (2) and (4) and subsection (3) from " and not " onwards.
6 & 7 Eliz. 2 c. xxi	The London County Council (General Powers) Act 1958	Sections 14 and 30.
6 & 7 Eliz. 2 c. xlvii	The City of London (Various Powers) Act 1958	Sections 6, 12 and 14.
7 & 8 Eliz. 2 c. 8	The Slaughter of Animals Act 1958	In section 11, subsection (1), subsection (2) from " and not " onwards, and subsection (3).
7 & 8 Eliz. 2 c. 25	The Highways Act 1959	In section 10 (1), the words " (including a metropolitan borough) ". In section 39 (1), the words " of the county, borough or urban district ". Section 42. In section 59 (1), the words " After the commencement of this Act ". Section 236 (1) (d). Section 291, except subsection (3).

Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2 c. 25— <i>cont.</i>	The Highways Act 1959 — <i>cont.</i>	In section 295 (1), in the definition of "improvement" the words "of traffic notices in pursuance of the London Traffic Act 1924 and " and the definition of "London". Section 295 (3) and (4A). Section 312 (3). Section 313 (3). Schedule 20. Schedule 26.
7 & 8 Eliz. 2 c. 53	The Town and Country Planning Act 1959	Section 57 (11) (b) and (c). In Part I of Schedule 4, paragraph 1 from "or of" onwards.
7 & 8 Eliz. 2 c. 72	The Mental Health Act 1959	Section 24. Part I of Schedule 7 so far as it relates to the Public Health (London) Act 1936 or the London Government Act 1939.
7 & 8 Eliz. 2 c. lii	The London County Council (General Powers) Act 1959	Sections 22, 23, 25 and 30.
8 & 9 Eliz. 2 c. 16	The Road Traffic Act 1960	Section 21 (3) and section 21 (4) from "and in the case" onwards. Sections 30 to 33. Section 34 (5). In section 49 (1), the words from " (other than " to " county borough". In section 81 (1), the words "outside the administrative county of London". Section 85 (4), from "Provided that" onwards. Section 89 (4). Section 120 (3). In section 150, the words "and fourteen". Section 248 from "Provided that" onwards. In section 252 (1), the words from "references in this Act to the London Traffic Area" to "green line". In section 252 (2), the words "the London Traffic Area and". In section 260 (2), the words from "other" to "thereof". In section 265 (1), the words "or 'London Traffic Area' by reference to the London Traffic Act 1924". Schedules 2 and 3. In Schedule 4, paragraph 16. In Schedule 10, Part III.

Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2 c. 16— <i>cont.</i>	The Road Traffic Act 1960 — <i>cont.</i>	In Schedule 17, in the new sub-sections added to section 121 of the Road Traffic Act 1930 and section 107 of the London Passenger Transport Act 1933, the words " and the London Traffic Area ". So much of Schedule 17 as amends section 295 of the Highways Act 1959.
8 & 9 Eliz. 2 c. 34	The Radioactive Substances Act 1960	In Schedule 19, paragraph 15.
8 & 9 Eliz. 2 c. 58	The Charities Act 1960	In Schedule 1, paragraph 4. In section 6 (8), the words " and, in London ". Section 10 (7) from " and " onwards.
8 & 9 Eliz. 2 c. 62	The Caravan Sites and Control of Development Act 1960	Sections 24 (9) and 31.
8 & 9 Eliz. 2 c. 63	The Road Traffic and Roads Improvement Act 1960	Section 3 (1). In section 4 (1), the words from " during " to " this section " and the words from " but " onwards. In section 4 (2), the words from the beginning to " made by ", the words from " for vehicles " to " he ", and the words " at the end of that period ". In section 5 (1) the words " sub-section (8) or (9) of ". In section 5 (7), the words " by virtue of subsection (8) or (9) of that section " and " so ". Section 8 (1). Section 9. Section 10. Section 11 (13) and (17). In section 14, the words " the council of a metropolitan borough and the London County Council ", and the words " or council " in both cases where they appear. In section 15 (4) (d), the words " the council of the county borough or county district ". Section 17. Section 18 (3) and (4). Section 19 (2) from " but " onwards. Section 19 (3) from " and where " onwards. Section 19 (6) from " and so " onwards.

Chapter	Short Title	Extent of Repeal
8 & 9 Eliz. 2 c. 63— <i>cont.</i>	The Road Traffic and Roads Improvement Act 1960 — <i>cont.</i>	Section 19 (7). In section 22 (1) (a), the words from "in placing" to "signs or". Section 22 (1) (b). In section 23 (2), the words from "the London area" to "London Traffic Area". The Schedule so far as it amends paragraph 3, 7 or 9 of Schedule 10 to the Road Traffic Act 1960.
8 & 9 Eliz. 2 c. 67	The Public Bodies (Admission to Meetings) Act 1960	In the Schedule, in paragraph 1 (a) the words "or the London Government Act 1939".
8 & 9 Eliz. 2 c. 68	The Noise Abatement Act 1960	Section 1 (6). In section 4 (1), the words "or section sixty-six of the London County Council (General Powers) Act 1937" and "and subsection (4) of section one hundred and forty-six of the London Government Act 1939".
8 & 9 Eliz. 2 c. xxix	The London County Council (General Powers) Act 1960	Section 4 (2). Sections 11, 12 and 14.
8 & 9 Eliz. 2 c. xxxvi	The City of London (Various Powers) Act 1960	Sections 30 and 37.
9 & 10 Eliz. 2 c. 20	The Home Safety Act 1961	Section 1 (4) from "or metropolitan" onwards.
9 & 10 Eliz. 2 c. 40	The Consumer Protection Act 1961	In section 6 (3) (b), the words from "or metropolitan" to "London". In paragraph 7 of the Schedule, the words from "and metropolitan" to "London".
9 & 10 Eliz. 2 c. 34	The Factories Act 1961	Section 176 (8) from "and as respects" onwards. In section 181 (1), the words "outside the administrative county of London" and "in the administrative county of London"; and in section 181 (2) the words "the Minister of Housing and Local Government (or in Scotland)". Section 184 (3). Schedule 5, except as respects Scotland.
9 & 10 Eliz. 2 c. 45	The Rating and Valuation Act 1961	In section 15 (1), the words "London and" and the word "other" where first occurring.

Chapter	Short Title	Extent of Repeal
9 & 10 Eliz. 2 c. 45— <i>cont.</i>	The Rating and Valuation Act 1961— <i>cont.</i>	Section 28 (2). In Schedule 4, paragraph 15.
9 & 10 Eliz. 2 c. 61	The Licensing Act 1961	In section 37 (4) (b), the words "or metropolitan borough".
9 & 10 Eliz. 2 c. 62	The Trustee Investments Act 1961	In section 11 (1), the words "or by the London County Council" and in section 11 (4) (a) the words "county, metropolitan or other". In Schedule 1, in paragraph 4 of Part IV, the words "county, metropolitan or other".
9 & 10 Eliz. 2 c. 63	The Highways (Miscellaneous Provisions) Act 1961	Section 1 (4) from the beginning to "and". In section 17 (3), the words from "or, except" onwards.
9 & 10 Eliz. 2 c. 64	The Public Health Act 1961	Section 1 (3) from "and references" onwards. Section 3 from "or save" onwards. Section 71. Section 79 (2). In Schedule 1, in the last paragraph of the amendments of the Clean Air Act 1956, the words "in the administrative county of London or", the words "in subsection (6) of section thirty-two, and" and the words "to London and".
9 & 10 Eliz. 2 c. 65	The Housing Act 1961	Section 16 (2) from "and" onwards. Section 23 (8).
9 & 10 Eliz. 2 c. xliii	The London County Council (General Powers) Act 1961	Section 68.
10 & 11 Eliz. 2 c. 36	The Local Authorities (Historic Buildings) Act 1962	Section 1 (4) from "but" onwards.
10 & 11 Eliz. 2 c. 38	The Town and Country Planning Act 1962	Section 202. Schedule 9.
10 & 11 Eliz. 2 c. 46	The Transport Act 1962	In Schedule 11, paragraph 3. In section 46 (8), the words "outside the county of London but".
10 & 11 Eliz. 2 c. 56	The Local Government (Records) Act 1962	In section 2 (5), the words from "and section" to "1939". In section 2 (6), the words "or metropolitan borough". In section 3, the words from "or section" to "1939".
10 & 11 Eliz. 2 c. 59	The Road Traffic Act 1962	In section 10, the words "by any direction, order or regulations".

Chapter	Short Title	Extent of Repeal
10 & 11 Eliz. 2 c. 59— <i>cont.</i>	The Road Traffic Act 1962 — <i>cont.</i>	In section 11 (2) (a), the words “ or any road in the London Traffic Area ”. Section 12 (1). Section 27. Section 28 (6) from “ and no ” onwards. In section 32 (4) the words from “ or of ” to “ Area ”. Part II of Schedule 4, so far as it amends the Highways Act 1959 or section 9 (1) of the Road Traffic and Roads Im- provement Act 1960.
10 & 11 Eliz. 2 c. xiv	The London County Council (General Powers) Act 1962	Part II. Section 31. The Schedule.
1963 c. 13	The Nursing Homes Act 1963	In section 1 (1), the words “ and Part XI of the Public Health (London) Act 1963 ”. In section 1 (2), the words “ and under section 242 of the Public Health (London) Act 1936 ”. In section 1 (5), the words “ or section 247 of the Public Health (London) Act 1936 ”. Section 2.
1963 c. 41	The Offices, Shops and Rail- way Premises Act 1963	In section 9 (6) the words “ nor section 106 of the Public Health (London) Act 1936.” In section 24 (9) the words “ or Part XI of the Public Health (London) Act 1936.”
1963 c. xvii	The London County Council (General Powers) Act 1963	Section 77. Section 15.

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