

**ELIZABETH II**



**1966 CHAPTER xxviii**

An Act to empower the City of London and Tower Hamlets Cemetery Company to sell to the Greater London Council the lands known as the City of London and Tower Hamlets Cemetery; to confer further powers upon the Greater London Council and other authorities; and for other purposes. [9th August 1966]

**WHEREAS—**

(1) It is expedient to provide for the purchase by the Greater London Council (hereinafter referred to as “the Council”) of the lands and undertaking of the City of London and Tower Hamlets Cemetery Company, and for the winding up of the said company:

(2) It is expedient that the powers of the Council and of the inner London borough councils to provide facilities in open spaces should be extended as by this Act provided:

(3) It is expedient that the Council should be empowered to carry out as agents for the Lord Chamberlain of Her Majesty’s Household duties in connection with certain functions exercisable

1843 c. 68.  
1909 c. 30.

by him in Greater London by virtue of the Theatres Act, 1843, and the Cinematograph Act, 1909, and that powers of entry should be conferred in connection with the carrying out of such duties and of functions exercisable by the Council under the said Act of 1843:

(4) It is expedient that in the interests of public safety certain premises in Greater London at which public exhibitions or displays are held should be licensed by the Council:

1939 c. xcvi.

(5) Certain buildings or parts of buildings in inner London in respect of which, as places of entertainment, licences are required from the Lord Chamberlain of Her Majesty's Household or the Council are exempt from the provisions of the London Building Acts (Amendment) Act, 1939, relating to the provision of appropriate and sufficient means of escape in case of fire, and it is expedient that in the interests of public safety those provisions should be modified as by this Act provided:

(6) It is expedient that provision should be made for the payment of allowances to members of the Council and other persons in respect of the performance by them of any approved duty:

(7) It is expedient that the Council should be empowered to make contributions to certain expenditure of the London borough councils and the common council of the City of London:

(8) It is expedient that the Council and the London borough councils should be empowered to borrow money by means of the issue of bills as by this Act provided:

(9) The times limited by certain enactments for the compulsory purchase of lands by the Council and the completion of certain works by the Council and by the council of the London borough of Lambeth (hereinafter referred to as "the Lambeth Council") respectively will shortly expire and it is expedient that the times so limited should be extended as by this Act provided:

(10) It is expedient that further powers should be conferred upon the Council and the London borough councils for the protection of highways and for the safety of persons in any street or other public place:

(11) It is expedient that provision should be made for the protection of Wimbledon Common as by this Act provided:

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

(13) The objects aforesaid cannot be attained without the authority of Parliament:

(14) In relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the Bill) have complied with the requirements of section 254 of the Local Government Act, 1933, and the Lambeth Council (as respects the provisions of the Bill relating exclusively to that council) have complied with the requirements of Part XIII of the Local Government Act, 1933, as applied by subsection (3) of section 7 of the London Government Act, 1963:

1933 c. 51.

1963 c. 33.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows, that is to say:—

## PART I

### PRELIMINARY

1. This Act may be cited as the Greater London Council Short title.  
(General Powers) Act 1966.

2. This Act is divided into Parts as follows:—

Division of  
Act into  
Parts.

Part I.—Preliminary.

Part II.—City of London and Tower Hamlets Cemetery.

Part III.—Open spaces.

Part IV.—Places of public entertainment, etc.

Part V.—Financial provisions.

Part VI.—Extensions of time.

Part VII.—Offences in connection with excavations and building operations.

Part VIII.—Miscellaneous and supplemental.

3.—(1) In this Act except as otherwise expressly provided or unless the context otherwise requires—

“ the Act of 1843 ” means the Theatres Act, 1843; 1843 c. 68.

“ the Act of 1933 ” means the Local Government Act, 1933;

“ the Act of 1939 ” means the London Building Acts (Amendment) Act, 1939; 1939 c. xcvi.

“ the Act of 1959 ” means the Highways Act, 1959; 1959 c. 25.

“ the Act of 1961 ” means the London County Council (General Powers) Act, 1961; 1961 c. xliii.

“ the Act of 1962 ” means the Town and Country Planning Act, 1962; 1962 c. 38.

“ the Act of 1963 ” means the London Government Act, 1963;

PART I  
—cont.

- “borough” means a London borough, and “borough council” means the council of a London borough;
- “the city” means the City of London;
- “the common council” means the Common Council of the City of London;
- “the Council” means the Greater London Council;
- “enactment” means any enactment whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- 1963 c. xxxv. “the Improvements Act of 1963” means the London County Council (Improvements) Act, 1963;
- “the Lambeth Council” means the council of the London borough of Lambeth;
- “land” and “lands” includes any interest in land and any easement or right in, to or over land;
- “the lord chamberlain” means the Lord Chamberlain of Her Majesty’s Household.

(2) Any reference in this Act to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

## PART II

## CITY OF LONDON AND TOWER HAMLETS CEMETERY

Interpretation  
and com-  
mencement of  
Part II.

- 4.—(1) In this Part of this Act—
- “the Act of 1841” means the Act 4 & 5 Victoria chapter lxiii;
- “the bishop” means the Bishop of London for the time being and during a vacancy in the see of London includes the guardian of the spiritualities thereof;
- “the cemetery” means the City of London and Tower Hamlets Cemetery;
- “Commonwealth war burial” means a burial of any officer or man of the naval, military or air forces of His Majesty fallen in the war of 1914 to 1921 or in the war of 1939 to 1947;
- “the company” means the City of London and Tower Hamlets Cemetery Company incorporated by the Act of 1841;
- “the date of completion” means the date on which the purchase by the Council of the Tower Hamlets lands is completed in pursuance of the provisions of section 6 (Purchase of lands, etc., by agreement) of this Act;

- “ the directors ” means the directors of the company;
- “ the registrar ” means the registrar of the consistory court of the diocese of London;
- “ tombstone ” includes a monument or other memorial of a deceased person and any kerb or railings surrounding a grave;
- “ the Tower Hamlets lands ” means the lands and buildings comprising the cemetery and more particularly delineated and shown by green colour on the plan which was in the month of November 1965 deposited in the office of the Clerk of the Parliaments, House of Lords, and in the Private Bill Office of the House of Commons, copies of which were in the same month deposited with the clerk to the Council and with the town clerk of the borough of Tower Hamlets.

PART II  
—cont.

(2) This Part of this Act shall come into force on 1st September, 1966.

5.—(1) On the date of the coming into force of this Part of this Discontinuance Act, burials in the Tower Hamlets lands shall be wholly discontinued and no further interments shall take place therein.

(2) Any person who at the date of the coming into force of this Part of this Act possesses a right of interment in a grave in the Tower Hamlets lands, and whose right is extinguished by virtue of the provisions of the foregoing subsection, shall (in pursuance of an application in writing made by him to the Council for the purpose) be entitled to be paid compensation by the Council for the extinction of that right, and such compensation shall, in default of agreement, be determined in accordance with the provisions of the Land Compensation Act, 1961:

1961 c. 33.

Provided that no compensation shall be payable to any person in pursuance of the provisions of this section—

- (i) in respect of more than one right of interment; or
- (ii) before the date of completion.

6. Notwithstanding anything to the contrary contained in the Act of 1841, or in any other enactment, the company may sell to the Council and the Council may purchase the Tower Hamlets lands and any other property or assets of the company on such terms and conditions as may be agreed.

Purchase of  
lands, etc.,  
by agreement.

7.—(1) Notwithstanding anything in the Act of 1841, from and after the coming into force of this Part of this Act the company shall subsist only for the purpose of exercising the powers conferred by, and carrying into effect the purposes of, this Part of this Act so far as they relate to the company.

Winding up  
of company.

PART II  
—cont.

1948 c. 38.

(2) (a) As soon as practicable after the date of completion the directors shall proceed to wind up the affairs of the company in accordance with the provisions of the Companies Act, 1948, and as from the date of the order of the court dissolving the company the Act of 1841 shall cease to have effect.

(b) As soon as is reasonably practicable the Council shall give notice by advertisement in the London Gazette of the making of the said order and of the date on which it was made.

(3) The reasonable costs of the winding up of the company shall be borne by the Council.

Council to  
take over  
existing staff.

8.—(1) As from the date of completion, or such later date as may be agreed between the Council and the company, the Council shall take over and continue the employment of all officers and servants (not being directors) of the company who are willing to enter the service of the Council, and such officers and servants while in the employment of the Council shall hold office by a tenure and on conditions not less favourable than those on which they were employed by the company immediately before the date on which they entered the employment of the Council and, while performing duties of a generally similar nature, shall receive in respect thereof not less remuneration than the remuneration to which they would have been entitled if this Part of this Act had not been enacted.

(2) Where immediately before the date on which he entered the employment of the Council in pursuance of the provisions of the foregoing subsection any such officer or servant participated in arrangements associated with his employment by the company for providing superannuation benefits, the period of such participation shall in relation to his employment with the Council be deemed to be service rendered to a local authority for the purpose of determining whether he is entitled to become a contributory employee under the Local Government Superannuation Acts, 1937 to 1953, or whether a benefit is payable under those Acts to, or in respect of, him, but for no other purpose.

Lands freed  
from  
consequences  
of conse-  
cration, etc.

9. As from the date of completion, the Tower Hamlets lands shall be freed from—

- (i) the effects of consecration;
- (ii) all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before that date attached thereto under ecclesiastical law, or by reason of those lands being a disused burial ground, or otherwise; and
- (iii) (subject to the provisions of this Part of this Act) all rights and interests of any person who is an heir, personal representative or relative of any deceased person whose remains are interred in those lands:

Provided that nothing in this Act shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over the said lands or any part thereof which attached thereto immediately before the passing of this Act.

PART II  
—cont.

**10.**—(1) Subject to the provisions of this Part of this Act, as from the date of completion the Council may improve, lay out and maintain the Tower Hamlets lands and shall hold those lands—

As to use of  
lands and  
closing of  
parts thereof.

- (a) for the purposes of the use thereof by the public as an open space in the like manner and subject to the like provisions as if the lands had been acquired by them under the Open Spaces Act, 1906, with the approval of the Minister of Housing and Local Government given in pursuance of sub-paragraph (ii) of paragraph (b) of subsection (1) of section 58 of the Act of 1963; or
- (b) partly for the purposes specified in the foregoing paragraph and partly for use—
  - (i) for the purposes of the Physical Training and Recreation Act, 1937; or
  - (ii) as school playing fields;

1906 c. 25.

1937 c. 46.

as the Council may think fit and as if no part thereof had ever been used or set apart for the purpose of the burial of human remains.

(2) Notwithstanding anything to the contrary contained in any enactment, the Council may, for such period or periods and subject to such conditions as they may deem necessary or expedient, enclose or otherwise prohibit or restrict entry by any person on to any part of the Tower Hamlets lands which is to be laid out as an open space until it has been so laid out and is in a condition suitable for use by the public for that purpose.

**11.**—(1) The powers of the Council to improve, lay out and maintain the Tower Hamlets lands in pursuance of the provisions of this Part of this Act shall include power—

Powers as to  
tombstones.

- (a) to level or raise the surface of any part of those lands notwithstanding that there may be graves thereunder or tombstones thereon, and to lower any tombstone to the level of the ground or cover the same with soil;
- (b) to remove and, if they think fit, use, sell or otherwise dispose of any tombstone therein;
- (c) to alter the position of any tombstone therein;
- (d) to put and keep in order any tombstone therein.

PART II  
—cont.

(2) (a) Before exercising a power referred to in paragraph (a), (b) or (c) of the foregoing subsection which does not necessitate the disturbance of the remains of any deceased person interred in the Tower Hamlets lands, the Council shall give notice of their intention so to do by publishing a notice once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six days, and shall display a like notice in a conspicuous place in the part of the Tower Hamlets lands in which it is proposed to exercise such power.

(b) Each of the notices referred to in the last foregoing paragraph shall—

- (i) contain brief particulars of the Council's proposals and specify an address at which full particulars can be obtained unless the brief particulars are of proposals incapable of further statement; and
- (ii) specify a date as being that on which it is intended that the Council will begin to carry out the proposals, which shall be a date not less than two months after the date of the earlier of the two publications or after the date on which the notice on the Tower Hamlets lands is first displayed; and
- (iii) state the effect of the next following subsection.

(3) (a) At any time before the date specified in a notice under the last foregoing subsection in relation to any tombstone relating to the remains of any deceased person, any person who is a personal representative or relative of the deceased person may give notice in writing to the Council of his intention to undertake the removal of that tombstone and thereupon, subject to the provisions of paragraphs (b) and (c) of this subsection, he shall be at liberty to remove that tombstone from the Tower Hamlets lands, and the expenses of such removal up to but not exceeding the sum of fifteen pounds shall be paid by the Council.

(b) If any person giving such notice as aforesaid shall fail to satisfy the Council that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar who shall have power to make an order specifying who shall remove the tombstone and as to the payment of the costs of the application.

(c) If such person shall not have removed such tombstone from the Tower Hamlets lands within two months after the service by him of a notice under paragraph (a) of this subsection, or, if application shall have been made to the registrar under paragraph (b) of this subsection, within two months after the making



of an order under that paragraph, the Council may exercise the powers referred to in the notice published by them under the last foregoing subsection.

(4) Where a tombstone is covered up or removed by the Council in pursuance of a power referred to in paragraph (a) or (b) of subsection (1) of this section, the Council may, if they think fit, erect at their own expense a tombstone in substitution therefor.

(5) The Council shall cause a record to be made of every tombstone covered up or removed by them in pursuance of a power referred to in paragraph (a) or (b) of the said subsection (1) containing—

- (i) a copy of any legible inscription on it; and
- (ii) a statement of the place, if any, to which it has been removed;

and shall deposit a copy of the record with the Registrar General.

12.—(1) Before the Council, in pursuance of the provisions of this Part of this Act or of their powers under any other enactment, carry out any work on any part of the Tower Hamlets lands which necessitates the disturbance of the remains of any deceased person interred in such part, the Council shall, in accordance with the provisions of this section, remove or cause to be removed therefrom the remains of all deceased persons interred in such part.

Removal of  
human  
remains.

(2) (a) Before proceeding to remove any such remains, the Council shall give notice of their intention so to do by publishing a notice in manner provided in paragraph (b) of this subsection in at least two newspapers circulating in Greater London and shall display a like notice in a conspicuous place in the part of the Tower Hamlets lands referred to in subsection (1) of this section, and such notice shall have embodied in it the substance of subsections (3) to (6) and (8) of this section.

(b) The notice referred to in paragraph (a) of this subsection shall be published in each of four successive weeks by publication in at least one newspaper in the first and third of those weeks and in at least one other newspaper in the second and fourth of those weeks.

(3) At any time within two months after the first publication of such notice, any person who is a personal representative or relative of any deceased person whose remains are interred in such part of the said lands may give notice in writing to the Council of his intention to undertake the removal of such remains and, subject in the case of a Commonwealth war burial to the provisions of subsection (4) of section 16 (For protection of Commonwealth War Graves Commission) of this Act, thereupon he shall be at liberty without any faculty or licence for the

PART II  
—cont.

purpose, but subject as hereinafter mentioned and to any regulations made by the bishop, to cause such remains to be removed to and reinterred in any burial ground or cemetery in which burials may legally take place, but in the case of reinterment in a churchyard only with the consent of the incumbent of the benefice concerned, or to be removed to and cremated in any crematorium.

(4) If any person giving such notice as aforesaid fails to satisfy the Council that he is such personal representative or relative as he claims to be, the question shall be determined on the application of either party in a summary manner by the registrar who shall have power to make an order specifying who shall remove and reinter or cremate the remains and as to the payment of the costs of the application.

(5) The expenses of a removal and reinterment or cremation (not exceeding in respect of remains removed from any one grave the sum of seventy-five pounds) shall be defrayed by the Council, such sum to be apportioned, if necessary, equally according to the number of remains in the grave.

(6) If—

- (a) within the aforesaid period of two months no such notice as aforesaid shall have been given to the Council in respect of the remains in any grave; or
- (b) within two months after such notice has been given no application has been made under subsection (4) of this section and the person giving the notice fails to remove the remains; or
- (c) within two months after any order is made by the registrar under the said subsection, the person, not being the Council, specified in the order fails to remove the remains;

the Council may, without any faculty or licence for the purpose, cause the remains of the deceased person to be removed and reinterred in such other burial ground or cemetery in which burials may legally take place and which, subject to the consent of the bishop, the Council think suitable for the purpose, or cremated in such crematorium as the Council think suitable for the purpose, but in the case of reinterment in a churchyard only with the consent of the incumbent of the benefice concerned.

(7) Upon the reinterment or cremation of any remains under this section, a certificate of reinterment or cremation shall be sent to the Registrar General by the Council giving the date of reinterment or cremation and identifying the place from which the remains were removed and the place in which they were reinterred or cremated.

(8) (a) Subject to the provisions of this subsection, any tombstone relating to the remains of any deceased person removed and

reinterred under this section shall at the expense of the Council be removed and re-erected at the place of reinterment of such remains or at such other place as the bishop may direct on the application either of such personal representative or relative as aforesaid or of the Council.

PART II  
—cont.

(b) Any tombstone relating to the remains of any deceased person removed and cremated under this section shall at the request of such personal representative or relative as aforesaid or, if no such request is made, may at the discretion, and in either case at the expense, of the Council be removed and re-erected at such place as the bishop may direct on the application either of such personal representative or relative or of the Council.

(c) Any tombstone not re-erected in accordance with the provisions of paragraph (b) of this subsection shall be offered by the Council to the bishop for re-erection or disposal as he thinks fit, and—

- (i) if accepted by him shall be so re-erected or disposed of at the expense of the Council;
- (ii) if not accepted by him, shall be broken and defaced before being disposed of in such manner as the Council think fit.

(d) Where the Council consider that by reason of its ruinous condition any tombstone removed under this subsection is unsuitable for re-erection, it may be disposed of in such manner as the Council think fit.

(e) The amount required to be paid by the Council in respect of the cost of removal and re-erection or disposal of any tombstone under this subsection by or at the request of the said personal representative or relative or the bishop shall not exceed the sum of fifteen pounds.

(f) The Council shall cause a record to be made of each tombstone removed under this subsection containing—

- (i) a copy of any legible inscription thereon; and
- (ii) a statement of the place, if any, where it has been re-erected;

and shall deposit a copy of the record with the Registrar General.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough of Tower Hamlets.

PART II  
—cont.Right of  
reinterment.

## 13.—(1) (a) Any person who—

- (i) possesses a right of interment in a grave in the Tower Hamlets lands which contains sufficient space for not less than one further interment; and
- (ii) is a relative of a deceased person whose remains were interred in that grave on a date not earlier than five years before the date on which this Part of this Act comes into force;

shall, subject to the following provisions of this section, be entitled to undertake the removal of the remains in the grave and of any tombstone relating thereto, and to cause such remains to be reinterred elsewhere.

(b) The Council may, if they think fit, by notice in writing grant to any person who possesses such a right as is referred to in sub-paragraph (i) of the foregoing paragraph, but who does not satisfy the conditions prescribed by sub-paragraph (ii) thereof, the same rights as are conferred by that paragraph.

(2) (a) Not later than the 1st December, 1966, or one month after the date of completion (whichever is the later), the Council shall give notice of the provisions of the foregoing subsection by publishing a notice once in each of two successive weeks in a newspaper circulating in Greater London with an interval between the dates of publication of not less than six days, and shall display a like notice in a conspicuous place on the Tower Hamlets lands.

(b) Each of the notices referred to in the last foregoing paragraph shall—

- (i) contain brief particulars of the provisions of the said subsection and specify an address at which full particulars can be obtained; and
- (ii) specify a date being that before which all applications, accompanied by such particulars as may be specified in the notice, must be made to the Council of intention to exercise the rights conferred by paragraph (a) of the foregoing subsection or, if the applicant does not fulfil the conditions prescribed by sub-paragraph (ii) of that paragraph, of his wish for his case to be considered under paragraph (b) of that subsection, which shall be a date not less than three months after the date of the earlier of the two publications or after the date on which the notice on the Tower Hamlets lands is first displayed; and
- (iii) state the effect of the next following subsection and of subsections (7) and (8) of this section.

(3) (a) At any time before the date specified in the notice under the last foregoing subsection any person who is entitled to exercise the rights conferred by paragraph (a) of subsection (1) of this section or, if he is not so entitled, wishes to have his case considered under paragraph (b) of that subsection, may give notice in writing to the Council of his intention or wish to undertake the removal of the remains interred in the grave in respect of which the application is made and thereupon, subject to the provisions of paragraphs (b) and (c) of this subsection, and, in a case falling within paragraph (b) of subsection (1) of this section to the rights having been granted by the Council, he shall be at liberty without any faculty or licence for the purpose, but subject as hereinafter mentioned and to any regulations made by the bishop, to cause—

- (i) such remains to be removed to and reinterred in any burial ground or cemetery in which burials may legally take place, but in the case of reinterment in a churchyard only with the consent of the incumbent of the benefice concerned; and
- (ii) any tombstone relating thereto to be removed and re-erected at the place of reinterment or to be otherwise disposed of.

(b) If any person giving such notice as aforesaid shall fail to satisfy the Council that he fulfils the conditions prescribed by paragraph (a) of subsection (1) of this section the question shall be determined on the application of either party in a summary manner by the registrar who shall have power to make any necessary order including provision as to the payment of the costs of the application.

(c) If such person shall not have removed the remains from the Tower Hamlets lands within three months after the service by him of a notice under paragraph (a) of this subsection, or, in a case falling within paragraph (b) of subsection (1) of this section, within three months of the date of the notice by which the rights to remove the remains are granted to him by the Council, or, if application shall have been made to the registrar under paragraph (b) of this subsection, within three months after the making of an order under that paragraph, the rights conferred on or granted to him under subsection (1) of this section (as the case may be) shall cease to be exercisable.

(4) Upon the reinterment of any remains under this section, a certificate of reinterment shall be sent to the Registrar General by the Council giving the date of reinterment and identifying the place from which the remains were removed and the place in which they were reinterred.

PART II  
—cont.

(5) (a) Any tombstone relating to the remains of any deceased person removed under this section being a tombstone which is not removed and re-erected in accordance with the provisions of sub-paragraph (ii) of paragraph (a) of subsection (3) of this section shall be offered by the Council to the bishop for re-erection or disposal as he thinks fit, and—

- (i) if accepted by him shall be so re-erected or disposed of at the expense of the Council;
- (ii) if not accepted by him, shall be broken and defaced before being disposed of in such manner as the Council think fit.

(b) Where the Council consider that by reason of its ruinous condition any tombstone to which this subsection applies is unsuitable for re-erection, it may be disposed of in such manner as the Council think fit.

(6) The Council shall cause a record to be made of each tombstone removed under this section containing—

- (i) a copy of any legible inscription thereon; and
- (ii) a statement of the place, if any, where it has been re-erected;

and shall deposit a copy of the record with the Registrar General.

(7) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the borough of Tower Hamlets.

(8) The reasonable expenses incurred by any person on whom rights are conferred or to whom rights are granted in pursuance of subsection (1) of this section in removing and reintering the remains in a grave and in removing and re-erecting at the place of reinterment (or otherwise disposing of) any tombstone relating thereto shall be paid by the Council, but the amount for which the Council shall be liable under this subsection shall not exceed one hundred pounds and they shall be entitled to set off the amount so paid against the amount of any compensation to which such person is entitled under subsection (2) of section 5 (Discontinuance of burials) of this Act.

Preservation  
of records.

14. As soon as reasonably practicable after the winding up of the company the directors shall transfer all the registers of graves and of burials within the Tower Hamlets lands, and all other records, plans, books and documents in their possession relating to those lands, to the Council who shall carefully preserve the same and shall from time to time on payment of their reasonable charges give such extracts therefrom as may be required, and the certificate of any officer of the Council designated by the Council

for the purposes of this section that such extracts are correct shall have the same validity as the certificate of the registrar of births, deaths and marriages.

PART II  
—cont.

15. The council of the borough of Tower Hamlets may make such contributions as may from time to time be agreed between them and the Council towards any expenses incurred by the Council in connection with the acquisition, improvement, laying out and maintenance of the Tower Hamlets lands.

Power to Tower Hamlets borough council to make contributions.

16.—(1) In this section—

For protection of Commonwealth War Graves Commission.

“ the Commission ” means the Commonwealth War Graves Commission;

“ the Deed of Grant ” means the deed dated the 2nd day of March, 1927, whereby the company granted to the Commission certain exclusive rights as therein set forth;

“ the Secretary of State ” means the Secretary of State for the Home Department;

“ the war memorial ” means the Cross of Sacrifice and Screen Wall erected by the Commission on the Tower Hamlets lands for the permanent commemoration of certain Commonwealth war burials together with the land forming the site of the war memorial as the same is delineated in red on the plan or drawing annexed to the Deed of Grant.

(2) The Commission shall at all times be entitled to the benefit of and title to the exclusive rights granted to the Commission in respect of the war memorial as set forth under or by virtue of the provisions of the Deed of Grant and in the event of the purchase by the Council of the Tower Hamlets lands the Council shall, subject to the provisions of paragraph (a) of subsection (3) of this section, observe and be bound by the provisions of the Deed of Grant as if the Council had been named therein as the grantor thereof.

(3) In the event of the purchase by the Council of the Tower Hamlets lands pursuant to the provisions of section 6 (Purchase of lands, etc., by agreement) of this Act, then—

(a) notwithstanding the provisions of the Deed of Grant the Council shall maintain the war memorial:

Provided that—

(i) such maintenance shall be carried out to the reasonable satisfaction of the Commission;

(ii) the Commission may at any time give not less than one month's notice in writing to the Council that it desires to be responsible for such maintenance and thereupon, on the expiry of such notice, the

PART II  
—cont.

obligation of the Council for such maintenance shall cease and determine but without prejudice to any other obligation of the Council under or by virtue of the provisions of this section or of the Deed of Grant;

(iii) if the Commission so desires it shall be entitled at its own expense to alter or, with the agreement of the Council, to extend the war memorial at any time in accordance with plans submitted to and approved by the Council (such agreement or approval not to be unreasonably withheld), and the provisions of this subsection and of the Deed of Grant shall apply to the war memorial as so altered or extended;

(b) the Council shall ensure—

(i) that the lands adjacent to the war memorial are suitably maintained in consultation with the Commission;

(ii) that notwithstanding the provisions of subsection (2) of section 10 (As to use of lands and closing of parts thereof) of this Act, suitable means of access to the war memorial are provided and maintained to the reasonable satisfaction of the Commission;

(c) notwithstanding any of the provisions of this Part of this Act the Council shall when so requested by the Commission and in accordance with such arrangements and in such manner (including the disposal of the tombstone) as shall be agreed in writing by the Commission remove any tombstone placed or erected by the Commission in the Tower Hamlets lands over any grave in which there is a Commonwealth war burial;

(d) upon the removal in pursuance of any of the powers of this Act of any tombstone in the Tower Hamlets lands from any grave in which there is a Commonwealth war burial no other memorial shall be placed or erected over such grave;

(e) any Commonwealth war burial in any grave in the Tower Hamlets lands shall at all times be protected from interference or disturbance except—

(i) in the circumstances referred to and in accordance with the provisions of subsection (4) of this section or the provisions of section 13 (Right of reinterment) of this Act; or

(ii) where authorised by a licence granted by the Secretary of State after prior notification to the Commission of the application for the licence;

and no structure or erection shall at any time be placed or erected over any Commonwealth war burial in the Tower Hamlets lands.



(4) In the event of the exercise by the Council of the powers of section 12 (Removal of human remains) of this Act then—

PART II  
—cont.

- (a) the Council shall not later than the date upon which any such notice as is referred to in paragraph (a) of subsection (2) of the said section 12 is first published in a newspaper circulating in Greater London serve a copy of such notice upon the Commission; and
- (b) if it is agreed between the Council and the Commission that, in relation to any work proposed to be carried out by the Council on any part of the Tower Hamlets lands, there is no practicable alternative other than for a Commonwealth war burial to be removed, then subject to the Council complying with the provisions of the said section 12 the removal of the remains shall be carried out in accordance with such arrangements and to such place of reinterment as shall be agreed between the Commission and the Council and any personal representative or relative who has given a notice to the Council in accordance with the provisions of subsection (3) of that section:

Provided that in default of agreement between the parties for any of the purposes of this paragraph any difference shall be referred to the Secretary of State for determination and effect shall be given thereto accordingly.

### PART III

#### OPEN SPACES

17. Subsection (1) of section 42 (Facilities for public recreation) of the London County Council (General Powers) Act, 1935, shall have effect subject to the following amendments:—

Extension of powers to provide facilities in open spaces. 1935 c. xxxiii.

- (a) in sub-paragraph (i) of paragraph (a) for the words “open air baths and pools” there shall be substituted the words “baths and pools (whether open air or indoor)”;
- (b) in sub-paragraph (iii) of the said paragraph (a) for the words “and greens for any game or recreation or for athletics” there shall be substituted the words “greens and such other open air facilities as the local authority think fit for any form of recreation whatsoever (being facilities which the local authority are not otherwise specifically authorised to provide under this or any other enactment)”;

PART III  
- cont.

(c) after sub-paragraph (vi) of the said paragraph (a) there shall be inserted the following two new sub-paragraphs:—

“ (vii) indoor facilities for any form of recreation whatsoever;

(viii) centres and other facilities (whether indoor or open air) for the use of clubs, societies or organisations whose objects or activities are wholly or mainly of a recreational, social or educational character; ”;

(d) after paragraph (iii) of the proviso to the said subsection (1) there shall be inserted the following new paragraph:—

“ (iv) in exercising their powers under sub-paragraphs (vii) and (viii) of paragraph (a) of this subsection a local authority shall satisfy themselves that they have not unfairly restricted the space available to the public for recreation in the open air in any open space.”.

Amendment  
of Act of  
1963.

18. In paragraph (b) of subsection (1) of section 58 of the Act of 1963 after the words “ vested in ” there shall be inserted the words “ or under the control and management of ”.

## PART IV

## PLACES OF PUBLIC ENTERTAINMENT, ETC.

Council may  
act as agents  
for lord  
chamberlain.

19.—(1) The Council may, on such terms and conditions as may be agreed between them and the lord chamberlain, undertake as agents of the lord chamberlain the performance of such duties in connection with any functions exercisable by him in Greater London by virtue of—

(i) the Act of 1843 (other than sections 12 to 15 thereof); or

(ii) subsection (1) of section 7 of the Cinematograph Act, 1909;

1909 c. 30.

as may be so agreed.

(2) The Council may defray any expenditure incurred by them in connection with the performance of such duties, and in performing such duties may exercise such powers as are exercisable by the lord chamberlain in connection with his said functions as may be expedient for the purpose.

Powers of  
entry.

20.—(1) Any person acting on behalf of the Council and duly authorised in that behalf may, on producing if so required some duly authenticated document showing his authority, at all

reasonable times enter on any land and inspect or survey the land or any premises comprised therein for any purpose in connection with the carrying out of—

- (a) functions exercisable by the Council under the Act of 1843; or
- (b) any duties exercisable by them in pursuance of an agreement entered into under subsection (1) of the last foregoing section.

(2) If it is shown to the satisfaction of a justice of the peace on sworn information in writing—

- (a) that admission to any land which any person is entitled to enter under this section has been refused to that person, or that refusal is apprehended, or that the occupier is temporarily absent, or that the case is one of urgency, or that an application for admission would defeat the object of the entry; and
- (b) that there is reasonable ground for entry upon the land for the purpose for which entry is required;

the justice may by warrant under his hand authorise that person to enter the land, if need be by force, and such warrant shall continue in force until the purpose for which the entry is required has been satisfied:

Provided that such a warrant shall not be issued unless the justice is satisfied either that notice of the intention to apply for a warrant has been given to the occupier, or that the occupier is temporarily absent, or that the case is one of urgency, or that the giving of such a notice would defeat the object of the entry.

(3) Any person who wilfully obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and shall for every such offence be liable on summary conviction to a fine not exceeding twenty pounds.

**21.**—(1) No premises described in Schedule 1 to this Act, whether or not licensed for the sale of intoxicating liquor or for any other purpose, shall be used on or after 1st January, 1967, for the purposes of a public exhibition or any other public display of the like kind (not being a public contest, exhibition or display of boxing or wrestling or a cinematograph exhibition within the meaning of the Cinematograph Acts, 1909 and 1952) except under and in accordance with the terms of a licence (hereafter in this section referred to as an “exhibition licence”) granted by the Council in pursuance of the provisions of this section. Licensing of public exhibitions, etc.

(2) The provisions of sub-paragraphs (2) to (5) of paragraph 1 and paragraphs 2, 3, 7 to 12 and 17 to 19 of Schedule 12 to the Act of 1963 shall apply in relation to an exhibition licence as they

PART IV  
—cont.

apply in relation to a licence under paragraph 1 of that schedule, and for the purposes of such application any reference in those provisions to an “occasional music licence” shall be deemed to be a reference to an “occasional exhibition licence”, any reference to “premises” shall be deemed to be a reference to the premises described in Schedule 1 to this Act and any reference to an “entertainment” shall be deemed to include a reference to a public exhibition or any other public display of the like kind.

(3) (a) The Secretary of State may from time to time, by order (which shall be subject to special parliamentary procedure) made after consultation with the Council, the borough council in whose borough the premises to which the order relates are situate and with such other persons as he thinks fit, amend Schedule 1 to this Act so as to—

- (i) add thereto premises (other than those mentioned by name in sub-paragraph (6) of the said paragraph 1) which at the time of the making of the order are not included therein;
- (ii) alter the description therein of any premises; or
- (iii) remove any premises included therein;

and any order made under this subsection may be varied or revoked by a subsequent order made subject to the like conditions.

(b) In this subsection “borough council” includes the common council and “borough” shall be construed accordingly.

Extension of provisions for protection against fire in certain buildings.

**22.**—(1) Subject to the provisions of this section, as from the passing of this Act the provisions of section 34 (Protection against fire in certain new buildings) of the Act of 1939 shall apply to any new building or part thereof, and those of section 35 (Protection against fire in certain old buildings) of that Act shall apply to any old building or part thereof, being in either case a building or part of a building in respect of which as a place of entertainment a licence is required from the lord chamberlain or the Council for that purpose, and accordingly—

- (a) Part V (Means of escape in case of fire) of the Act of 1939 in its application to such a building or part thereof shall have effect as if in paragraph (a) of the definition of “new building” in subsection (1) of section 33 (Interpretation of Part V) of that Act for the words “commencement of this Act” there were substituted the words “passing of the Greater London Council (General Powers) Act, 1966,” and the definition in that subsection of “old building” shall be construed accordingly;
- (b) paragraph (A) of proviso (ii) to subsection (1) of the said section 34 and proviso (ii) to subsection (1) of the said section 35 are hereby repealed.

(2) Notwithstanding anything in the foregoing subsection, where a licence granted by the lord chamberlain or the Council is in force authorising the use of any building or part of a building as a place of public entertainment, and while such building or part is in use for the purpose authorised by that licence, any requirements of the licence which relate to means of escape in case of fire shall have effect to the exclusion of any requirements that may have been imposed in relation to such building or part under the said section 34 or the said section 35.

PART IV  
—cont.

PART V  
FINANCIAL PROVISIONS

23.—(1) In this section—

“ the Act of 1948 ” means the Local Government Act, 1948;

“ approved duty ” has the same meaning as in section 115 of the Act of 1948.

Allowances to  
members of  
Council, etc.

1948 c. 26.

(2) The following provisions of this section shall have effect whilst any resolution of the Council is for the time being in force for that purpose.

(3) A member of the Council shall be entitled to receive an allowance to be paid by the Council at such a rate as shall be determined by the Council, but which shall not exceed such as may be prescribed, in respect of any period during which he performs any approved duty as a member of the Council, and different rates may be prescribed for different periods.

(4) Where a member of the Council is entitled to receive an allowance under this section in respect of any period during which he performs any approved duty as a member of the Council, he shall not be entitled to any payment in respect of that period—

(a) by way of financial loss allowance under section 112 of the Act of 1948; or

(b) by way of subsistence allowance under section 113 of the Act of 1948.

(5) For the purposes of paragraph (a) of subsection (1) of section 59 of the Act of 1933 a member of the Council in receipt of an allowance under this section shall not thereby be regarded as holding a paid office or other place of profit in the gift or disposal of the Council or of any committee thereof.

(6) For the purposes of this section a member of a committee or sub-committee of the Council shall be deemed to be a member of the Council.

(7) Nothing in subsection (3) of section 114 of the Act of 1948 shall prejudice or affect the power of the Council to pay allowances in accordance with the provisions of this section.

PART V  
—cont.

(8) Subsection (4) of section 114 and section 117 of the Act of 1948 shall have effect as if references therein to Part VI of the Act of 1948 included references to this section and, in its application for the purposes of this section, paragraph (a) of subsection (1) of the said section 117 shall have effect as if for the words “ any one period of twenty-four hours ” there were substituted the words “ any appropriate period ”.

Council may make contributions to borough councils and common council.

24.—(1) The Council may make any contribution they think fit to expenditure incurred by a borough council in connection with any of the following matters:—

- (a) the provision by the borough council of housing accommodation if in consideration of the making of the contribution the Council are given a right to nominate tenants for such accommodation;
- (b) the acquisition by the borough council (otherwise than under Part V of the Act of 1962, or the provisions of Part VIII of that Act relating to purchase notices) of land used for the purposes of an industrial or commercial undertaking in any case where the existing user of the land is not in conformity with the Greater London development plan or (until such date as the said plan becomes operative) with the initial development plan for Greater London if the acquisition of the land will—
  - (i) facilitate a use of the land which is in conformity with whichever of such plans is then operative; or
  - (ii) secure or assist in securing the removal of the whole or part of the undertaking from Greater London;
- (c) (i) works for the improvement of any highway (other than a trunk road or a metropolitan road);
- (ii) traffic signs on or near to any such highway;
- (iii) street lighting for any such highway;
- (iv) parking places on any such highway; or
- (v) bollards or other obstructions in the carriageway of any such highway;

where such works, traffic signs, street lighting, parking places, bollards or other obstructions (as the case may be) facilitate the discharge of the duty imposed upon the Council by subsection (2) of section 9 of the Act of 1963.

(2) Where an amount equal to the expenditure to which any contribution is made under paragraph (a) or paragraph (b) of the foregoing subsection falls to be debited to the housing revenue

account of a borough council, the borough council shall carry to the credit of the account, in addition to the amounts which they are required to carry to the credit of that account under the Fifth Schedule to the Housing (Financial Provisions) Act, 1958 c. 42, 1958, an amount equal to the said contribution.

PART V  
—cont.

(3) The powers of the Council to make contributions under this section shall be in addition to and not in derogation of their powers to make contributions under any other enactment.

(4) In this section “borough council” includes the common council.

25.—(1) In addition to the modes of borrowing prescribed by section 196 of the Act of 1933, the Council may raise money—

(a) for any purpose for which the Council are authorised to borrow by Schedule 2 to the Act of 1963 and any annual money Act; or

(b) in anticipation of the receipt of revenues, for any purpose for which the revenues of the Council may properly be applied;

Power to Council and borough councils to raise money by issue of bills.

by means of bills (to be called “Greater London bills” and in this section referred to collectively as “bills” and separately as “a bill”) subject to and in accordance with the following provisions:—

(i) a bill shall be in the form prescribed by regulations made under this section and shall be for the payment of the sum named therein in the manner and at the date therein mentioned, being a date not more than twelve months from the date of the bill:

(ii) a bill shall entitle the holder thereof to payment at maturity of the sum expressed in the bill to be payable:

(iii) bills may be offered for purchase by tender in such manner and on such conditions as the Council may determine:

(iv) bills shall be issued under the authority of a resolution passed by the Council, and shall bear the signature of the treasurer to the Council or of some other person authorised by the Council:

(v) the Council may make regulations providing for—

(a) the preparation and form and the mode of issue, payment and cancellation of bills;

(b) the issue of a new bill in lieu of one defaced, lost or destroyed;

PART V  
—cont.

(c) the prevention, by the use of counterfoils or of a special description of paper or otherwise, of fraud in relation to bills; and

(d) the giving of a proper discharge on the payment of a bill:

- (vi) the amount of money received in respect of a bill shall be deemed to be principal money raised by means of the bill and the difference between the amount payable in respect of a bill and the amount received in respect thereof shall be deemed to be interest on the principal money so raised:
- (vii) the aggregate amount payable on bills current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due in order to pay off the last-mentioned bills) exceed the sum of twenty-five million pounds:
- (viii) subject to the provisions of the last preceding paragraph the Council may renew a bill at maturity:
- (ix) the Council may borrow for the purpose of repaying the principal money raised by bills but except as aforesaid any power of the Council to borrow shall be suspended to the extent of the amount which has been raised by the issue of bills.

(2) The provisions of subsection (1) of this section shall apply to a borough council as they apply to the Council but subject to the following and any other necessary modifications:—

- (a) for references to the Council there shall be substituted references to a borough council;
- (b) for paragraph (a) of that subsection there shall be substituted the following paragraph:—  
“ (a) for any purpose for which the consent of the sanctioning authority within the meaning of the Act of 1933 has been obtained; or ”;
- (c) any bills issued by a borough council shall be called “ London borough bills ” with the addition of the name of the particular borough concerned;
- (d) for paragraph (vii) there shall be substituted the following paragraph:—  
“ (vii) (A) the aggregate amount payable on bills issued by the borough councils and current at any one time shall not (except by the amount payable on bills issued shortly before any other bills fall due



in order to pay off the last-mentioned bills) exceed the sum of thirty million pounds, and the amount payable on bills issued by each borough council and current at any one time shall not (except as aforesaid) exceed such amount as shall be fixed by a scheme which shall have been drawn up by an association or committee representative of the borough councils and shall have been approved by the borough councils or in default of approval settled by the Treasury;

PART V  
—cont.

(B) the scheme as submitted to the borough councils for approval shall be accompanied by a notice—

(a) stating that any borough council may by notice to the Treasury object to the scheme;

(b) specifying the period (not being less than two months) within which any such objection must be made;

(C) if within the period specified in the notice accompanying the scheme no notice of objection is received by the Treasury from any borough council the scheme shall be deemed to have been approved by the borough councils and to have come into force on the last day of the period so specified but if within that period notice of objection is received by the Treasury from any borough council the scheme shall be deemed not to have been approved and shall accordingly be settled by the Treasury;

(D) any scheme made under this paragraph may be varied or revoked by a subsequent scheme made in the like manner and subject to the like conditions.”

## PART VI

### EXTENSIONS OF TIME

26.—(1) The period now limited by the London County Council (General Powers) Act, 1963, for the exercise by the Council of powers for the compulsory purchase of lands in the city of Westminster for the purposes of—

Extension of time for compulsory purchase of lands by Council.  
1963 c. xvii.  
1939 c. ci.

(a) the London County Council (Improvements) Act, 1939; and

(b) paragraph (a) of subsection (1) of section 5 (Power to acquire lands) of the London County Council (General Powers) Act, 1957;

1957 c. xxxv.

is hereby further extended until 1st October, 1969.

PART VI  
—cont.

(2) The period limited by the Improvements Act of 1963 for the exercise by the Council of powers for the compulsory purchase of lands in the royal borough of Kensington and Chelsea, the city of Westminster and the borough of Greenwich for the purposes of section 5 (Power to acquire lands) of that Act is hereby extended until 1st October, 1969.

(3) Notwithstanding anything in subsection (1) or subsection (2) of this section, if, at any time before 1st January, 1969, the owner or lessee of any land to which either of those subsections relates gives to the Council notice in writing requiring them forthwith to decide whether or not they will proceed with the purchase of his estate or interest in any such land which is specified in the notice, the powers referred to in the said subsection (1) or the said subsection (2) (as the case may be) shall not extend so as to enable the Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified, or in any part of such land, in pursuance of a notice to treat served later than six months after the receipt by the Council of the first-mentioned notice.

(4) If the Council give notification in writing to the owner or lessee of any land, being land to which this section relates and which is specified in the notification, that they do not intend to proceed with the purchase of the estate or interest of such owner or lessee in the land so specified, the powers referred to in this section, so far as they authorise the compulsory purchase of such estate or interest, shall cease forthwith.

Extension of  
time for  
completion of  
works by  
Council.  
1938 c. lxxxi.

27. The period now limited by the Act of 1961 for the exercise of powers conferred by—

- (a) the London County Council (Tunnel and Improvements) Act, 1938, for the execution of works in the boroughs of Tower Hamlets and Greenwich authorised by Part III of the said Act of 1938; and
- (b) the Act of 1961 for the execution of works in the boroughs of Wandsworth and Camden authorised by Part III of the Act of 1961;

is hereby extended, or further extended, until 1st October, 1971.

Extension of  
time for  
completion  
of works by  
Lambeth  
Council.

28. The period limited by the Act of 1961 for the completion by the Lambeth Council of the subway and works in connection therewith authorised by Part V of the Act of 1961 is hereby extended until 1st October, 1971.

PART VII

OFFENCES IN CONNECTION WITH EXCAVATIONS AND BUILDING OPERATIONS

29. In this Part of this Act—

Interpretation  
of Part VII.

“excavation” includes the demolition of any part of a building or structure situate below ground level;

“highway maintainable at the public expense”, “owner” and “street” have the same meanings as in the Act of 1959;

“metropolitan road” means any such highway as is referred to in subsection (1) of section 17 of the Act of 1963.

30.—(1) This section applies to any excavation made after the passing of this Act on any land in a borough within 30 feet from any highway maintainable at the public expense where any part of the excavation will, within the said distance of 30 feet, meet a plane drawn downwards in the direction of the excavation at an angle of 45 degrees to the horizontal from the line formed by the intersection of the plane of the level of the base of the foundations of the highway with the vertical plane of the boundary of the highway nearest to the excavation, but does not apply to any excavation made in, or for the purpose of, the carrying out of any undertakers' works which are regulated by the Public Utilities Street Works Act, 1950.

Excavations  
near  
highways.

1950 c. 39.

(2) Any person who makes, or executes works for the making of, an excavation to which this section applies shall take, in connection with the making of the excavation, or the execution of such works, such steps as may be necessary to prevent the withdrawal of support (whether vertical or lateral) for the highway, and if the making of any such excavation, or the execution of works for the making of any such excavation, causes the withdrawal of support as aforesaid for the highway so that, for the purpose of removing danger so caused, it is reasonably necessary to restrict or prohibit the use of the highway by pedestrians or vehicles, or by vehicles of any particular class or description (not being vehicles of excessive weight to which section 62 of the Act of 1959 applies), the person responsible for the making of the excavation or the execution of such works as aforesaid shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section.

(3) Subject to the provisions of section 34 (Exemption of owner from liability on conviction of actual offender) of this Act, for the purposes of this section, the owner of the land on which an

PART VII  
—cont.

excavation is made shall be taken as being the person responsible for the making of the excavation or the execution of works for the making of the excavation.

(4) In any proceedings for an offence under this section it shall be a defence to prove that all practicable steps were taken to prevent the withdrawal of support.

Exemption  
for river  
authorities  
from last  
foregoing  
section.

31.—(1) The provisions of the last foregoing section shall not apply to an excavation made by a river authority for the purpose of any of their functions and in respect of which the following conditions are fulfilled:—

- (a) not less than 28 days before commencing the excavation plans are submitted by the river authority to the highway authority for their reasonable approval;
- (b) the excavation is not commenced until the plans have been approved in writing by the highway authority or settled by arbitration:

Provided that if the highway authority do not within 28 days after the submission to them of any such plans signify to the river authority concerned in writing their disapproval thereof they shall have been deemed to have approved thereof; and

- (c) the excavation is carried out in accordance with the plans approved, deemed to have been approved or settled by arbitration.

(2) Any question between a highway authority and a river authority which pursuant to the foregoing subsection is to be settled by arbitration shall be referred to and determined by a single arbitrator to be appointed by agreement between the parties or in default of agreement to be appointed by the President of the Institution of Civil Engineers on the application of either party after giving notice in writing to the other.

(3) In this section—

“ plans ” includes sections and particulars; and

“ river authority ” includes the Conservators of the river Thames, the Lee Conservancy Catchment Board and any drainage authority within the meaning of the Land Drainage Act, 1930.

1930 c. 44.

Building  
operations  
affecting  
public safety.

32.—(1) This section applies to building operations, being operations for the construction, repair or demolition of any building or structure, carried out on land in a borough.

(2) Any person who, after the passing of this Act, carries out building operations to which this section applies shall secure that

the operations are so carried out as to cause no danger to persons in any street or in any other public place, and if in the course of the carrying out of such building operations there is any accident which gives rise to the risk of serious bodily injury to a person in a street or other public place, whether or not serious bodily injury is caused thereby, or which, but for the taking by or on behalf of the borough council of steps to remove immediate danger under Part VII (Dangerous and neglected structures) of the Act of 1939, or section 25 of the Public Health Act, 1961 (as the case may be), would give rise to such risk, the person responsible for the part of the building operations in the course of the carrying out of which such accident happens shall, without prejudice to any obligation or liability to which he or any other person may be subject apart from this section, be guilty of an offence under this section. 1961 c. 64.

(3) Subject to the provisions of section 34 (Exemption of owner from liability on conviction of actual offender) of this Act, for the purposes of this section, the owner of the land or building on which building operations are carried out shall be taken as being the person responsible for those operations.

(4) In any proceedings for an offence under this section it shall be a defence to prove that all reasonably practicable steps were taken to secure that the building operations were carried out so as to avoid causing danger to persons in any street or in any other public place.

33.—(1) A person guilty of an offence under section 30 (Excavations near highways) or section 32 (Building operations affecting public safety) of this Act shall be liable, on conviction on indictment or on summary conviction, to a fine: Penalties and proceedings.

Provided that an offence under the said section 30 or the said section 32 shall not be punishable on summary conviction by a fine exceeding one hundred pounds.

(2) Proceedings for an offence under the said section 30 or the said section 32 may be brought—

(a) by the borough council in whose borough the highway to which the proceedings relate is situate or the accident happens (as the case may be); or

(b) without prejudice to the foregoing paragraph, by the Council in any case in which the proceedings relate to the withdrawal of support from a metropolitan road or to the happening of an accident in or on a metropolitan road or land vested in or under the control and management of the Council.

PART VII  
—cont.

Exemption of  
owner from  
liability on  
conviction of  
actual  
offender.

34.—(1) Where proceedings are brought for an offence under section 30 (Excavations near highways) or section 32 (Building operations affecting public safety) of this Act against the owner of any land or building, he shall be entitled, on information duly laid by him and on giving to the prosecution not less than three days' notice in writing of his intention to do so, to have brought before the court in the proceedings—

(a) any other person who has undertaken to be responsible—

(i) in the case of proceedings for an offence under the said section 30, for the making of the excavation in question or the execution of the works in question; or

(ii) in the case of proceedings for an offence under the said section 32, for the building operations or part thereof in question; or

(b) any other person who, by reason of the fact that he had in his charge or subject to his direction the making of the excavation, the execution of the works or the carrying out of the building operations or part thereof (as the case may be), ought to be taken to be responsible as aforesaid;

being the person whom the owner charges as the offender; and if after the commission of the offence has been proved the owner proves to the satisfaction of the court that the offence was committed without his consent, connivance or wilful default the owner shall not be guilty of the offence, and if it is proved that the offence was committed by the person whom the owner charges as the offender that person shall be convicted of the offence and shall, in the discretion of the court, be liable to pay any costs incidental to the proceedings.

(2) The prosecution as well as the person whom the owner charges as the offender shall have the right in any such case as aforesaid to cross-examine the owner, if he gives evidence, and any witnesses called by him in support of his charge and to call rebutting evidence.

(3) Where the Council or the borough council (as the case may be) are reasonably satisfied—

(a) that a person other than the owner has undertaken to be responsible, or ought to be taken to be responsible, as aforesaid and should be charged as the offender; and

(b) that the offence has been committed without the consent, connivance or wilful default of the owner;

they shall proceed against the person whom they consider to be the offender without first proceeding against the owner.

35.—(1) Where an offence under section 32 (Building operations affecting public safety) of this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

PART VII  
—cont.

Liability of  
directors, etc.

(2) In the foregoing subsection “director” in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by its members, means a member of that body.

36. Proceedings for an offence under section 8 (Excavations near streets) or section 9 (Building operations affecting public safety) of the City of London (Various Powers) Act, 1965, may be brought by the Council in any case in which the proceedings relate to a metropolitan road in the city, and, where any proceedings are brought by the Council in pursuance of the provisions of this section, section 10 (Exemption of owner from liability on conviction of actual offender) of the said Act of 1965 shall have effect as if for the words “the Corporation” in subsection (3) thereof there were substituted the words “the Greater London Council”:

Provisions  
relating to  
city.  
1965 c. xxxix.

Provided that nothing in this section shall be construed as limiting the powers of the common council to bring proceedings for an offence under the said section 8 or the said section 9.

## PART VIII

### MISCELLANEOUS AND SUPPLEMENTAL

37.—(1) In this section and in Schedule 2 to this Act unless the context otherwise requires—

Application of  
provisions  
relating to  
Wimbledon  
Common.  
1871-c. cciv.

“the Act of 1871” means the Wimbledon and Putney Commons Act, 1871;

“the conservators” means the Wimbledon and Putney Commons Conservators incorporated by the Act of 1871;

“Wimbledon Common” means the open spaces known as Wimbledon Common (including Wimbledon Green and Putney Heath) and Putney Lower Common.

PART VIII  
—cont.

(2) Notwithstanding anything contained in the Act of 1961 or the Improvements Act of 1963 or any other enactment, the provisions set out in Schedule 2 to this Act shall unless otherwise agreed in writing between the Council and the conservators apply to and in relation to—

- (a) the acquisition (whether before or after the passing of this Act) by the London County Council or the Council under the powers of the Act of 1961 or the Improvements Act of 1963 of any lands which at the date of the passing of the Act of 1961 or the Improvements Act of 1963 (as the case may be) formed part of Wimbledon Common; and
- (b) the lands conveyed or to be conveyed by the London County Council or the Council to the conservators in exchange for any of the lands referred to in paragraph (a) of this subsection; and
- (c) the parts of Roehampton Lane stopped up or to be stopped up under the powers of the Act of 1961 and the parts of the streets mentioned in Schedule 2 to the Improvements Act of 1963 and stopped up or to be stopped up under the powers of that Act.

Saving for town and country planning.

38. The provisions of the Act of 1962, and any restrictions or powers thereby imposed or conferred in relation to land, shall apply and may be exercised in relation to any land notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

Costs of Act.

39.—(1) Subject to any provision of the Act of 1963 or of any other enactment requiring expenses in connection with any functions of the Council to be chargeable otherwise than as expenses for general London purposes, all expenses of the Council in the execution of this Act shall be defrayed, as the Council may decide, as—

- (a) expenditure for general London purposes; or
- (b) expenditure for special London purposes chargeable on such part of Greater London as the Council may determine.

(2) So much of the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in section 28 (Extension of time for completion of works by Lambeth Council) shall be paid by the Lambeth Council.



## SCHEDULES

### SCHEDULE 1

PREMISES REQUIRING LICENCES FOR PUBLIC EXHIBITIONS OR OTHER Section 21.  
PUBLIC DISPLAYS OF THE LIKE KIND

1. Alexandra Palace, Wood Green, Haringey.
2. Central Hall, Tothill Street, City of Westminster, S.W.1.
3. Earls Court, Warwick Road, Kensington and Chelsea, S.W.5.
4. Olympia, Blythe Road and Hammersmith Road, Kensington and Chelsea, W.14.
5. Royal Festival Hall, South Bank, Lambeth, S.E.1.
6. The Royal Horticultural Halls, Vincent Square, City of Westminster, S.W.1.
7. Seymour Hall, Seymour Place, City of Westminster, W.1.

### SCHEDULE 2

PROVISIONS AS TO THE ACQUISITION OF LANDS WHICH FORM PART OF Section 37.  
WIMBLEDON COMMON, THE CONVEYANCE OF LANDS IN EXCHANGE AND  
THE STOPPING UP OF STREETS OR PARTS THEREOF

1. In this schedule unless the context otherwise requires—

“ Plan A ” and “ Plan B ” mean respectively the plans marked Plan A and Plan B and signed in duplicate by Emanuel Kelsey on behalf of the Council and by Arthur Armitt on behalf of the conservators;

“ the road improvements ” means the widening and diversion of Roehampton Lane and the widening of Kingston Road and the improvement of Tibbet’s Corner authorised by the Act of 1961 and the Improvements Act of 1963;

“ the blue land ” means the land coloured blue on Plan A having an area of about 3·492 acres;

“ the brown land ” means the land coloured brown on Plan B being land formerly used for allotments adjoining Barn Elms Park and having an area of about 6·612 acres;

“ the green land ” means the land coloured green on Plan A being land which at the date of the passing of this Act formed part of the Council’s Alton Housing Estate having an area of about 0·425 acres;

SCH. 2  
—cont.

“the mauve land” means the land coloured mauve on Plan B being land adjoining the Council’s Ranelagh Housing Estate at Barn Elms having an area of about 0·206 acres;

“the red land” means the land coloured red on Plan A being the land forming part of Wimbledon Common required by the Council for the road improvements and having an area of about 14·048 acres;

“the yellow land” means the land coloured yellow on Plan B being land including and adjoining Beverley Brook and having an area of about 3·313 acres.

2. The area of land forming part of Wimbledon Common required by the Council for the road improvements is the red land.

3. The Council shall, as soon as may be after the completion of the road improvements, stop up the parts of roads forming the blue land which will, in accordance with the provisions of the Act of 1961 and the Improvements Act of 1963, become vested in the conservators for addition to Wimbledon Common.

4. The Council shall, in addition, to the extent of any lands forming part of Wimbledon Common which are required by the Council for the purposes of the road improvements (after deducting therefrom the area of any parts of stopped up roads under paragraph 3 of this schedule), convey to the conservators for addition to Wimbledon Common as aforesaid and on such dates as may be agreed between the Council and the conservators—

- (a) the green land and demolish the fence wall between the green land and Portsmouth Road;
- (b) the brown land;
- (c) the yellow land;
- (d) the mauve land.

5. The Council shall to the reasonable satisfaction of the conservators (except so far as any necessary work may have been done before the passing of this Act)—

- (a) as regards the blue land break up and remove the existing road surfaces, lay top soil and grass as common lands;
- (b) as regards the brown land prepare and grass as common lands, remove the existing fencing along the southern boundary where it adjoins Putney Lower Common and suitably adjust the level of the escarpment along this boundary to a gentler slope and grass over so that pedestrian access may reasonably be obtained thereto from the adjoining Putney Lower Common;
- (c) construct a bank on Wimbledon Common adjoining the back line of the footpaths forming part of the road improvements where the existing or proposed levels will not provide a natural barrier, to prevent motor vehicles from being driven on to the common;

- (d) landscape and plant shrubs as necessary to prevent erosion and to restore to its existing state all common lands which will form part of new cuttings and embankments constructed in connection with the road improvements. Similarly landscape as existing any common lands adjacent to such works as may be disturbed thereby;
- (e) lay out the cuttings to the ramped approaches to the two equestrian subways as shown on Plan A with grass and shrubs, the conservators to be responsible for the maintenance of the ramped approaches but the Council to pay to the conservators a capital sum in respect thereof;
- (f) erect and maintain along the northern boundary of the yellow land where it adjoins lands in the ownership of the Council or the Surrey County Council, a suitable type of open fencing;
- (g) construct across Beverley Brook a vehicular bridge sufficient to carry tractors used by the conservators in connection with the maintenance of the common;
- (h) construct a gravel footpath 6 feet wide along the northern bank of Beverley Brook between the points marked D and E on Plan B, the conservators to have a right of way for pedestrians from point F across the existing bridge thereat to the northern side of the Brook;
- (i) prepare for cultivation and fence off a site of approximately 4 acres of Putney Lower Common adjoining the Putney Lower Common cemetery, for reinstatement of the allotments formerly on the brown land, and also provide a water supply;
- (j) deposit any soil resulting from the road improvements (other than such as is used for or in connection with the road improvements or for or in connection with the purposes of any of the provisions of this schedule) on Wimbledon Common in such position or positions as may be agreed between the Council and the conservators and grass any land so covered to a similar surface as the existing common; any trees buried during such operations to be replaced.

SCH. 2  
—cont.

6. The Council shall pay to the conservators as from the dates when the Council entered into possession of common land pursuant to the Act of 1961 or the Improvements Act of 1963 the reasonable cost or capitalised cost (as the case may be) of—

- (a) any necessary revision of the deposited plans and the deposited road maps within the meaning of the Act of 1871;
- (b) any private rate loss they may sustain as a result of the road improvements, as calculated under the Act of 1871;
- (c) the reasonable replacement of trees on Wimbledon Common (other than the replacement of trees under paragraph 10 of this schedule) destroyed in carrying out the road improvements on the basis that the conservators shall replace the

SCH. 2  
—cont.

trees with other trees of various species and ages in such proportions and at such time and in such numbers and positions as the conservators think fit, and shall where necessary stake and fence such replacements:

Provided that—

(i) in determining the number of trees required for such replacement regard shall be had to the loss of trees on replanting which it is reasonable to assume will occur as a result of natural causes or vandalism; and

(ii) the cost involved in such replacement shall be taken to be such amount as may be agreed by the Council before the replacement takes place or as, failing such agreement, shall be determined in accordance with sub-paragraph (b) of paragraph 14 of this schedule;

(d) employing one additional keeper for supervising the yellow lands;

(e) the additional maintenance (if any) not covered by sub-paragraph (d) of this paragraph of the yellow land over and above the normal maintenance cost of a comparable area of land forming part of the Lower Putney Common;

(f) additional administration.

7. The conveyance of the Beverley Brook which is a main sewer and vested in the Council by virtue of the Act of 1963 shall be subject to the Council's rights regarding the maintenance and cleansing thereof and similar matters under the provisions of the Act of 1963 or any subsequent Act amending or extending the same and any other relevant enactments. Access for all necessary purposes under these Acts shall be reserved to the Council.

8. The closing of the roads forming the blue land shall be subject to easements in respect of any mains, sewers or other services belonging to the Council, the council of the borough of Wandsworth or any statutory undertakers which it is necessary to retain thereunder. Such authorities shall have a right to carry out any repairs to or replacement of such mains, sewers or other services provided that the surface of the land be restored to its original state to the reasonable satisfaction of and without cost to the conservators.

9. The alternative allotments provided under paragraph 5 (i) of this schedule shall be retained by the allotment holders formerly on the brown land for a period of seven years from the 25th day of March, 1964, or until terminated by the death or voluntary act of any such allotment holders such land thereafter to revert to common land. To reduce the time of such reversion and to keep the land fully cultivated the conservators shall so manage the allotments that as and when ploholders give up possession the remaining holdings shall be adjusted so as to enable those on the periphery of the land to be discontinued and thrown into the common and the fencing shall be adjusted accordingly. The rent in respect of the licence to be granted to the allotment holders shall be a reasonable rent to be approved

by the Council and shall not exceed that which was required to be paid by them in respect of their allotments on the brown land at the date of their removal to the alternative allotments.

SCH. 2  
—cont.

10. During the construction of the road improvements, the Council shall take a licence from the conservators at a rent per annum to be agreed in respect of the contractors' area on the southwest side of Tibbet's Corner, such area being included in the limits of deviation on the plans deposited in connection with the Improvements Act of 1963. Such area shall be fenced off by the Council from Wimbledon Common to the reasonable satisfaction of the conservators. On completion of the road improvements, the fencing shall be removed and the area shall be restored by the Council to its existing condition as common land. Such trees as it may be necessary to destroy during the tenancy shall be replaced by trees approximately five years old at the expense of the Council. Such trees as can be retained shall be suitably protected from injury during the road improvements.

11. The Council shall not, except with the consent of the conservators previously obtained, exercise the powers conferred by section 10 (Power to use subsoil of streets) of the Improvements Act of 1963 in respect of any of the parts of streets on Wimbledon Common described in the Second Schedule to that Act.

12. The Hartley Memorial Obelisk shall be resited on another part of Wimbledon Common, if so required by the Council, in a position to be agreed between the parties.

13. If the reduction in extent of the common lands or the construction of the road improvements in the vicinity of "The Green Man" public house prevents the holding there of the annual fair or causes such fair to be held on a reduced scale, and if the conservators in consequence suffer financial loss, the Council shall pay to the conservators the capitalised sum which represents such loss.

14.—(a) Any difference which may arise between the Council and the conservators under or with reference to any of the provisions of this schedule (other than a difference as to the construction thereof or a difference under sub-paragraph (c) of paragraph 6 of this schedule) shall be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President for the time being of the Royal Institution of Chartered Surveyors.

(b) In the event of the conservators and the Council failing to reach agreement under sub-paragraph (c) of paragraph 6 of this schedule regarding the cost involved in replacement under that sub-paragraph, the question shall be referred to and determined by the Lands Tribunal who shall hear the case with the aid of an assessor, being a person who has had experience of or has special knowledge of forestry.



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# Greater London Council (General Powers) Act 1966

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