

ELIZABETH II



1972 CHAPTER xxxiii

An Act to make further provision for the local government, health and improvement of the Royal borough of Kensington and Chelsea; and for other purposes. [27th July 1972]

WHEREAS—

(1) The Royal borough of Kensington and Chelsea (hereinafter called “the borough”) is a London borough under the management and local government of the mayor, aldermen and burgesses of the borough (hereinafter called “the Corporation”):

(2) It is expedient to make further provision with reference to the local government, health and improvement of the borough:

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

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

1933 c. 51.
1963 c. 33.

(5) In relation to the promotion of the Bill for this Act the requirements of Part XIII of the Local Government Act 1933 as applied by the London Government Act 1963 have been observed:

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:—

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the Kensington and Chelsea Corporation Act 1972.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I.—Preliminary.
 Part II.—Registration of sleeping accommodation.
 Part III.—Miscellaneous and general.
- Interpretation. 3.—(1) In this Act the several words and expressions to which meanings are assigned by section 343 of the Public Health Act 1936 have the same respective meanings, unless there be something in the subject or context repugnant to such construction.
- 1936 c. 49.
- 1971 c. 78. (2) In this Act unless otherwise expressly enacted or unless the subject or context otherwise requires—
 “ the Act of 1971 ” means the Town and Country Planning Act 1971;
 “ the borough ” means the Royal borough of Kensington and Chelsea;
 “ contravention ” includes a failure to comply and “ contravene ” shall be construed accordingly;
 “ the Corporation ” means the mayor, aldermen and burgesses of the borough;
 “ the council ” means the council of the borough;
 “ enactment ” includes an enactment in this Act or in any public general or local Act or any order, byelaw, scheme or regulation for the time being in force within the borough;

(3) Except where the context otherwise requires any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by or by virtue of any enactment including this Act.

PART I
—cont.

PART II

REGISTRATION OF SLEEPING ACCOMMODATION

4. In this Part of this Act, “ specified purpose ” means—

Meaning of
“ specified
purpose ”.

(1) the provision of sleeping accommodation in a building or any part thereof for payment in circumstances where the relationship of landlord and tenant is not thereby created; or

(2) the provision of sleeping accommodation in a building or any part thereof for payment in circumstances where the relationship of landlord and tenant is thereby created, but where the total duration of the letting creating such relationship is, or is expected to be, less than twenty-two consecutive days;

but does not include the provision of sleeping accommodation in a building for payment for less than three persons.

5.—(1) The Corporation shall, subject to the provisions of section 8 (Refusal of registration) of this Act, compile and maintain a register, comprising a list of buildings to which this Part of this Act applies: Obligation to compile register.

Provided that the Corporation shall not include in the register a building other than one in respect of which an application has been made under section 7 (Applications for registration) of this Act.

(2) The buildings to which this Part of this Act applies are buildings in the borough which are, or are proposed to be, used for a specified purpose.

6. Registration of a building under this Part of this Act shall be in force for such period (to be stated on the register), being not less than three years, as the council may determine. Period of registration.

7.—(1) Application for registration or re-registration of a building under this Part of this Act may be made by any person who, by virtue of an estate or interest therein held by him, is entitled to possession thereof or who is concerned in the management of the building. Applications for registration.

PART II
—cont.

- (2) An application made under this section shall state—
- (a) the name and address of the applicant;
 - (b) the address of the building;
 - (c) the existing use of the building; and
 - (d) the name and address of any other persons known to the applicant to be the owners of the building or having such an interest as is mentioned in the foregoing subsection.

Refusal of
registration.

8.—(1) The Corporation may refuse to register a building under this Part of this Act on the grounds of—

- (a) loss of residential accommodation; or
- (b) the use or proposed use being inappropriate to the area:

Provided that the Corporation may not refuse to register—

- (a) a building which is at the passing of this Act being used for a specified purpose; or
- (b) a building in respect of which there is in force at the passing of this Act a justices' on-licence, the use of which for a specified purpose would not be in contravention of the provisions of the Act of 1971; or
- (c) a building the use of which for a specified purpose is not in breach of a current valid planning permission; or
- (d) a building already registered under this Part of this Act and in respect of which the application is for re-registration under section 7 (Applications for registration) of this Act at the expiry of a period of registration.

(2) If the Corporation do not notify the applicant of their refusal by serving a notice (together with a statement of the grounds of such refusal) on the applicant at his address as given on his application within sixty days of its receipt by the Corporation or within such longer period as may be agreed between the Corporation and the applicant they shall not be entitled to refuse registration of the building in respect of which the application was made and they shall forthwith register the building under this Part of this Act.

Appeals
under Part II
of Act.

9.—(1) Any person aggrieved by the refusal of the Corporation to register a building under this Part of this Act may appeal within twenty-eight days of notification of such refusal to the Secretary of State by notice in writing.

(2) On an appeal to the Secretary of State under this section he may either confirm or reverse the decision of the Corporation as he thinks fit and if he reverses the decision of the Corporation they shall forthwith register the building.

(3) The Secretary of State may cause such local inquiries to be held as he may consider necessary for the purpose of this section.

(4) Subsections (2) to (5) of section 290 of the Local Government Act 1933 shall apply in relation to any such inquiry.

1933 c. 51.

(5) Where the Corporation have refused to register a building under this Part of this Act a person who up to the time of the refusal was lawfully using that building for any purpose may use that building for that purpose until the time for appealing has expired or, if an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution.

10.—(1) After the appointed day no person who, by virtue of an estate or interest held by him in a building to which this Part of this Act applies, is entitled to possession thereof or who is concerned in the management of that building shall use that building for a specified purpose, unless the building is registered under this Part of this Act.

Prohibition
on providing
unregistered
accommoda-
tion.

(2) Any person who contravenes the provisions of the foregoing subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds and on a second or subsequent offence to a fine not exceeding two hundred pounds.

(3) In this section “the appointed day” means such day as may be fixed by resolution of the council subject to and in accordance with the provisions of this section.

(4) Different days may be fixed under this section for the purpose of the application of this Part of this Act to different parts of the borough.

(5) The Corporation shall cause to be published in a local newspaper circulating in the borough notice—

- (a) of the passing of any such resolution and of the day fixed thereby;
- (b) of the general effect of the provisions of this Part of this Act coming into operation as from that day; and
- (c) (if the resolution applies this Part of this Act to part of the borough) of the part of the borough to which the resolution applies;

and the day so fixed shall not be earlier than the expiration of three months from the date of publication of the said notice.

(6) Either—

- (a) a copy of any such newspaper containing any such notice; or
- (b) a photostatic or other reproduction certified by the town clerk of the borough to be a true reproduction of a

PART II
—cont.

page, or part of a page, of any such newspaper bearing the date of its publication and containing any such notice;

shall be evidence of the publication of the notice and of the date of the publication.

(7) It shall be lawful for any person who—

(a) immediately before the appointed day was using any building for a specified purpose; and

(b) had before the appointed day duly applied for registration under this Part of this Act;

to continue to use that building for that purpose until he is informed of the decision with regard to his application, and, if the decision is adverse, during such further time as is provided under section 9 (Appeals under Part II of Act) of this Act.

(8) (a) Where an offence under this section committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, 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 that offence and be liable to be proceeded against and punished accordingly.

(b) In this 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.

Application
of Develop-
ment of
Tourism Act
and Town
and Country
Planning Act.
1969 c. 51.

11. Nothing in this Part of this Act shall exempt any person from the provisions of any enactment, including the Development of Tourism Act 1969 and the Act of 1971 or any regulations or orders made thereunder.

PART III

MISCELLANEOUS AND GENERAL

Control
orders in
cases of
harassment.
1964 c. 56.

12.—(1) In its application to the borough, section 73 of the Housing Act 1964 (which relates to the making of a control order) shall have effect as if after paragraph (b) of subsection (1) there were added—

1965 c. 75.

“ or (c) if a person who is the owner of the house or any part thereof or his agent has been convicted of an offence under section 30 of the Rent Act 1965 in respect of that house or that part thereof, and the court, when convicting the person, has on the application of the prosecutor made a

recommendation that the Corporation should consider making a control order and it is expedient to make the control order in the interests of—

PART III
—cont.

- (i) the occupier of the premises in respect of which the offence was committed; or
- (ii) good management of the land on which those premises are situate.”

(2) Where a control order has been made under paragraph (c) of subsection (1) of section 73 of the Housing Act 1964, the grounds of appeal against the order under section 82 of the said Act of 1964 shall instead of including ground (a) include the ground that the circumstances required under paragraph (c) of subsection (1) of the said section 73 do not exist. 1964 c. 56.

(3) Section 63 of the Housing Act 1969 shall not apply to a control order made under the said section 73 by virtue of this section. 1969 c. 33.

13.—(1) Where an authorised officer of the Corporation has reasonable cause to believe that a person has committed an offence under an enactment to which this section applies, he may on production (if so required) of his authority require the person to give his name and address. Power to require name and address in certain circumstances.

(2) A person who fails to comply with a requirement under the foregoing subsection shall be guilty of an offence and shall be liable to a fine not exceeding ten pounds.

(3) The enactments to which this section applies are—

- (a) section 1 of the Litter Act 1958; 1958 c. 34.
- (b) section 19 of the Civic Amenities Act 1967, 1967 c. 69.
- (c) any byelaw made by the council under section 249 of the Local Government Act 1933 relating to the fouling of footways by dogs. 1933 c. 51.

14. The written consent of the Attorney-General shall be requisite for the taking of proceedings in respect of an offence created by or under this Act by any person other than a party aggrieved or the Corporation. Restriction on right to prosecute.

15. Section 265 of the Public Health Act 1875 shall apply to the Corporation as if any reference in that section to the said Act of 1875 included a reference to this Act and as if any reference in that section to a member of a local authority included a reference to a member of a committee or a sub-committee of a local authority. Protection of members and officers of Corporation from personal liability. 1875 c. 55.

PART III
—*cont.*

Application
of general
provisions
of Public
Health Act
1936.
1936 c. 49.

16.—(1) The sections of the Public Health Act 1936 mentioned in Part I of the Schedule to this Act shall have effect as if references therein to that Act included a reference to this Act.

(2) The section of the Public Health Act 1936 mentioned in Part II of the said schedule shall have effect as if references therein to that Act included a reference to Part II (Registration of sleeping accommodation) of this Act.

Costs of
Act.

17.—(1) The costs, charges and expenses preliminary to and of and incidental to applying for and preparing, obtaining and passing this Act, shall be paid by the Corporation and the Corporation shall have power without the consent of any sanctioning authority to borrow the sum required for the payment thereof and shall repay the sum so borrowed within such period as they may determine not exceeding ten years from the date of borrowing.

1933 c. 51.

(2) The provisions of Part IX of the Local Government Act 1933 so far as they are not inconsistent with this Act shall extend and apply to money borrowed under this section as if it were borrowed under the said Part IX and the period fixed under this section for the repayment of the money borrowed shall as respects that money be the fixed period for the purpose of the said Part IX.

SCHEDULE

Section 16.

SECTIONS OF PUBLIC HEALTH ACT 1936 APPLIED

1936 c. 49.

PART I

SECTIONS APPLIED TO THIS ACT

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286	Proof of resolutions, &c.
288	Penalty for obstructing execution of Act.
296	Summary proceedings for offences.
297	Continuing offences and penalties.
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328	Powers of Act to be cumulative.

PART II

SECTION APPLIED TO PART II

Section	Marginal note
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Kensington and Chelsea Corporation Act 1972

CHAPTER xxxiii

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PART III

MISCELLANEOUS AND GENERAL

Section

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16. Application of general provisions of Public Health Act 1936.
17. Costs of Act.

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applied—

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