

London County Council (General Powers) Act, 1957

5 & 6 ELIZ. 2 Ch. xxxv

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*London County Council
(General Powers) Act, 1957*

Ch. xxxv.



CHAPTER xxxv

An Act to confer further powers upon the London County Council and other authorities and for other purposes. [31st July 1957.]

WHEREAS—

(1) It is expedient that the London County Council (hereinafter referred to as “the Council”) should be empowered to execute the works described in Part III of this Act and to acquire for that purpose and the other purposes mentioned in Part II of this Act certain lands in the city of Westminster described or referred to in this Act respectively as “the Strand lands” and “the Horseferry Road lands”:

(2) It is expedient that the mayor aldermen and councillors of the city of Westminster (hereinafter referred to as “the Westminster Council”) should be empowered to use for the purposes of section 113 of the Public Health (London) Act 1936 certain land in the said city described or referred to in this Act as “the Caxton Street land”:

(3) Certain land in the metropolitan borough of Bermondsey known as Saint Mary’s Recreation Ground is vested in the mayor aldermen and councillors of that borough (hereinafter referred to as “the Bermondsey Council”) as a public open space and it is expedient that the Bermondsey Council should be empowered to transfer to the incumbent of the benefice of the parish of Saint Mary Magdalen with Saint Olave and Saint John Bermondsey part of that public open space in exchange for certain other land to be held and used for the purpose of and as an addition to the said public open space:

(4) The lands hereinbefore referred to or some part or parts of them are disused burial grounds within the meaning of the Disused Burial Grounds Act 1884 and it is expedient that the

restrictions imposed by that Act on those lands should cease to apply thereto so as to permit those lands to be used for the respective purposes hereinbefore mentioned:

(5) The time limited by certain enactments for the compulsory purchase of lands and the completion of certain works by the Council will shortly expire and it is expedient that the time so limited should be extended as by this Act provided:

(6) The Council maintain a superannuation and provident fund under the London Council (General Powers) Act 1891 as amended by subsequent enactments and the said fund is administered in accordance with the provisions of a scheme made thereunder and certain schemes in force under other enactments and it is expedient that provision should be made for the consolidation and amendment of such schemes:

(7) By the Thames River (Prevention of Floods) Acts 1879 to 1929 provisions were made for the purpose of protecting lands in the administrative county of London from floods and inundations caused by the overflow of the river Thames and it is expedient that such further provisions for that purpose should be enacted as in this Act provided:

(8) Provisions for the regulation of trading in streets are contained in the London County Council (General Powers) Act 1947 and it is expedient that such provisions should be amended as in this Act provided:

(9) It is expedient that the Council should be empowered to advance money to the purchaser or lessee of any land acquired from or leased by the Council for the purpose of assisting him to erect buildings on such land or to improve any existing building thereon:

(10) Provisions are contained in the London Government Act 1939 (hereinafter referred to as "the Act of 1939") empowering the Council to supply goods or materials to certain authorities and it is expedient that the said provisions should be extended so as to enable the Council to supply such goods or materials to other authorities:

(11) It is expedient that powers should be conferred on metropolitan borough councils enabling them to provide garage accommodation and to remove bottles from streets:

(12) It is expedient that metropolitan borough councils and the common council of the city of London should be empowered to make arrangements for the dissemination of information and advice relating to the promotion of safety in the home:

(13) It is expedient that the mayor aldermen and councillors of the metropolitan borough of Camberwell should be empowered to make up a certain street in that borough and that the Council should be empowered to contribute towards the cost thereof:

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

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

(16) An estimate has been prepared of the cost of carrying out the works to be executed by the Council under this Act and the acquisition of lands therefor and such estimate (being calculated to cover the original cost of purchasing lands and executing the works without any allowance in respect of returns from the resale or letting of lands) amounts to one million and sixty-seven thousand pounds:

(17) Plans and sections showing the lines and levels of the works to be executed by the Council under the powers of this Act such plans also showing the lands which may be acquired or used compulsorily for or in connection with the said works and plans showing the lands which may be acquired or used compulsorily by the Council for other purposes under the powers of this Act together with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of all those lands have been deposited with the clerk of the Council and are in this Act referred to respectively as the deposited plans the deposited sections and the deposited book of reference:

(18) 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 151 of the Act of 1939 and the Bermondsey Council and the Westminster Council (as respects the provisions of the Bill relating exclusively to those councils) have complied with the requirements of sections 151 and 152 of the Act of 1939 as amended by the London County Council (General Powers) Act 1948:

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 London County Council Short title. (General Powers) Act 1957.

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

- Part I.—Preliminary.
- Part II.—Lands.
- Part III.—Works.
- Part IV.—Extensions of time.

Division
of Act
into Parts.

PART I
—cont.

- Part V.—Superannuation.
 Part VI.—Prevention of floods.
 Part VII.—Regulation of street trading.
 Part VIII.—Miscellaneous.
 Part IX.—Supplemental.

Interpretation.

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

- “ the Act of 1845 ” means the Lands Clauses Consolidation Act 1845;
 “ the Act of 1919 ” means the Acquisition of Land (Assessment of Compensation) Act 1919;
 “ the Act of 1936 ” means the Public Health (London) Act 1936;
 “ the Act of 1939 ” means the London Government Act 1939;
 “ the Bermondsey Council ” means the mayor aldermen and councillors of the borough of Bermondsey;
 “ the Bermondsey signed plan ” means the plan “ A ” signed in triplicate by the Right Honourable the Lord Terrington the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and of which one copy has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the town clerk of the borough of Bermondsey;
 “ borough ” means a metropolitan borough and “ the borough ” means the metropolitan borough in relation to which the expression is used;
 “ borough council ” means the mayor aldermen and councillors of a borough and “ the borough council ” means the mayor aldermen and councillors of the borough in relation to which the expression is used;
 “ the Camberwell Council ” means the mayor aldermen and councillors of the borough of Camberwell;
 “ the Caxton Street land ” means the land situate on the south side of Caxton Street in the city of Westminster shown by pink colour on the plan “ B ” signed in triplicate by the Right Honourable the Lord Terrington the chairman of the committee of the House of Lords to whom the Bill for this Act was referred and of which one copy has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the town clerk of the city of Westminster;
 “ the commission ” means the British Transport Commission and any reference to the commission in relation to any

functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive;

“ the common council ” means the mayor aldermen and commons of the city of London in common council assembled;

“ the Council ” means the London County Council;

“ the county ” means the administrative county of London;

“ enactment ” means any enactment whether public general or local and includes any order rule regulation scheme or other instrument having effect by virtue of an enactment;

“ the Horseferry Road lands ” means the lands forming part of St. John’s Gardens situate on the south side of Horseferry Road in the city of Westminster delineated on the deposited plans and described in the deposited book of reference and therein numbered 33;

“ land ” or “ lands ” includes any interest in land and any easement or right in to or over land;

“ the Strand lands ” means the lands situate in the city of Westminster delineated on the deposited plans and described in the deposited book of reference and therein numbered 1 to 32 (inclusive);

“ the Strand subways ” means the subways and works in connection therewith authorised by Part III (Works) of this Act;

“ the tribunal ” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Act of 1919;

“ the Westminster Council ” means the mayor aldermen and councillors of the city of Westminster.

(2) Except as otherwise expressly provided in this Act or unless the context otherwise requires terms to which meanings are assigned by any enactment incorporated with or applied by this Act or which have in any such enactment special meanings have in and for the purposes of this Act the same respective meanings.

(3) Where in this Act (except in section 22 (Deviation from lines and levels) of this Act) any distance or length is stated in the description of any work the reference to that distance or length shall be construed as if the words “ or thereabouts ” were inserted after such distance or length.

(4) 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 subsequent enactment including this Act.

PART I
—cont.
Incorporation of Lands
Clauses Acts.

4. The Lands Clauses Acts except section 92 and sections 127 to 133 of the Act of 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

PART II

LANDS

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Council may enter upon take and use all or any part of the lands hereinafter referred to (that is to say):—

(a) such of the Strand lands as may be required for the purposes of the Strand subways and for other purposes of Part III of this Act;

(b) such of the Horseferry Road lands as may be required for the purpose of widening Horseferry Road.

(2) So much of the lands aforesaid as is consecrated land may be used by the Council for any of the purposes aforesaid specified in relation to that land without any faculty for that purpose and notwithstanding any obligation or restriction on the use of that land imposed under ecclesiastical law or otherwise.

(3) The powers for the compulsory purchase of land conferred by this section shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-seven.

Easements
only to be
acquired
under certain
lands.

6. The Council shall not acquire compulsorily under the powers of this Act any part of the lands numbered 24 on the deposited plans but they may acquire within the limits of lateral and vertical deviation prescribed by this Act in respect of the Strand subways such easements or rights under the said lands as they may require for the purpose of constructing maintaining renewing and using the Strand subways and any necessary works and conveniences connected therewith without being obliged or compellable to acquire any greater interest in under or over the said lands and may give notice to treat in respect of such easements or rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Act) the provisions of the Lands Clauses Acts shall extend and apply in relation to the acquisition of such easements or rights as if they were lands within the meaning of those Acts.

Power to
use subsoil
of streets.

7. Subject to the provisions of this Act the Council may enter upon take use and appropriate so much of the subsoil and under-surface of any public street within the limits of deviation shown on the deposited plans as shall be necessary for the purposes of the Strand subways without being required to purchase the same or any easement therein or thereunder.

8.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to a metropolitan stipendiary magistrate for the correction thereof.

PART II
—cont.
Correction of errors in deposited plans and book of reference.

(2) If on any such application it appears to the magistrate that the omission misstatement or wrong description arose from mistake he shall certify the fact accordingly and shall in his certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described.

(3) Any such certificate shall be deposited with the clerk of the Council and a copy thereof shall be deposited with the town clerk of the city of Westminster and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council in accordance with the certificate to take the land and in the case of the Strand lands execute the Strand subways.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

9.—(1) No person shall be required under this Act to sell a part only of any house building or factory or of a park or garden belonging to a house if he is willing and able to sell the whole of the house building factory park or garden unless the tribunal determines—

Acquisition of part only of certain properties.

- (a) in the case of a house building or factory that such part as is proposed to be taken can be taken without material detriment to the house building or factory; or
- (b) in the case of a park or garden that such part as aforesaid can be taken without seriously affecting the amenity or convenience of the house to which it belongs.

(2) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Council that part of the house building factory park or garden.

10. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Act but not less than one month after giving to the owner and occupier of the land notice of their intention to exercise the powers of this section the Council may enter on and take possession of the

Power to expedite entry.

PART II
—cont.

land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Act of 1845:

Provided that the Council shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

Power to enter for survey or valuation.

11. Any person acting on behalf of the Council and duly authorised by the clerk of the Council may at all reasonable times enter on any land which may be acquired compulsorily under this Act for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Council not less than twenty-four hours before the first entry and not less than twelve hours before any subsequent entry have given notice to the owner and occupier of the land.

Disregard of recent improvements and interests.

12. In determining any question of disputed compensation or purchase money in respect of land acquired under this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-six; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Set off of betterment against compensation.

13. In determining the amount of compensation or purchase money payable to any person in respect of his interest in land acquired or in land in respect of which an easement or right is acquired under this Act in a case where—

(a) he has an interest in any other land contiguous with or adjacent to the land so acquired or the land in respect of which an easement or right is so acquired; and

(b) the value of his interest in any such contiguous or adjacent land is enhanced by reason of the execution of any work authorised by this Act;

the amount of the enhancement in value shall be set off against the compensation or purchase money.

Extinction of private rights of way.

14.—(1) All private rights of way over any land which may be acquired compulsorily under this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Council compensation to be determined in case of dispute under and in accordance with the Act of 1919.

15.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Council any easement or right (not being an easement or right of water in which some person other than the grantor has an interest) required for the purposes of this Act in or over or affecting any such lands. Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

16.—(1) The Council may enter into and carry into effect agreements with any person being the owner of or interested in any land abutting on any portion of land which may be acquired under this Act with respect to the sale by the Council to him of any land. Agreements with adjoining owners.

(2) The Council may accept as satisfaction of the whole or any part of the consideration for any such sale the grant by the purchaser of any land required by the Council for the purposes of this Act or any easement or right so required.

17. The Westminster Council may if and so long as they hold a sufficient estate or interest therein use any part or parts of the Caxton Street land not exceeding in the aggregate one hundred and forty-nine square yards or thereabouts in area for the purposes of their functions under section 113 of the Act of 1936 (which empowers sanitary authorities to provide and maintain (inter alia) public lavatories and sanitary conveniences) without any faculty for that purpose and notwithstanding any obligation or restriction on the use of that land (not being an obligation or restriction imposed by the grantor of an estate or interest therein) imposed under ecclesiastical law or otherwise. Power of Westminster Council to use lands.

18.—(1) Subject to the provisions of this section the Bermondsey Council may (on such terms and conditions as may be agreed) transfer to the incumbent of the benefice of the parish of Saint Mary Magdalen with Saint Olave and Saint John Bermondsey their estates rights and interests in or over the whole or any part of the land shown by blue colour on the Bermondsey signed plan and upon such transfer the said incumbent shall hold such estates rights and interests free from any trust to allow the use of the said land by the public as an open space but nothing in this subsection shall prejudice or affect any right or interest which any person may have in or over the said land otherwise than as a member of the public. Power to Bermondsey Council to exchange lands.

PART II
—cont.

(2) The area of the land which may be transferred by the Bermondsey Council under the foregoing subsection shall not exceed the area of so much of the land shown by pink colour on the plan aforesaid as at or before the time of such transfer is or has been vested in the Bermondsey Council for use by the public as an open space.

(3) At any time at which the Bermondsey Council maintain any of the land shown by pink colour on the said plan together with other land abutting thereon for the use of the public as an open space the lands so maintained shall for the purposes of any enactment relating to the management of open spaces maintained by the Bermondsey Council be deemed to merge and form a single open space.

As to certain
disused
burial
grounds.

19.—(1) This section applies to the following lands (that is to say) :—

- (a) the land shown by blue colour on the Bermondsey signed plan;
- (b) the Caxton Street land;
- (c) the Horseferry Road lands;
- (d) so much of the Strand lands as is numbered 6 on the deposited plans and in the deposited book of reference.

(2) In this section—

“ the appropriate authority ” means—

(a) as respects the land shown by blue colour on the Bermondsey signed plan the incumbent of the benefice of the parish of Saint Mary Magdalen with Saint Olave and Saint John Bermondsey;

(b) as respects the Caxton Street land the Westminster Council;

(c) as respects other lands the Council;

“ the bishop ” means—

(a) as respects the land shown by blue colour on the Bermondsey signed plan the Lord Bishop of Southwark;

(b) as respects other lands the Lord Bishop of London.

(3) The Disused Burial Grounds Act 1884 shall cease to apply to the lands to which this section applies:

Provided that in relation to any such lands in which at the passing of this Act the appropriate authority have no estate or interest this subsection shall not have effect until the date on which the appropriate authority acquire such estate or interest.

(4) Before the appropriate authority carry out any work on any land to which this section applies they shall remove or cause to be removed the remains of all deceased persons interred in that land:

Provided that a Secretary of State on the application of the appropriate authority and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

(5) Before proceeding to remove any such remains the appropriate authority shall publish a notice for three successive days in two newspapers circulating in the county to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (6) to (10) of this section.

(6) At any time within one month after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are proposed to be removed may give notice in writing to the appropriate authority of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the 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 consecrated burial ground or cemetery in which burials may lawfully take place but in the case of a churchyard only with the consent of the incumbent of the parish.

(7) If any person giving such notice as aforesaid shall fail to satisfy the appropriate authority that he is such heir executor administrator 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 of the consistory court of the diocese in which the remains are situate who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(8) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the appropriate authority such sum to be apportioned if necessary equally according to the number of remains in the grave.

(9) If—

- (a) within the said period of one month no such notice as aforesaid is given to the appropriate authority in respect of the remains in any grave; or
- (b) within one month after such notice has been given no application has been made under subsection (7) of this section and the person giving the notice fails to remove the remains; or
- (c) within one month after any order is made under the said subsection the person (not being the appropriate authority) specified in the order fails to remove the remains;

PART II
—cont.

the appropriate authority may without any faculty for that purpose remove the remains of the deceased person and cause them to be reinterred in such consecrated burial ground or cemetery in which burials may lawfully take place as subject to the consent of the bishop the appropriate authority think suitable for the purpose but in the case of a churchyard the previous consent of the incumbent of the parish shall be required.

(10) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the appropriate authority be removed and re-erected at the place of reinterment of such remains or at such place as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the appropriate authority.

(11) The appropriate authority shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited with the Registrar-General.

(12) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of—

- (a) in the case of the Horseferry Road lands and the Strand lands the medical officer of health of the county; and
- (b) in the case of other lands the medical officer of health of the borough in which the lands are situate.

PART III

WORKS

Power to
execute works.

20.—(1) Subject to the provisions of this Act the Council may in the city of Westminster in the lines or situations and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections make maintain and operate the works described in subsection (2) of this section together with all such approaches stairs passages means of ingress or egress and subsidiary and incidental works as they may deem necessary or desirable and in connection with the subway Work No. 1 described in the said subsection (2) such escalators mechanical and other apparatus and appliances as they may deem necessary or desirable.

(2) The works referred to in subsection (1) of this section are—

Work No. 1 A subway for persons on foot (seventy-five yards in length) commencing in or under the south-eastern corner of the churchyard of St. Martin-in-the-Fields near the junction of Duncannon Street with Adelaide Street and terminating by a junction with the Strand station of the commission;

Work No. 2 A subway for persons on foot (one hundred and twenty yards in length) commencing by a junction with the Trafalgar Square station of the commission and terminating by a junction with Work No. 1;

Work No. 3 A subway for persons on foot (forty yards in length) commencing in the Strand at a point in the footway forty-five yards north-eastward of the junction therewith of Adelaide Street and terminating by a junction with the Strand station of the commission.

21. Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Council in connection with and for the purposes of this Part of this Act (in addition to the works described or referred to in any other provision of this Act) may execute or do any of the following works or things (that is to say):—

Power to
make
subsidiary
works etc.

(a) make junctions and communications (including the provision of steps for the use of persons on foot) with any existing street over or interfered with by or adjacent to the Strand subways and divert or widen or alter the line or the level of any such existing street for the purpose of connecting the same with the Strand subways or for other purposes of or in connection with the Strand subways;

(b) raise sink or otherwise alter the position of any of the steps areas cellars cellar-flaps pavement-lights gratings boundary-walls railings fencings windows sewers drains watercourses pipes spouts or wires belonging to any house or building and remove all other obstructions so as to cause in so doing as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Council shall make compensation to any person who suffers damage by any such alterations such compensation in default of agreement to be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement;

(c) execute any works for the protection of any adjoining land or buildings;

(d) execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings.

22. In constructing the Strand subways the Council may deviate laterally from the lines or situations thereof to any extent within the limits of deviation shown on the deposited plans relating thereto respectively and vertically from the levels thereof defined

Deviation
from lines
and levels.

PART III
—cont.

on the deposited sections to any extent not exceeding five feet upwards or to such extent as may be found necessary or convenient downwards.

Underpinning
of buildings.

23. The Council at their own cost and charges may subject as hereinafter provided underpin or otherwise strengthen any house or building within one hundred feet of the Strand subways and the following provisions shall have effect (that is to say):—

- (1) At least ten days' notice shall except in case of emergency be given to the owners lessees and occupiers of the house or building intended to be so underpinned or otherwise strengthened:
- (2) Each such notice shall be served in the manner prescribed by section 19 of the Act of 1845:
- (3) If any owner lessee or occupier of any such house or building shall within seven days after the giving of such notice give a counter-notice in writing that he disputes the necessity of such underpinning or strengthening the question of the necessity shall be settled by arbitration:
- (4) The Council shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof:
- (5) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Council may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the completion of that work enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in the case of dispute between the Council on the one hand and the owner lessee or occupier of the house or building on the other hand shall be settled by arbitration:
- (6) If in any such case as is referred to in the last foregoing paragraph the underpinning or strengthening done by the Council shall at any time within twelve months from the completion of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection

of the house or building against further injury arising from the execution of such work the Council shall make compensation to the owner lessee and occupier of the house or building for such injury provided that the claim for compensation in respect thereof be made within one month from the discovery thereof:

- (7) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Council from the liability to compensate under section 68 of the Act of 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts.

24. Subject to the provisions of this Act the Council may pump any water found by them in the execution of the Strand subways and may use for the discharge of any such water any available stream or watercourse or any sewer or drain and for that purpose may within the limits of deviation shown on the deposited plans lay down take up and alter conduits pipes and other works and make any convenient connections with any such stream watercourse sewer or drain.

Power to pump water and use sewers for removing water.

25. Subject to the provisions of this Act the Council may cause to be removed arched over or filled up all such sewers drains or watercourses or parts thereof as shall be in or near the Strand subways and as shall become unnecessary by reason of the purchase of the property entitled to the use thereof.

Sewers etc. to be removed arched over or filled up.

26. There shall be by virtue of this Act vested in the Council—

- (a) all building or other materials of houses buildings and structures acquired by them under the powers of this Act and all materials and apparatus in under upon or over any lands so acquired;
- (b) all materials obtained in the alteration of or interference with any street sewer or drain in connection with the construction of the Strand subways;

Vesting and disposal of materials.

and the Council may appropriate and use or sell or dispose of the same or any of them.

27.—(1) The Council and the Westminster Council may enter into and carry into effect an agreement whereby all or any the powers and duties of maintaining repairing paving draining cleansing and lighting the Strand subways (including the power and duty of operating any escalators or mechanical apparatus which the Council may have installed therein under the powers conferred by this Act) shall be transferred to the Westminster Council as from such date and on such terms as may be specified in the agreement.

Maintenance of works.

PART III
—cont.

(2) Subject to such agreement as aforesaid it shall be the duty of the Council to maintain repair pave drain cleanse and light the Strand subways.

Power to
stop up ways
temporarily.

28.—(1) Subject to the provisions of this Act the Council may for the purposes of and during the construction of the Strand subways stop up open break up and interfere with alter or divert temporarily all or any part of the carriageway or footway of any street or part of a street or of any other subway within the limits of deviation shown on the deposited plans and may execute and do all necessary works and things for or in connection with such stopping up opening breaking up interference alteration or diversion and for keeping such carriageway or footway open for traffic and may remove or alter any drinking fountains lamp-posts street-refuges posts and other erections upon the said lands.

(2) The Council shall provide reasonable access for all persons bona fide going to or returning from any premises in any street of which the carriageway or footway is stopped up interfered with altered or diverted under the powers of this section.

Temporary
use of lands
for purposes
of working
site.

29. Nothing contained in section XCVI (Company to form Area in front of Station) of the Charing Cross Railway Act 1859 or in any other Act or contained in any byelaw or regulation made under any Act shall prevent the commission and the Council from entering into and carrying into effect an agreement for the use by the Council as a temporary working site for the purposes of the construction of the Strand subways of the whole or part of so much of the open paved forecourt or area in front of Charing Cross railway station as lies within the limits of deviation of lands to be acquired by the Council under this Act and no temporary structures or erections which the Council may find it necessary or expedient to place on the said lands for the purposes of the construction of the Strand subways shall be deemed to be buildings within the meaning of the said enactments.

Period for
completion
of works..

30. If the Strand subways are not completed within five years from the first day of October nineteen hundred and fifty-seven then as from the expiration of that period the powers of the Council under this Part of this Act shall cease except so far as any works are then completed.

Agreements
between
Council and
commission.

31.—(1) The Council on the one hand and the commission on the other hand may with the approval of the Minister of Transport and Civil Aviation enter into and carry into effect agreements with reference to any of the provisions of this Part of this Act relating to or affecting only the parties to such agreements respectively.

(2) Notwithstanding anything contained in this Act any such agreement entered into between the Council and the commission

may with the approval of the said Minister provide for the variation of any of the provisions of this Part of this Act (so far as they relate only to the powers rights obligations or interests of the parties to any such agreement) or of the provisions of any previous agreement between the same parties.

PART III
—cont.

(3) For the purposes of this Act the provisions and purposes of any agreement entered into under the provisions of this section shall be deemed to be provisions and purposes of this Part of this Act.

32.—(1) Before commencing the construction of any works forming part of the Strand subways so as to involve the temporary closing to vehicular traffic of any street or part of a street either absolutely or to the extent of one-third or more of the width of the carriageway the Council shall give to the Commissioner of Police of the Metropolis (in this section referred to as “the commissioner”) not less than two months’ notice in writing of their intention so to do and such notice shall specify the works to which the notice relates and the streets or parts of streets which will be closed in the course of the execution of such works.

Notice to
commissioner
of police.

(2) The Council shall make such arrangements with the commissioner as shall be reasonably necessary so as to cause as little interference with vehicular traffic as may be reasonably practicable during the execution of such works.

33. For the protection of the commission the following provisions shall unless otherwise agreed in writing between the Council and the commission apply and have effect:—

For
protection of
commission
in relation
to Strand
subways.

(1) In this section—

“ railway property ” means any lands or premises belonging to or occupied by the commission shown on the deposited plans and the railways and railway works of the commission;

“ Work No. 1 ” “ Work No. 2 ” and “ Work No. 3 ” mean respectively Work No. 1 Work No. 2 and Work No. 3 authorised by this Act;

“ the works ” means so much of the works authorised by Part III of this Act as may be situated upon across under or over or within fifty feet of railway property and includes the works shown on the signed plan and the construction and renewal of any such works;

“ the signed plan ” means the plan signed in quadruplicate by Sir William Anstruther-Gray the chairman of the committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Parliament Office

PART III
—cont.

House of Lords one copy in the Private Bill Office of the House of Commons one copy with the clerk of the Council and one copy at the principal office of the commission;

“ the engineer ” means an engineer to be appointed by the commission:

- (2) The Council shall not under the powers of this Act acquire compulsorily any lands of the commission but the Council may acquire such easements and rights in the lands of the commission as they may reasonably require for the purposes of the works but restricted as regards the works shown on the signed plan to the limits of the works shown thereon:
- (3) The Council shall not construct Work No. 1 on the south-east side of the Strand otherwise than in accordance with the signed plan and they shall before opening Work No. 1 for use by the public construct complete and make available for public use an extended subway and stairs leading from Work No. 1 to the forecourt of Charing Cross station and stairs leading from Work No. 1 to the Strand as intended to be widened by the Council all in accordance with the signed plan:
- (4) The Council shall before commencing the works furnish to the commission proper and sufficient plans sections and particulars thereof for the approval of the engineer which approval shall not be unreasonably withheld and shall not commence the works until such plans sections and particulars shall have been approved by the engineer or in case of difference between the engineer and the Council until they shall have been settled by arbitration:
Provided that if within twenty-eight days after such plans sections and particulars have been furnished to the commission the engineer shall not have intimated his approval or disapproval thereof he shall be deemed to have approved them:
- (5) If within twenty-eight days after such plans sections and particulars have been furnished to the commission the commission shall give notice to the Council that in consequence of the nature of the works it is reasonably necessary that the commission should themselves construct any part of the works then if the Council desire that part of the works to be constructed the commission shall construct it with all reasonable dispatch on behalf of and to the reasonable satisfaction of the Council in accordance with the plans sections and particulars approved or deemed to be approved or settled

as aforesaid (hereinafter in this section called "the approved plans") and may recover the reasonable cost of so doing from the Council:

PART III
—cont.

- (6) Upon signifying his approval or disapproval of plans sections and particulars of the works the engineer may specify any temporary or permanent works which should be carried out before the commencement of the works to ensure the stability of railway property or protect it from injury or to avoid delay or inconvenience to railway passengers and such temporary or permanent works as may be reasonably necessary for those purposes shall be constructed by the commission with all reasonable dispatch and the reasonable cost of such protective works shall be paid by the Council and the Council shall not commence the works until the engineer shall have notified the Council that such temporary or permanent works have been completed:
- (7) The Council shall except in cases of emergency give the engineer twenty-eight days' notice of their intention to commence any of the works:
- (8) The works (or so much thereof as shall be carried out by the Council) shall when commenced be carried out with all reasonable dispatch in accordance with the approved plans and under the supervision (if given) and to the reasonable satisfaction of the engineer and in such manner as to cause as little damage to railway property and as little interference as may be with the conduct of traffic on the railways of the commission and the use by passengers of railway property and if any damage to railway property or any such interference shall be caused by the works the Council shall notwithstanding any such approval as aforesaid forthwith make good such damage and pay to the commission the reasonable costs and expenses to which they may be put and reasonable compensation for any loss which they may sustain by reason of any such damage or interference:
- (9) The Council shall at all times afford reasonable facilities to the engineer for access to the works during their construction and shall supply him with all such information as he may reasonably require with regard to the works or the method of construction thereof:
- (10) The commission shall at all times afford reasonable facilities to the Council for access to any works carried out by the commission under this section during their construction and shall supply the Council with all such

PART III
—cont.

information as they may reasonably require with regard to such works or the method of construction thereof:

- (11) If any alterations or additions either permanent or temporary to railway property are reasonably necessary during the carrying out of the works or during a period of twelve months after the completion thereof in consequence of the works (except such part thereof as is referred to in paragraph (12) hereof) such alterations and additions may be effected by the commission after notice has been given to the Council and the Council shall repay to the commission the reasonable costs thereof including a capitalised sum representing the increased or additional cost of maintaining working and when necessary renewing railway property in consequence of any such alterations or additions:

Provided that if the cost of maintaining or working railway property is reduced in consequence of the said alterations a capitalised sum representing such saving shall be paid to the Council by the commission:

- (12) As from the completion thereof so much of Work No. 1 as comprises the lower flight of stairs into Strand Station shown on the signed plan shall notwithstanding any other provision of this Act be the property of and maintainable by the commission who shall have the full control and management thereof as part of their Strand Station:
- (13) Except as provided in the last foregoing paragraph the subways and stairs shown on the signed plan shall subject as provided in section 27 (Maintenance of works) of this Act be paved lighted cleansed and maintained by and at the expense of the Council and shall for police and all other purposes form part of the public ways within the city of Westminster and the stairway leading from Work No. 1 to the south-east side of the Strand shall be kept open for public use at all times when the Strand station of the commission is open for public traffic:
- (14) Notwithstanding any other provision of this Act the commission may during any period in which it may appear to them to be necessary or desirable to do so for the control of pedestrian traffic to or from railway property on special occasions or in case of emergency close the whole or any part of Work No. 2 or Work No. 3 or of the extended subway and stairs leading from Work No. 1 to the forecourt of Charing

Cross Station and shown on the signed plan and the Council shall provide suitable gates for closing the said works and extended subway and stairs at their respective points of commencement and termination:

- (15) The Council shall in constructing Work No. 1 provide under the pavement on the south-east side of the Strand flood doors of a design to be approved by the engineer:

Provided that the Council shall not be responsible for the operation of such flood doors which may be operated in the event of emergency or for testing purposes by the commission:

- (16) The Council shall repay to the commission all additional costs charges and expenses reasonably incurred by the commission in connection with the works—

(a) in respect of the employment of any inspectors watchmen and other persons whom it may be reasonably necessary to appoint for inspecting watching and lighting any railway property affected by the works and for preventing as far as may be reasonably practicable any interference obstruction danger or accident arising from the works; and

(b) in lighting during the execution of the works railway property in the vicinity thereof:

- (17) The Council or after the date specified in an agreement made under section 27 (Maintenance of works) of this Act the Westminster Council shall at all times after the construction of the works maintain them in substantial repair and good order and condition and when necessary renew them to the reasonable satisfaction and under the supervision (if given) of the engineer and if and whenever the Council or the Westminster Council fail so to do after reasonable notice in that behalf the commission may make and do in and upon the property of the commission or of the Council or the Westminster Council all such works and things as shall be requisite in that behalf and the reasonable costs and expenses reasonably incurred by the commission in so doing shall be repaid to them by the Council or in respect of any costs and expenses incurred after the said date by the Westminster Council:

- (18) The Council shall be responsible for and make good to the commission all costs charges damages and expenses not otherwise provided for in this section which may be occasioned to the commission—

(a) by reason of the works or failure thereof; or

PART III
—cont.

(b) by reason of any act or omission of the Council or of any persons in their employ or of their contractors or others whilst engaged upon the works;

and the Council shall effectively indemnify and hold harmless the commission from and against all claims and demands arising out of or in connection with the works or any such failure act or omission as aforesaid and the fact that any work or thing may have been done by the commission on behalf of the Council or in accordance with any plan section or particulars approved by the engineer or in accordance with any requirement of the engineer or under his supervision shall not (if it was done without negligence on the part of the commission or of any person in their employ or of their contractors or others whilst engaged upon the works) excuse the Council from any liability under the provisions of this section:

Provided that the commission shall give to the Council reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without prior consultation with the Council:

- (19) For the removal of doubt it is hereby declared that nothing contained in this Act shall prevent the works shown on the signed plan from being modified in any way as may be agreed between the commission and the Council:
- (20) Any dispute or difference arising between the Council or the Westminster Council and the commission or the engineer under this section (other than a difference as to the meaning or construction of this section) shall be settled by arbitration.

For protection of
electricity
undertakers.

34.—(1) Notwithstanding the stopping up temporarily of any street or part of a street under section 28 (Power to stop up ways temporarily) of this Act the board their engineers and workmen and others in their employ shall at all times have such rights of access to all or any apparatus belonging to the board and situate in or under any such street or part of a street as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon or under such street or part of a street as may be necessary for inspecting repairing maintaining renewing or removing such apparatus or with the consent of the Council (to be given or withheld at their discretion) for laying new apparatus.

(2) In this section “the board” means the Central Electricity Authority and the London Electricity Board or either of them.

35.—(1) Where any street or part of a street is stopped up consequent upon the diversion or alteration of the line of the street in pursuance of the powers conferred by section 21 (Power to make subsidiary works etc.) of this Act the following provisions shall unless otherwise agreed in writing between the Council and the Postmaster-General have effect in relation to any telegraphic line belonging to or used by the Postmaster-General which is under in upon over along or across such street or part of a street at the time of such stopping up :—

PART III
—cont.

For pro-
tection of
Postmaster-
General.

- (a) The power of the Postmaster-General to remove the line shall be exercisable notwithstanding the stopping up of the street or part of a street so however that the said power shall not be exercisable as respects the whole or any part of the line after the expiration of a period of three months from the date mentioned in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Council of his intention to remove the line or that part thereof as the case may be;
- (b) The Postmaster-General may by notice to the Council in that behalf abandon the said line or any part thereof and shall be deemed as respects the line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Council the expense of providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster-General may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General abandons the whole or any part of a telegraphic line it shall vest in the Council and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to the line or part in question as respects anything done or omitted after the abandonment thereof.

(2) As soon as the whole or any part of a street has been stopped up the Council shall send by post to the Postmaster-General a notice informing him of such stopping up and the period of three months mentioned in subsection (1) of this section shall commence to run from the date on which such notice is sent.

(3) The Council shall not under the powers conferred by the said section 21 of this Act interfere with any telegraphic line

PART III
—cont.

belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act 1878.

(4) The expression “ telegraphic line ” shall have the same meaning as in the Telegraph Act 1878.

For protection of certain statutory undertakers in relation to Part III.

36. For the protection of the undertakers the following provisions shall notwithstanding anything contained in any other enactment unless otherwise agreed in writing between the Council and the undertakers concerned apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“ apparatus ” means—

(a) in relation to the Metropolitan Water Board mains pipes or other apparatus belonging to or maintained by the board;

(b) in relation to the North Thames Gas Board mains pipes or other apparatus belonging to or maintained by the board;

(c) in relation to the London Hydraulic Power Company hydraulic mains pipes or other apparatus belonging to the company;

and includes any works constructed for the lodging therein of apparatus;

“ undertakers ” means—

the Metropolitan Water Board;

the North Thames Gas Board;

the London Hydraulic Power Company;

or any of them:

(2) Where in consequence of the construction of the Strand subways any apparatus is required to be diverted so as to pass under any of the subways referred to in section 20 (Power to execute works) of this Act—

(a) the Council shall repay to the undertakers any additional expenses which may be reasonably incurred by the undertakers in breaking open or reinstating any street or in inspecting maintaining repairing removing or renewing any such apparatus and which is due to any such diversion;

(b) without prejudice to the generality of the last foregoing sub-paragraph the Council shall repay to the North Thames Gas Board any expenses reasonably incurred by that board in providing installing inspecting and maintaining any siphon the provision of which is reasonably necessary in consequence of any such diversion:

- (3) Where any of the Strand subways is constructed within a distance of six feet from any apparatus the undertakers shall be entitled for the purpose of inspecting maintaining repairing removing or renewing such apparatus to exercise the like rights of opening and breaking up such subway as if such subway were a street repairable by the inhabitants at large:
- (4) Notwithstanding the stopping up alteration or diversion temporarily of all or any part of the carriageway or footway of any street or part of a street or of any subway under the powers of section 28 (Power to stop up ways temporarily) of this Act the undertakers their officers engineers and workmen shall be at liberty to execute and do all such works and things in upon or under any such street or subway as may be necessary for inspecting repairing maintaining removing or renewing any apparatus:
- (5) If any question or difference shall arise between the Council and the undertakers under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be settled by arbitration.

PART IV

EXTENSIONS OF TIME

37. The period limited by the London County Council (General Powers) Act 1954 for the exercise by the Council of powers for the compulsory purchase of lands—

Extension of time for compulsory purchase of lands by Council.

- (a) in the boroughs of Saint Marylebone Paddington and Kensington for the purposes of paragraph (a) of subsection (1) of section 5 (Power to Council to take lands) of the London County Council (General Powers) Act 1937;
- (b) in the borough of Lambeth for the purposes of paragraph (c) of the said subsection;
- (c) in the borough of Wandsworth for the purposes of paragraph (b) of subsection (1) of section 5 (Power to Council to take lands) of the London County Council (General Powers) Act 1939; and
- (d) in the city of Westminster for the purposes of the London County Council (Improvements) Act 1939;

is hereby further extended until the first day of October nineteen hundred and sixty.

38.—(1) Notwithstanding anything in the last foregoing section if at any time before the first day of January nineteen hundred and sixty the owner or lessee of any land to which that section relates gives to the Council notice in writing requiring them forthwith to decide whether or not they will proceed with

Power to owners and lessees to give notice as to purchase of land.

PART IV
—cont.

the purchase of his estate or interest in any such land which is specified in the notice the powers referred to in the said section 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.

(2) If the Council give notification in writing to the owner or lessee of any land being land to which the last foregoing 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 that section so far as they authorise the compulsory purchase of such estate or interest shall cease forthwith.

Extension
of time for
completion
of works.

39. The period limited by the London County Council (General Powers) Act 1952 for the exercise of powers conferred by—

- (a) the London County Council (General Powers) Act 1934 for the execution of works in the boroughs of Poplar and Stepney authorised by Part III of that Act;
- (b) the London and Middlesex (Improvements &c.) Act 1936 for the execution by the Council of the works in the boroughs of Kensington Fulham and Hammersmith authorised by that Act except the work and parts of works in the borough of Hammersmith abandoned in pursuance of section 41 (Abandonment of certain authorised works) of the London County Council (Improvements) Act 1948; and
- (c) the London County Council (General Powers) Act 1939 for the execution of works in the city of Westminster and the borough of Lambeth authorised by Part III of that Act;

is hereby further extended until the first day of October nineteen hundred and sixty-two.

PART V

SUPERANNUATION

Interpretation
of Part V.

40. In this Part of this Act—

- “ the Act of 1891 ” means the London Council (General Powers) Act 1891;
- “ the Act of 1937 ” means the Local Government Superannuation Act 1937;
- “ the Act of 1953 ” means the Local Government Superannuation Act 1953;
- “ the fund ” means the superannuation and provident fund established by the Council under Part IV (Superannuation etc.) of the Act of 1891;

“ the scheme ” means a scheme made under Part IV of the Act of 1891 and any alteration or amendment of such a scheme;

“ service ” means any service which is reckonable for the purposes of the scheme;

“ superannuation enactment ” means—

(a) any enactment in or having effect by virtue of the Local Government and other Officers' Superannuation Act 1922 or the Local Government Superannuation Acts 1937 to 1953; or

(b) any provision in a local Act scheme within the meaning of such last-mentioned Acts.

41. The Council may in and by the scheme make provision for the granting of all or any of the following benefits (that is to say):—

(a) benefits by way of annual amounts and a lump sum payment to any person who having been a contributor to the fund has completed such period of service as may be prescribed by the scheme and ceases to hold the employment by virtue of which he was a contributor to the fund after attaining such age or in such other circumstances as may be so prescribed;

(b) benefits by way of annual amounts to the widow of any person who—

(i) immediately before his death was a contributor to the fund and had completed such period of service as may be prescribed by the scheme; or

(ii) having been a contributor to the fund was entitled to any benefit by way of annual amounts payable out of the fund; or

(iii) within such period before his death as may be prescribed by the scheme had ceased to be a contributor to the fund after completing such period of service as may be so prescribed;

(c) benefits by way of annual amounts to any person who is or has been a contributor to the fund and becomes permanently incapacitated as a result of injuries sustained or disease contracted in such circumstances as may be prescribed by the scheme;

(d) benefits by way of annual amounts or a lump sum payment in respect of any person who is or has been a contributor to the fund and dies as a result of injuries sustained or disease contracted as aforesaid;

(e) benefits by way of lump sum payments to any person who being or having been a contributor to the fund is incapacitated by ill-health or infirmity before becoming entitled to any other benefit payable out of the fund;

PART V
—cont.

- (f) benefits by way of lump sum payments upon the death of any person who is or has been a contributor to the fund and has completed such period of service as may be prescribed by the scheme.

Return of
contributions.

42.—(1) Without prejudice to the following provisions of this section the Council may in and by the scheme make provision for—

- (a) the payment to a person ceasing to hold the employment by virtue of which he was a contributor to the fund without being entitled to any benefit under the scheme of a sum equal to the aggregate amount of his contributions together with (in such circumstances as the scheme may provide) compound interest thereon calculated at such rate of interest and in such manner as may be prescribed by the scheme; and
- (b) the payment to the legal personal representatives of a person who was a contributor to the fund and in respect of whose death no benefit is payable out of the fund of such sum as aforesaid.

(2) The Council may in and by the scheme make provision in the case of a person ceasing to hold such employment as aforesaid in consequence of an offence of a fraudulent character or of grave misconduct being such an offence or such misconduct in connection with the performance of the duties of or otherwise in relation to his employment for the payment to him or (where he ceases to hold the employment in consequence of such an offence of a fraudulent character as aforesaid) to him or his wife or family of a sum equal to the whole or a part of the aggregate amount of his contributions.

(3) Nothing in this section shall require provision to be made in the scheme requiring the Council to make any payment to a person who leaves such employment as aforesaid in order to enter other employment in such circumstances that a transfer value is payable in respect of him under Part III of the Act of 1937 or that he remains or becomes again a contributor to the fund in respect of such last-mentioned employment.

(4) In this section any reference to the contributions of any person shall be construed as a reference to—

- (a) contributions made by him to any superannuation fund under a superannuation enactment;
- (b) contributions or other sums paid by him which for the purposes of any superannuation enactment are or were at the passing of this Act by virtue of any enactment to be treated as having been made as aforesaid;
- (c) any sum paid by him into a superannuation fund under a superannuation enactment as a condition of being

entitled to reckon any service for any of the purposes of such an enactment either generally or in a particular manner or as a condition of being entitled to reckon any service for any such purpose as aforesaid in a manner different from that in which it would have been reckoned if the sum had not been paid; and

- (d) any sum paid by him into a superannuation fund under a scheme in force by virtue of subsection (3) of section 28 of the Widows' Orphans' and Old Age Contributory Pensions Act 1936 or the corresponding provisions of any Act repealed by that Act;

but only in so far as any such contribution or sum has not been returned and is attributable to any period of service.

43.—(1) The Council may in and by the scheme make provision in the case of a contributor to the fund who is dismissed or resigns or otherwise ceases to hold the employment by virtue of which he was a contributor to the fund in consequence of an offence of a fraudulent character or grave misconduct (being such an offence or such misconduct in connection with the performance of the duties of or otherwise in relation to that employment) for enabling the Council or other person by whom he was employed in that employment to direct that all or any of the rights enjoyed by or in respect of him (being rights under a superannuation enactment in respect of his previous service) shall be forfeited. Forfeiture
of rights.

(2) Where the Council make provision in the scheme for the making of any such direction as aforesaid by a person other than the Council they may make provision therein that the direction shall not be made or shall not have effect otherwise than with the approval of the Council.

(3) So far as it relates to any rights under Part I of the Act of 1937 or under the Act of 1953 or any regulations made thereunder any direction made under this section shall have the like effect as if the Council or the person making the direction were an employing authority within the meaning of those Acts and as if the direction had been made under subsection (3) of section 17 of the Act of 1953.

44.—(1) The Council may in and by the scheme make provision— Allocation
of part of
superannuation
benefits to
spouse or
dependant.

- (a) for securing that in such circumstances and subject to such conditions as to proof of health and other matters as may be prescribed by the scheme—

(i) a person who on ceasing to hold the employment by virtue of which he is a contributor to the fund becomes entitled to such benefits by way of annual amounts as may be so prescribed; or

PART V
—cont.

(ii) a person who if he were to retire from such employment as aforesaid would become entitled to such benefits;

shall if he so desires be allowed to surrender as from the date on which he ceases to hold such employment in return for the benefits of any such provision as aforesaid such part (not exceeding one-third) of any benefit to which he would otherwise be entitled as may be prescribed as aforesaid; and

(b) for the grant out of the fund to the spouse or any person wholly or mainly dependent on such person as aforesaid of a pension of such value as according to such tables as may be specified by or under the scheme is actuarially equivalent to the value of that part of the benefit which is surrendered.

(2) For the purposes of a surrender by virtue of subparagraph (ii) of paragraph (a) of the foregoing subsection it shall be assumed—

(a) that there will be no change in a person's state of health between the date on which he is allowed to make the surrender and the date on which he ceases to hold his employment; and

(b) if he ceases to hold his employment by reason of his death that he had retired from his employment immediately before he died.

(3) Any such pension as aforesaid shall be payable in respect of the period (if any) for which the spouse or dependant survives the person by whom the surrender is made.

(4) The next following section shall apply in relation to any reduced benefit payable to any person by whom a surrender is made under this section and in relation to the pension granted to a spouse or dependant in consideration thereof as if each of them were a separate benefit payable under the scheme.

Supplementa-
tion etc. of
benefits.

45.—(1) The scheme may provide for the grant of any benefit to or in respect of any person who is or was a contributor to the fund or for an increase in the amount of any benefit payable to or in respect of any such person at the discretion of the Council or the person by whom he is or was employed and where such provision is made the scheme may provide that any extra charge on the fund resulting from an exercise of the discretion shall be repaid in whole or in part to the fund by the Council or such last-mentioned person.

(2) Where the Council make provision in the scheme for the exercise of any such discretion as aforesaid by a person other than the Council they may make provision therein that the discretion shall not be exercised otherwise than in a manner approved by the Council.

46.—(1) Subject to the provisions of this section the Council may by resolution revoke the scheme and any other scheme to which Part IV of the Act of 1891 applies.

PART V
—cont.

Amendments
etc. of super-
annuation
scheme.

(2) Any power of the Council for any purpose to make or amend a scheme to which Part IV of the Act of 1891 applies shall be deemed to include a power to make provision in the scheme for that purpose.

(3) The powers of the Council to make amend alter or revoke any such scheme as is referred to in subsection (1) of this section shall be so exercised as to secure that there are for the time being in force (whether under any such scheme or otherwise) such provisions as may be necessary subject to the provisions of this Part of this Act to give effect to the purposes for which schemes were required to be prepared or made by the Council under paragraph (b) of subsection (2) of section 124 of the Local Government Act 1929 subsection (1) of section 26 of the Act of 1937 and subsection (2) of section 3 of the Act of 1953.

(4) The Council shall not amend alter or revoke any such scheme as is referred to in subsection (1) of this section unless provision is made (whether under any such scheme or otherwise) for securing that there are enjoyed by and in respect of persons who on or before the coming into force of the amendment alteration or revocation are or had been contributors to the fund rights not substantially less extensive or favourable than those which would have been enjoyed if the amendment or alteration had not been made or the scheme revoked.

(5) Subject to the provisions of the last two preceding subsections the powers of the Council to make provision in the scheme for any purpose or in respect of any matter shall be deemed to include a power to make such a provision having retrospective effect to a date either before or after the passing of this Act if a provision having similar effect could have been made in a scheme made by the Council under subsection (2) of section 3 or subsection (1) of section 22 of the Act of 1953.

(6) The Council may include in the scheme such supplementary incidental and consequential provisions as appear to them to be necessary or expedient.

47. For the purposes of the last foregoing section the persons in respect of whom a scheme is required to be made under subsection (1) of section 26 of the Act of 1937 entitling them to participate in the benefits of the fund shall be deemed not to include persons whose employment is of a seasonal nature and the powers conferred by subsection (5) of section 36 of the Act of 1937 may be exercised in relation to any scheme made by the Council to which that subsection applies notwithstanding that by reason of such exercise any such persons as last aforesaid will not be entitled to participate in the benefits of the fund.

Employment
of a seasonal
nature.

PART V
—cont.Employees at
voluntary
schools.

48.—(1) Section 7 (Superannuation of non-teaching staff of non-provided schools) of the London County Council (General Powers) Act 1938 shall have effect as if the references therein to the persons on whom the Council may under that section confer superannuation and other benefits included references to all or any of the employees of the managers of any voluntary school maintained by the Council as local education authority.

(2) Words and expressions used in this section have the same respective meanings as they have for the purposes of the Education Acts 1944 to 1953.

Justices'
clerks
probation
officers etc.

49.—(1) With the consent of the appropriate authority the Council may in and by the scheme make such provision with respect to any person whose rights in relation to the fund are enjoyed or determined wholly or partly by reference to the Probation Officers (Superannuation) Order 1948 or the Superannuation (Justices' Clerks and Assistants) (London) Order 1953 for altering or varying such rights or amending any provisions by which they are determined as the Council may think necessary or desirable as a consequence of the revocation of the scheme or of any amendment or alteration thereof (whether made before or after the passing of this Act).

(2) For the purposes of this section "the appropriate authority" means in relation to the said Order of 1948 the Secretary of State and in relation to the said Order of 1953 the Minister of Housing and Local Government.

Benefits not
assignable.

50. Any benefit granted to any person under the scheme shall be payable to or in trust for the person to whom it is granted and shall not be assignable or chargeable with his debts or other liabilities:

Provided that nothing in this section shall prejudice or affect the operation of section 15 (Children's pensions) section 16 (Pensions to dependent widowers etc.) and section 17 (Pensions to nominated dependants) of the London County Council (General Powers) Act 1955.

Modification
of
section 36 (5)
of Act of
1937.

51. Subsection (5) of section 36 of the Act of 1937 shall have effect in relation to any scheme made by the Council to which that section applies as if the words "or revoked" were inserted therein after the word "amended" where that word first occurs.

Repeals.

52.—(1) The Acts mentioned in the first and second columns of the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) Without prejudice to the operation of section 38 of the Interpretation Act 1889 any provision in the scheme having effect immediately before the passing of this Act by virtue of an enactment repealed by this section shall continue to have effect as if it had been made under this Part of this Act.

PART VI

PREVENTION OF FLOODS

53.—(1) In this Part of this Act—

Interpretation
and citation
of Part VI.

“ the Act of 1879 ” means the Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879;

“ the Act of 1882 ” means the Metropolitan Board of Works (Various Powers) Act 1882;

“ the Act of 1907 ” means the London County Council (General Powers) Act 1907;

“ the principal Acts ” means the Thames River (Prevention of Floods) Acts 1879 to 1929;

“ movable dam order ” means an order made under section 9 (Power of Board as to flood works of a temporary character) of the Act of 1879 or section 46 (Board may authorise continuance of existing temporary flood works) of the Act of 1882.

(2) References in this Part of this Act to the protection of any premises from flooding shall be construed as references to the protection of those premises from floods or inundations caused by the overflow of the river Thames.

(3) Words and expressions to which meanings are assigned by the Act of 1879 have in this Part of this Act the same respective meanings.

(4) The principal Acts and this Part of this Act may be cited together as the Thames River (Prevention of Floods) Acts 1879 to 1957.

54.—(1) If it appears to the Council to be urgently necessary for the purpose of the protection of premises within the county from flooding that work should be carried out immediately at any premises within the county the Council may enter upon such premises and take all such steps as they may consider necessary for the execution of the work.

Emergency
flood
protection
works.

(2) For the purpose of facilitating the exercise of the powers of the Council under this section any person authorised in writing by the Council shall on producing if so required some duly authenticated document showing his authority have a right to enter any premises within the county for the purpose of inspecting or taking surveys of the same.

(3) Any person who—

(a) obstructs any person acting in the exercise of the powers conferred on the Council by this section; or

PART VI
—cont.

(b) refuses to allow any person authorised under the last foregoing subsection to enter any such premises or obstructs him in making any such inspection or survey as therein referred to;

shall be liable on summary conviction to a fine not exceeding ten pounds and to a further fine not exceeding five pounds for each day on which the offence continues after conviction therefor.

(4) Compensation shall be paid in respect of any damage caused by any work carried out under this section in like manner as if such work was a flood work which had been executed in accordance with and under the authority of the Act of 1879.

Temporary
works at
damaged
banks.

55.—(1) Where damage has been occasioned to a bank and the Council are of opinion that it is necessary for work to be carried out in relation thereto for the purpose of protecting any premises within the county from flooding until such works of maintenance as may be required to be executed under the principal Acts as a consequence of such damage may be executed the Council may serve notice on the person liable to execute flood works in relation to the bank requiring him within such period as may be specified in the notice to carry out such work as may be so specified which in the opinion of the Council is necessary for the purpose aforesaid.

(2) If at the expiration of the period aforesaid the work has not been carried out the Council may enter such premises and take all such steps as they may consider necessary for the execution of the work.

(3) Subject to the provisions of this section the principal Acts shall have effect in relation to any work specified in a notice served under this section as if the work was a work of maintenance which had been specified in a notice served under section 24 (Survey and repair of dangerous or insufficient banks and maintenance and repair of same) of the Act of 1879 and as if the person liable under the principal Acts to execute such work had given notice to the Council in accordance with the provisions of those Acts of his intention to execute the same to the satisfaction of the Council:

Provided that in relation to any work specified in a notice served under this section—

(a) the provisions of the last foregoing subsection shall have effect in substitution for section 13 (Power to Board to execute flood works in case of default of Commissioners of Sewers of City of London vestry district board or owner) of the Act of 1879; and

(b) section 31 (Power to Board to recover expenses incurred by them in whole or in part) of the Act of 1879 shall

have effect as if for the words "shall if required by such owner" in the last paragraph thereof there were substituted the words "may if they think fit".

PART VI
—cont.

(4) Without prejudice to the generality of the provisions of the said section 31 in determining the amount of the sum to be paid to the Council in respect of any work carried out by them under this section in relation to damage occasioned to a bank and in respect of any works of maintenance subsequently executed by the Council in relation to such damage in pursuance of the said section 24 the standing arbitrator may consider whether it was reasonably necessary for action to be taken by the Council under this section in relation to such damage as aforesaid and (if so) whether the action so taken was reasonable.

(5) Section 41 (Notice to be given of intention to execute flood works) and section 42 (Penalties for infringements of section 5 of Act of 1879 and of this Part of this Act) of the Act of 1907 shall not apply in relation to the execution of any work specified in a notice served under this section.

56.—(1) Where a movable dam order is in force in respect of any premises and the Council are satisfied that the temporary or movable dam to which the order relates may be replaced by a dam of a fixed or permanent character without materially interfering with the transaction of any business carried on on the riverside of those premises the Council may cause a plan to be prepared showing the line and level of the flood works which they consider should be carried out to effect such replacement and the principal Acts shall have effect in relation to such flood works as if the plan was part of the plan prepared under section 7 (Board to make plan of necessary flood works and serve notice of the making thereof upon Commissioners of Sewers of the City of London vestries district boards and owners affected thereby) of the Act of 1879.

Replacement of temporary or movable dams by permanent works.

(2) A movable dam order shall cease to have effect on the completion to the satisfaction of the Council of any flood works for the replacement of the temporary or movable dam to which the order relates or on such earlier date as the Council may determine but the continuance in force of the order until such completion or such date shall not prevent the taking of any steps or the doing of any other thing for the execution of such flood works and the order shall have effect subject to any requirements which the Council may make under section 44 (Council may require provision of temporary dam before commencement of flood works) of the Act of 1907 in relation to those flood works.

57. When after the passing of this Act the Council make a movable dam order or under section 9 of the Act of 1879 or section 46 of the Act of 1882 make or impose any regulations

Service of movable dam orders.

PART VI
—cont.

restrictions or conditions in connection with such an order (whether made before or after the passing of this Act) the Council shall as soon as practicable serve a copy thereof on the owner and occupier of the premises to which the order or the regulations restrictions or conditions relate.

Powers of
entry.

58.—(1) Without prejudice to any other provisions of the principal Acts or this Part of this Act where the Council have under those Acts or this Part of this Act power to enter any premises for the purpose of executing any work thereon they may exercise the power by any person authorised by them in that behalf either generally or specially.

(2) A person authorised by the Council under the foregoing subsection may not claim the right to enter any premises unless he produces (if so required) some duly authenticated document showing his authority.

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

(a) that admission to any premises which the Council or any person duly authorised by them is entitled to enter under the provisions of the principal Acts or this Part of this Act has been refused or that refusal is apprehended or that the premises are unoccupied or that the occupier is temporarily absent or that the case is one of urgency; and

(b) that there is reasonable ground for entry on the land for the purpose for which entry is required;

the justice may by warrant under his hand authorise the Council by any person authorised by them to enter on the premises if need be by force:

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

(4) Every warrant granted under this section shall continue in force until the purpose for which the entry is necessary has been satisfied.

(5) Any person authorised to enter upon any premises by virtue of a warrant granted under this section may take with him such other persons as may be necessary.

(6) Where any unoccupied premises have been entered by virtue of a warrant granted under this section the Council shall be under a duty to secure that when they are left they are as effectually secured against trespassers as when they were entered.

(7) Any person who wilfully obstructs a person exercising a right to enter upon any land by virtue of a warrant granted under this section shall be liable on summary conviction to a fine not exceeding ten pounds.

(8) If any person who in compliance with the provisions of this section or of a warrant granted thereunder is admitted into a factory workshop or workplace discloses to any person any information obtained by him in the factory workshop or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable on summary conviction to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

59. Nothing in this Part of this Act shall—

For protection of
port
authority.

(a) apply to—

(i) the docks of the Port of London Authority or the entrances thereto; or

(ii) any lands belonging to the Port of London Authority which adjoin the said docks or entrances; or

(iii) any other premises which are both owned and occupied by the Port of London Authority; or

(b) prohibit defeat alter or diminish any powers authority or jurisdiction which at the time of the passing of this Act the Port of London Authority did or might lawfully claim use or exercise under and by virtue of the Port of London Acts 1920 to 1957 or otherwise.

60.—(1) In entering or carrying out any work in the exercise of the powers conferred by section 54 (Emergency flood protection works) or section 55 (Temporary works at damaged banks) of this Act upon any premises comprising any railway inland navigation dock or electricity generating station belonging to or used by the commission the Council and any person acting on their authority shall comply with such reasonable requirements of the commission as may be necessary to secure that as far as is reasonably practicable in the circumstances the working of such railway inland navigation dock or electricity generating station or the works connected therewith is not obstructed or interfered with and that the stability of any such works of the commission is not affected.

For protection of
commission
in relation to
Part VI.

(2) The Council shall give to the commission the longest possible notice of their intention to exercise the powers of the said section 54 upon any such premises as are referred to in subsection (1) of this section and of the nature and extent of any works proposed to be executed therein.

PART VI
—cont.

(3) Nothing in this Part of this Act shall prejudice or affect the exercise by the commission of their functions in relation to the river Lee as defined in section 3 of the Lee Conservancy Act 1868.

For protection of certain statutory undertakers in relation to Part VI.

61.—(1) In this section—

“the undertakers” means the Metropolitan Water Board the North Thames Gas Board the South Eastern Gas Board and the London Hydraulic Power Company; and

“operational land” has in relation to any of the undertakers the same meaning as it has for the purposes of the Town and Country Planning Act 1947.

(2) In entering or carrying out any work in the exercise of the powers conferred by section 54 (Emergency flood protection works) or section 55 (Temporary works at damaged banks) of this Act upon any operational land of any of the undertakers the Council and any person acting on their authority shall comply with such reasonable requirements of the undertakers as may be necessary to secure that as far as is reasonably practicable in the circumstances any plant or apparatus on the land is not obstructed or interfered with.

(3) Without prejudice to the provisions of the last foregoing subsection the Council and any person acting on their authority shall in entering or carrying out any work in the exercise of the powers conferred by the said section 54 or the said section 55 upon any operational land of the Metropolitan Water Board comply with such reasonable requirements of that board as may be necessary to secure that there is no impairment of the quality of the water supplied by them.

(4) The Council shall give to the undertakers the longest possible notice of their intention to carry out any work under the said section 54 on any operational land and of the nature and extent of such work and the Council shall not carry out the work if forthwith on the giving of such notice as aforesaid the undertakers inform the Council that they are able and willing immediately to carry out the work to the satisfaction of the Council and thereafter they proceed to carry out the work expeditiously to the satisfaction of the Council.

PART VII

REGULATION OF STREET TRADING

Interpretation of Part VII of this Act and amendment of Act of 1947.

62.—(1) In this Part of this Act—

“the Act of 1947” means the London County Council (General Powers) Act 1947;

“the appointed day” means the first day of October nineteen hundred and fifty-seven;

“ authorised street trader ” means a registered street trader or a person holding a street trading licence; and

“ street trading registration ” means the registration under which a registered street trader is registered.

(2) References in the Act of 1947 to a petty sessional court shall be construed as references to a magistrates' court.

(3) This Part of this Act shall be construed as one with the Act of 1947 as if it were inserted in Part IV (Regulation of street trading) thereof.

63. A borough council before passing a designating resolution in respect of any street or coming to a decision on an application made to them on or after the appointed day under subsection (4) of section 16 (Designation of streets for purposes of street trading) of the Act of 1947 in respect of any street—

(a) shall publish in a local newspaper circulating in the borough and post in some conspicuous part of the street a notice stating that—

(i) they are considering the passing of such a resolution or have received such an application as aforesaid (as the case may be); and

(ii) representations with respect thereto may be made in writing to the borough council before such date as may be specified in the notice (being a date not less than fourteen days from the publication or first posting thereof as aforesaid whichever may be the later) by any persons residing or trading in the street; and

(b) shall consider any representations so made.

64.—(1) Where any particulars registered in respect of a registered street trader have the effect of entitling him to engage in street trading in two or more places or positions in any street or streets in a borough the borough council may subject to the provisions of this section make such alterations in those particulars as they may think fit for reducing or limiting the number of places and positions in which he may engage in street trading if they consider that such reduction or limitation is necessary to reduce or eliminate interference with or inconvenience to traffic in any street.

(2) A borough council shall not make any alterations under this section unless at least fourteen days before making the alterations they have served a notice on the registered street trader stating the alterations which it is proposed to make and if so required by him in writing within seven days after the receipt of the notice they have afforded him an opportunity of being heard with respect thereto.

PART VII
—cont.

(3) Any alterations made by a borough council under this section shall come into force on such day as may be fixed by the borough council not being a day earlier than fourteen days after the registered street trader has been notified of the alterations which have been made and the date fixed as aforesaid for their coming into force:

Provided that if an appeal is made to a magistrates' court in respect of the alterations they shall have no effect pending the final determination or abandonment of the appeal.

(4) A registered street trader aggrieved by any alterations made by a borough council under this section or by any decision of the borough council as to the date on which they are to come into force may appeal to a magistrates' court.

(5) Where any particulars are altered under this section references in subsection (6) of section 19 (Registered street traders) of the Act of 1947 to those particulars shall be construed as references to those particulars as so altered.

(6) References in this section to the alteration of any particulars shall be deemed to include references to the substitution of other particulars for those particulars.

Suspension of
registration
of registered
street traders.

65.—(1) Where a borough council consider that a person registered by them as a registered street trader is not for any reason (other than a bodily or mental disablement which is unlikely to be of a permanent nature) for the time being capable of substantially exercising or controlling the exercise of his rights as such trader the borough council may subject to the provisions of this section suspend his street trading registration.

(2) A borough council shall not suspend a street trading registration unless they have given to the registered street trader not less than fourteen days' notice of their intention and if so required by him in writing within seven days after the receipt of the notice they have afforded him an opportunity of being heard against the suspension.

(3) Any suspension of a street trading registration made by a borough council under this section shall have effect from such day as may be fixed by the borough council not being a day earlier than fourteen days after the registered street trader has been notified of the suspension and the date fixed as aforesaid for its coming into effect:

Provided that if an appeal is made to a magistrates' court against the suspension or as to the date upon which the suspension is to take effect such suspension shall have no effect pending the final determination or abandonment of the appeal.

(4) On application being made to them in writing by a registered street trader whose registration has been suspended as aforesaid the borough council may restore the registration as from such date as they may fix for the purpose.

(5) As soon as may be after the receipt by the borough council of such an application as is mentioned in the last foregoing subsection the borough council shall notify the registered street trader in writing of their decision thereon and if within a period of twenty-eight days from the receipt of the application or within such longer period as may be agreed in writing between the borough council and the registered street trader they do not so notify him they shall be deemed to have refused to restore the registration and to have so notified him on the last day of such period.

(6) A registered street trader aggrieved by the suspension of his registration or by the refusal of a borough council to restore his registration or by any decision of the borough council as to the date upon which his registration is to be suspended or restored may appeal to a magistrates' court.

(7) Except for the purposes of the provisions of the Act of 1947 and this Part of this Act relating to the cancellation or restoration of a street trading registration the registration of a registered street trader which is suspended shall be deemed to be of no effect until it has been restored.

(8) Any person who by wilful misrepresentation procures the restoration of his registration as a registered street trader shall be guilty of an offence.

66.—(1) A person shall not be treated as being a member of the family of a registered street trader within the meaning of the proviso to subsection (6) of section 19 (Registered street traders) of the Act of 1947 unless such person is related to him within the meaning of this section. Meaning of member of family of registered street trader.

(2) For the purposes of this section a person shall be treated as being related to another if the latter is the wife husband father mother grandfather grandmother stepfather stepmother son daughter grandson granddaughter stepson stepdaughter brother sister half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that he is so related only through an illegitimacy or in consequence of an adoption.

67.—(1) An application for the renewal of an annual licence shall be made not later than two months or earlier than three months before the date on which that licence unless revoked or surrendered will cease to be valid: Applications for renewal of annual licences.

Provided that nothing in this section shall prevent a borough council from renewing an annual licence notwithstanding that

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—cont.

application has been made for such renewal at a later date than aforesaid if they consider it reasonable in the circumstances so to do.

(2) This section shall not apply in respect of the renewal of an annual licence which takes effect before the first day of January nineteen hundred and fifty-eight.

Surrender
of annual
licences.

68.—(1) An annual licence shall cease to have effect on being surrendered to the borough council by the person to whom it was granted.

(2) Subsection (6) of section 21 (Annual licences) of the Act of 1947 shall have effect as if after the word “revoked” there were inserted therein the words “or surrendered”.

Fees for
annual
licences.

69. Subsection (1) of section 23 (Fees on licences) of the Act of 1947 shall have effect as if the words “a fee of ten shillings” were substituted therein for the words “a fee of five shillings”.

Production
of authority
for street
trading.

70. Any person found engaging in street trading in or from a stationary position in a street within a borough or engaging in street trading in a designated street shall on being required to do so by an officer of the borough council duly authorised in writing and (if so required) producing his authority or by an officer of the metropolitan police produce the licence or the certificate of the registration under the authority of which he is engaging in such street trading and in default of compliance with such requirement he shall be guilty of an offence.

Power to
borough
councils to
provide
containers
for refuse.

71. A borough council may sell or let on hire to an authorised street trader containers for the deposit of refuse arising in the course of the street trading in which he is authorised to engage.

Byelaws as to
street trading.

72.—(1) A borough council may make byelaws relating to the carrying on of street trading under the authority of a street trading licence or a street trading registration for regulating the following matters (that is to say):—

- (a) the days on which and the times during which articles or things may be sold or exposed or offered for sale;
- (b) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles or things intended to be sold or exposed or offered for sale;
- (c) the deposit and removal of refuse and the containers to be used for the deposit of such refuse pending its removal;

- (d) the allocation maximum dimensions and arrangement of receptacles;
- (e) any other conditions under which articles or things may be sold or exposed or offered for sale;
- (f) the maximum fee which may be charged under section 23 (Fees on licences) of the Act of 1947 to an applicant for a temporary licence; and
- (g) the charges which may be made under section 26 (Charges to holders of annual licences) of the Act of 1947.

(2) In making any byelaw relating to the maximum fee which may be charged to an applicant for a temporary licence the borough council shall have regard to the matters for or in respect of which they are in the case of annual licences authorised by the said section 26 to make charges to the holders of those licences.

(3) Nothing in the byelaws made under this section shall be deemed to make it an offence for a registered street trader—

- (a) to engage in street trading under the authority of his street trading registration at any time at which he would have been entitled to engage in such street trading if the byelaws had not been made ; or
- (b) to use in connection with such street trading any receptacle which he would have been entitled so to use if the byelaws had not been made.

(4) The Secretary of State shall be the confirming authority for byelaws made under this section.

(5) Before any byelaws made by a borough council under this section are confirmed the borough council shall take such steps as may be prescribed in rules made by the Secretary of State for affording any recognised organisation representative of street traders and to any street trader affected by such byelaws and not being a member of any such organisation an opportunity to make representations with regard thereto.

(6) Section 27 (Byelaws as to trading under licences) of the Act of 1947 is hereby repealed but any byelaws or rules made thereunder shall until revoked or rescinded continue to have the like force and effect as if they had been made under this section.

73.—(1) Where any enactment in this Part of this Act provides Appeals. for an appeal to a magistrates' court against any decision of a borough council the court may on such an appeal confirm reverse or vary the decision of the borough council.

(2) The time within which any such appeal may be brought shall be fourteen days from the date on which the decision which is the subject of the appeal was notified in writing to the person desiring to appeal and a magistrates' court shall not commence

PART VII
—cont.

to hear such an appeal unless notice in writing of the appeal has been sent by the appellant at least seven days previously to the borough council to whose decision the appeal relates.

Evidence of
street trading
in proceedings.

74. In any proceedings for an offence under section 29 (Offences penalties &c.) of the Act of 1947 or under this Part of this Act (otherwise than for a contravention of any prescriptions of a street trading licence or of any particulars registered in relation to a registered street trader specifying the day or days on which or the time or times at which any articles or things may be sold or exposed or offered for sale) where it is shown that any article or thing was displayed in or on any receptacle in a stationary position in any street that article or thing shall be presumed to have been exposed or offered for sale (at such time and in such position at which it was so displayed) by the person in charge or appearing to be in charge thereof unless it is shown to the satisfaction of the court that the article or thing was brought into that street for some purpose other than for the purpose of selling it or exposing or offering it for sale in a street.

Penalties.

75.—(1) Every person guilty of an offence under Part IV of the Act of 1947 or under this Part of this Act shall be liable to a fine not exceeding five pounds or if he has been previously convicted of any such offence to a fine not exceeding twenty pounds.

(2) This section shall not apply to an offence under any byelaw in force under this Part of this Act.

(3) Subsection (4) of section 29 of the Act of 1947 is hereby repealed.

Saving for
certain
refreshment
shelters etc.
of
commission.

76. Nothing in Part IV of the Act of 1947 or in this Part of this Act shall apply to the sale or exposure or offer for sale by the commission of refreshments at any shelter or other accommodation provided by them under section 65 (Refreshment shelters &c.) of the London Passenger Transport Act 1938.

Commence-
ment of
Part VII.

77. This Part of this Act shall come into operation on the appointed day.

PART VIII

MISCELLANEOUS

Advances for
erection etc.
of buildings.

78.—(1) Subject to the provisions of this section the Council may advance money to the purchaser or lessee of any land acquired or leased by him from the Council for the purpose of enabling or assisting him to build on such land or to extend or improve any existing building thereon:

Provided that any such advance shall not exceed in the case of a building being a house nine-tenths or in the case of any other building three-quarters of the amount which in the opinion of the Council will be the market value of the interest of the borrower in the land after the purpose of the loan has been effected.

(2) Before any advance is made under this section its repayment shall be secured to the satisfaction of the Council by a mortgage of the land and building in respect of which the advance is to be made or of the lessee's interest therein and the instrument securing the advance shall—

- (a) fix the rate of interest to be paid in respect of the advance or (if the advance is made by instalments) any instalment thereof being a rate not less than one quarter per centum in excess of the rate of interest which was at the date on which the advance or the instalment (as the case may be) was made the rate fixed by the Treasury under section 1 of the Public Works Loans Act 1897 in respect of loans to local authorities advanced out of the Local Loans Fund and repayable over the same period as the advance;
- (b) fix the period within which the advance is to be repaid being a period not exceeding thirty years from the date of the advance or where the advance is made by instalments the date on which the last instalment is made;
- (c) subject to the following provisions of this subsection require the repayment to be made either by equal instalments of principal or by an annuity of principal and interest combined;
- (d) fix the intervals at which all payments on account of principal and interest are to be made being intervals not exceeding half a year;
- (e) authorise the borrower at any such days in the year as may be specified in the instrument after one month's notice and on paying all sums due on account of interest to repay the whole of the outstanding principal of the advance or any part thereof being one hundred pounds (or such less sum as may be provided in the said instrument or as the Council may be prepared to accept) or a multiple of one hundred pounds (or such less sum as aforesaid);
- (f) where the repayment is to be made by an annuity of principal and interest combined provide for determining the manner in which the remainder of the advance is to be repaid when part thereof is paid off otherwise than by way of an instalment of the annuity;

PART VIII
—cont.

(g) require the borrower either—

(i) to keep the building in respect of which the advance is made insured against fire to the satisfaction of the Council and to produce to the Council when required the receipts for the premiums paid in respect of the insurance; or

(ii) (if the Council elect themselves to insure the said building against fire) to repay to the Council the amounts of any premiums paid by them from time to time in that behalf;

(h) require the borrower to keep the said building in good repair.

(3) For the purposes of this section where the risk of loss or damage by fire to any building in respect of which an advance has been made under this section is a specified risk for the purposes of section 31 (Insurance fund of Council) of the London County Council (General Powers) Act 1955 the building shall be deemed to be insured by the Council against fire and so much of any sum paid by the Council under subsection (3) of the said section 31 as is attributable to such risk shall be deemed to be a premium paid by the Council in respect of that insurance.

(4) Any person acting on behalf of the Council and authorised in writing by the clerk of the Council or by such other officer of the Council as the Council may designate for the purposes of this subsection shall have power at all reasonable times to enter any building in respect of which an advance has been made under this section for the purpose of ascertaining whether the conditions of this section and of the instrument aforesaid are being complied with.

(5) Subsections (2) (3) and (4) of section 5 (Loans by Council) of the London County Council (Loans) Act 1955 shall apply in relation to advances made under this section as they apply in relation to loans made under that section.

(6) In this section the expression “lessee” includes a person to whom the Council have granted an underlease or have agreed to grant a lease or underlease and the expression “leased” shall be construed accordingly.

Supply of
goods to other
authorities.

79. Section 195 of the Act of 1939 (which enables the Council (inter alia) to supply goods or materials to certain other authorities) shall have effect in relation to the following persons bodies of persons and organisations as if they were authorities within the meaning of that section (that is to say):—

(a) any person or body of persons responsible for the management or government of any school or other educational institution the fees or expenses of any person receiving education instruction or training at which are wholly or partly defrayed by the Council;

- (b) any voluntary organisation with which the Council have made such arrangements as are referred to in section 26 of the National Assistance Act 1948; and
- (c) any body of persons concerned with the promotion of the welfare of persons ordinarily resident within the county who are aged or to whom section 29 of the National Assistance Act 1948 applies:

Provided that nothing in this section shall empower the Council to supply goods or materials for use outside the county.

80.—(1) A borough council may provide and maintain within the borough accommodation for garaging or housing mechanically propelled vehicles and may supply furnish and equip any such accommodation with such fittings equipment and conveniences as they may consider requisite in connection with the use thereof for the garaging or housing of such vehicles. Provision of garage accommodation.

(2) A borough council may let any accommodation provided by them under this section or allow it to be used on such terms and conditions as they may think fit.

(3) Any two or more borough councils may by agreement combine for the purposes of their functions under this section and for the purpose of giving effect to such an agreement a borough council may exercise or join in the exercise of the functions conferred by this section in any borough the borough council of which is a party to the agreement.

(4) The enactment of the foregoing provisions of this section shall not limit or affect the powers of the Council under section 20 of the Town and Country Planning Act 1944.

(5) Nothing in this section shall empower a borough council or two or more borough councils—

- (a) to sell or supply motor vehicles or fuel lubricants accessories spare parts or equipment for motor vehicles; or
- (b) to carry on the business of maintaining or repairing motor vehicles.

81.—(1) Subject to the provisions of this section a borough council may cause to be removed any bottle found in a street or on the forecourt of any premises abutting on a street being a forecourt which is unfenced and is habitually used or is open to use by the public as part of the footway of that street. Removal of bottles from streets.

(2) Any bottle removed under this section shall be the property of the borough council and subject to the provisions of this section the borough council may sell or otherwise dispose of it in such manner as they think fit.

PART VIII
—cont.

(3) Where representations in writing are made to a borough council by a body which appears to them substantially to represent the interests of persons carrying on business in the borough as sellers by retail of milk for human consumption that such person as may be specified in the representations is willing to collect from the borough council any bottles which they have caused to be removed under this section and which are of a kind commonly used by persons carrying on business as aforesaid for the delivery of milk to their customers and that person notifies the borough council in writing that he is so willing the borough council shall not (except as may otherwise be agreed with such person) sell or otherwise dispose of any such bottles unless—

- (a) they give notice to such person stating that the bottles may be collected at such place as may be specified in the notice at such reasonable times as may be so specified; and
- (b) such person within seven days of the service of such notice fails to collect the bottles from such place as aforesaid;

and any bottles so collected shall cease to be the property of the borough council.

(4) The borough council may recover in any court of competent jurisdiction as a simple contract debt from the person on whom they have served notice under paragraph (a) of the last foregoing subsection the reasonable costs and expenses incurred by them in the removal and retention of any bottles to which that notice relates.

(5) Nothing in this section shall authorise the removal of a bottle which appears to be in use or to have been used for the supply of a commodity to or for the use of a person on any premises or for sale on such premises and to have been placed or deposited in the position in which it is found for the purpose of enabling it to be collected by or on behalf of the person by whom or for whom the commodity was supplied if in any such case either—

- (a) the bottle has been placed or deposited as aforesaid on the forecourt of the premises; or
- (b) where the premises have no forecourt the bottle has been placed or deposited for the purposes aforesaid in the street as near as is reasonably practicable to an entrance to the premises from the street:

Provided that this subsection shall not apply to any bottle which has remained substantially in the position in which it was placed or deposited for a period exceeding four days exclusive of Christmas Day Good Friday and any bank holiday.

(6) Nothing in this section shall prejudice or affect the exercise by a borough council of their functions as a highway authority or in relation to the sweeping and cleansing of streets or the collection and removal of street refuse therefrom.

(7) In this section—

“ bottle ” means a bottle jar or other similar container; and
“ street ” and “ street refuse ” have respectively the meanings assigned to them by section 304 of the Act of 1936.

82.—(1) A borough council may for the purpose of promoting safety in the home and of encouraging the taking of proper precautions for avoiding the occurrence of accidents therein make arrangements for the dissemination within the borough of information and advice relating to such matters.

(2) Any two or more borough councils may by agreement combine for the purposes of their functions under this section and for the purpose of giving effect to such an agreement a borough council may exercise or join in the exercise of the functions conferred by this section in any borough the borough council of which is a party to the agreement.

(3) This section shall apply to the city of London and shall have effect in relation thereto as if the references therein to a borough included references to the said city and the references therein to a borough council included references to the common council.

83.—(1) Without prejudice to any other power for that purpose the Camberwell Council may make up and pave in such manner as they may think fit the lands in the borough of Camberwell comprising part of Homestall Road and shown by blue colour on the plan signed in quadruplicate by the Right Honourable the Lord Terrington the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the Parliament Office House of Lords one copy in the Private Bill Office of the House of Commons one copy with the clerk of the Council and one copy with the town clerk of the borough of Camberwell.

Paving etc. of
Homestall
Road
Camberwell.

(2) The Council may contribute towards any expenses incurred by the Camberwell Council under the foregoing subsection.

(3) As from such date as may be agreed between the Council and the Camberwell Council the whole or such part as may be specified in the agreement of the lands aforesaid shall become a highway repairable by the inhabitants at large.

(4) Nothing in the last foregoing subsection or done thereunder shall prejudice alter or affect the rights which any person at the passing of this Act may have over the lands aforesaid as a member of the public.

PART IX

SUPPLEMENTAL

For protection of
Montague
Burton
Limited and
others.

84. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the lessees shall unless otherwise agreed in writing between the Council and the lessees apply and have effect:—

- (1) (a) The Council shall not under the powers of this Act acquire the whole or any part of the property numbered 32 on the deposited plans nor shall they interfere with any part of that property except so far as may be reasonably necessary for the purpose of adjusting the levels of any carriageway or footway;
- (b) Any difference which may arise between the Council and the lessees under this paragraph shall be settled by arbitration:

(2) In this section—

“ the lessees ” means Montague Burton Limited and their successors in title the lessee or lessees for the time being of any part of the property numbered 32 on the deposited plans:

For protection of
Coutts and
Company.

85. Notwithstanding anything contained in this Act the following provisions for the protection of Coutts and Company (hereinafter referred to as “ the company ”) shall unless otherwise agreed in writing between the Council and the company apply and have effect:—

- (1) The Council shall not under the powers of this Act acquire compulsorily any part of the lands numbered 9 on the deposited plans:
- (2) The Council shall not except with the consent of the company exercise any of the powers of Part III (Works) of this Act in respect of the company's premises situate on or under the said lands numbered 9 on the deposited plans except to such extent (if any) as may be reasonably necessary consequent upon any adjustment of the level of the carriageways and footways abutting on any premises of the company:
- (3) Any difference which may arise between the Council and the company under this section shall be settled by arbitration.

Arbitration.

86. Any question or difference which pursuant to this Act is to be settled by arbitration (other than a question or difference to which the provisions of the Lands Clauses Acts apply) shall except as otherwise provided by this Act be referred to and determined by an arbitrator to be agreed upon between the

parties in difference or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers.

PART IX
—cont.

87. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

88. This Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act. Saving for town and country planning.

89. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those Commissioners on behalf of Her Majesty first had and obtained for that purpose or any land or hereditaments or any rights of whatsoever description held by the Postmaster-General in trust for Her Majesty for the purposes of the Post Office without the consent in writing of the Postmaster-General first had and obtained. Crown rights.

90.—(1) Except as otherwise provided in this Act all costs and expenses of the Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the Act of 1939 as the Council may decide. Costs of Act.

(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 Part II (Lands) of this Act and relating respectively to—

(a) the land shown by blue and pink colour on the Bermondsey signed plan; and

(b) the Caxton Street land;

shall unless otherwise agreed be paid as regards (a) by the Bermondsey Council and as regards (b) by the Westminster Council.

SCHEDULE

ENACTMENTS REPEALED

Section 52.

Session and chapter	Short title	Extent of repeal
54 & 55 Vict. c. ccvi	London Council (General Powers) Act 1891	In subsection (2) of section 62 the words from "What proportion (if any) of his own contributions" to "retirement" the words from "The age at which" to "management of the fund" and the words from "And generally" to the end of the subsection. Section 64. In section 65 the words from "and shall" to the end of the section. In section 68 the words "on the recommendation of the committee but" and the words from "But no contributor" to the end of the section.
55 & 56 Vict. c. ccxxxviii	London County Council (General Powers) Act 1892	In the preamble the tenth eleventh twelfth and thirteenth recitals. Part VI.
7 Edw. 7 c. clxxv	London County Council (General Powers) Act 1907	In section 53 paragraphs (c) (d) and (e).
1 & 2 Geo. 5 c. lxiii	London County Council (General Powers) Act 1911	Section 8.
26 Geo. 5 & 1 Edw. 8 c. lx	London County Council (General Powers) Act 1936	Section 46.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Charing Cross Railway Act 1859	22 & 23 Vict. c. lxxxi.
Lee Conservancy Act 1868	31 & 32 Vict. c. cliv.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Metropolis Management (Thames River Prevention of Floods) Amendment Act 1879... ..	42 & 43 Vict. c. cxcviii.
Metropolitan Board of Works (Various Powers) Act 1882	45 Vict. c. lvi.
Disused Burial Grounds Act 1884	47 & 48 Vict. c. 72.
Interpretation Act 1889	52 & 53 Vict. c. 63.
London Council (General Powers) Act 1891	54 & 55 Vict. c. ccvi.
London County Council (General Powers) Act 1892	55 & 56 Vict. c. ccxxxviii.
Public Works Loans Act 1897	60 & 61 Vict. c. 51.
London County Council (General Powers) Act 1907	7 Edw. 7 c. clxxv.
London County Council (General Powers) Act 1911	1 & 2 Geo. 5 c. lxiii.
Acquisition of Land (Assessment of Com- pensation) Act 1919	9 & 10 Geo. 5 c. 57.
Local Government and other Officers' Superannuation Act 1922	12 & 13 Geo. 5 c. 59.
Local Government Act 1929	19 & 20 Geo. 5 c. 17.
London County Council (General Powers) Act 1934	24 & 25 Geo. 5 c. xl.
Widows' Orphans' and Old Age Contributory Pensions Act 1936	26 Geo. 5 & 1 Edw. 8 c. 33.
Public Health (London) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 50.
London County Council (General Powers) Act 1936	26 Geo. 5 & 1 Edw. 8 c. lx.
London and Middlesex (Improvements &c.) Act 1936	26 Geo. 5 & 1 Edw. 8 c. cviii.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
London County Council (General Powers) Act 1937	1 Edw. 8 & 1 Geo. 6 c. xci.
London County Council (General Powers) Act 1938	1 & 2 Geo. 6 c. xxxviii.
London Passenger Transport Act 1938 ...	1 & 2 Geo. 6 c. xcii.
London Government Act 1939	2 & 3 Geo. 6 c. 40.
London County Council (General Powers) Act 1939	2 & 3 Geo. 6 c. c.
London County Council (Improvements) Act 1939	2 & 3 Geo. 6 c. ci.
Town and Country Planning Act 1944 ...	7 & 8 Geo. 6 c. 47.
Transport Act 1947	10 & 11 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
London County Council (General Powers) Act 1947	10 & 11 Geo. 6 c. xlvi.
National Assistance Act 1948	11 & 12 Geo. 6 c. 29.
London County Council (Improvements) Act 1948	11 & 12 Geo. 6 c. iv.
London County Council (General Powers) Act 1948	11 & 12 Geo. 6 c. liii.

Short title	Session and chapter
London County Council (General Powers) Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. viii.
Local Government (Superannuation) Act 1953	1 & 2 Eliz. 2 c. 25.
London County Council (General Powers) Act 1954	2 & 3 Eliz. 2 c. xxiv.
London County Council (Loans) Act 1955	4 & 5 Eliz. 2 c. xxvi.
London County Council (General Powers) Act 1955	4 & 5 Eliz. 2 c. xxix.

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