

City of London (Various Powers) Act, 1952

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ARRANGEMENT OF SECTIONS

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CHAPTER vi

An Act to authorise a contribution out of the general rate of the city of London for the erection of new buildings and carrying out improvements at Guildhall to provide for the improvement of the amenities of the city to extend the powers of the police force of the city and for other purposes. [22nd May 1952.]

WHEREAS—

(1) The premises known as Guildhall the council chamber offices library museum art gallery and other buildings connected therewith in the city of London have suffered extensive damage by reason of enemy action and it is the intention of the Corporation of the city of London that the restoration and improvement of such buildings should be undertaken and new buildings should be erected :

(2) The cost of carrying out such proposals will be borne in part by the War Damage Commission and it is expedient that the balance of such cost should be borne by and defrayed out of the general rate of the city :

(3) It is expedient that the Corporation should be enabled to improve certain lands adjacent to highways for the purpose of preserving or enhancing the amenities of the city :

(4) It is expedient that constables of the police force of the city should be enabled to act within the metropolitan police district in like manner as constables of the Metropolitan Police Force are empowered to act within the city :

(5) The objects of this Act cannot be attained without the authority of Parliament :

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) :—

Short title. 1. This Act may be cited as the City of London (Various Powers) Act 1952.

Interpretation. 2. In this Act unless there be something in the subject or context repugnant to such construction—

“ the city ” means the city of London ;

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

“ the Corporation ” means the mayor and commonalty and citizens of the city acting by the common council.

Contribution out of general rate for new buildings and improvements within Guildhall precincts. 3.—(1) In this section “ Guildhall precincts ” means the area of land in the city on which is situate the edifice known as Guildhall and the land adjoining or appurtenant thereto forming the site of the buildings erected or hereafter to be erected and used or hereafter to be used by the Corporation.

(2) The common council in their capacity as a local authority may contribute out of the general rate of the city a sum not exceeding one million pounds towards the cost of acquiring land to form part of the Guildhall precincts and the cost of erecting new buildings and carrying out improvements within those precincts.

Improvement of amenities. 4.—(1) For the purpose of preserving or enhancing the amenities of any part of the city the common council may subject to the provisions of this section plant trees in and carry out such other works and do such other things as they consider expedient for restoring or improving the appearance of the land to which this section applies and may undertake the entire or partial maintenance of any such land.

(2) The land to which this section applies is—

(a) any unenclosed land abutting upon a highway vested in or under the management of the common council ;

(b) any disused burial ground within the meaning of the Open Spaces Act 1906 adjacent to any such highway ; and

(c) any other land adjacent to any such highway and held by any persons for a charitable or other public purpose :

Provided that the common council shall not exercise any of the said powers in respect of any land outside the city except with the consent of the metropolitan borough council in which the land is situated.

(3) (a) Where the common council propose to exercise any of the powers conferred upon them by subsection (1) of this section in respect of any land not belonging to them or under their control they may enter into and carry into effect an agreement for that purpose with any persons entitled by virtue of an estate or interest in the land or by virtue of their being charged by or under any enactment or trust with the care and management of the land to do or authorise the doing of the things proposed to be done under the agreement and the common council shall not exercise any of the said powers in relation to any such land except in accordance with an agreement so made:

Provided that an agreement shall not be entered into under this paragraph in respect of any such land being consecrated ground or the curtilage or surrounding yard of any consecrated building unless the sanction of a licence or faculty from the consistory court of the diocese of London is first obtained.

(b) Any such agreement may provide for the carrying out of any planting or other works by a person other than the common council.

(c) Where the sanction of a licence or faculty from the consistory court of the diocese of London is requisite before an agreement can be entered into under this subsection the reasonable expenses of obtaining such licence or faculty shall be defrayed by the common council.

(4) Where the common council consider that any trees which they propose to plant in a highway in the exercise of the powers conferred on them by section 1 of the Roads Improvement Act 1925 could be more conveniently situated adjacent to instead of in the highway they may with the consent of all persons interested in any land abutting on the highway plant and maintain the trees in that land and for the purposes of the said section any land in respect of which such consent is obtained shall be deemed to form part of the highway.

(5) Nothing in this section shall empower the common council to erect or maintain or to do any works or other things in or upon any building but the common council may erect and maintain a boundary or retaining wall or any other structure reasonably required for the laying out or maintenance of land as distinct from a building.

(6) The powers of this section shall not be exercised by the common council—

(a) in the case of any exercise of the power conferred by subsection (4) of this section with respect to any land;

(b) in any other case with respect to any land belonging to or under the control of the common council;

in such manner as to be at variance with any trust for the time being affecting such land without an order of the High Court or the Charity Commissioners or the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

Maintenance
of closed
churchyards
etc.

5.—(1) In addition to any power conferred upon them by the last foregoing section the common council may agree with the persons responsible under section 18 of the Burial Act 1855 for the maintenance of a closed churchyard or burial ground situated within the city for the transfer to the common council either permanently or temporarily of all or any of the obligations of maintenance and repair imposed on those persons by that section in respect of that churchyard or burial ground and in so far as any such agreement so provides the said obligations shall be transferred accordingly.

(2) Any expenses incurred by the common council under this section shall be defrayed out of the poor rate of the city.

Power to city
police to act in
metropolitan
police district.

6.—(1) A constable belonging to the police force of the city shall within the metropolitan police district have the power of arrest and all other powers possessed and exerciseable within that district by a constable belonging to the Metropolitan Police Force.

(2) Notwithstanding anything in section 12 of the Metropolitan Police Act 1839 the duties imposed upon a constable belonging to the Metropolitan Police Force by that section may also be performed within the metropolitan police district by a constable belonging to the police force of the city.

For protection
of certain
undertakers.

7.—(1) In this section "the undertakers" means each of the following bodies:—

The London Electricity Board;

The London Hydraulic Power Company;

The Metropolitan Water Board;

The North Thames Gas Board.

(2) Without prejudice to any of the provisions of the Public Utilities Street Works Act 1950 where the common council exercise any of the powers of section 4 (Improvement of amenities) of this Act in or at any place near to which there is any apparatus belonging to the undertakers or lawfully laid down by the undertakers or their predecessors the common council shall so exercise the said powers as to avoid so far as is reasonably practicable the access to such apparatus being rendered less convenient.

8. The costs charges and expenses preliminary to and of Costs of Act.
and incidental to the preparing obtaining and passing of this
Act shall be paid by the Corporation out of the general rate of
the city.

Table of Statutes referred to in this Act

Short title	Session and chapter
Metropolitan Police Act 1839	2 & 3 Vict. c. 47.
Burial Act 1855	18 & 19 Vict. c. 128.
Open Spaces Act 1906	6 Edw. 7. c. 25.
Roads Improvement Act 1925	15 & 16 Geo. 5. c. 68.
Public Utilities Street Works Act 1950	14 Geo. 6. c. 39.

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