



London Government Act 1963

1963 CHAPTER 33

PART IX

MISCELLANEOUS AND GENERAL

General

82 Exercise of functions as respects the Temples

- (1) Her Majesty may at any time, whether before or after 1st April 1965, by Order in Council coming into force not earlier than that date provide that any functions exercisable as respects a London borough by the council of that borough, not being functions for the exercise of which as respects the Temples specific provision is made elsewhere in this Act and, without prejudice to the foregoing provision, not being functions for which provision is made by Part V or VI of this Act, shall be exercisable—
 - (a) as respects the Inner Temple by the Sub-Treasurer thereof and as respects the Middle Temple by the Under-Treasurer thereof; or
 - (b) as respects both the Temples by the Common Council.
- (2) Any Order in Council under this section may make such incidental, consequential, transitional or supplementary, provision as appears to Her Majesty to be necessary or proper for the purposes or in consequence of any of the provisions of the Order, including provision—
 - (a) applying any enactment relating to the functions in question (including any enactment in this Act or in any other Act passed during the same session as this Act) to the Inner Temple or the Middle Temple;
 - (b) modifying any such enactment in its application thereto;
 - (c) excluding the application of any such enactment thereto;
 - (d) repealing any such enactment applying thereto.
- (3) Any Order in Council under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

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- (4) Any expenses incurred by the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple under this Act or any enactment applied to the Temples by or under this Act may be defrayed out of a rate in the nature of a general rate levied in the Inner Temple or the Middle Temple, as the case may be.

83 Other adaptations of enactments

- (1) As from 1st April 1965, the enactments specified in Schedule 17 to this Act shall have effect subject to the provisions of that Schedule, being provisions necessary or expedient in consequence of other provisions of this Act.
- (2) Her Majesty may at any time, whether before or after 1st April 1965, in any case where it appears to Her appropriate in consequence of the provisions of this Act, by Order in council coming into force not earlier than 1st April 1965 make such further modifications of any enactment contained in any other public general Act passed before 1st April 1965 (not being an Act passed with respect only to the whole or part of the existing county of London) as may appear to Her to be necessary to make that enactment apply—
- (a) in relation to Greater London or the Greater London Council as it applies in relation to, or to the council of, a county (or a particular county to which section 3(1)(b) of this Act applies); or
 - (b) in relation to a London borough or the council thereof or, as the case may be, in relation to the City or the Common Council, as it applies in relation to, or to the council of, a county borough (or a particular county borough to which the said section 3 (1)(b) applies); or
 - (c) in relation to a London borough or the council thereof as it applies in relation to, or to the council of, a metropolitan borough (or a particular metropolitan borough),

or, in the case of an enactment conferring on the London county council power to appoint members of any body, to make that power exercisable by some body appearing to Her to be representative of all or any of the councils of the London boroughs and the Common Council or by the Inner London Education Authority; but no such Order shall be made unless a draft thereof has been laid before, and approved by a resolution of, each House of Parliament.

84 Supplementary and transitional provision

- (1) The Minister or any appropriate Minister may at any time, whether before or after 1st April 1965, by order, which shall be subject to annulment in pursuance of a resolution of either House of Parliament, make such incidental, consequential, transitional or supplementary provision as may appear to him—
- (a) to be necessary or proper for the general or any particular purposes of this Act or in consequence of any of the provisions thereof or for giving full effect thereto; or
 - (b) to be necessary or proper in consequence of such of the provisions of any other Act passed in the same session as this Act as apply to Greater London or any authority therein or any other area or authority affected by Part I of this Act;
- and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) Any such order may in particular include provision—

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- (a) with respect to the transfer and management or custody of property (whether real or personal) and the transfer of rights and liabilities ;
 - (b) with respect to the membership of any body so far as that membership consists of persons elected by, or appointed by or on the nomination of—
 - (i) any council affected by Part I of this Act; or
 - (ii) any two or more bodies who include such a council;
 - (c) for applying, amending or repealing or revoking, with or without savings, any Act passed or any instrument under an Act made before 1st April 1965;
 - (d) for requiring the council of any London borough, with a view to securing that the introduction of a general rate of uniform amount per pound of rateable value throughout the borough is gradual, to make and levy during a limited period beginning on 1st April 1965 differential rates determined by reference to the circumstances of the existing rating areas and parts of such areas included in the borough;
 - (e) for any of the matters specified in section 148(1)(a) to (h) and (2) of the Local Government Act 1933 ;
 - (f) for anything duly done before 1st April 1965 by any authority in the exercise of functions which on and after that date became functions of some other authority to be deemed as from that date to have been duly done by that other authority, and for any instrument made before that date, if or so far as it was made in the exercise of those functions, to continue in force on and after that date until varied or revoked in the exercise of those functions by that other authority.
- (3) The provision which may be made by virtue of paragraph (e) of the last foregoing subsection shall include the making, in relation to any association mentioned in section 2 of the Auxiliary Forces Act 1953, of the like provision as may be made in relation to a public body under section 148(1)(a) to (h) of the Local Government Act 1933, including provision for continuing in existence any such association and the area for which it is established or authorising the establishment of any such association under the said Act of 1953 for the whole or any part of Greater London and in either case for the appointment of a president and vice-president of any such association.
- (4) Notwithstanding anything in the foregoing provisions of this section, the Minister shall not make an order under this section (or this section as extended by section 87 of this Act) affecting any Act or instrument applying only to the City (with or without the Temples) or to things or persons connected therewith except after consultation with the Common Council.
- (5) Section 151 of the said Act of 1933 (which relates to financial adjustments by agreement between public bodies affected by any alteration of areas or authorities made by an order under Part VI of that Act) shall apply for the purposes of this Act as if the reference to such an order included a reference to any provision of, or of any instrument made under, this Act.
- (6) The provisions of Part I of this Act shall not affect the liability of any person whose name was immediately before 1st April 1965 included in a jurors book for any county or other area to serve on a jury for that area, and any such person (unless duly exempted or excused) shall, so long as the jurors book in which his name was then included remains in force for any area affected by the said Part I, continue to be liable to serve on a jury for that area.

85 Transfer and compensation of officers

- (1) Any order under section 6 or 84 of this Act may contain provisions as to the transfer of any person who is, on such date as may be specified in relation to him in the order, the holder of any place, situation or employment and who is affected by any provision of, or of any instrument made under, this Act, and shall contain provisions for the protection of the interests of such persons.
- (2) In the case of any person who on 31st March 1965 is in the employment of one or more local authorities who are or include a council to whom section 3(1)(b) of this Act applies, being employment which, or which in the aggregate, is whole-time employment, the Minister shall by order make such provision as is necessary to ensure that, to the extent, if any, to which, by reason only of the said section 3(1)(b), that person would apart from the order cease on 1st April 1965 to be in employment which, or which in the aggregate, would be whole-time employment by one or more local authorities, that person is transferred on 1st April 1965 to the employment of such local authority as may be specified in or determined under the order.
- (3) The provision required by subsection (1) or (2) of this section or by section 24(7) of this Act shall include such provision with respect to any person who is transferred under this Act (or, as the case may be, in pursuance of any agreement under the said section 24(7)) from the employment of one authority to that of another as to secure that—
 - (a) so long as he continues in the employment of that other authority by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, he enjoys terms and conditions of employment not less favourable than those he enjoyed immediately before the date of transfer; and
 - (b) the said new terms and conditions are such that—
 - (i) so long as he is engaged in duties reasonably comparable to those in which he was engaged immediately before the date of transfer, the scale of his salary or remuneration, and
 - (ii) the other terms and conditions of his employment,
 are not less favourable than those he enjoyed immediately before the date of transfer.
- (4) The appropriate Minister shall by regulations make provision for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or who but for any such service by them as may be so prescribed would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to any provision of this Act or of any instrument (including any agreement under section 24(7)) made under this Act; and any such regulations—
 - (a) may include provision as to the manner in which and the person to whom any claim for compensation is to be made, and for the determination of all questions arising under the regulations; and
 - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) The Minister, after consulting with such bodies representative of local authorities or of staff employed by local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable, shall not later than

one month after the passing of this Act establish a staff commission for the purpose of—

- (a) considering and keeping under review the arrangements for the recruitment of staff by the Greater London Council and the London borough councils and for the transfer in consequence of the provisions of this Act or any instrument made thereunder of staff employed by other local authorities affected by Part I of this Act;
- (b) considering such staffing problems arising in consequence of, and such other matters relating to staff employed by any body affected by, any provision of, or of any instrument made under, this Act as may be referred to the commission by the Minister; and
- (c) advising the Minister on the steps necessary to safeguard the interests of such staff ;

and the Minister may give directions to the commission as to their procedure and to any local authority (including any existing local authority) in Greater London with respect to the furnishing of any information requested and the implementation of any advice given by the commission and with respect to the payment by such authorities of any expenses incurred in connection with the commission.

86 Joint committees of existing councils for consideration of certain matters

- (1) In the case of any London borough other than the borough numbered 29 in Part I of Schedule 1 to this Act, for the purpose of the consideration of the matters to be included in the borough's charter or incorporation order or to be dealt with under section 84, 85(5) or 87(2) of this Act, the councils of the existing boroughs, metropolitan boroughs or urban districts which, or parts of which, are to be included in that London borough, and the council of any existing county in which the whole or any part of the area of that London borough is situated, may, and within four weeks of being so required by the Minister shall, appoint such number of representatives respectively to a joint committee for the purpose as may be agreed between those councils, or, in default of such agreement, determined by the Minister.
- (2) For the purpose of the consideration of the matters in connection with the establishment of the Greater London Council to be dealt with under section 84, 85(5) or 87(2) of this Act the councils of the existing counties and county boroughs whose areas lie wholly or partly within Greater London may, and within four weeks of being so required by the Minister shall, appoint such number of representatives respectively to a joint committee for the purpose as may be agreed between those councils or, in default of such agreement, determined by the Minister.
- (3) Any expenses incurred by any joint committee established under this section shall be defrayed by the councils represented thereon in such proportions respectively as may be agreed between them, or in default of such agreement, determined by the Minister.

87 Local Acts and instruments in and around Greater London

- (1) Subject to the provisions of this Act and any Act passed after this Act and before 1st April 1965 and of any order under section 84 of this Act or this section, any local statutory provision to which this section applies and which is not continued in force by any other provision of this Act shall—
 - (a) notwithstanding the changes of administrative areas and abolition of local authorities effected by Part I of this Act and, in the case of an instrument made

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under any enactment, notwithstanding the repeal of that enactment, continue to apply on and after that date to, but only to, the area, things or persons to which or to whom it applies before that date ;

- (b) have effect subject to any necessary modifications, including in particular—
 - (i) in the case of a Greater London statutory provision, the substitution for any reference to an existing county borough, metropolitan borough or county district situated wholly or partly within Greater London or the council thereof of a reference to so much of the London borough or boroughs as comprise that existing borough or district or any part thereof or, as the case may be, the council of that London borough or the councils of those London boroughs;
 - (ii) in the case of an urban district statutory provision, the substitution for any reference to the county of Middlesex or the council thereof of a reference to the county in which the district in question is included by virtue of this Act or, as the case may be, the council of that county ;

but the continuation by this subsection of an instrument made under any enactment shall not be construed as prejudicing any power to vary or revoke the instrument which is exercisable apart from this subsection.

- (2) An order made under section 84 of this Act by any Minister may—
 - (a) repeal or revoke any Greater London statutory provision which appears to that Minister to have become spent, obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom that provision applies ;
 - (b) transfer to any authority appearing to that Minister to be appropriate any functions of an existing local authority under a Greater London statutory provision which are not to become functions of some other authority under any provision of this Act except section 84 and this section, or under any other instrument made under this Act, being functions exercisable by any existing local authority abolished by this Act or exercisable in, or with respect to things or persons connected with, the relevant area by any other existing local authority;
 - (c) without prejudice to the last foregoing paragraph, make such modifications of any Greater London statutory provision in its application to any part of the relevant area as appears to that Minister to be expedient;
 - (d) extend any such provision, with or without further modifications, to a part of the relevant area to which it did not previously extend.
- (3) For the purpose of securing uniformity in the law applicable with respect to any matter in different parts of the relevant area, or in the relevant area or any part thereof and other parts of England and Wales, any appropriate Minister may, after consultation with such of the appropriate councils as appear to the Minister to be interested, by provisional order made after 1st April 1965 amend, repeal or revoke any Greater London statutory provision and extend it, with or without modifications, to a part of the relevant area to which it did not previously extend; and any such order may include such incidental, consequential, transitional or supplementary provision as may appear to the Minister to be necessary or proper for the purposes of the order or in consequence of any provisions thereof.

The appropriate councils for the purposes of this subsection are—

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- (a) in relation to sewerage and sewage disposal so far as they concern the sewerage area of the Greater London Council, the Common Council and the councils of the London boroughs and county districts wholly or partly within that area;
 - (b) in relation to land drainage, flood prevention and the like matters so far as they concern the London excluded area within the meaning of Schedule 14 to this Act, the Common Council and the councils of the London boroughs and county districts wholly or partly within that area;
 - (c) in relation to any matters not falling within paragraphs (a) and (b) of this subsection, the Common Council and the councils of the London boroughs;
- and also, in relation to any matter with respect to which the Greater London Council have functions, that Council.
- (4) Where any Greater London statutory provision is continued in force in any area by subsection (1) of this section or is amended or modified in its application, or extended, to any area by an order under section 84 of this Act or subsection (3) of this section, any appropriate Minister may by that order or, in the case of a provision continued as aforesaid, by an order under this subsection provide that that provision as so continued, amended, modified or extended shall have effect in that area to the exclusion of any enactment for corresponding purposes (including any enactment contained in or applied by this Act), or may make such modifications of any such enactment in its application to that area as will secure that the enactment will operate harmoniously with the said provision in that area.
- (5) Any appropriate Minister may by order provide that any Greater London statutory provision continued in force by subsection (1) of this section, being a provision of an instrument made under an enactment, shall cease to have effect, either generally or as respects any area, persons or things specified in the order, at the end of a period so specified.
- (6) Any order under subsection (4) or (5) of this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) No order shall be made as respects any part of Greater London after the passing of this Act under section 303 of the Public Health Act 1875 or any other enactment which authorises the making in relation to any local statutory provision of provision corresponding to that which may be made in relation thereto by an order under section 84 of this Act or this section:
- Provided that the foregoing provisions of this subsection shall not affect—
- (a) any order made under any such enactment before the passing of this Act; or
 - (b) the power of the Minister to make an order under section 82 of the Public Health Act 1961 with respect to any provision which appears to him to be inconsistent with, or unnecessary in consequence of, any provision of Part II of that Act as regards building regulations.
- (8) This section applies to any local statutory provision in force immediately before 1st April 1965 and not expressly repealed or revoked by this Act, being a provision—
- (a) applying to any part of the relevant area or to things or persons connected with a part of the relevant area; or
 - (b) conferring on an existing local authority abolished by this Act functions the exercise of which is not restricted to a part of Greater London or to things or persons connected therewith; or

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- (c) applying to the urban district of Potters Bar, Staines or Sunbury-on-Thames or to things or persons connected with one of those districts.

(9) In this section—

" the relevant area " means Greater London except that—

- (a) in relation to sewerage and sewage disposal, it includes so much of any county district as is in the sewerage area of the Greater London Council;
- (b) in relation to land drainage, flood prevention and the like matters, it includes so much of any county district as is in the London excluded area within the meaning of Schedule 14 to this Act;

" Greater London statutory provision " means any statutory provision to which this section applies, being a provision mentioned in subsection (8)(a) or (b) of this section;

" local authority " means the council of a county, county borough, metropolitan borough or county district or the Common Council or any joint committee, joint board, joint authority or other combined body all the members of which are representatives of any such council;

" urban district statutory provision " means any statutory provision to which this section applies, being a provision mentioned in subsection (8)(c) of this section.

88 General provision as to inquiries

- (1) Any Minister may cause a local inquiry to be held for the purpose of any of his functions under this Act in any case where there is no duty and no power apart from this section to hold an inquiry.
- (2) Section 290 (2) to (5) of the Local Government Act 1933 (which subsections relate to the giving of evidence at inquiries and the payment of costs) shall apply to any local inquiry caused to be held for the purposes of this Act by any Minister as if that Minister were a department for the purposes of that section, but shall not apply to any such inquiry so far as some other provision with respect to the subject-matter of those subsections is applicable to that inquiry by virtue of any other enactment.

89 Interpretation

- (1) In this Act, except where the context otherwise requires, the following expressions have the following meanings respectively, that is to say—

" appropriate Minister ", in relation to the making of an order or regulation with respect to any matter, means 'the Minister in charge of any government department concerned with that matter; but the validity of any order or regulation purporting to be made by any Minister by virtue of a power conferred on the appropriate Minister by this Act shall not be affected by any question as to whether or not that Minister was the appropriate Minister for the purpose;

" the City " means the City of London ;

" the Common Council " means the Common Council of the City of London ;

" county " means an administrative county ;

" county review area " in relation to the county of Essex, Hertfordshire, Kent or Surrey, means the area with respect to which, by virtue of section 3

(2) of this Act, a county review by the council of that county under section 28 of the Local Government Act 1958 may for the time being be made ;

" existing " in relation to a local government area or authority, means that area or authority as it existed immediately before the passing of this Act;

" functions " includes powers and duties ;

" Inner London Education Area " and " Inner London Education Authority " have the meanings respectively assigned to them by section 30 (1) of this Act;

" land " includes land covered by water and any interest or right in, to or over land;

" local statutory provision " means a provision of a local Act (including an Act confirming a provisional order) or a provision of a public general Act passed with respect only to the whole or part of the existing county of London or a provision of an instrument made under any such local or public general Act or of an instrument in the nature of a local enactment made under any other Act;

" metropolitan road " means a road for the time being designated by or under section 17 of this Act as a metropolitan road;

" Minister " includes the Board of Trade ;

" the Minister " means the Minister of Housing and Local Government;

" Port of London " means the port of that name established for the purposes of the enactments relating to customs or excise;

" relevant year of election " means the first year of election occurring after the first Order in Council is made after the passing of this Act under the House of Commons (Redistribution of Seats) Act 1949 giving effect to a report of the Boundary Commission for England under that Act with respect to the parliamentary constituencies situated wholly or partly in Greater London; and for the purposes of this definition " year of election " means the year 1967 or any third year thereafter;

" sewerage area of the Greater London Council " has the meaning assigned to it by section- 39 of this Act;

" the Temples " means the Inner Temple and the Middle Temple.

- (2) In this Act, except where the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment, including any enactment contained in this Act.
- (3) References in any other Act to any enactment modified by this Act shall, except when the context otherwise requires, be construed as a reference to that enactment as so modified.

90 Orders, rules and regulations

Any power to make orders, rules or regulations conferred by this Act on any Minister shall be exercisable by statutory instrument, and any power to make an order under any provision of this Act shall include power to make an order varying or revoking any order previously made under that provision.

91 Expenses

- (1) There shall be defrayed out of moneys provided by Parliament—
 - (a) any expenses incurred by any Minister under this Act; and

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- (b) any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

(2) Any sums received by any Minister under this Act shall be paid into the Exchequer.

92 Amendment of House of Commons Disqualification Act 1957

- (1) The House of Commons Disqualification Act 1957 shall be amended in accordance with the following provisions of this section.
- (2) In Part II of Schedule 1, in its application to the House of Commons of the Parliament of the United Kingdom, after the entry relating to the South of Scotland Electricity Board there shall be inserted the words " The Staff Commission established under section 85(5) of the London Government Act 1963 ",
- (3) In Part III of Schedule 1, both in its application to the House of Commons of the Parliament of the United Kingdom and in its application to the Senate and House of Commons of Northern Ireland, in the entry relating to local government officers—
 - (a) after the words " England and Wales " where they first occur there shall be inserted the words " of the Greater London Council ";
 - (b) the words " of a metropolitan borough " shall cease to have effect; and
 - (c) the words " outside London " shall cease to have effect:

Provided that the repeal made by paragraph (b) of this subsection shall not take effect until 1st April 1965.

93 Repeals and savings

- (1) In addition to the repeals by virtue of paragraph 70 of Schedule 6 to this Act, the enactments specified in Schedule 18 to this Act are hereby repealed to the extent mentioned in the third column of that Schedule—
 - (a) in the case of the enactments specified in Part I of that Schedule, as from the passing of this Act;
 - (b) in the case of the enactments specified in Part II of that Schedule, as from 1st April 1965:

Provided that the repeal of any enactment specified in the said Part I shall not affect the operation of that enactment in relation to an election held on or after the date of the passing of this Act to fill a casual vacancy occurring before that date.

- (2) Without prejudice to section 38(1) of the Interpretation Act 1889, where this Act repeals any enactment making provision with respect to a particular matter or particular matters and either makes, or applies some other enactment making, corresponding or different provision with respect to that matter or those matters, then, unless the contrary intention appears and, in particular, subject to any order under section 82, 83, 84, 85 or 87 of this Act, references in any enactment other than this Act, or in any instrument made under any enactment other than this Act, to the repealed enactment shall be construed as references to the enactment contained in or applied by this Act which makes the corresponding or different provision.
- (3) Nothing in this Act shall affect the boundary of the area for the supply of electricity or gas of any Area Board within the meaning of the Electricity Act 1947 or the Gas Act 1948.

- (4) Nothing contained in, or done by virtue of, any provision of this Act other than section 84(2)(b) or paragraph 35 of Schedule 4 shall affect the functions of the conservators of any common.
- (5) Any enabling provision contained in this Act shall be deemed to be in addition to, and not in derogation of, any powers exercisable by Her Majesty by virtue of Her Royal prerogative.

94 Short title, commencement and extent

- (1) This Act may be cited as the London Government Act 1963.
- (2) The following provisions of this Act shall not come into force until 1st April 1965, that is to say, Parts II, III, and V to VIII other than sections 17(6), 48(2), 62(4), 66, 69, and 70.
- (3) Except for section 4(4) and section 92 of this Act and the repeals made by this Act in the House of Commons Disqualification Act 1957, the provisions of this Act other than this subsection shall not extend to Scotland; and as from 1st April 1965 in paragraph 8 of Schedule 6 to the Valuation and Rating (Scotland) Act 1956 for the words "the Administrative County of London" there shall be substituted the words " Greater London other than the outer London boroughs ",
- (4) Except for the said section 92 and the said repeals, the provisions of this Act other than this subsection shall not extend to Northern Ireland.