

## SCHEDULES

### SCHEDULE 4

Section 8.

#### MODIFICATIONS OF LOCAL GOVERNMENT ACT 1933

- 1 In section 1(1), as from 1st April 1965, for the word " London " there shall be substituted the words " Greater London ",
- 2 In sections 3(2), 5(2), 18(2) and 20(1), the words " or ceases to be qualified " shall be omitted.
- 3 In sections 4(3), 7(5), 19(3) and 22(5) for the words from " whether or not" onwards there shall be substituted the words " whether or not he voted or was entitled to vote in the first instance, shall give a casting vote ",
- 4 After section 6(3) there shall be inserted—

“(3A) If a county alderman is elected to and accepts the office of county councillor, his office of county alderman shall thereupon become vacant.”
- 5 Section 18(7) and (10) and, in section 20(3), the words from " and " onwards shall not apply to a London borough.
- 6 For section 21(2) there shall be substituted—

“(2) The number of aldermen shall be one-third of the whole number of councillors or, if that number is not divisible by three, one-third of the highest number below that number which is divisible by three.

(2A) In its application to a London borough, subsection (2) of this section shall have effect as if for the words ' one-third' and 'three' wherever those words occur there were substituted respectively the words 'one-sixth' and 'six'.”
- 7 After section 21 (3) there shall be inserted—

“(3A) If an alderman is elected to, and accepts the office of, councillor of the borough, his office of alderman shall thereupon become vacant”
- 8 After section 23 (2) there shall be inserted—

“(2A) Subsection (2) of this section shall not apply to a London borough, but the term of office of councillors of such a borough shall be three years, and they shall retire together in the year 1967 and every third year thereafter on the ordinary day of retirement of borough councillors in England and Wales.”
- 9 Section 25 shall not apply to a London borough.
- 10 Nothing in section 59(1)(a) or (2) shall operate to disqualify any person from being elected or being—
  - (a) the chairman or an alderman of the Greater London Council;
  - (b) a councillor of the Greater London Council for an electoral area in an outer London borough;
  - (c) a member of the council of an inner London borough,

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by reason of his being a teacher in, or being otherwise employed in, any school, college or other educational institution maintained or assisted by the Inner London Education Authority.

11 In section 65, at the end there shall be added—

“(h) in the case of a county alderman accepting the office of county councillor or of an alderman of a borough accepting the office of councillor of the borough, upon the date on which he accepts that office.”

12 In section 67(2), for the words "by the mayor" there shall be substituted the words " (other than a London borough) by the mayor, in the case of an election of a councillor of a London borough by the returning officer ",

13 In section 72(1)—

- (a) after the word " borough " in the second place where that word occurs there shall be inserted the words " (other than a London borough) ";
- (b) immediately before the words " district councillors" in the second place where those words occur there shall be inserted the words " councillors of a London borough or of ",

14 In section 93 (1) (a), after the words " county council" there shall be inserted the words " the Greater London Council, the council of a London borough ",

15 For section 97 there shall be substituted the following:—

**“97 Application to City of London of provisions relating to joint committees.**

The provisions of this Part of this Act relating to joint committees shall apply to the Common Council of the City of London as if that City were a London borough and the Common Council were the council of that borough, but subject to the modification that a reference to disqualification under Part II of this Act shall be construed as a reference to disqualification under the provisions of any enactment for the time being in force relating to disqualification for membership of the Common Council.”

16 In section 110, after the words "county borough" wherever those words occur there shall be inserted the words " London borough ",

17 In section 112(5), after the words "county borough" there shall be inserted the words " London borough ",

18 After section 123, there shall be inserted the following section:—

**“123A Payment of salary etc. due to mentally disordered person.**

- (1) Subject to the provisions of this section, the power of a local authority to pay remuneration to their officers shall include power, where the authority are satisfied after considering medical evidence that the person to whom, apart from this section, any sum to which this section applies is payable (hereafter in this section referred to as "the patient") is incapable, by reason of mental disorder within the meaning of the Mental Health Act 1959, of managing and administering his property and affairs, to pay that sum or such part thereof as the authority think fit to the institution or person having the care of the patient to be applied for his benefit and to pay the remainder, if any, or such part thereof as the authority think fit—

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- (a) to or for the benefit of persons who appear to the authority to be members of the patient's family or other persons for whom the patient might be expected to provide if he were not mentally disordered ; or
  - (b) in reimbursement, with or without interest, of money applied by any person either in payment of the patient's debts (whether legally enforceable or not) or for the maintenance or other benefit of the patient or such persons as are mentioned in the foregoing paragraph.
- (2) This section applies to any sum payable by a local authority to an officer or pensioner of the authority, or to the widow or widower or a child of a deceased officer or pensioner thereof, by way of remuneration, pension, superannuation or other allowance, gratuity or annuity, or by way of repayment (with or without interest) of contributions made to any superannuation or other fund ; and in this subsection the expression " pensioner" includes a person entitled to any pecuniary benefit under any enactment or scheme for the establishment of a superannuation fund or a superannuation and provident fund administered by the local authority:

Provided that a local authority shall not in exercise of the powers conferred by subsection (1) of this section apply more than one hundred pounds in any year in respect of any one person.

- (3) Before exercising their powers under this section in relation to any patient a local authority shall give to the authority having jurisdiction under Part VIII of the said Act of 1959 notice in writing of their intention so to do, specifying the name and address of the patient and the amount and nature of the sums in respect of which the local authority intend to exercise those powers, and the local authority shall, at the same time, give notice in writing to the patient in a form approved by the authority having jurisdiction as aforesaid ; and, except with the approval of the authority having jurisdiction as aforesaid, the local authority shall not make the first payment under this section in relation to that patient before the expiration of the period of fourteen days beginning with the date of the service of the notice.
- (4) If at any time the authority having jurisdiction as aforesaid gives to the local authority notice in writing that the first-mentioned authority objects to the exercise by the local authority of their said powers in relation to any patient, those powers shall, as from the date of the receipt by the local authority of the notice, cease to be exercisable by the local authority in relation to that patient unless and until the first-mentioned authority withdraws the notice.
- (5) A local authority shall be discharged from all liability in respect of any payment or application of money effected by the authority in exercise of their powers under this section."

19 In section 157 (1), the words "under this or any other public general Act " shall be omitted.

20 The purposes for which the council of a London borough is empowered by section 157(1) to acquire land by agreement shall include the benefit, improvement or development of the borough; but such a council shall not have power by virtue of this paragraph to acquire land outside the borough except with the consent of the Minister.

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- 21 In section 158(1), the words "by this or any other public general Act" shall be omitted.
- 22 Section 171 shall not apply to an inner London borough.
- 23 In section 176, the words "the provisions relating to the acquisition of land otherwise than by agreement and " shall not apply to Greater London.
- 24 In sections 198(1) and 213(1), the references to sums borrowed as therein mentioned shall be construed as including references to sums borrowed by the Greater London Council under paragraph 29 of Schedule 2 to this Act.
- 25 In section 212(1), for the words "or half-yearly" there shall be substituted the words " half-yearly or quarterly " and, in section 212(2), after the words " six months " there shall be inserted the words " or, where the moneys are repayable by quarterly instalments, within three months ",
- 26 In section 218, in the definition of " sanctioning authority ", after the word " means" there shall be inserted the words " in relation to the Greater London Council, the Treasury or, in relation to any other local authority ",
- 27 In section 219—
- (a) in paragraph (a), after the words " county council" there shall be inserted the words " of the Greater London Council, of every London borough council ";
  - (b) in paragraph (c), for the words "county or", there shall be substituted the words " county council, the Greater London Council, a ";
- 28 Sections 237 and 239 shall not apply to a London borough.
- 29 Sections 250 to 252 shall apply in relation to byelaws made under any enactment (whether passed before or after this Act) by the Common Council, whether acting as a local authority within the meaning of the enactment in question or as a port health authority, or by the Sub-Treasurer of the Inner Temple or the Under-Treasurer of the Middle Temple, as those sections apply in relation to byelaws made under the enactments mentioned in section 250 by a local authority within the meaning of that section.
- 30 In section 250(9), references to a county, a county council and the council of a county district shall include references respectively to Greater London, the Greater London Council and the council of a London borough, except that, in the application of that subsection to byelaws relating to sewerage or sewage disposal, the references to a county shall be construed as including references to the sewerage area of the Greater London Council instead of Greater London.
- 31 In section 250(10), for the words " and in the case of " there shall be substituted the words " or if no authority or person is so specified, or if the byelaws are ",
- 32 In section 259, at the end there shall be added—
- “(3) A borough council may expend such reasonable sum as they think fit for the purpose of presenting an address or a casket containing an address to a person admitted to be an honorary freeman of the borough.”
- 33 Without prejudice to anything contained in its charter or incorporation order, sections 260 to 264 shall not apply to a London borough.
- 34 Section 269(1) and (3) shall not apply to an inner London borough.
- 35 (1) In section 270, for the words " or county borough" wherever those words occur there shall be substituted the words " county borough or London borough ",

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- (2) In section 270(1), after the word "district" there shall be inserted the words " and not being the council of a London borough ",
- (3) After section 270(3) there shall be added:—
- “(4) This section shall apply to the City of London as if it were a London borough and the Common Council were the council of that borough”
- 36 In section 275(1)(b), for the words " or under " where first occurring there shall be substituted the words " the London Government Act 1963 or ",
- 37 In relation to any parish which immediately before 1st April 1965 was situated wholly within Greater London—
- (a) references in sections 281 and 282 to the borough in which a parish is situated shall be construed as including references to the London borough Whose area includes the area of that parish;
- (b) section 281(3) shall have effect as if after the words "county borough" there were inserted the words " or a parish the area of which is included in the area of a London borough ",
- 38 In section 286(1), for the words " any enactment passed or statutory order made after the commencement of thus Act" there shall be substituted the words " any other enactment or statutory order ",
- 39 After section 287 there shall be inserted the following sections:—

**“287A Service of notices by local authority.**

- (1) Any document to which this section applies, being a document required or authorised to be served on any person, shall be deemed to be duly served—
- (a) where the person to be served is a company, if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business, and is either—
- (i) sent by post, or
- (ii) delivered at the registered office, or at the principal office or place of business, of the company;
- (b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—
- (i) sent by post, or
- (ii) delivered at the said place of business ;
- (c) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the clerk, secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—
- (i) sent by post, or
- (ii) delivered at that office ;
- (d) in any other case, if the document is addressed to the person to be served, and is either sent to him by post or delivered at his residence or place of business.

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- (2) Any document to which this section applies, being a document required or authorised to be served on the owner or occupier of any premises, may be addressed " the owner" or " the occupier," as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—
  - (a) if the document so addressed is sent or delivered in accordance with paragraph (d) of the foregoing subsection; or
  - (b) if the document so addressed, or a copy thereof so addressed, is delivered to some person on the premises or, where there is no person on the premises to whom it can be delivered, is affixed to some conspicuous part of the premises.
- (3) Where a document to which this section applies is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.
- (4) For the purpose of enabling any document to be served on the owner of any premises, the local authority may by notice in writing require the occupier of the premises to state the name and address of the owner thereof, and if the occupier refuses or wilfully neglects to do so, or wilfully misstates the name and address of the owner, he shall, unless in the case of a refusal he shows cause to the satisfaction of the court for his refusal, be liable on summary conviction in respect of each offence to a fine not exceeding five pounds.
- (5) This section applies to any notice, order or other document which is required or authorised by any enactment or any instrument made under an enactment to be served by or on behalf of a local authority, or by an officer of a local authority, not being a document to the service of which the provisions of some enactment other than this section or some instrument made under an enactment are applicable.
- (6) For the purposes of this section, a notice, order or other document shall be deemed to be a notice, order or other document which is required or authorised to be served on a person if it is required or authorised to be notified, given or transmitted, or (in the case of a demand) if it is required or authorised to be made, to that person, and in this section the expressions ' served ' and ' service ' shall be construed accordingly.

#### **287B Authentication of documents.**

- (1) Any notice, order or other document which a local authority are authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the authority by the clerk of the authority or by any other officer of the authority authorised by the authority in writing to sign documents of the particular kind or the particular document, as the case may be.
- (2) Any document purporting to bear the signature of the clerk of the authority or of any officer stated therein to be duly authorised by the authority to sign such a document or the particular document, as the case may be, shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the local authority. In this subsection the word ' signature ' includes a facsimile of a signature by whatever process reproduced.

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(3) Where any enactment or instrument made under an enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents.”

- 40 In section 289, after the word " shall" there shall be inserted the words " in respect of each offence ",
- 41 In section 290(3), after the word " shall" there shall be inserted the words " in respect of each offence ",
- 42 In section 295, references to the Local Government Act 1933 shall be construed as including references to sections 1(7) and 2(4) of, and Schedules 2 and 3 to, this Act.
- 43 In section 305, at the end of the definition of " local authority " there shall be added the words " the council of a London borough or the Greater London Council ",
- 44 In paragraph 3(1) of Part V of Schedule 3, for the words " committee, as the case may be " there shall be substituted the words " as the case may be, at the same or any subsequent meeting of the committee ",
- 45 In paragraph 18 of Schedule 9, after the word "shall" there shall be inserted the words " in respect of each offence ",