

1966 No. 199

LONDON GOVERNMENT

The Alexandra Park and Palace Order 1966

<i>Made - - - -</i>	24th February 1966
<i>Laid before Parliament</i>	2nd March 1966
<i>Coming into Operation</i>	1st May 1966

The Minister of Housing and Local Government, in exercise of his powers under sections 84, 85 and 87(2) of the London Government Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Alexandra Park and Palace Order 1966 and shall come into operation on 1st May 1966.

2.—(1) The Interpretation Act 1889(b) applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

“the Acts of 1900 to 1913” means the Alexandra Park and Palace (Public Purposes) Act 1900(c), the Alexandra Park and Palace Act 1903(d), the Alexandra Park and Palace Act 1905(e) and the Alexandra Park and Palace Act 1913(f);

“the Council” means the Greater London Council;

“functions” includes powers and duties;

“the park” means the lands and buildings known as the Alexandra Park and Palace acquired, maintained and managed under the Acts of 1900 to 1913; and

“the Trustees” means the body corporate of Trustees constituted under the Alexandra Park and Palace (Public Purposes) Act 1900 to acquire and thereafter to maintain the park.

3.—(1) Subject to the provisions of this article, the functions of the Trustees under or by virtue of the Acts of 1900 to 1913 in respect of the park shall be exercisable by the Council, and the Trustees shall cease to exist.

(2) In the Alexandra Park and Palace (Public Purposes) Act 1900, in section 17, for subsection (viii) there shall be substituted—

“(viii) They may provide free of charge reasonable accommodation for volunteer forces and educational purposes having regard to the purposes of this Act”.

(3) The enactments specified in the Schedule to this order are hereby repealed to the extent mentioned in the third column of that Schedule.

(a) 1963 c. 33.

(b) 52 & 53 Vict. c. 63.

(c) 63 & 64 Vict. c. cclix.

(d) 3 Edw. 7. c. clxxix.

(e) 5 Edw. 7. c. li.

(f) 3 & 4 Geo. 5. c. cxi.

4. Without prejudice to the exercise of any other power by the Council, the following provisions, that is to say, the Open Spaces Act 1906(a) (other than section 14 thereof) and sections 52 to 54 of the Public Health Act 1961(b), and, for the purposes of the said section 54, the provisions therein mentioned of the Public Health Act 1936(c), shall have effect as if, for the purposes of the park, the Council were included among the local authorities to whom the provision in question applies.

5. All property and liabilities vested in or attaching to the Trustees shall by virtue of this order be transferred to and vest in or attach to the Council.

6. Any property or liability transferred by article 5 of this order to the Council shall be held or discharged by them in respect of Greater London.

7. The park shall, subject to the provisions of this order, be held by the Council for the purposes of the Open Spaces Act 1906.

8. Any byelaws in force for the regulation of the park shall have effect as if they had been made by the Council and may be amended or revoked by the Council as if made for the purposes of the Open Spaces Act 1906.

9. All contracts, deeds, bonds, agreements and other instruments subsisting in favour of, or against, and all notices in force which were given by, or to, the Trustees shall be of full force and effect in favour of, or against, the Council.

10. Any action or proceeding or any cause of action or proceeding, pending or existing at 1st May 1966, by, or against, the Trustees shall not be prejudicially affected by reason of this order, and may be continued, prosecuted and enforced by, or against, the Council.

11. All legal proceedings pending at 1st May 1966 may be amended in such manner as may be necessary or proper in consequence of this order.

12. The accounts of the Trustees and of the committees and officers thereof shall be made up to 1st May 1966 and shall be audited in like manner and subject to the like incidents and consequences as if this order had not been made:

Provided that any sum certified by a district auditor at any such audit as due from any person shall be paid to the Council.

13.—(1) Any officer immediately before 1st May 1966 of the Trustees shall be transferred to the employment of the Council.

(2) Every officer transferred by paragraph (1) to the employment of the Council shall, so long as he continues in that employment by virtue of the transfer and until he is served with a statement in writing of new terms and conditions of employment, enjoy terms and conditions of employment not less favourable than those he enjoyed immediately before 1st May 1966. The said new terms and conditions shall be such that—

(a) 6 Edw. 7. c. 25.
(c) 26 Geo. 5 & 1 Edw. 8. c. 49.

(b) 9 & 10 Eliz. 2. c. 64.

(a) so long as the officer is engaged in duties reasonably comparable to those in which he was engaged immediately before 1st May 1966, the scale of his salary or remuneration, and

(b) the other terms and conditions of his employment,

are not less favourable than those he enjoyed immediately before 1st May 1966, and any question whether duties are reasonably comparable as aforesaid shall be determined by a tribunal established under section 12 of the Industrial Training Act 1964(a). The statement of new terms and conditions shall contain information that any question shall be so determined and as to the person and address to whom any question should be referred.

(3) A written statement given in accordance with section 4(1) of the Contracts of Employment Act 1963(b) shall not be regarded as a statement of new terms and conditions of employment for the purposes of paragraph (2) unless the statement so indicates.

(4) The London Government (Compensation) Regulations 1964(c) shall apply to any officer transferred by paragraph (1) to the employment of the Council and, for the purpose of such application, the Trustees shall be deemed to be a local authority.

(5) Where immediately before 1st May 1966 an officer transferred by paragraph (1) to the employment of the Council participated in arrangements associated with his employment by the Trustees for providing superannuation benefits, the period of such participation shall in relation to his employment with the Council be deemed to be service rendered to a local authority for the purpose of determining whether he is entitled to become a contributory employee under the Local Government Superannuation Acts 1937 to 1953(d), or whether a benefit is payable under those Acts to, or in respect of, him, but for no other purpose.

(6) In this article, "officer" includes the holder of any place, situation or employment.

14. The provision made by the preceding articles of this order is without prejudice to any agreement which may be made under section 151 of the Local Government Act 1933(e) as applied by section 84(5) of the London Government Act 1963 for payment in respect of any matter transferred by the said articles, or arbitration in default of such agreement.

(a) 1964 c. 16.

(b) 1963 c. 49.

(c) S.I. 1964/1953 (1964 III, p. 4254).

(d) 1 Edw. 8 & 1 Geo. 6. c. 68; 2 & 3 Geo. 6. c. 18; 1 & 2 Eliz. 2. c. 25.

(e) 23 & 24 Geo. 5. c. 51.

THE SCHEDULE

REPEAL OF ENACTMENTS

CHAPTER	SHORT TITLE	EXTENT OF REPEAL
63 & 64 Vict. c.cclix.	The Alexandra Park and Palace (Public Purposes) Act 1900.	In section 2, in the definition of "Alexandra Park and Palace", the words from "situate in" to "Middlesex and". In the said section 2, the definitions of "The Middlesex Council", "The London Council" and "Contributory authorities". Sections 4 to 16 In section 17(v), the words "and not upon any bank holiday". In section 17(vi), the words "but not upon any bank holiday" and from "and once in a local newspaper" onwards. Section 17(vii). Sections 18 to 30. Sections 32 and 33. The Schedules.
3 Edw. 7. c.clxxix.	The Alexandra Park and Palace Act 1903.	The whole Act.
5 Edw. 7. c.li.	The Alexandra Park and Palace Act 1905.	The whole Act.
3 & 4 Geo. 5. c.cxi.	The Alexandra Park and Palace Act 1913.	Section 2(5), (7) and (9). Section 3. In section 5, the words "as amended by the Act of 1903". Section 6. In section 10, the words "as amended by the Act of 1903". Section 11.
7 & 8 Geo. 6. c.xxi.	The Middlesex County Council Act 1944.	Section 443.
9 & 10 Eliz. 2. c.xxxvii.	The Middlesex County Council Act 1961.	Section 50.

Given under the official seal of the Minister of Housing and Local Government on 24th February, 1966.

(L.S.)

R. H. S. Crossman,

**Minister of Housing and
Local Government.**

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order transfers the functions of the Trustees of Alexandra Park and Palace to the Greater London Council and makes the necessary consequential provisions relating to the transfer of the Park and Palace, staff etc.