

SCHEDULES

SCHEDULE 2

Section 2.

CONSTITUTION AND GENERAL FUNCTIONS OF GREATER LONDON COUNCIL

Chairman, vice-chairman, deputy chairman and aldermen

- 1 (1) Subject to sub-paragraph (2) of this paragraph, sections 3 to 7 of the Local Government Act 1933 and section 14 of the Local Government (Miscellaneous Provisions) Act 1953 shall apply in relation to the chairman, vice-chairman and alderman of the Greater London Council (hereafter in this Schedule referred to as "the Council ") as if in those sections—
- (a) for any reference to a county council there were substituted a reference to the Council;
 - (b) for any reference to county aldermen or county councillors there were substituted references to aldermen or councillors, as the case may be, of the Council;
 - (c) for any reference to the provisions of that Act relating to the retirement of county councillors there were substituted a reference to the provisions of this Schedule relating to the retirement of councillors of the Council.
- (2) In their application to the Council, the said provisions of the said Act of 1933 shall have effect subject to the following modifications, that is to say—
- (a) section 3(5) and section 5(3) from " except" onwards shall be omitted ;
 - (b) section 6(2) 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 " ;
 - (c) the reference in section 6(4) to those who have been aldermen for the longest time without re-election shall in relation to the year 1967 be construed as a reference to those of the first aldermen of the Council who were elected by the smallest number of votes ; and if it is necessary to decide between two or more of those aldermen who received an equal number of votes, the choice shall be made by drawing lots at, and under the direction of the person presiding at, the annual meeting of the Council for 1964.
- (3) The Council may appoint a member thereof to be deputy chairman thereof, and section 5 (2) and (3) of the said Act of 1933 shall apply in relation to the deputy chairman as they apply in relation to the vice-chairman of the Council.

Councillors

- 2 Councillors of the Council shall be elected by the local government electors for Greater London in manner provided by this Act and Part I of the Representation of the People Act 1949.
- 3 (1) The term of office of councillors of the Council shall be three years, and they shall retire together in the year 1967 and each third year thereafter.

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- (2) The day on which councillors of the Council retire as aforesaid shall be—
- (a) in any year before the relevant year of election, the fourth day after the day of election;
 - (b) in the relevant year of election and any subsequent year, the ordinary day of retirement of borough councilors in England and Wales;
- and the newly elected councillors of the Council shall come into office on the day on which their predecessors retire.
- 4 For the purposes of any election of councillors of the Council before the ordinary election in the relevant year of election, each of the London boroughs other than the borough numbered 1 in Part I of Schedule 1 to this Act (hereafter in this Schedule referred to as "borough 1") shall form an electoral area returning the aggregate number of councillors specified in relation to that borough in column 3 of the said Part I, and borough 1 together with the City and the Temples shall form an electoral area returning the aggregate number of councillors specified in relation to borough 1 in the said column 3.
- 5 For the purposes of the ordinary election of councillors of the Council in the relevant year of election and any subsequent election of such councillors, each London borough other than borough 1, and borough 1 together with the City and the Temples, shall be divided into such electoral areas each returning one councillor as the Secretary of State, after causing such notices to be given concerning the matter as he thinks expedient, may direct by order (being, except in the case of a borough or other area falling within paragraph 7(1)(b) of this Schedule, an order by virtue of paragraph 8(1) of this Schedule); and there shall be a separate election of a councillor for each of those areas.
- 6 If at any time the Secretary of State is satisfied, whether on representations made to him by the council of a London borough, or by the Greater London Council, or, in relation to borough 1, by the Common Council, or otherwise, that there are sufficient grounds for considering an alteration—
- (a) in the number of councilors of the Greater London Council to be elected for any such borough, or, in the case of borough 1, for that borough together with the City and the Temples; or
 - (b) in the boundaries within any such boroughs of any of the electoral areas into which the borough is for the time being divided for the purpose of the election of those councilors ; or
 - (c) of the name of any of those electoral areas,
- he may, after causing such notice to be given concerning the matter as he thinks expedient, by order (being, except in the case of a borough or other area falling within paragraph 7(1)(b) of this Schedule, an order by virtue of paragraph 8(1) of this Schedule) make any such alteration as aforesaid.
- 7 (1) In considering for the purposes of paragraphs 5 and 6 of this Schedule the boundaries of any electoral area or the number of councillors of the Council to be elected for any borough or other area, the Secretary of State and, so far as those matters fall to be considered by him, any commissioner appointed by virtue of paragraph 8 of this Schedule—
- (a) shall ensure that the whole of the City and the Temples is included with part of borough 1 in the same electoral area and that each other electoral area lies wholly within a single London borough;

- (b) shall- ensure that where a London borough does not include any part of a parliamentary constituency of which part is included in some other London borough, county borough or county district, each parliamentary constituency within the borough shall be an electoral area ; and
- (c) in any case not falling within paragraph (b) of this sub-paragraph shall, subject to paragraph (a) thereof, ensure, so far as reasonably practicable and taking into account any change in the number or distribution of the inhabitants of Greater London likely to take place within the period of five years immediately following the consideration—
- (i) that the number of local government electors in any one electoral area in the borough is as nearly as may be the same as the number of such electors in the other electoral areas in the borough and, so far as the operation of the other provisions of this paragraph permits, the same as the average number of such electors in each electoral area of Greater London ; and
 - (ii) subject to sub-paragraph (i) of this paragraph, that each electoral area in the borough consists of two or more complete wards of the borough ;
- and shall have regard to the desirability of fixing boundaries which are easily identifiable and to any local ties which have been or would be broken by the fixing of any particular boundary.
- (2) For the purposes of sub-paragraph (1)(b) and (c) of this paragraph, the City and the Temples shall be deemed to form part of borough 1, and to constitute a complete ward of that borough.
- (3) For the purposes of sub-paragraph (1)(c) of this paragraph, the average number of local government electors in each electoral area in Greater London on any date shall be taken to be a number obtained by dividing the aggregate number of local government electors registered on that date in the several registers of local government electors for Greater London by the number of electoral areas in Greater London existing on that date.
- 8 (1) Paragraphs 2 to 5 of Part III of Schedule 1 to this Act shall apply in relation to a notice given under paragraph 5 or 6 of this Schedule (other than a notice relating only to a borough or other area falling within paragraph 7(1)(b) of this Schedule) as they apply in relation to a notice under paragraph 1 of the said Part III, and accordingly—
- (a) any reference in the said paragraphs 2 to 5 to the said paragraph 1 shall include a reference to paragraph 5 or, as the case may be, 6 of this Schedule (except so far as that paragraph relates to any such borough or other area as aforesaid); and
 - (b) the reference in paragraph 4 of the said Part III to the town clerk of the borough concerned shall include a reference to the clerk to the Greater London Council.
- (2) Any order made under paragraph 5 or 6 or by virtue of paragraph 8(1) of this Schedule may contain such incidental, consequential, supplementary or transitional provision as appears to the Secretary of State to be necessary or expedient.
- (3) Any expenses incurred by the Secretary of State by virtue of paragraphs 5 to 8 of this Schedule, excluding (without prejudice to section 88 of this Act) the costs of any local inquiry caused to be held by him, shall, if and to such extent as the Secretary of State so requires, be repaid to him by the Council.

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- 9 Except in the exercise of a casting vote when presiding over a meeting of the Council or a committee thereof—
- (a) a councilor of the Council elected for an electoral area which includes the City and the Temples shall not vote at any such meeting on any matter involving only expenditure on account of which no part of the City, the Temples or borough 1 is for the time being liable to be charged; and
 - (b) a councillor of the Council elected for any other electoral area shall not vote at any such meeting on any matter involving, only expenditure on account of which the London borough in which that electoral area is situated is not for the time being liable to be charged.

Supplementary provisions as to the Council

- 10 The Council shall be a local authority within the meaning of the Local Government Act 1933.
- 11 (1) In their application to the Council by virtue of the last foregoing paragraph, the provisions of Part II of, and Schedule 3 to, the said Act of 1933 (which contain general provisions as to members and meetings of local authorities and elections) shall apply in like manner as if Greater London were a county and the Council were the council of that county and as if in those provisions—
- (a) any reference to a county alderman or county councilor included a reference to an alderman or, as the case may be, councillor of the Council;
 - (b) any reference to election under that Act included a reference to election under this Act;
 - (c) for the references in sections 67 (2) and 72 (1) of that Act to the county returning officer there were substituted references to the clerk to the Council.
- (2) In its application to the Council, the said Schedule 3 shall have effect subject to the following modifications, that is to say—
- (a) in any year (including 1964) which is a year of election of councillors of the Council, the annual meeting of the Council shall be held on the eighteenth day after the day of election or on such other day within the seven days immediately following that eighteenth day as the Council may fix ;
 - (b) in paragraph 2 (2) of Part I, for any reference to five members there shall be substituted a reference to twenty members ;
 - (c) notwithstanding anything in paragraph 2(3)(b) of Part I, if a member of the Council gives notice in writing to the clerk to the Council that he desires summonses to attend meetings of the Council to be sent to him at some address specified in the notice other than his place of residence, any summons addressed to him and delivered at or sent by post to the address so specified shall be deemed sufficient service of the summons ;
 - (d) paragraph 3(2) of Part I shall have effect as if after the word " vice-chairman " there were inserted the words " or, in his absence, the deputy chairman (if any) " ; and in paragraph 3 (3) of Part I the reference to the vice-chairman shall be construed as a reference to both the vice-chairman and the deputy chairman, if any;
 - (e) notwithstanding anything in paragraph 3 of Part V or in any other enactment or rule of law to the contrary, the minutes of the proceedings of meetings of the Council or any committee thereof may be recorded on loose leaves consecutively numbered, the minutes of the proceedings of any meeting being signed, and each leaf comprising those minutes being initialled, at the

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same or the next ensuing meeting of the Council or, as the case may be, at the same or any subsequent meeting of the committee by the person presiding thereat; and any minutes purporting to be so signed shall be received in evidence without further proof.

- (3) Without prejudice to their powers by virtue of paragraph 10 of this Schedule under section 85 of the said Act of 1933, the Council may delegate to the Inner London Education Authority, or to any education committee established by that Authority under Part II of Schedule 1 to the Education Act 1944, any functions which they might delegate under subsection (1) of the said section 85 to a committee appointed by the Council under that subsection.

Officers and records, etc., of the Council

- 12 (1) The Council shall appoint from among fit persons a clerk and a treasurer to the Council and such other officers as the Council think necessary for the efficient discharge of the Council's functions and shall pay to any person so appointed such reasonable remuneration as the Council may determine; and, subject to section 121 of the Local Government Act 1933, any such person shall hold office during the pleasure of the Council.
- (2) The offices of clerk and treasurer respectively to the Council shall not be held by the same person or by persons who stand in relation to one another as partners or as employer and employee.
- (3) Any vacancy in the office of treasurer to the Council shall be filled within four months after its occurrence.
- (4) Section 115 of the said Act of 1933 (which relates to the appointment of standing deputies for officers) shall have effect in relation to the clerk and the treasurer to the Council as if this paragraph were included in Part IV of that Act; and section 120 of that Act (which relates to the accountability of officers of local authorities) shall have effect as if the reference to the treasurer of a county included a reference to the treasurer to the Council.
- (5) Any person serving under the Council shall be an agent within the meaning of the Prevention of Corruption Act 1906.
- 13 All records and documents relating to the business of the Council shall, subject to any directions which the Council may give, be in the charge and custody of the clerk to the Council who, subject to any such directions, shall be responsible therefor.

Additional powers of Council with respect to land etc.

- 14 The purposes for which, by virtue of paragraph 10 of this Schedule, the Council is empowered by section 157 (1) of the Local Government Act 1933 to acquire land by agreement shall include the benefit, improvement or development of Greater London; but the Council shall not have power by virtue of this paragraph to acquire land outside Greater London except with the consent of the Minister.
- 15 The Council may be authorised to purchase compulsorily any land, whether situated within or outside Greater London, for the purpose of any of their functions, and the said Act of 1933 shall have effect as if the power conferred by this paragraph had been conferred by that Act.
- 16 The Council may—

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- (a) acquire by agreement any building or place of historical or architectural interest;
 - (b) undertake, or contribute towards, the cost of preserving maintaining and managing any such building or place as aforesaid;
 - (c) acquire by agreement any work of art;
 - (d) agree with any person for the production by that person of a work of art for acquisition by the Council;
 - (e) erect and maintain, or contribute towards the provision, erection and maintenance of, any work of art in any place within Greater London.
- 17 (1) For the purpose of providing for the accommodation, exhibition and preservation of works of art or objects of historical antiquarian or other public interest which may for the time being be in the possession of the Council by virtue of any gift, loan or discovery, the Council may adapt, furnish and maintain any premises given to, and for the time being vested in, the Council for the purposes of this sub-paragraph.
- (2) The Council may let any building vested in the Council for the purposes of the foregoing sub-paragraph on such terms and conditions as to payment or otherwise as the Council think fit, and may make charges for admission to any such building which may for the time being be under the management and control of the Council.
- 18 The Council may in the case of any building in Greater London—
- (a) cause investigations to be made, and information to be published, with respect to the history of the building ;
 - (b) provide for the giving of advice as to whether or not the building should be preserved and, if so, as to the method of preserving it.

Expenses and receipts

- 19 (1) All receipts of the Council, whether for general or special London purposes, shall be carried to a general fund, and all liabilities falling to be discharged by the Council, whether for general or special London purposes, shall be discharged out of that fund ; and in the application of any other Act to the Council, any reference in that Act to the general rate fund or to the county fund shall be construed in relation to the Council as a reference to their general fund.
- (2) In this Schedule and, except where the context otherwise requires, and subject to section 36 (2) of this Act, in any other enactment relating to the expenses of the Council—
- (a) the expression " general London purposes " means all purposes for expenditure on which the whole of Greater London is chargeable;
 - (b) the expression " special London purpose " means any purpose for expenditure on which part only of Greater London is chargeable.
- 20 Separate accounts shall be kept of receipts carried to, and payments out of, the Council's general fund—
- (a) for general London purposes ;
 - (b) for each special London purpose, so, however, that one separate account may be kept as respects any two or more special London purposes in the case of which the area chargeable is the same ;
- and the account for general London purposes shall be called the general London account and an account for any special London purpose shall be called a special London account.

- 21 All expenses incurred by the Council under any enactment shall, unless the enactment otherwise provides, be deemed to be expenses for general London purposes ; and in determining the amount of expenses for any particular London purpose, whether general or special, a proper proportion of the cost of the officers and buildings and establishment of the Council may be added to the expenses directly incurred for that purpose.
- 22 The Council shall have power to issue precepts for the levying of rates to meet all liabilities falling to be discharged by the Council for which provision is not otherwise made; and any such precept may include as separate items contributions for general and special London purposes respectively and shall be so issued as to secure that the rate is levied—
- (a) in the case of a rate to meet liabilities in respect of expenditure for general London purposes, on the whole of Greater London; and
 - (b) in the case of a rate to meet liabilities in respect of expenditure for a special London purpose, on the area chargeable therewith.
- 23 The accounts of the Council shall be included among the accounts which are subject to audit by a district auditor under Part X of the Local Government Act 1933.
- 24 The Council may determine that any expenses incurred by the Council in promoting or opposing any Bill under Part XIII of the Local Government Act 1933 shall be treated as expenses incurred for special London purposes.

Capital expenditure, loans and borrowing by the Council

- 25 The expenditure by the Council on capital account or on lending to other persons shall be regulated by annual money Acts, the Bills for which shall be promoted by the Council and each of which shall make provision for a financial period consisting of a financial year (that is to say, a period of twelve months ending on the thirty-first day of March) and the immediately following six months.
- 26 (1) During any such financial period as aforesaid, the Council may expend on capital account for such purposes as may be mentioned in the relevant annual money Act such sums as the Council think fit not exceeding the amounts specified in that Act in relation to those purposes for the first twelve months and the last six months respectively of that period.
- (2) In addition to any other money which the Council are authorised by any such Act to expend for any purpose in the last six months of the relevant financial period, the Council may also expend for that purpose during those last six months any money which they are by that Act authorised to expend but have not expended for that purpose in the first twelve months of that period.
- (3) Any money expended in the last six months of a financial period shall be treated as expenditure on account of the financial year comprising those six months.
- 27 (1) During any such financial period as aforesaid the Council may lend to persons of any class mentioned in the next following sub-paragraph such sums as the Council think fit not exceeding the amounts specified in the relevant annual money Act in relation to loans to persons of that class for the first twelve months and the last six months respectively of that period.
- (2) The classes of persons referred to in the foregoing sub-paragraph are—
- (a) the London borough councils ;

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- (b) any other persons having power to levy or to issue a precept for a rate within Greater London or to make any charge on a rate leviable within Greater London or to take or charge within Greater London any due or imposition in the nature of a rate ;
 - (c) the governors or managers of educational institutions, including special or approved schools ;
 - (d) committees of school treatment centres ;
 - (e) the governors or committees of voluntary hostels, homes or other establishments ;
 - (f) persons desiring to borrow money under the Small Dwellings Acquisition Acts 1899 to 1923 or the Housing (Financial Provisions) Act 1958 ;
 - (g) persons of any other class specified in the relevant annual money Act.
- (3) In addition to any other money which the Council are authorised by an annual money Act to lend to any class of persons in the last six months of a financial period, the Council may also lend to any persons of that class during those six months any money which the Council are by that Act authorised to lend but have not lent to persons of that class in the first twelve months of that period.
- (4) A loan made under this paragraph during the last six months of a financial period shall be treated as a loan made on account of the financial year comprising those six months.
- (5) Subject to the provisions of any enactment relating to the borrowing powers of the person concerned, any person shall have power to borrow from the Council any money which the Council are by virtue of the foregoing provisions of this paragraph authorised to lend to that person.
- (6) Money lent under this paragraph shall be repaid to the Council with interest within such period as the borrower (with the consent of the Minister where his consent is necessary to the borrowing) and the Council may agree, but the period shall not exceed—
- (a) in the case of money lent to a person borrowing as mentioned in subparagraph (2)(f) of this paragraph, eighty years ;
 - (b) in any other case, sixty years.
- (7) Money lent under this paragraph may be made repayable either in one sum or by instalments or by a series of equal annual or other instalments comprising both principal and interest or otherwise as may be agreed between the Council and the borrower.
- (8) Where the Council lend money to a person whose power to borrow is subject to the consent of the Minister, the consent of the Minister to the borrowing of the money shall be conclusive evidence that that person had power to borrow the money at the time when the consent was given.
- 28 (1) If the whole of the amount authorised by an annual money Act to be expended for any authorised purpose in the first twelve or last six months of the relevant financial period aforesaid is not required to be so expended, the Council may with the approval of the Treasury expend for any other authorised purpose in those twelve or, as the case may be, six months (in addition to the amount authorised in relation to that other purpose) an amount not exceeding the unexpended portion of the first-mentioned amount.

- (2) If by reason of unforeseen circumstances the amount authorised by an annual money Act to be expended for any authorised purpose in the first twelve or last six months of the relevant financial period aforesaid is found to be insufficient, the Treasury may on the application of the Council authorise the Council to expend for that purpose such further sums as it is shown to the satisfaction of the Treasury to be necessary or desirable for the Council so to expend, not exceeding in the aggregate such amount as may be authorised in that behalf by that Act in relation to those twelve or, as the case may be, six months.
- (3) In ascertaining for the purposes of paragraph 26(2) or 27(3) of this Schedule the amount which may be expended for any authorised purpose in the last six months of the financial period aforesaid to which an annual money Act relates, there shall be taken into account the extent to which the sum authorised to be expended for that purpose in the first twelve months of that period has been expended under sub-paragraph (1) of this paragraph for any other authorised purpose.
- (4) The provisions of paragraph 27(6) to (8) of this Schedule shall apply to any loan under this paragraph as they apply to any loan under that paragraph.
- (5) In this paragraph references in connection with an annual money Act to expenditure for an authorised purpose are references to expenditure—
- (a) on capital account for a purpose mentioned in that Act; or
 - (b) on loans to persons of a class either mentioned in paragraph 27(2)(a) to (f) of this Schedule or specified in that Act.
- 29 Notwithstanding anything in section 195 of the Local Government Act 1933, the Council may borrow money for the purpose of expenditure on capital account or on lending if, but only if, the expenditure is authorised by an annual money Act; and where any such expenditure is so authorised the consent of the sanctioning authority within the meaning of Part IX of the said Act of 1933 shall not be required to any borrowing for the purpose thereof.

Insurance fund

- 30 (1) The Council may establish a fund (in this paragraph referred to as " the insurance fund ") to be available for making good such losses, damages, costs and expenses as may from time to time arise in respect of such risks as the Council may determine (in this paragraph referred to as " the specified risks ").
- (2) The establishment of the insurance fund shall not prevent the Council from insuring in any insurance office in the United Kingdom against the whole or any part of the specified risks.
- (3) The Council shall in respect of each year after the establishment of the insurance fund pay into that fund such sum as they think necessary not exceeding the aggregate of—
- (a) a sum which in their opinion would be the aggregate amount of the premiums which would be payable during the year if the Council were fully insured against the specified risks in an insurance office in the United Kingdom ; and
 - (b) a sum equal to the amount of any income arising from the fund which is carried to the general London account of the Council's general fund under sub-paragraph (6) of this paragraph ;

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but so long as the insurance fund amounts to or exceeds a sum which in the opinion of the Council is reasonably necessary to cover the specified risks the Council may if they think fit discontinue the yearly payments required by this sub-paragraph.

- (4) The amount by which any sum paid into the insurance fund in respect of any year exceeds the sum referred to in sub-paragraph (3)(b) of this paragraph may at the discretion of the Council be provided from the respective revenues, funds or rates which, if the specified risks were insured in an insurance office, would be properly chargeable with the payment of the premiums on that insurance or may be provided as a payment for general London purposes.
- (5) Pending the application of the insurance fund for the purposes authorised by this paragraph, the moneys in the fund shall, unless applied in any other manner authorised by any enactment, be invested in any investment for the time being authorised by law for the investment of trust property ; and sections 1 to 6 of the Trustee Investments Act 1961 shall apply in relation to the power of investment conferred on the Council by this sub-paragraph as if the Council were trustees and the insurance fund were trust property.
- (6) Any income arising from the investment of money in the insurance fund or otherwise from the application of that fund shall be credited to the general London account of the Council's general fund.
- (7) If at any time the insurance fund is insufficient to make good any losses, damages, costs or expenses arising in respect of any specified risk, the Council shall make good the deficiency as a payment for general London purposes and may for that purpose borrow money.
- (8) Where the Council insure against any risk in any insurance office in the United Kingdom, the Council may if they think fit pay out of the insurance fund any premiums payable in respect of that insurance; but no such premium shall be so paid if in consequence of the payment the fund would be reduced to less than the sum which in the opinion of the Council is reasonably necessary to cover the specified risks.
- (9) Any covenant or obligation binding on the Council to insure against any risk shall, except in so far as the terms of the covenant or obligation otherwise specifically provide, be deemed to be satisfied by a determination by the Council that that risk shall be a specified risk.
- (10) Without prejudice to the generality of the last foregoing sub-paragraph, where the effecting by the Council of an insurance in respect of any risk would satisfy any obligation imposed on the Council by section 119(1) of the Local Government Act 1933, a determination by the Council that that risk shall be a specified risk shall be deemed to satisfy that obligation.
- (11) References in this paragraph to insurance in an insurance office in the United Kingdom shall be deemed to include references to insurance with an underwriter carrying on business in the United Kingdom.

Extension of certain provisions to Council

31 The Council shall be a local authority within the meaning of the following enactments—

- (a) the Ferries (Acquisition by Local Authorities) Act 1919 ;

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- (b) section 1 of the Local Authorities (Publicity) Act 1931 ;
 - (c) the Electricity Act 1947 ;
 - (d) sections 111 (1) (g), 130 and 136 of the Local Government Act 1948;
 - (e) the Gas Act 1948 ;
 - (f) section 454 of the Income Tax Act 1952 ;
 - (g) section 1 of the Trading Representations (Disabled Persons) Act 1958 ;
- and the following enactments shall apply to the Council as if they were the council of a county, that is to say—
- (i) Part VI and section 129 of the Local Government Act 1948 ;
 - (ii) sections 1 to 3 of the Local Government (Miscellaneous Provisions) Act 1953 ;
 - (iii) the Local Authorities (Expenses) Act 1956 ;
 - (iv) the Litter Act 1958.