

ELIZABETH II



1963 CHAPTER xxxiv

An Act to make provision with respect to the closing of the Metropolitan Cattle Market at Islington; the acquisition of land for the extension of the Central Criminal Court and the payment out of the general rate of the city of London of costs in connection with the court; the making of charges for the use of the Billingsgate, Leadenhall, Central London and Spitalfields markets; and for other purposes. [31st July 1963]

WHEREAS—

(1) The Corporation are the owners of the Metropolitan Cattle Market (including an abattoir) in the metropolitan borough of Islington but the market is now only partly used for the purposes for which it was established under the Metropolitan Market Acts, 1857 to 1896, and the site of the market could be put to better use if it was made available for redevelopment for the benefit of Islington and adjoining areas:

(2) In order to facilitate the removal of the market and abattoir from Islington the Corporation are willing, if it is practicable to do

so, to provide and manage accommodation for a new abattoir and for ancillary trades and other purposes connected therewith on another site:

(3) It is accordingly expedient that provision be made for the closing of the market and abattoir at Islington and with respect to any new abattoir which may be provided by the Corporation:

(4) It is necessary to enlarge the premises of the Central Criminal Court to provide adequate accommodation both for the present work of the court and for an expected increase in such work and it is expedient to empower the Corporation to acquire lands adjoining the Central Criminal Court for the purposes of such enlargement of the premises and for other purposes:

(5) It is expedient that the cost of the enlargement of the Central Criminal Court and of maintaining the enlarged premises should be defrayed out of the general rate of the city:

(6) It is expedient that provision be made to empower the Corporation themselves to determine the tolls, stallages, rents, dues and other payments which may be charged in respect of the use of the Billingsgate, Leadenhall, London Central and Spitalfields markets owned and managed by them:

(7) It is expedient to enact further provisions with respect to the control of the elevated footway to be erected pursuant to the London Bridge Improvements Act, 1962, and the erection of traffic barriers in streets, and to increase penalties for breach of byelaws applicable to Epping Forest and to West Ham Park, and that the other provisions contained in this Act should be enacted:

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

(9) A plan showing the lands required, or which may be taken, for the purpose of the extension of the Central Criminal Court, and a book of reference to such plan containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons and with the clerk of the London County Council and the town clerk of the city of London, which plan and book of reference are in this Act referred to respectively as the deposited plan and the deposited book of reference:

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I
PRELIMINARY

1. This Act may be cited as the City of London (Various Powers) Act 1963. Short title.

2. This Act is divided into Parts as follows:—

Division of
Act into
Parts.

Part I.—Preliminary.

Part II.—Metropolitan Cattle Market and abattoir.

Part III.—Central Criminal Court.

Part IV.—Miscellaneous.

3. The Lands Clauses Acts, except section 92 and sections 127 to 132, 150 and 151 of the Lands Clauses Consolidation Act, 1845, (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with, and form part of, this Act: Incorporation
of Lands
Clauses
Acts.

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section.

4.—(1) In this Act, unless there be something in the subject or context repugnant to such construction— Interpretation.

“Central Criminal Court” means the premises in the Old Bailey in the city in which the Central Criminal Court holds its sessions;

“city” means the city of London;

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

“county council” means the London County Council;

“enactment” includes an enactment in this Act or in any general or local Act and any order, byelaw, regulation, rule, scheme or other instrument made under any Act;

“existing” means existing at the passing of this Act;

“Lands Clauses Acts” means the Lands Clauses Acts as modified by the Land Compensation Act, 1961, and by this Act;

“market” means the Metropolitan Cattle Market of the Corporation as authorised by the Metropolitan Market Acts;

“Metropolitan Market Acts” means the Metropolitan Market Acts, 1857 to 1896, and includes so much of the other enactments specified in the first column of the schedule to this Act as is indicated in the second column thereof;

PART I
—cont.

“street” includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;

“town clerk” means the town clerk of the city and includes any person duly appointed to discharge temporarily the duties of that office;

“tribunal” means the Lands Tribunal.

(2) Except where the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

PART II

METROPOLITAN CATTLE MARKET AND ABATTOIR

Discontinu-
ance of
Metropolitan
Cattle Market
and abattoir.

5.—(1) Subject to the provisions of subsection (2) of this section, the Metropolitan Cattle Market (including the existing abattoir) of the Corporation in the metropolitan borough of Islington shall be discontinued on the first day of January nineteen hundred and sixty-four.

(2) (a) In this subsection—

“the abattoir” means the existing abattoir in the Metropolitan Cattle Market and includes any part of the market occupied at the passing of this Act for purposes connected with the abattoir;

“the Minister” means the Minister of Housing and Local Government.

(b) If it appears to the Minister to be expedient to postpone the date of the discontinuance of the abattoir, or any part thereof, for the purpose of enabling persons who use the abattoir for, or in connection with, their trade or business to continue to do so pending the provision of other accommodation by the Corporation, he may, by order made before the said first day of January, nineteen hundred and sixty-four, specify some other date for the discontinuance of the abattoir, or such part thereof, as may be specified in the order, being a date not later than three years after the said first day of January, nineteen hundred and sixty-four.

(c) Any order so made by the Minister may contain such incidental, consequential and supplementary provisions as the Minister thinks necessary or expedient for the purposes of the order.

(d) The power to make an order under this subsection shall be exercisable by statutory instrument and any instrument containing such an order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(e) Before making an order under this subsection the Minister shall cause notice stating the effect of the proposed order to be served on the metropolitan borough council of Islington and on the county council and published at least once in each of two successive weeks in one or more newspapers circulating in the metropolitan borough of Islington and if, before the end of a period of twenty-eight days beginning with the date of the service of such notice or the date of the first publication of the notice, whichever shall be the later, an objection is received by the Minister from any person appearing to him to be affected by the proposed order and the objection is not withdrawn, the Minister shall cause a local inquiry to be held.

(f) Subsections (2) to (5) of section 189 of the London Government Act, 1939 (which relate to the holding of inquiries), shall apply in relation to any such local inquiry.

(g) The costs incurred by the Minister in connection with the making and notification of an order under this subsection shall be paid by the Corporation.

(h) (i) If the Minister makes an order under this subsection postponing the date of the discontinuance of the abattoir or any part thereof he may, by means of a subsequent order, revoke the original order, or amend it so as to substitute for the date specified therein as the date of the discontinuance of the abattoir, or the part of the abattoir to which the original order relates, a date earlier than the date so specified or so as to reduce the area of the abattoir, or part thereof, to which the original order relates.

(ii) The provisions of paragraphs (c) to (g) of this subsection shall apply in relation to any such subsequent order as they apply in relation to an order made under paragraph (b) of this subsection.

(3) As from the date of the discontinuance of the market and abattoir, or any part thereof, under the provisions of this section, the lands in the metropolitan borough of Islington forming the site of the market, or of the part of the market and abattoir discontinued on that date (as the case may be), together with the lands on the south side of Market Road used as lairage in connection with the abattoir or part thereof so discontinued, shall be freed and discharged from any obligation or liability arising out of the Metropolitan Market Acts.

6.—(1) In this section the expression “the market lands” means the lands in the metropolitan borough of Islington forming the site of the market and the said lands on the south side of Market Road used as lairage in connection with the abattoir, except so much of the first-mentioned lands as was dismarketed by section 11 (Use of lands at Islington for housing purposes) of the City of London (Various Powers) Act, 1958.

Transfer of
market lands
to London
County
Council.

PART II
—cont.

(2) On the date of the discontinuance of the market and abattoir, or, if the date of the discontinuance of a part only of the market and abattoir is postponed, of the last remaining part thereof (as the case may be), in accordance with the provisions of section 5 (Discontinuance of Metropolitan Cattle Market and abattoir) of this Act, the market lands shall be transferred to and vested in the county council on terms to be agreed between the Corporation and the county council.

(3) If in pursuance of the provisions of subsection (2) of the said section 5 the date of the discontinuance of the abattoir as therein defined, or any part thereof is postponed, the Corporation shall, if so required by notice served by the county council, permit the county council to enter on, and take possession of, so much of the market lands, or any part thereof, specified in the notice as may from time to time have been freed and discharged from any obligation or liability arising out of the Metropolitan Market Acts under subsection (3) of the said section 5, and the county council may enter on and take possession of the same on such terms as may be agreed between the Corporation and the county council, or, failing agreement, as may be determined by arbitration.

(4) If the Corporation by resolution determine to provide accommodation for a new abattoir in place of the existing accommodation at the Metropolitan Cattle Market, the county council may, for the purposes of and in accordance with any agreement which may be made between the Corporation and the county council under this section, arrange for the transfer to the Corporation free of cost to the Corporation of any lands required for providing accommodation for the new abattoir and for purposes connected therewith and may pay part of the cost of the provision of such accommodation and of services, facilities, apparatus and equipment provided, or to be provided, in connection therewith.

Repeal of enactments relating to Metropolitan Cattle Market.

7. On the date of the discontinuance of the market and abattoir, or, if the date of the discontinuance of a part only of the market and abattoir is postponed, of the last remaining part thereof (as the case may be), in accordance with the provisions of section 5 (Discontinuance of Metropolitan Cattle Market and abattoir) of this Act, the enactments specified in the first column of the schedule to this Act shall to the extent indicated in the second column thereof be repealed.

As to power to dispose of lands adjoining market.

8. Nothing in this Act shall prejudice or affect the powers of the Corporation to sell, exchange, lease or otherwise dispose of any lands specified in the Metropolitan Market Act, 1896 (other than the market lands referred to in section 6 (Transfer of market lands to London County Council) of this Act) freed and discharged from any obligation or liability arising out of the Metropolitan Market Acts.

9.—(1) Any person employed by the Corporation at, or for the purposes of, the market and abattoir immediately before the date of the discontinuance of the market and abattoir, or any part thereof, as the case may be, under this Part of this Act, who suffers loss of employment or loss or diminution of emoluments which is attributable to such discontinuance shall be entitled to receive from the Corporation out of the city's cash the like compensation as he would be entitled to receive if he was a person to whom regulations made by the Minister of Housing and Local Government under section 60 of the Local Government Act, 1958, apply or would apply in relation to a loss of employment or a loss or diminution of emoluments attributable to the provisions of an order or scheme made on the date of the discontinuance of the market and abattoir, or the part thereof, at or for the purposes of which such person is employed and the loss of employment or loss or diminution of emoluments aforesaid was a ground for entitlement to compensation under the said regulations.

PART II
—cont.
Compensation
to market
employees.

(2) If a person, who is entitled to compensation for loss of pension rights under subsection (1) of this section in consequence of the termination of his employment, is a contributor to the superannuation fund maintained by the Corporation under the City of London (Various Powers) Act, 1931, and there are no transfer value or superannuation benefit payable or rights preserved in respect of the employment so terminated then the amount of the transfer value which would, in other circumstances, have been payable in respect of that person shall be paid out of the said superannuation fund to the Corporation for the credit of the city's cash:

Provided that if a payment is made out of the said superannuation fund in respect of any person under this subsection and later a transfer value or superannuation benefit falls to be paid out of that fund in respect of that person, the amount of the payment so made under this subsection shall be repaid by the Corporation out of the city's cash to the fund.

(3) In this section—

“transfer value” means a transfer value payable under section 29 of the Local Government Superannuation Act, 1937, or any regulations made under section 38 of that Act or any rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948;

“rights preserved” means rights to benefits preserved in accordance with rules made under section 2 of the Superannuation (Miscellaneous Provisions) Act, 1948.

PART II
—cont.Byelaws
relating to
abattoir.

10.—(1) If the Corporation provide accommodation for a new abattoir in place of the existing accommodation at the Metropolitan Cattle Market, they may make byelaws in relation to any land or buildings on or in which accommodation for the new abattoir and for purposes connected therewith is provided, and in relation to any services, facilities, apparatus or equipment provided in connection therewith, for the purposes of—

- (a) regulating the use thereof;
- (b) preventing nuisances or obstruction in any such land or buildings and in the immediate approaches thereto;
- (c) regulating persons and the conduct of persons resorting to any such land or buildings;
- (d) ensuring sanitary conditions in the abattoir and in such other accommodation as may be provided for the sale of meat and for trades ancillary to the abattoir.

(2) The confirming authority in respect of byelaws made under this section shall be the Minister of Agriculture, Fisheries and Food, and subject to the provisions of subsection (3) of this section the provisions of section 277 of the Public Health (London) Act, 1936, shall apply in relation to byelaws made by the Corporation under this section as they apply in relation to byelaws made by the common council under the said Act of 1936.

(3) On or before the date on which notice of intention to apply for confirmation of byelaws is given under paragraph (2) of the said section 277, the Corporation shall send a copy of the byelaws to the Minister of Labour.

Saving for
general
enactments.

11.—(1) Nothing in this Part of this Act shall interfere with the operation or effect of the Diseases of Animals Act, 1950, or of any order, licence or act of the Minister of Agriculture, Fisheries and Food made, granted or done thereunder.

(2) For the purposes of the Slaughter of Animals Act, 1958, and of any regulations with respect to slaughterhouses or knackery yards made under section 13 of the Food and Drugs Act, 1955, any new abattoir provided by the Corporation to which the foregoing provisions of this Part of this Act apply shall be deemed to be within the city and not in any other borough or district.

PART III

CENTRAL CRIMINAL COURT

Power to
acquire lands.

12.—(1) Subject to the provisions of this Act the Corporation may enter upon, take and use such of the lands in the city delineated on the deposited plan and described in the deposited

book of reference as may be required for the purpose of extending, enlarging, reconstructing or improving the Central Criminal Court or for any purpose in connection therewith.

PART III
—cont.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease on the first day of October, nineteen hundred and sixty-six.

(3) Notwithstanding anything in this Act or shown upon the deposited plan the Corporation shall not under the powers of this Act enter upon, take or use any part of any buildings situated in, on or over the lands shown upon the deposited plan and described in the deposited book of reference and therein numbered 11 in the city.

13. Unless otherwise agreed in writing between the Corporation and the owners, lessees and occupiers of the land in question, the Corporation shall not under the powers of this Act enter on, or take possession of, the lands shown upon the deposited plan and described in the deposited book of reference and therein numbered 2, 3 and 5 in the city, or any of those lands, before the thirtieth day of June, nineteen hundred and sixty-five.

For protection of owners, lessees and occupiers of certain lands.

14. For the further protection of O.C.M. (London) Limited (hereinafter in this section referred to as "the company") the following provisions shall, unless otherwise agreed in writing between the Corporation and the company, apply and have effect:—

For further protection of O.C.M. (London) Limited.

(1) Notwithstanding anything in this Act or shown upon the deposited plan the Corporation shall not under the powers of this Act enter upon, take or use the lands shown coloured pink on a plan signed in duplicate by George Wilfrid Seager on behalf of the company and by Robert Scott Walker on behalf of the Corporation, of which one copy has been deposited in the office of the city surveyor and the other in the registered offices of the company:

(2) So long as the company remain in occupation of the premises known as 5 to 9 Warwick Square situated on part of the lands shown on the deposited plan and described in the deposited book of reference and therein numbered 3 in the city the Corporation shall not under the powers of this Act obstruct or render less convenient the access to or egress from those premises, or other premises occupied by the company on the said lands numbered 3, from or to Warwick Square.

PART III
—cont.Stopping up
of streets, etc.

15.—(1) The Corporation may stop up all or any portion of the part of Warwick Square in the city shown on the deposited plan as intended to be stopped up, and thereupon all public rights of way over that part of the said square, or portion thereof, shall be extinguished, and the site and soil thereof shall vest in the Corporation so far as such site and soil shall not be already vested in them.

(2) No portion of Warwick Square shall be stopped up under the powers of this section until the Corporation are in possession of all lands abutting on that portion of the square (not being lands forming part of the square), except so far as the owners, lessees and occupiers of those lands may otherwise agree.

Correction of
errors in
deposited
plan and
book of
reference.

16.—(1) If the deposited plan or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land, the Corporation, after giving ten days' notice to the owner, lessee and occupier of the land in question, may apply to the assistant judge, or any additional judge, of the Mayor's and City of London Court at either of the justice rooms of the city for the correction thereof.

(2) If on any such application it appears to the judge that the misstatement or wrong description arose from mistake, he shall certify the fact accordingly and shall in his certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and copies thereof in the Private Bill Office, House of Commons, and with the clerk of the county council and the town clerk and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

Acquisition
of part only
of certain
properties.

17.—(1) No person shall be required under this Act to sell a part only of any house, building or factory if he is willing and able to sell the whole of the house, building or factory, unless the tribunal by whom compensation is to be assessed determines that such part as is proposed to be taken can be taken without material detriment to the house, building or factory.

(2) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Corporation that part of the house, building or factory.

18. Subject to the provisions of section 13 (For protection of owners, lessees and occupiers of certain lands) of this Act at any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Part of this Act, but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Corporation may enter on, and take possession of, the land, or such part thereof as is specified in the last-mentioned notice, without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act, 1845:

PART III
—cont.
Power to expedite entry.

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

19. Any person acting on behalf of the Corporation and duly authorised in that behalf may, on producing if required some duly authenticated document showing his authority, at all reasonable times enter on any land which the Corporation are authorised by this Part of this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Corporation, not less than seven days before the date of the first entry and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land in manner provided by section 9 (Service of notices by Corporation) of the City of London (Various Powers) Act, 1954.

20. In determining any question of disputed compensation or purchase money in respect of land acquired under this Part of this Act, the tribunal by whom the compensation is to be assessed shall not take into account—

Disregard of recent improvements and interests.

(a) any improvement or alteration made, or building erected after the fifth day of December, nineteen hundred and sixty-two; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

21.—(1) As from the acquisition, whether compulsorily or by agreement, of any land which may be acquired compulsorily under this Part of this Act, or, in the case of the land shown on the deposited plan and described in the deposited book of reference and therein numbered 11 in the city, of any interest in that land, all private rights of way over the land shall be extinguished.

Extinction of private rights of way.

PART III
—cont.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under, and in accordance with, the Land Compensation Act, 1961.

Grant of easements by persons under disability.

22.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may, if he thinks fit, subject to the provisions of those Acts, grant to the Corporation any easement or right required for the purposes of this Part of this Act in, over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant, and to any such easement or right, as aforesaid.

Provision of substituted sites.

23. The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under any enactment.

Power to reinstate owners or occupiers of property.

24.—(1) The Corporation may enter into, and carry into effect, an agreement or arrangement with the owner or occupier of any land acquired under this Part of this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

Land laid into streets to form part thereof.

25. All lands acquired by the Corporation under this Part of this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

Power to stop up ways temporarily.

26.—(1) The Corporation may, for the purposes of the extension, enlargement, reconstruction or improvement of the Central Criminal Court, or for any purpose in connection therewith, stop up, open, break up and interfere with, alter or divert temporarily all, or any part of, the carriageway or footway of any street, or part of a street, within the limits of land to be acquired or used shown on the deposited plan and described in the deposited book of reference, and may execute and do all necessary works and things for, or in connection with, such

stopping up, opening, breaking up, interference, alteration or diversion and for keeping such carriageway or footway open for traffic, and may remove or alter any lamp-posts, posts and other erections within the said limits.

PART III
—cont.

(2) The Corporation shall provide reasonable access for all persons bona fide going to, or returning from, any premises in any street of which the carriageway or footway is stopped up, interfered with, altered or diverted under the powers of this section.

27.—(1) Where in pursuance of the powers conferred by subsection (1) of section 15 (Stopping up of streets, etc.) of this Act, the part of Warwick Square in the city referred to in that subsection, or any portion thereof, is stopped up, the following provisions of this subsection shall, unless otherwise agreed in writing between the Corporation and the Postmaster General, have effect in relation to so much of any telegraphic line belonging to, or used by, the Postmaster General as is under, in, upon, over, along or across any land over which public rights of way are extinguished in consequence of such stopping up (in this subsection referred to as “the affected line”), that is to say:—

- (a) The power of the Postmaster General to remove the affected line shall be exercisable notwithstanding such stopping up, so however, that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (2) of this section unless, before the expiration of that period, the Postmaster General has given notice to the Corporation of his intention to remove the affected line or that part thereof (as the case may be);
- (b) The Postmaster General may by notice in that behalf to the Corporation abandon the affected line or any part thereof and shall be deemed, as respects the affected line, or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster General shall be entitled to recover from the Corporation the expense of providing in substitution for the affected line, and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require;

PART III
—cont.

(d) Where, under paragraph (b) of this subsection, the Postmaster General has abandoned the whole or any part of the affected line, it shall vest in the Corporation, and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(2) As soon as practicable after the said part of Warwick Square or any portion thereof has been stopped up in pursuance of the powers referred to in subsection (1) of this section, the Corporation shall send by post to the Postmaster General a notice informing him of the stopping up.

(3) The temporary stopping up or diversion of the whole or any part of the carriageway or footway of any street, or part of a street, under the powers conferred by subsection (1) of section 26 (Power to stop up ways temporarily) of this Act, shall not prejudice or affect any right of the Postmaster General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to, or used by, him which, at the time of the stopping up or diversion, was under, in, upon, over, along or across that carriageway or footway or part thereof, as the case may be; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal, to enter upon, break open or carry out works in that carriageway or footway, or part thereof, as the case may be.

(4) In this section “telegraphic line” has the same meaning as in the Telegraph Act, 1878.

For
protection of
statutory
undertakers.

28. For the protection of the undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the undertakers concerned, apply and have effect:—

(1) In this section, unless the subject or context otherwise requires—

“apparatus” means—

(a) mains, pipes, valves, syphons, stopcocks or other works or apparatus belonging to, or maintained by, the North Thames Gas Board; or

(b) mains, pipes, valves, hydrants, stopcocks or other works or apparatus belonging to, or maintained by, the Metropolitan Water Board; or

(c) any electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to, or maintained by, the London Electricity Board; and includes any works constructed for the lodging therein of apparatus;

“ the undertakers ” means the North Thames Gas Board, the Metropolitan Water Board and the London Electricity Board or any of them;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ position ” includes depth:

(2) Notwithstanding anything in section 15 (Stopping up of streets, etc.) of this Act or the stopping up of any portion of Warwick Square under the powers thereof the undertakers shall continue to have the same powers and rights in respect of apparatus situated in the portion so stopped up as if the powers of the said section 15 had not been exercised, but the undertakers may and, if reasonably required to do so by the Corporation for the purpose of any extension, enlargement, reconstruction or improvement of the Central Criminal Court, shall—

(a) remove the apparatus and relay or replace it in such other position as the undertakers may reasonably determine; or

(b) provide and lay or place in such other position as aforesaid other apparatus in place of the existing apparatus:

(3) The Corporation shall repay to the undertakers the reasonable expenses incurred by the undertakers in, or in connection with, the carrying out of such works as are referred to in sub-paragraphs (a) and (b) of the last foregoing paragraph (whether or not the Corporation have required those works to be carried out), including expenses so incurred in cutting off any apparatus from any other apparatus and in doing any work rendered necessary in consequence of carrying out the said works:

Provided that subsections (3) and (4) of section 23 of the Public Utilities Street Works Act, 1950 (which impose limitations on undertakers' rights to payment) shall, so far as applicable, extend and apply to any payment to be made by the Corporation under this paragraph as if the works in respect of which the payment is to be made were such undertakers' works as are referred to in the said subsection (3) and as if in that subsection, for the words “ specified as so necessary in a specification

PART III
—cont.

of the works settled under Part I of the Fourth Schedule to this Act” there were substituted the words “agreed or settled by arbitration under section 28 (For protection of statutory undertakers) of the City of London (Various Powers) Act 1963”:

- (4) The temporary stopping up or diversion of the whole or any part of the carriageway or footway of any street, or part of a street, under the powers of section 26 (Power to stop up ways temporarily) of this Act shall not prejudice or affect any right of the undertakers—

(a) to maintain, operate, inspect, repair, renew or remove any apparatus which at the time of the stopping up or diversion is in the carriageway or footway, as the case may be; or

(b) for the purpose of such maintenance, operation, inspection, repair, renewal or removal, to enter upon, break open or carry out works in that carriageway or footway, as the case may be:

- (5) Any difference arising between the Corporation and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be settled by a single arbitrator to be agreed between the Corporation and the undertakers, or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

For further protection of London Electricity Board.

29. For the further protection of the London Electricity Board the following provisions shall, unless otherwise agreed in writing between the Corporation and the board, apply and have effect—

- (1) In this section unless the context otherwise requires—

“apparatus” has the same meaning as in paragraph (1) of section 28 (For protection of statutory undertakers) of this Act in relation to apparatus of the board;

“the board” means the London Electricity Board;

“position” includes depth;

“transformer” means the electricity transformer and apparatus situated in the lands shown on the deposited plan and described in the deposited book of reference and therein numbered 5 in the city:

- (2) Notwithstanding anything in this Act or shown on the deposited plan the Corporation shall not under the powers of this Act acquire compulsorily the transformer or the right of access thereto in the lands numbered 5 aforesaid but if the Corporation, in the exercise of the powers of this Act acquire any interest in those lands the board may and, if reasonably required to do so by the Corporation for the purpose of any extension, enlargement, reconstruction or improvement of the Central Criminal Court, shall, subject to paragraph (3) of this section, remove or alter the position of the transformer or such access:
- (3) If reasonably so required by the board the Corporation shall afford to the board, on terms not less favourable than those on which at the passing of this Act the board held and maintained the transformer in the land numbered 5 aforesaid, all such facilities, including access, as may be reasonably required to enable the board to resite the transformer or place alternative apparatus and maintain the same on land for the time being belonging to the Corporation and if such facilities are not granted before the transformer is removed the Corporation shall, if reasonably so required by the board, afford all such temporary facilities as may be so required for the placing and maintenance of apparatus necessary to enable the board in the meantime to maintain the supply of electricity afforded by the transformer:
- (4) The provisions of paragraph (3) of the said section 28 shall apply in relation to the works referred to in paragraphs (2) and (3) of this section as they apply in relation to any of the works mentioned in paragraph (3) of the said section 28:
- (5) Any difference arising between the Corporation and the board under this section (other than a difference as to the meaning or construction of this section) shall be settled by a single arbitrator to be agreed between the Corporation and the board or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

30. The cost of extending, enlarging, reconstructing or improving the Central Criminal Court (including the cost of acquiring lands therefor), and the cost of maintaining the Central Criminal Court, may be paid by the Corporation out of the general rate of the city. Payments out of general rate.

PART IV

MISCELLANEOUS

Power to charge in respect of markets.

31.—(1) Notwithstanding anything in the enactments relating to any of the markets mentioned in subsection (2) of this section whereby tolls, stallages, rents, dues or other payments payable in respect of the use of those markets, or any of them, or of any services provided by the Corporation in those markets, are appointed, fixed, determined or approved, the Corporation may demand and recover in respect of the use of those markets, or any of them, or of any services provided by the Corporation in those markets, such tolls, stallages, rents, dues or other payments as they may from time to time prescribe.

(2) The markets referred to in subsection (1) of this section are the following:—

Billingsgate Market;
 Leadenhall Market;
 London Central Markets; and
 Spitalfields Market.

Control of elevated footway between London Bridge and London Bridge railway station.

32.—(1) In this section—

“ the Corporation ” means the mayor and commonalty and citizens of the city, trustees of the Bridge House Estates;

“ the elevated footway ” means the elevated footway and footbridges (Work No. 3) authorised by the London Bridge Improvements Act, 1962, and the approaches thereto.

(2) Notwithstanding anything in the London Bridge Improvements Act, 1962, the elevated footway shall for all purposes of, or relating to, criminal law, the jurisdiction of the justices of the city and the police and police jurisdiction be deemed to be a public highway within the city.

(3) The Corporation or the Commissioner of the City Police shall have power to close all public entrances to the elevated footway at such times and for such purposes as they or he may from time to time, after consultation with the British Railways Board, the London Transport Board and the metropolitan borough councils of Bermondsey and Southwark, think fit.

(4) (a) The Corporation may make byelaws for regulating the use of, and the conduct of persons using, the elevated footway.

(b) The confirming authority in relation to byelaws made under this subsection shall be the Minister of Transport.

(c) Sections 147, 148 and 149 of the London Government Act, 1939, shall apply to byelaws made by the Corporation under

this section and shall have effect in relation thereto as if byelaws so made were byelaws made by a metropolitan borough council under that Act.

PART IV
—cont.

33.—(1) The Minister of Transport on the application of the Corporation may, for the purpose of facilitating the movement of vehicular traffic along or the safety of the public on any street in the city, authorise the Corporation to construct and maintain works in, and at the junction of, any other street in the city for the prevention or limitation of access by vehicular traffic to or from such first-mentioned street from or to any such other street.

Prevention
or restriction
of vehicular
access to
and from
streets.

(2) (a) Before making application to the Minister of Transport for an authorisation under subsection (1) of this section the Corporation shall cause notice of the proposed application to be published in at least one newspaper circulating within the city and every such notice shall specify the nature of the proposal and state that a copy of the proposed application is open to inspection at the office of the town clerk at the Guildhall in the city and specify the period, which shall not be less than twenty-eight days, within which any persons affected thereby may send to the said Minister and to the Corporation objections in writing to the application.

(b) On or before the date of the publication of the notice referred to in paragraph (a) of this subsection the Corporation shall send a copy of the notice to the county council.

(c) The Minister of Transport shall consider any such objections received before the expiration of the period so specified and if he thinks fit cause a public inquiry to be held with respect to the proposal.

(d) Subsections (2) to (5) of section 189 of the London Government Act, 1939 (which relate to the holding of inquiries), shall apply in relation to any such public inquiry.

(3) An authorisation given under subsection (1) of this section shall include power to light any works so authorised, to pave, grass or otherwise cover such works or any part of them, to erect pillars, walls, rails or fences on, around or across such works or any part of them, and to plant trees, shrubs and other vegetation either for ornament or in the interests of safety.

(4) The Corporation may alter or (with the consent of the Minister of Transport) remove any works constructed by them under this section.

(5) In relation to any works done by the Corporation pursuant to an authorisation under subsection (1) of this section, being works to which, apart from this subsection, the provisions contained in Part II of the Public Utilities Street Works Act, 1950

PART IV
—cont.

(which regulate the relations between an authority carrying out road alterations and undertakers whose apparatus is affected thereby) would not apply, the said provisions shall apply as if the works were executed for road purposes by an authority mentioned in subsection (1) of section 21 of that Act and were included in the works mentioned in paragraph (a) of the said subsection (1) of section 21.

(6) Any person who, without lawful authority, removes or interferes with any works constructed pursuant to an authorisation under subsection (1) of this section shall be liable on summary conviction to a fine not exceeding five pounds.

Amendment
of section 36
of Epping
Forest Act,
1878.

34. Section 36 (Power to make byelaws) of the Epping Forest Act, 1878, and section 17 (Byelaws for protection of deer) of the City of London (Various Powers) Act, 1959, shall have effect as if in paragraph (xiii) of the said section 36 for the words "five pounds" there were substituted the words "ten pounds" and for the words "ten shillings" there were substituted the words "five pounds".

Amendment
of section 7
of City
of London
(Various
Powers) Act,
1877.

35. Section 7 (Penalties to be imposed by byelaws) of the City of London (Various Powers) Act, 1877, shall have effect as if for the words "five pounds" there were substituted the words "ten pounds" and for the words "forty shillings" there were substituted the words "five pounds".

Saving for
town and
country
planning.

36. The provisions of the Town and Country Planning Act, 1962, and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land notwithstanding that the development thereof is, or may be, authorised or regulated by or under this Act.

Costs of
Act.

37. The costs, charges and expenses preliminary to, and of, and incidental to, the preparing, obtaining and passing of this Act shall be paid by the Corporation out of the city's cash and out of the general rate of the city in such proportions as the Corporation may deem just.

SCHEDULE

ENACTMENTS RELATING TO THE METROPOLITAN CATTLE MARKET
REPEALED

Section 7

Enactment (1)	Extent of repeal (2)
The Metropolitan Market Act, 1857	The whole Act.
The Metropolitan Market Act, 1865	The whole Act.
The Metropolitan Cattle Market Act, 1875	The whole Act.
The Metropolitan Market Act, 1896	The whole Act.
In the City of London (Various Powers) Act, 1920— Section 7 (Tolls and payments for animals in Cattle Market) Section 8 (Rents for pedlars' stalls in Cattle Market) Section 9 (Seizure in slaughterhouses of meat unfit for food)	The whole section. The whole section. The whole section.
In the City of London (Various Powers) Act, 1931— Part III (Metropolitan Cattle Market)	The whole Part.
In the City of London (Various Powers) Act, 1933— Part IV (Metropolitan Cattle Market) Section 18 (Summary proceedings for offences and penalties)	The whole Part. The words "as under section 34 of the City of London (Various Powers) Act, 1931."
In the City of London (Various Powers) Act, 1958— Section 11 (Use of lands at Islington for housing purposes)	The whole section.
In the Slaughter of Animals Act, 1958— Section 11 (Provisions relating to London)	Subsection (2).
In the Slaughterhouses Act, 1958— Section 14 (Provisions relating to London)	Subsection (3).
In the City of London (Various Powers) Act, 1959— Section 9 (Use of land at Metropolitan Cattle Market)	The whole section.

Table of Statutes referred to in this Act

Short title	Session and chapter
Lands Clauses Consolidation Act, 1845 ...	8 & 9 Vict. c. 18.
Metropolitan Market Act, 1857	20 & 21 Vict. c. cxxxv.
Metropolitan Market Act, 1865	28 & 29 Vict. c. ccviii.
Metropolitan Cattle Market Act, 1875 ...	38 & 39 Vict. c. xlvi.
City of London (Various Powers) Act, 1877	40 & 41 Vict. c. vii.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Epping Forest Act, 1878	41 & 42 Vict. c. ccxiii.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Metropolitan Market Act, 1896	59 & 60 Vict. c. xxxvi.
City of London (Various Powers) Act, 1920	10 & 11 Geo. 5 c. xxvii.
City of London (Various Powers) Act, 1931	21 & 22 Geo. 5 c. xiv.
City of London (Various Powers) Act, 1933	23 & 24 Geo. 5 c. xxiii.
Public Health (London) Act, 1936 ...	26 Geo. 5 & 1 Edw. 8 c. 50.
Local Government Superannuation Act, 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
London Government Act, 1939	2 & 3 Geo. 6 c. 40.
Superannuation (Miscellaneous Provisions) Act, 1948	11 & 12 Geo. 6 c. 33.
Diseases of Animals Act, 1950	14 Geo. 6 c. 36.
Public Utilities Street Works Act, 1950 ...	14 Geo. 6 c. 39.
City of London (Various Powers) Act, 1954	2 & 3 Eliz. 2 c. xxvii.
Food and Drugs Act, 1955	4 Eliz. 2 c. 16.
City of London (Various Powers) Act, 1958	6 & 7 Eliz. 2 c. xlvii.
Local Government Act, 1958	6 & 7 Eliz. 2 c. 55.
Slaughterhouses Act, 1958	6 & 7 Eliz. 2 c. 70.
Slaughter of Animals Act, 1958	7 Eliz. 2 c. 8.
City of London (Various Powers) Act, 1959	7 & 8 Eliz. 2 c. xlix.
Land Compensation Act, 1961	9 & 10 Eliz. 2 c. 33.
London Bridge Improvements Act, 1962	10 & 11 Eliz. 2 c. 1.
Town and Country Planning Act, 1962 ...	10 & 11 Eliz. 2 c. 38.

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CHAPTER xxxiv

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Incorporation of Lands Clauses Acts.
4. Interpretation.

PART II

METROPOLITAN CATTLE MARKET AND ABATTOIR

5. Discontinuance of Metropolitan Cattle Market and abattoir.
6. Transfer of market lands to London County Council.
7. Repeal of enactments relating to Metropolitan Cattle Market.
8. As to power to dispose of lands adjoining market.
9. Compensation to market employees.
10. Byelaws relating to abattoir.
11. Saving for general enactments.

PART III

CENTRAL CRIMINAL COURT

Section

12. Power to acquire lands.
13. For protection of owners, lessees and occupiers of certain lands.
14. For further protection of O.C.M. (London) Limited.
15. Stopping up of streets, etc.
16. Correction of errors in deposited plan and book of reference.
17. Acquisition of part only of certain properties.
18. Power to expedite entry.
19. Power to enter for survey or valuation.
20. Disregard of recent improvements and interests.
21. Extinction of private rights of way.
22. Grant of easements by persons under disability.
23. Provision of substituted sites.
24. Power to reinstate owners or occupiers of property.
25. Land laid into streets to form part thereof.
26. Power to stop up ways temporarily.
27. For protection of Postmaster General.
28. For protection of statutory undertakers.
29. For further protection of London Electricity Board.
30. Payments out of general rate.

PART IV

MISCELLANEOUS

31. Power to charge in respect of markets.
32. Control of elevated footway between London Bridge and London Bridge railway station.
33. Prevention or restriction of vehicular access to and from streets.
34. Amendment of section 36 of Epping Forest Act, 1878.
35. Amendment of section 7 of City of London (Various Powers) Act, 1877.
36. Saving for town and country planning.
37. Costs of Act.

SCHEDULE—Enactments relating to the Metropolitan Cattle Market repealed.