

# Greater London Council (General Powers) Act 1969

## CHAPTER Iii

### ARRANGEMENT OF SECTIONS

#### PART I PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.

#### PART II SLUDGE MAINS

4. Interpretation of Part II.
5. Powers as to provision and maintenance of sludge mains.
6. Notices, etc.
7. Temporary stopping up of streets.
8. For protection of certain river authorities.

#### PART III WALKWAYS

9. Interpretation of Part III.
10. Meaning of walkway.
11. As to provision and declaration of walkways.

## Section

12. Planning permission relating to walkways.
13. Exercise of powers of Part III of Act.
14. Development of land, etc., affecting walkways.
15. Paving, etc., of walkways.
16. Support for walkways.
17. Protection and improvement of walkways.
18. Byelaws relating to walkways.
19. Policing of walkways.
20. Attachment of drainage apparatus to buildings.
21. Compensation.
22. Acquisition of land, or rights in land, for walkways.
23. Regulation of placing of things in walkways.
24. Statutory undertakers' works.
25. Consultation with statutory undertakers.
26. As to building control.
27. Power to enter into agreements as to walkways.
28. Consultation, etc.
29. Application to walkways of certain enactments.
30. Savings.

## PART IV

## FINANCE

31. Contributions towards cost of walkways or conveyance of refuse.
32. Housing advances reserve fund.
33. Modifications of Part V of Act of 1968.
34. Investment of superannuation funds.
35. Borrowing and lending by borough councils.

## PART V

## DOCUMENTS AND EQUIPMENT

36. Destruction of documents connected with applications.
37. Microfilming of documents.
38. Electronic, mechanical or other equipment, etc.
39. Application and interpretation of Part V.

## PART VI

## EXTENSIONS OF TIME

40. Extension of time for compulsory purchase of lands.
41. Extension of time for completion of works.

## PART VII

## MISCELLANEOUS AND SUPPLEMENTAL

42. Amendment of Schedule 14 to Act of 1963.
43. Form of grant of exclusive right of burial.



Section

- 44. Alteration of penalties for certain street trading offences.
- 45. Extension of Part II (Supply of heat) of Act of 1949.
- 46. Costs of Act.

**SCHEDULES:**

Schedule 1—Enactments applied to walkways—

Part I—General enactments applied.

Part II—Local enactments applied.

Schedule 2—Local enactments modified in relation to street trading offences.

ELIZABETH II



1969 CHAPTER Iii

to confer further powers upon the Greater London Council and other authorities; and for other purposes.  
[25th July 1969]

WHEREAS—

(1) It is expedient that further and better provision should be made for the finances, improvement, public health and local government services of Greater London and that the powers of Greater London Council (hereinafter called "the Council"), London borough councils, the Common Council of the City (hereinafter called "the Common Council") and the Sutton Joint Cemetery Board should be extended as provided in this Act:

(2) It is expedient that provision should be made for the maintenance, regulation and protection of high level and other roads in buildings and other places for the use of the Council or which they have a right of way or of access on foot or for supplementing the powers of the Council, the London borough councils and the Minister of Housing and Local Government to secure the provision of such ways in connection with the development of property in Greater London and for the purposes of this Act means:



1967 c. xlii.

(3) It is expedient that the provisions of this Act relating to city walkways within the meaning of Part II of the City of London (Various Powers) Act, 1967, should be enacted:

(4) It is expedient that the other provisions contained in this Act should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

1933 c. 51.

(6) In relation to the promotion of the Bill for this Act, the Council (as respects the appropriate provisions of the Bill) has complied with the requirements of section 254 of the Local Government Act, 1933, and the council of the City of Westminster (as respects the provisions of the Bill relating specifically to that council) have complied with the requirements of Part XIII of that Act as applied by subsection (3) of section 7 of the Local Government Act, 1963:

1963 c. 33.

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, that is to say:—

## PART I

## PRELIMINARY

Short title.

1. This Act may be cited as the Greater London Council (General Powers) Act 1969.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Sludge mains.

Part III.—Walkways.

Part IV.—Finance.

Part V.—Documents and equipment.

Part VI.—Extensions of time.

Part VII.—Miscellaneous and supplemental.

Interpretation.

3. In this Act, except as otherwise expressly provided, unless the context otherwise requires—

1936 c. 49.

“ the Act of 1933 ” means the Local Government Act, 1933;

1937 c. 68.

“ the Act of 1936 ” means the Public Health Act, 1936;

“ the Act of 1937 ” means the Local Government Act, 1937;

1959 c. 25.

“ the Act of 1959 ” means the Highways Act, 1959;

PART I  
—cont.

1962 c. 38.

1963 c. 33.

1966 c. xxviii.

1968 c. xxxix.

"the Act of 1962" means the Town and Country Planning Act, 1962;

"the Act of 1963" means the London Government Act, 1963;

"the Act of 1966" means the Greater London Council (General Powers) Act, 1966;

"the Act of 1968" means the Greater London Council (General Powers) Act, 1968;

"apparatus" means any apparatus belonging to statutory undertakers or for the maintenance of which they are responsible and includes any structure for the lodging therein of apparatus;

"borough" means a London borough, and "borough council" means the council of a London borough;

"the city" means the City of London;

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

"the Council" means the Greater London Council;

"enactment" means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

"highway" has the same meaning as in the Act of 1959;

"land" and "lands" includes any interest in land and any easement or right in, to or over land;

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

"street" has the same meaning as in the Act of 1959;

"the Westminster Council" means the council of the City of Westminster;

and any reference to an 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

SLUDGE MAINS

In this Part of this Act—

Interpretation  
of Part II.

"sewer" has the meaning assigned to that expression in paragraph (a) of subsection (1) of section 39 of the Act of 1963;



PART II  
—cont.

“sewerage area of the Council” means the sewerage area of the Greater London Council as defined in paragraph (b) of the said subsection (1);

“sludge main” means a pipe or system of pipes (together with any pumps or other apparatus and any outfall or other works associated therewith) for the conveyance or disposal of the residue of sewage treated in a sewage disposal works vested in the Council or partly for that purpose and partly for the conveyance or disposal of the residue of sewage treated in any of the sewage disposal works, and for the purposes of this definition “pipe” includes a tunnel;

and any expression which is also used in Part II of the Act of 1936 shall, except where the context otherwise requires, have the same meaning as in the said Part II.

Powers as to provision and maintenance of sludge mains.

5.—(1) Without prejudice to any other powers so enabled them, the Council may provide and maintain sludge mains.

(2) Subject to the provisions of this Part of this Act, Part II of the Act of 1963 (except paragraphs (b) and (c) of subsection (1) of section 37 of that Act) and paragraphs 1, 2, 3, 9, 18, 19 and 21 of Part III of Schedule 9 to that Act shall apply and have effect in relation to a sludge main as they apply and have effect in relation to a main sewer of the Council:

Provided that—

(i) the reference to Part V of the Act of 1963 in paragraph (1) of Part II of Schedule 9 to that Act shall be deemed to be a reference to the said Part V as modified by virtue of this subsection;

(ii) outside the sewerage area of the Council the provisions of sub-paragraph (5) of the said paragraph 1 shall not have effect in relation to any sludge main.

Notices, etc.

6.—(1) The Council shall not in pursuance of the powers conferred on them by this Part of this Act lay or construct a sludge main in any area which is outside the sewerage area of the Council and within the area of any county or county borough except in accordance with proposals which have been agreed in writing by the council of such county or county borough (or the case may be) in accordance with such proposals as may be frequently modified by the Minister in the exercise of his powers under subsection (3) of this section.



(2) Without prejudice to the provisions of the foregoing subsection where the Council propose to lay or construct a sludge main outside the sewerage area of the Council they shall—

(a) give such notice as may be required by sub-paragraph (2), and comply with any relevant requirement imposed by or by virtue of any enactment specified in sub-paragraph (4), of paragraph 1 of Part III of Schedule 9 to the Act of 1963, as applied by subsection (2) of the last foregoing section;

(b) publish by advertisement in a local newspaper circulating in the district in which the proposed work is to be executed a notice describing the nature of the proposals and specifying the land in or on which they propose to execute any work and naming a place in the said district where a plan illustrative of the proposals may be inspected at all reasonable hours by any person free of charge;

(c) serve, not later than the date of publication of the advertisement, a copy of the notice on the local authority of the district in which the proposed work is to be executed.

(3) If, within twenty-eight days after the publication of the notice referred to in paragraph (b) of the last foregoing subsection, notice of objection to the proposals is served on the Council either by the local authority of the district in which the proposed work is to be executed or by any owner or occupier of land directly affected by the proposals, they shall not proceed with the proposals unless all objections so made are withdrawn or the Minister, after a local inquiry, has approved the proposals either with or without modification.

(4) The council of a county or county borough shall be entitled to be heard at any local inquiry held in pursuance of the provisions of the last foregoing subsection if the inquiry relates to proposals which have been agreed in writing by them under subsection (1) of this section, and the Council shall give to any council entitled to be so heard such notice as may be reasonably practicable of the time and place at which the inquiry is to be held.

(5) The provisions of paragraphs (b) and (c) of subsection (2) and of subsection (3) of this section shall not apply where the work the Council propose to carry out consists only of the laying or construction of a sludge main in a highway maintainable at the public expense and the Council have obtained the consent of the highway authority.



PART II  
—cont.  
Temporary  
stopping up  
of streets.

7.—(1) For the purpose of laying, constructing, repairing, renewing or removing a sludge main sewerage area of the Council, the Council may stop up, divert and interfere with any street and may for a reasonable time divert the traffic therefrom and prevent persons other than those bona fide going to or from any house or building abutting on the street from passing along using the same.

(2) The Council shall provide reasonable access for persons (whether on foot or proceeding by vehicle) bona fide going to or from any such land, house or building.

(3) Before exercising the powers of this section the Council shall make with the highway authority such arrangements as shall be reasonably necessary so as to cause as little interference with traffic as may be reasonably practicable during the exercise of the powers of this section.

(4) The Council shall not exercise the powers of this section

(a) as respects any trunk road without giving to the Minister of Transport reasonable notice of the times at which interference with the trunk road is intended to take place and complying with such reasonable conditions as he may require;

(b) as respects any other street without the consent of the highway authority and such consent shall not be unreasonably withheld but may be given subject to such reasonable conditions as the highway authority may require and any question whether such consent is unreasonably withheld or any conditions so imposed are unreasonable shall be determined by the Minister of Transport; or

(c) with respect to any street upon which a service of motor carriages or express carriages is operated unless not less than forty-eight hours' previous notice is given to the traffic commissioners and to the holders of the service licence under which that service is authorised.

(5) The powers of this section shall not be exercised so as to obstruct, or so as to interfere to an unreasonable extent with, access to or exit from any station or depot of passenger transport operators or of the London Transport Board or the British Railways Board.

(6) The exercise by the Council of the powers of this section in relation to any street shall not prejudice or affect any right of the Postmaster-General—

(a) to maintain, inspect, repair, renew or remove any telegraphic line (within the meaning of the Telegraph Act, 1878 c. 76.) belonging to or used by him which may for the time being be under, in, upon, over, along or across that street; or

(b) for the purpose of such maintenance, inspection, repair, renewal or removal to enter upon or break open that street.

(7)(a) The exercise by the Council of the powers of this section in relation to any street shall not prejudice or affect any right of statutory undertakers—

(i) to lay, erect, maintain, inspect, repair, renew or remove any apparatus which may for the time being be in that street; or

(ii) for the purpose of such laying, erection, maintenance, inspection, repair, renewal or removal to enter upon or break open that street.

(b) In this subsection "statutory undertakers" means persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas, hydraulic power or water.

For the protection of the Conservators of the River Thames, Lee Conservancy Catchment Board, the Essex River Authority, the Kent River Authority and the Sussex River Authority (hereafter in this section referred to as "the river authorities") the following provisions shall, unless otherwise agreed in writing between the Council and the river authorities, or any of them, apply and have effect:

For protection of certain river authorities.

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

"appropriate river authority" in relation to a protected work or watercourse means the river authority in whom it is vested or who have control over it;

"protected work" means a sea or tidal river defence work or other drainage work for the time being vested in or under the control of any of the river authorities



PART II  
—cont.

1930 c. 44.

1961 c. 48.

1963 c. 38.

for the purposes of the Land Drainage Act, 1930, the Land Drainage Act, 1961, or the Water Resources Act, 1963;

“watercourse” means a watercourse, as defined in the Land Drainage Act, 1930, subject to the control of any of the river authorities:

- (2) The Council shall not without the consent of the appropriate river authority carry out any work under Part II of this Act so as to obstruct access to a protected work or watercourse by the appropriate river authority and their officers, servants, workmen, contractors and agents together with any vehicles, plant and machinery, as may be reasonably necessary, but such consent shall not be unreasonably withheld and may be given subject to reasonable terms and conditions:
- (3) Any difference which may arise between the Council on the one hand and any of the river authorities on the other under this section, other than a difference as to the meaning thereof, shall be referred to and settled by a single arbitrator to be agreed between the parties, failing agreement to be appointed on the application of either party, after notice to the other, by the President of the Institution of Civil Engineers.

## PART III

## WALKWAYS

Interpretation  
of Part III.

9. In this Part of this Act, unless the subject or context otherwise requires—

1939 c. xcvii.

“the Act of 1939” means the London Building Act (Amendment) Act, 1939;

1946 c. 49.

“the Act of 1946” means the Acquisition of Land (Authorisation Procedure) Act, 1946;

1950 c. 39.

“the Act of 1950” means the Public Utilities Street Works Act, 1950;

1961 c. 33.

“the Act of 1961” means the Land Compensation Act, 1961;

1967 c. xlii.

“the Act of 1967” means the City of London (Various Powers) Act, 1967;

“building” includes any structure or erection, and part thereof, but does not include plant or machinery comprised in a building;

“city walkway” has the same meaning as in Part II (City walkways) of the Act of 1967;

“development” has the same meaning as in the Act of 1962;

“district surveyor” has the same meaning as in section 4 (Interpretation) of the Act of 1939;

“local planning authority” has the meaning assigned to that expression in pursuance of section 24 of the Act of 1963;

“open space” has the same meaning as in the Ministry of Housing and Local Government Provisional Order Confirmation (Greater London Parks and Open Spaces) Act, 1967;

1967 c. xxix.

“operational lands” means, in relation to the London Transport Board, the British Railways Board or statutory undertakers, land which is used for the purpose of the carrying on of the undertaking of the board or statutory undertakers concerned and land in which an interest is held for that purpose, not being land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of the carrying on of that undertaking;

“owner” in relation to land means a person other than a mortgagee not in possession, who, whether in his own right or as trustee for any other person, is entitled to receive the rack rent or, where the land is not let at a rack rent, would be so entitled if it were so let;

“planning permission” has the same meaning as in the Act of 1962;

“statutory undertakers”, in relation to the exercise of any of the powers of this Part of this Act in any area, means the persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas, hydraulic power or water in that area, and includes the Postmaster General;

“walkway” means a way or place over which, by virtue of a declaration under section 11 (As to provision and declaration of walkways) of this Act, the public have a right of way or of access, on foot only, in the terms of section 10 (Meaning of walkway) of this Act;



PART III  
—cont.

“ walkway bridge ” means a bridge, stair, ramp or other means of access forming part of a walkway, and includes the abutments and any other part of a bridge as defined, but does not include the right of way thereon.

“ walkway subway ” means a subway forming part of a walkway, and includes any stair, ramp or other means of access to the subway, but does not include the right of way through the subway;

1957 c. 31.

and the expressions “ occupier ” and “ visitor ” shall be construed in accordance with the provisions of the Occupiers' Liability Act, 1957.

Meaning of  
walkway.

10.—(1) (a) A walkway duly declared by a borough Council under section 11 (As to provision and declaration of walkways) of this Act is a way or place on which any person may have access on foot and may pass and repass on foot as of right subject nevertheless to any restrictions which may from time to time be imposed in relation thereto in accordance with the provisions of this Part of this Act and to the reasonable needs of the owner or occupier of any building in which the walkway is situated to have access to the space occupied by the building for the purpose of altering or maintaining the building.

(b) Without prejudice to the provisions of subsection (3) of section 16 (Support for walkways) of this Act, any such right as is referred to in the foregoing paragraph shall, notwithstanding any subsequent discontinuance of, alteration to or other interference with such a way or place, continue in force and effect unless and until the resolution of the borough Council at the time being in force in relation to the walkway under section 11 is varied or rescinded by a resolution of the Council under subsection (5) of the said section 11.

(2) Except as otherwise specifically provided in this Part of this Act, a walkway shall not be, or for the purpose of any enactment or of any rule of law be treated as being, a highway, street or open space.

(3) A walkway may be at ground level or above or below ground level and may include or consist of any public, private space or precinct but shall not include or consist of premises in which persons are admitted only as visitors of the occupier of the premises or land which for the time being forms part of a highway, street or open space.

(4) A person on a walkway solely in the exercise of the right of the occupier of the premises in which the walkway is situated shall not be treated as a visitor of the occupier of the premises in which the walkway is situated.



(5) For the avoidance of doubt it is hereby declared that user by the public of a walkway in exercise of rights of way in accordance with the provisions of this Part of this Act shall not be taken as evidence of dedication as a public highway or as giving rise, either at common law or otherwise, to a presumption or predication of dedication.

11.—(1) Without prejudice to any other powers so enabling them, the Council or a borough council may on any land in respect of which they have the necessary rights carry out all such works and provide all such facilities as they may think fit for the purpose of laying out or rendering suitable for a walkway any way or place, and where it appears to a borough council that there is in the borough any way or place laid out or otherwise suitable for a walkway in accordance with the provisions of section 10 (Meaning of walkway) of this Act, being a way or place to which access is available directly from a street or walkway, and which is laid out or rendered suitable for a walkway—

As to provision and declaration of walkways.

(a) by the Council or the borough council, on land held by them, or in pursuance of an agreement with the owner or occupier of the land, or above or under any highway; or

(b) by any person, in pursuance of an agreement with the Council or the borough council, on land owned or occupied by him; or

(c) by any person, on any land, in compliance with conditions attached to a planning permission for development of the land, including a condition imposing public rights of way and of access in respect of the way or place; or

(d) in the circumstances mentioned in paragraphs (a) or (b) of subsection (3) of this section;

the borough council may by resolution declare the said way or place to be a walkway as from such date as may be specified in the resolution, not being earlier than the date of the first publication of notice of the resolution under subsection (2) of this section;

provided that the borough council shall not—

(a) so resolve; or

(b) having so resolved, subsequently pass any resolution under subsection (5) of this section;

in relation to any way or place laid out or rendered suitable for a walkway by the Council, or by any person in pursuance of an agreement with the Council, or which forms part of or passes over a metropolitan road, except with the consent or at the request of the Council, and, where the Council so request, subject to the provisions of this Part of this Act, the borough council may comply with that request upon such terms and conditions (if any) as they may agree with the Council.



PART III  
—cont.

(2) Notice of the passing of a resolution declaring a walkway describing the extent of the walkway, shall be published in one or more local newspapers circulating within the borough and in the London Gazette and shall be displayed for a period of not less than twenty-eight days in a conspicuous position in or adjacent to the walkway.

(3) (a) Notwithstanding the provisions of section 10 (Meaning of walkway) of this Act, in the case of ways or places in the borough which, in the opinion of the borough council, are suitable for use as walkways, but which have been dedicated or presumed to be dedicated as highways, the borough council may, by resolution under subsection (1) of this section but subject to the provisions of subsection (4) of this section, declare such ways or places to be walkways and, as from the date on which the resolution has effect in relation to any such way or place, all rights in respect of such way or place as a highway shall be extinguished.

(b) In the case of any way or place in the borough which has been laid out for purposes appropriate to a walkway in compliance with any condition attached to a planning permission granted or determined before the passing of this Act but which is not subject to any such condition, subject to the imposition of public rights of way and of access, the borough council may, by resolution under subsection (1) of this section but subject to the provisions of subsection (4) of this section, declare such way or place to be a walkway:

Provided always that, forthwith upon the confirmation of a resolution under the next following subsection, the Council shall take such steps as are available to them in pursuance of the provisions of section 22 (Acquisition of land, or rights in land, for walkways) of this Act to acquire any such public rights of way and of access (not including rights of support) which are not already in the ownership of the Council or the borough council (as the case may be); and, unless otherwise agreed in writing between the parties, any rights acquired in pursuance of this proviso shall be deemed to have been acquired in pursuance of a notice to treat served on the date of the confirmation and as if possession of the rights were taken on that date.

(c) Nothing in this subsection nor anything done in pursuance thereof shall alter rights and obligations under any agreement made by the Council or the borough council before the passing of this Act with respect to the provision or maintenance of any way or place to which this subsection applies, being rights and obligations of the Council or the borough council or of any other party to any such agreement.



(4)(a) A resolution to which either paragraph (a) or paragraph (b) of subsection (3) of this section applies shall not have effect until it is confirmed by the Minister.

(b) Before any such resolution is submitted to the Minister for confirmation the borough council shall, in addition to publishing and displaying notice of the passing of the resolution under subsection (2) of this section, on or before the date of the publication of such notice serve a copy thereof on the Council and on the owner, lessee and occupier (except tenants for a month or any period less than a month) of any lands in which the way or place is situated or fronting on the way or place and the notice so published, displayed and served shall specify the time (not being less than twenty-eight days from the date of the first publication of the notice in a local newspaper nor less than twenty-five days from the date of the publication of the notice in the London Gazette) within which representations about the resolution may be made to the Minister.

(c) If no representations are duly made, or if any so made are withdrawn, the Minister may, if he thinks fit, confirm the resolution with or without modifications.

(d) If any representation duly made is not withdrawn the Minister shall, before confirming the resolution, either—

- (i) cause a local inquiry to be held; or
- (ii) afford to any person by whom any representation has been duly made and not withdrawn an opportunity of being heard by a person appointed by the Minister for the purpose;

and, after considering the report of the person appointed to conduct the inquiry or to hear representations, the Minister may confirm the resolution with or without modifications.

(e) The provisions of subsections (2) to (5) of section 290 of the Act of 1933 relating to the giving of evidence at, and the defraying of costs of, inquiries, shall apply in relation to any inquiry which the Minister may cause to be held under this subsection.

(5)(a) Any resolution declaring a walkway may be varied or rescinded as from such date as may be prescribed by resolution of the borough council specifying any alteration of the walkway as the case may be, the discontinuance of the walkway.

(b) Notice of the passing of a resolution under this subsection describing the extent of the walkway to which it applies and the variation of the walkway or, as the case may be, the discontinuance of the walkway shall be published and displayed in the manner required by subsection (2) of this section in relation to a resolution declaring a walkway.

(6) The Council or a borough council shall not exercise the powers of this section in relation to any part of a trunk road without the consent of the Minister of Transport.



PART III  
—cont.

Planning  
permission  
relating to  
walkways.

12.—(1) Where an application for planning permission is to be dealt with by the Council or a borough council as the planning authority, or is determined by the Minister (whether on appeal or otherwise), they or he may, without prejudice to any other powers so enabling them, grant planning permission subject to conditions which may include all or any of the conditions specified in paragraphs (a) to (f) of subsection (2) of this section.

(2) The conditions referred to in the foregoing subsection are conditions—

- (a) requiring, in connection with the development authorised by the permission, the provision of accommodation and facilities for a walkway, or part of a walkway;
- (b) requiring, in connection with the development authorised by the permission, the provision of accommodation and facilities for a walkway bridge or walkway subway or part of a walkway bridge or walkway subway;
- (c) requiring, in connection with the development authorised by the permission, the provision of facilities for drainage or lighting or cleansing of a walkway;
- (d) specifying particulars of the walkway for which accommodation or facilities are to be provided;
- (e) in a case where the development authorised by a permission involves interruption of a walkway, requiring the provision of accommodation and facilities for construction and maintenance by the Council or borough council of a temporary walkway or deviation of the walkway;
- (f) imposing public rights of way and of access in the manner provided for in section 10 (Meaning of walkway) of this Act.

(3) In any case where conditions under paragraph (f) of the last foregoing subsection have been imposed—

- (a) no walkway shall be deemed to have been created by virtue merely of the imposition of such conditions;
- (b) not later than the date of the completion of any development in respect of which such permission has been granted, the Council, in relation to any such place, or part thereof, as is referred to in the subsection (1) of the last foregoing section, or, in any other case, the borough council of the borough in which the development authorised by the permission is situated, shall take such steps as are available to it in pursuance of the provisions of section 22 (Acquisition of land, or rights in land, for walkways) of this Act to acquire any public rights of way and of access in the manner provided for in section 10 (Meaning of walkway) of this Act.



including rights of support) which have been imposed in pursuance of any condition such as is specified in the said paragraph (f) and which are not already in their ownership and, unless otherwise agreed in writing between the parties, any rights acquired in pursuance of this paragraph shall be deemed to have been acquired in pursuance of a notice to treat served on the date on which the planning permission for the development was granted but conditionally upon the substantial completion of so much of the development as is required for the effective exercise of the rights and as if possession of the rights was taken on the date of substantial completion of so much of the development as aforesaid.

(4) Where an application such as is referred to in subsection (1) of this section relates to development in the city and falls to be determined by the Council or is determined by the Minister (whether on appeal or otherwise), then, in relation to that application any reference to a walkway in subsection (2) of this section, in either of the two next following sections, or in subsections (1), (2) or (3) of section 21 (Compensation) of this Act, shall be deemed to be a reference to a city walkway, and the reference in paragraph (f) of subsection (2) of this section to section 10 (Meaning of walkway) of this Act shall be deemed to be a reference to section 5 (What are city walkways) of the Act of 1967.

(5) Nothing in this section shall prejudice or affect the generality of the powers of the local planning authority or the Minister under the Town and Country Planning Acts, 1962 to 1968.

(6) The Council or a borough council (as the case may be) in reaching a decision on any proposals for the exercise of powers conferred on them under this Part of this Act for—

Exercise of powers of Part III of Act.

(a) the carrying out of works and the provision of facilities for the purpose of laying out or rendering suitable for a walkway any way or place;

(b) the declaration of a walkway or the variation or rescission of such a declaration; or

(c) the granting of planning permission subject to all or any of the conditions specified in subsection (2) of the last foregoing section or any condition to the like effect;

(7) If notice of the general effect of the proposals has not previously been published in pursuance of the provisions of this section by the Council or a borough council or in pursuance of the provisions of the next following section by an applicant for planning permission) publish, or cause to be published, in one or more local newspapers circulating in the area and in the London



PART III  
—cont.

Gazette, a notice stating the general effect of the proposals stating the time (not being less than twenty-eight days from date of the first publication of the notice in a local newspaper nor less than twenty-five days from the date of the publication of the notice in the London Gazette) within which representations about the proposals may be made to the Council or the borough council (as the case may be) and shall take into consideration representations so made to them:

1968 c. 72.

Provided that the foregoing provisions of this section shall apply in relation to any such proposals as are referred to therein which are in accordance with provision made for a system of walkways (indicating the lines and levels thereof) in any plan (within the meaning of section 6 of the Town and Country Planning Act, 1968, as applied to Greater London by Schedule 1 to that Act) for the time being in force for the area to which the proposals relate.

Development  
of land, etc.,  
affecting  
walkways.

14. Before taking into consideration any application made or referred to them for planning permission for any development of land in which a walkway, or any part of a walkway, is situated being development which appears to them to involve the continuance or alteration of, or any substantial interference with, the walkway, the Council or a borough council (as the case may be) shall require the applicant to publish in one or more local newspapers circulating in the area in which the walkway is situated and in the London Gazette a notice stating the general effect of the proposals and stating the time (not being less than twenty-eight days from the date of the first publication of the notice in the newspaper nor less than twenty-five days from the date of the publication of the notice in the London Gazette) within which representations about the proposals may be made to the Council or the borough council (as the case may be) and they shall take into consideration any representations so made to them by statutory undertakers or any person who is an owner or occupier of other lands through which the walkway passes or for which the walkway provides the principal means for access on foot.

Paving, etc.,  
of walkways.

15.—(1) Except as may be otherwise agreed in writing between the owner or occupier of land in which a walkway, or any part of a walkway, is situated and the borough council in whose area the walkway is situated, the said borough council shall be responsible for paving, repairing, draining, cleansing and lighting the walkway and, without prejudice to any remedy available to the owner or occupier of the land in respect of any damage suffered by or in consequence of any act or default of the borough council, shall not be exempt from liability for non-repair of the surface of the walkway.



(2) The borough council in whose area a walkway is situated shall be responsible for maintaining—

(a) all walkway bridges which are situated over any street; and

(b) all walkway subways which are situated under any street.

(3) For the purposes of this Part of this Act, section 28 of the Local Government Act, 1966 (which relates to the provision of 1966 c. 42. lighting by highway authorities), shall extend and apply to a walkway as if for any reference therein to a highway authority there was substituted a reference to the borough council in whose area the walkway is situated, and for any reference to a highway authority there was substituted a reference to a walkway; and in relation to a borough, the definition of "street lighting" in subsection (9) of section 45 of the Public Health Act, 1961 (which relates to 1961 c. 64. attachment of street lamps to buildings), shall be deemed to include a reference to the lighting of walkways.

(4) Nothing in this section shall render a borough council liable in respect of damage resulting from breaking or opening or tunnelling or boring under any such walkway or part of a walkway as is referred to in section 24 (Statutory undertakers' works) of this Act by way of code-regulated works, being damage resulting from an event which occurred—

(a) before the completion of the reinstatement or making good of the relevant part of the walkway in pursuance of the obligation imposed on the undertakers by subsection (2) of section 7 of the Act of 1950; or

(b) where the relevant part of the walkway is the subject of an election under Schedule 3 to that Act (which, with minor exceptions, limits the obligation of undertakers to the execution of interim restoration), during the period mentioned in paragraph 3 (a) of that Schedule; and expressions used in this subsection and in the Act of 1950 have the same meanings as in that Act.

All materials placed by a borough council on or in any building or land in pursuance of their functions under this Act shall, unless otherwise agreed between the borough council and the owner of the building or land (as the case may be), remain the property of the borough council.

(5) The person who is for the time being the owner of Support for land in which a walkway, or any part of a walkway, is situated (after in this section referred to as "servient land") shall, if as may be otherwise agreed in writing between that person and his predecessor as owner of the land and the borough council whose area the walkway is situated, be under a duty to provide and maintain support for the walkway, or such part, as the case



PART III  
—cont.

(2) Without prejudice to any remedy available by virtue of any other enactment, or of any agreement, in respect of any default which may be or become a breach of the duty imposed on the owner by subsection (1) of this section, no criminal proceedings, except as provided in subsection (4) of this section, or any proceedings for damages shall lie in respect of any breach of that duty; and civil proceedings shall lie at the instance of the said borough council for an injunction to prevent any such breach or to secure compliance with the duty in like manner as if the said duty were a contractual obligation.

(3) Notwithstanding the provisions of subsection (1) of this section, a person who is under a duty to provide and maintain support for a walkway may, subject to the requirements of any other enactment not contained in this Part of this Act, take any action which will or is likely to result in the withdrawal or endangering of support for the walkway or any part thereof provided such action—

- (a) has previously been approved in writing by the borough council; or
- (b) is taken in pursuance of any planning permission granted for the development of the servient land and in compliance with any conditions attached to any such permission; or
- (c) is taken not less than six months after he has given notice in writing to the borough council of his intention to take such action and specifying the action proposed.

(4) A person who takes, or causes or permits to be taken, any such action as is referred to in the last foregoing subsection or paragraph (a) or paragraph (b) or paragraph (c) thereof shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(5) Nothing in this section shall impose on the London Transport Board, the British Railways Board or statutory undertakers greater or increased liability for the support of any building of which they are not the owners than that to which they would be subject if there were no walkway in that land or building.

Protection  
and  
improvement  
of walkways.

17.—(1) A borough council may, by notice to the owner of any premises adjoining or comprising any part of a walkway within the borough, require him—

- (a) to carry out on those premises, within such time as may be specified in the notice, such works as may be specified in the notice, being works required to prevent danger or inconvenience to persons on the walkway, but not for the improvement of the walkway.



(b) to carry out on those premises, within such reasonable time as may be specified in the notice, such works as may be specified in the notice, being works required for the improvement of the walkway.

(2) (a) A notice under subsection (1) of this section may, at the option of the borough council, be served on both the owner and the occupier of the premises in question or on the occupier instead of the owner but in the latter case a copy of the notice served on the occupier shall be served on the owner.

(b) A notice under paragraph (b) of subsection (1) of this section shall state the effect of subsection (4) of section 21 (compensation) of this Act.

(3) A person served with a notice under subsection (1) of this section may, within twenty-eight days from the date of the service of the notice, appeal to a magistrates' court against the notice on any of the following grounds:—

(a) that the notice is not justified by the terms of this section or, having been served under paragraph (a) of subsection (1) of this section, should have been served under paragraph (b) thereof, or that a work specified in the notice is a work for which the borough council are responsible under subsection (1) of section 15 (Paving, etc. of walkways) of this Act; or

(b) that the borough council have unreasonably refused to approve the carrying out of alternative works or that the works required by the notice are otherwise unreasonable in character or extent having regard to the nature of the building in which the walkway is situated, the width of the walkway as originally specified and to any other relevant circumstances, or that the works are unnecessary; or

(c) that the time specified in the notice for carrying out the works falls short of the time which should reasonably be allowed for the purpose; or

(d) that the notice ought to have been served on the occupier of the premises in question instead of the owner, or on the owner instead of the occupier; or

(e) that the works required affect other premises and that some other person being the owner or occupier of such other premises ought to carry out all or part of the works.

(4) Where the grounds upon which an appeal is made under subsection (3) of this section include a ground specified in paragraphs (d) or (e) of that subsection, the appellant shall give a copy of his notice of appeal on each other person referred



PART III  
—cont.

to, and in the case of any appeal under subsection (3) of this section may serve a copy of his notice of appeal on any person having an estate or interest in the premises in question.

(b) On the hearing of the appeal the court may make such order as it thinks fit with respect to the person by whom the work is to be carried out, and the contribution to be made by any other person towards the cost of any work, or as to the proportion in which any expenses which may become recoverable by the borough council are to be borne by the appellant and such other person.

(c) In exercising its powers under this subsection the court shall have regard, as between an owner and an occupier, to the terms and conditions of the tenancy and to the nature of the works required.

(5) (a) Subject to the right of appeal under subsection (3) of this section, if a person required to carry out the works under subsection (1) of this section fails to carry out the works within the time specified in the notice as aforesaid, the borough council may themselves carry out the works, and, subject to the provisions of subsection (4) of section 21 (Compensation) of this Act, may recover from that person the expenses reasonably incurred by them in so doing.

(b) In proceedings by the borough council against a person for the recovery of any such expenses as are referred to in paragraph (a) of this subsection, it shall not be open to him to raise any question which he could have raised on appeal under subsection (3) of this section.

(6) (a) Nothing in this section shall authorise a borough council, without the consent of the London Transport Board, the British Railways Board or statutory undertakers, to require the carrying out of any works in premises which are, or form part of, operational lands of the board or statutory undertakers concerned and which do not comprise a walkway.

(b) A consent required for the purposes of this subsection shall not be unreasonably withheld, and if any question arises whether the withholding of a consent is unreasonable either party may require that it shall be referred to an arbitrator to be appointed in default of agreement, by the President of the Institution of Civil Engineers.

(7) The provisions of this section shall not apply to premises if the interest of the owner or occupier of those premises is a Crown interest or a Duchy interest (within the meaning assigned to those expressions in subsection (6) of section 21 of the Act of 1962) except in so far as may be agreed by the owner or occupier (as the case may be).



18.—(1) A borough council may make byelaws for regulating the following matters in relation to all walkways within the borough, or in relation to any such walkway or any part thereof:—

- (a) the use of a walkway by the public;
- (b) the times at which a walkway may be closed to the public;
- (c) the conduct of persons using a walkway;
- (d) the use of wheeled vehicles on a walkway;
- (e) any structures or projections in or over any walkway:

Provided that not less than two months before making byelaws in relation to any walkway, or any part thereof, under this section, not being byelaws in relation to all walkways within the borough, the borough council shall display in a conspicuous position in or adjacent to the walkway a notice of their intention to consider the making of such byelaws, and such notice shall specify the place where a copy of the proposed byelaws may be inspected, and the date by which any representations should be made to the borough council (not being less than six weeks after the date on which the notice was first displayed as aforesaid), and the borough council shall take into consideration any representations so made.

(2) The confirming authority in relation to byelaws made under this section shall be the Minister.

19. For purposes of, or relating to, criminal law, and the Policing of jurisdiction of the justices and of the police, a walkway shall be deemed to be a highway.

20.—(1) Without prejudice to the power to grant planning permission subject to a condition requiring the provision of facilities for the drainage of a walkway, a borough council may under this section affix to any building such pipes, spouts and apparatus as they may require for the purpose of drainage from a walkway within the borough (all or any of which pipes, spouts and apparatus are hereafter in this section referred to as "drainage apparatus").

Attachment  
of drainage  
apparatus to  
buildings.

The borough council shall not under this section affix drainage apparatus to a building without the consent of the owner of the building:

Provided that, where in the opinion of the borough council consent required under this subsection is unreasonably withheld, they may apply to a magistrates' court which may either allow the affixing of the drainage apparatus, subject to such conditions, if any, as to rent or otherwise as the court thinks fit, or disallow the affixing of the drainage apparatus.



PART III  
—cont.

(3) Where any drainage apparatus has been affixed to a building under this section and the person who gave his consent under subsection (2) of this section, or who was the owner of the building when the drainage apparatus was allowed by the council, ceases to be the owner of the building, the subsequent owner may give to the borough council notice requiring them to remove the drainage apparatus; and, subject to the provisions of subsection (4) of this section, the borough council shall comply with the requirement within three months after the service of the notice:

Provided that, where in the opinion of the borough council any such requirement is unreasonable, they may apply to the magistrates' court, who may either annul the notice, subject to such conditions, if any, as to rent or otherwise as the court thinks fit, or confirm the notice subject to such extension of the said period of three months as it thinks fit.

(4) Where any drainage apparatus has been affixed to a building under this section, the owner of the building may give notice to the borough council not less than twenty-eight days before requiring them at their own expense temporarily to remove the drainage apparatus where necessary during any reconstruction or repair of the building.

(5) Where drainage apparatus is affixed to a building under this section, the borough council shall have the right, as against any person having an interest in the building, to alter, remove, repair or maintain such drainage apparatus.

(6) Nothing in this section shall authorise a borough council to affix any pipes, spouts or apparatus to

- (a) a building for the time being included in a list of public buildings compiled by the Minister of Public Building and Works under an enactment for the time being in force with respect to ancient monuments without the consent of the Minister; or
- (b) a building for the time being included in a list of buildings of special architectural or historic interest compiled by the Minister under section 32 of the Act of 1969, being a building to which paragraph (a) of this section applies, without the consent of the Minister.

(7) In this section, and in subsection (5) of section 21 (Construction) of this Act, "owner" in relation to a building, the portion of which is occupied under a tenancy for a term of years which five years or more remain unexpired, means the occupier of the building.

Compensation. 21.—(1) Where in accordance with the provisions of section 21 (Construction) of this Act a planning permission relating to walkways) of this Act



permission is granted for development on any land subject to conditions requiring the provision of accommodation and facilities for a walkway, or imposing public rights in respect thereof; then, if, on a claim made in accordance with the provisions of subsection (6) of this section, it is shown that a person interested in the land has incurred, or will incur, additional expenditure in constructing, maintaining or insuring any building for the erection of which such planning permission is granted so as to provide and maintain support or other facilities required only for the walkway, the Council or the borough council (whichever is the local planning authority which dealt with the application leading to the grant of the said planning permission) shall pay to that person compensation in respect of that expenditure.

(2) (a) Subject to the provisions of paragraph (b) of this subsection, compensation payable under subsection (1) of this section shall be assessed on the basis that the building in respect of which it is so payable will provide support and other facilities for the walkway for the term of sixty years, or for such other term as may be agreed between the Council or the borough council (as the case may be) and the person to whom the compensation is payable.

(b) In any case where—

(i) compensation has been paid under subsection (1) of this section to a person interested in any land; and

(ii) before the expiration of the term of sixty years, or such other term as may have been agreed between the Council or the borough council (as the case may be) and the person to whom that compensation was paid, there is other development of the land necessitating the removal of the building in respect of which that compensation was paid (thereafter in this subsection referred to as "the first building") and the provision of new accommodation and facilities for the walkway in accordance with conditions attached to the planning permission for that other development;

any compensation payable under subsection (1) of this section in respect of the construction, maintenance or insurance of any building for the erection of which such last-mentioned planning permission is granted ("the second building") as assessed in accordance with the provisions of paragraph (a) of this subsection shall be subject to reduction by a sum which bears to the amount of any compensation paid under subsection (1) of this section in respect of the first building the same proportion as the period which represents the difference between the term of sixty years and some other term was agreed as being the term for which support and facilities were to be provided by the first building, such other term) and the period during which such



PART III  
—cont.

support and facilities have been provided by the first building bears to the term of sixty years (or, as the case may be, any other term as was so agreed).

(3) Any compensation payable under subsection (1) of this section, or in respect of any rights acquired or to be acquired pursuant to paragraph (b) of subsection (3) of section 15 (Planning permission relating to walkways) of this Act, shall be taken into account in the assessment of any compensation payable under the Town and Country Planning Acts, 1962 to 1968, in respect of conditions attached to a planning permission relating to a walkway.

(4) Where under paragraph (b) of subsection (1) of section 15 (Protection and improvement of walkways) of this Act, a borough council require any person to carry out works for the improvement of a walkway not being works required for compliance with any such agreement or conditions as are referred to in subsection (1) of section 11 (As to provision and declaration of walkways) of this Act, then, if, on a claim made in accordance with the provisions of this section, it is shown that that person has incurred additional expenditure in carrying out works to comply with the requirement, or has suffered loss, damage or disturbance which is attributable to the carrying out of such works, the borough council shall pay to that person compensation in respect of that expenditure or loss, damage or disturbance.

(5) Where any person suffers loss or damage by, or in consequence of, the execution of works in pursuance of the provisions of subsection (3) of section 15 (Paving, etc., of walkways) of this Act or where the owner of a building suffers loss or damage by, or in consequence of, the execution of works in pursuance of the provisions of section 20 (Attachment of drainage apparatus to buildings) of this Act, or by, or in consequence of, the exercise of the rights conferred by subsection (1) of the said section 20, the borough council shall pay to that person compensation in respect of that loss or damage.

(6) A claim for compensation under subsection (1) of this section shall be made to the Council or the borough council (as the case may be) within six months of the completion of the works to which the claim relates, as certified by the district surveyor in the case of a building in an inner London borough or by such officer as the borough council may appoint for that purpose in the case of a building in an outer London borough, and a claim for compensation under subsection (4) of this section shall be made to the borough council within six months of the expiration of the time specified in the notice given by the borough council for the completion of the works to which the claim relates or, where an appeal is made against that notice, within six months of the expiration of any extended time allowed by the appeal.



court for the completion of such works and a claim for compensation under subsection (5) of this section shall be made to the borough council within six months of the date on which the damage to which the claim relates first arose or could reasonably have been ascertained:

Provided that the Minister may in any particular case, either before or after the date on which the time for claiming would otherwise have expired, allow an extended, or further extended, period for making such a claim.

(7) Any dispute arising on a claim for compensation under this section shall be determined by the Lands Tribunal.

(8) For the purposes of any reference to the Lands Tribunal under this section, section 4 of the Act of 1961 shall have effect as if for the references therein to the acquiring authority there were substituted references to the Council or the borough council (as the case may be).

(1) (a) The Council or a borough council (in this section referred to as "the acquiring authority") may acquire by agreement, and may be authorised, by means of an order made by the acquiring authority and confirmed by the Minister, to acquire compulsorily, land for the purpose of laying out or rendering available for a walkway any way or place, or for extending or improving a walkway.

Acquisition of land, or rights in land, for walkways.

(b) The Act of 1946 shall apply as if this section were an enactment contained in a public general Act in force immediately before the commencement of the Act of 1946.

(c) In relation to the acquisition of interests in land (including easement or right in, to or over land), whether or not such acquisition is by way of the creation of new interests, references to land in the Act of 1946 as applied by the last foregoing paragraph shall be construed as references to any such interest, or as references to the land in, to or over which an interest is to be acquired, as the context may require.

(2) (a) The acquiring authority may exercise the powers conferred by paragraph (a) of the foregoing subsection so as to acquire interests (including easements or rights) in, to or over land by way of the creation of new interests, as well as interests already in existence before the acquisition thereof by the acquiring authority, and an interest may be so acquired either in perpetuity or for a term of years certain or so as to be terminable by notice:

Provided that an interest so acquired in pursuance of the provisions of paragraph (b) of subsection (3) of section 11 (As to declaration of walkways) or paragraph (b) of subsection (3) of section 12 (Planning permission relating to



PART III  
—cont.

walkways) of this Act in respect of any walkway shall not impose on the owner of the land in which the walkway, or any part of the walkway, is situated any duty to provide and maintain support for the walkway, or such part, as the case may be, otherwise than in accordance with the provisions of section 16 (Support of walkways) of this Act.

(b) Where the said powers are exercised so as to acquire compulsorily an interest in, to or over any land (hereafter in this section referred to as "servient land") by way of the creation of a new interest (hereafter in this section referred to as a "new right"), the provisions of subsections (3) to (5) of this section shall, subject to the provisions of subsection (6) of this section, have effect with respect to compensation in respect of the acquisition of the new right.

(3) (a) If the value of any interest in land to which this section applies is depreciated by the acquisition of a new right, the person entitled to that interest shall be entitled to compensation from the acquiring authority of an amount equal to the amount of the depreciation.

(b) This subsection applies to any interest in any of the servient land, and to any interest in any land which, on the relevant date, is held with any of the servient land.

(4) Where the person entitled to an interest in land to which the last foregoing subsection applies sustains loss or damage which—

(a) is attributable to the acquisition of a new right; and

(b) does not consist of depreciation of the value of the interest; and

(c) is loss or damage for which, if his interest in the servient land had been compulsorily acquired under paragraph (1) of subsection (1) of this section in pursuance of a new right to treat served on the relevant date, he would have been entitled to compensation by way of compensation for disturbance;

he shall be entitled to compensation from the acquiring authority in respect of that loss or damage, in addition to compensation under the last foregoing subsection.

(5) Subsections (3) and (4) of this section shall have effect without prejudice to any right to compensation under section 1 of the Compulsory Purchase Act, 1965 (which relates to compensation for injurious affection), but, subject to the provisions of this subsection, no person shall be entitled to compensation in respect of the compulsory acquisition of a new right, other than in accordance with subsections (3), (4) and (6) of this section.



(6) In assessing the compensation payable to any person in respect of the compulsory acquisition of land or a new right under this section the Lands Tribunal—

(a) shall have regard to the extent to which the lands or the remaining contiguous lands belonging to the same person may be benefited by the purpose for which the land or new right is to be acquired by the acquiring authority;

(b) without prejudice to the generality of the foregoing paragraph, shall, in the case of land or a new right acquired for providing, extending or improving a walkway, set off against the value of the land or new right to be acquired any increase in the value of the land or of other land belonging to the same person which will accrue to him by reason of the creation of a frontage to the walkway;

(c) shall take into account and embody in its award any undertaking given by the acquiring authority as to the use to which the land or any part thereof, or new right, will be put; and

(d) shall take into account any compensation paid or payable under section 21 (Compensation) of this Act, and in respect of any interest in the land, or any new right, previously acquired by the Council or the borough council in pursuance of the proviso to paragraph (b) of subsection (3) of section 11 (As to provision and declaration of walkways) or paragraph (b) of subsection (3) of section 12 (Planning permission relating to walkways) of this Act which is or is to be varied or extinguished by reason of the alteration or discontinuance of the walkway to which it relates;

Act of 1961 shall have effect subject to the provisions of this section.

In this section "the relevant date" means the date on which notice to treat in pursuance of which the land or a new right was acquired was served or deemed to have been served.

The provisions of section 199 of the Act of 1962 (which relate to the exercise of powers in relation to Crown land) shall have effect in relation to the exercise of the powers conferred by this section as if this section were included in Part V of the Act of 1962.



PART III  
—cont.Regulation of  
placing of  
things in  
walkways.

23.—(1) With the consent of the borough council first had and obtained, and subject to the provisions of this section, any person may—

- (a) place and maintain in or over a walkway, or any part thereof, anything for the use, convenience or entertainment of members of the public or otherwise for the benefit of the public or for the improvement of amenity or for decorative purposes; or
- (b) use any part of a walkway temporarily for the purpose of any exhibition or entertainment, whether or not a charge for admission is to be made;

Provided that nothing in this subsection shall—

- (i) relieve any person who is not the occupier, or, in any case may be, the owner, of the land in which the walkway is situated from any obligation to obtain the consent of the owner or occupier of such land to the placing or maintaining of anything in or over the walkway or any such use of the walkway as aforesaid; or
- (ii) relieve any person from the necessity for obtaining any other permission, licence or consent which may be required under any other enactment.

(2) Any consent given by the borough council under this section may have attached to it such conditions as they think fit, including conditions as to—

- (a) the position in or over the walkway in which anything may be placed, or the part or parts of the walkway which may be so used;
- (b) the time during which any thing so placed in or over the walkway shall be allowed to remain there, or during which any such use may take place;
- (c) the nature of any thing which may be placed in or over the walkway, or of the exhibition or entertainment, and the steps to be taken to avoid risk of injury or inconvenience to members of the public and to prevent damage to amenity; and
- (d) payment, indemnity or other consideration.

(3) The borough council may withdraw any consent given under this section or may from time to time vary any conditions attached thereto.

(4) Where any person does any act for which a consent is required under this section, and no such consent has been given or having been given has subsequently been withdrawn, or

any person contravenes any condition for the time being attached to a consent given under this section, the borough council may require him to discontinue any use or remove any thing in respect of which that consent was required or given, and, if within twenty-four hours he fails to do so, the borough council may take such steps as may be reasonable to discontinue such use, or remove any such thing, and may recover the expenses reasonably incurred in so doing from the person in default.

(5) Nothing in this section shall relieve the borough council or any person acting with the consent of the borough council from liability for damage caused by them or him to any apparatus in the exercise of the powers of this section and the said powers shall be so exercised as not to obstruct or render unreasonably inconvenient, so far as is reasonably practicable, the access to any apparatus or operational lands.

(1) (a) Any power to execute undertakers' works in a street, within the meanings assigned to those expressions by subsections (2) and (3) of section 1 and subsection (1) of section 38 of the Act of 1950, shall be exercisable in any walkway, or any part of a walkway, to which this subsection applies in the same manner and subject to, and with the benefit of, all and the same obligations and rights as if the walkway, or part thereof as the case may be, were such a street.

(b) This subsection applies to a walkway, or a part of a walkway, which does not form part of a building and which, being at or near street level and communicating with a street in accordance with the provisions of paragraph (c) of this subsection, is, in respect of its nature and situation, similar to the generality of streets, and includes any way or place declared to be a walkway in pursuance of the provisions of paragraph (a) of subsection (3) of section 11 (As to provision and declaration of walkways) of the Act of 1950.

(c) For the purposes of paragraph (b) of this subsection a walkway, or part of a walkway, shall be taken as communicating with a street if it, or the walkway of which it forms part, communicates with a street either directly or by means of one or more walkways to which this subsection applies.

(d) The provisions of subsection (1) of this section shall have effect in relation to any power exercisable by the London Transport Board under any enactment for the time being applicable to that Board to open, break up or interfere with streets and to carry out works herein or thereunder as if such power was a power to execute undertakers' works as aforesaid.



PART III  
—cont.

(3) The Council or a borough council and the statutory undertakers shall from time to time consult together as to the general proposals for the provision of walkways in the area of the Council or the borough council (as the case may be) and as to the extent to which it is desirable that accommodation for undertaking apparatus be made available in connection with such proposals.

(4) For the avoidance of doubt it is hereby declared that nothing in this Part of this Act or any byelaws made thereunder shall prejudice or affect any powers exercisable by statutory undertakers, whether by agreement or otherwise, for the placing, inspecting, maintaining, adjusting, repairing, altering, removing of apparatus in, on or over any land or building which does not form part of a street, or any obligations and rights of statutory undertakers in relation to the exercise of any such powers.

Consultation  
with  
statutory  
undertakers.

25.—(1) If the Council or a borough council (hereafter in this section referred to as “the local authority”)—

- (a) propose to lay out or render suitable any way or for a walkway;
- (b) propose to enter into an agreement with any person that person to lay out or render suitable for a walkway any land owned or occupied by him; or
- (c) in connection with an application for planning permission which falls to be dealt with by them, consider that a permission granted should be subject to all or any of the conditions specified in paragraphs (a) to (j) of section (2) of section 12 (Planning permission relating to walkways) of this Act:

the local authority shall, as early as is reasonably practicable, give notice thereof in writing to the statutory undertakers.

(2) Where it appears to the statutory undertakers that a proposed walkway, or any part thereof, referred to in any of the subsections (1) of this section is not a walkway to which subsection (1) of the last foregoing section applies, the statutory undertakers shall, within the period of twenty-eight days from the date on which the notice referred to in subsection (1) of this section is received, serve on the local authority a notice containing particulars of any apparatus and accommodation therefor which the statutory undertakers consider it is reasonably necessary to install or provide in the proposed walkway for the purpose of the undertaking.



(3) In deciding what is reasonably necessary for the purposes of the last foregoing subsection the local authority and the statutory undertakers shall have regard to all the circumstances of the case and in particular to—

(a) whether the statutory undertakers could obtain adequate access to individual buildings by means of, and adequate accommodation for apparatus in, streets or walkways, or parts of walkways, to which subsection (1) of the last foregoing section applies;

(b) the extent to which accommodation for apparatus could be obtained on reasonable terms on land to which the statutory undertakers would otherwise have no rights of access;

(c) the size and weight of any apparatus specified by the statutory undertakers in any notice under subsection (2) of this section and the cost of the installation thereof;

(d) the effect on the public rights of way over and access to any walkway of the installation, inspection, maintenance, adjustment, repair, alteration, renewal or removal of apparatus and the risk to persons or property arising therefrom;

(e) the likelihood of delay in the completion of the construction of any building by reason of the installation in the walkway of apparatus;

(f) the extent to which the installation of apparatus would be likely to affect injuriously the structure, stability or functional efficiency of the walkway or any land or building in, on, over or through which the walkway runs; and

(g) the extent to which the design or appearance of the walkway or of any building would require to be altered to accommodate apparatus and the cost or effect on amenity of such alterations.

(4) (a) If, within a period of twenty-eight days from the date of the notice on the local authority of the notice referred to in subsection (2) of this section, agreement as to the extent to which is reasonably necessary for the apparatus and accommodation specified in the notice to be installed and provided in the walkway has not been reached between the local authority and the statutory undertakers and (in a case to which paragraph (c) of section (1) of this section applies) the applicant for planning permission, any one of those parties may within a further period of twenty-eight days submit the question for determination to a person appointed for that purpose by the Minister.

PART III  
—cont.

(b) In determining the question a person appointed by the Minister shall have regard to the matters referred to in the foregoing subsection.

(5) The local authority and the statutory undertaker take such steps as may be reasonably available and necessary in order to give effect to any agreement reached or determined under this section.

(6) Any part of the cost of the construction of the walkway and any increased compensation under subsection (1) of section 26 (Compensation) of this Act arising out of the installation in the walkway of, or the provision of accommodation in the walkway for, apparatus shall be recoverable by the local authority from the statutory undertakers.

As to building  
control.

26.—(1) The relevant provisions of the London Building Acts (Amendment) Act 1939 and any byelaws made thereunder shall, with the exception of Part II (Naming and numbering of streets, buildings, &c.) of that Act, not apply in relation to any walkway, or any part of a walkway, to which subsection (1) of the last foregoing section applies.

(2) Subject to the provisions of the foregoing subsection, a walkway, or any part of a walkway, which—

(a) is situated or intended to be situated in the area to which the relevant provisions of the London Building Acts (Amendment) Act 1939 apply; and

(b) does not form part of a building or structure constructed or intended to be constructed generally or substantially in conformity with the provisions of Part III (Construction of buildings) of the Act of 1939 and of any byelaws as aforesaid; and

(c) is not exempt from the provisions of Part IV (Special provisions as to buildings and structures) of the Act of 1939 by virtue of any provision in Part V (Miscellaneous) of that Act;

shall be deemed to be a structure to which the said Part IV applies.

(3) In this section “the relevant provisions of the London Building Acts” has the same meaning as in section 43 of the Act of 1963.

Power to  
enter into  
agreements  
as to  
walkways.

27.—(1) The Council or a borough council may enter into an agreement with any person having an estate or interest in any land for the provision of public rights of way and access in the land.



section 10 (Meaning of walkway) of this Act over that land (including any part or parts of any building or structure which is comprised in the land) and the lighting, maintenance and cleansing of the public rights of way and access so provided including the maintenance and cleansing of the surface and the lighting of the building or structure over or above such public rights of way and access and the provision and maintenance of any support of such public rights of way and access and any other related or consequential matters.

(2) Section 251 of the Act of 1959 and subsection (1) of section 46 of the Act of 1968 (which empower highway authorities to enter into agreements for or in relation to the construction, alteration, improvement or maintenance of a highway for which any party to the agreement are the highway authority), shall apply in relation to Greater London as if the references therein to a highway for which any party to the agreement are the highway authority included references to a city walkway or a walkway which any party to the agreement have declared, or are empowered duly to declare, under section 6 (Declaration of city walkway) of the Act of 1967 or section 11 (Provision and declaration of walkways) of this Act.

18—(1) The Council and a borough council shall consult together as to planning, traffic or any other considerations arising in connection with the exercise of their respective functions under section 11 (As to provision and declaration of walkways) or section 12 (Planning permission relating to walkways) of this Act, and the borough council shall consider any request made to them by the Council for the declaration of any way or as a walkway under the said section 11.

Consultation,  
etc.

(2) The Council and the Common Council shall consult together for planning, traffic or any other considerations arising in connection with—

(a) the exercise by the Council of their functions under or by virtue of the said section 12 in relation to any development in the city; or

(b) any proposal of the Common Council for the declaration, alteration or discontinuance of a city walkway under section 6 (Declaration of city walkway) of the Act of 1967.

19—(1) The enactments specified in Schedule 1 to this Act shall apply and have effect for the purposes of this Part of this Act as if each of those enactments were in terms re-enacted in Part of this Act, subject to the modifications set out opposite to each of those enactments in the said schedule.

Application  
to walkways  
of certain  
enactments.

PART III  
—cont.

(2) Section 155 of the Act of 1962, which makes provision for the extinguishment of public rights of way over land held for planning purposes, shall not apply to a walkway.

## Savings.

30. Nothing in this Part of this Act, or in any byelaws thereunder, shall prejudice or affect—

- (i) the application to any street, way, place, row of houses, building or block of buildings of the provisions of Part II (Naming and numbering of streets, buildings &c of the Act of 1939); or
- (ii) any rights or functions exercisable by the Council or fire authority, or by any member of the fire maintained by them, in relation to any building, premises, way or place.

## PART IV

## FINANCE

Contributions towards cost of walkways or conveyance of refuse.

31. In section 24 (Council may make contribution to councils and common council) of the Act of 1966—

- (i) after paragraph (c) of subsection (1) there shall be the following paragraphs:—

“(d) the provision or maintenance by the borough council of a walkway duly declared under section 6 (As to provision and declaration of walkways) of the Greater London Council (General Powers) Act 1969 or (as the case may be) of a city walkway duly declared under section 6 (Declaration of city walkways) of the City of London (Various Powers) Act, 1967; or walkway or city walkway—

1967 c. xlii.

- (i) which has been so declared at the request of the Council;
- (ii) in respect of which additional expenditure has been incurred by the borough council as a result of the implementation of a request made by the Council for the alteration of any proposals for the provision thereof, or to facilitate the exercise by the Council of their functions; or
- (iii) in respect of which expenditure or additional expenditure has been incurred by the borough council as a result of a direction given by the Council under or in pursuance of a direction made by the Minister of Housing and Local Government under subsection (6) of section 24 of the Act of 1963:



(e) the conveyance of refuse removed by the borough council from premises within their district to places provided by the Council for the deposit of refuse under subsection (1) of section 76 of the Public Health Act, 1936.”; and

1936 c. 49.

(ii) at the end of subsection (4) there shall be added the words “and in relation to paragraph (e) of subsection (1) of this section includes also the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple.”

(1) The Council may (if they think fit) provide a reserve Housing advances reserve fund in respect of their housing advances scheme by setting aside advances from time to time such amounts as they may determine and reserve fund. using the same in accordance with the provisions of this section, until the said reserve fund amounts to the prescribed maximum:

Provided that the aggregate amount set aside in any year for purposes of the said reserve fund shall not, except with the consent of and to such extent as may be approved by the Minister, exceed the equivalent of the product of a penny rate in Greater London as ascertained or estimated for the purpose of Part II of the General Rate Act, 1967, or the surplus of interest and 1967 c. 9. whichever is the less.

The said reserve fund may be applied—

(a) in making good any deficiency incurred by the Council under their housing advances scheme; or

(b) in making such payments to the general fund of the Council as may be necessary for the purpose of preventing the said reserve fund from exceeding the prescribed maximum;

and for no other purpose.

(3) Resort may be had to the said reserve fund although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

As respects moneys in the said reserve fund, the Council's mode of investment shall be the same in all respects as their mode of investment in the superannuation fund maintained under Part I of the Act of 1937.

The purposes of this section “ the prescribed maximum ” shall be a sum equal to 2½ per cent. of the amount at any time of the Council in respect of housing advances under their housing advances scheme or such greater sum as may from time to time be approved by the Minister.

PART IV  
—cont.Modifications  
of Part V  
of Act of  
1968.

33.—(1) The Council may, at the request in writing of any person who is a contributor to the superannuation fund maintained by the Council under Part I of the Act of 1937, determine, subject to the provisions of this section and to such terms and conditions and from such date as may be agreed between the Council and the employing authority, all or any of the provisions of section 35 (Benefits in certain cases of premature retirement) and section 37 (Transfers of employment) of the Act of 1937, and of any scheme made under the said section 37, shall extend and apply in relation to that person.

(2) An employing authority such as is referred to in the foregoing subsection shall have power to make any such agreement and to enter into and carry into effect any such agreement with the Council as is mentioned in that subsection notwithstanding anything contained in any enactment; and, where under any enactment or any agreement made under an enactment provision is made for expenditure to be reimbursed by an authority to the said superannuation fund, such provision shall extend and apply in a like manner to any expenditure incurred under the said section 35, the said section 37 or the said section in pursuance of the provisions of subsections (1) to (3) of this section.

(3) In the two foregoing subsections the expression "employing authority" has the same meaning as in the Act of 1937; and any reference to a person shall be deemed to include a reference to any class or description of persons.

(4) The provisions of section 36 (Power to require designation of sums to be paid to trustees) of and Schedule 2 to the Act of 1937, and of any adoption or adaptation thereof in pursuance of section 38 (Application of Part V to borough councils) or section 39 (Application of Part V to Common Council) of the Act of 1968, shall extend and apply (and be deemed always to have extended and applied) to and in respect of any payment to the estate of a former contributor of a sum calculated by reference to the aggregate amount of his contributions to the superannuation fund, together with compound interest thereon, as they apply to any amount payable by way of death benefit, and for the purposes of those provisions the expression "designated sum" shall be construed accordingly.

(5) (a) Subsection (1) of section 33 (Interpretation and commencement of Part V, etc.) of the Act of 1968 shall be subject to the following modifications—

- (i) the words "superannuation benefit" and "superannuation allowance" are hereby repealed, and the expression "superannuation benefit" is hereby defined as meaning any benefit payable by way of death benefit, and for the purposes of those provisions the expression "designated sum" shall be construed accordingly.



(ii) after the definition of "return of contributions" there shall be inserted the following definition—

"superannuation benefit" includes any benefit which is or may be granted in pursuance of the principal Acts or the regulations made thereunder or in pursuance of any local Act or scheme or local Act scheme;

(b) In subsection (6) of section 35 (Benefits in certain cases of premature retirement) of the Act of 1968 for the words "a superannuation allowance" there shall be substituted the words "superannuation benefits".

(c) The provisions of this subsection shall be deemed to have effect as from 1st September, 1968.

(1) In this section—

"the Act of 1961" means the Trustee Investments Act, 1961;

"the fund" means the superannuation fund maintained by the Council or a borough council (as the case may be) under Part I of the Act of 1937;

"property" and "the wider-range part" in relation to the fund have the same meanings as they have for the purposes of the Act of 1961;

"debentures", "securities" and references to an incorporated company have the same meanings as in the First Schedule to the Act of 1961.

(2) Subject to subsection (3) of this section, and notwithstanding anything in subsection (3) of section 21 of the Act of 1961 to invest any property belonging to the wider-range part of the fund shall include power to invest such property in—

(a) any securities issued by any company incorporated in the United Kingdom and having as its main purpose, or among its main objects, the acquisition or holding of, or investment in, land or securities of other companies;

(b) any securities issued in the United Kingdom in connection with—

(i) the formation of a company incorporated in the United Kingdom as a result of the merger of two or more companies so incorporated; or

(ii) purposes which include the capital reorganisation of any company or companies incorporated in the United Kingdom; or

any debentures of a company incorporated in the United Kingdom, whether such debentures are registered in the United Kingdom or not;

Investment of  
superannua-  
tion funds.  
1961 c. 62.

PART IV  
—cont.

and paragraphs 2 and 3 of Part IV of the First Schedule to the Act of 1961 shall not apply to any investment made by virtue of this subsection:

Provided that, where by virtue of having invested in securities in pursuance of paragraph (a) of this subsection the Council or borough council are able at a general meeting of a company to be cast, on a poll, votes amounting to not less than seventy per cent. of the total number of votes capable of being cast by all members of the company, the Council or the borough council (as the case may be) shall, as soon as may be practicable, cause the company to be wound up voluntarily.

1967 c. xx.

(3) Subsections (2), (3) and (4) of section 9 (Investment in superannuation funds in acquisition, etc., of land) of the Greater London Council (General Powers) Act, 1967, shall apply in relation to investments made under the powers conferred by the last foregoing subsection as if the references in the said subsections (2), (3) and (4) to the investment of property were the powers conferred by subsection (1) of the said section and included references to the investment of property under the powers conferred by the last foregoing subsection; and in the said subsection (2) for the words "one-sixth" there shall be substituted the words "one-third".

(4) In the substituted sub-paragraph (a) of paragraph 2 of Part IV of the First Schedule to the Act of 1961, as substituted by subsection (4) of section 10 (Modifications of Act of 1961) of the said Act of 1967, the words "or debentures" are hereby repealed.

Borrowing  
and lending  
by borough  
councils.

35.—(1) At the request of any association which desires them to be representative of the borough councils, the Council may from time to time appoint a borough council (in this section referred to as "the appointed council") to exercise the powers conferred by this section.

(2) The appointed council may, without the consent of the Council, sanctioning authority, borrow such sums as may be required for the purpose of lending to any borough council under the powers conferred by this section.

(3) Subject to the provisions of this section, Part IX of the Local Government Act of 1933 shall have effect as if money borrowed under the powers conferred by this section were borrowed under that Part.

1946 c. 58.

(4) It shall not be lawful to exercise the powers conferred by this section except in compliance with any conditions for the time being in force under section 1 of the Local Government (Control and Guarantees) Act, 1946.



(5) The appointed council may lend to any borough council, and a borough council may borrow from the appointed council, upon such terms and conditions as may be agreed, such money as the appointed council think fit to lend and as the borough council are authorised to borrow for the purpose for which such money is proposed to be borrowed, and any money so lent shall be repaid to the appointed council by the borough council within the period prescribed by any sanctioning authority or otherwise for the repayment by the borough council of the money they are authorised to borrow.

(6) Any agreement under this section may be made by resolutions passed respectively by the appointed council and by the borough council.

(7) Any sum borrowed by the appointed council for the purpose of this section shall be repaid within a period to expire not more than one year after that for which the same was lent by them to the borough council.

(8) Where any sum is borrowed by the appointed council for the purposes of this section it shall be lawful for the appointed council for such periods as they may think fit to suspend any financial provision required to be made by virtue of any enactment at the time being in force for the repayment of the sum borrowed.

(9) The appointed council shall be entitled to charge such rate of interest in respect of any particular loan under this section as may be agreed between the appointed council and the borough council.

Provided that the appointed council shall ensure so far as it is reasonably practicable to do so that having regard to all the circumstances existing at the time the loan is made the rate of interest agreed is such that no loss is incurred by the appointed council in respect of the loan.

(10) All costs, charges and expenses incurred by the appointed council in respect of any particular loan under this section shall be met by the borough council.

(11) Without prejudice to the exercise of the powers of the Council under any other enactment, the provisions of this section shall apply to the Council as if the Council was a borough council.

#### PART V

#### DOCUMENTS AND EQUIPMENT

(1) At any time after a period of six years from the date of the receipt by the Council of an application made or referred to the Council for a decision, determination, grant, consent, or approval, the Council may destroy or cause to be destroyed any documents connected with the application.

PART V  
—cont.

agreement, approval, direction or permission, the Council may destroy any documents received by them in connection with an application:

Provided that they shall retain the application and the copy of any plan or plans approved by them in connection therewith together with any related certificate, consent, permit or other document issued pursuant to any enactment.

(2) The functions exercisable by the Council under the foregoing subsection shall be in addition to and not in derogation of its functions under any other enactment.

Microfilming  
of documents.

37.—(1) The Council may make and retain microfilm recordings of documents of the Council.

(2) Notwithstanding anything contained in the last section or in any other enactment, the Council may destroy documents of the Council of which they have made and retain microfilm recordings:

Provided that—

(a) the Council shall not under this section destroy any document deposited with them under the Public Records Act 1958, or acquired or accepted by them under section 1 of the Local Government (Records) Act 1962, or amended by the Act of 1963; and

(b) the Council shall afford a right of access for the public to a microfilm recording of a document which has been destroyed in pursuance of this section equal to the right of access, if any, of the public to the original document destroyed.

(3) An enlargement of a microfilm recording of a document of the Council shall be deemed for all purposes to be a copy of that document.

(4) Notwithstanding anything contained in any enactment, any rule of law, an enlargement of a microfilm recording of a document of the Council which has been destroyed shall be receivable in evidence for any purpose for which the document would have been receivable in any proceedings in any court in England or Wales if an officer of the Council designated for the purposes of this subsection certifies that—

(a) the document has been destroyed; and

(b) a microfilm recording of the document has been made; and

(c) the enlargement is an enlargement of a microfilm recording of the document.

1958 c. 51.

1962 c. 56.



The Council and any association which appears to the Council to be representative of the borough councils, in consultation with such persons as appear to the Council and the said association to be the appropriate persons to consult with on matters relating to the destruction or retention of documents, may jointly prepare and agree a code of practice containing guidance and recommendations as to the principles which should, in their opinion, govern the exercise by any person of the powers to destroy documents conferred by subsection (2) of this section, including guidance and recommendations as to the considerations which should govern the retention of certain documents or classes or examples of documents on the grounds of the value which the documents have, or may reasonably be expected to have in the future, for administrative or historical purposes or for the purposes of sociological or other research.

38.—(1) The Council may, by agreement with any person, for that person's purposes, use or permit the use of any electronic, mechanical or other equipment for accounting, analytical, statistical or other purposes, or for the printing or reproduction of documents (including equipment for microfilm recording) which the Council have provided for the purposes of all or any of their work, and may provide any facilities and services ancillary to, or necessary or convenient for, the use of the said equipment and make such charges as may be agreed for the use of such equipment and the provision of such facilities or services.

Electronic, mechanical or other equipment, etc.

(2) Section 67 (Electronic or mechanical accounting equipment) of the London County Council (General Powers) Act, 1961, is hereby repealed.

1961 c. xliii.

39.—(1) The provisions of this Part of this Act shall extend and apply to a borough council and the Common Council as if for any reference therein to the Council (except in subsection (5) of section 37 (Microfilming of documents) thereof) there were substituted a reference to the borough council or the Common Council (as the case may be):

Application and interpretation of Part V.

Provided that the provisions of section 36 (Destruction of documents connected with applications) and section 37 (Microfilming of documents) of this Act shall not apply to the council of the borough of Hounslow, and the provisions of section 38 (Electronic, mechanical or other equipment, etc.) of this Act shall apply to that council only in so far as those provisions relate to the use of equipment for the printing or reproduction of documents (including equipment for microfilm recording).

(2) In this Part of this Act—

“document” includes the whole or part of a register, book, record, letter, map, plan, drawing, photograph

PART V  
—cont.

or other document, and any notice, licence, certificate, scheme or order made, passed or granted by the Council and references to documents of the Council are reference to documents belonging to or permanently in possession of the Council;

“enlargement” means an enlarged reproduction of microfilm recording which is legible with the naked eye;

“microfilm recording” means a reproduction of a document on film or other material which is a product of photography or any similar process and is in general beyond legibility with the naked eye, and any reference to microfilm recording of a document shall be deemed to include a reference to any copy subsequently made of such microfilm recording.

## PART VI

## EXTENSIONS OF TIME

Extension  
of time for  
compulsory  
purchase of  
lands.

1939 c. ci.

40.—(1) The period now limited by the Act of 1966—

(a) for the exercise by the Council of powers for the compulsory purchase of lands in the City of Westminster for the purposes of the London County Council (Improvements) Act, 1939; and

(b) for the exercise by the Westminster Council as the highway authority of powers for the compulsory purchase of lands in the City of Westminster for the purposes of paragraph (a) of subsection (1) of section 5 (Powers to acquire lands) of the London County Council (General Powers) Act, 1957;

1957 c. xxxv.

is hereby extended, or further extended, until 1st October,

(2) Notwithstanding anything in subsection (1) of this section, if, at any time before 1st January, 1972, the owner or lessee of any land to which that subsection relates gives to the Council or the Westminster Council, as the case may be, notice in writing requiring them forthwith to decide whether or not they will proceed with the purchase of his estate or interest in any such land which is specified in the notice, the powers referred to in the said subsection (1) shall not extend so as to enable the Council or the Westminster Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified later than six months after the receipt by the Council or the Westminster Council of the first-mentioned notice.

(3) If the Council or the Westminster Council, as the case may be, give notification in writing to the owner or lessee of any



being land to which this section relates and which is specified in the notification, that they do not intend to proceed with the purchase of the estate or interest of such owner or lessee in the land so specified; the powers referred to in this section, so far as they authorise the compulsory purchase of such estate or interest, shall cease forthwith.

PART VI  
—cont.

11. The period now limited by the London County Council (General Powers) Act, 1964, for the exercise of powers conferred by Part III of that Act for the execution of works in—

Extension of  
time for  
completion  
of works.

1964 c. xxviii.

(a) the borough of Wandsworth; and

(b) the borough of Hammersmith and the royal borough of Kensington and Chelsea;

is hereby extended until 1st October, 1974.

## PART VII

### MISCELLANEOUS AND SUPPLEMENTAL

42. Paragraph 16 of Schedule 14 to the Act of 1963 shall have effect and shall be deemed always to have had effect as if after the words "of that Authority; and" there were inserted the words "within the existing county of London".

Amendment  
of Schedule 14  
to Act of  
1963.

(1) Notwithstanding anything in section 42 of the Burial Grounds and Cemeteries Clauses Act, 1847, and the Schedule to that Act, or any other enactment, a form of grant of the exclusive right of burial in any part of a burial ground or cemetery maintainable by a borough council, or by the Merton and Sutton Joint Cemetery Board, may be given under the hand of the town clerk or the clerk of the said board (as the case may be) or, in either case, his duly authorised deputy, instead of under the common seal of the borough council or the said board.

Form of  
grant of  
exclusive  
right of  
burial.

1847 c. 65.

(2) The provisions of subsection (2) of section 287B (Authentication of documents) of the Act of 1933 shall apply to any such form of grant purporting to bear the signature of the clerk of the said board or his duly authorised deputy as they apply to any document referred to in that subsection.

(3) This section shall not extend or apply in relation to any part of a burial ground or cemetery maintainable by the council of the borough of Hounslow.

44. The enactments specified in column 1 of Schedule 2 to this Act (being enactments creating the offences broadly described in column 2 of that schedule in connection with unlawful street

Alteration of  
penalties for  
certain street  
trading  
offences.



PART VII  
—cont.

trading) shall each have effect as if the maximum fine which may be imposed on conviction of an offence specified in the enactment were a fine not exceeding twenty pounds for a first offence and fifty pounds for a second or subsequent offence instead of a fine of, or not exceeding, the amount specified in column 3 of that schedule.

Extension  
of Part II  
(Supply of  
heat) of  
Act of 1949.  
1949 c. lv.

45.—(1) Subject to the provisions of this section, Part II (Supply of heat) of the London County Council (General Powers) Act 1949 (in this section referred to as "the Act of 1949") shall extend and apply to the council of an outer London borough as it applies to the council of an inner London borough and accordingly in the said Part II—

1957 c. 56.

- (a) for any reference (however worded) to an inner London borough or to the council of an inner London borough there shall be substituted respectively a reference to an outer London borough or to the council of a London borough;
- (b) in section 26 (As to existing heating schemes), for the words "the Act of 1936" there shall be substituted the words "the Housing Act, 1957," and the section 26 shall have effect in relation to the council of an outer London borough as if the reference in that section to the passing of the Act of 1949 were a reference to the passing of this Act.

1952 c. 1.

(2) The Minister may, on the application of the council of the borough of Barking (in this subsection referred to as "the Barking Council"), direct that, as from such date as he may appoint the provisions of Part XIV (Supply of heat by Barking Corporation) of the Essex County Council Act, 1952, shall apply to any heating undertaking in the borough of Barking which, at the date of the passing of this Act, was authorised under the said Part XIV, and the provisions of Part II of the Act of 1949 shall apply in relation to any such heating undertaking as if—

- (a) such heating undertaking were a heating undertaking established in accordance with proposals submitted to the Barking Council to, and approved by, the Minister under section 11 (Proposals subject to the Minister's approval) of the Act of 1949; and
- (b) any works executed and any other thing done under the provisions of the said Part XIV had been executed or done under the corresponding provisions of Part II of the Act of 1949.

Provided that the Minister shall not give a direction under this subsection unless he is satisfied after consultation with the Barking Council that it is expedient to do so.



bodies referred to in section 15 (For protection of certain under-  
takers) of the Act of 1949 and any other persons who are in his  
opinion likely to be affected by the giving of the direction that  
no such body or person objects thereto.

(3) Except in relation to any such heating undertaking as is  
referred to in the last foregoing subsection, as from the passing of  
this Act the provisions of Part XIV of the said Act of 1952 shall  
cease to have effect.

(4) This section shall not extend or apply in relation to the  
Council of the borough of Hounslow.

(5) (1) Subject to any provision of the Act of 1963, or of any  
other enactment, requiring or enabling expenses in connection  
with any functions of the Council to be chargeable otherwise than  
as expenses for general London purposes, all expenses of the  
Council in the execution of this Act shall be defrayed, as the  
Council may decide, as---

Costs of  
Act.

(a) expenditure for general London purposes; or

(b) expenditure for special London purposes chargeable on  
such part of Greater London as the Council may  
determine.

(2) So much of the costs, charges and expenses preliminary to  
and incidental to the preparing, applying for and obtaining  
this Act as may be incurred in respect of or in connection  
with those provisions contained in section 40 (Extension of time  
for compulsory purchase of lands) of this Act which relate to the  
exercise by the Westminster Council of powers for the compulsory  
purchase of lands in the City of Westminster shall be paid by the  
Westminster Council.

SCHEDULES

SCHEDULE 1

Section 28.

ENACTMENTS APPLIED TO WALKWAYS

PART I

GENERAL ENACTMENTS APPLIED

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
7 & 8 Eliz. 2 c. 25	Highways Act, 1959	Subsections (2) and (3) of section 67 (Footways and guard-rails)	In subsection (2), for words "high authority" be substituted the "borough" for the words "high maintainable" public expense being a highway consists of or comprises a carriageway shall be substituted word "walkway" for the word "high" there shall be sub- the word "walkway"
		Subsection (9) of section 108 (Power of magistrates' court to authorise the stopping up or di- version of a high- way)	After the words Schedule to be inserted the "the Act of 1959" applied for the of this Part of the words "an made under th tion" there substituted "a resolution pass a borough council subsection (5) of tion 11 (As and declaration of ways) of this the word in the first place it occurs there substituted "walkway to section (1) of (Statutory unde works) of applies "and second pla occurs there substituted "walkway" words "stopped diverted" the substituted "altered" or tinued" and



Chapter	Short title (2)	Provisions applied (3)	Modifications (4)
Eliz. 2: 1959— continued	Highways Act, 1959— continued	Subsection (2) of section 116 (Protection of public rights) (as set out in paragraph 30 of Schedule 6 to the Act of 1963)	words "order is made" there shall be substituted the words "passing of the resolution".  For the words from the beginning of the subsection to "the Common Council" there shall be substituted the words "A borough council"; for the word "highway" in both places where it occurs there shall be substituted the word "walkway"; and the words "road or" and "including any roadside waste which forms part thereof" shall be omitted.
		Subsection (1) of section 118 (Damage to footways of streets by excavations)	For the words "the footway of a street, being a highway maintainable at the public expense," there shall be substituted the words "a walkway"; for the words "the street" there shall be substituted the words "the walkway"; for the words "highway authority for the highway" there shall be substituted the words "borough council in whose area the walkway is situated"; and the words ", subject to the following subsection," shall be omitted.
		Section 121 (Penalty for wilful obstruction)	In subsection (1) for the word "highway" there shall be substituted the word "walkway".
		Section 122 (Penalty for erecting building, etc., in highway)	For the words "highway which consists of or comprises a carriage-way" there shall be substituted the word "walkway".
		Section 127 (Penalty for depositing things, or pitching booths, etc., on highway)	Paragraph (a) shall be omitted; and in paragraphs (b) and (c) for the word "highway" wherever it occurs there shall be substituted the word "walkway".

SCH. 1  
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
7 & 8 Eliz. 2 c. 25— <i>continued</i>	Highways Act, 1959— <i>continued</i>	Section 141 (Penalty for placing rope, etc., across high- way)	For the word "high- way" in both places occurs there shall be substituted the word "walkway"
		Section 142 (Preven- tion of water falling or flowing on to highway)	In subsection (1) the words "the highway authority" shall be substituted the words "the borough or council whose area it is situated" wherever it occurs the word "highway" shall be substituted the word "walkway" in subsection (2) the words "the highway authority" shall be substituted the words "the borough or council whose area it is situated" wherever it occurs the words "an authority" shall be substituted the words "a borough or council" wherever it occurs the words "the highway authority" in subsection (3) shall be substituted the words "the borough or council" wherever it occurs the words "the highway authority" in subsection (4) shall be substituted the words "the borough or council" wherever it occurs the words "the highway authority" in subsection (5) shall be substituted the words "the borough or council" wherever it occurs
		Section 147 (Hoard- ings to be set up during building, etc.)	For the words "the court" wherever they occur there shall be substituted the word "walkway" the words "the highway authority" and "the borough or council" wherever they occur there shall be substituted the words "the borough or council" wherever they occur
		Section 148 (Hoard- ings to be securely erected)	For the words "the area in which this section applies" in subsection (1) of this Act the words "any area in London" shall be substituted the word "walkway" the words "the highway authority" shall be substituted the words "the borough or council" wherever they occur the word "the highway authority" in subsection (2) shall be substituted the word "the borough or council" wherever it occurs the word "the highway authority" in subsection (3) shall be substituted the word "the borough or council" wherever it occurs the word "the highway authority" in subsection (4) shall be substituted the word "the borough or council" wherever it occurs the word "the highway authority" in subsection (5) shall be substituted the word "the borough or council" wherever it occurs
		Section 152 (Restriction on placing rails, beams, etc., over highways)	In subsection (1) the word "highway" shall be substituted the word "walkway"



Chapter	Short title (2)	Provisions applied (3)	Modifications (4)
<p>Part II Chapter 2 Section 2</p>	<p>Highways Act, 1959— <i>continued</i></p>	<p>Subsections (5) and (6) of section 154 (Openings into, and repair of, cellars, etc., under streets)</p> <p>Section 156 (Power to instal refuse or storage bins in streets)</p>	<p>the words "highway authority for the highway" there shall be substituted the words "borough council in whose area the walkway is situated"; and for the words "that authority" there shall be substituted the words "the borough council"; and the pro- viso to subsection (2) shall be omitted.</p> <p>In subsection (5) for the word "street" where- ever it occurs there shall be substituted the word "walkway"; and in subsection (6) for the words "local authority" there shall be substituted the words "borough council in whose area the walkway is situ- ated"; and the words from "The power" to the end of the subsection shall be omitted.</p> <p>In subsection (1) for the words "the appropriate authority" there shall be substituted the words "the borough council in whose area a walkway is situated"; for the word "street" in the first place where it occurs there shall be substituted the word "walkway"; the word "street" shall be omitted in the second place where it occurs; and for the words "the authority" there shall be substituted the words "the borough council"; in subsection (2) for the words "An authority" there shall be substituted the words "A borough council"; for the word "bridge" in the first place where it occurs there shall be substituted the words "walkway bridge"; and for the word "street" in both places where it occurs there shall be substituted the</p>

SCH. 1  
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
7 & 8 Eliz. 2 c. 25— continued	Highways Act, 1959— continued	<p>Section 258 (Power of certain authorities to execute certain works on behalf of other person)</p> <p>Section 259 (Power to require information as to ownership of land)</p> <p>Section 262 (Penalty for obstructing execution of Act)</p> <p>Section 263 (Power to require occupier to permit works to be executed by owner)</p> <p>Section 269 (Summary proceedings for offences)</p> <p>Section 273 (Notice to be given of right of appeal)</p>	<p>word "walkway" substituted for the words "An authority there shall be substituted the words "borough council" in section (4) for the words "an authority in places where they there shall be substituted the words "borough council" and for the word "street" in places where there shall be substituted the word "wall" and substituted be omitted.</p> <p>For the words "authority" shall be substituted the word "borough" the words "Act (except thereof)" be substituted "under this Part Act"; and for "highway" be substituted "walkway".</p> <p>For the words "authority" shall be substituted the word "borough" for the words "Act" there shall be substituted "this Part of the Act".</p> <p>For the words "in both of them" they occur be substituted "this Part Act".</p> <p>For the words "there shall be substituted the word "Part of this Act".</p> <p>For the words "there shall be substituted the word "Part of this Act".</p> <p>For the words "there shall be substituted the word "Part of this Act".</p>



No.	Short title (2)	Provisions applied (3)	Modifications (4)
8 Eliz. 2 1959— continued	Highways Act, 1959— continued	Section 274 (Appeals and applications to magistrates' courts)	Part of this Act"; for the words "highway authority or a council" there shall be substi- tuted the words "borough council"; and for the words "authority or council" there shall be substi- tuted the words "borough council".
		Subsection (1) of section 275 (Appeals to quarter sessions from deci- sions of magistrates' courts)	In subsection (1) for the words "this Act" there shall be substituted the words "this Part of this Act"; and in para- graph (a) for the words "highway authority or a council" there shall be substituted the words "borough council"; in subsection (2) for the words "highway authority or council" there shall be substituted the words "borough council".
		Section 277 (Effect of decision of court upon an appeal)	For the words "this Act" there shall be substi- tuted the words "this Part of this Act".
		Part II of Schedule 12 (Provisions as to orders under sec- tion 108 of this Act)	For the words "this Act" there shall be substi- tuted the words "this Part of this Act"; and for the words "highway authority or of a council" and "authority or council" there shall be substituted the words "borough council".
			For the word "highway" wherever it occurs there shall be substituted the word "walkway"; in paragraph (4) for the words "order autho- rising the highway to be stopped up or, as the case may be, diverted had not been made" there shall be substituted the words "resolution specifying the alteration of the walkway or, as the case may be, the

SCH. I  
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
7 & 8 Eliz. 2 c. 25— <i>continued</i>	Highways Act, 1959— <i>continued</i>		<p>discontinuance walkway had passed " in graph (5) for it " stopped up or di in pursuance of order under of this Act be substituted the " altered " or tinued in pursua a resolution passed a borough council or subsection (5) of tion II (As and declarati ways) of this for the words " au rity on who tion the made " there shall substituted the " borough coun paragraph (6) of words " auth whose applic order under section 108 stopp or diverting a hi was made there be substituted by " borough coun cerned " and paragraph (a) words " stoppin diversion " the be substituted " alteration tinuance " ; and in graph (7) for the " authority " there be substituted " borough co</p>



PART II

LOCAL ENACTMENTS APPLIED

SCH. I  
—cont.

Number	Short title (2)	Provisions applied (3)	Modifications (4)
6	Middlesex County Council Act, 1944	Section 247 (As to erection of retaining walls)	For any reference to a highway authority or to the council of a north- west London borough there shall be substi- tuted a reference to the borough council; in sub- section (1) for the word "street" there shall be substituted the word "walkway"; and sub- section (4) shall be omitted.
Eliz. 2	London County Council (General Powers) Act, 1954	Section 20 (Deface- ment of street with slogans)	For any reference to a public street in Greater London other than the outer London boroughs there shall be substi- tuted a reference to a walkway in Greater London; in subsec- tion (2) the definitions of "public street" and "street authority" shall be omitted; and in sub- section (3) in para- graph (a) for the words "street authority" there shall be substituted the words "borough coun- cil in whose area the walkway is situated"; and paragraph (b) shall be omitted.
1955	London County Council (General Powers) Act, 1955	Section 38 (Trees grass margins and gardens)	For any reference to an inner London borough council there shall be substituted a reference to a borough council; for the words "street repairable by them or upon land vested in them which forms part of a street" there shall be substituted the word "walkway"; for any reference to a street there shall be substi- tuted a reference to a walkway; and subsec- tions (3), (5), (6), (7), (8) and (11) shall be omitted.
2	Middlesex County Council Act, 1956	Section 27 (Decora- tions in streets)	In subsection (1) for the reference to a council of a north-west London borough there shall be substituted a reference to a borough council;

SCH. I  
—cont.

Chapter (1)	Short title (2)	Provisions applied (3)	Modification (4)
4 & 5 Eliz. 2 c. xc— <i>continued</i>	Middlesex County Council Act, 1956— <i>continued</i>		for the reference north-west London ough there substituted a refer to the borough the word "street" both places occurs there substituted the "walkway" section (3) omitted.
9 & 10 Eliz. 2 c. xxxvii	Middlesex County Council Act, 1961	Section 27 (Licence to erect scaffolding)	For any referen highway there substituted to a walkway any reference way authority shall be substituted reference to council; and section (1) the from the b "it shall" omitted; and reference to west London there shall be tuted a refer borough
1963 c. xvii	London County Council (General Powers) Act, 1963	Section 6 (Boundary walls)	For references wherever they there shall be substi references to the C or a borough and in subsecti for the refer carrying out of provement, the be substituted ence to out of works Council or council under of this purpose or rende for a walkway or place taining or walkway, proviso to section for "improvement" shall be substi word "walkway"



Chapter (1)	Short title (2)	Provisions applied (3)	Modifications (4)
Chapter XVII <i>continued</i>	London County Council (General Powers) Act, 1963— <i>continued</i>	Section 9 (Under- pinning of houses near a street im- provement)	For references to a council wherever they occur there shall be substi- tuted references to the Council or a borough council; for the refer- ence to any improve- ment carried out or to be carried out by a council there shall be substituted a reference to any works carried out or to be carried out by the Council or a borough council under this Part of this Act for the purpose of laying out or rendering suit- able for a walkway any way or place, or of maintaining or repair- ing a walkway, and any subsequent reference to a work shall be con- strued accordingly; and in paragraphs (4) and (5) for the words “opening for traffic” there shall be substi- tuted the word “com- pletion”.

## SCHEDULE 2

## Section 44.

## LOCAL ENACTMENTS MODIFIED IN RELATION TO STREET TRADING OFFENCE

Enactment (1)	Description of offence (2)	Former fine maximum fine (3)
West Ham Corporation Act, 1931, c. lx. Section 34 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the re- newal of a licence by wilful misrepresenta- tion.	£5 and, in addition, forty shillings for each day on which the offence is committed after conviction of it.
Dagenham Urban District Council Act, 1931, c. xciv. Section 122 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the re- newal of a licence by wilful misrepresenta- tion.	£5 and, in addition, forty shillings for each day on which the offence is committed after conviction of it.
Wimbledon Corporation Act, 1933, c. lxxvii. Section 101 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the re- newal of a licence by wilful misrepresenta- tion.	£5 and, in addition, forty shillings for each day on which the offence is committed after conviction of it.
Barking Corporation Act, 1933, c. lxxviii. Section 201 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the re- newal of a licence by wilful misrepresenta- tion.	£5 and, in addition, forty shillings for each day on which the offence is committed after conviction of it.
Merton and Morden Urban District Council Act, 1936, c. cxv. Section 110 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the re- newal of a licence by wilful misrepresenta- tion.	£5 and, in addition, forty shillings for each day on which the offence is committed after conviction of it.



SCH. 2  
—cont.

Enactment (1)	Description of offence (2)	Former fine or maximum fine (3)
Coildon and Purley Urban District Council Act, 1937, xcviii, Section 84	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the re- newal of a licence by wilful misrepresenta- tion.	£5 and, in addition, forty shillings for each day on which the offence is continued after conviction thereof.
Middlesex County Council Act, 1944, 329	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the re- newal of a licence by wilful misrepresenta- tion.	£5 and, in addition, forty shillings for each day on which the offence is continued after conviction there- of.
Balthamstow Corporation Act, 1956, c. lxxxiv, Section 36 (1)	Street trading without, or contrary to any prescription of, a licence.	£10.
Section 36 (2)	Wilfully making a false statement when ap- plying for a licence or the renewal of a licence.	£10.
Section 36 (3)	Failing, when street trading, to furnish name and address on request of autho- rised officer or police officer.	£10.
Section 36 (4)	Allowing, or purport- ing to allow, another person to use a licence.	£20.
Middlesex County Council Act, 1956, Section 66 (1)	Street trading without a licence, or con- trary to any pre- scription of a licence or any registered par- ticulars.	£5.
Section 66 (2)	Obtaining registration as a registered street trader or obtaining a licence or the renew- al of a licence by wilful misrepresenta- tion.	£5.

SCH. 2  
—cont.

Enactment (1)	Description of offence (2)	Former fine (maximum fine) (3)
Middlesex County Council Act, 1956, c. xc.— <i>continued.</i> Section 66 (3)	Failing, when street trading, to furnish name and address on request of authorised officer or police officer.	£5.
London County Council (General Powers) Act, 1957, c. xxxv. Section 75	Various offences under Part IV of the London County Council (General Powers) Act, 1947, or under Part VII of the London County Council (General Powers) Act, 1957 (not being an offence under any byelaw in force under the said Part VII).	£5 for a first offence and £20 for a second or subsequent offence.
Croydon Corporation Act, 1960, c. xl. Section 148	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£5 and, in the case of a second or subsequent offence, forty shillings for each day on which the offence is committed after the first conviction thereof.

1947 c. xlvi.