



Greater London Council (General Powers) Act 1970

CHAPTER lxxvi

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ELIZABETH II



1970 CHAPTER lxxvi

An Act to confer further powers upon the Greater London Council and other authorities; and for other purposes.
[17th December 1970]

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 the Greater London Council (hereinafter called “ the Council ”), the London borough councils and the Common Council of the City of London should be extended and amended as provided in this Act:

(2) It is expedient to remove an obligation contained in the London County Council (General Powers) Act, 1964, requiring 1964 c. xxviii. certain lands to be added to Wandsworth Common:

(3) It is expedient that provision should be made as by this Act provided in connection with certain agreements, etc., affecting Wrotham Park Estate in the urban district of Potters Bar in the county of Hertfordshire:

(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 have complied with the requirements of section 254 of the Local Government Act, 1933:

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 1970.

Division of Act into Parts. 2. This Act is divided into Parts as follows:—
Part I.—Preliminary.
Part II.—Lands.
Part III.—Superannuation.
Part IV.—Amendments as to walkways.
Part V.—Miscellaneous and supplemental.

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

1937 c. 68. “the Act of 1937” means the Local Government Superannuation Act, 1937;

1959 c. 25. “the Act of 1959” means the Highways Act, 1959;

1963 c. 33. “the Act of 1963” means the London Government Act, 1963;

1969 c. lii “the Act of 1969” means the Greater London Council (General Powers) Act, 1969;

“borough” means a London borough, and “borough council” means the council of a London borough;

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—cont.

“the Common Council” means the Common Council of the City of London;

“the Council” means the Greater London Council;

“employing authority” has the same meaning as in the Act of 1937;

“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;

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

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

LANDS

4. The provisions of subsection (4) of section 6 (Power to appropriate or enclose lands) of the London County Council (General Powers) Act, 1964, shall not apply and shall be deemed never to have applied to the lands in the borough of Wandsworth, being the land numbered 404 and parts of the lands numbered 405 to 410 (inclusive) on the deposited plans and in the deposited book of reference referred to in the said subsection (4), and shown coloured pink on the plan signed in triplicate by Fred Blackburn the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred, one copy of which has been deposited in the office of the Clerk of the Parliaments, one copy in the Private Bill Office of the House of Commons and one copy with the director-general and clerk to the Council; and accordingly in Schedule 2 to the said Act of 1964 the words “Heathfield Gardens, and” shall be omitted.

Lands not to form part of Wandsworth Common.
1964 c. xxviii.

5.—(1) The provisions to which this section applies shall have full force and effect and be binding upon the Council as successors in title to the former county council of the administrative county of Middlesex and upon The Wrotham Park Estate Company as successors in title to the late the Right Honourable Edmund Henry, Earl of Strafford, and upon their respective successors in title, notwithstanding that but for this section certain of those provisions might not be permissible under the Perpetuities and Accumulations Act, 1964, or the rules of law relating to perpetuities and remoteness.

As to agreements, etc., affecting Wrotham Park Estate.

1964 c. 55.

PART II
—cont.

(2) This section applies to the provisions of—

- (a) an agreement dated 24th February, 1938, made between the said Right Honourable Edmund Henry, Earl of Strafford, and the said county council, as amended by a Deed of Variation dated 19th March, 1970, made between the Council and The Wrotham Park Estate Company and others;
- (b) a supplemental agreement dated 30th July, 1938, and a conveyance dated 21st December, 1938, each made between the said Right Honourable Edmund Henry, Earl of Strafford, and the said county council;

which agreements and conveyance were entered into in pursuance of section 19 (As to agreements with Lord Strafford) of the

1938 c. xcix.

(3) Section 218 (As to agreements with Lord Strafford) of the

1944 c. xxi.

PART III

SUPERANNUATION

Extension of section 34 of Greater London Council (General Powers) Act, 1968.

1968 c. xxxix.

1953 c. 25.

6. For the purposes of section 34 (Extension of section 18 of Act of 1953) of the Greater London Council (General Powers) Act, 1968, the expression “the deceased contributor” (as defined in that section) shall extend to and include, and shall be deemed always to have extended to and included, a person dying on or after 1st September, 1968, and within one year after ceasing to hold an employment in which he was a contributor to the fund maintained by the Council under Part I of the Act of 1937 but in respect of whom the employing authority was not the Council, a borough council or the Common Council but was an authority authorised by an enactment to exercise the powers of section 18 of the Local Government Superannuation Act, 1953; and accordingly references in the said section 34 to the Council shall include, and shall be deemed always to have included, references to such an authority.

Preservation of rights of certain contributors, etc.

7.—(1) The provisions of this section shall have effect in any case where, in pursuance of any arrangements, articles of government, instrument or scheme made or agreement entered into by a Greater London local education authority in connection with the exercise of their functions under the Education Acts, 1944 to 1968, or by the governing body of an institution for further education (hereafter in this section referred to as “the arrangements”), an institution for further education becomes, or becomes part of, a polytechnic to which this section applies.

(2) Where the provisions of this section have effect and by virtue of the arrangements and, as from a date (hereafter in this section referred to as “the relevant date”) prescribed by or resulting from the arrangements (whether such date is before or

after the passing of this Act), a person becomes an employee of an employing authority (hereafter in this section referred to as the “new employing authority”) different from the employing authority by whom he was employed immediately before the relevant date (hereafter in this section referred to as the “former employing authority”), then—

- (a) any enactments which immediately before the relevant date regulated the rights and obligations of that person in relation to superannuation, including any power of his former employing authority to pay gratuities to or in respect of him, shall continue to apply and have effect in relation to him, with any necessary modifications, as if his employment under his former employing authority and under his new employing authority were one continuous employment under the same employing authority and as if his new employing authority were empowered to exercise any discretionary power which his former employing authority were empowered to exercise in relation to him under those enactments immediately before the relevant date:

· Provided that nothing in this paragraph shall be construed as prejudicing or preventing any payment of a transfer value in respect of that person which, by virtue of the arrangements, may be required to be made under or in pursuance of section 29 or subsection (3) of section 30 of the Act of 1937;

- (b) where immediately before the relevant date it was the prevailing practice of the former employing authority of that person to exercise beneficially (that is to say, to secure the making of payments or increased payments) any such discretionary power as aforesaid, it shall be the duty of his new employing authority to exercise in relation to him that power in a way that is no less beneficial than that practice, and section 35 of the Act of 1937 shall apply to any question arising under this paragraph; and
- (c) it shall be the duty of the new employing authority to take such steps in relation to that person as may be necessary to give effect to the purposes of this subsection.

(3) A polytechnic to which this section applies is an institution for further education wholly or partly situated in Greater London which has been approved for the purposes of this section by the Secretary of State for the Environment.

(4) In this section—

“employee” and “employment” have the same meanings as in the Act of 1937;

PART III
—cont.

1944 c. 31.

“Greater London local education authority” means the Inner London Education Authority, the council of an outer London borough or any joint education committee established by an order made by the Secretary of State for Education and Science under paragraph 3 of Part II of the First Schedule to the Education Act, 1944, of which that Authority or one or more of those councils are a constituent authority.

PART IV

AMENDMENTS AS TO WALKWAYS

Vehicles on walkways.

8. The following section shall be inserted after section 18 (Byelaws relating to walkways) of the Act of 1969:—

“Use of certain vehicles upon walkways may be authorised.

18A.—(1) Subject to the provisions of this section, any person who uses a vehicle, or causes or permits a vehicle to be used, upon a walkway shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding twenty pounds for a first offence and fifty pounds on a second or subsequent conviction.

(2) (a) Nothing in the foregoing subsection shall make it unlawful for any person in accordance with the terms of any byelaw made under the last foregoing section, or with the prior consent in writing of the borough council, to use a vehicle to which this subsection applies, or cause or permit such a vehicle to be used, upon a walkway.

(b) This subsection applies to—

- (i) any vehicle used for fire fighting;
- (ii) any vehicle used for police purposes;
- (iii) any ambulance;
- (iv) any street cleansing vehicle;
- (v) any vehicle used for the collection of refuse;
- (vi) any vehicle used for the purpose of gritting or salting or the clearance of snow;
- (vii) any vehicle used for the purpose of cleansing, repairing or maintaining lighting apparatus;
- (viii) any vehicle used in connection with the reconstruction, alteration or maintenance of, or the provision of services to, a walkway, or of or to any premises adjoining or comprising any part of a walkway;
- (ix) any vehicle used in connection with the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of apparatus or accommodation therefor in a walkway;

- (x) any invalid carriage;
- (xi) any pedestrian controlled vehicle, including any pedal cycle;
- (xii) any other vehicle of a class, or any vehicle, for the time being specified by resolution of the borough council for the purposes of this subsection.

PART IV
—cont.

(c) For the purposes of sub-paragraph (ix) of the last foregoing paragraph, the expression 'apparatus' shall be deemed to include any apparatus belonging to the London Transport Executive or for the maintenance of which they are responsible.

(3) Any consent given under this section may be given subject to such conditions (including conditions requiring the giving of indemnities) as the borough council think fit and may be given—

- (a) either generally as respects all walkways in the borough or as respects any particular walkway (or part thereof) therein; and
- (b) either as respects vehicles of a specified class or as respects a specified vehicle.

(4) Nothing in this section, or in the last foregoing section, shall empower a borough council to authorise the use upon a walkway, not being a walkway or part of a walkway to which subsection (1) of section 24 (Statutory undertakers' works) of this Act applies, of a vehicle of a laden weight exceeding thirty hundredweight.

(5) A borough council may withdraw any consent given by them under this section or may from time to time vary or add to any conditions subject to which such a consent has been given.

(6) Nothing in this section, or in any consent given thereunder, or in any byelaw made under the last foregoing section, shall relieve any person who uses a vehicle, or causes or permits a vehicle to be used, upon a walkway from, or impose on a borough council, liability for any damage or loss suffered by reason or in consequence of such use."

9. For the avoidance of doubt it is hereby declared that the powers conferred on the Council or a borough council by subsection (1) of section 22 (Acquisition of land, or rights in land, for walkways) of the Act of 1969, to acquire by agreement or compulsorily land for the purpose of laying out or rendering suitable for a walkway any way or place, or for extending or

Clarification
of section 22
of Act of
1969.

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—cont.

improving a walkway, include and have always included the power to acquire, whether by agreement or compulsorily, any public rights of way and of access which are required to be acquired in the circumstances referred to in the proviso to paragraph (b) of subsection (3) of section 11 (As to provision and declaration of walkways) or in paragraph (b) of subsection (3) of section 12 (Planning permission relating to walkways) of the Act of 1969.

Further provisions as to powers, etc., of statutory undertakers in walkways.

10. The following sections 25 to 25C (inclusive) shall be substituted for section 25 (Consultation with statutory undertakers) of the Act of 1969:—

“ Further provisions as to statutory undertakers.

25.—(1) The Council or a borough council (hereafter in this section referred to as ‘ the local authority ’) shall, at as early a date as is reasonably practicable in connection with any proposal for a walkway which is under consideration by them, consult with each of the statutory undertakers providing services or operating in that part of the area of the local authority in which the walkway (hereafter in this section referred to as the ‘ proposed walkway ’) is proposed to be situated and, following such consultation, shall give to those undertakers by notice in writing at as early a date as is reasonably practicable such particulars of or in relation to the proposed walkway as the undertakers may require, in so far as those particulars are in the possession of the local authority, in any case where the local authority—

- (a) as the local planning authority in connection with a proposal for the development of land (not constituting an application for planning permission) or an application for outline planning permission which falls to be dealt with by them, consider that any permission which might be granted for the development in question (whether by them or by the Minister) should be subject to all or any of the conditions specified in paragraphs (a) to (f) of subsection (2) of section 12 (Planning permission relating to walkways) of this Act;
- (b) as the local planning authority in connection with any application for planning permission which falls to be dealt with by them, other than an application for outline planning permission, consider that any permission granted (whether by them or by the Minister) should be subject to all or any of the said conditions;

- (c) as the local planning authority, have received any details which materially affect the design or construction of the proposed walkway and which have been submitted to them for approval in pursuance of a planning permission previously granted subject to conditions which included all or any of the said conditions; or
- (d) in any case to which the foregoing paragraphs do not apply, propose to lay out or render suitable for the proposed walkway any way or place in the exercise of the powers referred to in paragraph (a) of subsection (1) of section 11 (As to provision and declaration of walkways) of this Act or propose to enter into any such agreement as is referred to in paragraph (b) of that subsection;

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—cont.

and each of the statutory undertakers shall forthwith upon receipt of any such notice consult as to the matters to which the notice relates with the local authority and with the applicant for any planning permission concerned.

(2) Each of the statutory undertakers may, within a period of twenty-eight days from the date on which any notice given in the circumstances set out in paragraphs (b), (c) or (d) of the foregoing subsection is received by them, give to the local authority, and to any applicant for planning permission and any other person (not being the local authority) who is proposing to lay out or render suitable for the proposed walkway the way or place concerned or who is believed by the undertakers to be the owner of the way or place concerned or of any part thereof, a notice in writing containing—

- (a) a statement indicating the parts, if any, of the proposed walkway to which the undertakers giving the notice consider that subsection (1) of the last foregoing section would apply, together with particulars of the apparatus and the accommodation therefor (specifying, so far as practicable, the type, size and weight thereof and any operational requirements in connection therewith) proposed to be installed and maintained therein for the purposes of their undertaking; and
- (b) particulars of the apparatus and the accommodation therefor, if any (specifying, so far as practicable, the type, size and weight thereof and any operational requirements in connection therewith), which the undertakers giving the

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—cont.

notice consider should be installed and maintained in accordance with the provisions of this section in any other part of the proposed walkway for the purposes of their undertaking.

(3) If within a period of twenty-eight days from the receipt by the local authority of any notice under the last foregoing subsection, or such longer period as may be agreed between the parties hereinafter mentioned, agreement on the question whether or not the proposed walkway or any part thereof will be a walkway to which subsection (1) of the last foregoing section applies has not been reached between the local authority, the statutory undertakers concerned, the applicant for planning permission, any other person proposing to lay out or render suitable for the proposed walkway the way or place concerned and the owner or owners of the way or place concerned (all of which parties, or such of them as may be appropriate in any particular case, or (as the case may be) their respective successors in title, are hereafter in this section and in the next following section referred to as 'the parties concerned'), any of the parties concerned may, after giving notice in writing to the other parties, refer the question for determination by the Minister whose determination shall be made at as early a date as is reasonably practicable and shall be final on that reference:

Provided that in circumstances in respect of which no determination has been made by the Minister under the foregoing provisions of this subsection, any of the parties concerned may at any time, after giving notice in writing to the other parties, refer the question whether or not a walkway, or part of a walkway, is a walkway or part of a walkway to which subsection (1) of the last foregoing section applies, for determination by the Minister whose determination shall be made at as early a date as is reasonably practicable and shall be final on that reference.

(4) (a) A copy of any notice given by statutory undertakers under subsection (2) of this section, in so far as such notice contains particulars of apparatus and the accommodation therefor which the undertakers consider should be installed and maintained in a proposed walkway as respects which no agreement has been reached or determination made under the last foregoing subsection that it will be a walkway, or part of a walkway, to which subsection (1) of the last foregoing section applies, shall at the same time be referred by the undertakers to the Minister who shall determine whether or

not to grant to the undertakers the right to install and maintain in the proposed walkway apparatus of such type or description in such manner and on such terms, conditions and arrangements (other than as to monetary payment) as he may specify:

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—cont.

Provided that the exercise of the Minister's discretion to grant or not to grant any such right as he thinks fit under the foregoing provisions of this subsection shall be subject to the requirement that he shall only grant any such right if he is satisfied that there is no satisfactory, practicable alternative method of providing the supply for which such apparatus is required.

(b) Nothing in this section shall authorise the Minister to make any determination as to what apparatus and accommodation therefor may be installed and maintained in a proposed walkway as respects which an agreement has been reached or determination made under the last foregoing subsection that it will be a walkway, or part of a walkway, to which subsection (1) of the last foregoing section applies.

(c) The Minister's determination whether or not to grant the right or rights (as the case may be) referred to in paragraph (a) of this subsection shall be made at as early a date as is reasonably practicable and shall be final on that reference.

(d) Where any determination granting any such right as is referred to in paragraph (a) of this subsection has been made, the parties concerned shall be under a duty to take whatever steps are available to them, and as may be necessary from time to time, to secure that, if the proposed walkway is constructed, it will include such facilities as may be necessary to accommodate the apparatus in accordance with the determination and otherwise to comply with the determination.

(e) Any apparatus which is or may be installed and maintained by virtue of a determination under this subsection is hereafter in this section referred to as the 'specified apparatus'.

(5) During any period within which a notice may be served by any of the statutory undertakers under subsection (2) of this section, or if such a notice is served and a copy thereof is referred to the Minister under the last foregoing subsection then, until the notice is withdrawn or the Minister has determined whether or not to grant a right in pursuance of the notice, no building or other works to which the relevant notice served under

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subsection (1) of this section relates shall be construed or carried out in such a way as to prejudice or prevent the implementation of any such determination.

(6) The provisions of subsections (7) to (11) (inclusive) of this section shall apply in relation to any walkway or proposed walkway, or part thereof, except where it has been agreed or determined as aforesaid that the provisions of subsection (1) of the last foregoing section will apply thereto.

(7) (a) Such compensation (if any) as may be agreed or in case of dispute determined in the manner provided by paragraph (c) of this subsection shall be payable by the statutory undertakers concerned (and, where two or more undertakers are concerned, shall be payable by them in such proportions as may be agreed between those undertakers or in default of agreement determined as aforesaid) for—

- (i) any additional expenditure which may be incurred by any person; or
- (ii) any increased costs of maintenance or insurance of the walkway or proposed walkway, or of any building forming part of the development and adjoining or comprising any part of such walkway, which may be incurred by any person; or
- (iii) any loss (including an amount equal to any depreciation in the value of an interest in land) which may be sustained by the local authority or by the owner or occupier of any such building as aforesaid;

arising from or as a consequence of the granting of any right under this section or the provision in pursuance thereof of any facilities for the installation and maintenance of specified apparatus in a walkway or proposed walkway.

(b) Any such compensation as aforesaid shall be taken into account in the assessment of any compensation payable in relation to the walkway or proposed walkway under any other relevant provision of this Part of this Act.

(c) Any dispute arising as to compensation payable under this subsection shall be determined by the Lands Tribunal.

(d) For the purposes of any reference to the Lands Tribunal under this subsection, section 4 of the Act of 1961 shall apply and have effect as if for references therein to the acquiring authority there were substituted references to the statutory undertakers concerned.

(e) In assessing the compensation (if any) payable to any person under this subsection, the Lands Tribunal shall take into account the extent (if any) to which that person will save the expense of providing accommodation or facilities for apparatus in or through any building forming part of the development in consequence of the installation of the specified apparatus in the walkway.

(8) Nothing in, or done under, this section shall be deemed—

- (i) to empower or require the local authority to exercise their powers under section 22 (Acquisition of land, or rights in land, for walkways) of this Act, or under any other enactment, to acquire land (whether or not by way of the creation of new interests) for the purpose of securing the provision of accommodation for apparatus; or
- (ii) to empower or require the proposed walkway to be constructed otherwise than in accordance with any requirements of, or imposed in pursuance of, building regulations made under section 4 of the Public Health Act, 1961, or 1961 c. 64. (as the case may be) the relevant provisions of the London Building Acts (as defined in subsection (5) of section 43 of the Act of 1963) and the byelaws made thereunder, so far as such requirements may be applicable.

(9) Where statutory undertakers have been granted the right to install and maintain specified apparatus in a walkway or proposed walkway by a determination of the Minister under subsection (4) of this section, such right shall (without prejudice to the provisions of the next following section) be binding on any person for the time being having an interest in the walkway or in any building adjoining or comprising any part of the walkway; and, in relation to the specified apparatus, the undertakers shall have the same powers and be under the same obligations in relation to the placing, inspecting, maintaining, adjusting, repairing, altering, renewing or removing of such apparatus, within the design limitations under which the specified apparatus was originally installed in the walkway, as they have, and are under, in relation to apparatus in a walkway to which subsection (1) of the last foregoing section applies, subject to the provisions of this Part of this Act and to—

- (a) the provisions of any such determination;

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—cont.

- (b) the undertakers taking all reasonable steps, in consultation (except in a case of emergency) with the borough council in whose area the walkway is situated, to avoid, when exercising the said powers, unnecessary interference with the use of the walkway by the public or with the use of any building adjoining or comprising any part of the walkway; and
- (c) compliance with the terms of any byelaw regulating, or consent authorising, the use of vehicles on the walkway.

(10) (a) Subject to the provisions of the next following subsection, no rights to install apparatus in a walkway shall be created or be exercisable otherwise than in pursuance of—

- (i) a determination of the Minister made under subsection (4) of this section; or
- (ii) the provisions of any other enactment not contained in this Part of this Act.

(b) No rights to extend or add to any specified apparatus in a walkway shall be created or be exercisable otherwise than in pursuance of—

- (i) an agreement made at any time between the statutory undertakers concerned, the local authority and every person whose interest is affected as an owner or occupier of the land or building in, through, over or under which the walkway is situated; or
- (ii) the provisions of any other enactment not contained in this Part of this Act.

(11) Nothing in this section shall apply so as to require any notice to be referred to or any determination to be made by the Minister in relation to the installation and maintenance in a walkway or proposed walkway of any apparatus for the supply of electricity which is required for or in connection with the operation or maintenance of the walkway.

(12) The Minister may cause such local inquiries or hearings to be held as he may consider necessary for the purpose of any of his functions under this section or the next following section, and subsections (2) to (5) (inclusive) of section 290 of the Act of 1933 shall apply in relation to any such inquiry and subsections (4) and (5) of that section shall apply in relation to any such hearing.

As to removal of apparatus from walkways.

25A.—(1) Any person who is under a duty to provide and maintain support for a walkway and who proposes to take any such action as is referred to in subsection (3) of section 16 (Support for walkways) of this Act, and the borough council in whose area the walkway is situated as respects any proposed alteration or discontinuance of a walkway, shall give to each of the statutory undertakers whose apparatus in the walkway will be affected thereby, at as early a date as is reasonably practicable, prior notice in writing of such proposal, and on receipt of such notice the statutory undertakers shall be under a duty, in consultation with the borough council and with any such person as aforesaid, to proceed with all reasonable dispatch to remove such apparatus within such period as may be specified in the notice or within the period of six months from the date on which that notice was received by them, whichever is the longer; and if that apparatus is not so removed by the expiration of the said period then civil proceedings shall lie at the instance of that person or the borough council (as the case may be) to secure the removal of the apparatus and for damages in respect of any loss sustained by them by reason of the failure of the undertakers to remove the apparatus.

(2) In the event of the demolition or substantial alteration of, or damage caused or arising to, any building necessitating the alteration or discontinuance of any walkway or part of a walkway, the statutory undertakers shall be responsible for the cost of any necessary re-routing and reinstalling elsewhere of any of their apparatus installed in that walkway or part:

Provided that—

- (i) the undertakers shall in those circumstances, if it is reasonably practicable so to do, be entitled, on reasonable terms and conditions, to place the said apparatus in the structure (if any) which is temporarily to replace the former walkway;
- (ii) where a walkway is altered or discontinued otherwise than by reason of the alteration or demolition of, or damage caused or arising to, any building as aforesaid, the borough council in whose area the walkway is situated shall be responsible for the reasonable cost of any necessary re-routing and reinstalling elsewhere of any apparatus in the walkway.

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PART IV
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(3) Any question or difference arising under the last foregoing subsection may be referred by any of the parties concerned, after giving notice in writing to the other parties, for determination by the Minister whose determination shall be made at as early a date as is reasonably practicable and shall be final, and where two or more statutory undertakers are concerned the references shall be dealt with as one reference at the same time.

Modifica-
tion of
certain
provisions
by agree-
ment.

25B. Any of the provisions of subsections (1) or (2) of section 25 (Further provisions as to statutory undertakers) or of section 25A (As to removal of apparatus from walkways) of this Act may be modified or excluded by an agreement in writing between the local authority and any statutory undertakers except in so far as the said provisions affect the rights of any other person who, or whose predecessor in title, has not agreed in writing to such modification or exclusion.

Liability
of
statutory
under-
takers in
walkways.

25c.—(1) Subject to the provisions of this section, any statutory undertakers shall, without prejudice to any other liability attaching at law, be absolutely liable in civil proceedings to the owner or occupier of, or any other person having an interest in, a walkway or any building adjoining or comprising any part of a walkway in respect of damage caused by the malfunctioning of any of the apparatus of those undertakers which has been installed in the walkway (not being a walkway, or part of a walkway, to which subsection (1) of section 24 (Statutory undertakers' works) of this Act applies).

(2) For the purposes of the law of tort, liability under this section shall be regarded as arising from a duty owed by the statutory undertakers concerned to the said owner, occupier or other person suffering the damage, and in section 1 of the Fatal Accidents Act, 1846, references to a wrongful act, neglect or default shall include references to any occurrence which gives rise to liability under this section.

(3) Notwithstanding anything to the contrary in the foregoing provisions of this section, in any case where the said owner, occupier or other person suffers such damage as is referred to in subsection (1) of this section—

(i) wholly as the result of his own fault or the fault of his servant or agent, then the statutory undertakers concerned shall not be liable to him in respect of the damage;

1846 c. 93.

(ii) partly as the result of such fault, then the provisions of the Law Reform (Contributory Negligence) Act, 1945, shall apply and have effect in relation to any damages recoverable by him in pursuance of this section as if in subsection (1) and subsection (4) of section 1 of that Act the words 'and partly of the fault of any other person or persons' were omitted.

PART IV
—cont.

1945 c. 28.

(4) In this section 'damage' means loss of life, personal injury and damage to property together with loss or disturbance directly arising from such damage to property."

11.—(1) In subsection (4) of section 15 (Paving, etc., of walkways) of the Act of 1969, for the words "such walkway or part of a walkway as is referred to in section 24 (Statutory undertakers' works) of this Act" there shall be substituted the word "walkway".

Miscellaneous amendments of Part III of Act of 1969, etc.

(2) In subsection (8) of section 21 (Compensation) of the Act of 1969, after the word "shall" there shall be inserted the words "apply and".

(3) In paragraph (a) of subsection (1) of section 24 (Statutory undertakers' works) of the Act of 1969, at the end there shall be added the words "and as if the street managers thereof were the borough council, the owner of land in which the walkway, or part thereof, is situated and any occupier of any such land who is responsible for paving, repairing, draining, cleansing or lighting that walkway or part."

(4) In subsection (4) of section 24 (Statutory undertakers' works) of the Act of 1969, the words "For the avoidance of doubt" shall be omitted.

(5) In subsection (1) of section 26 (As to building control) of the Act of 1969, for the words "the last foregoing section" there shall be substituted the words "section 24 (Statutory undertakers' works) of this Act".

(6) Any reference to a walkway in Part II of the Twelfth Schedule to the Act of 1959, as applied by subsection (1) of section 29 (Application to walkways of certain enactments) of, and Part I of Schedule 1 to, the Act of 1969, shall be construed as a reference to a walkway to which subsection (1) of section 24 (Statutory undertakers' works) of the Act of 1969 applies, and references to statutory undertakers in the said Part II of that first-mentioned schedule as so applied shall not include any reference to the Post Office.

PART IV
—cont.
1969 c. 48.

(7) The Act of 1969 shall be deemed not to be a special enactment for the purposes of paragraph 96 (1) (b) of Schedule 4 to the Post Office Act, 1969, as regards any walkway or part of a walkway.

1969 c. lii.

(8) Subsections (3) and (4) of section 300 of the Act of 1959 shall apply and have effect in relation to a walkway to which subsection (1) of section 24 (Statutory undertakers' works) of the Act of 1969 applies as if in the said subsection (3) for the words "an order made by a magistrates' court under section one hundred and eight of this Act a highway is stopped up or diverted" there were substituted the words "a resolution passed by a London borough council under subsection (5) of section 11 (As to provision and declaration of walkways) of the Greater London Council (General Powers) Act, 1969, a walkway is altered or discontinued" and for the words "stopping up or diversion ceases to be a highway" there were substituted the words "alteration or discontinuance ceases to be a walkway"; and as if in the said subsection (3) and in the said subsection (4) for the words "the making of the order" there were substituted the words "the passing of the resolution" and for the words "the authority on whose application the order was made" there were substituted the words "the London borough council who passed the resolution".

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Amendments
of Part II
of Act of
1969.

12.—(1) In section 4 (Interpretation of Part II) of the Act of 1969—

(a) for the definition of "sludge main" there shall be substituted the following definition:—

" '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 any sewage disposal works vested in the Council or partly for that purpose and partly for the conveyance or disposal of any such residue or trade effluent as is referred to in paragraph (b) of subsection (1) of section 5 (Powers as to provision and maintenance of sludge mains) of this Act;";

(b) after the definition of "main sewer" there shall be inserted the following definition:—

" 'pipe' includes a tunnel;".

(2) In section 5 (Powers as to provision and maintenance of sludge mains) of the Act of 1969, for subsection (1) there shall be substituted the following subsection:—

“(1) Without prejudice to any other powers so enabling them, the Council may—

PART V
—cont.

(a) provide and maintain sludge mains; and

(b) permit a pipe which is used or intended to be used solely for the purpose of conveying—

(i) the residue of sewage treated in a sewage disposal works (not being a sewage disposal works vested in the Council); or

(ii) any trade effluent (as defined in subsection (1) of section 11 of the Rivers (Prevention of Pollution) Act, 1951) or the residue thereof;

1951 c. 64.

to be connected with and its contents to be discharged into a sludge main and in giving such permission the Council may attach thereto such requirements as to the treatment of the said residue or trade effluent or otherwise and such other terms and conditions (including the payment of money to the Council) as the Council may think fit.”.

13.—(1) The period now limited by the Greater London Council (General Powers) Act, 1965, for the exercise of powers conferred by the London County Council (Improvements) Act, 1939, for the execution of works in the borough of the city of Westminster authorised by the said Act of 1939 is hereby further extended until 31st December, 1975.

Extension of
time for
completion
of works.
1965 c. xx.
1939 c. ci.

(2) The provisions of the foregoing subsection shall be deemed to have come into force on 30th September, 1970.

14.—(1) Where in the opinion of any association or committee which appears to the Council to be representative of the borough councils (hereafter in this section referred to as “the association”) it is desirable that expenditure to which this section relates should be incurred on behalf of the borough councils as a whole, the Council may, without prejudice to any other powers so enabling them and at the request in writing of the association, make the required payments on behalf of all borough councils:

Expenditure
by Council
on behalf of
borough
councils.

Provided that—

(a) no such request shall be made unless not less than three-quarters of the borough councils forming the association have assented to the making of such request;

(b) in any case where the enactment empowering the borough councils to incur the expenditure requires the consent of an appropriate Minister, the association may make application for such consent on behalf of the borough councils as a whole and in such a case shall not request the Council to make the required payments until such consent has been given;

(c) payments by the Council under this subsection shall not, in any year, exceed in the aggregate the equivalent

PART V
—cont.

of the product of a rate of one-tenth of a penny in Greater London, as ascertained or estimated for the purposes of the Act of 1967.

(2) The borough councils shall repay to the Council any payments made on their behalf under the foregoing subsection, and in respect of such payments made in any year the amount recoverable by the Council from a borough council shall—

- (a) bear the same proportion to the total payments made by the Council under this section as, at 1st April in that year, the aggregate rateable value of the property in the rating area of the borough council bears to the like aggregate rateable value of property in the rating areas of all borough councils, such rateable values being assessed in accordance with the provisions of the Act of 1967;
- (b) be specified in a notice served by the Council on the borough council and such notice shall constitute a formal demand for the amount recoverable.

(3) With effect from 15th February, 1971, for the words “one-tenth of a penny” in paragraph (c) of the proviso to subsection (1) of this section there shall be substituted the words “0.05p”.

(4) In this section—

1967 c. 9.

“the Act of 1967” means the General Rate Act, 1967;

“borough council” includes the Common Council;

“expenditure to which this section relates” means expenditure which the borough councils are empowered to incur in pursuance of the provisions of any enactment other than this section, being—

(i) contributions to such voluntary organisations and of such amounts as may from time to time be specified by resolution of the association;

(ii) expenditure on the provision or maintenance of hostels for the rehabilitation of drug addicts or former drug addicts;

“voluntary organisation” means a body the activities of which are carried on otherwise than for profit, but does not include any public or local authority;

“year” means a period of twelve months beginning with 1st April.

Licence to
erect
scaffolding.

15.—(1) It shall not be lawful for any person in connection with any building operations or work of demolition, or in connection with the alteration, repair, maintenance or cleansing of any building—

- (a) to erect, place or retain, or cause to be erected, placed or retained, any scaffolding, obstruction or projection constituting an obstruction (each of which is hereafter in this section referred to as “scaffolding”) in, upon

or over any highway in a borough except in accordance with a licence previously granted for that purpose by the highway authority; or

- (b) to contravene such terms and conditions as to public safety or otherwise as may be laid down in any licence granted to him under this section:

Provided that—

- (i) the highway authority shall be entitled to refuse a licence only on the grounds that the scaffolding would cause an avoidable or unreasonable obstruction of such highway; and
- (ii) no licence shall be required under this section before the expiry of a period of two months from the date of the passing of this Act for the retention of any such scaffolding which was placed or erected before that date.

(2) Any scaffolding erected under a licence granted under this section shall be sufficiently lighted at all times between half an hour after sunset and half an hour before sunrise:

Provided that this subsection shall not apply to scaffolding projecting over the footway of a highway but not over the carriageway if no part thereof is less than 8 feet above the level of the footway measured vertically and if the nearest part thereof to the carriageway is at least 1 foot 6 inches from the carriageway measured horizontally.

(3) Any person offending against the provisions of this section shall be liable on summary conviction to a fine not exceeding twenty pounds for a first offence and fifty pounds on a second or subsequent conviction.

(4) Any person aggrieved by the refusal of the highway authority to grant a licence under this section, or by the terms and conditions laid down in any such licence, may appeal to a magistrates' court.

(5) No licence shall be required under this section in respect of any scaffolding erected, placed or retained by the British Railways Board or the London Transport Executive for the purpose of constructing, reconstructing or maintaining any works in the exercise of their statutory powers.

(6) (a) Where the highway authority grant any licence under this section the licence shall contain a condition that the person to whom such licence is granted shall comply with the reasonable requirements of any statutory undertakers concerned for the protection of any apparatus belonging to, or used or maintained by, the undertakers or for securing access to such apparatus.

(b) In this subsection—

“ apparatus ” includes any structure for the lodging therein of apparatus;

PART V
—cont.

“ statutory undertakers ” means persons authorised by any enactment to carry on any undertaking for the supply of electricity, gas, heat, hydraulic power or water, and includes the Post Office.

(7) For the avoidance of doubt it is hereby declared that the functions of the Council which may be delegated by virtue of subsection (1) of section 18 of the Act of 1963 include the functions of the Council as highway authority under this section.

1958 c. vi. (8) Section 36 (Licence to erect scaffolding) and paragraph (8) of section 126 (For protection of certain statutory undertakers) of the Kent County Council Act, 1958, and section 27 (Licence to erect scaffolding) and paragraph (2) of section 58 (For protection of certain statutory undertakers) of the Middlesex County Council Act, 1961, so far as they relate to any part of Greater London, shall cease to have effect:

1961 c. xxxvii.

Provided that any licence granted under the said section 36 or the said section 27 and in force in Greater London at the date of the passing of this Act shall continue in force for the period for which it was granted and have effect as if it had been granted under this section.

(9) In this section “ highway authority ” means—

- (a) in relation to a trunk road in a borough, the Secretary of State for the Environment or, with his consent, the authority who are for the time being acting as his agent under the Act of 1959 with respect to that trunk road;
- (b) in relation to a metropolitan road in a borough, the Council; and
- (c) in relation to any other highway in a borough, the borough council.

Costs of Act.

16. 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—

- (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.

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