

ELIZABETH II



1978 CHAPTER xvi

**An Act to confer further powers upon the Greater London Council and other authorities; and for other purposes.
[31st July 1978]**

WHEREAS—

(1) It is expedient that further and better provision should be made for the improvement, development and financing of local government services in Greater London and for the safety of persons residing therein and that the powers of the Greater London Council (hereinafter called "the Council") and of 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 that the restriction on the erection of buildings contained in the Disused Burial Grounds Act 1884 should not 1884 c. 72. apply to certain lands in the London borough of Tower Hamlets:

1900 c. cclxviii. (3) In pursuance of the London County Council (General Powers) Act 1900 and certain other enactments, the Council are required to hold and manage the lands in the London borough of Greenwich known as the ranger's house for the purposes of public recreation and may permit the said lands to be used for certain educational and cultural activities, and it is expedient that the Council should be authorised to lease the first floor of the ranger's house as provided in this Act:

(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:

1972 c. 70. (6) In relation to the promotion of the Bill for this Act the Council have complied with the requirements of section 239 of the Local Government Act 1972:

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) (No. 2) Act 1978.

Interpretation. 2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—

“borough” means London borough and “borough council” means London borough council;

“the Council” means the Greater London Council;

and any reference to an enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any subsequent enactment, including this Act, or by or under any order, rule, regulation or other instrument having effect by virtue of an enactment.

PART II

PROVISIONS RELATING TO THE COUNCIL

Amendment of Part III of Act of 1968. 3.—(1) In this section “the Act of 1968” means the Greater London Council (General Powers) Act 1968.

1968 c. xxxix. (2) On and after 1st January, 1980 Part III (Storage of flammable material) of the Act of 1968 shall have effect subject to the following amendments:—

(a) in the definition of “flammable material” in section 15 (Interpretation of Part III) thereof for the words from

“ or materials of similar character; or ” to the end of the definition there shall be substituted the following:—

PART II
—cont.

“ (vii) materials of the type commonly known as plastics;

or materials of similar character; ”;

(b) in paragraph (b) of subsection (1) of section 21 (Consent not required, or deemed to be given, in certain circumstances) the words from “ fifteen feet ” (where they first occur) to “ plastics material,” shall be omitted;

(c) in the proviso to the said paragraph (b) the words “ or (as the case may be) of plastics ” shall be omitted;

(d) in section 22 (As to application of Part III to certain stacks) subsections (2), (3) and (4) shall be omitted.

(3) (a) Where by virtue of the last foregoing subsection a stack of material or materials commonly known as plastics on any premises is on or after 1st January, 1980 required to be formed or maintained in accordance with the provisions of Part III of the Act of 1968, the occupier of those premises may, before 1st September, 1979, submit to the Council an application in writing that section 16 (Consent to storage of flammable material) of the Act of 1968 shall not have effect in relation to those premises until such date after 1st January, 1980, but not later than 1st January, 1981, as he may specify in that application, being a date which is in his opinion reasonable having regard to the need to modify, by reason of the passing of this Act, the operations of any undertaking, trade or business being carried on on those premises.

(b) The Council may, by notice served on the occupier of any premises who has submitted an application under the foregoing paragraph and within a period of two months from the date of the receipt of that application—

(i) approve the application and the date specified therein;

(ii) approve the application subject to the substitution for the date specified therein of such other date as the Council may consider to be reasonable in the circumstances; or

(iii) refuse to approve the application if they consider such action to be reasonable in the circumstances;

and if the Council have not notified the applicant of their decision on his application within the said period of two months, the provisions of Part III of the Act of 1968 shall have effect as if the approval of the Council applied for under this subsection had been given on the last day of that period.

(c) Any applicant aggrieved by the terms of a notice served on him by the Council under paragraph (b) of this subsection may appeal to the Secretary of State and section 17 (Appeals) of the

PART II
—*cont.*

Act of 1968 shall, with any necessary modifications, apply for the purposes of such an appeal as it applies for the purposes of an appeal against a refusal to give a consent under subsection (1) of section 16 (Consent to storage of flammable material) of the said Act.

(4) The enactment specified in column (1) of Part I of Schedule 1 to this Act, which is spent to the extent specified in column (2) of that Schedule, is hereby repealed to that extent.

Amendment
of section 27
of Act of
1958.
1958 c. xxi.

4. On and after 1st April, 1979 section 27 (Charges in respect of subways of Council) of the London County Council (General Powers) Act 1958 shall have effect as if for subsection (5) thereof there were substituted the following subsection:—

“(5) The charges which have been settled by agreement or by arbitration under the foregoing provisions of this section and are payable in respect of the period ending on 31st March, 1979 shall be reviewed at the expiration of that period and at the expiration of every period of one year thereafter and on any such review the charges in respect of the next following period of one year shall, unless otherwise agreed between the Council and the undertakers concerned, be settled by arbitration in the manner provided in subsections (3) and (4) of this section.”.

As to former
burial ground
in Tower
Hamlets.
1884 c. 72.

5.—(1) Nothing in the Disused Burial Grounds Act 1884 shall apply to the land in the borough of Tower Hamlets shown by a pink colour on the plan, four copies of which have been signed by David Watkins, the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited respectively in the office of the Clerk of the Parliaments, House of Lords, in the Private Bill Office of the House of Commons, with the Director-General and Clerk to the Council and with the Chief Executive of the borough of Tower Hamlets:

Provided that this section shall have effect in relation to such land from the date of the passing of this Act or from the date of the acquisition thereof by the Council whichever is the later.

(2) Before the Council erect or permit the erection of any building on any part of the said land coloured pink in relation to which this section has effect they shall remove or cause to be removed the remains of all deceased persons interred in that part and cause them to be re-interred in such burial ground or cemetery in which burials may legally take place, or cremated in such crematorium, as the Council think suitable for the purpose, but in the case of interment in a churchyard the previous consent of the incumbent of the parish shall be required:

Provided that the Secretary of State on the application of the Council and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

PART II
—cont.

(3) The removal of the remains of any deceased person under this section shall be carried out in accordance with any directions that may be given by the Secretary of State.

6.—(1) In this section—

“ the Commissioners ” means the Crown Estate Commissioners;

Power to
lease part of
ranger's
house,
Greenwich.

“ the deed of covenant ” means the deed dated 7th November, 1958 and made between the London County Council of the first part, the Commissioners of the second part and the Queen's most Excellent Majesty of the third part, which was expressed as being supplemental to a conveyance dated 31st January, 1902 by which certain land at Greenwich (including the ranger's house) was conveyed to the said County Council and in which the said County Council covenanted to observe certain stipulations concerning the use of the said land; and

“ the ranger's house ” means the mansion forming part of the said land at Greenwich which land is referred to in section 21 (Purchase of ranger's house at Greenwich Park) of the London County Council (General Powers) Act 1900.

1900 c. cclxviii.

(2) Without prejudice to any other power exercisable by them in relation to the ranger's house and notwithstanding anything in the said section 21 of the said Act of 1900 or in any other enactment the Council may, from time to time and subject to such terms and conditions as may be agreed with the person concerned and for a term not exceeding in any one case twenty-one years, lease to any such person, and for any such purposes, as may be approved in writing by the Commissioners the whole or any part of the first floor of the ranger's house and may grant to any such person such easements, rights, privileges or licences as may reasonably be required in connection with a lease of the said first floor.

(3) The covenants contained in the deed of covenant shall have effect subject to the following provisions:—

(a) the stipulation in the schedule to the deed of covenant which requires certain land at Greenwich including the ranger's house to be held and used by the Council for the purposes of public recreation only under their direct control and management shall be deemed not to be infringed; and

PART II
—cont.

(b) for the purposes of any right of pre-emption or re-purchase reserved and secured by the deed of covenant in that behalf, the said land at Greenwich shall not be deemed to have ceased to be used for the purposes set out in paragraph 1 of the said schedule to the deed of covenant;

solely by reason of anything done in pursuance of this section but save as aforesaid nothing in this section shall prejudice or affect any provision of the deed of covenant.

PART III

PROVISIONS RELATING TO THE COUNCIL AND TO BOROUGH
COUNCILS, ETC.

Amendment
of Acts of
1935 and
1939 as to
fines and
penalties.
1935 c. xcii.

7.—(1) In section 5 (Offences against byelaws) of the London Building Act (Amendment) Act 1935 for the words “fifty pounds” and “ten pounds” respectively there shall be substituted the words “five hundred pounds” and “fifty pounds”.

(2) In subsection (8) of section 9 (Modification or waiver of byelaws) of the said Act of 1935 for the words “fifty pounds” and “ten pounds” respectively there shall be substituted the words “five hundred pounds” and “fifty pounds”.

1939 c. xcvii.

(3) Subsection (2) of section 148 (Offences against Act) of the London Building Acts (Amendment) Act 1939 shall have effect as if for the fines specified in relation to each offence set out in the Table in the said subsection there were substituted the fines specified in relation to that offence in Part I of Schedule 2 to this Act.

(4) Subsection (3) of the said section 148 shall have effect as if for the fines specified in relation to such of the offences set out in the Table in the said subsection as are specified in Part II of Schedule 2 to this Act there were substituted the fines specified in relation to those offences in that Part.

1930 c. clviii.

(5) The London Building Act 1930, the London Building Act (Amendment) Act 1935, the London Building Acts (Amendment) Act 1939, sections 6 and 7 of the London County Council (General Powers) Act 1954, sections 5 to 13 of the London County Council (General Powers) Act 1955, section 62 of the London County Council (General Powers) Act 1956, sections 15 to 17 of the London County Council (General Powers) Act 1958, section 43 of the London Government Act 1963, section 6 of the Greater London Council (General Powers) Act 1965, section 22 of the Greater London Council (General Powers) Act 1966 and this section may be cited together as the London Building Acts 1930 to 1978.

1954 c. xxiv.

1955 c. xxix.

1956 c. lxxvii.

1958 c. xxi.

1963 c. 33.

1965 c. xx.

1966 c. xxviii.

Amendment
of section 14
of Act of 1970.

8. In the definition of “expenditure to which this section relates” in subsection (4) of section 14 (Expenditure by Council on behalf of borough councils) of the Greater London Council

(General Powers) Act 1970 there shall be added after paragraph (ii) thereof—

PART III
—cont.

“(iii) contributions to the expenses of the Port of London Authority in clearing the river Thames of floating refuse.”

1970 c. lxxvi.

PART IV

PROVISIONS RELATING TO BOROUGH COUNCILS, ETC.

9.—(1) The enactments specified in column (1) of Schedule 3 to this Act (which enactments confer powers on certain local authorities to license establishments for massage or special treatment in the whole or part of the areas of those authorities) shall have effect, so far as they relate to any part of Greater London, as if for each provision specified in column (2) of the said Schedule 3 there were substituted respectively the corresponding provision set out in column (3) of that Schedule.

Fees to applicants for licences for premises used for massage or special treatment.

(2) In each of the provisions set out in column (3) of the said Schedule 3 the references to “the authority” shall be construed as references to any borough council, or to the Common Council of the City of London, as the case may be, authorised to license establishments for massage or special treatment by the corresponding enactments specified in column (1) of that Schedule.

10.—(1) In subsection (4) of section 23 (Fees on licences) of the London County Council (General Powers) Act 1947 for the words from “a fee” to “this Act” there shall be substituted the words “such reasonable fee as the borough council think fit”, and the following proviso shall be added to the said subsection (4):—

Fees to applicants for temporary street trading licences.

1947 c. xlvi.

“ Provided that—

- (a) before fixing the fee to be imposed under this subsection or varying any such fee the borough council shall take such steps as they consider appropriate for the purpose of affording to any recognised organisation representative of street traders affected by the proposed fixing or variation of the fee and to any street trader so affected and not being a member of any such organisation an opportunity to make representations with regard thereto and shall consider such representations; and
- (b) in fixing the fee the borough council shall have regard to the matters for or in respect of which they are in the case of annual licences authorised by section 26 (Charges to holders of annual licences) of this Act to make charges to the holders of those licences.”

(2) Section 60 (Fees on licences) of the Middlesex County Council Act 1956 shall have effect, in so far as it relates to any

1956 c. xc.

PART IV
—cont.

part of Greater London, as if in subsection (3) thereof for the words from “ a fee ” to “ this Act ” there were substituted the words “ such reasonable fee as the local authority think fit ”, and as if the following proviso were added to the said subsection (3):—

“ Provided that before fixing the fee to be imposed under this subsection or varying any such fee the local authority shall take such steps as they consider appropriate for the purpose of affording to any recognised organisation representative of street traders affected by the proposed fixing or variation of the fee and to any street trader so affected and not being a member of any such organisation an opportunity to make representations with regard thereto and shall consider such representations.”.

(3) (a) Notwithstanding the following subsection, until such time as a borough council first fix the fee to be imposed in accordance with the provisions referred to in, and as amended by, subsection (1) or (2) of this section, an applicant for a temporary licence shall pay to that borough council such fee as may be determined by the borough council not exceeding the maximum sum which, on the day preceding the date of the enactment of this Act, may be fixed for that purpose by byelaws made under, as the case may be, section 72 (Byelaws as to street trading) of the London County Council (General Powers) Act 1957 or section 64 (Byelaws as to trading under licences) of the said Act of 1956.

1957 c. xxxv.

(b) In this subsection “ temporary licence ” has the meaning assigned to it in, as the case may be, section 15 (Interpretation of expressions in Part IV of this Act) of the said Act of 1947 or section 52 (Interpretation of expressions in Part V) of the said Act of 1956.

(4) The enactments specified in column (1) of Part II of Schedule 1 to this Act, so far as they relate to any part of Greater London, are hereby repealed to the extent specified in column (2) of that Part.

PART V

SUPPLEMENTAL

Costs of Act.

11. Subject to the provisions of any enactment requiring or enabling expenses in connection with any function of the Council to be chargeable otherwise than as general expenses chargeable on the whole of Greater London, all expenses of the Council in the execution of this Act shall be defrayed as the Council may decide as—

- (a) general expenses chargeable on the whole of Greater London; or
- (b) special expenses chargeable only on such part of Greater London as the Council may determine.

SCHEDULES

SCHEDULE 1

MISCELLANEOUS LOCAL ENACTMENTS REPEALED

Section 3.
Section 10.

PART I

ENACTMENT REPEALED

Enactment (1)	Extent of repeal (2)	
Greater London Council (General Powers) Act 1968	Subsections (2) and (3) of section 23.	1968 c. xxxix.

PART II

LOCAL ENACTMENTS REPEALED IN GREATER LONDON IN RELATION TO STREET TRADING

Enactment (1)	Extent of repeal (2)	
Middlesex County Council Act 1956	In subsection (1) of section 64, paragraph (f).	1956 c. xc.
London County Council (General Powers) Act 1957	In subsection (1) of section 72, paragraph (f). Subsection (2) of section 72.	1957 c. xxxv.

Section 7.

SCHEDULE 2

INCREASE IN FINES FOR OFFENCES UNDER THE
LONDON BUILDING ACTS

PART I

Number of offence in Table in section 148 (2) of Act of 1939	Fine	Fine for each day
	£	£
(iv)	500	50
(v)	500	50
(vi)	500	50
(vii)	500	50
(viii)	50	5
(ix)	500	50
(x)	500	50
(xi)	500	50
(xii)	50	—
(xiii)	200	20
(xiv)	200	20
(xv)	200	20
(xvi)	200	20
(xvii)	200	20
(xviii)	200	20
(xix)	200	20
(xx)	50	5
(xxii)	500	50
(xxiii)	200	20
(xxiv)	200	—
(xxv)	50	5
(xxvi)	200	—
(xxx)	200	20
(xxxi)	200	20
(xxxii)	200	20
(xxxiii)	200	20
(xxxiv)	200	20
(xxxv)	200	20
(xxxvi)	200	20
(xxxvii)	200	20
(xxxviii)	50	—
(xxxix)	200	20

PART II

SCH. 2
—cont.

Number of offence in Table in section 148 (3) of Act of 1939	Fine for each day
(i)	£ 20
(ii)	50
(iii)	20
(iv)	20
(vi)	10

SCHEDULE 3

Section 9.

LOCAL ENACTMENTS MODIFIED IN GREATER LONDON IN RELATION TO
THE LICENSING OF PREMISES USED FOR MASSAGE OR SPECIAL TREATMENT

Enactment (1)	Provision replaced (2)	Provision substituted (3)
London County Council (General Powers) Act 1920	Section 12 (3)	The person making an application under this section shall when making the same pay to the authority such amount as may be determined from time to time by resolution of the authority as being appropriate and as may be sufficient in the aggregate to cover in whole or in part— (i) the reasonable cost of carrying out inspections of premises for the purpose of determining whether a licence under this section should be granted or renewed; and (ii) any reasonable administrative or other cost in connection with the consideration by the authority of applications for the grant or renewal of a licence.
Surrey County Council Act 1931	Section 19 (3)	1920 c. lxxxix. 1931 c. ci.
Essex County Council Act 1933	Section 57 (3)	1933 c. xlv.
Middlesex County Council Act 1944	Section 356 (3)	The person making an application under this section shall when making the same pay to the authority such amount as may be determined from time to time by resolution of the authority as being appropriate

SCH. 3
—cont.

Enactment (1)	Provision replaced (2)	Provision substituted (3)
1944 c. xxi. Middlesex County Council Act 1944 (cont.)	Section 356 (3)	and as may be sufficient in the aggregate to cover in whole or in part— (i) the reasonable cost of carrying out inspections of premises for the purpose of determining whether a licence under this section should be granted or renewed; and (ii) any reasonable administrative or other cost in connection with the consideration by the authority of applications for the grant or renewal of a licence; and the amount paid on any application for the grant or renewal of a licence may be retained by the authority whether such licence is or is not granted or renewed.

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CHAPTER xvi

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PROVISIONS RELATING TO BOROUGH COUNCILS, ETC.

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