



## CHAPTER xliii

An Act to confer further powers upon the London County Council and other authorities and for other purposes. [31st July 1953.]

**W**HEREAS—

(1) By section 7 of the Rivers Pollution Prevention Act 1876 the London County Council (hereinafter referred to as “the Council”) the councils of metropolitan boroughs and the common council of the city of London (hereinafter referred to as “the common council”) are respectively required to give facilities for the discharge into the sewers under their control of liquids proceeding from the premises of manufacturers within the administrative county of London (hereinafter referred to as “the county”):

(2) By the City of London (Various Powers) Act 1926 and the Public Health (London) Act 1936 (hereinafter referred to as “the Act of 1936”) the entry of certain matters into the sewers vested in the common council and in the Council respectively and into sewers and drains communicating with the sewers so vested is prohibited:

(3) It is expedient that better provision should be made as by this Act provided for prohibiting the entry of certain matters into the said sewers and drains and for enabling the Council the councils of metropolitan boroughs and the common council to regulate the admission into their sewers of the liquids proceeding from premises within the county at which trade or industry is carried on:

(4) The Council receive into their sewers the drainage of certain areas outside the county to which the provisions of the Public Health (Drainage of Trade Premises) Act 1937 do not extend and it is expedient that provision should be made for enabling the said Act to be applied to such areas :

(5) The time limited by certain enactments for the compulsory purchase of lands by the Council will shortly expire and it is expedient that the time so limited should be extended as by this Act provided :

(6) There are situate in the metropolitan borough of Hammersmith certain ways known as Lower Mall and Upper Mall respectively parts whereof abut upon an embankment wall of the river Thames and over which or some parts of which the public have a right of passage but doubts exist as to the precise extent of such right and as to the powers of the council of the said borough (hereinafter referred to as "the Hammersmith Council") to pave or otherwise improve the said ways and the lands lying between such ways and the said embankment wall and it is expedient that the provisions contained in this Act for regulating the use of such ways and lands and for enabling the Hammersmith Council to pave or otherwise improve and to maintain the same should be enacted :

(7) It is expedient that the restrictions on the erection of buildings contained in the Disused Burial Grounds Act 1884 should not apply to certain lands in the metropolitan boroughs of Lambeth and Finsbury :

(8) Subsection (4) of section 14 of the Statistics of Trade Act 1947 requires notice to be given immediately after the completion of any work for which a building notice is required under the London Building Acts (Amendment) Act 1939 and it is expedient that the said subsection should be repealed :

(9) It is expedient that further provision should be made for the service of certain notices and other documents required to be served on behalf of the Council under the Housing Act 1936 :

(10) By virtue of section 46 of the London County Council (General Powers) Act 1901 certain premises in the metropolitan borough of Lewisham (in the said Act referred to as "Horniman Park") are vested in the Council for the purposes of a public park and a public museum but the powers of the Council under Part V of the London County Council (General Powers) Act 1935 of supplying or arranging for the supply of refreshments to the public do not extend to such part of the said premises as is for the time being used for the purposes of a public museum and it is expedient that the Council should be empowered to supply or arrange for the supply of refreshments to the public in such part :



(11) It is expedient that further and better provision should be made for the proof in legal proceedings of proceedings at meetings of the Council or of metropolitan borough councils or of committees or sub-committees thereof:

(12) It is expedient that further provision should be made for the cleansing of aged persons within the county who are verminous or otherwise in need of cleansing to prevent injury or danger of injury to health:

(13) It is expedient that the provisions contained in this Act with respect to the recovery in certain cases from the owners of rates on premises within the county occupied by persons entitled to diplomatic immunity or other like immunity or privilege should be enacted:

(14) It is expedient that further provision should be made with respect to the publication of annual reports by metropolitan borough councils:

(15) It is expedient that the council of the metropolitan borough of Chelsea (hereinafter referred to as "the Chelsea Council") should be authorised to provide erect and maintain an ornamental fountain in Sloane Square in the said borough and to provide for the illumination thereof and the supply of water thereto:

(16) It is expedient that the scheme of allowances to be granted by the council of the metropolitan borough of Bethnal Green (hereinafter referred to as "the Bethnal Green Council") to certain employees in case of sickness or accident which is authorised by the Bethnal Green Borough Council (Superannuation) Act 1906 should be amended as by this Act provided:

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

(18) The objects aforesaid cannot be attained without the authority of Parliament:

(19) A plan showing the lands which the Hammersmith Council may pave under the powers of this Act and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited with the clerk of the Council and are in this Act referred to respectively as the deposited plan and deposited book of reference:

(20) In relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the Bill) have complied with the requirements of section 151 of the London Government Act 1939 and the Hammersmith Council the Chelsea Council and the Bethnal Green Council (as respects the provisions of the Bill relating exclusively to those councils) have

complied with the requirements of sections 151 and 152 of the said Act of 1939 as amended by the London County Council (General Powers) Act 1948:

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 London County Council (General Powers) Act 1953.

Act divided  
into Parts.

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

Part I.—Preliminary.

Part II.—Discharge of trade effluents etc. into sewers.

Part III.—Extension of time.

Part IV.—Powers for Hammersmith Council.

Part V.—Miscellaneous.

Interpretation.

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

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

“ the Act of 1936 ” means the Public Health (London) Act 1936 ;

“ the Act of 1939 ” means the London Government Act 1939 ;

“ the Act of 1947 ” means the Town and Country Planning Act 1947 ;

“ the Bethnal Green Council ” means the council of the borough of Bethnal Green ;

“ borough ” means a metropolitan borough and “ the borough ” means the metropolitan borough in relation to the council of which the expression is used ;

“ borough council ” means the council of a borough and “ the borough council ” means the council of the borough in relation to which the expression is used ;

“ the Chelsea Council ” means the council of the borough of Chelsea ;

“ the city ” means the city of London ;

“ the common council ” means the mayor aldermen and commons of the city in common council assembled ;

“ the Council ” means the London County Council ;

- “ the county ” means the administrative county of London ;
- “ daily fine ” means a fine for each day on which an offence continues after conviction thereof ;
- “ enactment ” includes any order scheme or regulation made under any Act of Parliament ;
- “ the Hammersmith Council ” means the council of the borough of Hammersmith ;
- “ the Minister ” means the Minister of Housing and Local Government ;

PART I  
—cont.

and any reference to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

## PART II

## DISCHARGE OF TRADE EFFLUENTS ETC. INTO SEWERS

4.—(1) In this Part of this Act unless the subject or context otherwise requires—

Interpretation  
of expressions  
in Part II of  
this Act.

- “ the Act of 1848 ” means the City of London Sewers Act 1848 ;
- “ the Act of 1937 ” means the Public Health (Drainage of Trade Premises) Act 1937 ;
- “ excluded area ” means a county borough or county district or part of a county borough or county district which drains directly or indirectly into any sewer or sewage disposal works vested in the Council or in a borough council and to which by virtue of subsection (2) of section 15 of the Act of 1937 the provisions of that Act do not extend ;
- “ external sewerage authority ” means a sewerage authority as defined by section 90 of the Public Health Act 1936 other than the Council or a borough council ;
- “ local sewer authority ” means a borough council and the common council ;
- “ London sewerage system ” means the sewers vested in the Council together with the sewers vested in any local sewer authority which communicate directly or indirectly with the first-mentioned sewers ;
- “ modified trade effluent ” and “ newly discharged trade effluent ” have respectively the meanings assigned to those expressions by section 8 (Notice of newly discharged or modified trade effluents) of this Act ;



PART II  
cont.

“occupier” in relation to any trade premises from which any trade effluent is proposed to be discharged into the London sewerage system at a future date includes a person who intends to become or be the occupier of the premises at that date ;

“sewer authority” means (subject to the provisions of subsection (2) of this section) the Council a borough council and the common council ;

“trade effluent” means any liquid either with or without particles of matter in suspension therein which is wholly or in part produced in the course of any trade or industry carried on at trade premises and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises but does not include domestic sewage ; and

“trade premises” means any premises used or intended to be used for carrying on any trade or industry.

(2) Subject to the provisions of section 13 (Power to local sewer authority to authorise Council to act on their behalf) of this Act any reference in this Part of this Act to the sewer authority in relation to the discharge or the proposed discharge of any trade effluent from any trade premises into the London sewerage system shall be construed as a reference to the Council or the local sewer authority (as the case may be) in whom is vested the sewer into which the effluent first enters or will first enter if the proposed discharge takes place.

5.—(1) Subject to the provisions of section 15 (Further provisions as to certain proceedings) of this Act any person who within the county causes or permits to enter into any sewer vested in a sewer authority any matter which is likely to affect prejudicially the treatment and disposal of sewage by the Council shall be guilty of an offence.

(2) Any person who within the county causes or permits to enter into any sewer vested in a sewer authority any petroleum petroleum-spirit or carbide of calcium shall be guilty of an offence.

(3) Any person who within the county causes or permits to enter into any sewer vested in a sewer authority—

(a) any matter which is likely to injure the sewer or to interfere with the free flow of its contents ; or

(b) any matter (including any waste steam and any water or other liquid of a higher temperature than one hundred and ten degrees Fahrenheit) which either alone or in combination with the contents of the sewer is

dangerous or is the cause of a nuisance or is or is likely to be injurious to the health of persons entering the sewer ;

PART II  
—cont.

shall be guilty of an offence.

(4) For the purposes of this section—

(a) a person shall be deemed to cause or permit any matter (including any matter referred to in subsection (2) of this section) to enter into a sewer if he throws empties or turns such matter or suffers or permits such matter to be thrown or emptied or to pass into the sewer or into any drain or sewer communicating therewith ;

(b) where any such matter proceeds from any premises which are occupied the occupier of those premises shall be deemed to be the person causing or permitting the matter to enter into the sewer :

Provided that the occupier of any premises shall not be deemed to cause or permit to enter into a sewer any matter which proceeds from premises not in his occupation by reason only that such matter passes through a drain or sewer or a part of a drain or sewer which is situate in or upon premises in his occupation.

(5) (a) Proceedings in respect of an offence under subsection (1) of this section shall be taken by the Council only.

(b) Proceedings in respect of an offence under subsection (2) or subsection (3) of this section may be taken by any sewer authority having the management of a sewer in relation to which the offence is committed.

(c) For the purpose of any proceedings for an offence under subsection (2) or subsection (3) of this section where any matter enters or passes into the sewers of more than one authority such sewers shall be deemed to be one sewer of which each of those authorities have the management but proceedings shall not be taken by any one of such authorities except after consultation with the other or others of them and no person shall be subjected to more than one fine (other than a daily fine) for the same offence :

Provided that an averment in any such proceedings that such consultation as aforesaid has taken place shall until the contrary is proved be sufficient evidence thereof.

(6) In this section—

“petroleum” means crude petroleum and any oil made from petroleum or from coal shale peat or other bituminous substances ; and



PART II  
—cont.

“petroleum-spirit” means any such product of petroleum and any such mixture containing petroleum as when tested in the manner prescribed by or under the Petroleum (Consolidation) Act 1928 gives off an inflammable vapour at a temperature of less than seventy-three degrees Fahrenheit.

(7) Subject to the provisions of the said section 15 of this Act section 27 of the Public Health Act 1936 with the substitution therein for references to a public sewer of references to a sewer vested in the Council or a borough council shall extend and apply so far as to enable the Council or a borough council to take proceedings for any offence under that section as so modified committed by any person at any place outside the county in relation to a sewer so vested as aforesaid whether situate within or outside the county and in relation to any such proceedings subsection (5) of this section shall apply with the substitution in that subsection for references to subsections (1) (2) and (3) of this section or any of those subsections of references to the corresponding provisions of the said section 27.

(8) Nothing in this section shall authorise the taking of any proceedings against any external sewerage authority by reason only of their being the owners of a sewer or drain by means of which sewerage or drainage is passed into a sewer vested in a sewer authority.

(9) Nothing in this section shall be taken to prohibit the introduction into any sewer of water or liquid used for washing casks bottles or other vessels at any brewery or at any premises used in connection with a brewery solely for bottling beer if the water or liquid is not at a temperature exceeding one hundred and ten degrees Fahrenheit and does not contain a greater proportion than three per centum of solid refuse.

Right to  
discharge  
trade effluents  
into sewers.

6.—(1) Subject to the provisions of this Part of this Act the occupier of any trade premises within a borough or within the city may discharge into the London sewerage system any trade effluent proceeding from those premises:

Provided that nothing in this subsection shall prejudice the operation of any provision of the Act of 1848 or of the Act of 1936 with respect to the making of communications with sewers or with respect to the construction of or the execution of any works (including works of demolition or stopping up) to or in connection with any sewer or drain.

(2) Section 7 of the Rivers Pollution Prevention Act 1876 except so far as it relates to the admission into the sewers of any sewer authority of liquids proceeding from any premises within the Inner Temple or the Middle Temple shall cease to apply to the county.



7. Nothing in the next three following sections shall apply in relation to any premises within the Inner Temple or the Middle Temple and accordingly any reference in those sections to any trade premises shall be construed as a reference to any trade premises within the county exclusive of the Inner Temple and the Middle Temple.

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—cont.

Extent of  
next three  
following  
sections.

8.—(1) Where in the case of any trade premises it is proposed that—

Notice of  
newly  
discharged  
or modified  
trade effluents.

- (a) any trade effluent shall be newly discharged from those premises into the London sewerage system ; or
- (b) any alteration shall be made in or in connection with the carrying on of any trade or industry at those premises whereby the nature or composition of the trade effluent produced at the premises and discharged into the said system will be or is likely to be substantially modified or either the maximum quantity of such effluent so discharged in any one day or the daily average of the quantity of such effluent so discharged in any period of twelve months or the maximum rate of discharge of such effluent will be or is likely to be substantially increased ;

a written notice of the proposal specifying the premises to which the notice relates and the date on which the effluent is proposed to be newly discharged or the proposed alteration is intended to take effect (as the case may be) shall not later than two months before the said date be given by the occupier of the premises in the case of premises situate in a borough to the borough council and in the case of premises situate in the city to the common council.

(2) For the purposes of this section trade effluent shall be deemed to be newly discharged from any trade premises into the London sewerage system if—

- (a) such effluent is discharged into the said system from any trade premises from which trade effluent has not previously been so discharged ; or
- (b) the discharge of trade effluent from the premises into the said system is resumed after having been discontinued for a period of not less than twelve months ; or
- (c) trade effluent is on any date discharged from any trade premises into the said system being trade effluent produced in the course of the carrying on at the premises of a trade or industry which—
  - (i) was not carried on at those premises immediately before the said date ; or

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—cont.

(ii) was so carried on but without any trade effluent produced in the course thereof having been discharged into the said system before the said date:

Provided that where the discharge of trade effluent from any trade premises into the said system is resumed on the said date after having been discontinued less than twelve months before that date the foregoing paragraph (c) shall have effect with the substitution in sub-paragraphs (i) and (ii) thereof for the references to the said date of references to the date of such discontinuance.

(3) In this Part of this Act trade effluent which is newly discharged as aforesaid is referred to as "newly discharged trade effluent" and trade effluent which is discharged from any trade premises after any such alteration as aforesaid has been made in or in connection with the carrying on of any trade or industry at those premises is referred to as "modified trade effluent".

(4) A borough council or the common council to whom any notice under subsection (1) of this section is given shall forthwith send a copy of the notice to the Council and if it appears to the borough council or the common council (as the case may be) that any trade effluent which may be discharged into the London sewerage system from the premises to which the notice relates will or may pass into the sewers of any other sewer authority the borough council or the common council shall also send a copy of the notice to that other sewer authority.

(5) If any newly discharged trade effluent or any modified trade effluent is discharged from any trade premises into the London sewerage system without a notice required by this section to be given having been duly given the occupier of the premises shall be guilty of an offence and proceedings in respect of such offence may be taken either by the local sewer authority to whom the notice should have been given or by any other sewer authority into whose sewers the effluent passes:

Provided that in any proceedings in respect of the failure of the occupier to give a notice within the time required by subsection (1) of this section if a notice which is otherwise in accordance with that subsection has been given it shall be a defence for the occupier to show that the notice was given as soon as was reasonably practicable.

Power of sewer  
authority  
to require  
information  
with respect to  
trade effluents.

9.—(1) The occupier of any trade premises from which any trade effluent is or is proposed to be discharged into the London sewerage system shall when so requested in writing by the sewer authority furnish to the sewer authority all such information as in the circumstances of the case the authority may



reasonably require him to furnish with respect to the discharge or the proposed discharge of the effluent being information with respect to any of the following matters (namely):—

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—cont.

- (a) the days on which and the period or periods of the day during which the effluent is or is proposed to be discharged ;
- (b) the quantities of the effluent which are or are proposed to be discharged either generally or on particular days of the week or during any particular period or periods of the day ;
- (c) the rate or rates at which the effluent is or is proposed to be discharged either generally or on particular days of the week or during any particular period or periods of the day ; and
- (d) (where the effluent is proposed to be discharged at a future date and effluent of the same nature or composition as that of the effluent so proposed to be discharged is not discharged at the time when the request for information is made) the nature or composition of the effluent so proposed to be discharged.

(2) Any dispute between the occupier of any trade premises and the sewer authority as to whether any information which the sewer authority have requested the occupier to furnish under this section is information which the sewer authority may reasonably require him to furnish shall be referred to and determined by the Minister whose determination shall be final and the Minister may on any such reference fix the date by which any information which he determines that the occupier may be reasonably required to furnish shall be furnished by the occupier to the sewer authority.

(3) Subject to any such determination if the occupier of any trade premises who has been requested by the sewer authority to furnish any information under this section—

- (a) without reasonable excuse fails to comply with such request ; or
- (b) furnishes to the sewer authority any information which he knows to be false ;

he shall be guilty of an offence and shall be liable to a fine not exceeding five pounds and to a daily fine not exceeding forty shillings.

10.—(1) Where any newly discharged trade effluent or any modified trade effluent is or is proposed to be discharged from any trade premises into the London sewerage system the sewer authority may within the time specified in relation to the particular case in subsection (2) of this section and after consultation with every other sewer authority into whose sewers the effluent passes or will or may pass serve upon the occupier

Power to impose conditions etc. with respect to discharge of trade effluents.

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—cont.

of the premises a written notice (hereinafter in this section referred to as a "notice of proposed conditions") that they propose that the discharge of trade effluent from the premises into the said system shall be subject to such conditions as are specified in the notice being conditions relating to any such matters as are referred to in paragraphs (a) to (e) of subsection (1) of the next following section:

Provided that without prejudice to the generality of paragraph (d) of the said subsection (1) nothing in paragraph (e) of that subsection shall authorise the specification in any such notice of a condition which would require the treatment on or in connection with the premises of any trade effluent except so far as the sewer authority are satisfied that such treatment is or will be reasonably required for the purpose of securing as far as possible that the entry of the trade effluent into any sewer shall not constitute an offence under section 5 (Certain matters not to be passed into sewers) of this Act.

(2) A notice of proposed conditions may be served as aforesaid—

- (a) within two months after the date on which notice is given under the last but one foregoing section by the occupier in relation to the proposed discharge of the newly discharged trade effluent or the modified trade effluent (as the case may be); or
- (b) if the notice required by the last-mentioned section has not been given within two months after the date on which it first becomes known to the sewer authority that such effluent has been discharged:

Provided that where such last-mentioned notice has been given and not later than one month after the date on which it was given the sewer authority have in pursuance of the last foregoing section requested the occupier of the premises to furnish to them any information with respect to the discharge or the proposed discharge of the effluent the notice of proposed conditions may be given at any time not later than two months after any of the following dates which may be applicable (namely):—

- (i) the date on which the request for information was sent to the occupier;
- (ii) the date on which any information so requested is furnished to the sewer authority;
- (iii) in the event of a reference to the Minister under the last foregoing section the date on which the determination of the Minister on that reference is communicated to the sewer authority or the date (if any) fixed by him as the date by which any information requested by them is to be furnished to them by the occupier.



(3) The sewer authority shall at the same time as they serve upon the occupier of any trade premises a notice of proposed conditions inform him of the effect of the next two following subsections.

(4) The occupier may at any time within the period of one month after the date upon which the notice of proposed conditions is served upon him or such longer period as the sewer authority may in any case allow serve upon the sewer authority a counter-notice in writing stating that he disputes the reasonableness of the conditions specified in the notice of proposed conditions and if he does not serve such a counter-notice the conditions so specified shall at the expiration of that period become effective.

(5) If the occupier serves such a counter-notice then unless at the expiration of a period of three months after the date on which the counter-notice is served or such longer period as may be agreed between them the sewer authority and the occupier shall have entered into an agreement under the next following section with respect to the discharge of trade effluent from the premises either the sewer authority or the occupier may refer the matter to the Minister who may determine with respect to any of the proposed conditions either that it shall not have effect or that it shall have effect either in the form proposed by the sewer authority or subject to such modification (not being a modification which will make it more stringent) as he may decide.

A determination of the Minister under this subsection shall be final and any condition which the Minister determines shall have effect shall become effective on such date as the Minister may fix for that purpose or if no such date be fixed at the expiration of one month after the date of his determination:

Provided that before giving his determination the Minister may and if so directed by the High Court shall state in the form of a special case for the opinion of the High Court any question of law arising in connection with the reference to him.

(6) If it appears to the sewer authority that any trade effluent (not being newly discharged trade effluent or modified trade effluent) which is discharged from any trade premises into the London sewerage system is so discharged at such times and in such quantities or at such rate or rates that it causes or is likely to cause difficulty in the management of any sewers vested in them or in any other sewer authority by reason of the surcharging of such sewers or of danger to persons entering such sewers the sewer authority may notify the occupier of the premises in writing that they require him to enter into an agreement with them under the next following section making provision with respect to all or any of the matters referred to in paragraphs (a) to (c) of subsection (1) of that section and if the



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—cont.

occupier refuses to enter into such an agreement or if at the expiration of three months after the date on which the notification was given to the occupier as aforesaid an agreement has not been entered into the sewer authority may (after consultation with every other sewer authority into whose sewers the effluent passes or may pass) serve upon the occupier a notice of proposed conditions specifying the conditions relating to the matters aforesaid which in their opinion should have effect with respect to the discharge of the effluent and subsections (3) to (5) of this section shall apply with respect to such notice in like manner as they apply to a notice of proposed conditions served under subsection (1) of this section.

(7) Where a borough council are entitled as being the sewer authority to serve a notice of proposed conditions and they have not authorised the Council under section 13 (Power to local sewer authority to authorise Council to act on their behalf) of this Act to serve such a notice on their behalf—

- (a) they shall serve such a notice if they are required in writing by the Council to do so ; and
- (b) if they serve the notice (whether or not in pursuance of a requirement of the Council under the foregoing paragraph) they shall include amongst the conditions specified therein any conditions which they are required in writing by the Council so to include and they shall not specify in the notice any condition which is inconsistent with any condition which they are so required to include :

Provided that in the case of a notice to be served under subsection (1) of this section any requirement of the Council under this subsection shall unless otherwise agreed between the Council and the borough council be made to the borough council not later than twenty-one days before the last date on which the borough council are entitled to serve such notice.

(8) Any conditions with respect to the discharge of any trade effluent from any trade premises into the London sewerage system which have become effective by virtue of this section shall unless and until they are withdrawn by the sewer authority or except in so far as they may be modified by an agreement under the next following section be binding on the occupier for the time being of the premises and if any trade effluent is discharged from the premises into the said system in contravention of any such condition which is for the time being effective the occupier of the premises shall be guilty of an offence :

Provided that proceedings in respect of an offence under this subsection shall be taken by the sewer authority only.



(9) Any omission of the sewer authority to consult any other authority whom the sewer authority are required by any provision of this Part of this Act to consult before serving a notice of proposed conditions shall not affect the validity of such notice.

(10) Nothing in this section shall apply in relation to the discharge or the proposed discharge from any premises into the London sewerage system of—

- (a) any liquid produced or to be produced solely in the course of laundering articles on those premises ; or
- (b) any trade effluent produced or to be produced in the course of the carrying on of a brewery ;

and for the purposes of the foregoing paragraph (b) any premises used in connection with a brewery solely for bottling beer shall be deemed to be a brewery.

11.—(1) Where any trade effluent is or is proposed to be discharged from any trade premises into the London sewerage system the sewer authority may enter into agreements with the occupier of those premises and any such agreement may make provision with respect to all or any of the following matters :—

Agreements  
between sewer  
authorities  
and occupiers  
of trade  
premises.

- (a) the days on which and the period or periods of the day during which the effluent shall or shall not be so discharged ;
- (b) the quantities in excess of which the effluent shall not be so discharged on any one day or on any specified days or during any specified periods ;
- (c) the rate or rates of discharge of the effluent which shall not be exceeded either generally or on any specified days or during any specified periods ;
- (d) the nature or composition of the trade effluent which may be so discharged ;
- (e) the treatment on or in connection with the premises of any trade effluent in order to eliminate therefrom any constituent thereof before it is so discharged as aforesaid or otherwise to render it suitable to be so discharged ;
- (f) the removal by the sewer authority of any substances produced in the course of such treatment as aforesaid of any trade effluent and the disposal of such substances by the sewer authority ;
- (g) the construction by the sewer authority of any works or the doing of any other thing by them for the purposes of or in connection with any of the matters aforesaid ;
- (h) the making of payments by the occupier to the sewer authority in respect of anything done by them under the foregoing paragraph (f) or the foregoing paragraph (g) ;

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—cont.

- (i) the execution by either party to the agreement and either at the cost of that party or wholly or partly at the cost of the other party of any works for the construction or reconstruction of any drain (including the making or alteration of any communication of such drain with any sewer) for the purpose of securing the convenient discharge of the trade effluent into the London sewerage system.

(2) The sewer authority shall not enter into any agreement under the foregoing subsection except after consultation with every other sewer authority into whose sewers the trade effluent to be discharged under the agreement will or may pass and a borough council shall not enter into any such agreement unless the provisions thereof (except so far as they relate only to the matters referred to in paragraphs (f) to (i) of the foregoing subsection) have been approved by the Council but the failure of the sewer authority to consult any other authority or to obtain the approval of the Council as required by this subsection shall not invalidate any agreement.

(3) Any such agreement as aforesaid which is entered into between the sewer authority and the occupier of any trade premises within the county shall subject to the terms and conditions thereof and except as may be otherwise provided by an agreement under subsection (1) of this section made between the sewer authority and any succeeding occupier of the premises be binding on any such succeeding occupier but without prejudice to any liability of any person under any such agreement incurred by him while he was such occupier:

Provided that—

- (i) a succeeding occupier of the premises shall not be bound by an agreement to which he is not himself a party so far as such agreement relates to the construction by the sewer authority of any such works as are referred to in paragraph (g) of subsection (1) of this section or the execution of any such works as are referred to in paragraph (i) of that subsection but nothing in this paragraph shall be construed to authorise the construction or reconstruction by such succeeding occupier of any drain or the making or alteration by him of any communication with a sewer otherwise than in accordance with the provisions of the Act of 1848 or of the Act of 1936 (as the case may be);
- (ii) without prejudice to the foregoing paragraph a succeeding occupier of the premises shall not be liable under an agreement to which he is not himself a party for any payment due to the sewer authority in respect



of anything done by them under such agreement before he became the occupier of the premises and if he shall have given or gives to the sewer authority notice in writing of his intention to become or of his having become (as the case may be) such occupier he shall not be liable under such agreement for any payment so due in respect of anything done by the sewer authority under such agreement (otherwise than at his request or with his consent in writing) at any time after the expiration of one month from the giving of such notice.

(4) If without reasonable excuse any trade effluent is discharged from any trade premises within the county into the London sewerage system in breach of the provisions of any such agreement as aforesaid the occupier of the premises shall be guilty of an offence:

Provided that proceedings in respect of an offence under this subsection shall be taken by the sewer authority only.

(5) The provisions of subsection (1) of this section shall extend to places outside the county so far as to enable the Council and a borough council to enter into agreements with the occupier of any trade premises situate outside the county for the discharge of any trade effluent proceeding from those premises (including trade effluent mixed with domestic sewage) directly into a sewer of the council by whom the agreement is entered into and any such agreement may be made upon such terms and conditions as may be agreed between the parties thereto and without prejudice to the generality of this provision may in addition to making provision with respect to any of the matters referred to in subsection (1) of this section also provide for the making of payments by the occupier of the premises to such council in respect of the reception and disposal of the trade effluent to which the agreement relates:

Provided that a borough council shall not enter into any agreement under this subsection except with the approval of the Council and where any such agreement entered into by a borough council provides for the making to the borough council of such payments as aforesaid the borough council shall pay to the Council the whole or such proportion of the amounts so received by the borough council as may be agreed between them and the Council or in default of such agreement determined either by the Minister or (if he so decides) by an arbitrator appointed by him.

(6) Any agreement made before the date of the coming into operation of this section (and whether or not before the passing of this Act) being an agreement which could have been made under this section if this section had been in force when the

PART II  
—cont.

agreement was made shall if it was made in accordance with the provisions of this section and the parties thereto shall have so agreed in writing have effect as if it had been made in pursuance of this section.

Inspection  
chambers  
at trade  
premises.

**12.**—(1) The occupier of any trade premises within a borough or within the city shall in connection with each drain which communicates with a sewer vested in a sewer authority and which discharges or may discharge trade effluent from the premises into the sewer provide in a suitable position an inspection chamber or manhole so constructed as to enable a person readily to obtain samples of what is passing from the premises into the sewer and shall cause every such inspection chamber or manhole to be maintained in proper condition and the access thereto to be kept free from obstruction so as to enable a person readily to obtain such samples.

(2) If any trade premises are without any such inspection chamber or manhole as the occupier is required by the foregoing subsection to provide or any such inspection chamber or manhole which is provided is not maintained in proper condition as aforesaid the sewer authority may by a notice in writing require the occupier within such period (not being less than twenty-eight days) as may be specified in the notice to provide the inspection chamber or manhole or to execute such works as may be so specified to put the inspection chamber or manhole into proper condition (as the case may be) and the provisions of section 286 of the Act of 1936 shall apply in relation to any such notice.

(3) If except in case of emergency the access to any such inspection chamber or manhole as aforesaid which is provided at any trade premises is not kept free from obstruction and in consequence thereof any officer of a sewer authority who has entered the premises in pursuance of the powers conferred by section 17 (Power to enter premises and to take samples of trade effluents) of this Act is prevented from readily obtaining any sample of trade effluent which he is authorised to obtain and take away under that section the occupier of the premises shall be guilty of an offence.

Power to  
local sewer  
authority  
to authorise  
Council to act  
on their behalf.

**13.**—(1) A local sewer authority may with the agreement of the Council authorise the Council to perform on their behalf any functions of the local sewer authority in relation to matters arising under the last four preceding sections in respect of which that authority are the sewer authority and any such authorisation may be given either generally or in respect of particular matters and either unconditionally or subject to such conditions as may be agreed between the local sewer authority and the Council.

(2) In relation to any matter in which the Council are so authorised to act any reference in the said sections or in the next



two following sections to the sewer authority shall be construed as a reference to the Council and in any matter or proceedings in which the Council purport to act as the sewer authority in pursuance of an authorisation under this section they shall be deemed until the contrary is proved to be duly authorised under this section so to act.

14.—(1) No proceedings for an offence under subsection (1) or subsection (3) of section 5 (Certain matters not to be passed into sewers) of this Act shall be taken against the occupier of any trade premises in respect of the entry into any sewer of any matter proceeding from those premises if—

(a) the matter is or is a constituent of trade effluent the discharge of which into the London sewerage system is subject to—

(i) any conditions having effect under section 10 (Power to impose conditions etc. with respect to discharge of trade effluents) of this Act ; or

(ii) the provisions of an agreement entered into under section 11 (Agreements between sewer authorities and occupiers of trade premises) of this Act ; and

(b) the trade effluent is discharged in all respects in accordance with those conditions or provisions :

Provided that where the conditions having effect as aforesaid relate only to matters which are referred to in paragraphs (a) to (c) of subsection (1) of the said section 11 this subsection shall not apply if the nature or composition of the trade effluent which is discharged differs substantially from the nature or composition of the trade effluent to which the conditions were intended to apply being the effluent which at the time when the conditions became effective was then discharged or proposed to be discharged (as the case may be).

(2) If—

(a) it appears to a sewer authority that an offence under subsection (1) or subsection (3) of the said section 5 or under subsection (8) of the said section 10 or under subsection (4) of the said section 11 has been or is being committed in connection with the discharge of any trade effluent from any trade premises into the London sewerage system ; and

(b) the offence is one in respect of which the authority are authorised by this Part of this Act to take proceedings ; the authority (after such consultation as they consider necessary with any other sewer authority who having regard to the provisions of the two next following subsections may be concerned)

PART II  
—cont.

may serve upon the occupier of the premises a written notice specifying the offence which is alleged to have been committed or to be continuing (as the case may be) and requiring the occupier forthwith to take such steps as may be necessary to secure that any such offence which may be continuing shall be discontinued and that the discharge of the effluent from the premises into the said system shall not result in the commission of the like or any other offence under this Part of this Act.

(3) No proceedings for any such offence as is referred to in paragraph (a) of the last foregoing subsection shall be taken against the occupier of any trade premises by any sewer authority unless that authority shall have served upon the occupier a notice under that subsection specifying the offence and the date thereof:

Provided that a sewer authority shall not be required to serve such a notice before taking proceedings for an offence if during the period of twelve months immediately preceding the date on which that offence was committed a notice under the last foregoing subsection specifying the like offence was served upon the occupier by the authority or by another sewer authority.

(4) The following restrictions shall apply with respect to the taking of proceedings by a sewer authority against the occupier of any trade premises upon whom a notice has been served as aforesaid:—

- (a) No proceedings for any such offence as is referred to in paragraph (a) of subsection (2) of this section (including the offence specified in the notice) shall be taken against the occupier by any sewer authority during the period of two months after the service of the notice;
- (b) If within the said period the occupier satisfies the authority by whom the notice was served that steps constituting a sufficient compliance with the notice either have been taken or are being taken and are likely to be completed within a reasonable time no proceedings shall be taken against the occupier by any sewer authority after the expiration of the said period for any such offence as aforesaid committed at any time before the expiration of the said period;
- (c) Where the offence specified in the notice is an offence under subsection (1) or subsection (3) of the said section 5 and during the said period the occupier enters into negotiations with the sewer authority for an agreement (including an agreement varying or superseding an existing agreement) to be entered into between him and the sewer authority under the said section 11 no proceedings shall be taken against the occupier by any sewer authority for an offence under either of the said



subsections so long as such negotiations are proceeding and if such agreement is entered into no proceedings shall be taken against the occupier by any sewer authority for any offence under either of the said subsections committed at any time before the coming into force of the agreement.

(5) Nothing in the foregoing provisions of this section shall apply in relation to any proceedings taken or to be taken by a sewer authority against the occupier of any trade premises in respect of the entry into any sewer from those premises of—

(a) any waste steam ; or

(b) (except in so far as the discharge thereof into the London sewerage system is expressly authorised by an agreement under the said section 11) any water or other liquid of a higher temperature than one hundred and ten degrees Fahrenheit.

(6) The following provisions shall have effect in relation to any offence under section 27 of the Public Health Act 1936 as modified and extended by subsection (7) of the said section 5 and in relation to any proceedings taken or proposed to be taken by the Council or a borough council (hereinafter in this subsection referred to as “the London authority”) in respect of such offence:—

(a) Before commencing any such proceedings the London authority shall give notice in writing of their intention to take the proceedings to the external sewerage authority having jurisdiction within the area in which the offence was committed and if within twenty-eight days after the receipt of such notice the external sewerage authority inform the London authority in writing that—

(i) the act constituting the offence constituted also an offence under the said section 27 as originally enacted or under any provision of the Act of 1937 ; and

(ii) the external sewerage authority have themselves taken or propose to take proceedings against any person for such last-mentioned offence ;

the London authority shall not take the proceedings which they proposed to take :

Provided that where the external sewerage authority inform the London authority that they propose to take proceedings but fail to commence such proceedings for a period of fourteen days after so informing the London authority the London authority shall not be precluded by this paragraph from taking proceedings ;

PART II  
—cont.

(b) Where the offence is one to which paragraph (a) or paragraph (b) of subsection (1) of the said section 27 applies the provisions of subsections (1) to (5) of this section so far as those provisions may be applicable shall (in addition to the foregoing paragraph) apply with the substitution therein for references to subsections (1) and (3) of the said section 5 of references to the corresponding provisions of the said section 27 and for the purposes of the provisions of subsections (1) to (5) of this section as modified and applied by this paragraph any trade effluent which is discharged from any trade premises outside the county into a sewer of an external sewerage authority which communicates directly or indirectly with the London sewerage system shall be deemed to be discharged into that system.

Further provisions as to certain proceedings.

15.—(1) This section applies to any trade premises (whether within or outside the county) from which trade effluent was discharged into the London sewerage system at some time within the period of one year ending on the twenty-seventh day of November nineteen hundred and fifty-two and in respect of which there is not in force an agreement entered into between the sewer authority and the occupier of the premises under section 11 (Agreements between sewer authorities and occupiers of trade premises) of this Act with respect to the nature or composition of the trade effluent which may be discharged from the premises into the said system:

Provided that—

- (i) subject to the provisions of the next following paragraph this section does not apply to any such premises from which there has at any time been discharged into the said system any newly discharged trade effluent or any modified trade effluent or any trade effluent which would have been newly discharged trade effluent or modified trade effluent if section 8 (Notice of newly discharged or modified trade effluents) of this Act had come into operation immediately after the said twenty-seventh day of November and had extended to places outside the county ;
- (ii) in determining for the purposes of the foregoing paragraph whether any trade effluent discharged from any premises into the said system at any time after the said twenty-seventh day of November was or would have been (as the case may be) newly discharged trade effluent or modified trade effluent (as the case may be)—

(a) paragraph (b) of subsection (2) of the said section 8 shall not apply if the discharge of trade



effluent from the premises after having been discontinued is resumed at any time before the first day of April nineteen hundred and fifty-five; and

(b) any modification of the nature or composition of the trade effluent discharged from the premises into the said system which occurred during the period between the said twenty-seventh day of November and the first day of April nineteen hundred and fifty-four shall be disregarded if the trade effluent so discharged at the end of that period was of the same nature or composition as the trade effluent so discharged at the beginning of that period and any such increase in the quantity or rate of discharge of such effluent as is referred to in paragraph (b) of subsection (1) of the said section 8 which occurred during the said period shall be disregarded if before the expiration of that period there was a corresponding reduction in the quantity or rate of discharge substantially equivalent to such increase.

(2) In relation to any premises to which this section applies subsections (2) and (3) of section 14 (Restrictions on proceedings) of this Act shall have effect subject to the following modifications:—

(a) Any notice which is served upon the occupier of the premises under the said subsection (2) and which specifies an offence under subsection (1) of section 5 (Certain matters not to be passed into sewers) of this Act or under the corresponding provisions of section 27 of the Public Health Act 1936 shall require the occupier (in substitution for the requirement mentioned in the said subsection (2)) to take steps to secure the use of the best practicable means (regard being had to the cost and all the other circumstances of the particular case) for preventing the entry into any sewer from the premises of any matter likely to affect prejudicially the treatment and disposal of sewage by the Council;

(b) The proviso to the said subsection (3) shall be omitted.

(3) In any proceedings on an information charging the occupier of any premises to which this section applies with an offence under subsection (1) of the said section 5 or under the corresponding provisions of the said section 27 which is specified in a notice served as aforesaid—

(a) The occupier shall not be guilty of such offence if he shows to the satisfaction of the court that at the date of the alleged offence he was using such means as are referred to in the notice for the purpose mentioned therein;

PART II  
—cont.

- (b) (i) If the court is satisfied that since the service of the notice upon him the occupier has taken steps which in the opinion of the court constitute a sufficient compliance with the notice the court shall dismiss the information ;
- (ii) If the court is satisfied that the occupier is taking or is willing to take steps which when completed will constitute a sufficient compliance with the notice the court may adjourn the trial and so from time to time as may be necessary to afford the occupier a reasonable opportunity of taking such steps or completing the taking of such steps (as the case may be) ;
- (c) In deciding any question under the foregoing provisions of this subsection the court shall have regard to the cost involved to the occupier and all the other circumstances of the particular case and without prejudice to the generality of this provision if it appears to the court that having regard to the extent to which the treatment and disposal of sewage by the Council is or is likely to be prejudicially affected by the discharge of trade effluent from the premises into any sewer the occupier ought not reasonably to be required to take any steps or any further steps (as the case may be) to comply with the notice the court shall dismiss the information ;
- (d) If at any stage of the proceedings the court is satisfied that since the service of the notice the premises have ceased to be premises to which this section applies all further proceedings on the information shall be stayed.

Registration  
of conditions  
and  
agreements.

16.—(1) Every sewer authority shall maintain a register of trade premises in relation to which there is for the time being in force—

- (a) any condition having effect by virtue of section 10 (Power to impose conditions etc. with respect to discharge of trade effluents) of this Act being a condition which was imposed as a result of the service upon the occupier of the premises by the authority maintaining the register of a notice of proposed conditions under that section ; or
- (b) any agreement entered into by that authority with the occupier of the premises under section 11 (Agreements between sewer authorities and occupiers of trade premises) of this Act.

(2) Such register shall contain in respect of each of the premises entered therein full particulars of all such conditions as aforesaid which relate to the discharge of trade effluent from the



premises into the London sewerage system and there shall be kept with and as part of the register a copy of each such agreement as aforesaid.

PART II  
—cont.

(3) So much of such register as relates to any trade premises shall be kept available at all reasonable hours for inspection and copying by any person appearing to the authority to be interested in those premises or by any person authorised by him and the authority shall at the request and at the expense of any such person furnish to him or to such other person as may be specified in the request a copy of any entry in the register or of any agreement which he is entitled by this subsection to inspect.

17.—(1) Any officer of a sewer authority duly authorised by them in writing and (if so required) producing his authorisation may at all reasonable hours enter any premises within the county for the purpose of—

Power to enter premises and to take samples of trade effluents.

- (a) ascertaining whether any offence under this Part of this Act has been or is being committed or any requirement of this Part of this Act or of a notice served thereunder has been or is being complied with ; or
- (b) obtaining and taking away a sample of any trade effluent which is passing from those premises into the London sewerage system :

Provided that the foregoing paragraph (b) shall not apply in relation to any premises within the Inner Temple or the Middle Temple.

(2) If after the production of such authorisation as aforesaid any such officer is refused admittance to any premises or is obstructed in the doing of any thing for the purpose of which he entered the premises the person refusing him admittance or so obstructing him shall be guilty of an offence and shall be liable to a fine not exceeding five pounds.

(3) The result of any analysis of a sample taken by an officer by virtue of this section shall not be admissible as evidence in any legal proceedings under this Part of this Act unless the following requirements have been complied with (that is to say) the officer shall forthwith after taking the sample notify to the occupier of the trade premises the officer's intention to have it analysed and shall there and then divide the sample into three parts shall cause each part to be placed in a suitable container (which shall be sealed up and marked) and shall—

- (a) deliver one part to the occupier of the trade premises ;
- (b) retain one part for future comparison ; and
- (c) if he thinks fit to have an analysis made submit one part to the analyst.

PART II  
—cont.

(4) If an officer who in compliance with the provisions of this section is admitted into any premises discloses to any person any information obtained by him in the premises with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

## Fines.

18. Save as otherwise expressly provided in this Part of this Act every person guilty of an offence under this Part of this Act shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding ten pounds.

Discharge of  
trade effluents  
from premises  
within county  
into sewers  
of external  
sewerage  
authorities.

19.—(1) The occupier of any trade premises within the county may with the consent of any external sewerage authority and subject to such terms and conditions as may be agreed between the occupier and that authority discharge into a sewer of the authority any trade effluent proceeding from those premises (including trade effluent mixed with domestic sewage) and an external sewerage authority may grant any consent and enter into any agreement for the purposes of this subsection but nothing in this subsection shall compel any external sewerage authority to receive into their sewers any trade effluent proceeding from any premises within the county.

(2) In relation to the discharge or the proposed discharge into the London sewerage system of any trade effluent which after being received into that system passes or will pass into the sewers of an external sewerage authority the foregoing provisions of this Part of this Act shall have effect subject to the following provisions (namely):—

- (a) In subsection (4) of section 8 (Notice of newly discharged or modified trade effluents) of this Act references to any other sewer authority shall be construed as including references to the external sewerage authority;
- (b) In any case to which subsection (1) of section 10 (Power to impose conditions etc. with respect to discharge of trade effluents) of this Act applies the sewer authority shall take into consideration any representations which may be made to them by the external sewerage authority with respect to any proposal that the sewer authority should serve a notice of proposed conditions under that subsection and if the sewer authority propose to serve such a notice and the external sewerage authority have not made any such representations the sewer authority shall consult the external sewerage authority before serving the notice;



- (c) In subsection (2) of section 11 (Agreements between sewer authorities and occupiers of trade premises) of this Act references to any other sewer authority shall be construed as including references to the external sewerage authority and for references to the Council there shall be deemed to be substituted references to the external sewerage authority.

**20.**—(1) For the protection of the gas board the following provisions shall apply and have effect with respect to any conditions imposed or to be imposed under section 10 (Power to impose conditions etc. with respect to discharge of trade effluents) of this Act in relation to the discharge of any trade effluent from any trade premises of the gas board into the London sewerage system:—

- (a) Notwithstanding anything in the said section 10 any such condition as aforesaid shall not at any time after that condition has become effective be binding upon the gas board except in so far as compliance with such condition by the gas board is at that time reasonably practicable having regard to the statutory duties of the gas board ;
- (b) Any dispute or difference which may arise between the sewer authority and the gas board as to whether compliance by the gas board with any such condition is reasonably practicable as aforesaid shall be referred to and determined by a single arbitrator to be agreed upon between the sewer authority and the gas board or in default of such agreement appointed by the Minister ;
- (c) Upon any reference to him under subsection (5) of the said section 10 the Minister shall not determine that any condition shall have effect with respect to the discharge of any trade effluent from any trade premises of the gas board into the London sewerage system unless it appears to him that compliance by the gas board with such condition will or may be or become reasonably practicable having regard to the statutory duties of the gas board ;
- (d) Save as provided by the foregoing paragraph (c) nothing in this subsection shall fetter the discretion of the Minister with respect to the determination of conditions upon any such reference to him as aforesaid but any such determination of the Minister shall not affect the operation of the provisions of paragraphs (a) and (b) of this subsection.

PART II  
—cont.

(2) For the purpose of any agreement to be made under subsection (1) of section 11 (Agreements between sewer authorities and occupiers of trade premises) of this Act with respect to the discharge of any trade effluent from any trade premises of the gas board into the London sewerage system the said subsection shall have effect as if paragraph (e) of that subsection included a reference to the treatment of such effluent by the sewer authority at any place and whether before or after its discharge into the said system for the purpose of facilitating the disposal thereof.

(3) In this section—

“the gas board” means the North Thames Gas Board and the South Eastern Gas Board and each of them; and

“statutory duties” in relation to the gas board means any duties or obligations imposed upon that board by or under the Gas Act 1948 or by or under any local enactment which applies to that board by virtue of subsection (2) of section 56 of that Act.

Construction  
of foregoing  
provisions.

21. Section 76 of the Act of 1936 (which provides that nothing in Part II of that Act shall affect the powers or rights of the common council in relation to the sewerage or drainage of the city) shall have effect as if at the beginning of that section there were inserted the words “Save as provided in Part II (Discharge of trade effluents etc. into sewers) of the London County Council (General Powers) Act 1953” and subject thereto the foregoing provisions of this Part of this Act shall be read and construed as one with the Act of 1936 and as if they were contained in Part II of that Act.

Application of  
Public Health  
(Drainage  
of Trade  
Premises) Act  
1937 to certain  
areas outside  
county.

22.—(1) In this section the expression “the local authority” in relation to an excluded area means the council of the county borough or county district in which the excluded area is situate.

(2) Subject to the provisions of this section the Minister on an application made to him for the purpose by the local authority may by order extend the provisions of the Act of 1937 to any excluded area.

(3) The local authority before making an application to the Minister for the purposes of this section shall cause to be published in one or more local newspapers circulating within the excluded area and in the London Gazette a notice describing the area and stating that the application is about to be made and specifying the time (not being less than twenty-one days from the date of the publication of the notice) within which representations with respect to the proposed order may be made to the Minister.



(4) The Minister upon being satisfied that such notice has been published and after considering any representations duly made to him as aforesaid and consulting any authority whom he considers it necessary to consult may make an order extending to the area described in the notice the provisions of the Act of 1937 subject to the modifications thereof specified in the next following subsection :

Provided that if it appears to the Minister that it would be inexpedient that the said provisions should be extended to the whole of the area described in the notice but he is satisfied that it would be expedient to extend those provisions to some part of that area he may by the order extend the provisions to such other area described in the order (being an area wholly contained within the area described in the notice) as he may decide but without prejudice to the making of any further application to the Minister under this section at any time by the local authority with respect to any excluded area to which the order does not relate.

(5) An order made under this section shall provide that the Act of 1937 in its application to the area to which the order relates shall have effect as if the Statute Law Revision Act 1950 had not been passed but subject to the following modifications :—

- (a) For the references in subsection (1) of section 4 and in subsection (2) of section 9 of the Act of 1937 to the period of one year ending on the third day of March nineteen hundred and thirty-seven there shall be substituted references to the period of one year ending six months before the date of the publication or the first publication (as the case may be) of the notice referred to in subsection (3) of this section and any question which may arise under subsection (1) of the said section 4 as so modified whether any trade effluent which was discharged as therein mentioned at any time within the last-mentioned period was lawfully so discharged shall be determined as if the Public Health Act 1936 had not then come into operation ;
- (b) For the references in subsections (5) and (6) of section 7 subsection (4) of section 9 and subsection (5) of section 12 of the Act of 1937 to the passing of that Act there shall be substituted references to the date of the coming into operation of the order ;
- (c) For the reference in subsection (3) of section 15 of the Act of 1937 to the first day of July nineteen hundred and thirty-eight there shall be substituted a reference to such date not being earlier than nine months after the date of the coming into operation of the order as may be fixed by the Minister ; and

PART II  
—cont.

(d) In subsection (2) of the said section 15 the words from “and shall not extend” to the end of the subsection shall cease to have effect.

(6) As soon as conveniently may be after the making of the order the local authority shall cause to be published in one or more local newspapers circulating within the area to which the order relates and in the London Gazette a notice describing that area and stating that the order has been made and specifying the modifications subject to which the several provisions of the Act of 1937 apply or will apply within the area.

(7) Any description of an area required to be included in an order made under this section or in a notice published under subsection (3) or subsection (6) of this section may be by reference to a map which shall be deposited at some convenient place within or near to the area and shall be available for inspection by any person interested at all reasonable hours without charge.

(8) The power of the Minister of making orders under this section shall be exercisable by statutory instrument.

(9) Any sewer authority or external sewerage authority in whom are vested any sewers or sewage disposal works into which any drainage from the area to which an application under this section relates is directly or indirectly received may make such contribution as may be agreed between them and the local authority towards any expenses incurred by that authority for the purposes of this section.

Apportionment  
of payments  
for disposal of  
trade effluents  
received by  
Council from  
outside county.

23.—(1) Where an external sewerage authority receive from the occupier of any trade premises any payment made to them by such occupier under the Act of 1937 for the reception into their sewers and the disposal of any trade effluent and such effluent passes directly or indirectly into any sewers or sewage disposal works vested in the Council the external sewerage authority shall pay to the Council such proportion (if any) of the amounts so received as aforesaid as may be agreed between the external sewerage authority and the Council or in default of such agreement determined either by the Minister or (if he so decides) by an arbitrator appointed by him.

(2) In relation to any excluded area to which the provisions of the Act of 1937 are extended by an order made under the last foregoing section the provisions of subsection (1) of this section shall have effect notwithstanding anything contained in any enactment relating to the reception and disposal by the Council of the drainage of the area and any amounts payable to the Council under that subsection shall be in addition to any payments required by any such enactment to be made to the Council by any authority.



(3) Any amounts received by the Council under this section shall be applied by them to the purposes of their main drainage system.

PART II  
—cont.

24. For the further protection of the North Thames Gas Board (in this section referred to as "the board") the following provisions shall have effect in relation to the reception and disposal by the Council of any trade effluent proceeding from the Beckton Gas Works:—

For further  
protection of  
North Thames  
Gas Board.

- (1) Subject to the provisions of this section the board shall have the like right of discharging into a sewer of the Council any such trade effluent as aforesaid as would have been conferred upon the board by section 6 (Right to discharge trade effluents into sewers) of this Act if the Beckton Gas Works had been situate in a borough:

Provided that—

(i) the board shall not be entitled to exercise such right except (a) with the approval of the authority (which shall not be unreasonably withheld) and (b) subject to the payment by the board to the Council of reasonable charges for the reception and disposal of any trade effluent and such other reasonable terms and conditions as may be agreed between the board and the Council or determined as hereinafter provided;

(ii) if so agreed between the board and the Council or if the Council so require any trade effluent which the board propose to discharge into a sewer of the Council in pursuance of the right conferred by this section shall be discharged directly to the sewage disposal works of the Council situated adjacent to the Beckton Gas Works instead of into such sewer and where the Council make such a requirement any arrangements necessary for complying therewith shall unless otherwise agreed between the board and the Council be made by and at the expense of the board:

- (2) If at any time the board shall desire to discharge from the Beckton Gas Works into a sewer of the Council any trade effluent the discharge of which as aforesaid is not then subject to terms and conditions agreed or determined as aforesaid or to discharge as aforesaid any trade effluent otherwise than in accordance with any terms and conditions which have been so agreed or determined the board shall give written notice of such desire to the Council and shall at the same time send a copy of such notice to the authority:

PART II  
—cont.

- (3) If at any time it appears to the Council or the board that by reason of any change of circumstances having occurred since the agreement or determination under this section of any terms and conditions subject to which any trade effluent is discharged from the Beckton Gas Works into a sewer or to the said sewage disposal works such terms and conditions or any of them ought to be varied they may give written notice to the other of them specifying the variation which they propose should be made in the terms and conditions and where any such notice is given the party giving the notice shall (except where the notice relates only to a proposed variation in the charges to be paid by the board to the Council for the reception and disposal of the trade effluent) at the same time send a copy of the notice to the authority:
- (4) Where a notice under paragraph (2) or paragraph (3) of this section has been given the Council and the board may agree upon the terms and conditions subject to which the discharge of the trade effluent to which the notice relates shall be permitted to take place or to be continued (as the case may be) and the Council shall notify the authority in writing of any such agreement (other than an agreement relating solely to the payment of such charges as aforesaid) and of the particulars of such agreement and the authority shall not later than one month after the receipt of such notification inform the Council in writing whether or not they approve the terms and conditions as so agreed or as so agreed to be varied (as the case may be):
- (5) Any dispute or difference which may arise between the Council and the board under this section and any question whether any approval of the authority for the purposes of this section is or is not unreasonably withheld shall be referred to and determined by a single arbitrator to be appointed in default of agreement between the parties concerned by the Minister and for the purposes of this paragraph where a notice under either paragraph (2) or paragraph (3) of this section has been given a dispute or difference shall be deemed to have arisen between the Council and the board if at the expiration of a period of three months from the giving of such notice or such longer period as may be agreed between them they shall have failed to reach agreement with respect to the matter to which such notice relates:
- (6) The authority shall be a party to any reference to an arbitrator under this section except where the matter



to be determined relates solely to the charges to be paid by the board to the Council for the reception and disposal of any trade effluent:

- (7) No agreement for the discharge of any trade effluent from the Beckton Gas Works into a sewer of the Council shall be made between the Council and the board under subsection (5) of section 11 (Agreements between sewer authorities and occupiers of trade premises) of this Act but an agreement made between the Council and the board for the purposes of this section may make provision for all such matters as might have been provided for by an agreement under the said subsection (5) if this section had not been enacted:
- (8) The agreement dated the thirtieth day of October nineteen hundred and forty-seven and made between the Council and the Gas Light and Coke Company (the predecessors of the board) being an agreement for the discharge into the Northern Outfall Sewer of the Council of certain trade effluent proceeding from premises now forming part of the Beckton Gas Works shall be deemed to be an agreement made between the Council and the board with the approval of the authority for the purposes of this section:
- (9) Subsection (7) of section 5 (Certain matters not to be passed into sewers) of this Act shall not apply in relation to the entry into any sewer of the Council of any matter which is or is a constituent of any trade effluent which is discharged into such sewer in pursuance of this section:

(10) In this section—

“the authority” means the Port of London Authority;

“the Beckton Gas Works” means so much of the trade premises of the board situate at or near to Beckton in the county borough of East Ham (including any extension of such premises) as lies within the said county borough and the borough of Barking; and

“disposal” in relation to any trade effluent includes the treatment of such effluent for the purpose of the disposal thereof.

**25.** The Minister may hold such inquiries as he may consider necessary in regard to the exercise of any powers conferred on him by this Part of this Act and subsections (2) to (5) of section 189 of the Act of 1939 shall apply in relation to any such inquiry (whether held or relating to a matter arising within or outside the county) as if that section were re-enacted in this Part of this Act with any necessary modifications.

Inquiries by  
Minister.

PART II  
—cont.  
Repeals.

26.—(1) The enactments mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

(2) So much of any of the local enactments specified in Part II of the Second Schedule to the Act of 1936 as provides that the provisions of Part IV (Protection of sewers) of the London County Council (General Powers) Act 1894 shall extend and apply to any area outside the county shall cease to have effect.

Commence-  
ment of  
Part II of  
this Act.

27. This Part of this Act shall come into operation on the first day of April nineteen hundred and fifty-four.

### PART III

#### EXTENSION OF TIME

Extension  
of time for  
compulsory  
purchase  
of lands.

28.—(1) The period now limited by the London County Council (General Powers) Act 1950 for the exercise of the powers conferred by the London County Council (General Powers) Act 1939 for the compulsory purchase of lands in the city of Westminster and the borough of Lambeth for purposes of the last-mentioned Act is hereby further extended until the first day of October nineteen hundred and fifty-six.

(2) The period limited by the London County Council (General Powers) Act 1948 for the exercise of the powers conferred by that Act for the compulsory purchase of lands in the city of Westminster the royal borough of Kensington and the borough of Holborn for purposes of that Act is hereby extended until the first day of October nineteen hundred and fifty-six.

Power to  
owners and  
lessees to give  
notice as to  
purchase  
of land.

29.—(1) Notwithstanding anything in the last foregoing section if at any time before the first day of January nineteen hundred and fifty-six the owner or lessee of land to which that section relates gives to the Council 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 section shall not extend so as to enable the Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified or in any part of such land in pursuance of a notice to treat served later than six months after the receipt by the Council of the first-mentioned notice.

(2) If the Council give notification in writing to the owner or lessee of any land being land to which the last foregoing 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 that section so far as they authorise the compulsory purchase of such estate or interest shall cease forthwith.



## PART IV

## POWERS FOR HAMMERSMITH COUNCIL

**30.** In this Part of this Act "the lands" means the lands in the borough of Hammersmith delineated on the deposited plan and described in the deposited book of reference.

Definition of  
"the lands".

**31.** Without prejudice to any other power for that purpose the Hammersmith Council may at their own expense make up and pave in such manner as they may think fit and thereafter maintain the surface of the lands.

Power to  
Hammersmith  
Council to  
pave Lower  
Mall and  
Upper Mall.

**32.**—(1) Except with the consent in writing of the Hammersmith Council no person shall after the passing of this Act place or erect any structure or erection on or over the surface of the lands and any such consent may be given subject to such conditions (including a condition requiring the removal of the structure or erection at the expiration of such period as may be specified in the consent) as the Hammersmith Council may think fit.

As to erection  
of structures  
and removal  
of trees etc.

(2) If any such condition as aforesaid which requires the removal of a structure or erection at the expiration of a specified period is not duly complied with the Hammersmith Council may themselves remove the structure or erection and the Hammersmith Council may also remove any structure or erection placed or erected on or over the surface of the lands after the passing of this Act and without their consent and any structure or erection so placed or erected before the passing of this Act:

Provided that the Hammersmith Council shall not (except with the consent of the owner of the structure or erection) remove before the first day of January nineteen hundred and fifty-five any structure or erection which was so placed or erected before the passing of this Act and which was used before the passing of this Act wholly or mainly in connection with the carrying on of any retail trade.

(3) Any person who suffers loss or damage by the diminution or loss of any right by reason of the exercise of the powers of the foregoing provisions of this section shall be entitled to be paid by the Hammersmith Council compensation for such loss or damage to be determined (in default of agreement) under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919 as if this Part of this Act had authorised the compulsory acquisition by the Hammersmith Council of a right over the lands and any such loss or damage were due to the acquisition of such right:

Provided that—

- (i) any refusal or withholding of a consent for which application is made to the Hammersmith Council under

PART IV  
—cont.

subsection (1) of this section shall be deemed to be an exercise of the powers of this section ;

- (ii) no compensation shall be payable in respect of the removal under the powers of the last foregoing subsection of any structure or erection other than a structure or erection which was placed or erected on or over the surface of the lands before the twenty-seventh day of November nineteen hundred and fifty-two.

(4) Without prejudice to any other power for that purpose the Hammersmith Council may with the consent of the owner of any tree growing in the lands top cut or remove such tree.

(5) If—

- (a) on any representation or report made to them it appears to the Hammersmith Council that any tree growing in any part of the lands is in a dangerous state ; and  
(b) the Hammersmith Council are not authorised apart from the provisions of this subsection to remove the tree or make it safe ;

the Hammersmith Council may serve upon the owner of the adjacent premises a notice in writing specifying the works (being either the removal of the tree or such topping or cutting thereof as may be specified in the notice) which they consider necessary to remove the danger and if such owner consents to the execution of the works so specified or does not appeal against the notice in accordance with the provisions of the next following subsection the Hammersmith Council may carry out such works.

(6) If the owner of the adjacent premises upon whom a notice is served as aforesaid disputes the necessity for the works specified in the notice he may appeal to a court of summary jurisdiction and the court may make such order in the matter as it thinks fit and section 286A of the Act of 1936 shall apply in relation to such appeal as if this subsection were contained in that Act.

(7) The Hammersmith Council shall not exercise in respect of any part of the lands the powers conferred upon them by section 49 (Borough councils may plant trees) of the London County Council (General Powers) Act 1904 and section 33 (Improvement of roadside amenities etc. by borough councils) of the London County Council (General Powers) Act 1951 shall apply to the lands subject to the following provisions:—

- (a) The whole of the lands shall notwithstanding the existence of any public right of way over any part thereof be deemed to be land which abuts upon but does not form part of a highway vested in the Hammersmith Council ;



(b) Where the Hammersmith Council propose to exercise in respect of any part of the lands any of the powers conferred upon them by the said section 33 for the purposes of any agreement to be made under subsection (3) of that section any person having an estate or interest in the adjacent premises (not being a tenant for a year or any period less than a year) shall be deemed to have the like estate or interest in that part.

(8) In this section “adjacent premises” in relation to any part of the lands means the premises which abut upon Lower Mall or Upper Mall (as the case may be) on the northerly side thereof and are situate opposite to that part of the lands.

33.—(1) No person not being an authorised person shall place or drive or cause to be placed or driven any vehicle on or over any part of the lands. Regulation of traffic over the lands.

(2) The Hammersmith Council shall erect and maintain in the borough at or near to the junction of Rivercourt Road and Upper Mall and at or near to the junction of Weltje Road and Upper Mall and at such other places (if any) on or near to the lands as they may consider necessary notices of the effect of subsection (1) of this section.

(3) In this section “authorised person” in relation to any part of the lands means—

(a) a person who is—

(i) entitled by virtue of an estate or interest in that part or in any premises abutting upon Lower Mall or Upper Mall (as the case may be); or

(ii) duly authorised by a person so entitled as aforesaid;

to place or drive a vehicle on or over that part; and

(b) a person going upon that part with a vehicle for the purpose of the exercise of any statutory powers;

and in relation to so much of the lands as forms part of or abuts on Upper Mall includes also any person bona fide proceeding with a vehicle to or from any premises abutting upon Upper Mall.

(4) Nothing in this section shall—

(a) prohibit the placing or wheeling on or over any part of the lands by any person of a bicycle which is not being ridden; or

(b) confer upon any person any right to place or drive or to authorise the placing or driving of any vehicle on or over any part of the lands in relation to which he would not have been entitled to exercise such a right if this section had not been enacted.

PART IV  
—cont.  
Offences.

## 34. Any person who—

- (a) contravenes the provisions of subsection (1) of section 32 (As to erection of structures and removal of trees etc.) or of subsection (1) of section 33 (Regulation of traffic over the lands) of this Act; or
- (b) fails to comply with any condition subject to which any consent under subsection (1) of the said section 32 was granted to him;

shall be liable on summary conviction to a fine not exceeding forty shillings.

Vesting of  
materials etc. in  
Hammersmith  
Council and  
saving for  
rights and  
liabilities.

35.—(1) Any paving or other materials or things provided and used by the Hammersmith Council for the purposes of this Part of this Act (including any growing things planted by the Hammersmith Council in any part of the lands) shall be and remain vested in the Hammersmith Council but subject as aforesaid nothing in this Part of this Act shall be construed to vest the lands or any part thereof in the Hammersmith Council.

(2) Save as expressly provided therein nothing in this Part of this Act or done thereunder shall derogate from any estate right or interest of any person in any part of the lands or in relation to the embankment wall of the river Thames adjacent to the lands.

(3) Nothing in this Part of this Act shall affect the incidence of any liability to provide for the execution of any flood works under the Thames River (Prevention of Floods) Acts 1879 to 1929.

(4) Except with the consent of the occupier of any boathouse the powers conferred upon the Hammersmith Council by this Part of this Act shall not be exercised in such a manner as to prevent the passage of boats between such boathouse and the river or the reasonable use by such occupier for the temporary deposit of boats thereon of a part of the lands which such occupier was entitled to use for that purpose before the passing of this Act.

(5) Nothing in this Part of this Act shall derogate from any power of the Council under the Act of 1936 in relation to sewers and any expense reasonably incurred by the Council in carrying out any alteration to any manhole or other works connected with a sewer vested in the Council which the Council may consider necessary by reason of anything done by the Hammersmith Council under this Part of this Act shall be repaid to the Council by the Hammersmith Council.

(6) Except as may be otherwise agreed between the Hammersmith Council and the London Electricity Board (hereinafter in this subsection referred to as “the board”) the Hammersmith Council shall so exercise the powers conferred upon them by



this Part of this Act as to avoid so far as is reasonably practicable rendering less convenient the access to any apparatus situated in the lands and belonging to the board or lawfully laid down by the board or their predecessors and notwithstanding any exercise of the said powers the board shall have all such rights of continuing and maintaining any such apparatus as they had before such exercise.

PART IV  
—cont.

36.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plan or in the deposited book of reference the Hammersmith Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to a metropolitan police magistrate for the correction thereof.

Correction  
of errors in  
deposited  
plan and book  
of reference.

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

(3) Any such certificate shall be deposited with the clerk of the Council and a copy thereof shall be deposited with the town clerk of the borough of Hammersmith and thereupon the deposited plan and deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Hammersmith Council to use the land for the purposes of this Part of this Act in accordance with the certificate.

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

## PART V

### MISCELLANEOUS

37.—(1) Nothing in the Disused Burial Grounds Act 1884 shall apply to so much of the land forming part of the Council's Tate Street housing site in the borough of Lambeth as is shown by a pink colour on the plan signed in triplicate by Rhys Hopkin Morris the chairman of the committee of the House of Commons to whom the Bill for this Act was referred and of which one copy has been deposited at the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy at the County Hall Westminster Bridge.

As to former  
burial ground  
in Lambeth.

(2) Before the Council build on any part of the land described in the foregoing subsection they shall remove or cause to be removed the remains of all deceased persons interred in that part:

PART V  
—cont.

Provided that a 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.

(3) Before proceeding to remove any such remains the Council shall publish a notice for three successive days in two newspapers circulating in the county to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (4) (5) (6) (7) and (8) of this section.

(4) At any time within one month after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are proposed to be removed may give notice in writing to the Council of his intention to undertake the removal of such remains and thereupon he shall be at liberty to cause such remains to be removed to and re-interred in any burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the parish.

(5) If any person giving such notice as aforesaid shall fail to satisfy the Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the county court within the jurisdiction of which the land is situated who shall have power to make an order specifying who shall remove the remains.

(6) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the Council such sum to be apportioned if necessary equally according to the number of remains in the grave.

(7) If—

(a) within the said period of one month no such notice as aforesaid is given to the Council in respect of the remains in any grave ; or

(b) within one month after such notice has been given no application has been made under subsection (5) of this section and the person giving the notice fails to remove the remains ; or

(c) within one month after any order is made under the said subsection the person (not being the Council) specified in the order fails to remove the remains ;

the Council may remove the remains of the deceased person and cause them to be interred in such burial ground or cemetery in which burials may legally take place as the Council think suitable for the purpose but in the case of a churchyard the previous consent of the incumbent of the parish shall be required.



(8) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Council be removed and re-erected at the place of re-interment of such remains or at such place as the aforesaid registrar may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Council and the Council shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county.

38.—(1) Nothing in the Disused Burial Grounds Act 1884 shall apply to the land in the borough of Finsbury shown by a pink colour on the plan signed in triplicate by Rhys Hopkin Morris the chairman of the committee of the House of Commons to whom the Bill for this Act was referred and of which one copy has been deposited at the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy at the County Hall Westminster Bridge.

As to former  
burial ground  
in Finsbury.

(2) The Council (which expression in this section includes any person deriving title from or under the Council) before erecting any building on any part of the said land coloured pink shall remove or cause to be removed the remains of all deceased persons interred in that part:

Provided that a 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.

(3) Before proceeding to remove any such remains the Council shall publish a notice for three successive days in two newspapers circulating in the county to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (4) (5) (6) (7) and (8) of this section.

(4) At any time within one month after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are proposed to be removed may give notice in writing to the Council of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose

PART V  
—cont.

but subject as hereinafter mentioned and to any regulations made by the Lord Bishop of the Diocese of London (hereinafter in this section referred to as "the bishop") to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent of the parish.

(5) If any person giving such notice as aforesaid shall fail to satisfy the Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the Registrar of the Consistory Court of the Diocese of London who shall have power to make an order specifying who shall remove the remains and as to the payment of the costs of the application.

(6) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of twenty-five pounds) shall be defrayed by the Council such sum to be apportioned if necessary equally according to the number of remains in the grave.

(7) If—

(a) within the said period of one month no such notice as aforesaid is given to the Council in respect of the remains in any grave ; or

(b) within one month after such notice has been given no application has been made under subsection (5) of this section and the person giving the notice fails to remove the remains ; or

(c) within one month after any order is made under the said subsection the person (not being the Council) specified in the order fails to remove the remains ;

the Council may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such consecrated burial ground or cemetery in which burials may legally take place as subject to the consent of the bishop the Council think suitable for the purpose but in the case of a churchyard the previous consent of the incumbent of the parish shall also be required.

(8) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Council be removed and re-erected at the place of re-interment of such remains or at such place as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Council and the Council shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting



each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

PART V  
—cont.

(9) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county.

39. Subsection (4) of section 14 of the Statistics of Trade Act 1947 (which subsection requires notice to be given immediately after the completion of any work for which a building notice is required under the London Building Acts (Amendment) Act 1939) is hereby repealed.

Repeal of section 14 (4) of Statistics of Trade Act 1947.

40. Subsection (2) of section 164 of the Housing Act 1936 (which requires that certain documents proceeding from a local authority under that Act shall be signed by their clerk or his lawful deputy) shall in its application to any notice demand or other document proceeding from the Council in their capacity as landlord of the premises to which the notice demand or other document relates have effect as if the reference in that section to the clerk of the Council or his lawful deputy included a reference to any officer of the Council authorised by the Council to sign notices demands or documents of that particular kind or the particular notice demand or document (as the case may be).

Service of notices by Council under Housing Act 1936.

41.—(1) In this section “Horniman Park” means the premises in the borough of Lewisham which are vested in the Council by virtue of section 46 (Acquisition of Horniman Park and powers and provisions as to management thereof) of the London County Council (General Powers) Act 1901.

Provision of refreshments at Horniman Park.

(2) The Council in connection with the exercise of the powers of management of Horniman Park conferred upon them by the said section 46 may in relation to any part of Horniman Park to which the provisions of Part V (Open spaces) of the London County Council (General Powers) Act 1935 do not for the time being apply exercise the like powers of providing and of arranging for the provision of refreshments for sale to the public as they may exercise in relation to the remainder of Horniman Park under the said Part V.

42.—(1) Proof of any proceedings of a meeting of a local authority or of a committee or sub-committee of a local authority may (without prejudice to any other manner in which such proceedings may be proved) be given by the production of a certified copy of the minutes of the proceedings drawn up in pursuance of sub-paragraph (1) of paragraph 3 of Part III of the Third Schedule to the Act of 1939 or of subsection (2) of section 69 of the said Act (as the case may be) or of a certified copy of a sufficient extract from such minutes and any such certified copy shall be received in evidence without further proof.

Evidence of proceedings at meetings of Council or borough council.



PART V  
—cont.

(2) In this section—

“certified copy” means a copy bearing a certificate purporting to be signed by the clerk or other duly authorised officer of the local authority stating that the copy is a true copy of the minutes drawn up as aforesaid or of an extract therefrom (as the case may be); and

“local authority” means the Council and a borough council.

Power to  
sanitary  
authority to  
cleanse aged  
and feeble  
persons in  
their homes.

43.—(1) Where it appears to a sanitary authority upon a report from the medical officer of health or a sanitary inspector for their district that any aged person within their district—

(a) is verminous or is for any other reason in need of cleansing in order to prevent injury or the danger of injury to health; and

(b) is so enfeebled that he is unable to avail himself of any facilities for cleansing himself provided by the authority under any enactment or to cleanse himself properly;

the authority may on the application or with the consent of that person (but not otherwise) cause him to be cleansed free of charge at the place where he resides or at any other suitable place.

(2) A sanitary authority may make all such arrangements and provide all such apparatus and things as may be necessary for the convenient exercise of the powers conferred by the foregoing subsection.

(3) This section shall be read and construed as one with Part III of the Act of 1936.

Recovery of  
rates on  
premises in  
diplomatic  
occupation.

44.—(1) Where—

(a) any hereditament in a rating area within the county is occupied upon terms which provide that the owner shall pay the general rate charged on such hereditament; and

(b) the occupier of the hereditament would in any proceedings against him by the rating authority to enforce payment of such rate be entitled to claim diplomatic immunity;

the owner shall be liable to pay to the rating authority so much of any payment in respect of rent received by him from the occupier as shall represent the proportion of rate included in such payment and so much of such payment may be recovered from the owner in the same manner and subject to the same conditions in and subject to which rates are recoverable from the occupiers of rated hereditaments.



(2) In this section—

“ diplomatic immunity ” means immunity from suit and legal process which is accorded by law to any envoy or other public minister of a foreign sovereign power accredited to Her Majesty or to the family of such envoy or minister or to the members of the official or domestic staff of such envoy or minister or to the families of such staff and includes any like immunity and any exemption or relief from rates which is conferred upon any person or organisation by or under the International Organisations (Immunities and Privileges) Act 1950 or the Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952 ; and

“ owner ” in relation to a hereditament includes any person who receives any rent of the hereditament whether on his own account or as agent or trustee for any other person.

(3) The provisions of this section shall not prejudice or affect the operation of any other enactment relating to the recovery of rates.

**45.**—(1) As soon as practicable after the return of the income and expenditure of a borough council in respect of any financial year required by Part XI of the Act of 1933 is made to the Minister the borough council shall send a copy of such return to the Council.

Annual reports and returns of borough councils.

(2) Section 175 of the Act of 1939 (which requires borough councils to publish annual reports of their proceedings) shall cease to have effect and as from the passing of this Act all obligation of a borough council to comply with the provisions of that section in relation to any financial year which ended before the passing of this Act shall (subject to the provisions of the next following subsection) cease to be enforceable.

(3) Nothing in this section shall prevent the publication by a borough council if they think fit of a report of their proceedings for any financial year :

Provided that—

- (i) if a borough council publish such a report they shall send a copy thereof as soon as it is published to the Minister and to the Council ;
- (ii) a borough council shall supply a copy of any such report published by them (whether before or after the passing of this Act) to any person applying for the same on payment of such reasonable sum as they may decide.

PART V  
—cont.

Power to  
Chelsea  
Council to  
provide  
ornamental  
fountain in  
Sloane Square.

46.—(1) Subject to the provisions of this section the Chelsea Council may on a site within the central island of Sloane Square in the borough provide erect and maintain an ornamental fountain and may cause such fountain to be illuminated and a supply of water to be provided thereto and may make all such arrangements as may be necessary for the purposes aforesaid.

(2) The Chelsea Council may enter into and carry into effect agreements with any other persons for the exercise by the Chelsea Council jointly with such persons of any of the powers conferred by the foregoing subsection.

(3) Subject as between the Chelsea Council and any persons with whom an agreement is entered into under the last foregoing subsection to the rights of such persons under the agreement any fountain (including any ornamental features or other accessories belonging thereto) provided and erected in pursuance of this section shall be vested in the Chelsea Council and the Chelsea Council may remove the fountain or make such alterations therein as they may decide.

(4) The Chelsea Council in connection with the erection of a fountain under this section shall without cost to the Council comply or secure compliance with any requirements which may be made in writing to them by the Council with respect to the execution of any works which the Council consider necessary for the protection of any sewer of the Council which is situated under or near to the site upon which such fountain is to be erected.

(5) Nothing in this section shall authorise the Chelsea Council without the agreement of any statutory undertakers as defined by section 119 of the Act of 1947 to interfere with or obstruct the access to any apparatus belonging to such undertakers which is situated in or under the said central island of Sloane Square at the passing of this Act and notwithstanding any exercise by the Chelsea Council of the powers conferred by this section such undertakers shall save as may be otherwise agreed between them and the Chelsea Council have all such rights of continuing and maintaining any such apparatus as they had before such exercise.

Amendment  
of scheme  
of sickness  
allowances  
for certain  
employees of  
Bethnal Green  
Council.

47.—(1) In this section—

“the Act of 1906” means the Bethnal Green Borough Council (Superannuation) Act 1906; and

“the scheme” means the scheme of allowances to be granted by the Bethnal Green Council to certain employees which is set out in the schedule to the Act of 1906.



(2) The following paragraphs shall be substituted for paragraphs 5 to 7 of the scheme:—

“ 5. The allowance (if any) payable to the employee under this scheme in respect of his period of incapacity shall be determined in accordance with the following rules:—

(1) The maximum period during which an allowance shall be payable (hereinafter referred to as ‘the benefit period’) shall be—

(a) if during the period of twelve months immediately preceding the first day of incapacity the employee has not been absent from work through sickness or accident a period of twenty-six weeks;

(b) if during the said period of twelve months the employee has been so absent from work a period of twenty-six weeks reduced by the period or the aggregate of the periods during which he was so absent:

Provided that for the purposes of any reduction under paragraph (b) of this rule—

(i) any period of absence of an employee which was due to an injury received by him in the discharge of his duty and without his own default;

(ii) any period of absence of an employee in respect of which he either received no allowance or received an allowance the full amount of which was repaid to the Council under paragraph 11 of this scheme; and

(iii) where in respect of any period of absence an employee received an allowance of which part only was repaid to the Council under the said paragraph 11 so much of such period as the Council may at their discretion decide;

shall be disregarded:

(2) If the benefit period exceeds thirteen weeks the employee shall receive during such time as his incapacity continues—

(a) for the period ascertained by deducting thirteen weeks from the benefit period or any part of the period so ascertained an allowance at the rate of three-fourths of his weekly wages; and

(b) (if his incapacity continues beyond the period so ascertained) for the remainder of the benefit period or any part of such remainder an allowance at the rate of one-half of his weekly wages:

PART V  
—cont.

(3) If the benefit period does not exceed thirteen weeks the employee shall receive for so much of such period during which his incapacity continues an allowance at the rate of one-half of his weekly wages.

6. Notwithstanding anything in paragraph 5 of this scheme if the Council consider that the circumstances of any case justify the continuance of the payment of any allowance beyond the period provided by that paragraph they may continue to pay such allowance for such further period as they may at their discretion decide.”

(3) The Bethnal Green Council shall as soon as conveniently may be after the passing of this Act give notice in writing of the provisions of the last foregoing subsection to every employee to whom the scheme applied immediately before the passing of this Act and who is still in their employment and if within one month after the receipt by him of such notice an employee notifies the Bethnal Green Council in writing that he does not wish that subsection to apply to him the scheme shall continue and shall be deemed as from the passing of this Act to have continued to apply to him as if this section had not been enacted.

(4) Nothing in this section shall prejudice the power of the Bethnal Green Council under section 19 (Scheme for accident sick pay and burial &c.) of the Act of 1906 to vary from time to time the conditions of the benefits to persons who would be affected by the scheme.

Saving for  
town and  
country  
planning.

48. This Act shall be deemed to be an enactment passed before and in force at the passing of the Act of 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

49.—(1) All costs and expenses of the Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the Act of 1939 as the Council may decide.

(2) So much of the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in—

- (a) Part IV (Powers for Hammersmith Council);
- (b) section 46 (Power to Chelsea Council to provide ornamental fountain in Sloane Square);  
and
- (c) section 47 (Amendment of scheme of sickness allowances for certain employees of Bethnal Green Council);

shall unless otherwise agreed be paid as regards (a) by the Hammersmith Council as regards (b) by the Chelsea Council and as regards (c) by the Bethnal Green Council.



## SCHEDULE

## ENACTMENTS REPEALED

Session and chapter	Short title	Extent of repeal
11 & 12 Vict. c. clxiii.	The City of London Sewers Act 1848.	Section seventy-six.
14 & 15 Vict. c. xci.	The City of London Sewers Act 1851.	Section four.
16 & 17 Geo. 5. c. vii.	The City of London (Various Powers) Act 1926.	Section four.
26 Geo. 5. & 1 Edw. 8. c. 50.	The Public Health (London) Act 1936.	Sections fifty-six to fifty-nine and sixty-one to sixty-three In section eighty the words from "of section seven" to "drainage of factories into sewers) or".

*Table of Statutes referred to in this Act*

Short title	Session and chapter
City of London Sewers Act 1848 ... ..	11 & 12 Vict. c. clxiii.
Rivers Pollution Prevention Act 1876 ... ..	39 & 40 Vict. c. 75.
Disused Burial Grounds Act 1884 ... ..	47 & 48 Vict. c. 72.
London County Council (General Powers) Act 1894 ... ..	57 & 58 Vict. c. ccxii.
London County Council (General Powers) Act 1901 ... ..	1 Edw. 7. c. cclxxii.
London County Council (General Powers) Act 1904 ... ..	4 Edw. 7. c. ccxlv.
Bethnal Green Borough Council (Superannuation) Act 1906 ... ..	6 Edw. 7. c. vi.
Acquisition of Land (Assessment of Compensation) Act 1919 ... ..	9 & 10 Geo. 5. c. 57.
City of London (Various Powers) Act 1926 ... ..	16 & 17 Geo. 5. c. vii.
Petroleum (Consolidation) Act 1928 ... ..	18 & 19 Geo. 5. c. 32.
Local Government Act 1933 ... ..	23 & 24 Geo. 5. c. 51.
London County Council (General Powers) Act 1935 ... ..	25 & 26 Geo. 5. c. xxxiii.
Public Health Act 1936 ... ..	26 Geo. 5. & 1 Edw. 8. c. 49.
Public Health (London) Act 1936 ... ..	26 Geo. 5. & 1 Edw. 8. c. 50.
Housing Act 1936 ... ..	26 Geo. 5. & 1 Edw. 8. c. 51.
Public Health (Drainage of Trade Premises) Act 1937 ... ..	1 Edw. 8. & 1 Geo. 6. c. 40.

## Table of Statutes referred to in this Act—continued

Short title	Session and chapter
London Government Act 1939 ... ..	2 & 3 Geo. 6. c. 40.
London Building Acts (Amendment) Act 1939 ... ..	2 & 3 Geo. 6. c. xcvi.
London County Council (General Powers) Act 1939 ... ..	2 & 3 Geo. 6. c. c.
Statistics of Trade Act 1947 ... ..	10 & 11 Geo. 6. c. 39.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6. c. 51.
Gas Act 1948 ... ..	11 & 12 Geo. 6. c. 67.
London County Council (General Powers) Act 1948 ... ..	11 & 12 Geo. 6. c. liii.
Statute Law Revision Act 1950 ... ..	14 Geo. 6. c. 6.
International Organisations (Immunities and Privileges) Act 1950 ... ..	14 Geo. 6. c. 14.
London County Council (General Powers) Act 1950 ... ..	14 Geo. 6. c. xlii.
London County Council (General Powers) Act 1951 ... ..	14 & 15 Geo. 6. c. xli.
Diplomatic Immunities (Commonwealth Countries and Republic of Ireland) Act 1952 ... ..	15 & 16 Geo. 6. & 1 Eliz. 2. c. 18.

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# London County Council (General Powers) Act, 1953

1 & 2 ELIZ. 2 Ch. xliii

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## ARRANGEMENT OF SECTIONS

### PART I

#### PRELIMINARY

Section

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2. Act divided into Parts.
3. Interpretation.

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6. Right to discharge trade effluents into sewers.
7. Extent of next three following sections.
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9. Power of sewer authority to require information with respect to trade effluents.
10. Power to impose conditions etc. with respect to discharge of trade effluents.
11. Agreements between sewer authorities and occupiers of trade premises.
12. Inspection chambers at trade premises.
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18. Fines.
19. Discharge of trade effluents from premises within county into sewers of external sewerage authorities.
20. For protection of gas boards.
21. Construction of foregoing provisions.
22. Application of Public Health (Drainage of Trade Premises) Act 1937 to certain areas outside county.

## Section

23. Apportionment of payments for disposal of trade effluents received by Council from outside county.
24. For further protection of North Thames Gas Board.
25. Inquiries by Minister.
26. Repeals.
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## EXTENSION OF TIME

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31. Power to Hammersmith Council to pave Lower Mall and Upper Mall.
32. As to erection of structures and removal of trees etc.
33. Regulation of traffic over the lands.
34. Offences.
35. Vesting of materials etc. in Hammersmith Council and saving for rights and liabilities.
36. Correction of errors in deposited plan and book of reference.

## PART V

## MISCELLANEOUS

37. As to former burial ground in Lambeth.
38. As to former burial ground in Finsbury.
39. Repeal of section 14 (4) of Statistics of Trade Act 1947.
40. Service of notices by Council under Housing Act 1936.
41. Provision of refreshments at Horniman Park.
42. Evidence of proceedings at meetings of Council or borough council.
43. Power to sanitary authority to cleanse aged and feeble persons in their homes.
44. Recovery of rates on premises in diplomatic occupation.
45. Annual reports and returns of borough councils.
46. Power to Chelsea Council to provide ornamental fountain in Sloane Square.
47. Amendment of scheme of sickness allowances for certain employees of Bethnal Green Council.
48. Saving for town and country planning.
49. Costs of Act.

SCHEDULE—Enactments repealed.