



CHAPTER xlv

An Act to confer further powers upon the London County Council and other authorities; and for other purposes.
[1st August, 1962.]

WHEREAS—

(1) By Part II of the London County Council (General Powers) Act, 1953, provision was made for prohibiting the entry of certain matters into sewers and drains in the administrative county of London (hereinafter referred to as “the county”) and for enabling the London County Council (hereinafter referred to as “the Council”), metropolitan borough councils and the common council of the city of London (hereinafter referred to as “the common council”) to regulate the admission into sewers under their control of the liquids proceeding from premises within the county at which trade or industry is carried on:

(2) It is expedient that the provisions of the said Part II should be amended and extended as by this Act provided, and that provision should be made for and in connection with the payment of charges by occupiers of trade premises from which trade effluent is discharged into the London sewerage system:

(3) It is expedient that powers should be conferred on metropolitan borough councils and the common council to enable them to restrict the use of, and require the carrying out of works

and the doing of other things in relation to, certain buildings which in their opinion are liable to flooding, and to require or enable them, and (in appropriate cases) the Council, to make certain payments in that connection:

(4) It is expedient that the provisions of section 25 of the London County Council (General Powers) Act, 1959, should apply to any refreshment house as defined by this Act:

(5) The time limited by the London County Council (General Powers) Act, 1957 (hereinafter referred to as "the Act of 1957"), for the completion of certain works by the Council will shortly expire, and it is expedient that the time so limited should be extended as by this Act provided:

(6) It is expedient that the provisions of Part III of the Act of 1957 relating to the Strand subways referred to in that Act should be extended as by this Act provided:

(7) It is expedient that provision should be made for enabling the period of operation of certain authorisations given to the Council under section 1 of the Housing (Temporary Accommodation) Act, 1945, as to the use of open spaces for temporary housing accommodation, to be further extended:

(8) By the Thames River (Prevention of Floods) Acts, 1879 to 1961, provisions were made for the purpose of protecting lands in the county from floods and inundations caused by the overflow of the river Thames, and it is expedient that such further provision for that purpose should be enacted as by this Act provided:

(9) It is expedient that provision should be made as by this Act provided for empowering the Council to make annual payments to the councils of the county boroughs of East Ham and West Ham, of the municipal boroughs of Barking and Erith, and of the metropolitan boroughs of Poplar and Woolwich, equal to the net loss (if any) sustained by those councils in each year by reason of the exemption from rating of the overground portions of the Council's northern outfall sewers and southern high level sewer No. 2 effected by the Rating and Valuation (Miscellaneous Provisions) Act, 1955:

(10) It is expedient that, for the better performance of their respective powers or duties within the county of London, the Council and metropolitan borough councils should be empowered to enter into agreements for the provision between themselves of reciprocal and other services as by this Act provided:

(11) It is expedient that the powers of metropolitan borough councils to acquire land by agreement should be extended as by this Act provided:

(12) It is expedient that the law relating to applications for and the granting of annual licences for trading in streets and the time for the payment of fees to metropolitan borough councils for such annual licences should be amended as by this Act provided:

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

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

(15) 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:

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

1. This Act may be cited as the London County Council Short title. (General Powers) Act, 1962.

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

Part I.—Preliminary.

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

Part III.—Public health.

Part IV.—Miscellaneous and supplemental.

Division of
Act into
Parts.

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

“ 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 London County Council (General Powers) Act, 1947;

“ the Act of 1957 ” means the London County Council (General Powers) Act, 1957;

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

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

PART I
—cont.

- “ 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 is continued after conviction;
- “ enactment ” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “ the Minister ” means the Minister of Housing and Local Government;
- “ year ” means a period of twelve months beginning with the first day of April.

(2) Any reference in this Act to an enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment including this Act.

PART II

DISCHARGE OF TRADE EFFLUENTS, ETC., INTO SEWERS

Interpretation
of Part II.

4.—(1) In this Part of this Act—

- “ the Act of 1875 ” means the West Kent Main Sewerage Act, 1875;
- “ the Act of 1953 ” means the London County Council (General Powers) Act, 1953;
- “ the appointed day ” means the first day of April, nineteen hundred and sixty-four;
- “ the board ” means the West Kent Main Sewerage Board;
- “ half-year ” means a period of six months ending on the thirtieth day of September or the thirty-first day of March in any year;
- “ occupier ” in relation to any trade premises from which any trade effluent has been discharged into the London sewerage system means, for the purposes of the provisions of this Part of this Act relating to the making and recovery of charges, the person who was the occupier of those premises at the time of such discharge;
- “ officer ” includes a servant.

(2) Any reference in this Part of this Act to the discharge of trade effluent from any trade premises directly into any sewer vested in the Council or in a local sewer authority includes a reference to the discharge of trade effluent into any drain which discharges directly into a sewer vested as aforesaid.

(3) This Part of this Act shall be read and construed as one with Part II (Discharge of trade effluents etc. into sewers) of the Act of 1953.

5.—(1) Subject to the provisions of this Part of this Act, where any trade effluent is discharged from any trade premises directly into any sewer vested in the Council or in a local sewer authority, the occupier for the time being of those premises shall pay to the Council such charges as the Council may from time to time require in pursuance of the following provisions of this section.

PART II
—cont.

Charges for
reception and
disposal of
trade
effluent.

(2) Any such charges as aforesaid shall be comprised of the following elements (that is to say):—

(a) a charge in respect of the use of sewers and sewerage works (not being sewage purification and disposal works) vested—

(i) in any sewer authority, and

(ii) where trade effluent after having been received into the London sewerage system passes or will pass into the sewers of an external sewerage authority, in the external sewerage authority; and

(b) a charge in respect of the treatment and disposal of the trade effluent (including the use of sewage purification and disposal works vested in the Council or in an external sewerage authority);

which elements are in this Part of this Act referred to as element (a) and element (b) respectively.

(3) Where an agreement entered into by a sewer authority with an occupier of trade premises outside the county under section 11 (Agreements between sewer authorities and occupiers of trade premises) of the Act of 1953 provides for the making of payments by the occupier to the sewer authority as respects all or any of the matters in respect of which charges are required to be made in pursuance of this section, then, during the continuance of that agreement, no charge shall be payable under this section in respect of element (a) and element (b), or either of those elements, in so far as provision is made in that agreement for payments in respect of all or any of the matters aforesaid.

(4) (a) Where an agreement has been entered into by the board with an occupier of trade premises (whether within or outside the county) from which trade effluent is discharged directly into a sewer vested in a sewer authority and after having been received into such sewer passes or will pass into the sewers of the board, and such agreement provides for the making of payments by the occupier to the board as respects all or any of the matters in respect of which charges are required to be made in pursuance of this section, then, during the continuance of that agreement, no charge shall be payable under this section in respect of element (a) and element (b), or either of those elements, in so far as provision is made in that agreement for payments in respect of all or any of the matters aforesaid.

PART II
—cont.

(b) Where a main sewer rate is assessed by the board upon the occupier of any such trade premises as are referred to in the preceding paragraph in pursuance of section 55 (Main sewer rate on millowners &c.) of the Act of 1875, no charge shall be payable by such occupier to the Council under this section other than a charge in respect of element (a), and paragraph (a) of subsection (2) of this section shall have effect as if the words from “and, where trade effluent after” to the end of the paragraph were omitted therefrom.

(5) The Council shall as soon as reasonably practicable after the receipt of the information referred to in subsection (4) of section 6 (Registers of premises from which trade effluent is discharged) of this Act render accounts to the occupiers of trade premises of the charges due in respect of the discharge of trade effluent from their premises during the preceding half-year and in the event of any failure by an occupier to pay the sum due in respect of the account rendered to him may recover from him such sum either summarily as a civil debt or as a simple contract debt in any court of competent jurisdiction.

(6) The Council shall, if so required by the occupier of any trade premises within fourteen days after an account has been rendered to him in pursuance of the provisions of this section, deliver to him within twenty-eight days after the receipt of such requirement particulars of the manner in which the charge specified in that account has been formulated.

(7) The Council shall—

(a) apportion amounts received or recovered by the Council in respect of element (a) and element (b) in the accounts rendered to the occupiers of trade premises—

(i) as respects element (a), between the Council, local sewer authorities and external sewerage authorities in such manner as may be agreed between the Council and those authorities or, in default of such agreement, settled by arbitration; and

(ii) as respects element (b), between the Council and external sewerage authorities in such manner as may be necessary to ensure that, where trade effluent after having been received into the London sewerage system passes or will pass into the sewers of an external sewerage authority by whom it is disposed of, the external sewerage authority will, in pursuance of sub-paragraph (ii) of paragraph (b) of this subsection, receive the amount received or recovered by the Council in respect of element (b) in the accounts rendered to occupiers from whose premises such trade effluent as aforesaid is discharged; and

(b) at such times as may be agreed between the Council and each local sewer authority or external sewerage authority in whose favour an apportionment under the foregoing paragraph has been made, or, in default of such agreement, as may be settled by arbitration, pay—

(i) to each local sewer authority any amount due to that local sewer authority by virtue of an apportionment made in pursuance of sub-paragraph (i) of the foregoing paragraph; and

(ii) to each external sewerage authority any amount due to that external sewerage authority by virtue of an apportionment made in pursuance of sub-paragraph (i) and sub-paragraph (ii) of the foregoing paragraph.

(8) In formulating the charges due from time to time in respect of element (a) and element (b) the Council shall have regard to—

(i) the nature, composition, volume and rate of discharge of the trade effluent and also, in respect of element (b), to any additional expense incurred or likely to be incurred in connection with the treatment and disposal of the trade effluent and to any revenue likely to be derived from the trade effluent;

(ii) the administrative expenses incurred by the Council and by local sewer authorities in the exercise of their functions under Part II of the Act of 1953 and this Part of this Act; and

(iii) any representations as to charges made to them by any local sewer authority or external sewerage authority.

(9) An occupier of trade premises who considers that the amount of any charge in respect of any element as specified in an account rendered to him under this section is unreasonable in the circumstances may within a period of two months after the rendering of the account to him or, with the written permission of the Council, at any later time refer the matter to the Minister who may confirm or annul the charge or substitute for the amount of the charge such other amount (whether more or less than the amount specified in the account) as he may decide.

(10) Any question or difference which pursuant to this section is to be settled by arbitration shall be referred to and determined by an arbitrator to be agreed upon between the parties in difference or, failing such agreement, to be appointed on the application of any party (after notice in writing to the other party or parties concerned) by the President of the Institute of Municipal Treasurers and Accountants.

PART II
—cont.

(11) Nothing in this section shall be deemed to confer upon the occupier of any trade premises a right to discharge, subject to the payment of charges, any matter which falls within the provisions of section 5 (Certain matters not to be passed into sewers) of the Act of 1953, nor to prejudice or affect any conditions to which the discharge may be subject in pursuance of the provisions of Part II of the Act of 1953 or of this Part of this Act.

(12) For the avoidance of doubt it is hereby declared that references in section 23 (Apportionment of payments for disposal of trade effluents received by Council from outside county) of the Act of 1953 to the Act of 1937 include references to Part V of the Public Health Act, 1961.

(13) For the purposes of subsection (3) of section 10 (Annual financial statement) of the London County Council (General Powers) Act, 1950, any amounts received or recovered by the Council from the occupiers of trade premises under this Part of this Act (except such amounts as the Council are required to pay to local sewer authorities and external sewerage authorities thereunder), and any amounts received by the Council under section 23 of the Act of 1953, shall be included in the amounts which by virtue of sub-paragraph (iii) of paragraph (a) of the said subsection (3) are to be shown as income in the statements prepared under that section.

(14) The provisions of subsections (1) to (10) of this section shall have effect in relation to any trade effluent which is discharged on or after the appointed day.

Registers of premises from which trade effluent is discharged.

6.—(1) Each local sewer authority shall compile and maintain a register of all trade premises from which any trade effluent is discharged directly into any sewer vested in them.

(2) The Council shall compile and maintain a register of all trade premises from which any trade effluent is discharged directly into any sewer vested in the Council.

(3) Any such register as is mentioned in either of the two preceding subsections shall as respects any trade premises specify—

- (a) the name and address of the owner and occupier of those premises;
- (b) the nature of the work and processes carried on at those premises;
- (c) the average daily quantities of effluent which are, or are estimated to be, discharged therefrom, and the maximum rate of the discharge;
- (d) the nature and composition of the said effluent; and
- (e) such other information as the Council may direct either generally or as respects any particular trade premises or type or description of trade premises.

(4) As from the appointed day each local sewer authority shall transmit to the Council within twenty-eight days after the thirtieth day of September and the thirty-first day of March in every year such information from their registers as the Council may require for the purpose of computing the amount of the charges to be made to the occupiers of trade premises from which trade effluent has been discharged at any time during the preceding half-year.

(5) Where an entry is made in respect of any trade premises in a register required to be compiled and maintained under this section, a sewer authority shall, when requested so to do—

- (i) by any person appearing to the authority to be interested in the premises, or by any person authorised by him, issue free of charge to him or to such other person as may be specified in the request a certificate to the effect that the premises are entered in the said register;
- (ii) by the occupier of the premises, issue to him free of charge a certified copy of the entry in the register relating to the premises.

7.—(1) The local sewer authority as respects any such trade premises as are referred to in subsection (1) of the last foregoing section, and the Council as respects any such trade premises as are referred to in subsection (2) of that section, may direct that the discharge of trade effluent from those premises shall be subject to such conditions as may be specified in the direction as regards all or any of the following matters:—

Installation
of meters,
etc., on trade
premises.

- (a) the provision and maintenance of such meters and other recording apparatus as may be required to measure or record the volume and rate of discharge of any trade effluent being discharged from the premises into the sewer, and the testing of such meters and apparatus;
- (b) the provision and maintenance of apparatus for determining, and recording information as to, the nature and composition of any trade effluent being discharged from the premises into the sewer, and the testing of the apparatus;
- (c) the keeping of records of the volume, rate of discharge, nature and composition of any trade effluent being so discharged and, in particular, the keeping of records of readings of meters and other recording apparatus provided in compliance with any other condition imposed under this section; and
- (d) the making of returns and giving of other information to the local sewer authority or to the Council concerning the volume, rate of discharge, nature and composition of any trade effluent so discharged;

PART II
—cont.

and the local sewer authority or the Council, as the case may be, may from time to time vary or annul a direction given by them under this section by a further direction.

(2) No further direction shall be given under this section within two years from the date on which notice was given of the previous direction, but this subsection shall not prevent a further direction being given before that time with the written consent of the owner and occupier of the trade premises, and any direction given with such consent shall not affect the time at which any subsequent direction may be given.

(3) The local sewer authority or the Council, as the case may be, shall give notice of any direction under this section to the owner and occupier of the trade premises to which the direction relates and the notice shall include information as to the effect of the three next following subsections.

(4) The owner or occupier of the trade premises may within two months of the giving of the notice to him, or with the written permission of the local sewer authority or the Council, as the case may be, at any later time, appeal to the Minister against the direction.

(5) The notice shall state the date on which the direction is to take effect, being a date not less than two months after the giving of the notice, and, if an appeal is brought under this section, the direction shall not take effect until the appeal is finally determined, abandoned or withdrawn.

(6) On an appeal against a direction under this section the Minister shall have power to annul the direction or to substitute for it any other direction, whether more or less favourable to the appellant.

(7) If there is a failure to comply with a condition imposed by a direction under this section, and any trade effluent has been discharged from the trade premises at any time since the condition took effect into a sewer vested in the Council or in a local sewer authority, the occupier of the trade premises shall be guilty of an offence.

(8) If any person—

(i) damages, injures, tampers with, or in any way interferes with the mechanism or functioning of—

(a) any meter or other recording apparatus provided and maintained in pursuance of a condition imposed by a direction given under paragraph (a) of subsection (1) of this section with the intent that the readings given or information recorded by the said meter or other recording apparatus shall be rendered inaccurate, or that the meter or other recording apparatus shall otherwise be prevented from duly measuring or recording the volume and rate of discharge of any trade effluent; or

(b) any apparatus provided and maintained in pursuance of a condition imposed by a direction given under paragraph (b) of the said subsection (1) with the intent that the determination made or information recorded by the said apparatus shall be rendered inaccurate, or that the apparatus shall otherwise be prevented from duly determining, or recording information as to, the nature and composition of any trade effluent; or

(ii) knowingly or recklessly makes any false entry in any record which is required to be kept in pursuance of a condition imposed by a direction given under paragraph (c) of the said subsection; or

(iii) knowingly or recklessly makes any false return to the local sewer authority or to the Council in pursuance of a condition imposed by a direction given under paragraph (d) of the said subsection or otherwise knowingly or recklessly furnishes any false information in pursuance of the said condition;

he shall be guilty of an offence and shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both.

(9) Where by reason of any such offence as is referred to in the last foregoing subsection any account rendered to the occupier of any trade premises has required payment of a sum being less than the sum payment of which would have been required if no such offence had been committed, the Council may recover from the occupier the amount by which the last-mentioned sum exceeds the first-mentioned sum as a simple contract debt in any court of competent jurisdiction, or, if the said amount does not exceed twenty pounds, summarily as a civil debt, and any dispute between the Council and the occupier of the trade premises as to the amount of the said last-mentioned sum shall be determined by the court in which the proceedings for recovery are taken.

(10) For the purposes of paragraph (a) of subsection (7) of section 5 (Charges for reception and disposal of trade effluent) of this Act—

(i) any amount recovered by the Council in pursuance of the last foregoing subsection shall be deemed to be an amount recovered in respect of element (a) and element (b); and

(ii) the account rendered to the occupier from whom such amount is recovered shall be deemed to have required payment of a sum equal to the total of the first-mentioned

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—cont.

sum referred to in the said last-foregoing subsection and the said amount recovered by the Council in pursuance of that subsection.

(11) Any meter or other apparatus provided in any trade premises in pursuance of this section for the purpose of measuring, recording information as to, or determining the volume, rate of discharge, nature or composition of trade effluent discharged from those premises shall in any proceedings be presumed to register or function accurately until the contrary is shown.

As to default
by local
sewer
authority.

8.—(1) Where a complaint has been made to the Minister by the Council that a local sewer authority have failed—

- (i) to compile or maintain such a register as they are required to compile and maintain by subsection (1) of section 6 of this Act; or
- (ii) to transmit to the Council from their registers such information as they are required to transmit by subsection (4) of the said section 6;

the Minister, if satisfied after due inquiry that there has been such a failure on the part of that local sewer authority, may make an order declaring that authority to be in default and directing that authority to exercise such powers as may be necessary for the purpose of remedying the default in such manner and within such time as may be specified in the order.

(2) If the local sewer authority to whom such an order is addressed fail to comply with any requirement thereof within the time limited thereby for compliance therewith, the Minister may make an order—

- (i) where the local sewer authority are a borough council, appointing the Council to perform and exercise such of the obligations and powers of the borough council under Part II of the Act of 1953 and this Part of this Act as may be necessary for the purpose of enabling the functions of the Council under section 5 of this Act to be duly performed; or
- (ii) where the local sewer authority are the common council, appointing some person to perform and exercise such of the obligations and powers of the common council under Part II of the Act of 1953 and this Part of this Act as may be necessary for the purpose aforesaid;

and any order made under this subsection shall remain in force until such time as may be specified in that order.

(3) An order under the last foregoing subsection may provide for the application for the purposes of the order and subject to such modifications as may be specified therein of section 292, in relation to a borough council, or section 295, in relation to the common council, of the Act of 1936.

PART II
—cont.

9.—(1) Where the discharge of trade effluent from any trade premises is subject to conditions which have become effective by virtue of the provisions of section 10 (Power to impose conditions etc. with respect to discharge of trade effluents) of the Act of 1953, the sewer authority, after consultation with every other sewer authority or external sewerage authority into whose sewers the effluent passes or will or may pass, may from time to time serve upon the occupier of the premises a notice that they propose that the conditions to which the discharge is subject shall be varied as specified in the notice (hereinafter referred to as a “notice of proposed variation”).

Power to vary conditions.

(2) No notice of proposed variation shall be served in pursuance of subsection (1) of this section within two years from the date upon which the conditions proposed to be varied became effective or, as the case may be, were last varied by virtue of the provisions of this section, but this subsection shall not prevent a notice of proposed variation being served before the expiry of the said period of two years with the written consent of the occupier of the trade premises, and any notice of proposed variation served with such consent shall not affect the time at which any subsequent notice of proposed variation may be served.

(3) The provisions of subsections (3) to (5) and (7) to (9) of the said section 10 shall apply to a notice of proposed variation as if it were a notice of proposed conditions served under the said section 10, and as if the proviso to the said subsection (7) were omitted therefrom.

(4) References in this section to the variation of conditions include references to the addition or annulment of conditions provided that no condition shall be added which could not have been originally specified in a notice of proposed conditions served in pursuance of the provisions of the said section 10.

10.—(1) For the purposes of the definition of “trade premises” in subsection (1) of section 4 (Interpretation of expressions in Part II of this Act) of the Act of 1953, any land or premises used or intended to be used (in whole or in part and whether for profit or not)—

Effluents from farms and premises used for scientific research.

- (a) for agricultural or horticultural purposes; or
- (b) for scientific research or experiment;

PART II
—cont.

shall be deemed to be premises used for carrying on a trade or industry, and for the purposes of the definition in that subsection of "trade effluent" the expression "trade or industry" shall include agriculture, horticulture and scientific research or experiment.

(2) Nothing in this Part of this Act shall affect any agreement duly made before the commencement of this Act between a sewer authority and the occupier of any premises with respect to the discharge from those premises of any effluent which would fall within the definition of trade effluent as amended by subsection (1) of this section (but not as unamended).

Laundries
and breweries.

11.—(1) Nothing in section 5 or section 7 (Installation of meters, etc., on trade premises) of this Act shall confer any power on any sewer authority to require the payment of any charge or to give directions imposing any condition in relation to the discharge from any premises into the London sewerage system of any liquid produced solely in the course of laundering articles on those premises.

(2) If the Council apply to the Minister and satisfy him that the discharge of trade effluent under the exemption conferred by the foregoing subsection or by subsection (10) of section 10 of the Act of 1953 (which exempts discharges from laundries and breweries from the provisions of that section) is likely to overload any sewers (whether vested in the Council or a local sewer authority or an external sewerage authority), or to make the treatment or disposal of sewage from any such sewers specially difficult or expensive, or that there are other exceptional circumstances, the Minister may, after affording to such persons as in his opinion are likely to be affected thereby an opportunity of making representations, by order provide that, to such extent as appears to him to be appropriate in the circumstances, subsection (1) of this section and paragraph (a) of the said subsection (10) or (as the case may be) paragraph (b) of the said subsection (10) shall not apply in relation to any discharge from such premises as are specified in, or are situate in an area specified in, the order.

(3) For the purposes of the foregoing subsection the reference to other exceptional circumstances shall, without prejudice to the generality of that reference, be deemed (as respects any premises at which there is produced or proposed to be produced any such liquid as is referred to in paragraph (a) of the said subsection (10)) to include a reference to circumstances where the said premises are not in the nature of an ordinary domestic laundry by reason of the fact that they are used wholly or mainly for the cleansing of rags or other articles not of a domestic character used for the purposes of a trade or industry.

(4) For the avoidance of doubt, the expression “trade or industry” in the last foregoing subsection includes agriculture, horticulture and scientific research or experiment.

(5) The Council may make such application to the Minister as is referred to in subsection (2) of this section on behalf of a local sewer authority or of an external sewerage authority if requested by either of them so to do.

(6) The Council shall take such steps as appear to them to be appropriate for bringing any application under this section to the attention of those who may be affected thereby and of affording them an opportunity of making representations to the Minister.

(7) The Minister may include in an order under this section such transitional, supplemental and incidental provisions as appear to him to be expedient.

(8) After an order is made under this section the Council shall publish a notice of the order on at least two occasions in a local newspaper circulating in the district or districts in which the premises or area specified in the order are situated.

(9) An order made under this section may be varied or revoked by a subsequent order.

12.—(1) The Minister may by order provide that the provisions of Part II of the Act of 1953 and of this Part of this Act relating to trade effluents shall apply in relation to liquid or other matter of any description specified in the order which is discharged from any premises directly into any sewer vested in the Council or in a local sewer authority as they apply in relation to trade effluents, but subject to such modifications, if any, as may be specified in the order and, in particular, subject to any modification of the definition of trade premises in subsection (1) of section 4 of the Act of 1953 which may be so specified.

Procedure for extension of powers to other effluents.

(2) The Minister may include in an order under this section such provisions as appear to him expedient for modifying any enactment relating to sewage in so far as that enactment applies to the discharge into sewers of any liquid or other matter to which any provisions of Part II of the Act of 1953 and this Part of this Act are applied by an order under this section.

(3) The Minister may include in an order under this section such transitional, supplemental and incidental provisions as appear to him to be expedient.

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—cont.

(4) An order made under this section may be varied or revoked by a subsequent order.

(5) An order under this section shall be made by statutory instrument and the Minister shall not make an order under this section unless a draft of the order has been laid before Parliament and approved by a resolution of each House of Parliament.

Modifications
of section 10
of Act of
1953.

13.—(1) Where an occupier has served a counter-notice upon the sewer authority under subsection (4) of section 10 of the Act of 1953, then, unless under subsection (5) of the said section the occupier has referred the matter to the Minister before the expiration of one month after the date on which the right to refer the matter to the Minister became exercisable or such longer period as may be agreed in writing between the occupier and the sewer authority, the conditions specified in the notice of proposed conditions shall become effective and the right to refer the matter to the Minister shall cease to be exercisable by the occupier.

(2) As respects any reference to the Minister under the said subsection (5) made after the commencement of this Part of this Act—

- (a) the Minister shall have power to take into review all the conditions specified in the notice of proposed conditions, whether the occupier has objected to all conditions or not, and may substitute for them any other set of conditions, whether more or less favourable to the occupier, or may annul any of the conditions; and
- (b) Part II of the Act of 1953 and this Part of this Act shall apply in relation to any determination given or any conditions imposed by the Minister on any such reference to him as aforesaid as if the determination had been given or, as the case may be, the conditions had been imposed, by the sewer authority.

(3) Where, in pursuance of the proviso to the said subsection (5), the Minister has before giving his determination stated in the form of a special case for the decision of the High Court any question of law arising in connection with the reference to him under that subsection, the decision of the High Court on the special case shall be deemed to be a judgment of the court within the meaning of section 27 of the Supreme Court of Judicature (Consolidation) Act, 1925 (which relates to the jurisdiction of the Court of Appeal to hear and determine appeals on any judgment of the High Court), but no appeal to the Court of Appeal shall be brought by virtue of this subsection except with the leave of the High Court or the Court of Appeal.

14.—(1) Where an offence punishable under Part II of the Act of 1953 or under this Part of this Act which has been committed by a body corporate is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate, or any person purporting to act in any such capacity, he as well as the body corporate shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

PART II
—cont.

As to offences
by a body
corporate.

(2) In the foregoing subsection, the expression “director”, in relation to any body corporate established by or under any enactment for the purpose of carrying on under national ownership any industry or part of an industry or undertaking, being a body corporate whose affairs are managed by the members thereof, means a member of that body.

15.—(1) If any officer of a sewer authority discloses any information which has been furnished to him under Part II of the Act of 1953 or this Part of this Act he shall be guilty of an offence, unless the disclosure is made—

Restriction of
disclosure of
information.

(a) with the consent of the person by whom the information was furnished; or

(b) in connection with the execution of Part II of the Act of 1953 or this Part of this Act; or

(c) for the purposes of any proceedings arising out of Part II of the Act of 1953 or this Part of this Act (including appeals and applications to, or inquiries by, the Minister and arbitrations) or of any criminal proceedings whether so arising or not, or for the purpose of any report of any such proceedings.

(2) An officer guilty of an offence under the foregoing subsection shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months, or to both.

(3) Subsection (4) of section 17 (Power to enter premises and to take samples of trade effluents) of the Act of 1953 is hereby repealed.

16. In their application for the purposes of this Part of this Act sections 183 and 184 of the Act of 1939 shall have effect as if any account which is required to be rendered pursuant to section 5 of this Act were a notice required or authorised to be served or given by this Part of this Act.

Application
of sections 183
and 184 of Act
of 1939.

PART II
—cont.

As to repeal
of part of
section 80 of
Act of 1936.

17. For the avoidance of doubt it is hereby declared that in section 80 of the Act of 1936 the words from “ of section seven ” to “ drainage from factories into sewers) or ” shall be deemed to have been duly repealed as from the date of the coming into operation of Part II of the Act of 1953, and accordingly the schedule to the Act of 1953 shall have effect, and shall be deemed always to have had effect, as if in the last line but one of the third column thereof for the word “ of ” there had been substituted the word “ from ”.

Explanation
of certain
terms, etc.

18.—(1) In subsection (3) of section 17 of the Act of 1953 (which provides that the result of any analysis of a sample of effluent taken under that section shall not be admissible as evidence unless certain requirements have been complied with) references to an analysis shall include references to any test of whatever kind and the expressions “ analysed ” and “ analyst ” in that subsection shall be construed accordingly.

(2) For references in Part II of the Act of 1953 to sewage disposal works there shall be substituted references to sewage purification and disposal works.

For protection
of gas boards.

19. The provisions of section 20 (For protection of gas boards) of the Act of 1953 shall apply and have effect in relation to conditions varied under section 9 (Power to vary conditions) of this Act as if they were conditions imposed under section 10 (Power to impose conditions etc. with respect to discharge of trade effluents) of the Act of 1953.

Saving for
West Kent
Main Sewerage
Board.

20. Nothing in this Part of this Act shall affect the powers or rights of the board under the Act of 1875, the West Kent Main Sewerage (Amendment) Act, 1876, the West Kent Main Sewerage (Amendment) Act, 1877, the West Kent Main Sewerage (Amendment) Act, 1879, and the West Kent Main Sewerage Orders, 1886 to 1959.

Further
amendments
of Act of
1953.

21. As from the passing of this Act the sections of the Act of 1953 of which the numbers and marginal notes are set out in the first column of the schedule to this Act shall have effect subject to the amendments specified in relation to those sections respectively in the second column of that schedule.

PART III

PUBLIC HEALTH

Interpretation
of Part III.

22.—(1) In this Part of this Act—

“ building ” includes a part of a building;

“ flooding ” includes any overflow from a drain or fitting connected thereto.

(2) This section and the two next following sections shall apply to the city of London and, for that purpose, shall have effect as if (except in subsection (9) of the next following section) the references therein to a borough included references to the said city, and the references therein to a borough council included references to the common council.

PART III
—cont.

(3) This Part of this Act shall be construed as one with the Act of 1936, and that Act shall have effect as if this section and the two next following sections were contained in Part II thereof.

23.—(1) Where in the opinion of a borough council any building in the borough is liable to flooding by virtue of the fact that it does not drain efficiently by gravitation into a sewer at all times and under all conditions of flow in the sewer the borough council may serve on the owner or occupier of the building a notice—

Service of
notices for
prevention of
flooding, etc.

(a) in any case where they are satisfied that the matter is not capable of being remedied at reasonable expense, requiring him to close or otherwise discontinue or prevent the use for any purpose, other than such a purpose as may for the time being be approved by the borough council, of the whole or any specified part of the building, and to carry out (under their supervision if they so require) such works and do such other things as may be specified in the notice, being works and things necessary for, or reasonably ancillary to, any such requirement including the stopping up, sealing off or altering of any drain through which, in their opinion, flooding is liable to occur; or

(b) in any other case, requiring him to carry out (under their supervision if they so require) such works and do such other things as may be specified in the notice, being works and things to secure, so far as may be reasonably practicable, the proper and efficient drainage of the building at all times and under all conditions of flow in the said sewer;

and notwithstanding anything in the proviso to section 6 (Amendment of provisions of Act of 1936 as to appeals against sanitary authorities) of the London County Council (General Powers) Act, 1951, the provisions of section 286 of the Act of 1936 (except paragraph (b) of subsection (6) of that section) shall apply in relation to any notice served under this subsection:

Provided that a borough council shall not be entitled to recover from the owner or occupier any expenses incurred by them in carrying out by virtue of the provisions of the said section 286 any work required to be done by any such notice.

PART III
—cont.

(2) In determining for the purposes of the foregoing subsection whether, as respects any building which is liable to flooding as aforesaid, the matter is or is not capable of being remedied at reasonable expense, regard shall be had to the estimated cost of the works necessary to effect such remedy and the value which it is estimated that the building will have when the works are completed.

(3) A notice served under subsection (1) of this section may require the person on whom it is served to take such steps as it is reasonably practicable for him to take in the circumstances (including, if necessary, the taking of legal proceedings) for securing compliance with the requirements of the notice, and nothing in any enactment, or in any lease, underlease or agreement, shall prevent possession being obtained of any building by the owner thereof for the purpose of complying with a requirement under such notice.

(4) The approval of the borough council under paragraph (a) of subsection (1) of this section shall not be unreasonably withheld and the borough council shall withdraw any notice served under that paragraph on being satisfied that works have been carried out which ensure that the building to which the notice relates is properly and efficiently drained at all times and under all conditions of flow in the sewer.

(5) If the owner or occupier of a building, to which a notice served under paragraph (a) of subsection (1) of this section relates, is aggrieved by—

- (a) the withholding of approval by a borough council of any use of the building; or
- (b) a refusal by the borough council to withdraw any such notice;

he may within twenty-one days after the refusal appeal to a magistrates' court.

(6) No appeal shall lie under paragraph (b) of the last foregoing subsection at the instance of a person who is in occupation of the building to which the notice relates under a lease or agreement of which the unexpired term does not exceed three years.

(7) Any person who, knowing that a notice served under paragraph (a) of subsection (1) of this section has become operative and applies to any building, uses that building in contravention of the notice, or for any purpose other than such a purpose as may for the time being be approved by the borough council, or permits it to be so used, shall be liable to a fine not exceeding twenty pounds and to a daily fine not exceeding five pounds.

(8) A borough council may, by agreement with the owner or occupier of any building, themselves carry out at their own expense any works which he has been, or could be, required by the borough council to carry out in pursuance of a notice served under subsection (1) of this section, and for that purpose the borough council shall have all such rights as he would have.

(9) Nothing in this section shall apply in relation to any building which is drained by means of any pumping or lifting apparatus which has been provided to the satisfaction of the borough council in pursuance of the provisions of paragraph (b) of subsection (5) of section 37 of the Act of 1936.

(10) Any notice under paragraph (a) of subsection (1) of this section shall be treated as a local land charge for the purposes of the Land Charges Act, 1925.

(11) A borough council shall not under the powers of this section restrict the use of any building or part of a building used by the British Transport Commission in connection with the operation of their railway undertaking so as to render inoperative any part of the said undertaking.

24.—(1) Subject to the provisions of this section a borough council—

As to payments
by borough
councils, etc.

(a) shall pay to any person a sum equal to the reasonable expenses incurred by him in carrying out any works in pursuance of a notice served by them under subsection (1) of the last foregoing section ; and

(b) (i) shall pay to any person displaced from a building in pursuance of a notice served by them under paragraph (a) of the said subsection (1) such allowance as is reasonable towards his expenses in removing; and

(ii) may also pay to any person carrying on any trade or business in a building from which he is displaced as aforesaid such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business on his having to quit the building, or to cease to use it for any purpose, and in estimating that loss they shall have regard to the period for which the building might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose; and

(c) shall indemnify the owner of a building which has been closed or the use of which is discontinued or restricted in pursuance of a notice served under paragraph (a) of the said subsection (1) against any legally enforceable

PART III
—cont.

claim made against him by the occupier of the building in consequence of such closure, discontinuance or restriction as aforesaid.

(2) (a) If the interest of an owner in any building, in respect of which, or any part of which, a notice under paragraph (a) of the said subsection (1) requiring the closing or the discontinuance of or restricting the use of the building or of such part thereof has become operative, is depreciated in value by reason of such closure, or discontinuance or restriction, he shall be entitled to be paid by the borough council by whom the notice was served compensation in respect of such depreciation;

(b) The amount of any compensation payable under paragraph (a) of this subsection shall, in default of agreement, be determined by the Lands Tribunal.

(3) The Council shall, in relation to any building which drains directly into a sewer vested in the Council, reimburse to the borough council the amount of any payment made by the borough council under subsection (1) or subsection (2) of this section, and of any expenses reasonably incurred by the borough council in carrying out any work themselves by virtue of the provisions of subsection (8) of the last foregoing section or of section 286 of the Act of 1936:

Provided that the Council shall not reimburse to a borough council any payment made in pursuance of sub-paragraph (ii) of paragraph (b) of subsection (1) of this section except in so far as the payment was made with the written consent of the Council.

(4) The reference in the last foregoing subsection to a building which drains directly into a sewer vested in the Council includes a reference to a building which drains into any drain which discharges directly into a sewer vested as aforesaid.

Meaning of
“refreshment
house” in
section 25 of
London
County Council
(General
Powers) Act,
1959.

25. It is hereby declared that the expression “refreshment house” in section 25 (As to provision of sanitary conveniences at inns refreshment houses etc.) of the London County Council (General Powers) Act, 1959, means any building in which food or drink is sold to and consumed by the public.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

Extension of
time for
completion
of works.

26. The period now limited by the Act of 1957 for the exercise of powers conferred by—

(a) the London County Council (General Powers) Act, 1939, for the execution of works in the city of Westminster and the borough of Lambeth authorised by Part III of the said Act of 1939; and

(b) the Act of 1957 for the execution of works in the city of Westminster authorised by Part III of the Act of 1957;

is hereby extended, or further extended, until the first day of October, nineteen hundred and sixty-seven.

PART IV
—cont.

27.—(1) In connection with the exercise of their powers under Part III (Works) of the Act of 1957 the Council may, in or abutting on and as part of any of the subways described in section 20 (Power to execute works) of that Act, provide and maintain show or display cases and advertisement sites, and the expression “the Strand subways” as defined in that Act shall be construed accordingly.

Provision of
show cases
etc., in
Strand
subways.

(2) The Council may, on such terms and conditions as they think fit, let any show or display cases and advertisement sites provided in pursuance of the foregoing subsection.

28.—(1) Any authorisation given to the Council under section 1 of the Housing (Temporary Accommodation) Act, 1945 (which enables the Minister to authorise the use of open spaces during a limited period for temporary housing accommodation), which at the commencement of this Act is in force by virtue of an order made under section 33 (Extension of period of use of open spaces for temporary housing accommodation) of the London County Council (General Powers) Act, 1958, or is deemed by subsection (5) of this section to be in force by virtue of such an order, may be extended by a further order made by the Minister so as to determine (unless previously revoked) on any date not later than the end of the year nineteen hundred and sixty-five.

Further
extension of
period of use
of open
spaces for
temporary
housing
accommoda-
tion.

(2) Not more than one order shall be made under this section in relation to any one authorisation and before making any such order the Minister may cause a local inquiry to be held.

(3) Before an order is made under this section in relation to any such authorisation as aforesaid the Council shall submit to the Minister in such form as he may require proposals (amending or in substitution for those approved by the Minister under subsection (4) of the said section 33) for the exercise of the functions of the Council under Part V of the Housing Act, 1957, with a view to the rehousing elsewhere of persons occupying housing accommodation on land in respect of which the authorisation was given.

(4) The Minister may approve the proposals submitted by the Council under the last foregoing subsection with or without modifications and thereafter it shall be the duty of the Council to exercise their said functions in accordance with the proposals so approved instead of in accordance with any proposals approved under subsection (4) of the said section 33.

(5) (a) The authorisations which are hereinafter referred to and which were given to the Council under section 1 of the said Act of 1945, as last extended by orders made under the said

PART IV
—cont.

section 33, shall, subject to the provisions of this section, determine on the expiration of a period of six months from the passing of this Act and the orders made under the said section 33 and extending those authorisations shall be deemed always to have provided for the determination of those authorisations on the expiration of the said period.

(b) The authorisations referred to in this subsection are—

- (i) the London (Blackheath No. 2) Open Spaces (Temporary Accommodation) Order, 1945, as to the use of land forming part of an open space known as Blackheath;
- (ii) the County of London (Oxleas Wood, Woolwich) Open Spaces (Temporary Accommodation) Order, 1945, as to the use of land forming part of an open space known as Oxleas Wood, Woolwich.

Power to
require notice
of date of
commence-
ment of flood
works.

29.—(1) In this section “the principal Acts” means the Thames River (Prevention of Floods) Acts, 1879 to 1961, and “flood works” has the same meaning as in those Acts.

(2) Where in pursuance of their functions under the principal Acts the Council notify any person of their approval of any flood works which he is intending to execute or to cause to be executed, then (whether or not the Council shall have waived the furnishing of plans and specifications in relation to those works), the Council may make it a condition of their approval that such reasonable period of notice as they may specify shall be given to them in writing—

- (i) of the day on which the works are to be commenced; and
- (ii) if the works, after having been commenced, are suspended for any period exceeding fourteen days, of the day on which the works are to be resumed;

for the purpose of enabling the Council to supervise the execution of the works in accordance with the duty imposed on them by paragraph (c) of subsection (1) of section 51 (Inspection of banks and supervision of flood works) of the London County Council (General Powers) Act, 1929.

(3) Any person who commences or resumes any flood works, or who causes the same to be commenced or resumed, without having complied with the requirements of any such condition as aforesaid shall be liable on summary conviction to a fine not exceeding twenty-five pounds.

(4) The principal Acts and this section may be cited together as the Thames River (Prevention of Floods) Acts, 1879 to 1962.

30.—(1) In this section “the overground parts of the outfall sewers” means—

PART IV
—cont.

- (i) so much of the sewers of the Council known as the northern outfall sewers as lies to the eastwards of the point in the borough of Poplar where the said sewers pass under the railway of the British Transport Commission connecting Victoria Park and Old Ford stations and terminates in the northern outfall works of the Council situate at Beckton partly in the borough of Woolwich and partly in the municipal borough of Barking; and
- (ii) so much of the sewer of the Council known as the southern high level sewer No. 2 as lies between the penstock chamber adjacent to the eastern end of Plumstead railway station at the junction of Plumstead Road and Plumstead High Street in the borough of Woolwich and the southern outfall works of the Council situate at Crossness in the municipal borough of Erith.

Payments
in aid of
rates in
respect of
certain
outfall sewers.

(2) The local authorities to whom this section applies are the councils of the county boroughs of East Ham and West Ham, of the municipal boroughs of Barking and Erith, and of the boroughs of Poplar and Woolwich.

(3) As respects any year commencing on or after the first day of April, nineteen hundred and sixty-two, or any part of any such year, during which there is in force an order made by the Minister under paragraph (a) of the next following subsection, the Council shall pay to each local authority to whom this section applies such sum (if any) as is equal to the net financial loss sustained by that local authority in that year (or part of a year) as a result of the overground parts of the outfall sewers (or any portion thereof) having ceased to be liable to be rated, or to be included in any rate, by virtue of the operation of subsections (2) and (3) of section 9 of the Rating and Valuation (Miscellaneous Provisions) Act, 1955.

(4) The Minister may—

- (a) by order prescribe the manner in which the net financial loss referred to in the last foregoing subsection is to be calculated by the Council, and may vary any such order by a subsequent order; and
- (b) at any time by order revoke any order made under the foregoing paragraph:

Provided that the Minister shall not make, vary or revoke an order under this subsection except after consultation with the Council and with each local authority to whom this section applies.

PART IV
—cont.

(5) The first order made under paragraph (a) of the last foregoing subsection shall be deemed to have come into force on such day, not being earlier than the first day of April, nineteen hundred and sixty-two, as may be specified in that order.

(6) Any payments made under this section shall be treated as expenses incurred by the Council in maintaining their main drainage system.

Provision of reciprocal services, etc., by Council and borough councils.

31.—(1) For the better performance of their respective powers or duties within the county of London provision may be made by agreement in the case of the Council between the Council and a borough council or in the case of a borough council between the borough council on the one hand and the Council or some other borough council on the other hand for the taking by either party thereto of action of the following kinds:—

- (a) the undertaking by one party for the other of any administrative, clerical, professional, scientific or technical services;
- (b) the use or maintenance by one party of any vehicle, plant, equipment or apparatus of the other party and, if it appears convenient, the use of the services of any staff employed in connection therewith;
- (c) the carrying out of works of maintenance by one party in connection with land or buildings for the maintenance of which the other is responsible;

on such terms (if any) as may be agreed.

(2) In this section the expression “maintenance” includes minor renewals, improvements and extensions.

(3) Where provision could be made either by an agreement under this section or by virtue of the powers conferred by section 271 of the Public Health Act, 1936, in any case where the said section 271 is by virtue of any enactment deemed to be incorporated in an enactment extending to the county, such provision shall be made under the said section 271 and not under this section.

Extension of powers of borough councils to acquire land by agreement.

32.—(1) The following subsection shall be added to section 97 of the Act of 1939:—

“(3) A borough council may, for the purpose of the benefit, improvement or development of the borough, by agreement acquire, whether by way of purchase, lease or exchange, any land situate within the borough.”

(2) The following proviso shall be substituted for the proviso to subsection (1) of section 98 of the Act of 1939:—

PART IV
—cont.

“ Provided that, except with the consent of and subject to any conditions imposed by the appropriate Minister, the powers conferred by this section shall not be exercised—

- (a) by the county council as regards any land situate without the county; or
- (b) by a borough council as regards any land situate without the borough.”

33.—(1) The following subsection shall be substituted for subsection (1) of section 21 (Annual licences) of the Act of 1947:—

Amendments
as to
applications
for street
trading
licences, etc.

“ (1) A person requiring an annual licence or the renewal of an annual licence shall make application in writing to the borough council and shall in such application state—

- (a) his full name and address;
- (b) the nature of the articles or things which he intends to sell or expose or offer for sale under the authority of the licence if granted or renewed;
- (c) the place, if any, at which the articles or things will be stored by him at all times while they are not exposed or offered for sale;
- (d) the street or streets in which he intends so to sell or expose or offer for sale and the nature and type of any receptacle which he intends to use in connection with any sale or exposure or offer for sale;

and may specify the name and address of a relative of his who is associated with, or dependent upon, the business of street trading in respect of which the application is made and to whom he desires the licence to be granted in the event of his death.”

(2) In subsection (2) of the said section 21 for the words “ following subsection ” there shall be substituted the words “ two following subsections ”.

(3) After subsection (2) of the said section 21 there shall be inserted the following:—

“ (2A) (a) When the holder of an annual licence who has specified the name and address of a relative to whom he desires the licence to be granted dies the borough council shall not (except as provided in paragraph (b) of this subsection) grant an annual licence in respect of the position or place in a street at which the deceased licensee was entitled to sell or expose or offer for sale articles or things under the authority of his licence until the expiration of ten days from the date of the death of the licensee;

PART IV
—cont.

(b) If during the said period of ten days the person specified by the deceased licensee, when making application for the licence, as the relative to whom he desired the licence to be granted in the event of his death makes application for the grant of an annual licence in respect of the position or place available in the street the borough council shall, save as provided by the next following subsection or by subsection (5) of section 24 (For preventing interference with traffic) of this Act, grant an annual licence to that person.”

(4) After subsection (7) of the said section 21 there shall be inserted the following:—

“ (8) For the purposes of this section a person shall be treated as being related to another if the latter is the wife, husband, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister of the former and shall be deemed to be so related notwithstanding that he is so related only through an illegitimacy or in consequence of an adoption.”

Fees for
annual licences
for street
trading.

34.—(1) The following subsection shall be substituted for subsection (1) of section 23 (Fees on licences) of the Act of 1947:—

“ (1) A fee of ten shillings shall be payable to the borough council as respects any grant or renewal of an annual licence and such fee shall be paid by a person requiring—

- (a) the grant of an annual licence, upon demand by the borough council;
- (b) the renewal of an annual licence, when making the application therefor.”

(2) In subsection (2) of the said section 23 for the words “the fee” there shall be substituted the words “any fee”.

(3) Section 69 (Fees for annual licences) of the Act of 1957 is hereby repealed.

Costs of Act.

35. Except as otherwise provided in this Act, 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.

SCHEDULE

Section 21.

AMENDMENTS OF ACT OF 1953

Section (1)	Amendments (2)
Section 4 (Interpretation of expressions in Part II of this Act)	<p>In the definition of "London sewerage system" in subsection (1) the words "which communicate directly or indirectly with the first-mentioned sewers" shall be omitted.</p>
Section 6 (Right to discharge trade effluents into sewers)	<p>In subsection (1) after the words "this Part of this Act" there shall be inserted the words "and of Part II (Discharge of trade effluents, etc., into sewers) of the London County Council (General Powers) Act, 1962,".</p>
Section 9 (Power of sewer authority to require information with respect to trade effluents)	<p>At the end of paragraph (c) of subsection (1) the word "and" shall be omitted, and for paragraph (d) of that subsection there shall be substituted the following paragraphs:—</p> <p>"(d) the nature and composition of the effluent which is or is proposed to be discharged; and (e) such other matters as are referred to in paragraphs (a) to (c) and paragraph (e) of subsection (3) of section 6 (Registers of premises from which trade effluent is discharged) of the London County Council (General Powers) Act, 1962."</p>
Section 10 (Power to impose conditions etc. with respect to discharge of trade effluents)	<p>In subsection (5) the words "(not being a modification which will make it more stringent)" shall be omitted.</p> <p>In subsection (6) after the words "danger to persons entering such sewers the sewer authority may" there shall be inserted the words "(after consultation with every other sewer authority into whose sewers the effluent passes or will or may pass)".</p> <p>In subsection (8) after the words "by virtue of this section" there shall be inserted the words "or of section 9 (Power to vary conditions) of the London County Council (General Powers) Act, 1962".</p> <p>In subsection (9) after the words "this Part of this Act" there shall be inserted the words "or of Part II of the London County Council (General Powers) Act 1962,".</p>

SCH.
—cont.

Section (1)	Amendments (2)
Section 13 (Power to local sewer authority to authorise Council to act on their behalf)	In subsection (1) after the words “ the last four preceding sections ” there shall be inserted the words “ or under section 6, section 7 (Installation of meters, etc., on trade premises) or section 9 of the London County Council (General Powers) Act, 1962;”.
Section 14 (Restrictions on proceedings)	For sub-paragraph (i) of paragraph (a) of subsection (1) there shall be substituted the following sub-paragraph:— “ (i) any conditions which have become effective by virtue of the provisions of section 10 (Power to impose conditions etc. with respect to discharge of trade effluents) of this Act or of section 9 of the London County Council (General Powers) Act, 1962; or ”.
Section 15 (Further provisions as to certain proceedings)	For paragraph (b) of subsection (2) there shall be substituted the following paragraph:— “ (b) Except in relation to the taking of proceedings for an offence under subsection (8) of section 10 (Power to impose conditions etc. with respect to discharge of trade effluents) of this Act, the proviso to the said subsection (3) shall be omitted.”
Section 16 (Registration of conditions and agreements)	For subsections (1) and (2) there shall be substituted the following subsections:— “ (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 which has become effective by virtue of the provisions of section 10 of this Act or of section 9 of the London County Council (General Powers) Act, 1962; (b) any direction given by that authority in pursuance of section 7 of the London County Council (General Powers) Act, 1962; or

Section (1)	Amendments (2)	SCH. —cont
Section 17 (Power to enter premises and to take samples of trade effluents)	<p>(c) 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.</p> <p>(2) Such register shall contain in respect of each of the premises entered therein full particulars of all conditions which have become effective as aforesaid or been imposed in pursuance of any direction given as aforesaid and 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.”</p> <p>For subsection (1) there shall be substituted the following subsection:—</p> <p>“(1) Any duly authorised officer of the Council or of a local sewer authority may on producing his authorisation (if so required) at all reasonable hours enter any premises within the county or within the area of the local sewer authority, as the case may be, for the purpose of—</p> <p>(a) ascertaining whether any offence under this Part of this Act or under Part II of the London County Council (General Powers) Act, 1962, has been or is being committed or any requirement of this Part of this Act or Part II of the said Act of 1962 or of a notice served or direction given thereunder has been or is being complied with;</p> <p>(b) obtaining and taking away a sample of any effluent of whatever nature which is passing from those premises into the London sewerage system; or</p> <p>(c) reading or testing any meter or other apparatus provided in any premises in pursuance of a condition imposed by a direction given under subsection (1) of section 7 of the London County Council (General Powers) Act, 1962:</p>	

SCH.
—cont.

Section. (1)	Amendments (2)
	<p>Provided that the foregoing paragraph (b) shall not apply in relation to any premises within the Inner Temple or the Middle Temple.”</p> <p>In subsection (3) the word “trade” shall be omitted in the two places where it occurs, and after the words “this Part of this Act” there shall be inserted the words “or under Part II of the London County Council (General Powers) Act, 1962.”.</p>
Section 18 (Fines)	<p>The words “in this Part of this Act” shall be omitted, and after the words “under this Part of this Act” there shall be inserted the words “or under Part II of the London County Council (General Powers) Act, 1962.”.</p>
Section 19 (Discharge of trade effluents from premises within county into sewers of external sewerage authorities)	<p>After paragraph (b) of subsection (2) there shall be inserted the following paragraph:—</p> <p>“(bb) In subsection (6) of the said section 10 references to any other sewer authority and to every other sewer authority shall be construed as including references to the external sewerage authority;”.</p>
Section 21 (Construction of foregoing provisions)	<p>For the whole section there shall be substituted the following section:—</p> <p>“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 Part II (Discharge of trade effluents, etc., into sewers) of the London County Council (General Powers) Act, 1962,” and subject thereto the foregoing provisions of this Part of this Act and the provisions of Part II of the London County Council (General Powers) Act, 1962, shall be read and construed as one with the Act of 1936 and as if they were contained in Part II of that Act.”</p>

Section (1)	Amendments (2)
Section 25 (Inquiries by Minister)	<p>For the whole section there shall be substituted the following section:—</p> <p>“ 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 by Part II of the London County Council (General Powers) Act, 1962, 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 and in Part II of the London County Council (General Powers) Act, 1962, with any necessary modifications.”</p>

SCH.
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Table of Statutes referred to in this Act

Short title	Session and chapter
West Kent Main Sewerage Act, 1875 ...	38 & 39 Vict. c. clxiii.
West Kent Main Sewerage (Amendment) Act, 1876	39 & 40 Vict. c. lvii.
West Kent Main Sewerage (Amendment) Act, 1877	40 & 41 Vict. c. lxxviii.
West Kent Main Sewerage (Amendment) Act, 1879	42 & 43 Vict. c. lxxviii.
Land Charges Act, 1925	15 & 16 Geo. 5 c. 22.
Supreme Court of Judicature (Consolidation) Act, 1925	15 & 16 Geo. 5 c. 49.
London County Council (General Powers) Act, 1929	19 & 20 Geo. 5 c. lxxxvii.
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.
London Government Act, 1939	2 & 3 Geo. 6 c. 40.
London County Council (General Powers) Act, 1939	2 & 3 Geo. 6 c. c.
Housing (Temporary Accommodation) Act, 1945	8 & 9 Geo. 6 c. 39.
London County Council (General Powers) Act, 1947	10 & 11 Geo. 6 c. xlvi.
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.

Short title	Session and chapter
London County Council (General Powers) Act, 1953	1 & 2 Eliz. 2 c. xliii.
Rating and Valuation (Miscellaneous Provisions) Act, 1955	4 & 5 Eliz. 2 c. 9.
Housing Act, 1957	5 & 6 Eliz. 2 c. 56.
London County Council (General Powers) Act, 1957	5 & 6 Eliz. 2 c. xxxv.
London County Council (General Powers) Act, 1958	6 & 7 Eliz. 2 c. xxi.
London County Council (General Powers) Act, 1959	7 & 8 Eliz. 2 c. lii.
Public Health Act, 1961	9 & 10 Eliz. 2 c. 64.

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