

City of London (Various Powers) Act, 1956

4 & 5 ELIZ. 2 Ch. 1

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CHAPTER I

An Act to make further provision with respect to superannuation street traffic the lands forming Epping Forest and with respect to the tolls paid in the London Central Markets and for other purposes.

[17th May 1956.]

WHEREAS it is expedient that—

- (1) the provisions of the local Acts with respect to superannuation should be amended as in this Act provided:
- (2) the powers of the Commissioner of Police for the City with respect to the regulation of street traffic should be strengthened:
- (3) provision should be made with respect to the lands forming the open waste lands of Epping Forest vested in the Corporation as the conservators of Epping Forest:
- (4) the tolls paid in the meat and poultry market of the London Central Markets should continue to be due and payable:
- (5) further provision be made with respect to the maximum rate of interest payable by the Corporation on moneys borrowed under section 207 (Money may be borrowed on the security of the sewer rate) and section 208 (Money may be borrowed on the security of the consolidated rate) of the City of London Sewers Act 1848:
- (6) the other provisions in this Act contained should be enacted:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

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:—

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the City of London (Various Powers) Act 1956.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
 Part I—Preliminary.
 Part II—Superannuation.
 Part III—Street traffic.
 Part IV—Miscellaneous.
- Interpretation. 3.—(1) In this Act unless there be something in the subject or context repugnant to such construction—
 “city” means the city of London;
 “commissioner” means the commissioner of police for the city;
 “common council” means the mayor aldermen and commons of the city in common council assembled;
 “conservators” means the Corporation acting as the conservators of Epping Forest;
 “contravene” includes failing to comply;
 “Corporation” means the mayor and commonalty and citizens of the city acting by the common council;
 “enactment” includes this Act and any general or local Act order byelaw regulation rule scheme or other instrument made under any Act;
 “town clerk” means the town clerk of the city and includes any person duly appointed to discharge temporarily the duties of that officer.
- (2) Unless otherwise expressly stated any reference in this Act 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

SUPERANNUATION

4. In this Part of this Act unless there be something in the subject or context repugnant to such construction—

Interpretation
of Part II.

“ Act of 1931 ” means the City of London (Various Powers) Act 1931 ;

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

“ Act of 1944 ” means the City of London (Various Powers) Act 1944 ;

“ Act of 1950 ” means the City of London (Various Powers) Act 1950 ;

“ Act of 1954 ” means the City of London (Various Powers) Act 1954 ;

“ contributor ” means a person who contributes to the superannuation fund ;

“ local authority ” has the meaning assigned to it in the Act of 1937 ;

“ remuneration ” means salary or wages and emoluments computed on the basis of the salary or wages and emoluments paid when working the normal hours excluding overtime for which a person is employed ;

“ service ” has the meaning assigned to it in article 3 (Meaning of service) of the Corporation of London (Superannuation) Scheme 1955 ;

“ superannuation fund ” means the fund maintained by the Corporation under the Act of 1931 ;

“ transfer value ” means any transfer value payable under section 29 of the Act of 1937 and includes any payment in the nature of a transfer value.

5.—(1) Where for the efficient discharge of his duties a contributor is required to possess professional or other qualifications and possesses such qualifications which he has not acquired during employment with a local authority the Corporation may if application for the purpose is made in accordance with this section consent to the adding of a number of years to his service:

Added years in
certain cases.

Provided that—

(a) this subsection shall not apply to a person—

(i) unless at the time of his first becoming a contributor he had reached the age of twenty-seven years but was not over the age of thirty-five years ;

(ii) if on first becoming a contributor he was entitled to reckon as a period of service any period

in which he had been employed before reaching the age of twenty-seven years ;

(iii) whose case at the passing of this Act had been the subject of a decision by the Corporation under section 23 (Added years of service for purposes of superannuation allowances) of the Act of 1950 ;

(b) the number of years added shall not exceed ten years or the number of years by which the age of the contributor at the time of his first becoming a contributor exceeds the age of twenty years whichever is the less.

(2) An application by a contributor under this section shall be made in writing to the Corporation—

(a) in the case of a person who is a contributor at the passing of this Act within six months thereafter ;

(b) in any other case within six months after the date on which he first becomes a contributor.

(3) Upon the giving of a consent under this section in respect of a contributor the contributor shall be liable to pay to the superannuation fund at such intervals as the Corporation may determine by way of additional contributions in respect of each year added to his service an amount in respect of all service thereafter up to the age of sixty years equal to such percentage of his remuneration for the time being as would be payable if he were a person to whom regulation 12 of the Local Government Superannuation (Benefits) Regulations 1954 or any enactment amending or replacing the same applied :

Provided that—

(a) if the contributor ceases to hold his employment on the ground that he is in the opinion of the Corporation permanently incapable of efficiently discharging his duties by reason of ill-health or infirmity of mind or body or has a disqualifying break of service within the meaning of the Act of 1937 or dies before reaching the age of sixty years no further sum shall be payable under this subsection ;

(b) the Corporation may if they think fit reduce by not more than one-third the percentage applicable in the case of the contributor and if they do so the reduction shall operate so long as he remains liable to make payments under this subsection.

(4) If the aggregate of the amount payable by the contributor under the last foregoing subsection by way of additional contributions and the amount payable by him by way of contributions under section 8 (Obligation of officers and servants to contribute) and section 9 (Scale of contributions by officers) of the Act of 1931 or section 12 (Increase of contributions of persons employed) of the Act of 1954 (as the case may be) exceeds fifteen

per centum of his remuneration he shall satisfy his liability in respect of the excess over fifteen per centum by payment (either in a lump sum or by way of such instalments payable at such times as may be agreed between him and the Corporation) of a sum certified by an actuary appointed by the Corporation to represent the capital value of the excess.

(5) Any amount payable by a contributor under subsection (3) of this section shall be recoverable either by deduction from his remuneration or otherwise in like manner and shall be returnable in the like circumstances as if any amounts so payable were contributions under the said sections 8 and 9 of the Act of 1931 or the said section 12 of the Act of 1954 as the case may be and during any period during which by virtue of subsection (3) of section 13 (Scale of superannuation allowances) of the Act of 1931 a contributor whose remuneration has been reduced continues to contribute to the superannuation fund the like amount as if it had not been reduced the amount payable by the contributor under subsection (3) of this section shall be the amount which would have been so payable if his remuneration had not been reduced.

(6) A contributor shall be entitled if he complies with the requirements of this section to reckon years added to his service by a consent under this section as years of service:

Provided that any years so added shall not be so reckonable—

- (i) if the contributor fails to pay any amount payable by him under subsection (3) or subsection (4) of this section ; or
- (ii) if the contributor leaves the employment of the Corporation before the expiration of a period beginning with the giving of the consent equal to one-half of such period as may be specified in the consent and the Corporation before a transfer value is paid in respect of the contributor resolve that the years so added shall not be so reckonable and return to him a sum equal to the aggregate of the amounts paid by him under this section ; or
- (iii) for the purpose of determining whether any superannuation benefit is payable to or in respect of a contributor ; or
- (iv) as non-contributing service within the meaning of section 13 (Reckoning of previous non-contributing service) of the Act of 1954.

(7) In the case of a person who first became a contributor after the twenty-third day of May nineteen hundred and fifty subsection (4) of section 13 (Scale of superannuation allowances) of the Act of 1931 shall have effect as if the words " of peculiar professional qualifications or " were omitted therefrom.

PART II
—cont.As to
reckoning of
temporary
service.

6. Where a contributor in accordance with the provisions of subsections (2) and (3) of section 9 (As to contributions to superannuation fund in respect of temporary service) of the Act of 1944 has elected to contribute to the superannuation fund in respect of temporary service such temporary service shall upon payment of the contributions prescribed by the said Act be reckonable as service and such contributions shall be deemed for the purposes of section 17 (Return of contributions and power to grant gratuities and superannuation allowances in certain cases) and section 19 (Return of contributions in case of death) of the Act of 1931 to have been made under the Act of 1931.

Repeal of
enactments
relating to
super-
annuation.

7. The following enactments are hereby repealed:—

Act of 1944—

subsections (2) and (3) of section 9 (As to contributions to superannuation fund in respect of temporary service);

Act of 1950—

section 23 (Added years of service for purposes of superannuation allowances);

Act of 1954—

subsection (3) of section 12 (Increase of contributions of persons employed).

PART III

STREET TRAFFIC

Directions and
regulations as
to street traffic.

8.—(1) Section 24 (Extension of sect. 52 of 2 & 3 Vict. c. 47) of the Metropolitan Streets Act 1867 (which empowers the commissioner to make certain regulations and to give certain directions without the consent of the Court of Aldermen) is hereby repealed.

(2) It is hereby declared that directions given by the commissioner under section XXII (Regulations for preventing Obstructions in the Streets during public Processions) of the City Police Act 1839 do not require the consent of the Court of Aldermen thereto.

(3) Notwithstanding anything in the said section XXII the commissioner may from time to time make regulations under that section without the consent of the Court of Aldermen and such regulations shall have effect as fully as if they had been made with the consent of the Court of Aldermen.

(4) The commissioner shall unless it is impracticable so to do refer a proposal to make regulations to the Court of Aldermen.

men for their consent but where this is impracticable any regulations made by the commissioner under the said section XXII shall as soon as practicable after they have been made be reported to the Court of Aldermen.

(5) Section XXXV (Prohibition of nuisances by persons in the thoroughfares) of the City Police Act 1839 shall have effect as if in paragraph 9 thereof the words "with such consent as aforesaid" were omitted and as if in relation to the said paragraph 9 the maximum penalty prescribed was five pounds for every offence.

9.—(1) The commissioner may by order appoint standings for hackney carriages at such places as he shall think convenient in any street thoroughfare or place of public resort within the city any law statute or custom to the contrary notwithstanding and at his discretion alter the same and in any such order may make provision regulating the boundaries of any such standing and the number of carriages to be allowed and the times at and during which they may stand and ply for hire at any such standing:

Standings for
hackney
carriages to be
appointed and
regulated by
commissioner
of police.

Provided that—

- (a) the power to appoint or alter standings under this section shall not be exercised by the commissioner in a manner inconsistent with any regulations made by the Minister of Transport and Civil Aviation and in force from time to time under section 10 of the London Traffic Act 1924; and
- (b) no standings for hackney carriages shall be appointed under this section in any railway station railway premises or yard belonging to the British Transport Commission except with their consent.

(2) The commissioner shall take such steps as he considers necessary to bring all orders to be made by him under subsection (1) of this section to the attention of persons affected thereby.

(3) The commissioner may make such regulations as he shall deem proper for enforcing order at every standing appointed under this section and for removing any person who shall unnecessarily loiter or remain at or about any such standing.

(4) Regulations made under subsection (3) of this section shall not come into operation until they have been confirmed by the Secretary of State and published for such time and in such manner as the Secretary of State may direct.

(5) A copy of any order and of any regulations purporting to be signed by the commissioner shall be received in evidence without further proof.

PART III
—cont.

(6) If any person contravenes any order or regulation made under this section he shall on summary conviction be liable to a penalty not exceeding five pounds.

(7) Section 20 (Standings for hackney carriages to be appointed and regulated by commissioner of police) of the City of London (Various Powers) Act 1954 except subsection (6) thereof (which provided that section 30 of the London Hackney Carriages Act 1843 should cease to apply to the city) is hereby repealed.

(8) In this section the expression "hackney carriage" means any carriage for the conveyance of passengers which stands or plies for hire within the city and is not a stage carriage within the meaning of the Metropolitan Public Carriage Act 1869.

PART IV

MISCELLANEOUS

Lands forming
Epping Forest.

10.—(1) For the removal of doubts it is hereby declared that any lands acquired by the conservators in pursuance of paragraph (xxvi) of subsection (1) of section 33 (General powers of conservators) of the Epping Forest Act 1878 or appropriated to the conservators shall be deemed to be and always to have been as from the date of acquisition or appropriation part of the open waste lands of Epping Forest and subject accordingly to the regulation and management of the conservators.

(2) The lands vested in the conservators on the nineteenth day of November nineteen hundred and fifty-five as the open waste lands of Epping Forest being—

(a) the lands shown on the map authenticated by the arbitrator under section 3 (Record of result of arbitration) of the Epping Forest Act 1880; and

(b) such other lands as have been acquired or appropriated for addition to the open waste lands of Epping Forest;

are shown coloured green (so much of the said lands as are roads repairable by the inhabitants at large being shown hatched or dotted black) on the map of which copies have been signed in quintuplicate by the Right Honourable the Earl of Drogheda the chairman of the committee of the House of Lords to which the Bill for this Act was referred one of which has been deposited in the office of the Clerk of the Parliaments in the House of Lords one in the Private Bill Office of the House of Commons one in the office of the town clerk one in the office of the City Remembrancer and one in the office of the superintendent of the conservators.

(3) A copy of or extract from the map referred to in subsection (2) of this section purporting to be certified as a true copy or extract by the town clerk shall be received in all courts and elsewhere as evidence of the contents of the said map and the

town clerk and the conservators shall permit all persons interested at all reasonable times to inspect and take copies of or make extracts from the said map on payment of a fee not exceeding five shillings.

PART IV
—cont.

11. The tolls which may be received by the mayor aldermen and commons in respect of the meat and poultry market of the London Central Markets by virtue of the Metropolitan Meat and Poultry Act 1860 shall not cease and determine when the principal moneys and interest charged thereon have been repaid and notwithstanding anything in section 37 (Application of tolls received under Schedule (A.) and of the rent of the underground station) of the said Act of 1860 the said tolls shall continue to be due and payable to the mayor aldermen and commons in pursuance of that Act and shall be applied by them after defraying the cost and expenses of collecting and receiving the same towards the maintenance of the meat and poultry market and subject thereto shall be credited to the city's cash.

Tolls paid in
meat and
poultry market
of London
Central
Markets.

12. Section 207 (Money may be borrowed on the security of the sewer rate) and section 208 (Money may be borrowed on the security of the consolidated rate) of the City of London Sewers Act 1848 shall have and as from the first day of January nineteen hundred and fifty-six shall be deemed to have had effect as if for the words "at a rate not exceeding five pounds per centum per annum" where those words occur in each of the said sections there were substituted the words "at such rate as the commissioners may from time to time determine".

Amendment of
sections 207
and 208 of City
of London
Sewers Act
1848.

13. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act shall be paid by the Corporation out of the city's cash and out of the general rate of the city in such proportions as the Corporation may deem just.

Costs of Act.

Table of Statutes referred to in this Act

Short title	Session and chapter
City Police Act 1839	2 & 3 Vict. c. xciv.
London Hackney Carriages Act 1843	6 & 7 Vict. c. 86.
City of London Sewers Act 1848	11 & 12 Vict. c. clxiii.
Metropolitan Meat and Poultry Act 1860	23 & 24 Vict. c. cxcii.
Metropolitan Streets Act 1867	30 & 31 Vict. c. 134.
Metropolitan Public Carriage Act 1869	32 & 33 Vict. c. 115.
Epping Forest Act 1878	41 & 42 Vict. c. ccxiii.
Epping Forest Act 1880	43 & 44 Vict. c. cxxx.
London Traffic Act 1924	14 & 15 Geo. 5 c. 34.
City of London (Various Powers) Act 1931	21 & 22 Geo. 5 c. xiv.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
City of London (Various Powers) Act 1944	7 & 8 Geo. 6 c. iv.
City of London (Various Powers) Act 1950	14 Geo. 6 c. v.
City of London (Various Powers) Act 1954	2 & 3 Eliz. 2 c. xxvii.

PRINTED BY JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 9d. net

PRINTED IN GREAT BRITAIN

(37361)