

City of London (Various Powers) Act, 1960

8 & 9 ELIZ. 2 Ch. xxxvi

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CHAPTER xxxvi

An Act to authorise the Corporation of London to acquire land for the purposes of Spitalfields Market to transfer Bunhill Fields Burial Ground to the Corporation and to make provision for the improvement thereof to make provision with respect to parking accommodation swimming baths smoke abatement and finance and for other purposes.

[29th July 1960.]

WHEREAS—

(1) The Corporation of London in their capacity as a local authority own and manage Spitalfields Market in the metropolitan borough of Stepney and for the purpose of relieving congestion of traffic in and in the vicinity thereof and of facilitating the business of the market the Corporation are desirous of carrying out certain improvements thereof and as the first stage of such improvements of providing a parking area for vehicles with improved loading facilities and space for a street widening:

(2) It is expedient to empower the Corporation to acquire lands for the purposes aforesaid and for other purposes and to enlarge the powers of the Corporation with respect to the borrowing of money for the purposes of Spitalfields Market:

(3) By an Act passed in the session held in the thirtieth and thirty-first years of the reign of Her late Majesty Queen Victoria intituled "An Act for the preservation of Bunhill Fields Burial Ground in the County of Middlesex as an open space and for other purposes relating thereto" provision was made for the disused burial ground known as Bunhill Fields Burial Ground now in the metropolitan borough of Finsbury and owned by the Church Commissioners for England and the fences walls

graves tombstones and premises therein to be preserved and managed by the Corporation and by the City of London (Various Powers) Act 1911 further powers were conferred on the Corporation with respect to the management thereof:

(4) The said burial ground suffered extensive damage by reason of enemy action and the Corporation are desirous of carrying out works for the restoration and improvement thereof as a memorial burial ground and are willing to do the same at the cost and charge of their estates and revenues:

(5) It is expedient that the said burial ground should accordingly be vested in the Corporation that the Corporation should be enabled to carry out such works of restoration and improvement and that such further provision should be made with respect thereto as is in this Act contained:

(6) It is expedient that further powers should be conferred on the Corporation with respect to the administration of parking accommodation provided by them the borrowing of money for police purposes and the provision of swimming baths and other facilities and that further provision should be made with respect to smoke abatement a bridge in the city over Upper Thames Street rates and rate books superannuation and finance and that the other provisions in this Act contained should be enacted:

(7) The objects of this Act cannot be attained without the authority of Parliament:

(8) Estimates have been prepared by the Corporation for and in connection with the following purposes:—

The improvement of Spitalfields Market	£87,000
The acquisition of land therefor	£263,000

(9) Plans showing the lands required or which may be taken for the purpose of the improvement of Spitalfields Market and the lands comprising Bunhill Fields Burial Ground and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office of the House of Commons and with the clerk of the London County Council which plans and book of reference are in this Act referred to respectively as the deposited plans and the deposited book of reference:

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

PART I
—*cont.*

(2) Except where the context otherwise requires 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

SPITALFIELDS MARKET IMPROVEMENTS

**Power to
acquire lands.**

5.—(1) Subject to the provisions of this Act the Corporation may enter upon take and use such of the lands in the metropolitan borough of Stepney delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of carrying out improvements to Spitalfields Market for the purpose of providing space for the widening of streets in or adjoining the market or for any purpose in connection with the market.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease on the first day of October nineteen hundred and sixty-three.

**Stopping up of
street.**

6.—(1) The Corporation may stop up so much of Duval Street in the metropolitan borough of Stepney as is shown on the deposited plans as intended to be stopped up and thereon denoted by the letters A to B and thereupon all rights of way over the said street shall be extinguished and the site and soil thereof shall vest in the Corporation so far as such site and soil shall not be already vested in them.

(2) No portion of Duval Street shall be stopped up under the powers of this section until the Corporation are owners in possession of all lands on the south side of such portion.

**Correction of
errors in
deposited plans
and book of
reference.**

7.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land the Corporation after giving ten days' notice to the owner lessee and occupier of the land in question may apply to a metropolitan stipendiary magistrate for the correction thereof.

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

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments and copies thereof in the Private Bill Office of the House of Commons and with the clerk of the London County Council and with every town clerk of a metropolitan borough with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the Standing Orders of Parliament or who has the custody of any such copy so deposited and

thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Corporation to take the land in accordance with the certificate.

PART II
—cont.

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

8.—(1) For the purposes of this Part of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act 1845.

Acquisition of part only of certain properties.

(2) No person shall be required to sell a part only of any house building or factory if he is willing and able to sell the whole of the house building or factory unless the tribunal determines that such part as is proposed to be taken can be taken without material detriment to the house building or factory.

(3) If the tribunal determines as aforesaid compensation shall be awarded in respect of any loss due to the severance of the part proposed to be taken in addition to the value of that part and thereupon the person interested shall be required to sell to the Corporation that part of the house building or factory.

9. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Part of this Act but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section the Corporation may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Power to expedite entry.

Provided that the Corporation shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

10. Any person acting on behalf of the Corporation and duly authorised by the town clerk may at all reasonable times enter on any land which the Corporation are authorised by this Part of this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

Provided that no land shall be entered under this section unless the Corporation not less than seven days before the first entry and not less than twenty-four hours before any subsequent entry have given notice to the owner and occupier of the land in manner provided by section 9 (Service of notices by Corporation) of the City of London (Various Powers) Act 1954.

PART II
—cont.

Disregard of recent improvements and interests.

11. In determining any question of disputed compensation or purchase money in respect of land acquired under this Part of this Act the tribunal shall not take into account—

(a) any improvement or alteration made or building erected after the fifth day of December nineteen hundred and fifty-nine ; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made erected or created with a view to obtaining or increasing the compensation or purchase money.

Extinction of private rights of way.

12.—(1) All private rights of way over any land which may be acquired compulsorily under this Part of this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Corporation compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

Grant of easements by persons under disability.

13.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may if he thinks fit subject to the provisions of those Acts grant to the Corporation any easement or right required for the purposes of this Part of this Act in over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant and to any such easement or right as aforesaid.

Provision of substituted sites.

14. The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Part of this Act.

Power to reinstate owners or occupiers of property.

15.—(1) The Corporation may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired under this Part of this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

Provision of buildings and other facilities.

16. The Corporation may for the purposes of Spitalfields Market or in connection therewith provide alter and maintain buildings conveniences and other premises parking areas and other facilities for the use or accommodation of persons resorting thereto:

Provided that the exemption contained in sub-paragraph (ii) of paragraph (h) of section 149 of the London Building Acts (Amendment) Act 1939 shall not apply to any buildings conveniences or premises provided by the Corporation under this section.

PART II
—cont.

17.—(1) If in pursuance of section 6 (Stopping up of street) of this Act the Corporation stop up part of Duval Street the following provisions of this subsection shall unless otherwise agreed in writing between the Corporation and the Postmaster-General have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster-General as is under in upon over along or across the land which by reason of the stopping up ceases to be a highway (in this subsection referred to as “the affected line”) that is to say:—

For protection
of Postmaster-
General.

- (a) the power of the Postmaster-General to remove the affected line shall be exercisable notwithstanding the stopping up so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (2) of this section unless before the expiration of that period the Postmaster-General has given notice to the Corporation of his intention to remove the affected line or that part thereof as the case may be;
- (b) the Postmaster-General may by notice in that behalf to the Corporation abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) the Postmaster-General shall be entitled to recover from the Corporation the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as he may require;
- (d) where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of the affected line it shall vest in the Corporation and the provisions of the Telegraph Acts 1863 to 1954 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(2) As soon as practicable after the stopping up referred to in subsection (1) of this section the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up.

PART II
—cont.

(3) In this section “telegraphic line” has the same meaning as in the Telegraph Act 1878.

For protection
of sewers of
London
County
Council.

18. For the protection of the Nightingale Lane Sewer and other sewers of the London County Council (in this section referred to as “the council”) the following provisions shall unless otherwise agreed in writing between the Corporation and the council apply and have effect:—

- (1) Notwithstanding anything in this Part of this Act or shown upon the deposited plans or contained in the deposited book of reference the Corporation shall not under the powers of this Part of this Act acquire any part of the Nightingale Lane Sewer or of any other sewer of the council:
- (2) Nothing in section 16 (Provision of buildings and other facilities) of this Act shall relieve the Corporation from liability for any damage which may be caused by them to the Nightingale Lane Sewer or other sewer of the council in the exercise of the powers of the said section:
- (3) Nothing in this Part of this Act shall extend to prejudice diminish alter or take away any of the rights powers or authorities vested in the council in relation to sewers but all such rights powers and authorities shall be as valid and effectual as if this Act had not been passed.

For protection
of certain
statutory
undertakers.

19. For the protection of the statutory undertakers the following provisions shall unless otherwise agreed in writing between the Corporation and the statutory undertakers concerned apply and have effect:—

(1) In this section unless the subject or context otherwise requires—

“apparatus” means—

(a) electric lines and works (as respectively defined in the Electric Lighting Act 1882) belonging to either the London Electricity Board or the Central Electricity Generating Board; or

(b) mains pipes and other apparatus belonging to or maintained by the North Thames Gas Board;

and includes any works constructed for the lodging therein of apparatus;

“in” in a context referring to apparatus includes under over across along or upon;

“position” includes depth;

PART II
—cont.

(5) The Corporation shall repay to the statutory undertakers the reasonable costs incurred by them in or in connection with the removal or alteration of the position of any apparatus or the alteration of any apparatus or the provision and construction or laying down of alternative apparatus under this section less the value of any apparatus so removed (such value to be calculated after removal):

Provided that—

(a) if the statutory undertakers provide and construct or lay down alternative apparatus of a better type or of a greater capacity than the apparatus for which the alternative apparatus is substituted they shall bear such proportion of the costs of providing and constructing or laying down such alternative apparatus as represents the amount by which such costs exceed the costs which would have been incurred if the type or capacity of the alternative apparatus had been the same as those of the apparatus for which the alternative apparatus is substituted; and

(b) if the statutory undertakers provide and construct or lay down alternative apparatus in substitution for existing apparatus constructed or laid more than seven and one half years earlier so as to confer upon the statutory undertakers any financial benefit by deferment of the time for renewal of such existing apparatus in the ordinary course the costs to be paid to the statutory undertakers under this paragraph shall be reduced by the amount which represents that benefit.

(6) If any apparatus is abandoned or deemed to be abandoned under the foregoing provisions of this section or if by reason or in consequence of the stopping up of any part of Duval Street under the powers of section 6 (Stopping up of street) of this Act any apparatus is rendered derelict or redundant the Corporation shall repay to the statutory undertakers the reasonable costs incurred by the statutory undertakers in or in connection with cutting off from any other apparatus the apparatus so abandoned or rendered derelict or redundant.

(7) Any difference which may arise between the Corporation and the statutory undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by an arbitrator to be agreed upon between the parties or in default of agreement to be appointed on the application of either party after notice in writing to the other of them by the President of the Institution of Civil Engineers.

PART III
BUNHILL FIELDS

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

Interpretation
for Part III.

“Bunhill Fields” means the land numbered 1 on the deposited plans in the metropolitan borough of Finsbury in the county of London commonly called Bunhill Fields Burial Ground;

“grave” includes a grave space vault niche or urn;

“Minister” means the Minister of Housing and Local Government;

“tombstone” includes a kerb or railing surrounding any grave or a vase monument or other memorial of a deceased person.

21. On the passing of this Act the freehold interest of the Church Commissioners for England in Bunhill Fields shall by virtue of this Act be transferred to and vested in the mayor and commonalty and citizens of the city without any deed of conveyance freed and discharged from all ecclesiastical and other trusts uses purposes obligations disabilities and restrictions whatsoever which immediately before the passing of this Act attached thereto and from all rights and interests of any person who is an heir executor administrator or relative of any deceased person whose remains are interred in Bunhill Fields:

Vesting in
Corporation
of Bunhill
Fields.

Provided that nothing in this section shall operate to affect prejudicially any private right or easement (not being a right in respect of a grave) over Bunhill Fields which attached thereto immediately before the passing of this Act.

22. The Corporation may stop up the way in the metropolitan borough of Finsbury leading from City Road to Bunhill Fields shown on the deposited plans as intended to be stopped up and thereon denoted by the letters C to D and thereupon all or any rights of way which there may be over or along the said way shall be extinguished.

Stopping up of
right of way.

23.—(1) The Corporation shall hold and administer Bunhill Fields as a memorial burial ground accessible to the public to such extent at such times and in such manner as the Corporation may determine.

Management
of Bunhill
Fields as
memorial
burial ground.

(2) For the purpose of restoring and keeping Bunhill Fields in a good and decent state as a memorial burial ground as aforesaid and maintaining it as such the Corporation may—

(a) enclose it or any part thereof or keep it or any part thereof enclosed with walls railings or fences and gates;

(b) lay out and maintain or take up or cover over and extinguish paths walks or terraces therein;

PART III
—cont.

- (c) provide furnish and maintain therein structures and conveniences;
- (d) turf plant ornament light provide with seats and otherwise improve it;
- (e) do all such other works or things as may be required.

Power to
maintain lower
cover up and
remove
tombstones.

24.—(1) In addition to their powers under subsection (2) of section 23 (Management of Bunhill Fields as memorial burial ground) of this Act the Corporation may subject to the provisions of this section—

- (a) put and keep in order any grave or tombstone in Bunhill Fields;
- (b) level or raise the surface of the ground in Bunhill Fields notwithstanding that there may be graves thereunder or tombstones thereon or move any tombstone in Bunhill Fields to a different position therein or lower any such tombstone to the level of the ground or cover the same with soil;
- (c) remove and if they think fit use or dispose of any tombstone in Bunhill Fields.

(2) The Corporation shall cause to be made a record of any tombstones which may be covered or removed under the powers of subsection (1) of this section and of any tombstones in Bunhill Fields bearing legible inscriptions which in the opinion of the Corporation cannot reasonably be put or kept in order showing the particulars respecting each such tombstone as a separate entry and copies of such record shall be deposited at the principal office of the Society of Genealogists and in the library at the Guildhall in the city and with the Registrar-General.

Improvement
of Bunhill
Fields.

25.—(1) Notwithstanding anything in this Part of this Act but subject to the provisions of section 26 (Variation of scheme of development) of this Act any improvement of Bunhill Fields (not being works which in the opinion of the Corporation are required for the purpose of maintaining or restoring any structure or of preventing danger therefrom) shall be carried out by the Corporation so far as may be in all respects in accordance with the scheme of development shown on the signed plan and the Corporation are hereby authorised without compliance with the provisions of section 30 of the Town and Country Planning Act 1947 to lay out alter or provide paths walks or terraces or flower beds or other amenities provide public lavatories and structures or conveniences required for the purposes of or in connection with the maintenance of Bunhill Fields erect walls railings fences or gates alter the position or cover over or remove tombstones and plant trees shrubs and other plants in the situations shown on the signed plan and to do such other works and things as shall be required for the purpose of carrying out such scheme of development.

PART III
—cont.

Deposit of
objects of
interest.

27. All objects of geological or antiquarian interest discovered on or under Bunhill Fields during the execution of any works therein shall subject to the rights of the Crown be carefully preserved and removed and shall be deposited in the Guildhall Museum.

Amendment of
enactment.

28. Section 6 (As to Bunhill Fields Burial Ground) of the City of London (Various Powers) Act 1911 shall have effect as if for subsection (3) thereof there were substituted the following subsection:—

“(3) In this section the expressions ‘Bunhill Fields Burial Ground’ and ‘burial ground’ mean Bunhill Fields as defined in section 20 (Interpretation for Part III) of the City of London (Various Powers) Act 1960.”

PART IV

MISCELLANEOUS

Regulation of
garaging and
parking
accommoda-
tion for
vehicles.

29.—(1) Notwithstanding anything in the Restriction of Ribbon Development (Power to provide Parking Places) London Order 1936 (which confers upon the Corporation powers with respect to the provision of parking places for the purpose of relieving or preventing congestion of traffic under section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935) or in section 12 (Power to provide garaging and parking accommodation for vehicles) of the City of London (Various Powers) Act 1957 the Corporation may prescribe the class or classes of vehicles which may use any garaging or parking accommodation provided by them the charges to be paid in connection with the use thereof and the times at which and the conditions on which such accommodation may be used.

(2) As from the date on which any matter is prescribed by the Corporation under this section in relation to any garaging or parking accommodation provided by them any provision relating to such matter in any byelaws made by them under subsection (6) of section 68 of the Public Health Act 1925 as amended by section 16 of the Restriction of Ribbon Development Act 1935 and incorporated in the Restriction of Ribbon Development (Power to provide Parking Places) London Order 1936 with respect to that accommodation shall cease to have effect.

Power to
borrow for
police
purposes.

30. Section 20 (Power to borrow) of the City of London (Various Powers) Act 1950 shall extend to authorise the common council to borrow money for the purposes of any enactment

relating to their functions as police authority for the city and accordingly subsection (4) of the said section 20 shall have effect as if after the words "as a local authority" there were inserted the words "or as a police authority".

PART IV
—cont.

31.—(1) The common council may provide public baths wash-houses and swimming baths in the city or in the immediate neighbourhood thereof and for these purposes sections 221 to 226 and section 228 of the Public Health Act 1936 shall apply as if references in those sections to a local authority or their district in relation to public baths washhouses and swimming baths included references to the common council or the city.

Provision of
public baths
etc.

(2) The common council may subject to the provisions of all enactments relating thereto—

- (a) provide and sell or allow upon such terms and conditions as they think fit the provision and sale of refreshments of all kinds except intoxicating liquor;
- (b) allow upon such terms and conditions as they think fit the provision and sale of intoxicating liquor at any public baths washhouses or swimming baths provided by them whether the premises are used for the time being for the purpose for which they are provided or for any other purpose:

Provided that it shall be a condition of any licence for the sale of intoxicating liquor at any premises provided by the common council under this section that the same is not sold except for the purpose of consumption on the premises with a meal or in the case only of any swimming bath provided by the common council under this section except while the premises in respect of which such licence is granted are open and being used and to persons bona fide using the said premises in connection with any concerts displays exhibitions amusements dances or entertainments of the like kind or meetings or conferences which may be arranged to take place on the premises.

(3) For the purposes of subsection (1) of this section section 271 of the Public Health Act 1936 shall apply as if references in that section to a council or to that Act included references to the common council or this Act.

32. Section 4 (Prohibition of emission of smoke in City) of the City of London (Various Powers) Act 1954 shall have effect as if the following subsection were inserted therein:—

Amendment of
section 4 of
City of London
(Various
Powers) Act
1954.

“(8A) Any land or buildings being premises to which this section applies which extend into the city and into any metropolitan borough shall be treated for the purposes of

PART IV
—cont.

this section as being wholly within the city or wholly within that borough as may be agreed between the common council and the council of that borough or in default of agreement determined by the Minister of Housing and Local Government.”

Undertakings
and agree-
ments binding
successive
owners.

33.—(1) Every undertaking given by or to the Corporation to or by the owner of a legal estate in land and every agreement made between the Corporation and any such owner being an undertaking or agreement—

- (a) given or made under seal either on the passing of plans or otherwise in connection with the land; and
- (b) expressed to be given or made in pursuance of this section;

shall be binding not only upon the Corporation and any owner joining in the undertaking or agreement but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act 1925 as amended by the Law of Property (Amendment) Act 1926.

(3) Any person upon whom such an undertaking or agreement is binding shall be entitled to require from the Corporation a copy thereof.

Amendment of
Charing Cross
Railway (*City
Terminus*)
Act 1861.

34. Section 40 (Viaduct across Upper Thames Street to be made &c. as herein stated) of the Charing Cross Railway (*City Terminus*) Act 1861 shall have effect as if for the words “eighteen feet” therein there were substituted the words “sixteen feet six inches”.

Amendment of
section 102 of
Local
Government
Act 1948.

35. Subsection (1) of section 102 of the Local Government Act 1948 shall have effect as if at the end thereof there were inserted the following proviso:—

“Provided that the provisions of this subsection shall in relation to the city of London have effect subject to such modifications as the Minister may by order direct and any order under this subsection may be revoked or varied by a subsequent order made thereunder.”

As to rate
books of
common
council.

36.—(1) Any reference in any of the enactments specified in subsection (2) of this section or in any other enactment to any rate book or any volume thereof being a rate book or volume thereof provided by the common council shall be construed as including reference to any assemblage of documents so provided.

(2) The enactments specified are as follows:—

PART IV
—cont.

The Poor Relief Act 1743—

Section 13 in its application to the city;

The Poor Rate Assessment and Collection Act 1869—

Section 18 in its application to the city;

Section 19 in its application to the city;

The City of London Sewers Act 1897—

Section 17 (Chamberlain to pay all sums of money ordered by common council);

Section 18 (Rate books to be received as evidence);
and

The City of London (Union of Parishes) Act 1907—

Section 19 (Making of Poor and General Rates together).

37. The provisions of section 55 of the Local Government Act 1958 shall apply to the common council as those provisions apply to the council of a county or county borough. Consolidated loans fund.

38.—(1) If a person entitled to a superannuation allowance under the local Act scheme proposes to accept further employment with any local authority (other than the Corporation) he shall inform the local authority that he is so entitled and if he enters their employment shall forthwith give notice in writing that he is so employed to the Corporation. Reduction of superannuation allowance during re-employment and adjustment of rights thereafter.

(2) In any such case as aforesaid or in any case where a person so entitled to a superannuation allowance accepts further employment with the Corporation the Justices of the City or the Court of Mayor and Aldermen of the City the superannuation allowance shall so long as the employee holds his new employment be reduced in such manner as may be prescribed.

(3) The foregoing provisions of this section shall apply in lieu of the provisions of section 22 (Subsequent appointments) of the City of London (Various Powers) Act 1931 in respect of any further employment entered into after the first day of October 1959 and where any person entitled to a superannuation allowance under the local Act scheme has entered into any such further employment as is referred to in subsection (1) of this section before the passing of this Act he shall give notice in writing that he has done so to the Corporation as soon as may be after the passing of this Act.

(4) In this section—

“local Act scheme” has the same meaning as in the Corporation of London (Superannuation) Scheme 1955;

PART IV
—cont.

“local authority” has the meaning assigned to that expression in section 40 of the Local Government Superannuation Act 1937;

“prescribed” means prescribed by regulations (as having effect for the purposes of this section by virtue of subsection (5) of this section) made by the Minister of Housing and Local Government for the purposes of subsection (2) of section 31 of the Local Government Superannuation Act 1937;

“superannuation allowance” includes a retirement pension a reduced superannuation allowance and an injury allowance;

and any other expressions to which meanings are assigned by any enactment for the purposes of the local Act scheme shall unless the context otherwise requires have the same respective meanings.

(5) For the purposes of this section the Local Government Superannuation (Reduction and Adjustment of Superannuation Allowance) Regulations 1954 shall have effect as if—

(i) for the words “section 31 of the Act of 1937” wherever they occur therein there were substituted the words “section 38 of the City of London (Various Powers) Act 1960”;

(ii) for the words “subsection (5) of section 6 of the Act of 1937” in paragraph (3) of regulation 4 thereof there were substituted the words “subsection (3) of section 13 (Scale of superannuation allowances) of the City of London (Various Powers) Act 1931”;

(iii) for paragraph (iv) in the proviso to paragraph (1) of regulation 5 thereof there were substituted the following paragraph:—

“ (iv) in his new employment he is a contributory employee or a local Act contributor otherwise than under the local Act scheme ”; and

(iv) for the words “contributory employee” in regulation 8 thereof there were substituted the words “contributor under the local Act scheme”;

and any regulations amending or replacing the said regulations of 1954 shall have effect subject to similar modifications.

Ward elections
etc. in respect
of Inner and
Middle
Temples.

39.—(1) For the avoidance of doubt it is hereby declared that—

(a) for the purposes of ward elections the Inner Temple and the Middle Temple are within the Ward of Farringdon Without in the city; and

(b) for the purposes of ward elections and local government elections in the city the expression "rateable" where used in Part II (Ward Elections) of the City of London (Various Powers) Act 1957 and in the Representation of the People Act 1949 means in relation to the Inner Temple and the Middle Temple as aforesaid liable to be rated to a rate in the nature of a general rate levied in the Inner Temple or the Middle Temple as the case may be.

(2) In this section the expression "ward elections" has the same meaning as in Part II of the said Act of 1957 and the expression "local government elections" has the same meaning as in the said Act of 1949.

(3) This section shall have effect as if contained in an enactment coming into force immediately before the fifteenth day of June 1960.

40.—(1) The following enactments are hereby repealed:— Repeal.

The Act passed in the session held in the thirtieth and thirty-first years of the reign of Her late Majesty Queen Victoria chapter 38 intituled "An Act for the preservation of Bunhill Fields Burial Ground in the county of Middlesex as an open space and for other purposes relating thereto";

City of London (Various Powers) Act 1900—
Part III (Baths and Washhouses);

City of London (Various Powers) Act 1922—
Section 21 (Provision in case of acquisition of Market);
Section 22 (Power to Corporation to borrow);

City of London (Various Powers) Act 1924—
Section 5 (Power to Corporation to borrow);

City of London (Various Powers) Act 1931—
Section 22 (Subsequent appointments).

(2) The Baths and Washhouses Acts 1846 to 1896 shall cease to apply to the city and accordingly the following enactments (in so far as they have not otherwise been repealed) are hereby repealed:—

Baths and Washhouses Act 1846;

Baths and Washhouses Act 1847;

Baths and Washhouses Act 1878 (except sections 1 and 12 thereof);

Baths and Washhouses Act 1882;

Baths and Washhouses Act 1896.

PART IV
—cont.
Saving for town
and country
planning.

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

Costs of Act.

42. 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.

Table of Statutes referred to in this Act

Short title	Session and chapter
Poor Relief Act 1743	17 Geo. 2. c. 38.
Lands Clauses Consolidation Act 1845 ..	8 & 9 Vict. c. 18.
Baths and Washhouses Act 1846	9 & 10 Vict. c. 74.
Baths and Washhouses Act 1847	10 & 11 Vict. c. 61
Charing Cross Railway (City Terminus) Act 1861	24 & 25 Vict. c. xciii
Poor Rate Assessment and Collection Act 1869	32 & 33 Vict. c. 41.
Baths and Washhouses Act 1878	41 & 42 Vict. c. 14.
Telegraph Act 1878	41 & 42 Vict. c. 76.
Baths and Washhouses Act 1882	45 & 46 Vict. c. 30.
Electric Lighting Act 1882	45 & 46 Vict. c. 56.
Baths and Washhouses Act 1896	59 & 60 Vict. c. 59.
City of London Sewers Act 1897	60 & 61 Vict. c. cxxxiii.
City of London (Various Powers) Act 1900 ..	63 & 64 Vict. c. ccxxviii.
City of London (Union of Parishes) Act 1907	7 Edw. 7. c. cxi.
City of London (Various Powers) Act 1911 ..	1 & 2 Geo. 5. c. lxxxiv.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5. c. 57.
City of London (Various Powers) Act 1922 ..	12 & 13 Geo. 5. c. xxi.
City of London (Various Powers) Act 1924 ..	14 & 15 Geo. 5. c. xxxvii.
Land Charges Act 1925	15 & 16 Geo. 5. c. 22.
Public Health Act 1925	15 & 16 Geo. 5. c. 71.
Law of Property (Amendment) Act 1926 ..	16 & 17 Geo. 5. c. 11.
City of London (Various Powers) Act 1931 ..	21 & 22 Geo. 5. c. xiv.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5. c. 47.
Public Health Act 1936	26 Geo. 5. & 1 Edw. 8 c. 49.
Local Government Superannuation Act 1937 ..	1 Edw. 8. & 1 Geo. 6. c. 68.
London Building Acts (Amendment) Act 1939	2 & 3 Geo. 6. c. xcvi.
Town and Country Planning Act 1947 ..	10 & 11 Geo. 6. c. 51.
Local Government Act 1948	11 & 12 Geo. 6. c. 26.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6. c. 42.
Representation of the People Act 1949 ..	12 13 & 14 Geo. 6. c. 68.
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.
City of London (Various Powers) Act 1957 ..	5 & 6 Eliz. 2. c. x.
Local Government Act 1958	6 & 7 Eliz. 2. c. 55.