



## CHAPTER lxxvii.

An Act to confer further powers upon the London County Council and upon the corporation of the city of London and metropolitan borough councils and for other purposes. A.D. 1928.  
—

[3rd August 1928.]

**W**HEREAS it is expedient that the provisions of the London Building Acts relating to the remuneration of district surveyors should be amended as provided by this Act :

And whereas with a view to obviating the danger to public health resulting from the existence of disused drains it is expedient that in relation to such drains further powers should be conferred upon the councils of metropolitan boroughs and such other provisions as are contained in this Act should be enacted :

And whereas it is expedient that such further powers should be conferred upon the councils of metropolitan boroughs in relation to public health streets and other matters as are contained in this Act and that certain of such powers should be extended to the corporation of the city of London and to the overseers of the Inner Temple and the Middle Temple :

And whereas it is expedient that the Kensington Borough Council (Superannuation) Act 1907 and the Paddington Borough Council (Superannuation and Pensions) Act 1911 should be amended as provided by this Act :

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And whereas it is expedient in the public interest that for the purpose of facilitating the erection of buildings by the University of London the said university should be empowered as provided by this Act to stop up and appropriate the soil of certain streets in the metropolitan borough of Holborn :

And whereas it is expedient that the provisions contained in this Act in relation to the sale of coke in the administrative county of London should be enacted :

And whereas doubts have arisen as to the powers of the London County Council under the London County Council (General Powers) Act 1923 in relation to the provision of facilities for the playing of games in open spaces under their management and control and it is expedient that that Act should be amended with respect to such matters :

And whereas the council of the metropolitan borough of St. Marylebone are required by the St. Marylebone (Church Rate Abolition) Act 1898 to hold maintain and use for public purposes a triangular plot of ground situate at the junction of Park Road Albert Road and St. John's Wood Road and it is expedient that powers should be conferred with reference to the erection and maintenance of a war memorial upon the said plot :

And whereas it is expedient that the other provisions contained in this Act should be enacted :

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

And whereas the council of the royal borough of Kensington and the council of the metropolitan borough of Paddington have in relation to the promotion of the Bill for this Act (in so far as its provisions exclusively concern those councils respectively) complied with the requirements of the Borough Funds Acts 1872 and 1903 :

And whereas a plan showing the streets and part of a street which may be stopped up under the powers of this Act and a book of reference to that plan have been deposited with the clerk of the peace for the county of London and the said plan is in this Act referred to as the deposited plan :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent

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Majesty by and with the advice and consent of the Lords      A.D. 1928.  
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.

INTRODUCTORY.

1. This Act may be cited as the London County      Short title.  
Council (General Powers) Act 1928.

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

Part    I.—Introductory.

Part    II.—Amendment of London Building  
          Acts.

Part    III.—Disused drains.

Part    IV.—Sanitary provisions.

Part    V.—Powers to borough councils.

Part    VI.—Amendment of Kensington Borough  
          Council (Superannuation) Act 1907.

Part    VII.—Amendment of Paddington Borough  
          Council (Superannuation and Pen-  
          sions) Act 1911.

Part VIII.—Powers to University of London.

Part    IX.—Miscellaneous.

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

“The county ” means the administrative county of  
London :

“The Council ” means the London County Council :

“The corporation ” means the mayor aldermen and  
commons of the city of London in common  
council assembled :

“The overseers ” means the overseers of the Inner  
Temple and Middle Temple respectively :

“Borough ” means a metropolitan borough :

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

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“The town clerk” means the town clerk of the city of London or of the borough in relation to which that expression is used:

“Public place” includes any public park or garden and any ground to which the public for the time being have or are permitted to have access whether on payment or otherwise:

“Street” has the meaning assigned to that expression in the Metropolis Management Acts 1855 to 1893:

“Owner” has the meaning assigned to that expression by the Metropolis Management Act 1855:

“Daily penalty” means a penalty to accrue for each day on which an offence is continued after conviction thereof:

“Sanitary authority” means—

(a) The corporation as respects the city of London;

(b) The overseers as respects the places known as the Inner Temple and Middle Temple respectively;

(c) The borough council as respects any borough:

“Medical officer” means the medical officer of health of a sanitary authority and “the medical officer” means the medical officer of health of the sanitary authority in relation to whom the expression is used:

“The district” where used in relation to a medical officer means the district of the sanitary authority of whom he is an officer.

## PART II.

### AMENDMENT OF LONDON BUILDING ACTS.

Definitions  
for purposes  
of this Part  
of Act.

4. For the purposes of this Part of this Act and notwithstanding anything contained in the London Building Acts 1894 to 1923—

(1) The expression “the principal Act” means the London Building Act 1894:

- (2) The expression “ the plane of the foundations ”      A.D. 1928.  
as applied to a building or structure means—      —

(i) where the foundations are wholly of the trench type or wholly in the form of a raft or partly of the trench type and partly in the form of a raft the level of the bottom of the trenches or of the under-surface of the raft or (where the foundations are not of an uniform depth) the mean level (having regard to both area and depth) of the bottoms of the trenches (if any) and of the under-surface of the raft (if any);

(ii) where the whole of the building or structure is erected upon piers or piles the level of one half of the average vertical length of the piers or piles;

(iii) where a part or parts only of the building or structure is or are erected upon piers or piles the level or (where the foundations are not of an uniform depth) the mean level (having regard to both area and depth) of the part or parts so erected ascertained according to the foregoing paragraph (ii) and of the remainder of the building or structure ascertained according to the foregoing paragraph (i) :

Provided that where a building or structure is existing at the time of the making or doing thereto or thereon of any alteration addition or other work and the depth of the foundations of such building or structure cannot be readily ascertained the expression means a level two feet below the upper surface of the lowest floor of the building or structure if the building or structure is less than four storeys in height and five feet below such upper surface if the building or structure is four or more storeys in height and that where the surface of such lowest floor is not of an uniform level the mean level thereof (having regard to both area and depth) shall be deemed to be the upper surface thereof :

- (3) The expression “ cubical extent ” as applied to a building or structure or proposed building or

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structure means the space contained or proposed to be contained within the external surfaces of its walls and roof and the plane of the foundations of such building or structure Provided that—

(a) where the building or structure or part thereof is or is proposed to be wholly or partly enclosed vertically by party or division walls the external surface of each such wall shall be deemed to correspond with a plane bisecting the thickness thereof;

(b) where the building or structure is or is proposed to be on one or more of its sides not enclosed by a wall or walls the building or structure shall be deemed to be enclosed by walls with the external surfaces thereof in a vertical plane extending from the outer edge of the roof to the ground; and

(c) where the building or structure is or is proposed to be erected without a roof the building or structure shall be deemed to be covered in with a roof with the external surface thereof in a plane with the tops of the walls or other enclosures of such building or structure :

- (4) The expression “ cost ” means the total cost of and incidental to the addition alteration or other work in relation to which that expression is used exclusive of the cost of such decorations fittings and other matters of a like kind as are not subject to the supervision of the district surveyor under the London Building Acts 1894 to 1923.

Fees payable to district surveyors.

5.—(1) The builder or in his default the owner or occupier as the case may be of a building structure or work mentioned in Part I of the First Schedule to this Act shall pay to the district surveyor in respect of such building structure or work fees calculated in accordance with the said Part I or such other fees not exceeding the amounts specified in the said Part I as may from time to time be directed by the Council Provided that nothing in this subsection shall affect the operation of the provisions of section 157 of the principal Act.



(2) (a) The Council shall pay to the district surveyor in respect of his services under Part IX (Dangerous and neglected structures) of the principal Act in relation to any dangerous structure the fees specified in Part II of the First Schedule to this Act. A.D. 1928.

(b) If any special service is required to be performed by the district surveyor under the said Part IX for which a fee is not specified in Part II of the First Schedule to this Act the Council may order such fee to be paid for that service as they think fit.

(c) All fees paid to a district surveyor pursuant to this subsection shall be deemed to be expenses incurred by the Council in the matter of the dangerous structure in respect whereof such fees are paid and shall be recoverable by them from the owner of that structure accordingly.

(3) (a) The builder employed in erecting any building or in doing any work or matter in respect of which any service has been performed by the district surveyor under the provisions of the London Building Acts (Amendment) Act 1905 or in default of the builder the owner or occupier (as the case may be) of such building or of any building in respect whereof such work or matter has been done shall pay to the district surveyor fees calculated in accordance with Part I of the Second Schedule to this Act.

(b) The Council shall pay to the district surveyor the fees specified in Part II of the said Second Schedule in respect of the performance of the duties therein mentioned.

(c) Where any work or service is carried out or performed by the district surveyor in pursuance of the London Building Acts (Amendment) Act 1905 the fees payable under this subsection shall be in addition to and not in substitution for any fees which may be payable under any other enactment.

(4) (a) Where under the provisions of Part IV (Amendment of London Building Acts) of the London County Council (General Powers) Act 1909 or any Act amending that Part of that Act or any regulations in force thereunder any building is erected or converted or any addition alteration or other work is made or done to or on any building the builder or in default of the builder the owner or occupier (as the case may be) of the building shall pay to the district surveyor fees calculated in accordance with the Third Schedule to this Act.

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(b) The fee specified in sub-paragraph (i) of paragraph 1 under heading (A) of the Third Schedule to this Act shall be payable to the district surveyor at the time when the building notice is served on him under section 145 of the principal Act.

(c) If any difference arises between any person and the district surveyor as to the cubical extent of the respective portions of mixed buildings referred to in paragraph 2 under heading (A) of the Third Schedule to this Act the Council shall on the application of either party determine such cubical extent.

(d) Except as otherwise expressly provided by this subsection the provisions of the London Building Acts 1894 to 1923 relating to the payment to and recovery by district surveyors of fees shall extend and apply to the fees payable under this subsection by a builder owner or occupier.

(5) The builder or other person causing or directing the erection of any building or structure shall state in the building notice relating thereto served under section 145 of the principal Act in addition to the other matters mentioned in that section the cubical extent of the building or structure and in the case of any addition alteration or other work to which the provisions of the London Building Acts 1894 to 1923 apply proposed to be made or done to or on a building or structure the builder or other person causing or directing the carrying out of the addition alteration or other work shall state in the building notice the cubical extent of such building or structure as proposed to be altered. Provided that the district surveyor may subject to such conditions (if any) as he may deem expedient in any case waive the requirements of this subsection.

(6) The builder shall within fourteen days after the completion of any such addition alteration or other work as aforesaid give to the district surveyor information in writing of the cost thereof and shall also within fourteen days after the receipt of a written request from the district surveyor furnish to him such information and evidence as he may reasonably require with reference to the cost thereof.

(7) If any proceedings are taken for the recovery of any fees in respect of any building structure addition alteration or other work and the court before which such



proceedings are taken shall be of opinion that no such statement of cubical extent as aforesaid has been made or that any information or evidence as to cost which should have been given or furnished under the provisions of this section has not been given or furnished or that any such statement information or evidence is in any respect erroneous the court may in such proceedings determine the cubical extent of the building or structure and the cost of the addition alteration or other work or either of such matters and the appropriate fee payable to the district surveyor in respect thereof under the provisions of this Act and such determination shall be final. A.D. 1928.  
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(8) The provisions of this section with respect to the amount of the fees payable to district surveyors shall be subject to the provisions of the section of this Act of which the marginal note is "Increase or decrease by Council of district surveyors' fees."

(9) The subsections of this section which are hereinafter mentioned shall be deemed to be substituted respectively for the enactments specified with reference thereto that is to say subsection (1) for section 154 of the principal Act subsection (2) for section 113 of that Act subsection (3) for section 18 of the London Building Acts (Amendment) Act 1905 and subsection (4) for section 26 of the London County Council (General Powers) Act 1909.

(10) Subsections (5) (6) and (7) of this section shall be deemed to form part of Part XIII (Superintending architect and district surveyors) of the principal Act but shall not apply with respect to any building structure or work which is exempt from the provisions of Parts VI and VII of the principal Act.

6. In calculating the fees payable under this Part of this Act regard shall be had to the regulations set out in the Fourth Schedule to this Act. Regulations as to calculation of fees.

7. The amount of any fee payable under this Part of this Act shall be the amount thereof payable at the time at which the fee becomes due. As to amount of fees.

8.—(1) The Council may from time to time vary the amount of all or any of the fees referred to in the schedules to this Act or any of those schedules Provided Increase or decrease by Council of

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A.D. 1928.      that the amount as so varied of any such fee shall not  
 ———  
 district sur-      at any time exceed or be less than the amount of that  
 veyors' fees.      fee mentioned in or calculated in accordance with the said  
                          schedules by more than twenty-five per centum of such  
                          last mentioned amount.

(2) If the amount of any of the said fees is at any time varied under the provisions of this section no other variation of the amount of any of the said fees shall be made until after the expiration of a period of two years from the date of the last preceding variation.

(3) The Council shall give notice by advertisement in two or more daily newspapers circulating in the county and otherwise in such manner as they deem sufficient of any variation under the provisions of this section of any of the said fees and any such variation shall take effect on a date six months after the date of publication of such notice and not earlier.

Rescission      9. The byelaws made by the Council pursuant to  
 of byelaws.      section 16 of the Metropolis Management and Building Acts Amendment Act 1878 and section 31 of the London Council (General Powers) Act 1890 and in force at the date on which this section comes into operation so far as such byelaws relate to fees to be paid to district surveyors are hereby rescinded Provided that nothing in this section shall be deemed to rescind any byelaws relating to fees in respect of matters (other than necessary repairs) for which no fees are provided in the schedules to this Act.

As to use of      10. Information as to the cost of any addition  
 certain in-      alteration or other work given to a district surveyor  
 formation.      under this Part of this Act shall not be used for any purposes other than the purposes of the London Building Acts 1894 to 1928.

Repeals.      11. The following enactments are hereby repealed to the extent hereinafter specified (that is to say):—

Act.	Extent of repeal.
—	—
London Building Act 1894.	Sections 113 and 154 and the whole of the Third Schedule except Part IV thereof.

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Act.	Extent of repeal.	A.D. 1928.
London Building Acts (Amendment) Act 1905.	Section 18 and the Second Schedule.	
London County Council (General Powers) Act 1909.	Section 26.	

**12.** The foregoing provisions of this Part of this Act shall come into operation on the first day of January one thousand nine hundred and twenty-nine but shall not apply with respect to—

Commence-  
ment of cer-  
tain provi-  
sions of this  
Part of Act.

(a) any building or structure; or

(b) any addition alteration or other work;

which was commenced before the said first day of January and in respect of which a building notice was before that date served pursuant to section 145 of the principal Act or alter or affect the fees payable to district surveyors in respect of any such building structure addition alteration or work and the amount of such fees shall be ascertained as if the said provisions had not been enacted and as if the provisions of section 26 (Increase of fees to district surveyors) of the London County Council (General Powers) Act 1921 as extended by subsequent Acts had not ceased to operate.

**13.** If any person—

(a) destroys pulls down or defaces (otherwise than in connection with any work of demolition or alteration of a house building or erection or part thereof which he may require to execute) any inscription of the name of a street which has been lawfully set up and neglects for one week after notice from the local authority to renew such inscription; or

(b) sets up in any street any name different from the name lawfully given to the street; or

(c) places or affixes any notice or advertisement within twelve inches of any name of a street marked on or affixed to a house building or erection in pursuance of section 33 of the principal Act;

Penalty for  
removing or  
defacing  
name of  
street.

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A.D. 1928. he shall be liable to a penalty not exceeding five pounds  
— and to a daily penalty not exceeding twenty shillings.

Offences in  
respect of  
numbering  
of houses.

**14.** If any person—

- (a) destroys pulls down or defaces (otherwise than in connection with any work of demolition or alteration of a house or building or part thereof which he may require to execute) any inscription of the number of any house or building which has been marked in accordance with an order made by the Council in pursuance of section 36 of the principal Act and neglects for one week after notice from the local authority to renew such inscription; or
- (b) marks upon any house or building any number which is not in accordance with any such order; or
- (c) neglects for one week after notice from the local authority to remove any number which is misleading marked upon any house or building with respect to which any such order has been made;

he shall be liable to a penalty not exceeding five pounds  
and to a daily penalty not exceeding twenty shillings.

Recovery of  
penalties  
relating to  
naming of  
streets and  
numbering  
of houses.

**15.** Any proceedings for the recovery of a penalty under the sections of this Act of which the marginal notes are respectively “Penalty for removing or defacing name of street” and “Offences in respect of numbering of houses” may be taken by the local authority.

Certain pro-  
visions of  
this Part of  
Act not to  
apply to  
city of  
London.

**16.** Notwithstanding anything in the principal Act as amended by any other enactment the sections of this Act of which the marginal notes are respectively “Penalty for removing or defacing name of street” “Offences in respect of numbering of houses” and “Recovery of penalties relating to naming of streets and numbering of houses” shall not apply to the city of London or to the corporation.

Citation.

**17.** This Part of this Act and the London Building Acts 1894 to 1923 may be cited together as the London Building Acts 1894 to 1928.

PART III.

A.D. 1928.

DISUSED DRAINS.

18. In and for the purposes of this Part of this Act—

Definition of certain expressions in this Part of Act.

(a) The expression “drain” has the meaning assigned to that expression by the Metropolis Management Act 1855 and the Acts amending or extending that Act; and

(b) The expression “disused drain” means any channel work or apparatus which—

(i) having been a drain has ceased to be used as a drain in such circumstances as to indicate the absence of intention to resume such user; or

(ii) having been provided for use as a drain is not so used and the circumstances existing at any time after such provision are such as to indicate the absence of intention so to use it;

or any part of any such channel work or apparatus.

19. For the removal of doubts it is hereby declared that the following provisions of the Metropolis Management Act 1855 as amended by any other enactment apply to disused drains (that is to say):—

Extension of sections 82 to 85 of Metropolis Management Act 1855 to disused drains.

Section 82 (Power for vestries and district boards to authorise inspection of drains privies and cesspools);

Section 83 (Penalty on persons improperly making or altering drains);

Section 84 (Where no default found expenses to be paid by vestry or board); and

Section 85 (Vestry or district board to cause drains &c. to be put into proper condition &c. where necessary).

20.—(1) The owner or (in default of the owner) the occupier of any premises in under or attached to which there is to his knowledge a disused drain shall give notice in writing of the existence of such disused drain to the council of the metropolitan borough in which the disused drain is situate.

Notice of existence of disused drains.

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(2) Any such notice as is required by subsection (1) of this section shall be given by the person required by that subsection to give the same—

(a) where any channel work or apparatus is a disused drain at the commencement of this Part of this Act forthwith after such commencement or so soon after such commencement as the existence of such disused drain comes to the knowledge of such person; or

(b) where a drain or any channel work or apparatus provided for use as a drain becomes a disused drain at any time after the commencement of this Part of this Act forthwith after it becomes to the knowledge of such person a disused drain.

(3) Any person who fails to comply with the foregoing provisions of this section shall be liable to a penalty not exceeding five pounds. Provided that the occupier of any premises (not being also the owner thereof) shall not be liable to a penalty under this section for failing to give any such notice as aforesaid if he satisfies the court that he had reasonable cause to believe that the notice had been given by the owner of the premises.

(4) Proceedings for any offence under this section may be taken by the council of the metropolitan borough in which the disused drain in respect of which the offence is committed is situate.

Commence-  
ment of  
Part III of  
Act.

**21.** The foregoing provisions of this Part of this Act shall come into operation on the first day of January one thousand nine hundred and twenty-nine.

Publication  
of notice of  
this Part of  
Act.

**22.** The Council shall within three months after the passing of this Act give public notice of the effect of the foregoing provisions of this Part of this Act by advertisement in two or more daily newspapers circulating in the county and otherwise in such manner as they deem sufficient.

For protec-  
tion of  
railway  
companies  
and Port  
of London  
Authority.

**23.** The provisions of this Part of this Act shall not apply to any disused drain of—

(i) the railway of a railway company; or

(ii) any building or structure which is situate upon the railway or within the railway or station



premises of a railway company and is used for the purposes of or in connection with the traffic of the company; or A.D. 1928.  
 —

- (iii) any building or structure which belongs to and is situate within the dock premises of the Port of London Authority.

#### PART IV.

##### SANITARY PROVISIONS.

**24.** The provisions of sections 39 (Byelaws as to waterclosets &c.) 40 (Power for sanitary authority to authorise examination of waterclosets &c.) 41 (Penalty on persons improperly making or altering waterclosets &c.) and 42 (Improper construction or repair of water-closet or drain) of the Public Health (London) Act 1891 shall apply to urinals to the same extent as they apply to waterclosets. Control of urinals.

**25.**—(1) Every person having the charge or control of premises in which is lying the body of a person who has died from any infectious disease to which section 55 (Notification of infectious disease) of the Public Health (London) Act 1891 applies shall take such steps as may be reasonably practicable to prevent persons coming into contact with the body unnecessarily and if he fails to do so he shall be liable to a penalty not exceeding five pounds. Contact with body of person dying of infectious disease.

(2) Any proceedings for the recovery of a penalty under this section may be taken by the sanitary authority.

**26.**—(1) Where it appears to any sanitary authority on a report from the medical officer that any person or the clothing of any person is infested with vermin and that person does not consent to be removed to a cleansing station then a petty sessional court if satisfied on the application of the sanitary authority that it is necessary that he or his clothing should be cleansed may make an order for his removal to a cleansing station and for his detention therein for such period and subject to such conditions as may be specified in the order. Cleansing of verminous persons.

(2) Where a person has been removed to a cleansing station in pursuance of the preceding subsection the

A.D. 1928. sanitary authority shall take such measures as may in  
— their opinion be necessary to free him and his clothing  
from vermin.

(3) The cleansing of females under this section shall be effected only by a registered medical practitioner or by a woman duly authorised by the medical officer.

(4) No charge shall be made by the sanitary authority in respect of the cleansing of a person or of his removal to or his maintenance in a cleansing station under this section and such cleansing removal and maintenance shall not be considered to be parochial relief or charitable allowance to the person cleansed removed or maintained or to the parent of such person and neither he nor his parent shall by reason thereof be deprived of any right or privilege or be subject to any disqualification or disability.

(5) A sanitary authority may provide such cleansing stations apparatus and attendants as may be necessary for the exercise of their powers under this section and may contract with any other sanitary authority or person for the provision of such cleansing stations apparatus or attendants.

(6) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(7) For the purposes of this section—

The expression “cleansing station” includes any premises provided by a sanitary authority for the purposes of the Cleansing of Persons Act 1897; and

The expression “vermin” includes bugs fleas lice and itch mites and their eggs larvæ and pupæ.

(8) Nothing in this section shall prejudice or affect the operation of Part V of the London County Council (General Powers) Act 1907 or section 87 of the Education Act 1921.

Medical in-  
spection of  
inmates of  
common  
lodging-  
house.

27. A justice of the peace may on complaint made on oath by a medical officer grant a warrant to him to enter any common lodging-house situate within the district in which according to the reasonable belief of the medical officer there is a person who is suffering or has

recently suffered from any infectious disease to which section 55 of the Public Health (London) Act 1891 applies and to examine any person found in that house with a view to ascertaining whether he is suffering or has recently suffered from such disease. A.D. 1928.

**28.**—(1) If a medical officer certifies in writing that any person—

(a) is aged or infirm or physically incapacitated and resides in premises in the district which are insanitary owing to any neglect on the part of the occupier thereof or under insanitary conditions; or

(b) is suffering from any grave chronic disease;

and that such person is unable to devote to himself or to receive from persons with whom he resides proper care and attention and that thorough inquiry and consideration have shown the necessity in the interest of the health of such person and for preventing injury to the health of or serious nuisance to other persons that he should be removed from the premises in which he is residing the medical officer may make application to a petty sessional court and such court upon oral proof of the allegation in such certificate and subject to examination of such person by a registered medical practitioner to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital infirmary poor law or other institution or other suitable place within the district or within a convenient distance of the district and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period or periods (each not exceeding three months) as may be determined by any further order or orders made under and in accordance with the provisions of this section. Provided that not less than three clear days before making any application under this subsection for the removal of any person the medical officer shall give to the board of guardians of the poor law union in which the said person is residing notice in writing of his intention so to do.

(2) The medical officer shall give to any person proposed to be removed under the provisions of this section or to some person being in charge of such person

Removal of  
infirm and  
diseased  
persons in  
certain  
cases.

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A.D. 1928.      three clear days' notice of his intention to make such  
—      application and of the time and place when and where  
such application will be made.

(3) The cost of the removal of any person to a hospital infirmary or other institution or place as aforesaid and of his detention and maintenance therein in pursuance of an order made under this section shall be borne by the sanitary authority upon the application of whose medical officer the order was made and during any period for which a person is so detained the sanitary authority may and if so required by the court shall make towards the maintenance of any dependants of that person such contributions as the sanitary authority think fit or as may be directed by the court as the case may be. Provided that the board of guardians of the poor law union in which the said person is residing shall be entitled to appear and be heard upon the application and any matters relating thereto and may in the exercise of their powers under the Poor Law Act 1927 assume such obligations with regard to the maintenance of the said person and his dependants as may be agreed upon between the board of guardians and the sanitary authority.

(4) An order under this section may be addressed to such officer of the sanitary authority or to such constable as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other the person making the application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made.

(6) Nothing in this section or in any order made thereunder shall authorise the removal of any person to or the detention of any person in any poor law institution

except with the consent in writing of the governing body of that institution or shall affect or interfere with the exercise or discharge by the board of guardians of any poor law union of any of their powers or duties. A.D. 1928.  
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(7) The powers of this section shall not be put into operation by a medical officer unless he is authorised by a resolution of the sanitary authority of the district so to do either generally or in any particular case in which those powers are proposed to be exercised.

**29.**—(1) Any premises used or proposed to be used for the sale or the manufacture for the purpose of sale of ice-cream or other similar commodity or the storage of ice-cream or other similar commodity intended for sale shall be registered by the owner or occupier thereof with the sanitary authority and no premises shall be used for the purposes aforesaid or any of them unless the same are registered as aforesaid. Registration of premises used for manufacture &c. of ice-cream.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(3) This section shall not apply to any premises occupied as a factory or workshop respecting which notice is required by subsection (1) of section 127 (Notice of occupation of factory or workshop) of the Factory and Workshop Act 1901 to be given and shall not in any way affect the operation of that Act.

(4) This section shall not apply to any premises used as a hotel restaurant or club.

**30.** Sections 115 (General provisions as to powers of entry) 116 (Penalty on obstructing execution of Act) and 124 (Protection of sanitary authority and their officers from personal liability) of the Public Health (London) Act 1891 shall extend and apply to and with reference to the provisions of this Part of this Act as if those sections were expressly re-enacted in and in terms made applicable to this Part of this Act. Application of certain provisions of Public Health (London) Act 1891.

## PART V.

### POWERS TO BOROUGH COUNCILS.

**31.** Section 28 (Quorum of vestries) of the Metropolitan Management Act 1855 so far as that section is Amendment of section 28



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*Council (General Powers) Act, 1928.*

A.D. 1928.      unrepealed shall be construed as if the words “and  
—  
of 18 & 19      voting” were inserted therein immediately after the  
Vict. c. 120.      word “present.”

Amendment  
of Metro-  
polis Man-  
agement  
Acts as to  
combined  
drains.

**32.**—(1) For the purposes of the Metropolis Manage-  
ment Acts 1855 to 1893 as amended by any subsequent  
Act a drain for draining any group or block of houses by  
a combined operation shall not become or be deemed  
to have become a sewer or cease or be deemed to have  
ceased to be a drain within the meaning of the definition  
contained in section 250 of the Metropolis Management  
Act 1855 by reason only of the fact that the drainage  
of premises not included in the order relating to such  
combined operation has been connected with such drain  
either before or after the passing of this Act and any  
such additional drainage shall be deemed to have been  
included in such order. Provided that nothing in this  
section shall empower a borough council to connect or  
authorise the connection of any sewer to any such drain.

(2) Nothing in this section shall enable a borough  
council to recover from the owner of any premises in  
connection with which any drainage or other works have  
been carried out before the passing of this Act any  
expense incurred by the borough council in or in con-  
nection with the carrying out of such works.

Street  
orderly bins.

**33.**—(1) A borough council may provide and main-  
tain in upon or under any street vested in or repairable  
by them orderly bins or other receptacles for the collection  
and temporary deposit of street refuse and waste paper  
and the storage of sand grit shingle or cinders of such  
dimensions and in such positions as the borough council  
after consultation with the Commissioner of Police of  
the metropolis may from time to time determine.

(2) Nothing in this section shall empower a borough  
council to hinder the reasonable use of a street by the  
public or any person entitled to use the same and a  
borough council shall not exercise their powers under  
this section in such a way as to create a nuisance to any  
adjacent owner or occupier.

For protec-  
tion of  
Metropoli-  
tan Water  
Board,

**34.** Where a borough council propose to provide  
under the powers of the section of this Act of which the  
marginal note is “Street orderly bins” any bin or



receptacle other than a moveable structure they shall give twenty-one days' notice in writing thereof to the Metropolitan Water Board at the same time indicating to the board the position and character of the bin or receptacle and if the board within fourteen days of the receipt of such notice inform the borough council that in their opinion the said bin or receptacle will be of such a character as to endanger or obstruct the access to any main pipe work or apparatus of the board the same shall not failing agreement between the parties be provided except subject to such terms and conditions (if any) as may be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such determination.

A.D. 1928.  
 —

**35.** A borough council after consultation with the Commissioner of Police of the metropolis and any person (with the consent of the borough council and subject to such conditions as they may impose) after like consultation may in proper and convenient situations in any street or public place vested in or repairable by the borough council provide and maintain seats and drinking fountains for the use of the public and troughs for watering horses or cattle.

Public drinking fountains seats &c. in streets.

**36.** The powers conferred by the sections of this Act of which the marginal notes are respectively "Street orderly bins" and "Public drinking fountains seats &c. in streets" shall not be exercised so as to obstruct or render less convenient the access to or exit from any station or goods yard belonging to a railway company or any premises belonging to other statutory undertakers and used for the purposes of their undertaking nor shall a borough council place any orderly bin drinking fountain or trough (a) on any bridge carrying any street or road over a railway or under any bridge carrying a railway over any street or road or within ten feet of the abutments of any such bridge without the consent of the company owning or liable for the repair of such bridge or (b) in upon or under any street or public place at any point over a tunnel or subway belonging to a railway company without the consent of that company.

For protection of railway companies and others.

A.D. 1928.

—  
For pre-  
venting  
water flow-  
ing on foot-  
path.

**37.**—(1) Where premises abutting upon any street vested in or repairable by a borough council are so situate that the surface water from such premises flows on to or over the footpath of such street the owner of such premises shall within such period as shall be specified in a notice by the borough council for that purpose not being less than fourteen days after service of the notice provide and shall thereafter maintain such down pipes channels or gutters as may be necessary to prevent so far as is reasonably practicable the water from such premises from flowing over the footpath and in default of compliance with such notice within the period aforesaid such owner shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(2) Nothing in this section shall apply to any flow of water from a forecourt or other similar space forming part of any premises which is caused by rain falling on such forecourt or space or walls adjacent thereto and not otherwise.

For pre-  
venting soil  
&c. from  
being  
washed into  
streets.

**38.**—(1) A borough council may give notice to the owner or occupier of any lands abutting upon any street vested in or repairable by them requiring him within twenty-eight days after the service of the notice so to fence off channel or embank the lands as to prevent soil or refuse from such lands from falling upon or being washed or carried into the street or into any sewer or gully therein in such quantities as to obstruct the highway or choke up such sewer or gully.

(2) Any person to whom a notice under this section is addressed who fails within twenty-eight days after service of the notice to execute the works therein specified shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Lopping of  
trees over-  
hanging  
highway.

**39.**—(1) Where any tree hedge or shrub overhangs any street vested in or repairable by a borough council so as to obstruct or interfere with the light from any public lamp or to endanger or obstruct the passage of vehicles or foot passengers or to obstruct the view of drivers of vehicles the borough council may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop or cut the tree hedge or

shrub within fourteen days so as to prevent such obstruction or interference and in default of compliance the borough council may themselves carry out the requisition of their notice doing no unnecessary damage and may recover the cost from the owner or occupier upon whom the notice was served.

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(2) Any person aggrieved by any requirement of the borough council under this section may appeal to a metropolitan police magistrate within fourteen days after the service of such notice provided he give written notice of intention to appeal and of the grounds of such appeal to the town clerk and the magistrate may make such order as he thinks fit and award costs such costs to be recoverable as a civil debt.

(3) Notice of the right to appeal shall be endorsed on every notice given by a borough council under this section.

## PART VI.

### AMENDMENT OF KENSINGTON BOROUGH COUNCIL (SUPERANNUATION) ACT 1907.

40. The Kensington Borough Council (Superannuation) Act 1907 (in this section referred to as "the Act of 1907") shall be read and construed subject to the following amendments (that is to say):—

Amend-  
ment of  
Kensington  
Borough  
Council  
(Superannu-  
ation) Act  
1907.

- (1) In the case of officers and servants who enter the service of the council of the royal borough of Kensington (in this section referred to as "the Kensington Council") after the twenty-ninth day of September one thousand nine hundred and twenty-eight the following provisions shall be substituted for section 4 (Scale of superannuation allowances) of the Act of 1907:—

"The superannuation allowance to be made under this Act to an officer or servant after ten years' service shall be as follows:—

(a) An annual sum calculated on the basis of one-eightieth for each year of service of the average amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which

A.D. 1928.

he ceases to hold his office or employment with a maximum of forty-eightieths of such average amount ; and

(b) A single lump sum (to be charged upon and paid out of the superannuation fund) equal to one-thirtieth of the said average amount multiplied by the number of completed years of his service so however that such lump sum shall in no case exceed one and a half times the said average amount " :

- (2) An officer or servant in the service of the Kensington Council on the twenty-ninth day of September one thousand nine hundred and twenty-eight may within three months thereafter signify in writing to the Kensington Council his intention to adopt the provisions of subsection (1) of this section and in that event the said provisions shall extend and apply to such officer or servant accordingly instead of the provisions of the said section 4 except that the amount of the lump sum payable to him pursuant to the said subsection (1) shall be increased by one-half of one per centum in respect of each year of his service completed on the twenty-ninth day of September one thousand nine hundred and twenty-eight :
- (3) Section 7 (Forfeiture for fraud &c.) of the Act of 1907 shall be construed as if the words " or of a breach of contract of service " were inserted after the word " misconduct " :
- (4) An officer or servant who is dismissed or resigns or otherwise ceases to hold his office or employment before he has become entitled to a superannuation allowance shall be entitled to receive out of the superannuation fund a sum equal to the aggregate amount of his contributions under the Act of 1907 or under the Act of 1907 as amended by this Act as the case may be provided that such dismissal or resignation is not in consequence of an offence of a fraudulent character or of grave misconduct or of a breach of his contract of service with the Kensington Council :

- (5) In the event of an officer or servant dying before becoming entitled to or receiving a superannuation allowance the Kensington Council shall pay to his legal personal representatives out of the superannuation fund a sum equal to the aggregate amount of the contributions made by such officer or servant under the Act of 1907 or under the Act of 1907 as amended by this Act as the case may be together with compound interest at the rate of three per centum per annum calculated as hereinafter provided to the thirty-first day of March immediately preceding the date of his death : A.D. 1928.
- (6) In any case in which an officer or servant in the service of the Kensington Council on the twenty-ninth day of September one thousand nine hundred and twenty-eight does not signify his intention pursuant to subsection (2) of this section to adopt the provisions of subsection (1) hereof and dies after he has become entitled to a superannuation allowance and before he has received by way of superannuation allowance an amount equal in the aggregate to the amount of his contributions under the Act of 1907 together with compound interest at the rate of three per centum per annum calculated as hereinafter provided to the thirty-first day of March immediately preceding the date of his retirement the Kensington Council shall pay to his legal personal representatives out of the superannuation fund the amount by which the aggregate amount of the contributions of such officer or servant under the Act of 1907 together with such compound interest as aforesaid exceeds the aggregate amount which he has received by way of superannuation allowance :
- (7) For the purposes of subsections (5) and (6) of this section the compound interest shall be calculated with yearly rests as on the thirty-first day of March in each year and the amount on which such interest shall be calculated on each such day shall be the aggregate of the total amount of the contributions standing to the credit of the officer or servant as on the



A.D. 1928.  
—

thirty-first day of March in the preceding year and the amount of compound interest calculated to such last-mentioned date :

- (8) Subject to the provisions contained in section 6 (As to officers having special qualifications) and section 14 (Contributions in respect of previous service) of the Act of 1907 the percentage amounts to be deducted for the purposes of that Act shall in the case of officers and servants appointed after the twenty-ninth day of September one thousand nine hundred and twenty-eight be five per centum of the annual salary or wages and emoluments :
- (9) (a) The following provisions shall have effect in lieu of section 16 (Actuarial investigation) of the Act of 1907 :—

At the expiration of the period of five years commencing on the first day of January one thousand nine hundred and twenty-five and of every subsequent period of five years the condition of the superannuation fund established under the Act of 1907 shall be submitted by the Kensington Council to an actuary being a Fellow either of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by them who shall consider the same and shall make an actuarial valuation of the said superannuation fund and on the basis of such valuation shall certify what sum in his opinion is necessary to be the amount of the primary annual contribution for the purposes of the Act of 1907 so that such contribution shall at all times be as nearly constant and vary as little as may be and so that the superannuation fund as constituted under paragraphs (a) (b) and (c) of subsection (1) of section 15 (Superannuation fund) of the Act of 1907 shall be solvent (having regard to existing and prospective liabilities) without further recourse to the general rate and the sum so certified shall be the primary annual contribution for the quinquennial period in or at the commencement of which the valuation is made and



shall be paid into the said superannuation fund accordingly; A.D. 1928.

(b) Notwithstanding the provisions of the foregoing paragraph (a) of this subsection the said primary annual contribution shall be payable for the years one thousand nine hundred and twenty-eight and one thousand nine hundred and twenty-nine as if the said paragraph had not been enacted:

(10) The Act of 1907 is hereby repealed to the extent mentioned hereunder:—

Section 7 (Forfeiture for fraud &c.) The words “or who before he has under the provisions of this Act become entitled to do so voluntarily resigns his office or employment.”

Section 9 (Return of moiety in case of death) The whole section.

## PART VII.

### AMENDMENT OF PADDINGTON BOROUGH COUNCIL (SUPERANNUATION AND PENSIONS) ACT 1911.

41. For the purposes of this Part of this Act the expression “the Paddington Council” means the council of the metropolitan borough of Paddington and the expression “the superannuation and pension fund” means the fund to be established by the Paddington Council pursuant to the section of this Act of which the marginal note is “Establishment of superannuation and pension fund by Paddington Council.”

Interpreta-  
 tion of cer-  
 tain expres-  
 sions in this  
 Part of Act.

42. The Paddington Borough Council (Superannuation and Pensions) Act 1911 (in this Part of this Act referred to as “the Act of 1911”) shall be read and construed subject to the following amendments (that is to say):—

Amendment  
 of Padding-  
 ton Borough  
 Council  
 (Superannu-  
 ation and  
 Pensions)  
 Act 1911.

(1) Section 3 (Interpretation) shall have effect as if—

(a) in the definition of the expression “officer” all words after the word “capacity” were omitted therefrom and there were

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—

substituted for the words so omitted the words “and duly placed on the permanent staff”;

(b) in the definition of the expression “servant” the words “not exceeding with  
“emoluments other than overtime forty-five  
“shillings a week” were omitted therefrom;

(c) the following definition were substituted for the definitions of “superannuation fund” and “pension fund” (namely):—

“ ‘Superannuation and pension fund’ means a fund to be established and administered by the Council in the manner described and provided in the section of the London County Council (General Powers) Act 1928 whereof the marginal note is ‘Establishment of superannuation and pension fund by Paddington Council.’ ”

(2) Section 4 (Title of officers to superannuation allowances) shall have effect as if—

(a) in paragraph (a) of subsection (1) thereof the words “1925 as amended by any other  
“Act or under any Act repealed by that Act  
“or under any scheme made pursuant to any  
“such Act” were substituted for the words  
“1906 or any scheme made thereunder”;

(b) there were added at the end of subsection (4) thereof the following provisos:—

“Provided also that any officer who has completed ten years’ service or aggregated service and in respect of permanent incapacity due to an injury receives under the Workmen’s Compensation Act 1925 as amended by any other Act or under any Act repealed by that Act or under any scheme made pursuant to any such Act compensation of a less amount than that of the superannuation allowance to which he would have been entitled under this section if such permanent incapacity had been due to any cause other than an injury for which he receives such compensation shall be entitled to receive out of the superannuation

and pension fund an annual allowance equal to the amount by which such superannuation allowance exceeds such compensation : A.D. 1928.  
—

Provided further that a female officer who is employed as a nurse or who is a health visitor or sanitary inspector ordinarily employed on outdoor duties under the supervision of the medical officer of health of the Council and who shall have attained the age of sixty years and have completed a service or aggregated service of ten years shall be entitled on resigning or otherwise ceasing to hold her office or employment to receive during life out of the superannuation and pension fund a superannuation allowance according to the scale by this Act provided notwithstanding that she has not completed a service or aggregated service of forty years."

- (3) Section 5 (Scale of superannuation allowances) shall have effect as if there were added at the end of that section the following proviso :—

" Provided also that in the event of the salary of an officer being reduced or suspended for any reason other than his own misconduct he may if he so desire continue to contribute to the superannuation and pension fund as if such reduction or suspension had not taken place and in the event of his so continuing to contribute he shall be entitled to a superannuation allowance according to the scale covered by such contribution " :

- (4) Section 6 (Service under other authorities) shall have effect as if in the third proviso to that section the words " prior to his appointment " were omitted therefrom :

- (5) Section 10 (Return of contributions in case of death) shall have effect as if there were added at the end of that section the following :—

" Without prejudice to the foregoing provisions of this section the Council may grant out of the superannuation and pension fund

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—

to the widow or dependants or legal personal representatives of any officer who having completed not less than ten years' service dies before becoming entitled to a superannuation allowance under this Act a gratuity not exceeding a sum equal to the aggregate amount of compound interest on such contributions calculated to the date of his death at the rate of three per centum per annum by half-yearly rests ” :

(6) Section 24 (Title of servants to pensions) shall have effect as if the words “ 1925 as amended by “ any other Act or under any Act repealed by “ that Act or under any scheme made pursuant “ to any such Act ” were substituted for the words “ 1906 or any scheme made thereunder ” wherever such last-mentioned words occur in that section.

(7) Section 25 (Scale of pensions) shall have effect as if—

(a) There were inserted therein after the words “ twenty-two shillings and sixpence per week ” the following :—

“ A servant who at the time of ceasing to hold his employment was contributing more than eightpence per week twenty-two shillings and sixpence per week with the addition of two shillings and sixpence per week for each penny by which his said weekly contribution exceeded eightpence ” ;

(b) In the proviso to that section the words “ other than his own misconduct ” were inserted after the word “ whatsoever.”

(8) Section 27 (Scale of contributions to pension fund) shall have effect as if the words “ In the “ case of servants whose wages and emoluments “ other than overtime exceed forty shillings per “ week eightpence per week ” were omitted therefrom and the following were inserted in the said section in lieu of the words so omitted :—

“ In the case of servants whose wages and emoluments other than overtime exceed forty

shillings per week but do not exceed forty-five shillings per week eightpence per week; A.D. 1928.  
—

In the case of servants whose wages and emoluments other than overtime exceed forty-five shillings per week eightpence per week with the addition of one penny per week for every complete sum of five shillings (and also for any fractional part thereof) by which such weekly wages and emoluments exceed forty-five shillings” :

- (9) Section 30 (Application of certain sections of Part II) shall have effect as if the words “ pension fund ” and “ superannuation fund ” except where used with reference to marginal notes were omitted therefrom.

**43.** Section 9 (Payments at death of officer in certain cases) of the Act of 1911 and the reference to that section in section 30 (Application of certain sections of Part II) of the said Act are hereby repealed and the following provisions shall have effect in lieu thereof :—

Payments at death of officer or servant in certain cases.

- (1) In the event of the death of an officer or servant after he has become entitled to a superannuation allowance or pension under the Act of 1911 and before he has received by way of superannuation allowance or pension a total sum equal to the aggregate of the amounts of salary or wages and emoluments upon which his contributions under the Act of 1911 as amended by this Act were based during his last year of service the Paddington Council shall out of the superannuation and pension fund pay to the legal personal representatives of such officer or servant a sum which when added to any superannuation allowance or pension already paid to him is sufficient to make up an amount equal to the said aggregate :
- (2) In the event of the death of an officer or servant after he has become entitled to a superannuation allowance or pension under the Act of 1911 and before he has received by way of superannuation allowance or pension a total sum equal to twice the aggregate of the amounts of salary or wages and emoluments upon which his contri-

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butions under the Act of 1911 as amended by this Act were based during his last year of service the Paddington Council may out of the superannuation and pension fund pay to the legal personal representatives of such officer or servant such a sum as the Paddington Council may think fit but not exceeding such sum as (when added to any superannuation allowance or pension already paid to him and to any sum payable by the Paddington Council pursuant to subsection (1) of this section) is sufficient to make up an amount equal to twice the said aggregate.

Rate of contribution by newly appointed officers.

44. Notwithstanding the provisions contained in section 14 (Scale of contributions) and section 15 (Additional contributions in respect of service under other authorities) of the Act of 1911 the following provisions shall apply in the case of officers appointed on or after the twenty-ninth day of September one thousand nine hundred and twenty-eight (that is to say) :—

- (1) The amounts to be deducted for the purposes of the Act of 1911 shall be five per centum of the annual salary and emoluments :
- (2) In addition to the deduction to be made under this section any officer to whom this section applies and in whose case any service under any other authority or authorities is aggregated and reckoned under the provisions of section 6 of the Act of 1911 shall pay into the superannuation and pension fund in respect of the service so aggregated and reckoned a sum equal to (a) two and a half per centum of the aggregate salary or wages and emoluments received by him in respect of so much (if any) of the period of such service as was completed before the said twenty-ninth day of September and (b) five per centum of the aggregate salary or wages and emoluments received by him in respect of such service on or after that date :
- (3) Any sum payable under subsection (2) of this section shall be paid in such instalments and at such times as may be determined by the Paddington Council.



45. Sections 16 (Superannuation fund) and 28 (Pension fund) of the Act of 1911 are hereby repealed and the following provisions shall have effect in lieu thereof :—

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 —  
 Establish-  
 ment of  
 superannu-  
 ation and  
 pension  
 fund by  
 Paddington  
 Council.

(1) The Paddington Council shall establish and administer a superannuation and pension fund to which shall be carried and credited—

(a) The amounts respectively standing to the credit of the superannuation fund and the pension fund established pursuant to the Act of 1911;

(b) A sum (in the Act of 1911 called “ the primary annual contribution ”) to be raised annually in and by the general rate and to bear such a proportion to the aggregate of the total salaries of the officers and the total wages of the servants as provided in section 17 (Actuarial investigation) and section 30 (Application of certain sections of Part II) of the Act of 1911;

(c) All contributions of officers and servants deducted as provided by the Act of 1911 as amended by this Act and any amounts which may be received by the Paddington Council under the provisions of section 15 (Additional contributions in respect of service under other authorities) of the Act of 1911 and all sums payable under subsection (2) of the section of this Act of which the marginal note is “ Rate of contribution by newly appointed officers ”;

(d) All dividends and interest arising out of the investment of the said superannuation and pension fund or any part thereof; and

(e) Such amount out of the general rate as may be required to meet any deficiency in the said superannuation and pension fund :

(2) The following shall be charged upon the said superannuation and pension fund (namely):—

(a) Superannuation allowances pensions and other annual allowances and any gratuities (other than such as are directed to be paid

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out of the general rate) made or granted in pursuance of the Act of 1911 or in pursuance of that Act as amended by this Act and any other sums directed or authorised to be paid out of the superannuation and pension fund in pursuance of this Act; and

(b) Contributions or parts of contributions returned or paid in pursuance of the Act of 1911 or in pursuance of that Act as amended by this Act.

Substitution of super-annuation and pension fund for super-annuation fund and pension fund.

46. Subject to the provisions of this Part of this Act the Act of 1911 shall be construed as if the expression "superannuation and pension fund" were substituted for the expressions "superannuation fund" and "pension fund" wherever those expressions occur in the last named Act.

Commencement construction and citation of Part VII of Act.

47. This Part of this Act shall come into operation on the twenty-ninth day of September one thousand nine hundred and twenty-eight and the Act of 1911 and this Part of this Act shall be read and construed as one Act and may be cited together as the Paddington Borough Council (Superannuation and Pensions) Acts 1911 and 1928.

## PART VIII.

### POWERS TO UNIVERSITY OF LONDON.

Power to University of London to stop up certain streets.

48. For the purpose of facilitating the erection by the University of London (in this section referred to as "the university") of buildings in connection with the work of the university the university may (subject to such terms and conditions as the Council may prescribe) stop up the following streets and part of a street in the metropolitan borough of Holborn or any of them to the extent shown on the deposited plan (that is to say):—

- (a) the street forming the south-western side of Torrington Square between the junction of that street with British Museum Avenue and an imaginary straight line drawn from the northern most corner of the premises known as No. 37 Torrington Square to the westernmost corner of the premises known as No. 6 Gordon Square;

- (b) the street forming the north-eastern side of Torrington Square between the junction of that street with British Museum Avenue and the said imaginary line;      A.D. 1928.
- (c) British Museum Avenue;
- (d) so much of Keppel Street as is situate between Malet Street and Russell Square;

and upon such stopping up all public rights of way over the streets or street or part of a street stopped up shall be extinguished and the university may appropriate and use such streets or street or part of a street and the site and soil thereof for the purpose aforesaid but the university shall not stop up any of the streets (a) (b) and (c) hereinbefore mentioned or the part of Keppel Street (d) hereinbefore mentioned unless they are owners in possession of all houses abutting on such street or on the said part of Keppel Street (as the case may be) except so far as the owners lessees and occupiers of those houses may otherwise agree.

**49.** Notwithstanding anything contained in this Part of this Act the rights of the university of stopping up British Museum Avenue and the part of Keppel Street described in the section of this Act of which the marginal note is "Power to University of London" to stop up certain streets" shall be subject to the following conditions :—

Conditions  
as to closing  
of certain  
streets.

(1) If the university decide—

(a) not to erect buildings southward of Keppel Street; or

(b) to erect buildings southward of Keppel Street to be used otherwise than in connection with the work of the university;

they shall not stop up any part of Keppel Street or of so much of British Museum Avenue as is situate southward of that street:

(2) If the university decide to erect buildings southward of Keppel Street the university shall in determining the design and position of such buildings have regard to the buildings of the British Museum abutting on Montague Place.

A.D. 1928.

—  
As to widening of certain streets.

**50.**—(1) The university shall deduce a good title to and shall grant and convey in fee simple with vacant possession to the Council without any payment therefor the freehold lands shown on the plan (in this section referred to as “the signed plan”) signed by Sir Walter Raine the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (of which plan copies have been deposited in the Committee and Private Bill Office of the House of Commons and in the Parliament Office House of Lords and with the Council and with the university) and thereon respectively hatched blue and hatched brown or such greater or less areas of land as may be agreed upon by the Council and the university with the consent of the Minister of Transport. Provided that before giving any such consent the said Minister shall ascertain the views with reference thereto of the council of the metropolitan borough of Holborn (in this section referred to as “the Holborn Council”).

(2) The said grant and conveyance shall be completed—

(a) as respects the said lands hatched blue on the signed plan as soon as practicable after the passing of this Act; and

(b) as respects the said lands hatched brown on the signed plan as soon as practicable after the buildings erected or abutting on those lands shall have been demolished.

(3) The Council shall proceed without any undue delay after the respective dates of completion of the grant and conveyance to them as aforesaid of the said lands to widen the streets or parts of streets upon which the said lands abut by adding to such streets or parts of streets the lands granted and conveyed to them. The widenings of streets and parts of streets so to be executed are in this section referred to as “the said widenings.”

(4) The cost reasonably incurred by the Council in executing the said widenings shall be repaid to them by the university as and when such widenings are respectively executed.

(5) The university shall not oppose any Bill which the Council may promote for any purposes which they may deem necessary in connection with the execution

of the said widenings and the costs charges and expenses preliminary to and of and incidental to the preparing for promoting and passing into law of any such Bill (so far as the same relates to the said purposes) shall on demand be repaid by the university to the Council. A.D. 1928.

(6) In the event of the Council arranging for the execution of the said widenings or any of them under powers already vested in them the university shall afford to the Council free of charge all such facilities as the Council may reasonably require for that purpose.

(7) Notwithstanding such grant and conveyance as aforesaid the university shall be at liberty in connection with any buildings to be erected by them on lands adjoining the lands granted and conveyed to the Council to construct under the footways of the said streets or parts of streets as intended to be widened as aforesaid such vaults or cellars as they may deem necessary and as shall comply with the byelaws and regulations of the Holborn Council relating thereto Provided that any such vaults or cellars shall be constructed to the reasonable satisfaction of the surveyor of the Holborn Council and so that a space of not less than two feet six inches shall be left between the crown of such vaults or cellars and the pavement level and that the outside of the walls of such vaults or cellars shall not in any case extend beyond an imaginary line drawn parallel with and one foot inside the kerb of such footways Provided also that so much of any vault belonging to the university and existing immediately before the widening of any such street or part of a street pursuant to this section as extends beyond the said imaginary line shall be filled up solidly in connection with the execution of such widening.

(8) If any difference shall arise between the Council and the university or between the university and the surveyor of the Holborn Council under the foregoing provisions of this section such difference 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 either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration

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A.D. 1928.      Act 1889 shall apply to any such reference and determination.  
—

(9) Notwithstanding anything contained in this Part of this Act the university shall not except with the consent of the Minister of Transport (which consent shall not be given until after consultation with the Council and the Holborn Council) stop up the streets and part of a street referred to in the section of this Act of which the marginal note is “Power to University of London to stop up certain streets” or any of those streets or part of a street until the widenings of Byng Place Torrington Place Malet Street and Montague Place to be executed by the Council as hereinbefore provided shall have been completed.

Removal  
&c. of  
apparatus.

**51.**—(1) In and for the purposes of this section—

“apparatus” includes sewers drains watercourses and mains pipes tubes cables wires or apparatus laid down or used for carrying conveying or supplying a supply of water or water for hydraulic power gas or electricity or for telegraphic or other purposes standards and brackets carrying street lamps and street refuges posts and other structures and works;

“undertakers” means the company body or person to whom any apparatus in relation to which the expression is used belongs;

“the permitted works” means all such works and things as the university are by this section authorised to execute or do.

(2) The university may so far as may be reasonably necessary for the purpose mentioned in the section of this Act of which the marginal note is “Power to University of London to stop up certain streets” and (if and when reasonably required by the undertakers) shall remove divert alter the position of or carry out any other alterations to any apparatus and may remove any other obstruction in under or near the streets or part of a street referred to in that section and shall make such appropriate substituted works either permanent or temporary as may be reasonably necessary and shall cause as little detriment and inconvenience as circumstances admit and shall make reasonable compensation for any damage caused by the execution of the permitted



works      Provided that before the university execute any      A.D. 1928.  
of the permitted works relating to any apparatus they  
shall (except in cases of emergency) give to the under-  
takers notice of their intention to do so such notice to  
be given seven days at least before the commencement  
of the execution of the permitted works and such works  
shall be done under the superintendence (at the expense  
of the university) of the undertakers unless the under-  
takers refuse or neglect to give such superintendence at  
the time specified in the notice for the commencement  
of such works or discontinue the same during the execu-  
tion of such works and the university shall execute such  
works to the reasonable satisfaction of the undertakers.

(3) If within seven days after notice under sub-  
section (2) of this section has been served upon any  
undertakers those undertakers so elect they shall them-  
selves execute such works to their apparatus as may be  
necessary for the purposes of this section and the reason-  
able cost of executing such works shall be repaid to  
them by the university      Provided that such works  
shall be carried out in accordance with the directions  
and to the reasonable satisfaction of the university.

(4) If any difference arises between the university  
and any undertakers touching the amount of any  
compensation or cost to be paid by the university under  
the foregoing provisions of this section or touching any  
work matter or thing to be done or executed by the  
university or by such undertakers under such provisions  
with reference to any apparatus or touching the mode  
of doing or executing the same such difference shall be  
settled by an engineer to be agreed upon by the  
university and the undertakers or failing agreement by  
such engineer as shall on the application either of the  
university or of the undertakers be named by the  
President of the Institution of Civil Engineers.

52.—(1) The university shall not remove divert      For protec-  
alter the position of or otherwise interfere with any      tion of  
telegraphic line belonging to or used by the Postmaster-      Postmaster-  
General except in accordance with and subject to the      General.  
provisions of the Telegraph Act 1878.

(2) Notwithstanding the stopping up of the streets  
or part of a street referred to in the section of this Act  
of which the marginal note is "Power to University of

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A.D. 1928.      London to stop up certain streets" the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove therefrom any telegraphic line which is in under upon along over or across the same and any Post Office letter box and the university shall pay to the Postmaster-General the expenses incurred by him of and incidental to the removal of such telegraphic line or of any telegraphic line connected therewith which in consequence will be rendered useless and of such letter box and the substitution of a telegraphic line or letter box (as the case may be) in such other place as the Postmaster-General may require.

(3) "Telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

Correction  
of errors in  
deposited  
plan.

**53.** If there is any omission misstatement or wrong description of any street or part of a street or of the owners lessees or occupiers of any street or part of a street shown on the deposited plan or specified in the deposited book of reference the university after giving ten days' notice to the owners lessees and occupiers of the street or part of a street in question may apply to a metropolitan police magistrate for the correction thereof and if it appears to the magistrate that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of London and shall be kept by such clerk of the peace with the other documents to which it relates and thereupon the deposited plan and book of reference shall be deemed to be corrected according to such certificate and the university may appropriate and use such street or part of a street in accordance with the certificate.

## PART IX.

### MISCELLANEOUS.

Amendment  
of section 92  
of Housing  
Act 1925.

**54.** Section 92 (Power of local authorities to make advances &c. for the purpose of increasing housing accommodation) of the Housing Act 1925 shall in its application to the Council be construed as if in paragraph (b) of subsection (1) of that section the words

“ thirty-first day of July nineteen hundred and nineteen ” A.D. 1928.  
 were substituted for the words “ twenty-fifth day of  
 April nineteen hundred and twenty-three.” —

**55.** Part II (Sale of coal) of the Weights and Measures Act 1889 shall in its application to the county extend to coke as well as to coal and the Weights and Measures Acts 1878 to 1926 shall be construed accordingly. Application of Part II of 52 & 53 Vict. c. 21 to sale of coke in London.

**56.**—(1) If any person who in the county sells coke or has coke in his possession for sale or is in charge of any vehicle from which coke is being sold or offered or exposed for sale wilfully damps the coke for the purpose of increasing its weight or wilfully does any other act by which the purchaser of the coke is or may be defrauded he shall be liable for every such offence on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds. Penalty for wilfully increasing weight of coke by damping &c.

(2) The Weights and Measures Act 1889 shall in its application to the county apply and have effect as if this section formed part of Part II (Sale of coal) of that Act.

**57.** For the removal of doubts it is hereby enacted that the provisions of sections 7 (Council and metropolitan borough councils may provide rifle ranges lawn tennis courts &c.) 9 (Power to make charges for use of rifle ranges lawn tennis courts &c.) and 10 (Power to make byelaws and regulations) of the London County Council (General Powers) Act 1923 shall so far as they relate to the powers thereby conferred on the Council extend and apply to the game of golf and to golf courses as if the same were specifically named in the said sections in addition to the games and grounds for games therein named. Provision of golf courses by Council.

**58.** Notwithstanding anything in the St. Marylebone (Church Rate Abolition) Act 1898 or in any other enactment any person with the consent of the council of the metropolitan borough of St. Marylebone and subject to such conditions as they may impose may erect a war memorial upon the triangular plot of ground referred to in subsection (3) of section 8 of the said Act and the said council or any such person as aforesaid may maintain any memorial so erected. Provision of war memorial on lands in St. Marylebone.

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—  
 Application  
 of penalties.

**59.** Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act every penalty recovered under or in pursuance of this Act shall be payable to the authority taking the proceedings leading to the recovery of the penalty.

Powers of  
 this Act  
 cumulative.

**60.** All powers rights and remedies given to the corporation or the overseers or any borough council by this Act shall be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them by any other Act or any order and the corporation or the overseers or any borough council may exercise such other powers and shall be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty) for the commission of the same offence.

Saving for  
 provisions of  
 Hackney  
 Borough  
 Council Act  
 1926.

**61.** Notwithstanding anything in this Act contained the provisions of the sections of this Act of which the marginal notes are—

- Penalty for removing or defacing name of street;
- Medical inspection of inmates of common lodging-house;
- Amendment of Metropolis Management Acts as to combined drains;
- Street orderly bins;
- For protection of Metropolitan Water Board;
- Public drinking fountains seats &c. in streets;
- For protection of railway companies and others;
- For preventing water flowing on footpath;
- For preventing soil &c. from being washed into streets;

Lopping of trees overhanging highway;  
 shall not be exerciseable by the mayor aldermen and councillors of the metropolitan borough of Hackney nor apply or have effect within or in relation to the metropolitan borough of Hackney.

Judges not  
 disqualified.

**62.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

**63.**—(1) Where any notice or demand under this Act requires authentication by the corporation or a borough council the signature of the town clerk or of any other duly authorised officer of the corporation or of the borough council as the case may be shall be sufficient authentication.

A.D. 1928.

—  
 Authentication and service of notices &c.

(2) Notices demands orders or other documents required or authorised to be served under this Act may be served in the same manner as notices under the Public Health (London) Act 1891 are by section 128 (Service of notices) of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

**64.** Save as otherwise expressly provided all offences against this Act and all fines forfeitures penalties costs charges and expenses imposed or recoverable thereunder may be prosecuted and recovered in a summary manner Provided that costs charges and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of penalties &c.

**65.** Save as otherwise expressly provided all informations and complaints under or for the breach of any of the provisions of this Act may be laid and made by any officer of the corporation or the overseers or the borough council as the case may be duly authorised in that behalf or by the town clerk and the corporation or the overseers or the borough council may appear before any court in any legal proceedings under this Act by the town clerk or any officer authorised generally by resolution of the corporation or the overseers or the borough council.

Informations by whom to be laid.

**66.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the corporation or the overseers or any borough council or of or by any officer of the corporation or the overseers or a borough council or by any conviction or order by a court of summary jurisdiction under any provision of this Act may if no other mode of appeal is provided by this Act or by any other Act

As to appeal.



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A.D. 1928.      appeal to the next practicable court of quarter sessions  
—      under and according to the provisions of the Summary  
Jurisdiction Acts and in regard to any such order made  
by a court of summary jurisdiction the corporation or the  
overseers or the borough council may in like manner  
appeal.

Several  
sums in one  
summons.

**67.** Where the payment of more than one sum by  
any person is due under this Act any summons or  
warrant issued for the purposes of this Act in respect  
of that person may contain in the body thereof or in a  
schedule thereto all the sums payable by him.

Saving for  
indictments  
&c.

**68.** Nothing in this Act shall protect any person  
from being proceeded against by way of indictment in  
respect of any matter by this Act made punishable on  
summary proceedings or shall relieve any person in  
respect of any such matter from any penal or other  
consequence to which he would have been liable if such  
matter had not been made punishable by this Act  
Provided that nothing in this Act shall make a person  
liable to be punished more than once for the same offence.

Recovery of  
demands.

**69.** Proceedings for the recovery of any demand  
made under the authority of this Act whether provision  
is or is not made for the recovery in any specified court  
or manner may be taken in any county court having  
otherwise jurisdiction in the matter provided that the  
demand does not exceed the amount recoverable in that  
court in a personal action.

As to pay-  
ments under  
Act.

**70.**—(1) All costs and expenses of the Council in  
the execution of this Act (except so far as they may be  
otherwise provided for by this Act) shall be defrayed as  
payments for general or special county purposes within  
the meaning of the Local Government Act 1888 as the  
Council may decide and the costs charges and expenses  
preliminary to and of and incidental to the preparing for  
obtaining and passing of this Act shall be paid by the  
Council in like manner Provided that so much of such  
last-mentioned costs charges and expenses as may be  
incurred in respect of or in connection with the provisions  
contained in Parts VI and VII of this Act and the section  
of this Act of which the marginal note is "Provision of  
war memorial on lands in St. Marylebone" shall be paid  
as respects the said Part VI by the council of the royal  
borough of Kensington as respects the said Part VII



by the council of the metropolitan borough of Paddington and as respects the said section of this Act by the council of the metropolitan borough of St. Marylebone and such payment shall in each case be made out of the general rate authorised to be levied by those councils respectively. Provided also that so much of such last-mentioned costs charges and expenses as may be incurred in respect of or in connection with Part VIII of this Act shall be paid by the University of London. A.D. 1928.  
—

(2) All expenses incurred by the Corporation in the execution of any of the provisions of this Act shall be defrayed out of the general rate authorised to be levied by them.

(3) All expenses incurred by a borough council in the execution of any of the provisions of this Act shall except as otherwise expressly provided be defrayed out of the general rate authorised to be levied by them.

(4) All expenses incurred by the overseers as a sanitary authority under Part IV (Sanitary provisions) of this Act shall be defrayed in the same manner as the expenses of the execution of the Poor Law Act 1927 so far as it relates to the relief of the poor are defrayed by the overseers.

**71.** Nothing in this Act affects prejudicially any Crown estate right power privilege or exemption of the Crown. rights.

A.D. 1928.

The SCHEDULES referred to in the  
foregoing Act.

## THE FIRST SCHEDULE.

### FEES PAYABLE TO DISTRICT SURVEYORS.

#### PART I.

##### (A) On exempted buildings.

£   s.   d.

For making a survey when reasonably necessary for the purpose of ascertaining whether a building or structure or an external addition to a building or structure is exempt from the provisions of Part VI or Part VII of the principal Act and whether if so exempt it infringes any other provision of that Act      -      -      0   10   0

Provided that this fee shall not be payable in respect of a building or structure or an external addition to a building or structure which on survey (i) is ascertained not to be exempt from the provisions of the said Part VI or Part VII or (ii) although so exempt is ascertained to be of a cubical extent not exceeding 200 cubic feet.

##### (B) On new buildings (except buildings exempt from the provisions of Parts VI and VII of the principal Act and new buildings referred to in the Third Schedule to this Act).

In respect of a building of a cubical extent not exceeding 5,000 cubic feet—

Not exceeding 500 cubic feet      -      -      -      -	0   10   0
Exceeding 500 cubic feet but not exceeding 2,000 cubic feet      -      -      -      -      -      -	1   0   0
Exceeding 2,000 cubic feet but not exceeding 5,000 cubic feet      -      -      -      -      -      -	1   10   0

In respect of a building of a cubical extent exceeding 5,000 cubic feet the following fees together with an additional sum of £1 10s. 0d.—

For every 1,000 cubic feet and also for any fractional part of 1,000 cubic feet up to an aggregate cubical extent of 1,000,000 cubic feet	0   1   0
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	£	s.	d.	A.D. 1928.
For every 1,000 cubic feet beyond the first 1,000,000 cubic feet and also for any fractional part of 1,000 cubic feet - - - - -	0	0	6	—
Provided that when two or more dwelling-houses each being of a cubical extent exceeding 5,000 cubic feet are erected by one builder or owner at the same time in the same street or under the same scheme the additional sum shall be—				
For the first of such buildings - - -	1	10	0	
For each additional building - - -	1	0	0	

(c) On wooden and temporary structures.

For inspection of any wooden structure or for inspection of any structure or erection put up on a public occasion the same amount as for a new building calculated on the cubical extent of the structure or erection without reference to the extent of any building to which it may be attached or in or on which it may be put up.

(D) On additions alterations and other works to which the principal Act applies (except additions alterations or other works to or on buildings or structures exempt from the provisions of Parts VI and VII of the principal Act and additions alterations and other works referred to in the Third Schedule to this Act).

For every addition alteration or other work made or done to or on any building or structure after the completion of the building or structure—

When the cost does not exceed £5 - - -	0	10	0
When the cost exceeds £5 but not £10 - -	0	15	0
„ „ £10 „ £25 - -	1	0	0
„ „ £25 „ £50 - -	1	10	0
„ „ £50 „ £75 - -	2	0	0
„ „ £75 „ £100 - -	2	10	0

When the cost exceeds £100 but not £1,000 :

For the first £100 the sum of £2 10s. 0d. and for every £100 beyond the first £100 and also for any fractional part of £100 - - -	0	10	0
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£    s.    d.

**When the cost exceeds £1,000 :**

For the first £1,000 the sum of £7 and for every  
£100 beyond £1,000 and also for any  
fractional part of £100 - - - -

0 2 6

Provided that—

(1) When the addition alteration or other work is carried out as the result of a notice served under section 106 of the principal Act without the necessity of a complaint being made to a petty sessional court and the cost thereof does not exceed £5 no fee shall be payable in respect thereof:

(2) When the addition alteration or other work is carried out as the result of a notice served under section 106 of the principal Act or an order of a petty sessional court and the cost thereof exceeds £5 the fee payable shall be reduced by the amount of the fee payable under item 2 of paragraph (a) of Part II of this Schedule for an inspection and report as to the completion of the works when such inspection is coincident with any other inspection made by the district surveyor in connection with his supervision of an addition alteration or other work under the London Building Acts 1894 to 1923 ;

(3) No fee shall exceed the fee payable in respect of a new building calculated on the cubical extent of the building as altered and in the case of an addition alteration or other work made or done to or on one of two or more existing buildings which have been united each building shall be deemed a separate building for the purpose of calculating the maximum fee and in the case of an addition alteration or other work made or done to or on one section or division of an existing building which has been planned in separate sections or is in distinct divisions each section or division of the building shall be deemed a separate building for such purpose.

(E) On public buildings (except public buildings to which the provisions of the London County Council (General Powers) Act 1909 apply).

The fees payable shall be those payable under heading (B) or heading (D) (as the case may be) of this

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£   s.   d.      A.D. 1928.

Part of this Schedule with the addition of fifty per centum of the respective amounts of such fees.

(F) On shafts and chimney breasts (except shafts and chimney breasts to which the provisions of Parts VI and VII of the principal Act do not apply).

On the construction of a furnace chimney shaft or similar shaft for ventilation or other purpose in addition to the fee payable for any other operation in progress at the same time—

Not exceeding 10 feet in height -	-	-	-	0	10	0
Exceeding 10 feet and not exceeding 20 feet	-	-	-	1	0	0
„ 20 „ „ 30 „	-	-	-	1	10	0
„ 30 „ „ 75 „	-	-	-	3	0	0
„ 75 „ „ 100 „	-	-	-	4	0	0

Exceeding 100 feet :

For the first 100 feet the sum of £4 and for every 10 feet beyond 100 feet and also for any fractional part of 10 feet - - - - 0 10 0

Provided that in respect of a reinforced concrete shaft the fee shall be two and one-half times the fee payable according to the foregoing scale.

On examining and certifying that a chimney breast in a party wall may or may not be cut away - - - - - 0 15 0

(G) On certifying plans.

(a) For examining and certifying plans under section 43 of the principal Act—

A fee equal to one-half of the amount of the fee specified in this Part of this Schedule in respect of the erection of a new building of the same cubical extent as that of the building to which the plans relate with a minimum fee per building of - - 2 0 0

(b) For examining and certifying plans under section 13 of the principal Act—

(1) If the external wall of the building or structure wholly abuts on the roadway and the length of such wall does not exceed 40 feet; or

(2) If the external wall of the building or structure abuts in part on the roadway and there

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£   s.   d.

is a forecourt or other space between a portion of the external wall and the roadway and the aggregate length of so much of the external wall as abuts on the roadway and of the external fence or boundary of such forecourt or other space abutting on the roadway does not exceed 40 feet; or

(3) If no portion of the external wall of the building or structure abuts on the roadway but there is a forecourt or other space between the external wall and the roadway and the length of the external fence or boundary of such forecourt or other space abutting on the roadway does not exceed 40 feet—

A fee of - - - - - 2   0   0

If any such length or aggregate length as the case may be exceeds 40 feet—

the sum of £2 and in addition for every 20 feet of such length or aggregate length beyond 40 feet and also for any fractional part of such length or aggregate length of 20 feet - - - - - 0   10   0

Provided that if plans submitted at any one time under the said section 13 to the district surveyor include two or more adjoining or nearly contiguous buildings or structures and the district surveyor certifies such plans or so much of such plans as includes more than one of such buildings or structures the buildings or structures to which the certified plans relate shall for the purpose of calculating the fee payable be deemed to be one building or structure.

(c) For examining and certifying plans under both the said sections of the principal Act—

A fee equal to (i) the amount of the fee payable under the foregoing paragraph (a) and (ii) one-half of the amount of the fee payable under the foregoing paragraph (b).

(H) For special services.

For attending at a court when an order is made for complying with a notice of irregularity - - - 0   10   0  
 For services relating to the erection of buildings on low-lying lands per building - - - - - 0   5   0



PART II.

A.D. 1928.

On dangerous structures.

On each dangerous structure—	£	s.	d.
(a) Where there are not more than four adjoining or nearly contiguous structures in the same ownership—			
1. For making a survey of the structure reported as dangerous and certifying opinion thereon—			
If the structure does not exceed four squares in area and two storeys in height - - - - -	0	7	6
If exceeding four squares - - - - -	0	10	0
For every additional storey above two -	0	2	6
2. For each inspection of the structure and report as to completion or progress of the works - - - - -	0	5	0
3. For inspecting the structure before the hearing of the summons and attending the court to give evidence—			
If one structure only - - - - -	0	10	0
If more than one structure for each structure - - - - -	0	5	0
4. For inspecting the structure before the hearing of the summons against the occupier (the owner having failed to comply) and attending the court to give evidence—			
If one structure only - - - - -	0	10	0
If more than one structure for each structure - - - - -	0	5	0
5. For every adjournment of the summons -	0	5	0
6. For superintending the erection of shoring (including needling when requisite) and hoarding whether done by the Council or not and for certifying the account for the same when done by the Council - - -	0	10	0
7. For superintending the erection of shoring (including needling when requisite) without hoarding or hoarding without shoring and certifying the account - - - - -	0	7	6
8. For supervision including the report of the district surveyor in cases in which it is necessary for the Council to execute works to ensure the safety of the public under an order made by a court - - - - -	0	5	0

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(b) Where there are more than four adjoining or nearly contiguous structures in the same ownership the fees specified in paragraph (a) of this Part of this Schedule shall be payable subject to the substitution of the following fees for the fees specified in the appropriate items in that paragraph:—

For No. 2	-	-	-	-	-	-	-	0	4	0
For No. 3	-	-	-	-	-	-	-	0	4	0
For No. 4	-	-	-	-	-	-	-	0	4	0
For No. 5	-	-	-	-	-	-	-	0	2	6
For No. 8	-	-	-	-	-	-	-	0	4	0

## THE SECOND SCHEDULE.

### FEES PAYABLE TO DISTRICT SURVEYORS.

#### ON MEANS OF ESCAPE IN CASE OF FIRE.

##### PART I.

##### Fees payable by builder.

In respect of any work or matter under section 7 or section 9 of the London Building Acts (Amendment) Act 1905 a fee equal to one-fifth of the amount of the fee payable under Part I of the First Schedule to this Act in respect of a new building or the sum of £2 whichever is the greater. Provided that in the case of a one-storey building the minimum fee shall be £1 instead of £2.

In respect of any work or matter under section 10 or section 12 of the London Building Acts (Amendment) Act 1905 a fee equal to one-fifth of the amount of the fee payable under Part I of the First Schedule to this Act in respect of an alteration addition or other work or the sum of £1 10s. whichever is the greater.

##### PART II.

##### Fees payable by the Council.

For surveying for the purpose of reporting or ascertaining and notifying any building to the Council pursuant to the provisions of sections 16 and 17 of the London Building Acts (Amendment) Act 1905 or of either of those sections—

For every building to which the said sections or either of them apply and for every other building which

in the opinion of the Council has been reasonably surveyed A.D. 1928.  
for the purposes of the said sections or either of them a  
fee of seven shillings and sixpence    Provided that where  
any such survey involves the checking of a summary of  
means of escape supplied to the district surveyor by the  
Council the fee shall be ten shillings.

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## THE THIRD SCHEDULE.

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### FEES PAYABLE TO DISTRICT SURVEYORS.

#### BUILDINGS WHOLLY OR PARTLY OF REINFORCED CONCRETE OR METAL SKELETON CONSTRUCTION.

##### (A) On new buildings.

1. In the case of a building wholly of reinforced concrete  
and/or metal skeleton construction—

(i) A fee based on the cubical extent of the proposed  
building and equal to one-half of the amount of the fee  
payable in respect of new buildings under Part I of the  
First Schedule to this Act    Provided that if at any time  
after the fee has become payable the cubical extent on  
which the fee was calculated is increased a further fee  
shall be payable equal in amount to the difference (if any)  
between the amount of the fee which would be payable  
in respect of the cubical extent as so increased and the  
amount of the fee payable in respect of the cubical extent  
stated in the original building notice but no additional  
fee shall be payable in respect of other modifications of  
the details of the plans sections and calculations submitted  
with the building notice where such modifications are the  
result of requirements under the London County Council  
(General Powers) Act 1909 or regulations made thereunder ;  
and

(ii) A fee equal to twice the amount of the fee payable  
in respect of new buildings under Part I of the First  
Schedule to this Act.

2. In the case of a building partly of reinforced concrete  
and/or metal skeleton construction and partly of any construction  
other than reinforced concrete or metal skeleton (in this  
Schedule referred to as a “mixed building”)—

(i) A fee equal to the amount of the fee payable under  
Part I of the First Schedule to this Act (without taking  
into account the additional sum specified under heading (B)

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of that Part) in respect of a new building of a cubical extent equal to the cubical extent of that portion of the mixed building which is of any construction other than reinforced concrete or metal skeleton ; and

(ii) A fee equal to two and one-half times the amount of the fee payable under Part I of the First Schedule to this Act in respect of a new building of a cubical extent equal to the cubical extent of that portion of the mixed building which is of reinforced concrete and/or metal skeleton construction.

(B) On additions alterations and other works to or on buildings wholly or partly of reinforced concrete or metal skeleton construction made or done to or on the buildings after the completion of the buildings.

A fee to be calculated in the same manner as if the addition alteration or other work were an addition alteration or other work under heading (D) (other than proviso (3) to the scale set out under that heading) of Part I of the First Schedule to this Act but the fee shall not exceed the total amount of the fee payable under heading (A) of this Schedule in respect of a new building (a) of a total cubical extent equal to the total cubical extent of the building as altered and (b) containing a cubical extent of reinforced concrete and/or metal skeleton construction equal to the cubical extent of such construction contained in the building as altered and in the case of an addition alteration or other work made or done to or on one of two or more existing buildings which have been united each building shall be deemed a separate building for the purpose of calculating the maximum fee and in the case of an addition alteration or other work made or done to or on one section or division of an existing building which has been planned in separate sections or is in distinct divisions each section or division of the building shall be deemed a separate building for the said purpose.

(c) On conversion of buildings.

In case of the conversion of a building wholly or partly of reinforced concrete in connection with which no structural work is involved but the district surveyor is required to perform a duty involving calculations as to the stability of the building a fee to be fixed in each case by the Council if they think fit.

THE FOURTH SCHEDULE.

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A.D. 1928.

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REGULATIONS AS TO CALCULATION OF FEES PAYABLE  
UNDER PART II OF THIS ACT.

1. Any fees payable in respect of works to a party wall comprise the fees payable in respect of both sides of the wall.

2. No fee shall be payable in respect of the fixing of a chimney pot.

3. No fee shall be payable in respect of the repairing of a chimney top unless the top has been pulled down to a greater extent than twelve inches.

4. No fee shall be payable in respect of the repairing of a parapet unless the parapet has been pulled down to a greater extent than twelve inches.

5. In calculating the cubical extent of every new building for the purposes of the foregoing Schedules of this Act the cubical extent of all unattached outbuildings (including exempted buildings) not exceeding 300 cubic feet in extent shall be included if such outbuildings are erected at the same time as the main building.

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