



CHAPTER lxx.

An Act to confer further powers upon the London County Council and other authorities and for other purposes. A.D. 1932.
[12th July 1932.]

WHEREAS it is expedient that the provisions contained in this Act relating to matters affecting the health of the inhabitants of the administrative county of London should be enacted :

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 :

May it therefore please Your Majesty that it may be enacted and be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

PART I.

INTRODUCTORY.

1. This Act may be cited as the London County Council (General Powers) Act 1932. Short title.

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

Part I.—Introductory.
Part II.—Public health.
Part III.—Miscellaneous.

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Interpreta-
tion.

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

“ the county ” means the administrative county of London;

“ the Council ” means the London County Council;

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

“ borough council ” means any metropolitan borough council; and

“ the Southwark Council ” means the council of the metropolitan borough of Southwark.

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

PART II.

PUBLIC HEALTH.

Definition of
expressions
in Part II
of Act.

4. For the purposes of this Part of this Act except as otherwise expressly provided or unless the subject or context otherwise requires—

the expression “ the Act of 1891 ” means the Public Health (London) Act 1891;

the expression “ sanitary authority ” means—

(a) the common council as respects the city of London;

(b) the sub-treasurer of the Inner Temple and the under-treasurer of the Middle Temple as respects those places respectively; and

(c) the borough council as respects any metropolitan borough;

the expression “ district ” means in relation to each sanitary authority the area in respect of which that authority is the sanitary authority for the purposes of this Part of this Act;

the expressions “ medical officer ” and “ sanitary inspector ” mean respectively the medical officer of health or one of the medical officers of health and any sanitary inspector appointed by a

sanitary authority for their district pursuant to section 106 (Appointment of medical officers of health) or section 107 (Appointment of sanitary inspectors) of the Act of 1891; and

other expressions have the same meaning as in the Act of 1891.

5.—(1) (a) Any premises in the district of any sanitary authority used or proposed to be used—

(i) 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; or

(ii) for the preparation or manufacture of sausages or potted pressed pickled or preserved meat fish or other food intended for sale;

shall be registered by the owner or occupier or intending occupier thereof with the sanitary authority.

(b) For the purposes of this Part of this Act any premises registered pursuant to section 29 (Registration of premises used for manufacture &c. of ice-cream) of the London County Council (General Powers) Act 1928 for any of the purposes mentioned in that section shall if such premises are required to be registered for that purpose pursuant to this section be deemed to have been so registered.

(2) Any person using for any of the purposes mentioned in subsection (1) of this section any premises in any such district not registered for that purpose pursuant to this section shall be liable to a penalty not exceeding forty shillings and to a penalty not exceeding twenty shillings for each day on which any offence is continued after conviction thereof.

(3) If a sanitary authority are satisfied that any premises registered or sought to be registered with them pursuant to this section are unsuitable for the purpose for which they are registered or sought to be registered they may serve upon—

(a) the person on whose application the premises were registered or the occupier of the premises; or

(b) the person applying for such registration;
(as the case may be) a notice to appear before them not less than seven days after the date of the notice to show

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Registration
of premises
for sale &c.
of ice-cream
and pre-
served food.

A.D. 1932. — cause why the sanitary authority should not for reasons to be specified in the notice remove the premises from the register or refuse to register the premises (as the case may be) and if he fails to show cause to their satisfaction accordingly they may remove the premises from the register or refuse to register the premises (as the case may be).

(4) Any person aggrieved by the decision of a sanitary authority under subsection (3) of this section may within fourteen days from the date of such decision appeal to a court of summary jurisdiction provided that he gives or causes to be given written notice of such appeal and of the grounds thereof to the sanitary authority before lodging his appeal. The court may on any such appeal by order either confirm the decision of the sanitary authority or require the sanitary authority to retain the premises on the register or to register the premises (as the case may be) and the costs of any such appeal shall be paid in such manner and by such parties to the appeal as the court may direct.

(5) The sanitary authority or the person aggrieved may appeal from the decision of the court of summary jurisdiction under subsection (4) of this section to a court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

(6) The decision of a sanitary authority to remove any premises from the register or to refuse to register any premises shall not have effect until the expiration of the time prescribed by subsection (4) of this section for appeal to a court of summary jurisdiction nor where any such appeal is brought until the appeal is either abandoned or determined, and where notice of appeal from a court of summary jurisdiction under this section is duly given according to the provisions of the Summary Jurisdiction Acts such decision of the sanitary authority as aforesaid shall not take effect until the appeal to quarter sessions is either abandoned or determined.

(7) In the case of meat or fish the word "preserved" in subsection (1) of this section includes preparation by any process of cooking.

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

(b) This section in its application to any premises used as a theatre music hall or cinema shall be read and have effect as if the purposes mentioned in sub-paragraph (i) of paragraph (a) of subsection (1) thereof were restricted to the manufacture for the purpose of sale of ice-cream or other similar commodity and for the purposes of this paragraph the building and premises known as the Royal Albert Hall shall be deemed to be premises used as a theatre.

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(9) Section 29 (Registration of premises used for manufacture &c. of ice-cream) of the London County Council (General Powers) Act 1928 is hereby repealed.

6.—(1) The Council as respects the county (excepting the city of London) and the common council as respects the city of London may make byelaws for promoting sanitary and cleanly conditions in the manufacture preparation storage transport or exposure for sale of any article intended to be sold for food.

Byelaws as
to food.

(2) Any byelaws made under this section may provide that the byelaws shall—

(a) when made by the Council either generally or as respects the district of any sanitary authority or any part thereof; and

(b) when made by the common council;

have effect subject to such modifications limitations or exceptions as may be specified in the byelaws.

(3) Before confirming any byelaws made under this section as regards any business carried on in any factory or workshop to which the Factory and Workshop Acts 1901 to 1929 apply the Minister of Health shall consult the Secretary of State.

(4) At least one month before applying to the Minister of Health for confirmation of any byelaw made under this section applicable to the transport by a railway company of any article intended to be sold for food the Council or the common council (as the case may be) shall give notice to the railway company of the intention of the Council or the common council to make such application and such notice shall be accompanied by a copy of the proposed byelaw and the railway company shall be entitled to make representations to the Minister with regard thereto.

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Notification
of food
poisoning.

7.—(1) Every registered medical practitioner attending on any person shall if he suspects or becomes aware that such person is suffering from food poisoning forthwith send to the medical officer of the district in which such person is a certificate stating the full name and the age and sex of such person the full postal address of the house or premises at which such person is and particulars of the food poisoning from which such person is or is suspected by such practitioner to be suffering and stating also whether the case occurs in the private practice of such practitioner or in his practice as a medical officer of any public body or institution.

(2) Every person required by this section to send a certificate who fails forthwith to send the same shall be liable to a penalty not exceeding forty shillings.

(3) The sanitary authority shall pay to every registered medical practitioner for each certificate duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

(4) Where in any district there are two or more medical officers a certificate under this section shall be sent to such one of those officers as has charge of the area in which is the person referred to in the certificate or to such other of those officers as the sanitary authority may direct.

(5) A certificate to be sent to a medical officer in pursuance of this section may be sent to such officer at his office or residence.

Extension
of section 47
of Public
Health
(London)
Act 1891.

8.—(1) Any animal or any article whether solid or liquid which is intended for the food of man and which—

(a) is offered as a prize or reward in connection with any entertainment at any gathering or assembly or in or upon any premises or place to which the public are admitted whether the payment of a sum of money or other consideration is or is not required as a condition of such admission; or

(b) is offered as a prize or reward or given away for purposes of advertisement or in furtherance of any trade or business; or

(c) is exposed or deposited in any premises or place for the purpose of being so offered or given away; A.D. 1932.

shall for the purposes of section 47 (Inspection and destruction of unsound meat &c.) of the Act of 1891 be deemed to be sold or exposed for sale or deposited in such premises or place for the purpose of sale or of preparation for sale (as the case may be).

(2) For the purposes of this section the word "entertainment" includes any exhibition performance amusement game sport or trial of skill.

9. It shall be the duty of every sanitary authority to enforce in relation to their district the provisions of this Part of this Act and of any byelaws made thereunder. Enforcement of Part II of Act.

10. Any sanitary authority may enter any premises or place in their district to which the provisions of this Part of this Act or of any byelaw made thereunder apply or to which such sanitary authority have reasonable cause to suppose that the said provisions apply for the purpose of examining— Power of entry of sanitary authorities.

(a) whether there is any contravention of the said provisions or any non-compliance with the requirements of any notice given by the sanitary authority thereunder; or

(b) whether any premises registered or sought to be registered with such sanitary authority pursuant to the section of this Act of which the marginal note is "Registration of premises for sale &c. of ice-cream and preserved food" are suitable for the purpose for which they are so registered or sought to be so registered:

Provided that in the exercise at or upon any railway premises of the powers conferred upon them by this section such sanitary authority shall conform to such reasonable requirements of the railway company owning or using such premises as are necessary to prevent the working of the traffic thereat being obstructed or interfered with and the railway company shall not be liable for any accident or injury which may happen to any officer or person in the employ of or authorised by such sanitary authority while upon any lines of rails of

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Application
of certain
provisions
of Public
Health
(London)
Act 1891.

11. The following provisions of the Act of 1891 shall apply and have effect in respect of this Part of this Act as if such provisions were expressly re-enacted therein and in terms made applicable thereto :—

- Section 57 (Non-disqualification of medical officer by receipt of fees);
- Section 100 (Power of county council to prosecute on default of sanitary authority);
- Section 101 (Proceedings on complaint to Local Government Board of default of sanitary authority);
- Section 112 (Powers of port sanitary authority of port of London);
- Section 114 (Byelaws);
- Section 115 (General provisions as to powers of entry) except subsection (6) of that section;
- Section 116 (Penalty on obstructing execution of Act);
- Subsections (1) and (3) of section 117 (Summary proceedings for offences expenses &c.);
- Section 123 (Appearance of sanitary authority in legal proceedings);
- Section 124 (Protection of sanitary authority and their officers from personal liability);
- Subsection (2) of section 128 (Service of notices);
- Section 129 (Inquiries by Local Government Board);
- Section 130 (Forms);
- Paragraph (d) of section 133 (Application of Act to City);
- Section 135 (Proceedings on complaint to Local Government Board of default of Commissioners of Sewers); and
- Section 138 (Powers of Act to be cumulative) :

Provided that in the application of the said provisions— A.D. 1932.

- (a) section 57 shall be read and have effect as if the words " food poisoning " were substituted therein for the words " infectious disease " ;
- (b) the medical officer or sanitary inspector of any district may exercise with reference to any premises or place in that district the powers conferred by section 115 without any such authorisation as is referred to in subsection (1) of that section; and
- (c) section 130 shall have effect so far only as it relates to Form E in the Third Schedule to the Act of 1891.

PART III.

MISCELLANEOUS.

12. The time limited by—

- (a) the London County Council (Tramways and Improvements) Act 1920 as extended by the London County Council (General Powers) Act 1923 the London County Council (General Powers) Act 1926 the London County Council (Tramway Subway and Improvements) Act 1928 and the London County Council (General Powers) Act 1930 for the compulsory purchase of lands for the widenings at Cable Street and Brook Street in the metropolitan borough of Stepney described in and authorised by the said Act of 1920;
- (b) the London County Council (General Powers) Act 1925 as extended by the London County Council (Tramway Subway and Improvements) Act 1928 and the London County Council (General Powers) Act 1930 for the compulsory purchase of lands in the city of Westminster for the purpose of a widening of the Strand; and
- (c) the London County Council (General Powers) Act 1929 for the compulsory purchase—
 - (i) of lands for or in connection with the construction of the new streets in the metropolitan boroughs of Lewisham and

Extension
of time for
compulsory
purchase of
lands.

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Woolwich and for the widenings of Baring Road Chinbrook Road St. Mildred's Road and Burnt Ash Hill in the metropolitan borough of Lewisham described in and authorised by the said Act of 1929; and

(ii) for the purposes of the exercise of the powers of the Council under section 144 of the Metropolis Management Act 1855 of the lands in the metropolitan boroughs of Fulham Lambeth and Wandsworth respectively described in section 29 (Power to Council to take lands) of the said Act of 1929;

is hereby extended until the first day of October one thousand nine hundred and thirty-five.

Amendment
of section 16
of Housing
Act 1930.

13. Subsection (5) of section 16 of the Housing Act 1930 (which subsection provides that subject to certain conditions both the Council and a borough council shall be local authorities for the purposes of the provisions of the said Act relating to clearance areas) shall be read and have effect as if proviso (i) to that subsection were omitted and as if the words " part of " and " containing more than ten houses " were omitted from proviso (iii) to that subsection.

Warnings of
high tides
in river
Thames.

14. The Council may in connection with the exercise and performance of their powers and duties under the Thames River (Prevention of Floods) Acts 1879 to 1929 provide supplement alter improve and maintain any such system of warnings of high tides in the river Thames as they may deem expedient in the public interest and in connection with any such system may obtain such information and provide and maintain such automatic tide gauges and such other apparatus as they may deem necessary.

Cessation
of partial
rating
exemption
under
22 Geo. III
c. 56.

15. Notwithstanding anything contained in the Act 48 George III cap. xcvi and the Borough of Finsbury (St. Luke) Scheme 1901 as confirmed by an Order in Council of Her late Majesty Queen Victoria dated the twenty-fifth day of March one thousand nine hundred and one (which Act and scheme had the effect of continuing in operation certain provisions contained in the Act 22 George III cap. 56 relating to the assessment of

such lands or grounds tenements or hereditaments and workhouse or other buildings as are referred to in section 11 of the last-mentioned Act) so much of the said section 11 as provides that the said lands or grounds tenements or hereditaments or any workhouse or other buildings which shall be erected or built thereon for the reception and employment of the poor of the parish of St. Luke in the county of Middlesex shall not be liable to or be charged with any greater parochial taxes rates or assessments (during such time and so long as the same shall be used and occupied for those purposes) than to such amount as such lands and grounds tenements or hereditaments were assessed before they became vested in accordance with the provisions of the said section in the rector and churchwardens of the said parish of St. Luke shall as from the fifth day of April one thousand nine hundred and thirty-three cease to have effect.

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16.—(1) If at the date of the passing of this Act the supplemental list for the metropolitan borough of Shore-ditch made in the year one thousand nine hundred and thirty-two and coming into force on the sixth day of April one thousand nine hundred and thirty-three has not been revised by the assessment committee pursuant to paragraph (4) of section 42 of the Valuation (Metropolis) Act 1869 (in this section, referred to as "the Act of 1869") the hereditament described in the valuation list for that metropolitan borough in force at the passing of this Act as "Workhouse Shepherdess Walk" (being lands or grounds tenements or hereditaments and a workhouse and other buildings to which at the passing of this Act the last preceding section relates) and the gross net annual and rateable values thereof shall be included in the said supplemental list.

Inclusion
of lands
&c. in sup-
plemental
valuation
list.

(2) If at the date of the passing of this Act the supplemental list referred to in subsection (1) of this section has been revised as aforesaid the rating authority shall forthwith after the passing of this Act make sign and deposit an additional list in the same form as the said supplemental list and containing the hereditament mentioned in subsection (1) of this section and the gross net annual and rateable values thereof.

(3) The same regulations shall be observed and the same procedure shall be had in the case of the additional list referred to in subsection (2) of this section as apply

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Provided that section 42 of the Act of 1869 shall for the purpose of the said additional list apply as if paragraph (1) of that section were omitted therefrom and as if for each of the respective dates specified in the other paragraphs of that section there were substituted a date to be ascertained by extending each of those dates by the number of days between the first day of June one thousand nine hundred and thirty-two and the date of the making and deposit of the said additional list.

(4) The said additional list as approved by the assessment committee for the metropolitan borough of Shoreditch and if altered on any appeal under the Rating Acts to any sessions or a superior court as so altered shall notwithstanding that such approval or any such alteration may be given or made on or after the sixth day of April one thousand nine hundred and thirty-three come into force as on and from that date and shall for all purposes be added to and be deemed to form part of the supplemental list for the said metropolitan borough coming into force on that date.

(5) For the purposes of the said supplemental list and additional list the respective values of the said hereditament mentioned in subsection (1) of this section as appearing in the valuation list in force immediately before the cessation of the partial exemption referred to in the last preceding section shall be deemed in consequence of such cessation to have been increased during the twelve months preceding the sixth day of April one thousand nine hundred and thirty-two to such values as would represent the respective values of the said hereditament for the purposes of a new valuation list within the meaning of section 46 of the Act of 1869 if such new valuation list could have been made immediately after the cessation of the said partial exemption.

Admission
of officers
and ser-
vants of

17.—(1) The Southwark Council may on such terms and conditions as they think fit and with the approval of the Minister of Health admit from time to

time all or any of the officers and servants for the time being of the trustees of the Borough Market Southwark (incorporated by the Borough Market (Southwark) Act 1930) to participate in the benefits prescribed by the Shoreditch and other Metropolitan Borough Councils (Superannuation) Act 1922 (in this section referred to as "the Act of 1922") as amended by Part VII of the London County Council (General Powers) Act 1930 in like manner as though such officers and servants were employees of the Southwark Council within the meaning of the Act of 1922 and as though service under the said trustees (whether before or after the date of such admission) were service under the Southwark Council.

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 Borough
 Market
 Trustees to
 benefits of
 Southwark
 Borough
 Council
 superan-
 nation
 scheme.

(2) The said trustees shall have all such powers as may be necessary for enabling them to give effect to any such terms and conditions as aforesaid and any payments which they shall become liable to make pursuant to those terms and conditions shall be deemed to be part of the costs charges and expenses of the said market for the purposes of article 6 of the Southwark (Borough Market) Scheme 1907 confirmed by the London Government Scheme (Southwark Borough Market) Confirmation Act 1907.

18.—(1) Where any notice or other document under this Act requires authentication it shall be sufficient authentication for that purpose if the notice or other document is signed—

Authentica-
 tion and
 service of
 notices &c.

- (a) in the case of the Council by the clerk of the Council;
- (b) in the case of a borough council by the town clerk of the metropolitan borough;
- (c) in the case of the common council by the town clerk of the city of London; and
- (d) in the case of the sub-treasurer of the Inner Temple or of the under-treasurer of the Middle Temple by those persons respectively.

(2) Notices and other documents required or authorised to be served or given under this Act may be served by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier

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A.D. 1932. of premises by delivering the same or a true copy thereof
— to some person on the premises or if there is no person on
the premises who can be so served by fixing the same on
some conspicuous part of the premises Provided that—

(a) in the case of a company any such notice or
document shall be delivered or sent by post
addressed to the secretary of the company at its
registered office or at its principal office or place
of business;

(b) in the case of a firm any such notice or document
may be delivered or sent by post addressed to
the firm by their business name at their principal
place of business and any notice or document so
sent shall be deemed to have been delivered or
sent to each partner in the firm (the expressions
“ firm ” “ business name ” and “ partner ”
where used in this proviso having the same
respective meanings as in the Registration of
Business Names Act 1916).

In proving service by post it shall be sufficient to
prove that the notice or other document was properly
addressed and put into the post.

(3) Any such notice as aforesaid which is required to
be given to the owner or occupier of any premises may
be addressed by the description of the “ owner ” or
“ occupier ” of the premises (naming the premises) in
respect of which the notice is given without further name
or description.

Penalties to
be paid to
authorities
taking pro-
ceedings.

19. 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
or any byelaw made under this Act shall be payable to
the authority taking the proceedings leading to the
recovery of the penalty.

Recovery of
demands.

20. 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 other-
wise jurisdiction in the matter if the demand does not
exceed the amount recoverable in that court in a personal
action.

21. 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. A.D. 1932.
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Judges not disqualified.

22. 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. Saving for indictments.

23. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of His Majesty first had and obtained for that purpose. Crown rights.

24.—(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 according as the Council may decide and the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act shall be defrayed 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 the section of this Act of which the marginal note is "Admission of officers and servants of Borough Market Trustees to benefits of Southwark Borough Council superannuation scheme" shall unless otherwise agreed be paid by the Southwark Council and such payment shall be made out of the general rate authorised to be levied by the Southwark Council. Payments under this Act.

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(2) All expenses incurred by the common council under 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 sub-treasurer of the Inner Temple or by the under-treasurer of the Middle Temple under this Act may be defrayed out of a rate in the nature of a general rate.

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