



CHAPTER xxiii.

An Act to confer further powers upon the Corporation of London in regard to certain open spaces to make further provision with respect to the Metropolitan Cattle Market and sanitary matters and for other purposes. A.D. 1933.

[28th June 1933.]

WHEREAS the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of that city in common council assembled (in this Act referred to as "the Corporation") are the owners of the open spaces known as Epping Forest Burnham Beeches Coulsdon Commons Highgate Wood Queen's Park Kilburn West Wickham Common Spring Park and West Ham Park and it is expedient that certain of the provisions of the Public Health Acts with reference to recreation grounds should be extended and made applicable to the said open spaces :

And whereas the Corporation are the port sanitary authority for the Port of London, and the number of houseboats in parts of the river Thames within their jurisdiction has in recent years increased and is still increasing and it is expedient that such houseboats should be registered and more effectively controlled :

And whereas the Corporation are the owners of the Metropolitan Cattle Market and it is expedient that they should be empowered to supply electricity and gas for the illumination of stalls therein and to prohibit the use of any other method of illumination of such stalls and

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(*Various Powers*) Act, 1933.

A.D. 1933. that certain of the provisions of the Markets and Fairs
— Clauses Act 1847 should be applied to the said market :

And whereas by virtue of the Burial Act 1852 the Corporation are the burial board for the city of London and as such maintain the City of London Cemetery at Manor Park Ilford and the power to appoint chaplains to perform burial services thereat is vested in the incumbents of the parishes in the city of London :

And whereas the fees payable to such incumbents in respect of interments at the said cemetery must by virtue of section 3 of the Burial Act 1900 in due course become insufficient to maintain chaplains to perform burial services at the said cemetery and it is expedient that certain powers of the Cemeteries Clauses Act 1847 with respect to the appointment and remuneration of chaplains should be conferred upon the Corporation as the said burial board :

And whereas it is expedient that further provision should be made with reference to the payment of certain superannuation allowances under the City of London (*Various Powers*) Act 1931 and other sums payable by the Corporation :

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

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

May it therefore please your Majesty that it may be enacted and be it enacted by the 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.

PRELIMINARY.

Short title.

1. This Act may be cited as the City of London (*Various Powers*) Act 1933.

Division of Act into Parts.

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

Part I.—Preliminary.

Part II.—Open spaces.

Part III.—Sanitary.

Part IV.—Metropolitan Cattle Market.

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Part V.—City of London Cemetery.

Part VI.—Superannuation &c.

Part VII.—Miscellaneous.

3. In this Act unless there be something in the subject or context repugnant to such construction— Interpretation.

“the city” means the city of London;

“the Corporation” means the mayor and commonalty and citizens of the city;

“the port authority” means the Port of London Authority; and

“the Port of London” means the limits of the Port of London described in the First Schedule to the Port of London (Consolidation) Act 1920 as amended by section 22 of the Port of London (Various Powers) Act 1932.

PART II.

OPEN SPACES.

4.—(1) The provisions of section 76 of the Public Health Acts Amendment Act 1907 as extended by section 56 of the Public Health Act 1925 (relating to recreation grounds) shall extend to the following open spaces provided by the Corporation or under their management and control or the management and control of a committee of whose members the Corporation appoint a majority (namely):— Application of certain sections of Public Health Acts to certain open spaces.

Epping Forest;

Burnham Beeches;

Coulsdon Commons;

Highgate Wood;

Queen's Park Kilburn;

West Wickham Common;

Spring Park; and

West Ham Park;

and such provisions shall apply in like manner as if the Corporation were a local authority and the said open spaces were public parks or pleasure grounds within the meaning of those sections.

(2) Nothing in this section shall limit the operation of section 5 of the Metropolitan Commons Act 1866 or section 194 of the Law of Property Act 1925.

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PART III.

SANITARY.

Houses not
to be built
without
drains con-
structed to
satisfaction
of Corpora-
tion.

5.—(1) It shall not be lawful within the city to erect any house or other building or to rebuild any house or other building which has been taken down within twelve feet of the surface of the ground or to occupy any house or building so newly built or rebuilt unless a drain or drains and branches thereto and other connected works and apparatus and water supply are constructed and provided to the satisfaction of the Corporation of such materials of such size at such level and with such fall as may be approved by the Corporation so that such drain or drains and branches and other works and apparatus shall be available for the efficient drainage by gravitation of all parts of such house or building and also of its areas waterclosets privies and offices (if any) at all times and under all conditions into such sewer or sewers already made or intended to be constructed near thereto as the Corporation may direct and appoint Provided that whenever any house or other building is rebuilt as aforesaid the level of the lowest floor thereof shall unless otherwise permitted by the Corporation as hereinafter provided be raised sufficiently to permit of the construction of such a drain or drains and such branches thereto and other works and apparatus as are hereinbefore required and for that purpose the levels shall be taken and determined under the direction of the Corporation Provided also that if any such house or building is proposed to be erected or rebuilt at such a level as not to allow of the drainage of all parts thereof by gravitation as aforesaid the Corporation may allow such part as cannot be so drained to be constructed so as not to require drainage therefrom or may allow pumping or lifting apparatus to be provided to their satisfaction for the drainage of such part and such pumping or lifting apparatus shall be deemed to be a drain and as such shall be in addition to the drain or drains provided for other parts of such house or building.

(2) In any case in which separate sewers for the reception of surface water and sewage respectively have been or are intended to be provided in any street the Corporation in the exercise of their powers and duties under the provisions of this section in regard to any house or other building to be drained into a sewer or sewers in

such street may require that such house or building shall be provided with separate drains to discharge surface water and sewage respectively into the appropriate sewer. A.D. 1933.

(3) Where drainage alterations are proposed to be made in connection with any house or other building existing at the passing of this Act such alterations may if so agreed between the Corporation and the owner or other persons responsible for the drainage of such house or building be carried out in accordance with the provisions of this section.

(4) This section shall for the purposes of section 63 (Notice of buildings to be given to the commissioners before commencing the same) of the City of London Sewers Act 1848 be deemed to be a provision of that Act.

(5) Any person contravening any of the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for each day on which any offence is continued after conviction.

(6) Section 62 (No house to be built without drains constructed to the satisfaction of the commissioners) and section 64 (Houses rebuilt to be on a level determined by commissioners) of the said Act of 1848 are hereby repealed.

6.—(1) Subject to the provisions of the section of this Act of which the marginal note is "For protection of port authority" the Corporation may from time to time make byelaws with regard to houseboats as defined by subsection (2) of this section for all or any of the following purposes (namely):—

- (a) for requiring the registration of houseboats and the issue of certificates by the Corporation of such registration upon such conditions as may be specified in the byelaws for prescribing the charges (not exceeding ten shillings for each certificate) to be paid in respect of certificates of registration and the period for which and the conditions upon which any such certificate shall remain in force and for prohibiting the use of houseboats which are required to be registered unless the same be so registered. Provided that no houseboat shall be registered which does not comply with the byelaws made under paragraph (f) of this subsection;

Byelaws
with regard
to house-
boats.

A.D. 1933.

- (b) for regulating the making of applications for the registration of houseboats and the procedure with regard thereto;
- (c) for requiring notice to be given to the Corporation of the transfer or sale or change of tenancy of registered houseboats;
- (d) for prohibiting the mooring of houseboats except at places specified in the byelaws and for prescribing the maximum number in any situation. Provided that no byelaw under this paragraph affecting the Port of London shall be submitted for confirmation until it has been approved by the port authority and nothing in any byelaw under this paragraph shall be deemed to permit the mooring of any houseboat in a position contrary to any byelaw of any local authority or contrary to any direction of any harbour-master under section 267 (Power of harbour-masters) of the Port of London (Consolidation) Act 1920 or to make lawful the mooring of any houseboat in any place in which but for such byelaw the mooring of such houseboat would be unlawful;
- (e) for prescribing the maximum number of occupants of any houseboat in relation to the cubic air-space of the living and sleeping rooms therein;
- (f) for requiring the provision in houseboats of adequate means for the admission of daylight and of permanent ventilation and the provision of such sanitary conveniences and appliances as the byelaws may require;
- (g) for promoting cleanliness in and the habitable condition of houseboats;
- (h) for preventing the spread of infectious disease by the persons inhabiting houseboats;
- (i) generally for the prevention of nuisances in connection with houseboats; and
- (j) for authorising the inspection of registered houseboats by or on behalf of the Corporation.

(2) In this section the expression "houseboat" means any vessel or boat lying in any river or water or on any foreshore within the district of the Port of

London Sanitary Authority which is used or is capable of being used as a place of habitation whether such use be temporary intermittent or permanent or as a place for accommodating or receiving persons for purposes of shelter recreation entertainment or refreshment or as club premises or as offices but shall not include—

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- (i) a vessel normally engaged in the transport of persons or goods; or
- (ii) any craft or boat which is required to be registered by the port authority under the Port of London Acts 1920 to 1932; or
- (iii) any lightship or watch barge; or
- (iv) any canal boat or other boat registered under the Canal Boats Acts 1877 and 1884.

(3) Any such byelaws to be made by the Corporation under this section shall be made in accordance with the provisions with respect to byelaws contained in the Public Health (London) Act 1891.

(4) Nothing in this section shall extend to take away lessen prejudice alter or affect any of the estates rights powers interests privileges franchises or authority of the port authority.

(5) As from the date when byelaws under paragraphs (g) (h) and (i) of subsection (1) of this section come into operation so much of the London Port Sanitary Authority (Additional Powers) Order 1923 as applies subsection (2) of section 95 of the Public Health (London) Act 1891 shall be annulled and such annulment shall be deemed to be a repeal of an enactment for the purposes of the Interpretation Act 1889.

7.—(1) Notwithstanding anything contained in this Act the power of making byelaws for the purposes referred to in paragraphs (a) (b) and (c) of subsection (1) of the section of this Act of which the marginal note is “Byelaws with regard to houseboats” shall in relation to so much of the district of the Port of London Sanitary Authority as is within the Port of London be exercised by the port authority in lieu of the Corporation and for that purpose subsection (1) (a) (b) and (c) of the said section shall be read and have effect as if the port authority were referred to therein in lieu of the Corporation.

For protec-
tion of port
authority.

(2) The provisions of sections 446 to 452 of the Port of London (Consolidation) Act 1920 shall (with the

A.D. 1933. substitution of the Minister of Health for the confirming authority mentioned in section 449) apply to any byelaws made or proposed to be made by the port authority in pursuance of this section and the provisions of that Act shall have effect as if byelaws made by the port authority in pursuance of this section were byelaws made by them relating to their jurisdiction under Part VI of that Act.

Exempting property of Inner and Middle Temples.

8. The lands buildings and property of—
(1) The Honourable Society of the Inner Temple;
(2) The Honourable Society of the Middle Temple;
shall be exempt from the operation of this Part of this Act.

PART IV.

METROPOLITAN CATTLE MARKET.

Supply of electricity and gas at Metropolitan Cattle Market.

9.—(1) The Corporation may utilise electricity supplied to them by the mayor aldermen and councillors of the metropolitan borough of Islington or gas supplied to them by the Gas Light and Coke Company for the purpose of supplying electricity or gas to the tenants of stalls in the Metropolitan Cattle Market upon such terms and conditions as the Corporation may prescribe.

(2) The powers of making byelaws conferred by section 7 (Power to appoint officers and make byelaws) of the Metropolitan Market Act 1896 shall extend to enable the Corporation to make byelaws under that section prohibiting the use by tenants of stalls in the said market of any method of illumination other than electricity or gas but so that it shall be permissible for such tenants at their option to use both or either of the said excepted methods of illumination.

Application to Metropolitan Cattle Market of certain provisions of Markets and Fairs Clauses Act 1847.

10. The provisions of the Markets and Fairs Clauses Act 1847 with respect to the holding of the market or fair and the protection thereof (except section 15 of that Act) shall so far as applicable apply to and in respect of the Metropolitan Cattle Market as if they had been incorporated with the Metropolitan Market Act 1857 with the substitution of a penalty not exceeding twenty pounds for the penalty prescribed by section 13 of the said Act of 1847 and the Metropolitan Market Acts 1857 to 1896 as amended by Part III (Markets) of the City of London (*Various Powers*) Act 1920 shall be read and have effect accordingly.

PART V.

A.D. 1933.

CITY OF LONDON CEMETERY.

11.—(1) Notwithstanding anything contained in any Act the provisions of sections 27 to 31 of the Cemeteries Clauses Act 1847 shall so far as applicable apply to and in respect of the City of London Cemetery as if they had been incorporated with the City of London Burial Act 1857 and for the purposes of such incorporation the term “special Act” in the said sections shall be construed to mean the said Act of 1857 and the term “company” to mean the Corporation as the burial board for the city.

Application to City of London Cemetery of certain sections of Cemeteries Clauses Act 1847.

(2) Nothing in this section shall prejudice or affect the rights and obligations of any incumbent of any ecclesiastical parish in the city to perform funeral services in respect of his own parishioners.

(3) This section shall come into operation as from the termination of the incumbency of the last remaining incumbent who held office as an incumbent of a parish in the city at the date of the passing of the Burial Act 1900.

PART VI.

SUPERANNUATION &C.

12. Any officer or servant to whom section 15 (Contributions to cease after forty years’ service) of the City of London (*Various Powers*) Act 1931 relates shall for the purposes of section 12 (Title of officers and servants to superannuation allowances) of that Act be deemed to be a contributor to the fund established in pursuance of that Act.

As to title of certain officers and servants to superannuation allowances.

13.—(1) Subject to the provisions of this section where a person entitled to receive from the Corporation any sum to which this section applies is lawfully detained as a person of unsound mind in accordance with the Lunacy Act 1890 as amended by any enactment the Corporation may pay the whole of that sum or so much thereof as they think fit to the institution or person having the care of the person so detained as aforesaid and may pay or apply the whole or so much as they think fit of the surplus if any thereof to or for the maintenance or benefit of the wife or husband or relations of the person so detained as aforesaid.

Payment of superannuation allowance &c. of person of unsound mind.

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(2) This section applies to any sum payable by the Corporation to an employee or former employee or pensioner of the Corporation or the widow or a child of a deceased employee or pensioner by way of salary wages pension superannuation or other allowance or annuity or by way of repayment with or without interest of contributions made to any superannuation or other fund being either a lump sum not exceeding one hundred pounds or an instalment of a periodical payment not exceeding one hundred pounds per annum.

(3) Not less than fourteen days before exercising for the first time in relation to a person detained as aforesaid their power under subsection (1) of this section the Corporation shall give to the Master in Lunacy notice in writing of their intention in that behalf specifying the name and address of that person and the amount and nature of the sums in respect of which the Corporation intend to exercise the said power.

(4) If at any time the Master in Lunacy gives to the Corporation notice in writing that he objects to the exercise by the Corporation of the said power in relation to any person the said power shall as from the date of the receipt by the Corporation of the notice cease to be exercisable by the Corporation in relation to that person unless and until the master withdraws the notice.

(5) The Corporation shall be discharged from all liability in respect of—

- (a) any payment or application of money effected by them in exercise of the said power; and
- (b) any payment or application of money effected by them before the passing of this Act which might have been effected by them in exercise of the said power if the provisions of subsections (1) and (2) of this section had been in force at the date of the payment or application and had applied to sums of any amount.

PART VII.

MISCELLANEOUS.

14. The powers and duties of the London County Council to make byelaws under section 23 of the Municipal Corporations Act 1882 as applied by section 16 of the Local Government Act 1888 may as respects the city be

Power to
Corporation
to make
byelaws
under
section 23 of

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exercised also by the Corporation Provided that any byelaws so made by the Corporation shall not be inconsistent with any byelaws made by the London County Council. A.D. 1933.
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Municipal Corporations Act 1882.

15. Notwithstanding anything contained in the Road Traffic Act 1930 section 58 (Corporation empowered to make byelaws Places to which same apply to be within jurisdiction of city justices &c.) of the Corporation of London (Tower Bridge) Act 1885 shall be and shall be deemed always to have been of full force and effect. Continuation of section 58 of Corporation of London (Tower Bridge) Act 1885.

16. The poor rate from time to time made by the Corporation may include such an amount as will in the opinion of the Corporation be sufficient to cover expenditure previously incurred for any purpose the expense of which would be properly payable out of the poor rate whether or not incurred within six months before the making of the rate. Power to include charges in poor rate retrospectively.

17. The production of a copy of a byelaw made by the Corporation under this Act if authenticated by the common seal of the city shall until the contrary be proved be sufficient evidence of the due making and existence of the byelaw and (if it be so stated in the copy of the byelaw) of the byelaw having been approved or confirmed by the authority whose approval or confirmation is required to the making or before the enforcing of the byelaw. Evidence of byelaws.

18. All offences and penalties under this Act or any enactment incorporated or applied thereby or under any byelaw made under this Act or under section 34 of the City of London (Various Powers) Act 1931 may be prosecuted and recovered in a summary manner. Summary proceedings for offences and penalties.

19. The costs charges and expenses preliminary to and of and incidental to the preparing obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the general rate of the city. Costs of Act.

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