



CHAPTER xlv.

An Act to confer further powers upon the London County Council and other authorities and for other purposes. [13th August 1947.]

WHEREAS it is expedient that the powers of the London County Council (hereinafter referred to as "the Council") and the councils of metropolitan boroughs in relation to the provision of entertainments should be amended and extended in the manner provided by this Act:

And whereas it is expedient that further powers should be conferred upon the Council with respect to certain lands in the metropolitan boroughs of Lambeth and Wandsworth referred to in the Act 46 George 3. chapter lvii and known as Rush Common:

And whereas it is expedient that the provisions contained in this Act with respect to the regulation of trading in streets should be enacted:

And whereas it is expedient that the powers contained in this Act with respect to the supply of heat to certain premises should be conferred upon the council of the city of Westminster:

And whereas it is expedient that provision should be made for the appointment from time to time of a temporary additional deputy chairman of the court of quarter sessions for the administrative county of London (exclusive of the city of London):

And whereas it is expedient that further powers should be conferred upon the Council and the councils of metropolitan boroughs as provided by this Act:

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 in relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the said Bill) have complied with the requirements of section 151 of the London Government Act 1939:

2 & 3 Geo. 6.
c. 40.

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.

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1947.

Act divided
into Parts.

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

Part I.—Introductory.

Part II.—Entertainments athletics &c.

Part III.—Rush Common.

Part IV.—Regulation of street trading.

Part V.—Supply of heat by Westminster City Council.

Part VI.—Redevelopment of war-damaged lands (roads sewers &c.).

Part VII.—Extensions of time.

Part VIII.—Miscellaneous.

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;

“borough” means a metropolitan borough and “the borough” means the metropolitan borough in relation to which the expression is used;

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

“the Act of 1888” means the Local Government Act 1888;

1 & 52 Vict.
c. 41.

- “ the Act of 1927 ” means the London County Council (General Powers) Act 1927; 17 & 18 Geo. 5. c. xxii.
- “ the Act of 1935 ” means the London County Council (General Powers) Act 1935; 25 & 26 Geo. 5. c. xxxiii.
- “ the Act of 1937 ” means the London County Council (General Powers) Act 1937; 1 Edw. 8. & 1 Geo. 6. c. xci.
- “ the Act of 1939 ” means the London Government Act 1939;
- “ the Kensington Council ” means the council of the royal borough of Kensington;
- “ enactment ” means any enactment whether public general or local and includes any order or other instrument having effect by virtue of an enactment.

(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.

ENTERTAINMENTS ATHLETICS &C.

4.—(1) The Council at any place within the county and a borough council at any place within the borough may provide concert halls entertainment rooms reading rooms pavilions and bandstands with all offices refreshment rooms kitchens cloakrooms lavatories conveniences and appliances necessary and suitable in connection therewith. Power to provide concert halls &c.

(2) Without prejudice to any powers exercisable by them under the Act of 1939 or any other enactment the Council or a borough council may for the purposes and at such places as aforesaid with the consent of the Minister of Health adapt any premises or erect buildings on any land belonging to them but not already appropriated by them to entertainment purposes.

(3) The Council or a borough council may provide erect and maintain shops and offices as part of any buildings provided adapted or erected by them under this section and may furnish and equip any premises so provided adapted or erected.

5.—(1) The Council or a borough council may use or allow to be used or let— Power to provide entertainments.

- (a) any premises provided by them under subsection (1) of the last preceding section; and
- (b) any premises within the county or the borough (as the case may be) provided by them under section 155 of the Act of 1939;

PART II.
—cont.

for concerts and other entertainments and may themselves provide any such concerts or entertainments or may arrange for the provision or contribute towards the expenses thereof and may make or allow to be made such charges as they think fit in connection therewith:

Provided that—

- (a) the Council or a borough council shall not themselves use any such premises for a cinematograph theatre except for the exhibition of a cinematograph film relating to the functions of local authorities nor shall they allow the use of or let any such building for the purposes of a theatre music hall or cinematograph theatre except on the best terms that can be obtained;
- (b) the power of the Council or a borough council themselves to provide entertainments shall include a power to provide concerts and pierrot or other entertainments whether theatrical costume is or is not used in connection therewith and either with or without appropriate scenery but save as aforesaid the Council or a borough council shall not provide or arrange for the provision or contribute towards the expenses of stage plays performed by persons other than members of any amateur dramatic society or any entertainment for which scenery or theatrical costume is used and which forms a complete programme of variety entertainments as usually given at a music hall;
- (c) premises used for the purpose of transacting the business of the Council or a borough council shall not in pursuance of the powers conferred by this section be used for concerts or other entertainments at such times or in such manner as to interfere with the transaction of that business.

(2) The Council or a borough council may in connection with any concerts or entertainments given in pursuance of this section provide and sell or authorise the provision and sale of programmes and refreshments.

(3) (a) The Council or a borough council may make byelaws for securing good and orderly conduct during any concerts or entertainments given in pursuance of this section.

(b) The Secretary of State shall be the confirming authority with respect to byelaws made under this subsection.

(4) Nothing in this or in the last preceding section shall be taken to dispense with the consent of the Minister of

Education to any appropriation lease or other disposition of any lands of the Council or a borough council in any case in which such consent would have been required if this Act had not been passed.

PART II
—cont.

6.—(1) Nothing in section 4 (Power to provide concert halls &c.) or section 5 (Power to provide entertainments) of this Act shall—

Saving for open spaces licensing and certain trusts.

- (a) authorise the Council or a borough council to exercise the powers conferred by those sections or either of them in any open space to which the provisions of Part V (Open spaces) of the Act of 1935 apply; or
- (b) be deemed to affect the provisions of any enactment by virtue of which a licence is required for the public performance of stage plays or for public music or dancing or any public contest or display of boxing or wrestling or other public entertainment of the like kind or a cinematograph exhibition or of any enactment relating to the sale of intoxicating liquor refreshments or tobacco.

(2) No power conferred upon the Council or a borough council by the said section 4 or the said section 5 shall be exercised in such a manner as to be at variance with any trusts subject to which any lands or buildings are held managed or controlled by the Council or the borough council without an order of the High Court or of the Charity Commissioners or the Minister of Education or (where the trust instrument reserves to the donor or any other person the power to vary the trust) without the consent of such donor or other person.

7.—(1) Paragraph (c) of subsection (1) of section 42 (Facilities for public recreation) of the Act of 1935 shall be read and have effect as if the words "amusement fairs and" were inserted therein after the word "provide".

Amendments of Part V of Act of 1935.

(2) Section 43 (Licences to provide facilities and letting of buildings for public recreation) of the Act of 1935 shall be read and have effect as if the words "and any part of an open space set apart or enclosed" were inserted therein after the word "maintained".

(3) For the removal of doubts it is hereby declared that the terms and conditions subject to which a right may be granted or a letting effected under the powers of the said section 43 may include a term that the local authority shall contribute either directly or pursuant to a guarantee given by them towards the expenses to be incurred by any person in the provision of any entertainment or otherwise in pursuance of such grant or letting.

PART II.
—cont.

(4) Subsection (1) of section 48 (Restrictions as to entertainments and exemption from certain licences) of the Act of 1935 is hereby repealed.

(5) Notwithstanding anything contained in this section or in Part V of the Act of 1935 where any entertainment is provided in an open space the Council or a borough council shall not—

(a) in any building—

(i) exhibit any cinematograph film except for or in connection with the advancement of art education drama science music or literature; or

(ii) exhibit within a period of twelve months after it is first generally released in Great Britain any cinematograph film which commonly forms the main item of a cinematograph entertainment; or

(iii) charge for admission to any exhibition of a cinematograph film which commonly forms the main item of a cinematograph entertainment a price less than the lowest price then current for admission to cinematograph theatres in the borough in which such building is situate for ordinary showings; or

(b) grant or let the use of any building or any part thereof for the purposes of a cinematograph entertainment except on the best terms that can be obtained except when such premises are let to any person or organisation for a charitable educational cultural social or public purpose.

(6) Notwithstanding anything contained in this section or in Part V of the Act of 1935 the Council or a borough council shall not provide or permit the provision of any amusement fair in any open space outside the county without the consent of the council of the county district in which the open space is situate.

Promotion
of athletic
competitions
&c.

8.—(1) Subject to the provisions of this section the Council may either alone or in co-operation with any association or body dealing with the promotion or control of any recreation organise or conduct any competition.

(2) A competition may be organised or conducted either wholly or partly as the Council may think fit in connection with facilities provided by the Council under section 42 (Facilities for public recreation) of the Act of 1935 or under section 4 of the Physical Training and Recreation Act 1937.

1 Edw. 8. &
1 Geo. 6. c. 46.

(3) Where the Council in the exercise of the powers conferred upon them by paragraph (b) of subsection (1) of the said section 42 set apart or enclose any part of an open space

in connection with a competition conducted wholly or partly in that open space the provisions of paragraph (ii) of the proviso to that subsection shall not apply:

PART II.
—cont.

Provided that—

- (i) the part of an open space set apart or enclosed for the use of spectators at a competition shall not exceed in any open space one acre or one-twentieth part of the open space whichever is the greater; and
 - (ii) save as provided in this subsection nothing in this section shall authorise the Council otherwise than in accordance with the provisions of Part V (Open spaces) of the Act of 1935 to set apart or enclose any part of an open space or to preclude any person from entering that part while so set apart or enclosed.
- (4) The Council may provide trophies and prizes to be awarded to participants in any competition.
- (5) The Council may charge such entrance fees as they think fit to entrants for any competition.
- (6) The Council may make rules relating to any matters in connection with such competitions as are referred to in this section.
- (7) For the purposes of this section the expression—
- “recreation” means any activity for which the Council have power to provide facilities in an open space under paragraph (a) or paragraph (d) of subsection (1) of the said section 42; and
- “competition” means any competition tournament or contest held in connection with any recreation and includes any display or exhibition given in connection with a competition.

PART III.

RUSH COMMON.

9.—(1) In this Part of this Act—

“the Act of 1806” means the Act 46 Geo. 3. chapter lvii;

“the prohibition of 1806” means the prohibition against the erection of buildings or erections above the surface of the earth imposed by the Act of 1806 in relation to certain lands therein described;

“the proscribed lands” means (subject to the provisions of the next following subsection) the lands in

Definition of
expressions
in Part III of
this Act.

PART III.
—cont.

the boroughs of Lambeth and Wandsworth comprising so much of the common called Rush Common as is described in section xvii of the Act of 1806 and is subject at the passing of this Act to the prohibition of 1806 but does not include any land to the north of Coldharbour Lane; and

“owner” in relation to any land means a person entitled to dispose of the fee simple of the land or a person holding or entitled to the rents and profits of the land under a lease or agreement the unexpired term whereof exceeds twenty years.

(2) The provisions of this Part of this Act other than the next following section shall not apply to so much of the proscribed lands as consists of the lands shown by pink and blue colours on the signed plan referred to in section 72 (Removal of building restriction on land near Brixton Oval) of the London County Council (General Powers) Act 1939.

2 & 3 Geo. 6.
c. c.

Enforcement
of the
prohibition of
1806 by
Council.

10. Subject to the provisions of this Part of this Act the Council shall have power in their own name to institute and prosecute legal proceedings for the enforcement of or otherwise to enforce the prohibition of 1806 in relation to any part of the proscribed lands and for the purpose of such enforcement the Council shall be deemed in the case of any infringement of the prohibition to be persons injured or affected by such infringement.

Power to
Council to
consent to
building on
proscribed
lands.

11.—(1) If at any time application for such consent as is hereinafter mentioned is made to the Council by any person being an owner of any part of the proscribed lands and having in the opinion of the Council a sufficient estate or interest therein having regard to the nature of the application and to any terms and conditions proposed to be agreed as hereinafter mentioned the Council may notwithstanding the prohibition of 1806 consent (upon and subject to such terms and conditions as may be agreed between the Council and the applicant) to the erection or retention of such building or erection or such part of a building or erection as may be approved by the Council on or over any part of the proscribed lands of which such person is an owner.

(2) Any such term or condition as aforesaid (other than a term or condition to be observed or fulfilled by the Council) compliance with which is or becomes in the opinion of the Council unnecessary may be waived by the Council and any such consent as aforesaid and any terms and conditions subject to which any such consent was given may be rescinded or varied by agreement between the Council and any owner for the time being of the land to which the

consent relates having in the opinion of the Council a sufficient estate or interest in the land and as from the date of any variation pursuant to the provisions of this subsection the consent or the terms and conditions (as the case may be) shall have effect as so varied:

Provided that—

- (i) no term or condition shall be waived or rescinded and no such variation as aforesaid shall be made so as to affect prejudicially any person having an estate or interest in the land without the consent of that person; and
- (ii) where pursuant to any terms and conditions any land has been surrendered or given up to the Council nothing in this subsection shall authorise any variation in any term or condition relating to the user or disposal of such land unless the person by whom such land was surrendered or given up consents to such variation.

(3) So long as the terms and conditions to which a consent of the Council under this section is for the time being subject are duly complied with the erection or retention of any building or erection or part of a building or erection erected or retained on or over any part of the proscribed lands (whether before or after the commencement of this Act) in pursuance of such consent shall be deemed not to constitute an infringement of the prohibition of 1806.

(4) Where a building or erection or part of a building or erection has been erected or retained on or over any part of the proscribed lands pursuant to a consent of the Council under this section—

- (a) any term or condition to which such consent is for the time being subject shall be binding on every owner occupier and other person having for the time being an estate or interest in the land to which the consent relates and may be enforced in like manner as a contract made between the Council and every such owner occupier and person and each of them severally;
- (b) without prejudice to the provisions of the foregoing paragraph or to the powers of the Council under section 10 (Enforcement of the prohibition of 1806 by Council) of this Act if any such term or condition as aforesaid is not observed or fulfilled any person on whom it is binding and who may be in default shall be guilty of an offence and shall be liable to

PART III.
—cont.

a fine not exceeding fifty pounds and to a further fine not exceeding ten pounds in respect of every day on which such offence is continued after conviction therefor.

Land
surrendered
in pursuance
of agreement
with Council.

12.—(1) Where pursuant to any such terms and conditions as are mentioned in the last foregoing section any land is surrendered or given up to the Council any term or condition relating to the user or disposal of such land shall (subject to the power of variation conferred by subsection (2) of that section) be binding on the Council.

(2) Any land surrendered or given up to the Council as aforesaid shall vest in the Council freed from the prohibition of 1806 and subject to the provisions of the foregoing subsection the Council may—

- (a) hold and use such land for any of the purposes for which they are for the time being authorised to acquire land; or
- (b) lay out and construct on such land a new street or a part of a street forming a widening or improvement of an existing street; or
- (c) dispose of such land on such terms and conditions as they may think fit.

(3) Where the Council exercise the powers conferred on them by paragraph (b) of the last foregoing subsection the liability to maintain the street or part of a street shall vest in the borough council of the borough in which the same is situate and that council may make such contribution (if any) as may be agreed between them and the Council towards the expenses incurred or to be incurred by the Council in the exercise of the said powers.

Savings &c.

13.—(1) Save as expressly provided in subsection (3) of section 11 (Power to Council to consent to building on proscribed lands) of this Act nothing in this Part of this Act or done thereunder shall be deemed to authorise the retention on or over any part of the proscribed lands of any building or erection or part of a building or erection which may have been erected thereon or thereover before the commencement of this Act.

(2) Nothing in this Part of this Act shall affect the operation of any agreement entered into before the commencement of this Act by the Council and any other person with regard to the use or surrender of any part of the proscribed lands and any such agreement shall have effect as if the provisions of this Part of this Act had not been enacted.

PART IV.

REGULATION OF STREET TRADING.

14. Save as otherwise expressly provided therein this Part of this Act shall come into operation on the appointed day.

Commence-
ment of Part
IV of this Act.

15.—(1) In this Part of this Act—

Interpretation
of expressions
in Part IV
of this Act.

“ the appointed day ” means the first day of January one thousand nine hundred and forty-eight;

“ annual licence ” means a licence under this Part of this Act other than a temporary licence;

“ temporary licence ” means a licence under this Part of this Act valid for a single day or for a period of not more than fourteen consecutive days;

“ street trading licence ” means an annual licence or a temporary licence and where the context so requires includes also a licence granted under Part VI of the Act of 1927;

“ street trading ” means the selling or exposing or offering for sale of any article or thing in a street;

“ street ” means any street way or place over which the public have a right of passage or any part (being a part over which the public have a right of passage) of any street way or place;

“ designating resolution ” means a resolution passed by a borough council under paragraph (a) of subsection (1) of section 16 (Designation of streets for purposes of street trading) of this Act;

“ designated street ” means a street in respect of which a designating resolution is for the time being in force;

“ the material date ” means the appointed day or the date on which the street in relation to which the expression is used becomes a designated street (whichever is the later);

“ existing street trader ” means an individual who at any time before the material date has regularly engaged in street trading which immediately before that date could be lawfully carried on without the authority of a street trading licence but on or after that date could not so be carried on save as authorised by section 18 (Existing street traders) of this Act or by a registered street trader;

“ registered street trader ” means a person registered as a registered street trader under section 19 (Registered street traders) of this Act;

“receptacle” includes a vehicle or stall and any basket bag box vessel stand easel board tray or other structure or thing which is used (whether or not constructed or adapted for such use) as a container for or for the display of any article or thing; and

“article or thing” includes any living thing.

(2) Where any street in a borough is so situated in relation to any other borough that street trading in that street could in the opinion of the borough councils of the two boroughs be more conveniently regulated under the provisions of this Part of this Act by the borough council of such other borough then if so agreed between the borough councils of the two boroughs the street shall for the said purposes be deemed to be situated in the said other borough.

16.—(1) A borough council may from time to time by resolution—

(a) designate any street within the borough as a street in respect of which they will entertain applications for the grant of street trading licences; and

(b) specify in relation to any designated street within the borough any class or classes of articles or things which or other than which they will not prescribe in any street trading licences granted by them in respect of that street;

and may from time to time by subsequent resolution rescind or vary any such resolution. Provided that before passing a designating resolution in respect of a street a borough council shall consult with the Commissioner of Police of the metropolis on the proposal so to do.

(2) (a) A borough council shall give public notice of the passing by them of a resolution under the foregoing subsection by posting a notice in the street to which the resolution relates and in such other manner as they think desirable.

(b) Every such notice shall include such statement of the effect of the provisions of sections 18 (Existing street traders) and 19 (Registered street traders) of this Act as may appear to the borough council to be necessary for the information of existing street traders who may be affected by the taking effect of the resolution.

(3) A borough council shall as soon as practicable after the passing of this Act take into consideration—

(a) the streets prescribed by the street trading licences granted by them and then in force;

(b) the number of such licences for the renewal of which applications are likely to be made to them;

- (c) all other circumstances of the street trading within the borough; and
- (d) any representations which may be made to them with respect to the matters aforesaid by any recognised organisation representative of street traders within the borough;

and shall not later than the thirtieth day of November one thousand nine hundred and forty-seven pass such designating resolutions as appear to them to be necessary for the time being for the purposes of this Part of this Act.

(4) If it is desired by any persons (not being less than ten in number) residing or trading in a borough that any street in the borough in respect of which a designating resolution has not been passed should become a designated street those persons may at any time after the said thirtieth day of November make application to the borough council for the passing by the borough council of a designating resolution in respect of that street:

Provided that—

- (i) any such application shall be in writing signed by the persons making the same and shall specify the addresses of those persons and sufficiently describe the street in respect of which it is made;
- (ii) where street trading licences by which the street is prescribed are in force at the date of the application and such licences are less than ten in number the requirement that the application shall be made by not less than ten persons shall not apply if the application is signed by all the holders of such licences.

(5) A borough council shall as soon as reasonably practicable after the receipt of any such application as aforesaid decide whether they will or will not comply therewith and where they decide not to comply with the application they shall post in some conspicuous part of the street to which the application relates a notice of the application and of their decision thereon and every such notice shall include a statement of the effect of the provisions of the next following subsection.

(6) Any person who is aggrieved by a decision of a borough council not to comply with any such application as aforesaid may (whether or not he signed the application) appeal to the Secretary of State not later than twenty-eight days after the date of the posting of the notice referred to in the last foregoing subsection.

PART IV.
—cont.

(7) For the purposes of the last two preceding subsections a borough council shall be deemed to have complied with an application if they have passed a designating resolution in respect of a street which does not differ in any material respect from the street described in the application and any question which may arise whether a street in respect of which they have passed a designating resolution differs in a material respect from the street described in an application shall be determined by the Secretary of State whose determination shall be final.

(8) Any person aggrieved by a resolution of a borough council passed under paragraph (b) of subsection (1) of this section or by a resolution rescinding or varying any such resolution or any designating resolution may within twenty-eight days of the passing of the resolution by which he is aggrieved appeal to the Secretary of State.

(9) The Secretary of State may if he thinks fit and (where the number of appeals made to him under this section and not withdrawn in respect of any one application or resolution is more than twenty) shall cause a public local inquiry to be held into the subject matter of an appeal before giving his determination:

Provided that the Secretary of State shall not be required to cause a public local inquiry to be held in any case where it appears to him that he ought by his determination to give such directions to the borough council as will fully satisfy the appellants and the borough council consent to such a determination.

(10) The determination of the Secretary of State on an appeal made to him under this section shall be final and the Secretary of State may either dismiss such appeal or may give such directions to the borough council as he thinks necessary to meet the case and the borough council shall comply with any such directions.

(11) This section shall come into operation on the passing of this Act.

Licensing of
street traders.

17.—(1) Subject to the provisions of this Part of this Act it shall be unlawful for any person—

(a) to engage in street trading in or from a stationary position in any street within a borough; or

(b) to engage in street trading in any designated street whether or not in or from a stationary position;

unless that person is authorised to do so by a street trading licence.

(2) For the purposes of this Part of this Act a person shall be deemed to engage in street trading on any occasion on which he sells or exposes or offers for sale any article or thing in a street whether or not he regularly carries on the business of street trading and a person shall be deemed to engage in street trading in or from a stationary position in a street if while he is engaged in street trading he or any article or thing exposed or offered for sale by him or any receptacle used by him in connection with the street trading occupies a stationary position in a street.

18. An existing street trader shall be entitled—

Existing
street traders.

(a) on the material date and until the expiration of two months thereafter or (if on his application an extended period has been allowed under subsection (2) of the next following section for the giving of notice under that section) until the date on which he gives notice within such extended period; and

(b) (where he has given to the borough council a notice under the next following section) for a further period terminating—

(i) on the date on which he becomes a registered street trader; or

(ii) on the expiration of a period of fourteen days from the date of a notification to him by the borough council of their refusal to register him as a registered street trader;

to engage in the street trading in which he engaged as an existing street trader immediately before the material date to the like extent and in the like manner as if he held a street trading licence for that purpose:

Provided that this section shall not authorise an existing street trader to sell or expose or offer for sale any article or thing in any street in which he did not regularly engage in street trading immediately before the material date.

19.—(1) An existing street trader with respect to whom the following condition is substantially satisfied (that is to say) that he has for a period of three years immediately preceding the date of his giving to the borough council a notice in writing in accordance with the provisions of the next following subsection regularly engaged in street trading which has throughout that period been of the same nature and conducted in the same position or place in a street and in the same manner shall be entitled on his giving such notice as aforesaid to be registered by the borough council as a registered street trader:

Registered
street traders.

PART IV.
—cont.

Provided that in determining whether the condition aforesaid is substantially satisfied any part (not being longer than one-half) of the said period during which an existing street trader was serving with His Majesty's forces or was otherwise by reason of circumstances due to war unable to engage in street trading shall be treated as a part of the period during which he engaged in street trading of the same nature and conducted in the same position or place in a street and in the same manner as during the remainder of the period.

(2) A notice for the purposes of the last preceding subsection may be given at any time during the period of two months next following the material date or during such extended period as may be allowed by the borough council and shall specify—

- (a) the name and address of the existing street trader;
- (b) the street in which and the position or place in that street at which he has regularly engaged in street trading;
- (c) the article or thing or the class or classes of articles or things regularly sold by him;
- (d) the day or days on which and the time or times at or during which he has sold or exposed or offered for sale such articles or things as aforesaid;
- (e) the kind of receptacle (if any) used by him in connection with the street trading;
- (f) the period during which he has regularly engaged in street trading in all respects in accordance with the particulars specified by him under the foregoing paragraphs (b) (c) (d) and (e); and
- (g) where the period specified by him under the foregoing paragraph (f) is less than three years such information as may be necessary to enable the borough council to determine whether the case is one to which the proviso to the last foregoing subsection applies.

(3) Upon the receipt of any such notice as aforesaid unless it appears to the borough council that the condition referred to in subsection (1) of this section is not substantially satisfied or they are satisfied that the particulars specified in the notice are inaccurate in some material respect they shall register as a registered street trader the person by whom the notice is given and where it appears to them that the condition is not so satisfied they may either refuse to register the person or if they are satisfied that he is an existing street trader and they consider that it would be reasonable that

he should be registered as a registered street trader notwithstanding that the condition is not so satisfied they may so register him.

PART IV.
—cont.

(4) (a) The borough council shall on registering any person as a registered street trader also register in relation to him the particulars specified by him under paragraphs (b) (c) (d) and (e) of subsection (2) of this section in the notice given by him under that subsection:

Provided that—

- (i) where it appears to the borough council that the particulars so specified as aforesaid by any person would not if registered in relation to him adequately define his rights as a registered street trader they may with the consent of that person when registering the particulars make such modifications therein as may be necessary for that purpose;
- (ii) the borough council may at any time with the consent or on the application of a registered street trader make such modifications in the particulars registered in relation to him under this subsection as they think fit.

(b) The borough council shall on registering any person as a registered street trader issue to him a certificate of registration which shall include the particulars registered in relation to him under the foregoing paragraph of this subsection and on making any subsequent modification in those particulars they shall amend the certificate or issue a new certificate.

(5) Where a borough council refuse to register a person as a registered street trader they shall within two months of the receipt by them of the notice given by that person under this section notify him in writing of their refusal and where such notification is not given in accordance with this subsection they shall be deemed so to have registered him.

(6) A registered street trader shall be entitled to engage and continue to engage in street trading to the like extent and in the like manner as if he held an annual licence granted and annually renewed by the borough council and as if the particulars registered in relation to him under subsection (4) of this section were the prescriptions of such licence and where the street in respect of which he is registered is not at the date of registration but subsequently becomes a designated street he shall continue to be so entitled as aforesaid without the need for further registration:

Provided that nothing in section 28 (Power to licensees to employ other persons) of this Act shall be deemed to authorise

PART IV.
--cont.

the employment by a registered street trader of any person other than a member of his family.

(7) (a) Every borough council shall as soon as may be after the passing of this Act give public notice of the provisions of this section and of the last preceding section so far as may appear to them to be necessary for the information of existing street traders within the borough who may be affected by the coming into operation of this Part of this Act.

(b) This subsection shall come into operation on the passing of this Act.

Cancellation
of registration
of registered
street traders.

20. If in the opinion of a borough council a person who has been registered by them as a registered street trader is on account of his having been convicted of an offence under this Part of this Act or of any offence (being an offence committed by him in connection with the exercise of his rights as a registered street trader) under any enactment relating to obstruction of traffic in highways or for any other sufficient reason unsuitable to be permitted to engage in street trading as a registered street trader the borough council may cancel the registration of that person as a registered street trader as from such date as they may fix for the purpose and as from the date so fixed that person shall cease to be a registered street trader:

Provided that—

- (i) a borough council shall not cancel any such registration as aforesaid unless they shall have given to the registered street trader not less than seven days before the date proposed to be fixed by them as aforesaid notice in writing of the proposed cancellation and (if so required by him in writing within three days of the receipt of such notice) shall have afforded him an opportunity of being heard against such cancellation;
- (ii) any such cancellation as aforesaid shall be without prejudice to any application for an annual licence which may thereafter be made under the provisions of the next following section by the person whose registration as a registered street trader is cancelled.

Annual
licences.

21.—(1) A person requiring an annual licence or the renewal of an annual licence shall make application in writing to the borough council and shall in such application state—

- (a) his full name and address;
- (b) the nature of the articles or things which he intends to sell or expose or offer for sale under the authority of the licence if granted or renewed;

(c) the place if any at which the articles or things will be stored by him at all times while they are not exposed or offered for sale;

(d) the street or streets in which he intends so to sell or expose or offer for sale and the nature and type of any receptacle which he intends to use in connection with any sale or exposure or offer for sale.

(2) As soon as reasonably practicable after the receipt of an application under this section the borough council shall (save as provided by the next following subsection or by subsection (5) of section 24 (For preventing interference with traffic) of this Act) grant or renew an annual licence to the applicant.

(3) A borough council may refuse to grant or renew an annual licence or may at any time revoke or vary an annual licence granted by them if—

(a) the applicant or licensee is on account of misconduct or for any other sufficient reason in their opinion unsuitable to hold such licence; or

(b) the space available in the street or streets to which the application relates or which is or are prescribed by the licence is at the date of such application or becomes at any time after the grant of such licence insufficient to permit of the applicant or licensee engaging therein in any street trading or in the particular street trading proposed to be or actually carried on by him without causing undue interference with or inconvenience to traffic in such street or streets; or

(c) the street or streets to which the application relates is or are not a designated street or designated streets; or

(d) the street or streets to which the application relates is or are a designated street or designated streets in relation to which the borough council have by resolution specified a class or classes of articles or things which or other than which they will not prescribe in any street trading licences granted by them in respect of that street or those streets and the prescription in the licence applied for of the articles or things proposed to be sold or exposed or offered for sale by the applicant would be contrary to the terms of such resolution; or

(e) the applicant or licensee has persistently refused or neglected to pay any charges due from him to the borough council under this Part of this Act or the byelaws made thereunder; or

- (f) the licensee has for a period of not less than four weeks not exercised or not fully exercised his rights under the licence:

Provided that—

(i) a borough council shall not refuse to grant or renew and shall not revoke an annual licence on the ground only that the applicant or licensee does not reside in the borough;

(ii) a borough council shall not refuse to renew and shall not revoke or vary an annual licence unless they shall have given to the applicant or licensee not less than seven days' previous notice in writing that objection has been or will be taken to such renewal or that such a revocation or variation is proposed and (if so required by him in writing within three days after the receipt of such notice) they shall have afforded him an opportunity of being heard against such refusal revocation or variation.

(4) If a borough council refuse to grant or renew an annual licence or revoke or vary an annual licence they shall if required by the applicant or licensee deliver to him within seven days after the receipt of such requirement particulars in writing of the ground or grounds for such refusal revocation or variation.

(5) An annual licence shall be in a form prescribed by the Secretary of State and may prescribe—

- (a) the street or streets in which and the position or place in any such street at which the licensee may sell or expose or offer for sale articles or things under the authority of the licence;
- (b) the class or classes of articles or things which the licensee may so sell or expose or offer for sale provided that no article of food shall be classed with any commodity not being an article of food;
- (c) the day or days on which and the time or times at or during which the licensee may sell or expose or offer for sale articles or things as aforesaid;
- (d) the nature and type of any receptacle which may be used by the licensee in connection with any sale or exposure or offer for sale and the number of such receptacles which may be so used;

and on any occasion of the renewal of an annual licence the borough council may vary such prescriptions.

(6) An annual licence shall unless revoked be valid—

PART IV.
—cont.

(a) if granted or renewed at any annual meeting fixed by the borough council for the purpose of considering applications under this section for a period of one year; or

(b) if granted or renewed at any other time for a period expiring on the thirty-first day of December next after the date of such grant or renewal.

(7) Section 31 (Applications for licences &c.) of the Act of 1927 shall not apply to an application for the grant or renewal of a street trading licence which will or if granted or renewed would come into force on or after the appointed day and for the purposes of any such application (other than an application for a temporary licence) this section shall come into operation on the passing of this Act.

22.—(1) A borough council may if they think fit on the receipt from any person of an application for that purpose grant to that person a temporary licence. Temporary licences.

(2) A temporary licence shall be valid only on the day or during the period in respect of which it is granted and—

(a) shall be in such form (if any) as may be prescribed by the Secretary of State and if no such form be prescribed shall be in the like form as an annual licence with such modifications therein as the circumstances require; and

(b) shall prescribe the day or period in respect of which it is granted and may prescribe any other relevant matter which may be prescribed by an annual licence.

(3) A temporary licence may be granted by any officer of the borough council authorised by them in that behalf.

(4) Where the holder of an annual licence by which a position or place in a street is prescribed is not for the time being exercising his rights under the licence a temporary licence authorising street trading in that position or place may be granted to any person other than such holder but shall be subject to the condition that it shall cease to be valid if during the currency thereof the holder of the annual licence desires to resume the exercise of his rights.

23.—(1) Any person making application for the grant or renewal of an annual licence shall when making the application pay to the borough council in respect thereof a fee of five shillings. Fees on licences.

PART IV.
—cont.

(2) Where a borough council refuse to grant or renew an annual licence they shall repay to the person who made the application therefor the amount of the fee paid by him as aforesaid.

(3) The foregoing provisions of this section shall come into operation on the passing of this Act.

(4) An applicant for a temporary licence shall pay to the borough council a fee of such amount as may be determined by them not exceeding the maximum sum which may be fixed for that purpose by byelaws made under this Part of this Act but the borough council shall repay to the applicant the amount of the fee paid by him if the licence applied for be not granted.

For preventing
interference
with traffic.

24.—(1) Where it appears to the Secretary of State after consultation with the borough council that undue interference with or inconvenience to traffic in any street within the borough is or is likely to be caused by the presence in the street of persons to whom street trading licences have been or may thereafter be granted he may subject to the provisions of subsections (3) and (4) of this section make such an order with respect to that street as is hereinafter mentioned.

(2) An order under this section may prohibit street trading in the street with respect to which it is made by such persons as aforesaid except in such numbers and under such conditions as may be prescribed by the order and may (either in addition to or in lieu of imposing such prohibition as aforesaid) prohibit the grant by the borough council to any person (otherwise than by way of renewal of an annual licence already held by that person) of an annual licence authorising street trading in that street:

Provided that any such order shall not affect the operation of any street trading licence in force at the date on which the order comes into force.

(3) Where the Secretary of State proposes to make an order under this section he shall cause notice of the proposal to be published in at least one newspaper circulating within the borough and shall also cause a copy of such notice to be posted for not less than fourteen consecutive days in some conspicuous part of the street to which the proposal relates and every such notice shall specify the street to which the proposal relates and the time (which shall not be less than twenty-eight days) within which any objection to the proposal shall be sent to the Secretary of State.

(4) Before carrying into effect any such proposal as aforesaid the Secretary of State shall consider any objection

thereto which is sent to him in writing within the time fixed in that behalf and where either—

- (a) more than twenty persons affected by the proposal have duly presented objections thereto and have not withdrawn them; or
- (b) for any other reason it appears to him that a public local inquiry should be held;

he shall cause a public local inquiry to be held with reference to the proposal.

(5) Where an order under this section is in force no street trading licence shall be granted or renewed contrary to the order and any such licence to the extent to which it contravenes the order shall be inoperative.

(6) An order under this section may be revoked by the Secretary of State without prejudice to the power of making a fresh order with respect to the same street.

25.—(1) Any person aggrieved by the refusal of a borough council to register him as a registered street trader or to grant or renew an annual licence or by the cancellation by a borough council of his registration as a registered street trader or by the revocation or variation by a borough council of an annual licence or by any prescription made by a borough council under subsection (5) of section 21 (Annual licences) of this Act may appeal to a petty sessional court and on any such appeal the court may confirm reverse or vary the decision of the borough council and may award costs:

Appeal
against
refusal of
registration
or of licence
&c.

Provided that—

- (i) any such appeal shall be brought within fourteen days from the date on which the refusal cancellation revocation variation or prescription which is the subject of the appeal is notified to such person as aforesaid by the borough council and notice in writing of the appeal shall be sent by him to the borough council not less than seven days before the hearing thereof;
- (ii) no appeal shall be brought under this section against the refusal of a borough council to grant or renew an annual licence on the ground mentioned in paragraph (c) or the ground mentioned in paragraph (d) of subsection (3) of the said section 21 or in pursuance of the provisions of subsection (5) of section 24 (For preventing interference with traffic) of this Act or against any prescription made in pursuance of an order made under the said section 24 or of any resolution passed by a borough council

PART IV.
—cont.

under paragraph (b) of subsection (1) of section 16 (Designation of streets for purposes of street trading) of this Act.

(2) This section shall come into operation on the passing of this Act.

Charges to holders of annual licences.

26. A borough council may make and recover from holders of annual licences granted by them charges—

- (a) for the removal of refuse or other services rendered by them to such holders; and
- (b) in respect of the expenses incurred by them in the administration of this Part of this Act and in the cleansing of streets in which street trading takes place;

not exceeding the amounts which may be prescribed in relation to those matters respectively by byelaws made under this Part of this Act.

Byelaws as to trading under licences.

27.—(1) Every borough council shall in conformity with draft byelaws to be framed by the Secretary of State and as soon as may be practicable after the framing thereof make byelaws relating to the following matters (that is to say):—

- (a) the days on which and the times during which articles or things may be sold or exposed or offered for sale under the authority of a street trading licence;
- (b) the storage and the sanitary supervision (while at the place of intended sale or exposure or offering for sale) of articles or things intended to be sold or exposed or offered for sale under such authority;
- (c) the deposit and removal of refuse;
- (d) the allocation maximum dimensions and arrangement of receptacles;
- (e) any other conditions under which articles or things may be sold or exposed or offered for sale under such authority as aforesaid;
- (f) the charges which may be made under section 26 (Charges to holders of annual licences) of this Act; and
- (g) the maximum fee which may be charged to an applicant for a temporary licence.

(2) A borough council may in making byelaws under this section make such modifications of the said draft byelaws as may be allowed by the Secretary of State to meet the special circumstances existing in the borough.

(3) In framing any draft byelaw relating to the maximum fee which may be charged to an applicant for a temporary licence the Secretary of State shall have regard to the matters for or in respect of which a borough council are in the case of annual licences authorised by section 26 (Charges to holders of annual licences) of this Act to make charges to the holders of those licences.

(4) The Secretary of State shall be the confirming authority for byelaws made under this section.

(5) Before any byelaws made by a borough council under this section are confirmed by the Secretary of State the borough council shall take such steps as may be prescribed in rules to be made by the Secretary of State for affording to any recognised organisation representative of street traders and to any street trader affected by such byelaws and not being a member of any such organisation an opportunity to make representations with regard thereto.

28. A person holding a street trading licence may employ any other person to assist him in the conduct of his business without any further street trading licence being required.

Power to
licensees to
employ
other persons.

29.—(1) Every person who or whose assistant without the authority of a street trading licence or contrary to any prescription of a street trading licence—

Offences
penalties &c.

(a) engages in street trading in or from a stationary position in any street within a borough; or

(b) engages in street trading in any designated street whether or not in or from a stationary position;

shall be guilty of an offence:

Provided that—

(i) for the purposes of this subsection the particulars registered in relation to a registered street trader under subsection (4) of section 19 (Registered street traders) of this Act shall be deemed to be the prescriptions of a street trading licence held by him;

(ii) where any person has brought an appeal under this Part of this Act against the refusal of a borough council to renew an annual licence or against the revocation or variation of an annual licence or against any prescription of an annual licence which has been renewed such licence shall until such appeal has been heard and determined or has been abandoned be deemed for the purposes of this subsection (as the case may be) to have been renewed or not to have been revoked or varied or to have been renewed without any variation of the prescriptions thereof;

PART IV.
—cont.

- (iii) where any person has brought an appeal under this Part of this Act against the refusal of a borough council to register him as a registered street trader or against their refusal to grant him an annual licence for which he applied consequently upon that refusal or against the cancellation of his registration as a registered street trader he shall not until such appeal has been heard and determined or has been abandoned be liable to any further or other proceedings under this subsection than he would have been if the borough council had not refused to register him as aforesaid or (as the case may be) if his registration had not been cancelled;
- (iv) where during the period of validity of a street trading licence (other than a temporary licence) which is not subsequently revoked an application or appeal is made under section 16 (Designation of streets for purposes of street trading) of this Act with respect to a street prescribed by that licence the holder of the licence shall not be liable to any further or other proceedings under this subsection in respect of anything done by him in that street during any period between the date of expiration of the licence and the time when the question raised by such application or appeal as aforesaid is finally disposed of under the said section than he would have been if that licence had still been in force and the provisions of this paragraph shall apply notwithstanding that the holder of the licence was not a party to any such application or appeal as aforesaid or that he has not made any application to the borough council for the renewal of the licence.

(2) Any person who by wilful misrepresentation procures himself to be registered as a registered street trader or obtains a street trading licence or the renewal of any such licence shall be guilty of an offence.

(3) Any person found engaging in street trading in or from a stationary position in a street within a borough or engaging in street trading in a designated street shall on being required to do so by an officer of the borough council duly authorised in writing and (if so required) producing his authority or by an officer of the metropolitan police furnish to such officer his name and address and in default of compliance with such requirement he shall be guilty of an offence.

(4) Every person guilty of an offence under this section shall be liable to a fine not exceeding five pounds.

30. Nothing in this Part of this Act shall—

(a) restrict the right of any person holding a pedlar's certificate or a hawker's licence to carry on the business of a pedlar or of a hawker (as the case may be) in accordance with such certificate or licence; or

(b) apply to the sale or exposure or offer for sale of newspapers or periodicals by any person who—

(i) (in the case of the sale or exposure or offer for sale of daily or Sunday newspapers or local newspapers circulating in any part of the county) does not use in connection with such sale or exposure or offer for sale any receptacle which occupies a stationary position in a street other than a receptacle which is exclusively so used as aforesaid and occupies a position wholly in the footway of the street and does not exceed three feet in height or occupy or extend over a portion of the footway measuring more than two feet six inches in any direction or exceeding three square feet in area; and

(ii) (in any other case) does not use in connection with the sale or exposure or offer for sale any receptacle which occupies a stationary position in a street; or

(c) in the case of a trader who is for the time being carrying on business with persons residing or employed in premises in or abutting on a street (including a designated street) apply to that trader in respect of any street trading conducted by him in the course of that business unless he permits any receptacle used by him to occupy a stationary position in the street for an unreasonable time.

31. Nothing in this Part of this Act shall exempt any person from or shall alter or affect the operation of any of the provisions of the London Traffic Act 1924 or of any enactment relating to the obstruction of traffic in highways.

PART IV.
—cont.
Saving for pedlars hawkers newsvendors &c.
Saving for London Traffic Act 1924 and other enactments.
14 & 15 Geo. 5. c. 34.

32. Nothing in this Part of this Act shall alter or affect the powers authorities rights duties and privileges of the mayor aldermen and councillors of the borough of Woolwich under the letters patent enactments and scheme referred to in and extended by section 4 (Provisions of letters patent &c. relating to markets in parish of Woolwich to extend to remainder of borough) of the Woolwich Borough Council Act 1903.

Saving for Woolwich Borough Council.

3 Edw. 7. c. clxxvii.

33. In the case of any market or fair held in pursuance of any statute royal licence royal charter or letters patent or as of right from time immemorial nothing in this Part of

Saving for sales in legal markets or fairs.

PART IV.
—cont.

this Act shall affect the sale or exposure or offer for sale of goods in any such market or fair by any person who has paid a toll to or is acting under the written authority of a person holding or entitled to hold such market or fair or to receive tolls in respect of sales made or stalls or stands occupied in such market or fair.

Transitional provisions.

34.—(1) Any licence granted any form prescribed any notice of notification given any byelaw rule order application objection of requirement made and any proceedings taken or other thing done under Part VI of the Act of 1927 shall have effect as if granted prescribed given made taken or done under the corresponding provisions of this Part of this Act.

(2) This section shall come into operation on the passing of this Act so far as may be necessary for the purposes of any other provision of this Part of this Act which then comes into operation.

Repeal.

35. Part VI of the Act of 1927 is hereby repealed.

PART V.

SUPPLY OF HEAT BY WESTMINSTER CITY COUNCIL.

Interpretation of expressions in Part V of this Act.

36. In this Part of this Act—

“ the Westminster Council ” means the borough council of the city of Westminster;

“ the heating undertaking ” means the undertaking authorised by this Part of this Act;

“ the areas of supply ” means the following areas within the city of Westminster (that is to say):—

(a) the area bounded on the north by Lupus Street on the east by Claverton Street on the south by Grosvenor Road and on the west by Westmorland Terrace;

(b) the area bounded on the north-west by Gloucester Street on the north-east by Cambridge Street on the south-east by Charlwood Street and on the south-west by Alderney Street; and

(c) the area lying between Chichester Street and Grosvenor Road and bounded on the east and west sides thereof respectively by lands the fee simple whereof is vested in the Most Noble Hugh Richard Arthur Duke of Westminster as tenant for life under the Settled Land Act 1925 being the area upon which is erected a block of flats known as Dolphin Square;

“ apparatus ” (except where used in section 49 (For protection of electricity gas and water undertakers) of this Act) means pipes plant apparatus and fittings of whatever description;

PART V.
—cont.

“ service pipe ” means a pipe for supplying heat from a main to any premises;

“ street ” has the same meaning as in the Water Act 8 & 9 Geo. 6. 1945; c. 42.

“ heating charges ” means charges authorised by this Part of this Act to be made by the Westminster Council for heat supplied by them.

37.—(1) The Westminster Council may supply heat to any premises in the areas of supply upon and subject to such terms and conditions as may be agreed between the Westminster Council and the owners or occupiers of those premises Provided that under all such agreements the charges for heat supplied by the Westminster Council shall be alike in like circumstances. Power to Westminster Council to supply heat.

(2) The heat supplied by the Westminster Council under this Part of this Act shall be supplied by means of hot water.

38.—(1) The Westminster Council may on in or under any lands within the areas of supply erect lay down maintain work and use holders pumping stations mains pipes and other works for storing transmitting and distributing heat together with such buildings engines machinery matters and things of whatever description as may be required by the Westminster Council to enable them to store transmit and distribute heat and the Westminster Council may accordingly on such lands as aforesaid store transmit and distribute heat. Works &c. for the transmission of heat.

(2) (a) The Westminster Council may obtain for the purposes of this Part of this Act a supply of heat from the Battersea power station of the London Power Company Limited and transmit such heat to and distribute the same within the areas of supply and may enter into and carry into effect agreements with any persons for and with respect to any of such matters.

(b) Any such agreement may provide for the provision by the Westminster Council or for the joint user by them and any other party to the agreement of any works plant materials or things required for the purposes of the agreement.

(3) Any electrical works or apparatus erected laid down maintained worked and used in pursuance of this section shall be so constructed maintained worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. 41 & 42 Vict. c. 76.

PART V.
—cont.
Power to lay
mains &c.
and break
open streets.

39.—(1) Subject to the provisions of this section the following provisions of the Third Schedule to the Water Act 1945 (that is to say):—

(a) in Part V (Power to lay mains &c.) of the said schedule section 19 (except in subsection (1) thereof the words “ and also subject to the provisions of the next succeeding section outside those limits ”) and section 21; and

(b) Part VI (Breaking open streets &c.) of the said schedule (except in section 22 thereof the words “ and outside those limits for the purpose of laying any mains which they are authorised to lay and of inspecting repairing renewing or removing mains ” and in section 25 subsection (4) thereof);

are hereby incorporated with this Part of this Act.

(2) For the purposes of this Part of this Act in the construction of the enactments incorporated by this section—

“ the undertakers ” means the Westminster Council;

“ supplying water ” means supplying heat and “ supply of water ” shall be construed accordingly;

“ service pipe ” means a pipe for supplying heat from a main to any premises; and

“ the limits of supply ” means the areas of supply and any streets which abut wholly or in part upon or are situate between any of the areas of supply or abut upon any lands upon which any works have been or are proposed to be executed in pursuance of the provisions of section 38 (Works &c. for the transmission of heat) of this Act.

Notice to
Commissioner
of Police.

40. Before the Westminster Council break up or otherwise interfere with any street in connection with the execution of any works under the powers of this Part of this Act they shall give to the Commissioner of Police of the metropolis twenty-one days' notice in writing (except in any case of emergency when as long notice as is practicable shall be given) and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of such works.

Works and
proposals
subject to
approval of
Minister of
Health.

41.—(1) Before the Westminster Council execute works under the powers of this Part of this Act they shall submit to the Minister of Health plans sections and particulars of such works (such plans and sections showing the position and depth in and at which any such authorised work as is referred to in section 49 (For protection of electricity gas and water

undertakers) of this Act is proposed to be laid down placed or executed in any street) and particulars of their proposals as to the measures to be taken with respect to—

- (a) the securing of the safety of the public from damage or injury arising directly or indirectly from any mains or pipes laid by the Westminster Council under the powers of this Part of this Act;
- (b) the insulation of any such mains or pipes so as to prevent escape of heat therefrom; and
- (c) generally any other matters in connection with the supply of heat by the Westminster Council (including (i) maximum and minimum temperatures and pressures at which heat may be stored transmitted and distributed by the Westminster Council (ii) methods for measuring the volumes temperatures and pressures of the heat so stored transmitted and distributed and (iii) provisions for the independent testing of such measurements) which the Minister of Health considers should be regulated in the public interest.

(2) The Minister of Health may after considering any representations of which notice is received by him under subsection (2) of the said section 49 approve such plans sections and particulars with or without modification and the Westminster Council shall not proceed with their proposals except with such approval and shall comply with any requirements of the said Minister in relation thereto.

42.—(1) All byelaws for preventing waste undue consumption misuse or contamination of water made by the Metropolitan Water Board under section 17 of the Water Act 1945 or under any corresponding provision in any enactment (as defined in the Water Act 1945) relating to the said board shall apply with respect to mains pipes or other works including water fittings (as defined in the Water Act 1945) used in connection with the supply and use of heat by means of hot water as though that hot water were water supplied by the said board.

Application of
byelaws for
preventing
waste &c.
of water.

(2) If any person contravenes the provisions of any such byelaw as applied to mains pipes or other works including water fittings used in connection with the supply and use of heat by means of hot water the said board may without prejudice to their right to take proceedings for a fine in respect of such contravention cause any such water fittings belonging to or used by that person which are not in accordance with the requirements of the byelaws of the said board to be altered repaired or replaced and may recover the expenses reasonably incurred by them in so doing from the person in default summarily as a civil debt.

PART V.
—cont.

(3) Any provision in any enactment relating to the said board corresponding with the provisions of Part XIII (so far as applicable) of the Third Schedule to the Water Act 1945 shall apply with respect and in relation to the mains pipes or other works including water fittings used in connection with the supply and use of heat by means of hot water in like manner and to the like extent as those provisions would apply if the hot water were water supplied by the said board.

Charges
for and
conditions of
supply of heat.

43.—(1) The Westminster Council may make and recover charges for heat supplied by them under the powers of this Part of this Act.

(2) The Westminster Council may from time to time prescribe scales of heating charges and where they supply heat to any premises let by them the heating charges in accordance with any scale which may be so prescribed and may be applicable shall unless otherwise agreed between them and the tenant be payable by the tenant.

(3) The heating charges payable pursuant to subsection (2) of this section shall be shown separately by the Westminster Council in rent books or on demand notes and receipts issued by them.

Recovery of
heating
charges.

44. The heating charges payable by any person may after a demand therefor be recovered from him by the Westminster Council either as a simple contract debt in any court of competent jurisdiction or if the amount does not exceed twenty pounds summarily as a civil debt and subject as hereinafter provided where a person fails to pay within seven days after a demand therefor any instalment of a heating charge payable by him in respect of any premises the Westminster Council may cut off the supply of heat to the premises and recover the expenses reasonably incurred by them in so doing in the same manner as the instalment due:

Provided that if before the expiration of the said seven days notice in writing is given to the Westminster Council that there is a dispute as to the amount due in respect of the heating charge or as to the liability to pay the charge they shall not cut off the supply of heat until the dispute has on the application of either party been determined by a court of competent jurisdiction.

Separate
accounts.

45.—(1) The Westminster Council shall keep separate accounts of the heating undertaking in such form as may be approved by the Minister of Health so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts in respect of that undertaking and on the other side all payments and expenses in respect of that undertaking such payments and

expenses being divided so as also to show in each case the amounts expended in respect of each of the following purposes (that is to say):—

- (a) the working and establishment expenses and cost of maintenance of the undertaking;
- (b) the interest on moneys borrowed by the Westminster Council for the purposes of or connected with the undertaking;
- (c) the requisite appropriations and instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;
- (d) all other expenses (if any) of the undertaking properly chargeable to revenue.

(2) The Westminster Council shall show in their accounts relating to the heating undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking.

46. The Westminster Council shall make to the Minister of Health such reports and returns and give him such information with respect to the heating undertaking as he may require and any body carrying on electricity gas or water undertakings under statutory powers within the areas of supply may apply to the Westminster Council for and shall be entitled to receive a copy of such reports returns and information as may affect their respective undertakings except so far as the said Minister may consider that the publication of such information would not be in the public interest.

Reports and returns to Minister of Health.

47.—(1) Any officer of the Westminster Council duly authorised in writing and (if so required) producing his authority may at all reasonable hours enter any premises to which the Westminster Council are supplying or have agreed to supply heat under the powers of this Part of this Act or any premises upon which any apparatus has been installed for the purpose of or in connection with supplying heat to any premises as aforesaid—

Power to enter premises.

- (a) for the purpose of examining and inspecting apparatus whether belonging to the Westminster Council or not and (where such apparatus includes any meter for measuring heat supplied to any premises) of recording the reading of such meter;
- (b) for the purpose of ascertaining whether there is or has been on or in connection with the premises any contravention of the provisions of this Part of this Act or of any conditions subject to which a supply of heat was agreed to be furnished to any premises;

PART V.
—cont.

- (c) for the purpose of taking any action or executing any work authorised by this Part of this Act or by any agreement for the supply of heat to be taken or executed by the Westminster Council;

and may when entering any premises by virtue of this subsection take with him such other persons as may be necessary:

Provided that except in cases of emergency arising from defects in apparatus admission to any premises shall not be demanded as of right unless twenty-four hours' notice of the intended entry has been given to the occupier.

(2) If after the giving of any notice required by the foregoing subsection to be given and the production of such authority as aforesaid any such officer or other person as aforesaid is refused admittance to any premises or is obstructed in the doing of any thing for the purpose of which he entered the premises the person refusing him admittance or so obstructing him shall be liable to a fine not exceeding five pounds.

Interference
with
apparatus &c.

48.—(1). If any person either—

- (a) wilfully and without the consent of the Westminster Council; or
(b) negligently;

turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to the Westminster Council and thereby causes the supply of heat to be interfered with he shall be liable to a fine not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the Westminster Council may recover from him summarily as a civil debt the amount of any damage sustained by them.

(2) If any person wrongfully takes uses or diverts any heat from any apparatus provided for the purposes of this Part of this Act he shall (without prejudice to any other right or remedy of the Westminster Council) be liable to a fine not exceeding five pounds.

For protection
of electricity
gas and water
undertakers.

49. For the protection of Central London Electricity Limited the Gas Light and Coke Company the London Power Company Limited and the Metropolitan Water Board (each of whom is in this section referred to as "the undertakers") the following provisions shall unless otherwise agreed in writing between the undertakers and the Westminster Council have effect with respect to the exercise of any of the powers

of this Part of this Act or any Act incorporated therewith (that is to say):—

(1) In this section—

“ apparatus ” means mains pipes electric lines posts poles or other works belonging to the undertakers;

“ authorised work ” means any main service pipe conduit duct or other work (including fittings) laid down placed or executed by the Westminster Council in the exercise of the powers of this Part of this Act or any Act incorporated therewith:

(2) (a) At the same time as they submit to the Minister of Health the plans sections and particulars required by section 41 (Works and proposals subject to approval of Minister of Health) of this Act to be so submitted the Westminster Council shall deliver or send to the undertakers copies of such plans sections and particulars and the Westminster Council shall give to the undertakers all such further information in relation to any authorised work proposed to be carried out as the undertakers may reasonably require;

(b) The undertakers may within twenty-eight days from the receipt of such plans sections and particulars serve on the Westminster Council and send to the said Minister notice in writing of their representations with respect either to the carrying out of the authorised work in any street or to the laying down placing or execution in any street of the authorised work in the position or at the depth proposed by the Westminster Council or to any of the other proposals submitted by the Westminster Council to the Minister of Health under the said section 41:

(3) As soon as practicable after the receipt by the Westminster Council of a notification from the Minister of Health of his approval of any authorised work the Westminster Council shall give to the undertakers notice in writing of such notification and if it should appear to the undertakers that the execution of the authorised work as so approved would injure interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of electricity gas or water by means thereof the undertakers may within fourteen days from the receipt of such last-mentioned notice give to the Westminster Council notice in writing requiring them to alter the position of such apparatus in such

PART V.
—cont.

manner as may be reasonably necessary and any difference as to the necessity for such alteration or the manner of carrying out the alteration shall be determined by arbitration and all such alterations shall (save as in this section provided) be carried out by and at the expense of the Westminster Council with as little detriment and inconvenience to the undertakers as the circumstances will admit and to the reasonable satisfaction of the engineer of the undertakers and under his superintendence unless after receiving not less than three days' notice for that purpose (which notice the Westminster Council are hereby required to give except in cases of emergency) he refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such work or discontinue the same during the execution of such work:

- (4) The Westminster Council in carrying out any authorised work shall not interfere with the access to any apparatus to any greater extent than is necessary for the purpose of or in connection with the carrying out of that work and shall not remove or displace any apparatus or do anything to endanger any apparatus or impede the passage of electricity gas or water into or through any apparatus without the consent of the undertakers or in any other manner than the undertakers shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of electricity gas or water as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Westminster Council have been first made and laid down in lieu thereof and be ready for use to the reasonable satisfaction of the engineer of the undertakers:
- (5) If the undertakers shall desire to execute the works connected with any alteration of position removal displacement or renewal of or necessary additions to any apparatus under this section or shall desire to provide such new or additional apparatus and shall within the period of fourteen days referred to in paragraph (3) of this section give not less than seven days' notice in writing thereof to the Westminster Council the undertakers may themselves carry out the works and shall commence execute and complete the same with all reasonable dispatch and to the reasonable satisfaction of the Westminster Council and all reasonable expenses properly incurred by

them in connection with the works or provision of apparatus shall be repaid to them by the Westminster Council:

PART V.
—cont.

- (6) The expense of all repairs or renewals of any apparatus or any works in connection therewith which may at any time hereafter be rendered necessary either by reason of the exercise of the powers of this Part of this Act or by the acts or default of the Westminster Council their contractors agents workmen or servants or any person in the employ of them or any or either of them or rendered necessary by reason of any subsidence resulting from the authorised works whether during the construction of the authorised works or at any time within three years thereafter shall be borne and paid by the Westminster Council:
- (7) The Westminster Council in carrying out any authorised work shall make good all damage done by them to any apparatus and shall make compensation to the undertakers for any loss damage costs or expenses which they may sustain by reason of any interference with such apparatus or the access thereto or with the private service or supply pipes or lines of any person supplied by the undertakers with electricity gas or water:
- (8) Except with the consent of the Metropolitan Water Board it shall not be lawful for any authorised work provided or used by the Westminster Council for the storage transmission distribution and use of heat supplied by them to any premises to be connected with any apparatus provided or used for the storage transmission distribution and use of water supplied to the same premises by the said board in such manner as to permit the flow of water through such connection Any person committing a breach of this provision shall be subject to a penalty not exceeding five pounds:
- (9) If any difference shall arise between the Westminster Council and the undertakers or their respective engineers with respect to any matter under this section (other than paragraph (2) thereof) the matter in difference shall be referred to a single arbitrator to be agreed upon between the parties or failing agreement appointed by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to the arbitration:

PART V.
—cont.

(10) In settling any question under this section the arbitrator shall have regard to any duties or obligations which the undertakers may be under in respect of their apparatus and any duties or obligations which the Westminster Council may be under in respect of the authorised work and may if he thinks fit require the Westminster Council to execute any temporary or other works so as to avoid so far as may be reasonably possible interference with any purpose for which the apparatus is used.

Westminster Council not exempted from proceedings for nuisance.

50. Nothing in this Part of this Act shall exonerate the Westminster Council from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

PART VI.

REDEVELOPMENT OF WAR-DAMAGED LANDS

(ROADS SEWERS &C.).

Definition of expressions in Part VI of this Act.
7 & 8 Geo. 6.
c. 47.

51. In this Part of this Act—

“ the Act of 1944 ” means the Town and Country Planning Act 1944;

“ lands to which this Part of this Act applies ” means any lands within the county acquired or appropriated by the Council under or for the purposes of Part I of the Act of 1944 and includes any such lands while still held by the Council after having been appropriated by them for the purposes of any other enactment;

“ road ” includes a part of a road;

“ road reconstruction works ” means the reconstruction or renewal of the carriageway or footway or any part of the carriageway or footway of a road or the reconstruction renewal or replacement of any apparatus for lighting a road and includes the initial provision of any such apparatus;

“ the Act of 1936 ” means the Public Health (London) Act 1936; and

“ the Minister ” means the Minister of Transport.

26 Geo. 5. &
1 Edw. 8. c. 50.

Power to Council to contribute to cost of making good subsidences in certain roads.

52. If within a period of five years after the date of the completion of the construction by the Council of a road on lands to which this Part of this Act applies any subsidence shall occur in the carriageway or footway of such road the Council may if they think fit pay to the borough council responsible for the maintenance of the road such sum as the

Council consider reasonable by way of contribution towards the costs and expenses incurred by the borough council in making good the subsidence.

PART VI.
—cont.

53.—(1) Where any road on lands to which this Part of this Act applies is situate in more than one borough and is constructed throughout its length to a uniform specification the Minister may at any time give notice to each of the borough councils in whose borough the road is situate requiring that any road reconstruction works or any such road reconstruction works as may be specified in the notice thereafter executed by any of those councils in any part of the road shall be executed in accordance with a single specification applicable to the whole length of the road agreed upon by each of those councils or in default of agreement determined by the Minister.

Reconstruction lighting &c. of certain roads in more than one borough.

(2) The Minister may at any time withdraw a notice given by him under this section.

(3) A borough council to whom any such notice as aforesaid has been given shall not (unless and until the notice is withdrawn) in any part of the road to which the notice relates execute otherwise than in accordance with a specification agreed or determined as aforesaid any road reconstruction works or (as the case may be) any such works as are specified in the notice:

Provided that with the consent of the Minister and subject to their complying with any terms and conditions imposed by him in giving his consent a borough council may execute in the road any road reconstruction works which they have power to execute notwithstanding that those works are not in accordance with a specification agreed or determined under this section.

54.—(1) The provisions of this section shall apply in relation to any works (including the erection of a building and the construction of a road) executed on lands to which this Part of this Act applies being works executed by the Council in the course of the development or the redevelopment (as the case may be) of any such lands which first takes place after the passing of this Act or in the course of clearing or otherwise preparing any such lands for such development or redevelopment.

Removal diversion &c. of drains sewers and watercourses in connection with works on lands to which this Part applies.

(2) Where any such work as aforesaid includes the construction by the Council of a drain or sewer in substitution for a drain or sewer existing at the time of the commencement of the work the drain or sewer so constructed shall be under the same management control and jurisdiction as the drain or sewer for which it was substituted:

Provided that nothing in this subsection shall be deemed to vest in a borough council any sewer or part of a sewer not

PART VI.
—cont.

within the borough or prejudice or affect the operation of the provisions of—

- (a) subsection (1) of section 24 of the Act of 1944 or any agreement made thereunder; or
- (b) section 35 or section 36 of the Act of 1936 or any order made under either of those sections.

(3) The Council shall cause to be removed or filled up all such sewers drains or watercourses or parts thereof as shall be in or near to any land on which any such works as aforesaid shall be executed and as shall become unnecessary by reason of the execution of those works:

Provided that the Council shall not be required to remove or fill up any sewer drain or watercourse or part thereof in any land which they are not entitled by virtue of an estate or interest held by them therein to enter.

(4) If by reason of the execution of any such works as aforesaid it becomes necessary for a borough council in order to comply with any duty imposed upon them by the provisions of Part II of the Act of 1936 with respect to the drainage of their area to divert or relay in the same or another position any sewer vested in them which at the time of the commencement of the works was sufficient for the purpose for which it was then used or intended to be used the Council shall (unless otherwise agreed between them and the borough council) pay to the borough council a sum equal to the reasonable cost of the diversion or relaying of the sewer and any payment made by the Council under this provision shall in any case to which section 24 of the Act of 1944 applies be deemed to be in full satisfaction of any compensation to which the borough council may be entitled under that section.

PART VII.

EXTENSIONS OF TIME.

Extension
of time for
compulsory
purchase
of lands.

55. The time limited by the London County Council (General Powers) Act 1939 as extended by the London County Council (Extension of Time) Order 1944 for the compulsory purchase of lands in the city of Westminster and the borough of Lambeth for the purposes of paragraph (a) of subsection (1) of section 5 (Power to Council to take lands) of that Act is hereby further extended until the first day of October one thousand nine hundred and fifty.

Extension of
time for
completion
of works.

56. The time limited by—

- (a) the Act of 1935 as extended by subsequent enactments for the completion by the Council of the new street in the borough of Lambeth described in section 25 (Power to Council to construct new street) of that Act;

(b) the Act of 1937 as extended by the London County Council (Extension of Time) Order 1944 for the completion by the Council of the works in the boroughs of Paddington and Saint Marylebone and the royal borough of Kensington described in section 23 (Power to Council to execute works) of that Act;

(c) the London County Council (Improvements) Act 1939 as extended by the said Order for the completion by the Council of the works in the city of Westminster described in that Act; and

(d) section 61 (Period for completion of work No. 10) of the London County Council (General Powers) Act 1939 as extended by the said Order for the completion by the Kensington Council of Work No. 10 in the royal borough of Kensington described in section 53 (Power to Kensington Council to execute work) of that Act;

PART VII.
—cont.

2 & 3 Geo. 6.
c. ci.

is hereby further extended until the first day of October one thousand nine hundred and fifty.

57. The provisions of section 124 (Maintenance of certain children in schools under Poor Law Act 1930 approved under Children and Young Persons Act 1933) of the Act of 1937 as modified by orders made under the Special Enactments (Extension of Time) Act 1940 shall be further modified and have effect as if the words "twelve years" were substituted for the words "five years" in paragraph (b) of subsection (3) of the said section.

Extension of
operation of
section 124 of
Act of 1937.

3 & 4 Geo. 6.
c. 16.

PART VIII.

MISCELLANEOUS.

58.—(1) If it appears to the Secretary of State that the business pending at any quarter sessions cannot be disposed of with due expedition otherwise than by the constitution of a court or courts to sit in addition to and at the same time as the courts respectively held before the chairman and any deputy chairman of quarter sessions and it is in his opinion expedient that any such additional court should be presided over by a person having legal experience he may appoint a barrister of not less than ten years' standing to sit and act during such sessions or some part thereof as an additional deputy chairman of quarter sessions.

Power to
Secretary of
State to
appoint
temporary
additional
deputy
chairman of
quarter
sessions.

(2) A person appointed under the provisions of this section shall sit and act as aforesaid only during such period and in such circumstances as may be directed by the terms of his appointment.

(3) Every enactment relating to the powers or remuneration of a barrister appointed under the provisions of section 2 of the Quarter Sessions (London) Act 1896 to act in the

59 & 60 Vict.
c. 55.

PART VIII.
—cont.

absence of the deputy chairman of quarter sessions or to the jurisdiction of a court held before a barrister so appointed shall apply in relation to a person appointed in pursuance of this section and to the jurisdiction of a court held before him as if he had been appointed under the said section 2.

(4) Nothing in this section shall derogate from the powers of the Secretary of State under the said section 2 or from any power of the Council under section 42 of the Act of 1888.

(5) In this section the expression "quarter sessions" means the quarter sessions for the county (exclusive of the city of London) and includes any general original or adjourned sessions.

Contributions
to cultural
bodies.

59.—(1) The Council may upon and subject to such terms and conditions (if any) as may be agreed between them and any body rendering public service to the inhabitants of the county by means of cultural activities carried on either wholly or partly within the county contribute such sum or sums as they may from time to time determine in the circumstances of the case to be reasonable to the funds or towards the expenses of such body.

(2) In this section the expression—

"body" includes an association institution society or similar organisation and a company howsoever constituted; and

"cultural activities" includes the provision of public entertainment having cultural value.

(3) Nothing in this section shall affect or derogate from the provisions of any other enactment (including an enactment in this Act) enabling the Council to provide or contribute towards the provision of music or any entertainment.

Expenses of
Council under
Small
Dwellings
Acquisition
Acts 1899
to 1923.

60. Notwithstanding anything in the Small Dwellings Acquisition Acts 1899 to 1923 or the exercise at any time by any authority in the county other than the Council of any power conferred by the said Acts all expenses incurred by the Council in the execution of the said Acts shall be and shall be deemed always to have been expenses for general county purposes.

Acquisition
by borough
councils of
buildings or
places of
historical
interest &c.

61.—(1) A borough council with the consent of the Minister of Town and Country Planning and upon and subject to such term and conditions (if any) as that Minister in giving his consent may impose may acquire by agreement any building or place of historical or architectural interest or may undertake or contribute towards the cost of preserving maintaining and managing any such building or place as aforesaid.

(2) A borough council shall be a local authority for the purposes of the Ancient Monuments Acts 1913 and 1931:

Provided that a borough council shall not exercise any of the powers conferred on a local authority by those Acts except with the consent of the Minister of Town and Country Planning or otherwise than upon and subject to such terms and conditions (if any) as that Minister in giving his consent may impose.

(3) A borough council at the same time as they apply to the Minister of Town and Country Planning for any consent required by this section in respect of a building or place outside the county shall give notice in writing of such application to the local planning authority of the area in which the building or place to which the application relates is situate.

62. No act or thing done by any member of the Council or of a borough council or by any officer of the Council or of a borough council or other person acting under the direction of the Council or of a borough council shall if the act or thing be done bona fide for the purpose of executing this Act subject him personally to any liability action claim or demand whatsoever and any expense incurred by any such member officer or person in or by reason of the doing of such act or thing as aforesaid shall be paid by the Council or the borough council as the case may be:

Persons acting in execution of this Act not to be personally liable.

Provided that nothing in this section shall be construed to exempt any member of the Council or of a borough council from liability to be surcharged with the amount of any payment which may be disallowed by the auditor in the accounts of the Council or the borough council and which that member authorised or joined in authorising.

63. Save as otherwise expressly provided all offences against this Act or any byelaw made thereunder and all fines forfeitures penalties costs charges and expenses imposed or recoverable under this Act or any such byelaw may be prosecuted and recovered in a summary manner:

Recovery of penalties expenses &c.

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.

64. Any person deeming himself aggrieved by any conviction or order by a court of summary jurisdiction under any provision of this Act may appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction Acts.

Appeals to quarter sessions.

65. Save as otherwise expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaw made thereunder may be laid and made by any officer of the Council or a borough

Informations.

PART VIII.
—cont.

council duly authorised in that behalf or by the town clerk of the borough in relation to which the breach was committed or any officer of the metropolitan police.

Inquiries.

66. Subsections (2) to (5) of section 189 of the Act of 1939 shall apply to any public local inquiry authorised by this Act as they apply to an inquiry mentioned in subsection (1) of that section.

Judges not
disqualified
by rating
liability.

67. 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.

Saving for
town and
country
planning.

68.—(1) The provisions of the Town and Country Planning Acts and of any order scheme or regulation made under those Acts or under any enactment repealed by those Acts so far as those provisions are from time to time in force in respect of the land on which any development within the meaning of those Acts is carried out under this Act shall apply to that development.

(2) In this section the expression "Town and Country Planning Acts" means—

- (a) the Town and Country Planning Acts 1932 and 1943 the Town and Country Planning Act 1944 and the New Towns Act 1946; and
- (b) any public general Act passed or to be passed in the present Session repealing amending or extending the provisions of those Acts.

9 & 10 Geo. 6.
c. 68.Saving for
London
Building
Acts &c.

69. Nothing in this Act shall prejudice or affect the operation of—

- (a) the London Building Acts 1930 to 1939 or any bye-law or regulation for the time being in force thereunder; or
- (b) the Restriction of Ribbon Development Act 1935 or any order for the time being in force thereunder.

25 & 26 Geo. 5.
c. 47.Powers of Act
cumulative.

70. All powers rights and remedies given to the Council or a 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 respectively by any other enactment and the Council or a 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 for the commission of the same offence.

71.—(1) All costs and expenses of the Council in the execution of this Act shall be defrayed as payments for general or special county purposes within the meaning of the Act of 1939 as they may decide.

PART VIII.
—cont.
Costs of Act.

(2) So much of the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in paragraph (d) of section 56 (Extension of time for completion of works) of this Act shall unless otherwise agreed between the Council and the Kensington Council be paid by the Kensington Council.

Ch. xlvi.

London County Council
(General Powers) Act, 1947.

10 & 11 GEO. 6.

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