



CHAPTER IV

An Act to confer further powers upon the London County Council and other authorities and for other purposes. [24th November 1949.]

WHEREAS it is expedient that the powers contained in this Act with respect to the establishment of undertakings for the supply of heat to houses or other buildings or premises should be conferred upon the London County Council (hereinafter referred to as "the Council") and the councils of metropolitan boroughs:

And whereas it is expedient that certain provisions of the Rating and Valuation Act 1925 should (with the necessary modifications) be extended to the administrative county of London as provided by Part III of this Act: 15 & 16 Geo. 5. c. 90.

And whereas the time limited by certain enactments for the compulsory purchase of lands and the completion of certain street improvements by the council of the city of Westminster (hereinafter referred to as "the Westminster Council") will shortly expire and it is expedient that the time so limited should be extended as by this Act provided:

And whereas it is expedient that the provisions contained in this Act relating to the compulsory acquisition of land by metropolitan borough councils for the purposes of the exercise of their functions under the Public Health (London) Act 1936 with respect to the collection removal and disposal of refuse should be enacted: 26 Geo. 5. & 1 Edw. 8. c. 50.

And whereas it is expedient that the powers contained in this Act relating to the provision of studio accommodation for artists should be conferred upon the council of the metropolitan borough of Chelsea (hereinafter referred to as "the Chelsea Council"):

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:

2 & 3 Geo. 6. c. 40.
11 & 12 Geo. 6. c. liii.

And whereas in relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the Bill) have complied with the requirements of section 151 of the London Government Act 1939 and the Westminster Council and the Chelsea Council (as respects the provisions of the Bill relating exclusively to those councils) have complied with the requirements of sections 151 and 152 of the said Act of 1939 as amended by the London County Council (General Powers) Act 1948:

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

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the London County Council (General Powers) Act 1949.

Act divided into Parts. 2. This Act is divided into Parts as follows:—
Part I.—Preliminary.
Part II.—Supply of heat.
Part III.—Rating and valuation.
Part IV.—Extensions of time.
Part V.—Miscellaneous.

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

“the Council” means the London County Council;

“the county” means the administrative county of London;

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

“the Chelsea Council” means the council of the borough of Chelsea;

“the Minister” means the Minister of Health;

“land” or “lands” includes any interest in land and any easement or right in to or over land;

“The Act of 1925” means the Rating and Valuation Act 1925;

“the Act of 1939” means the London Government Act 1939;

“enactment” means any enactment whether public general or local and includes any order or other instrument having effect by virtue of an enactment.

(2) Except as otherwise expressly provided in this Act or unless the context otherwise requires terms to which meanings are assigned by any enactment incorporated with or extended or applied by this Act or which have in any such enactment special meanings have in and for the purposes of this Act the same respective meanings.

(3) 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

SUPPLY OF HEAT

4.—(1) In this Part of this Act (except as otherwise expressly provided therein)—

Interpretation
of expressions
in Part II of
this Act.

“heating authority” means the Council or a borough council;

“heating undertaking” means an undertaking for the supply of heat by a heating authority under and in accordance with the provisions of this Part of this Act;

“the heating limits” in relation to the Council means the county and in relation to a borough council means the borough;

“heating charges” means charges authorised by this Part of this Act to be made by a heating authority for heat supplied by them;

“repairs equalisation fund” means a fund provided under section 28 (Repairs equalisation funds) of this Act;

“reserve fund” means a fund provided under section 27 (Reserve funds) of this Act;

“the Act of 1936” means the Housing Act 1936;

26 Geo. 5. &
1 Edw. 8. c. 51.

PART II
—cont.

- 10 & 11 Geo. 6.
c. 49.
- “the commission” means the British Transport Commission and any reference to the commission in relation to any functions of the commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;
- 10 & 11 Geo. 6.
c. 54.
- “the authority” means the British Electricity Authority ;
- “electricity board” means an area board established under and as defined in the Electricity Act 1947 ;
- 11 & 12 Geo. 6.
c. 67.
- “gas board” means an area board established under and as defined in the Gas Act 1948 ;
- 11 & 12 Geo. 6.
c. 22.
- “water undertakers” means statutory water undertakers as defined in section 1 (Amendment of definition of “statutory water undertakers”) of the Water Act 1948 ;
- “the relevant electricity board” means in relation to the execution or proposed execution by a heating authority of any works under the powers of this Part of this Act the electricity board within whose area (as defined in subsection (2) of this section) such works are or are proposed to be executed and the expressions “the relevant gas board” and “the relevant water undertakers” have corresponding meanings ;
- “the relevant undertakers” means each of the following bodies (that is to say) the commission the authority the relevant electricity board the relevant gas board and the relevant water undertakers ;
- “authorised work” means any main service pipe conduit duct or other work (including fittings) laid down placed executed or provided or proposed to be laid down placed executed or provided by a heating authority in the exercise of the powers of this Part of this Act ;
- 56 & 57 Vict.
c. ccii.
- “the Act of 1893” means the London County Council (Subways) Act 1893 ;
- “subway” means a subway to which the provisions of the Act of 1893 apply ;
- “sewerage authority” means a sewerage authority as defined in section 90 of the Public Health Act 1936 and the common council of the city of London ;
- 26 Geo. 5. &
1 Edw. 8. c. 49.
- “public sewer” does not include a gully in a street or any pipe or channel used for the purpose only of conveying surface water from one such gully into another drain or sewer but save as aforesaid means and includes—
- (a) any sewer vested in or under the control or management of a sewerage authority for the purpose of their functions with respect to the drainage or the disposal of the sewage of any district ;

(b) any drain or sewer vested in or under the control or management of a highway authority for the purpose of any highway functions of that authority; and

(c) any manhole ventilating shaft or other accessory belonging to a sewer so vested in or under the control or management of a sewerage authority as aforesaid or to any drain or sewer so vested in or under the control or management of a highway authority as aforesaid;

“apparatus” includes pipes plant apparatus and fittings of whatever description;

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

“statutory securities” means any security in which trustees are for the time being authorised by law to invest trust moneys and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any local authority as defined by section 34 of the Local Loans Act 1875 but 38 & 39 Vict. c. 83. does not include annuities rentcharges or securities transferable by delivery or any security of the authority by whom an investment is being made;

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

“the tramways” means the tramway and trolley vehicle system of the commission and any conduit substructure posts cables wires or other apparatus connected with a tramway or with a trolley vehicle system.

(2) Any reference in this Part of this Act to the area of an electricity board or of a gas board or of any water undertakers shall be construed as a reference—

(a) in the case of an electricity board or a gas board to the area for the time being defined in accordance with the provisions of the Electricity Act 1947 or the Gas Act 1948 (as the case may be) as the area for which the board are established; and

(b) in the case of any water undertakers to an area consisting of the area within which those undertakers are authorised to supply water together with any lands situated outside the last-mentioned area and lying over under or within two hundred yards of any mains or works lawfully laid down or constructed by those undertakers.

(3) Any reference in this Part of this Act to powers conferred by any of the provisions of the Act of 1936 shall be construed

PART II

—cont.

15 & 16 Geo. 5.
c. 14.9 & 10 Geo. 5.
c. 35.Power to
establish
heating
undertakings
and supply
heat.

as including a reference to powers conferred by or under the corresponding provisions of any enactment repealed by that Act or by the Housing Act 1925 or by the Housing Town Planning etc. Act 1919.

5.—(1) Subject to the provisions of this Part of this Act a heating authority may establish and maintain a heating undertaking for the supply of heat to any houses or other buildings within the heating limits provided by them either alone or jointly with any other person in pursuance of the powers to provide housing accommodation conferred by Part V of the Act of 1936.

(2) Without prejudice to the generality of the provisions of the foregoing subsection there shall be deemed to be included among the houses or other buildings therein mentioned any houses or buildings within the heating limits comprised within the following descriptions (that is to say):—

- (a) any such houses or other buildings as are referred to in paragraph (b) of subsection (1) of section 79 of the Act of 1936 provided by any person on any land in compliance with a condition subject to which that land was sold or leased by the heating authority under that paragraph;
- (b) any such houses as are referred to in paragraph (d) of subsection (1) of the said section 79 which may have been sold or leased by the heating authority under the said paragraph (d);
- (c) any house or other building sold or leased by the heating authority under subsection (4) of the said section 79 and altered enlarged repaired or improved by any person in compliance with conditions subject to which such sale or lease was effected;
- (d) any houses or buildings provided altered enlarged repaired or improved by a housing association in pursuance of arrangements for the provision of housing accommodation by the association made with the association by the heating authority under section 94 of the Act of 1936;
- (e) any houses sold or leased to the heating authority under section 99 of the Act of 1936 or managed by them by virtue of that section; and
- (f) any dwellings provided by the heating authority in pursuance of an obligation to provide re-housing accommodation imposed by a scheme made under the Eleventh Schedule to the Act of 1936 or by any other enactment.

(3) Subject to the provisions of this Part of this Act a heating authority may supply heat to such as they may think fit of the houses or other buildings or premises which are in accordance with the provisions of section 6 (Scope of heating undertakings) of this Act included within the scope of a heating undertaking established by them.

(4) Heat supplied by a heating authority under this Part of this Act shall be supplied by means of hot water or steam and not otherwise.

6. Subject to the provisions of section 11 (Proposals subject to approval of Minister) of this Act a heating authority may include within the scope of a heating undertaking established by them any houses or buildings within the heating limits comprised within the following descriptions (that is to say):—

(a) such houses or other buildings referred to in subsection (1) of section 5 (Power to establish heating undertakings and supply heat) of this Act (being houses or buildings which are comprised within one and the same building estate or are so situated on adjacent or contiguous lands or in the same locality that they can conveniently be included within the scope of the undertaking) as they may decide; and

(b) if they think fit any other premises within the heating limits (whether belonging to or occupied by the authority or any other person) being premises—

(i) which are so situated that they can conveniently be included within the scope of the undertaking without unreasonable addition to expenditure for the purposes thereof and without prejudicially affecting the supply of heat to any such houses or buildings as aforesaid; or

(ii) which the authority consider it desirable to include for the purpose of promoting the efficiency of the undertaking or of assisting the economical provision of a supply of heat to any such houses or buildings as aforesaid.

7.—(1) The power of a heating authority to establish and maintain a heating undertaking shall include power to provide store transmit and distribute hot water or steam in connection with any such undertaking established by them and to produce any material product matter or thing arising or used in the process of such provision of hot water or steam (including the generation of electricity) and for the purpose of enabling them so to do the following provisions of this section shall have effect.

PART II
—cont.

(2) A heating authority may for the purposes aforesaid—

(a) on in or under any lands within the heating limits vested in them ; and

(b) where they enter into any agreement under the next following subsection also on in or under any other lands in respect of which provision is made by such agreement for the exercise of rights for the purpose ;

erect lay down maintain work and use stations boiler-houses holders mains pipes and other works together with all such buildings boilers engines machinery matters and things of whatever description as they may deem necessary or convenient.

(3) (a) A heating authority may obtain for the purposes of a heating undertaking a supply of heat from any persons and may transmit or arrange for the transmission of such heat to any place within the heating limits at which it may be required for the purposes of the undertaking.

(b) A heating authority may enter into and carry into effect agreements with any persons for or with respect to any of the matters mentioned in the foregoing paragraph of this subsection and any such agreement may provide for the provision by the heating authority or for the joint user by them and any other party to the agreement of any works apparatus materials or things required for the purposes of the agreement.

(4) Any electricity generated by a heating authority under the powers of this section and not required for the purposes of their heating undertaking may be sold—

(a) to the authority ; or

(b) with the approval of the authority to any electricity board ;

and any electricity so generated and not so sold as aforesaid may only be used for or in connection with the execution of the powers of this Part of this Act at the works at which it is generated or (with the consent of the authority and of the electricity board for the area in which the works are situated and of any other electricity board in whose area the electricity is proposed to be used) elsewhere.

(5) The authority shall take all the electricity generated by a heating authority under the powers of this section which is not—

(i) required for or in connection with the supply of heat ;
or

(ii) supplied with the approval of the authority to any electricity board ;

upon such terms and conditions as may be agreed between the heating authority and the authority or in default of agreement

determined by arbitration on the basis of a supply by a willing seller to a willing buyer:

PART II
—cont.

Provided that in its application for the purposes of this subsection section 57 (Arbitration) of this Act shall have effect as if in that section the words "the President of the Institution of Electrical Engineers" were substituted for the words "the President of the Institution of Civil Engineers."

(6) 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.

8.—(1) A heating authority may upon and subject to such terms and conditions as may be agreed between them and any other heating authority supply to such other authority for their use for the purposes of this Part of this Act— Power to supply surplus heat &c. to other heating authorities &c.

(a) any heat not for the time being required by the authority giving such supply which that authority are able to produce by means of any plant or works for providing hot water or steam laid down or constructed by them under the powers of this Part of this Act; and

(b) any heat which can be produced or is obtained from or in connection with the exercise by the authority giving such supply of any functions under any other enactment.

(2) A heating authority may use for the purposes of this Part of this Act any heat produced or obtained by them from or in connection with the exercise by them of their functions under any other enactment.

9.—(1) Subject to the provisions of this section the following provisions of the Third Schedule to the Water Act 1945 (that is to say):— Power to lay mains &c. and break open streets.

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

(b) Part VI (Breaking open streets &c.) of the said schedule (except in section 25 subsection (4) thereof); and

(c) in Part XVI (General and miscellaneous) of the said schedule section 93;

are hereby incorporated with this Part of this Act.

PART II
—cont.

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

“the undertakers” means a heating authority or (as the case may require) the heating authority to whom the provision in which the expression occurs may be applicable;

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

“main” includes a pipe laid by a heating authority for the purpose of obtaining a supply of heat from any person or of transmitting a supply of heat so obtained and any apparatus used in connection with such a pipe;

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

“limits of supply” means the heating limits.

(3) Nothing in the enactments incorporated by this section shall authorise a heating authority—

(a) to lay any main outside the heating limits other than a main for the transmission to a place within those limits of a supply of heat obtained by them in pursuance of the provisions of subsection (3) of section 7 (Works &c. for provision of heat) of this Act; or

(b) to break open any public sewer not vested in them without the consent of the persons having the control or management of the sewer; or

(c) (save in cases of emergency arising from defects in any mains) to break open any highway maintainable at public expense outside the heating limits except with the consent of the highway authority in whom that highway is vested but consent for the purposes of this paragraph shall not be unreasonably withheld and any question whether such consent is or is not unreasonably withheld shall be determined—

(i) where the highway is a trunk road by arbitration; and

(ii) in any other case by the Minister.

Notice to
commissioner
of police.

10. Before a heating authority in the exercise of the powers of this Part of this Act break up or otherwise interfere with the surface of the carriageway of any classified road within the county to the extent of more than one-third of the width of such carriageway they shall give to the Commissioner of Police of the Metropolis or the Commissioner of Police of the City of London (as the case may require) not less than fourteen 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 road during the execution of the works to which the notice relates.

PART II
—cont.

11.—(1) A heating authority who propose—

- (a) to establish any heating undertaking ; or
- (b) to include within the scope of any heating undertaking any premises not already included within the scope of that undertaking ; or
- (c) to make any alteration in the arrangements for providing hot water or steam or obtaining a supply of heat or for obtaining a supply of water (other than hot water) for the purposes of any heating undertaking ;

Proposals
subject to
approval of
Minister.

shall submit to the Minister their proposals with respect to—

- (i) the premises to be included within the scope of the undertaking ;
- (ii) the standards to which the supplies of heat to be furnished by them to such premises will conform ;
- (iii) the means by which a supply or any additional supply of hot water or steam for the purposes of the undertaking will be provided or by which any supply or any additional supply of heat for the purposes of the undertaking will be obtained ; and
- (iv) the arrangements to be made for obtaining any supply or any additional supply of water (other than hot water) required for the purposes of the undertaking.

(2) (a) In this subsection “the undertakers” means the authority and every electricity board gas board and water undertakers within whose area any proposals submitted by a heating authority to the Minister under the foregoing subsection are intended to be carried out.

(b) The heating authority shall at the same time as they submit proposals to the Minister as aforesaid send to each of the undertakers a copy of such proposals and shall furnish to any of the undertakers who may within six weeks of the receipt of such copy reasonably require any information with regard to the proposals any such information which may be so required. Any question whether any information required by any of the undertakers under this paragraph is or is not reasonably required shall be determined by the Minister.

(c) Within three months of the receipt by them of any information furnished under the last foregoing paragraph or (if no information is required by them under that paragraph) of the copy of the proposals sent to them under that paragraph any of the undertakers may make representations to the Minister with

PART II
—cont.

regard to any of the proposals and shall at the same time as they submit such representations to the Minister send or deliver a copy thereof to the heating authority. The Minister shall before approving any of those proposals under the next following subsection take into consideration any representations so made to him and any observations thereon submitted to him by the heating authority.

(3) The Minister may approve any proposals submitted to him under subsection (1) of this section with or without modifications as he may think fit and the heating authority shall not proceed with their proposals except with such approval and in accordance with any modifications so made by the Minister:

Provided that any such modification shall not without the agreement of the heating authority require the heating authority to include within the scope of a heating undertaking any premises not proposed by the heating authority to be so included.

(4) Where it is proposed to include within the scope of a heating undertaking any premises situated in a borough not being such houses or other buildings as are referred to in subsection (1) of section 5 (Power to establish heating undertakings and supply heat) of this Act the Council or the borough council (as the case may be) by whom a proposal for that purpose is submitted to the Minister shall at the same time as they submit the proposal to the Minister give notice thereof in writing to the other of such councils and the Minister shall before approving such proposal take into consideration any representations thereon which may be made to him by such other council within twenty-eight days of the receipt of such notice.

As to
construction
&c. of station
for providing
heat.

12.—(1) A heating authority who propose to construct extend modify or enlarge any station for providing heat for the purposes of any heating undertaking under the powers of this Part of this Act shall give notice of their proposal to—

- (a) the Minister of Fuel and Power ;
- (b) the authority ; and
- (c) the relevant gas board (in this section referred to as “ the board ”) ;

and shall furnish to the authority or the board such information with regard to such station as the authority or the board may within six weeks of the receipt of such notice reasonably require including information as to the nature position and capacity (but not details of design) of the proposed station the proposed method of producing heat thereat the area proposed to be supplied therefrom and an estimate of the quantity or quantities

of heat required by the heating authority for the purposes of the heating undertaking and of the times and form at and in which such quantity or quantities will be required.

PART II
—cont.

Any question whether any information required by the authority or the board under this subsection is or is not reasonably required shall be determined by the Minister of Fuel and Power.

(2) (a) Within three months after the receipt of the said notice or of such information (whichever is the later) the authority or the board and each of them may give to the heating authority a counter-notice offering a supply of heat to the heating authority upon and subject to such terms and conditions as may be agreed between the authority or the board (as the case may be) and the heating authority and specifying the terms and conditions upon and subject to which the authority or the board (as the case may be) propose that such supply shall be furnished.

(b) Where a counter-notice has been given under this subsection by one but not by the other of the bodies authorised to give such a counter-notice the heating authority shall not (except with the agreement of the body by whom a counter-notice has not been given) accept the offer contained in the counter-notice given to them unless the time limited by this subsection for the giving of a counter-notice by the last-mentioned body has expired and where a counter-notice has been given by each of the said bodies the heating authority shall not accept the offer of one of them without the agreement of the other of them.

(3) If at the expiration of three months after the receipt of any such counter-notice or (where counter-notices have been given by the authority and the board) after the receipt of the later of such counter-notices or such shorter or longer period as may be agreed between the parties concerned the heating authority and the body by whom any such counter-notice was given have failed to agree with respect to the offer contained in the counter-notice the heating authority shall submit the matter to the Minister who shall determine whether or not a supply of heat shall be furnished by the authority or the board (as the case may be) to the heating authority for the purposes of the heating undertaking and (if he determines that such a supply shall be so furnished) the terms and conditions upon and subject to which it shall be furnished.

(4) If the Minister determines that a supply of heat shall be furnished by the authority or the board to the heating authority the authority or the board (as the case may be) shall furnish such supply and such supply shall (unless otherwise agreed between the authority or the board (as the case may be)

PART II
—cont.

and the heating authority) be furnished upon and subject to the terms and conditions determined by the Minister as aforesaid:

Provided that if the terms and conditions determined by the Minister differ substantially from the terms and conditions specified in the counter-notice given by the authority or the board (as the case may be) under subsection (2) of this section and the authority or the board (as the case may be) within twenty-eight days after the receipt of the determination of the Minister give notice in writing to the Minister and to the heating authority that the terms and conditions so determined are not acceptable to them they shall not be required to furnish a supply of heat to the heating authority unless within twenty-eight days after the receipt by the heating authority of such last-mentioned notice the heating authority give to them a notice requiring a supply upon and subject to the terms and conditions specified in the said counter-notice in which case they shall furnish a supply upon and subject to the terms and conditions so specified.

(5) The heating authority shall be entitled —

- (a) at the expiration of the period of three months mentioned in subsection (2) of this section if no counter-notice has been given to them by the authority or the board under that subsection within that period ; or
- (b) on the receipt of a determination of the Minister under subsection (3) of this section where such determination is not that a supply of heat shall be furnished to them by either the authority or the board ; or
- (c) on the receipt of a notice given by the authority or the board under the proviso to subsection (4) of this section that the terms and conditions determined by the Minister are not acceptable to them ;

to proceed with their proposal as if this section had not been enacted and may so proceed with their proposal at any other time with the agreement of the authority and the board.

(6) In this section “supply of heat” means a supply of heat by means of hot water or steam.

13.—(1) For the purposes of this section—

“the Minister” means—

(a) in relation to questions or approvals affecting or representations made by the commission the Minister of Fuel and Power and the Minister of Transport acting jointly ;

(b) in relation to questions or approvals affecting or representations made by the relevant water undertakers the Minister of Health ; and

Consultation
with relevant
undertakers as
to certain
works.

(c) in any other case the Minister of Fuel and Power ; and

“ apparatus ” in relation to the commission includes the tramways.

(2) Before a heating authority—

(a) resolve to incur any expenditure on capital account for the purpose of the construction laying down or execution of any works for providing storing transmitting or distributing heat under the powers of this Part of this Act (other than the construction extension modification or enlargement of a station for providing heat) ; or

(b) lay down any main under the powers of this Part of this Act other than a main extending for a distance of not more than fifty yards from any main laid down in pursuance of proposals previously made under this section ;

they shall give to the Minister and to the relevant undertakers notice of their proposals and consult with the relevant undertakers and shall furnish to any such undertaker any such information with regard to the proposals as that undertaker may within six weeks of the receipt of such notice reasonably require.

Any question whether any information required by any of the relevant undertakers under this subsection is or is not reasonably required shall be determined by the Minister.

(3) Without prejudice to the generality of the provisions of the last foregoing subsection any information required by any undertaker under that subsection may include information as to the proposals (if any) of the heating authority as to the measures to be taken with respect to—

(a) the securing of the safety of the mains pipes and apparatus of such undertaker from damage or injury arising directly or indirectly from any mains or pipes to be laid down by the heating authority under the powers of this Part of this Act ;

(b) the insulation of such last-mentioned mains and pipes so as to prevent the escape of heat therefrom ;

(c) the maximum and minimum temperatures and pressures at which steam or hot water may be stored transmitted or distributed by the heating authority ;

(d) the methods for measuring the volume temperature and pressure of steam or hot water so stored transmitted or distributed ; and

(e) the independent testing of such measurements.

PART II
—cont.

(4) Within three months after the receipt of any information furnished under subsection (2) of this section or (if no information is required under that subsection) of any notice given under that subsection any of the relevant undertakers may make representations to the Minister with regard to any of the proposals of the heating authority.

(5) If no representations are made under the last foregoing subsection the heating authority shall not proceed otherwise than in accordance with the proposals sent to the relevant undertakers under subsection (2) of this section with such alterations and modifications thereof as may be agreed.

(6) If any representations are made under subsection (4) of this section the heating authority shall not proceed with their proposals except with the approval of the Minister and in accordance with any such alteration or modification of the proposals as he may require.

For protection of commission. **14.** For the protection of the commission the following provisions shall unless otherwise agreed in writing between the commission and a heating authority carrying out any of the works referred to in this section apply and have effect (that is to say):—

(1) In this section—

“the engineer” means an engineer appointed by the commission;

“the works” means any such authorised work as will be constructed in across or under any street in which any part of the tramways is situate and as will or may affect or interfere with any part of the tramways:

(2) The works shall except as hereinafter otherwise provided be executed by and at the expense of the heating authority but to the reasonable satisfaction of and subject to inspection by the engineer and the reasonable costs charges and expenses of such inspection shall be paid by the heating authority to the commission:

(3) The execution of the works shall so far as practicable be carried on with reasonable expedition from the time when the same shall be commenced until the time when the same shall be completed and so as to cause as little interference with or delay or interruption to the conduct of the traffic on the tramways as may be and the heating authority shall pay to the commission the additional cost reasonably incurred by the commission in making provision for the working of the tramways during the execution of the works:

- (4) The heating authority shall repay to the commission any reasonable expense to which they may be put in reinstating the part of the tramways or any part of any road repairable by the commission which is interfered with by the execution of the works and the reasonable expense of carrying out such works as may be reasonably necessary for the protection of the tramways:
- (5) Where the execution of the works will involve any alteration of or interference with the tramways the commission instead of the heating authority may (if the commission so desire and after sufficient notice to the heating authority) execute any such works or alteration or interference and the cost reasonably incurred by them in so doing shall be repaid to the commission by the heating authority:
- (6) Where the repair or renewal of the works will involve any interference with any part of the tramways or any portion of a road repairable by the commission the heating authority shall (except in cases of emergency) give to the commission not less than forty-eight hours' notice in writing before commencing to effect such repair or renewal and the heating authority shall in effecting any such repair or renewal conform to such reasonable requirements as may be made by the commission and the provisions of this section shall (so far as they may be applicable) apply to any such repair or renewal as if they formed part of the works:
- (7) The heating authority shall repay to the commission any expense reasonably incurred in the employment by the commission during the execution of the said works of a sufficient number of inspectors watchmen and signalmen to be appointed by the commission for watching and signalling and for managing and controlling the traffic on the tramways with reference to and during the execution of the works but such superintendence shall not relieve the heating authority from liability for any accident which may be occasioned by or through the operations of the heating authority or their contractors agents or workmen:
- (8) If during or by reason of the execution of the works or by reason of the failure of the works or of the subsidence within six months after the completion of the works of any portion of the road in which any part of the tramways is situate resulting from the execution maintenance or failure of the works whether during the construction thereof or at any time thereafter or by

PART II
—cont.

reason of any act or omission of the heating authority or of their contractors or of any person in the employ of the heating authority or their contractors the tramways shall be injured or damaged such injury or damage may be made good by the commission and the heating authority shall repay to the commission the reasonable expense thereof and shall indemnify the commission against all losses which the commission may sustain and shall pay all reasonable costs charges and expenses to which the commission may be put or which they may incur by reason of such execution maintenance failure subsidence act or omission as aforesaid:

- (9) If by reason of the execution of the works any extra cost shall at any time hereafter be reasonably incurred by the commission in renewing repairing or maintaining the tramways such extra cost shall be borne and paid by the heating authority:
- (10) Any difference which may arise between a heating authority and the commission under or with reference to the provisions of this section (other than a difference as to the meaning or construction thereof) shall be determined by arbitration.

For protection
of certain
undertakers.

15. For the protection of the following bodies respectively (that is to say) the authority the relevant electricity board the relevant gas board the relevant water undertakers and the London Hydraulic Power Company (each of whom is in this section separately referred to as "the undertakers") the following provisions shall except (as respects any of the said bodies) in so far as may be otherwise agreed in writing between the heating authority concerned and that body apply and have effect:—

- (1) In this section the expression "apparatus" means apparatus belonging to the undertakers and in relation to the authority and the relevant electricity board includes electric lines and works as respectively defined in the Electric Lighting Act 1882 belonging to those bodies respectively:
- (2) (a) Where a heating authority propose to dig or sink any trench for laying down placing or constructing any authorised work near to any apparatus which has been lawfully placed the heating authority shall give to the undertakers notice in writing of such proposal together with plans sections and particulars of the authorised work to be laid in such trench and if it should appear to the undertakers that the laying down

45 & 46 Vict.
c. 56.

placing or construction of such authorised work would injure interfere with or endanger any apparatus or interfere with the access thereto or impede the supply of electricity gas water or hydraulic power (as the case may be) by means thereof the undertakers may within fourteen days of the receipt of such notice give to the heating authority notice in writing that they desire the position or depth of such apparatus to be altered or protective works to be carried out in respect of such apparatus ;

(b) Where notice is given by the undertakers as aforesaid the heating authority shall (save as provided in paragraph (4) of this section) at their own expense carry out in such manner as may be reasonably approved by the undertakers any such alteration of the position or depth of the apparatus or protective works as may be agreed between the heating authority and the undertakers or determined as hereinafter provided to be reasonably necessary for avoiding any such injury interference danger or impediment as aforesaid Any such alteration or protective works shall be carried out 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 heating authority are hereby required to give) he refuses or neglects to give such superintendence at the time specified in such notice for the commencement of the alteration or protective works or discontinues the same during the execution thereof :

- (3) A heating authority in laying down placing or constructing any authorised work shall not interfere with the access to any apparatus to any greater extent than is reasonably necessary for the purpose of or in connection with the laying down placing or construction of that work and shall not remove or displace or do anything to endanger or impede the passage of electricity gas water or hydraulic power (as the case may be) into or through any apparatus without the consent (which shall not be unreasonably withheld) of the undertakers or in any other manner than the undertakers shall reasonably approve nor (in the case of apparatus proposed to be removed or displaced) until good and sufficient apparatus and other works reasonably necessary or proper for continuing the supply of electricity gas water or hydraulic power (as the case may be) as

PART II
—cont.

the same was supplied by the apparatus proposed to be removed or displaced shall have been first provided and laid down and be ready for use Any such apparatus or other works as may be agreed between the heating authority and the undertakers or determined as hereinafter provided to be so reasonably necessary or proper as aforesaid shall (save as provided in paragraph (4) of this section) be provided and laid down by and at the expense of the heating authority and to the reasonable satisfaction of the engineer of the undertakers :

- (4) (a) If within the period of fourteen days referred to in paragraph (2) of this section the undertakers shall give to the heating authority not less than seven days' notice in writing of their intention themselves to carry out any works which the heating authority may be required to carry out under that paragraph for the alteration of the position or depth of any apparatus or the carrying out of any protective works ; or

(b) If when giving their consent under paragraph (3) of this section or within a period of fourteen days from the date of a determination that such consent is unreasonably withheld the undertakers shall give to the heating authority not less than seven days' notice in writing of their intention themselves to carry out any works which the heating authority may be required to carry out under paragraph (3) of this section for the provision and laying down of any apparatus and other works for continuing the supply of electricity gas water or hydraulic power ;

the undertakers (instead of the heating authority) shall carry out any works referred to in such notice which may be agreed or determined as provided in the said paragraph (2) or the said paragraph (3) (as the case may be) to be reasonably necessary as therein mentioned and all reasonable expenses properly incurred by the undertakers in so doing shall be repaid by the heating authority to the undertakers All works carried out by the undertakers under this paragraph shall be commenced carried on and completed with all reasonable dispatch and to the reasonable satisfaction of the engineer of the heating authority :

- (5) The reasonable expense of all repairs or renewals of—
(i) any apparatus existing at the time of the laying down placing or construction of any authorised work ; or

(ii) any apparatus substituted for such existing apparatus or any part thereof and being of reasonably similar size and type ;

which may at any time be rendered reasonably necessary by reason of—

(a) the acts or defaults of the heating authority their contractors agents workmen or servants or any person in the employ of them or any of them in the exercise of the powers of this Part of this Act ; or

(b) any subsidence resulting from the laying down placing construction or removal of any authorised work whether during the laying down placing construction or removal of the authorised work or at any time within two years thereafter ;

shall be borne and paid by the heating authority :

(6) A heating authority in laying down placing constructing or removing any authorised work shall make good any damage done by them to any apparatus and shall make compensation to the undertakers for any loss damage costs or expenses which the undertakers may sustain by reason of any interference with such apparatus or the access thereto or with the private service or supply lines or pipes of any person supplied by them with electricity gas water or hydraulic power (as the case may be) :

(7) If any difference shall arise between a heating authority and the undertakers or their respective engineers under the foregoing provisions of this section (other than any question as to the construction thereof) such difference shall be referred to and determined by arbitration. In determining any such difference the arbitrator shall have regard to any duties or obligations to which the undertakers may be subject in respect of their apparatus and any duties or obligations to which the heating authority may be subject in respect of any authorised work and may if he thinks fit require the heating authority to execute any temporary or other works so as to avoid so far as may be reasonably practicable interference with any purpose for which the apparatus is used.

16.—(1) The provisions of this section shall apply in relation to the execution or proposed execution by a heating authority of any works under the powers of this Part of this Act over under or within six feet of any public sewer not vested in them. For protection of sewers and subways.

(2) Except as provided by this section a heating authority shall not execute any such works as aforesaid without the consent

PART II
—cont.

(which shall not be unreasonably refused) of the authority having the control or management of the public sewer (in this section referred to as "the sewer authority").

(3) Any such consent as aforesaid may be given upon and subject to such terms and conditions as may be agreed between the heating authority and the sewer authority or in default of such agreement determined by the Minister.

(4) (a) A heating authority who propose to execute any such works as aforesaid shall serve on the sewer authority notice in writing of such proposal together with plans sections and particulars of the proposed works.

(b) The sewer authority shall not later than twenty-eight days after the receipt of such notice notify the heating authority in writing either that they consent to the execution of the proposed works (whether or not subject to the agreement or determination of any terms and conditions) or that they refuse their consent on grounds which shall be specified in the notification.

(c) If the sewer authority fail to notify the heating authority as aforesaid the heating authority may at any time after the expiration of the said twenty-eight days without the consent of the sewer authority execute the proposed works in accordance with the plans sections and particulars thereof served on the sewer authority.

(5) The consent of the sewer authority under this section shall not be required and the provisions of subsection (4) of this section shall not apply to the execution by a heating authority of any such works as aforesaid in case of emergency but in any such case the heating authority shall as soon as possible after the necessity for the works becomes known to them give notice thereof to the sewer authority and shall furnish the sewer authority with all such information with respect to the works as the sewer authority may reasonably require.

(6) Any question whether any consent of the sewer authority under this section is or is not unreasonably refused or whether any information with respect to any works executed by a heating authority under the last foregoing subsection is or is not reasonably required by the sewer authority shall be referred to and determined by the Minister.

(7) Nothing in this section shall apply to the execution of any works in a subway or in a conduit or duct already constructed and available for the accommodation of any apparatus of a heating authority.

(8) This section shall apply in relation to the execution by a borough council of any works under the powers of this Part

of this Act over under or within six feet of a subway as if a subway were a public sewer and the Council were in respect thereof the sewer authority.

PART II
—cont.

17.—(1) In this section—

“heated water” means any water (whether or not contained in any apparatus used for the storage of hot water) to which heat has been applied in connection with the carrying on of any heating undertaking ;

As to discharge of steam and heated water into sewers and water-courses.

“watercourse” has the same meaning as in the Water Act 1945 ; and

“foul water sewer” means a public sewer other than a sewer provided for surface water only.

(2) A heating authority shall not cause or permit—

(a) any steam provided or obtained by them for the purposes of any heating undertaking to be discharged directly or indirectly into any watercourse or any public sewer ; or

(b) any heated water to be discharged directly or indirectly into—

(i) any watercourse ; or

(ii) any sewer other than a foul water sewer or a sewer which communicates with and discharges into a foul water sewer :

Provided that heated water shall not be deemed to be discharged indirectly into a watercourse by reason only that it is discharged into a foul water sewer the contents or some part of the contents of which are or is afterwards lawfully discharged by a sewerage authority into a watercourse as storm water or effluent from any sewers or sewage disposal works.

(3) (a) A heating authority shall not otherwise than in accordance with the provisions of this subsection cause or permit any heated water to be discharged into any foul water sewer not vested in them or into any drain or sewer which communicates directly or indirectly with any foul water sewer not vested in them.

(b) Not less than three days before a heating authority propose to discharge any heated water as aforesaid they shall give notice in writing of their intention to do so to every sewerage authority having the control or management of any foul water sewer not vested in them into which such water will or may be likely to enter and every such notice shall specify the quantity of water proposed to be discharged and the time or times and the rate and maximum temperature at which it is proposed to be discharged.

PART II
—cont.

(c) If before the expiration of the said three days any sewerage authority to whom such notice is given notify the heating authority either that they object to the proposed discharge of the heated water or that they object to such water being discharged at the time or times or at the rate or maximum temperature proposed the following provisions shall have effect (that is to say)—

- (i) where the sewerage authority object to the proposed discharge the heating authority shall not cause or permit the water to be discharged in such manner that it will or may be likely to enter any sewer of the sewerage authority unless on appeal to him the Minister determines that such objection is unreasonable and where the Minister so determines he shall prescribe the time or times and the rate and maximum temperature at which the water may be discharged and the heating authority shall not (unless otherwise agreed between them and the sewerage authority) cause or permit the water to be discharged directly or indirectly into any sewer of the sewerage authority otherwise than in accordance with such prescriptions ;
- (ii) where the sewerage authority do not object to the proposed discharge but object to the water being discharged at the time or times or at the rate or maximum temperature proposed by the heating authority the heating authority shall not cause or permit the discharge to take place except at such time or times and at such rate and maximum temperature as may be agreed between them and the sewerage authority or in default of such agreement determined by the Minister.

(4) If any heating authority contravene or fail to comply with any of the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty-five pounds and in the case of a second or subsequent conviction for an offence in connection with the same heating undertaking to a penalty not exceeding fifty pounds :

Provided that a heating authority shall not be liable to any such penalty if the court before which proceedings are taken is satisfied that the contravention of or non-compliance with the provisions of this section resulted from action reasonably taken by the heating authority in an emergency not due to their failure to take reasonable precautions.

(5) Nothing in this section shall be deemed to authorise a heating authority to discharge any hot water into any public sewer or into any drain or sewer communicating with a public sewer contrary to the provisions of section 27 of the Public Health Act 1936 or of section 57 of the Public Health (London)

Act 1936 or relieve any person from liability to any proceedings to which he would have been subject under either of the two last-mentioned sections if this section had not been enacted.

PART II
—cont.

18.—(1) In this section—

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

“the water undertakers” means in relation to any heating undertaking any water undertakers who furnish a supply of water which is used for providing hot water or steam in connection with that undertaking;

“heating service appliances” means mains pipes and other works (including water fittings as defined in the Water Act 1945) which are used in connection with—

(a) the provision storage transmission or distribution of hot water or steam for the purposes of a heating undertaking; or

(b) the use of heat supplied to any premises included within the scope of a heating undertaking; and

“the waste prevention provisions” means—

(a) the byelaws or regulations for preventing waste undue consumption misuse or contamination of water made by any water undertakers under section 16 (Byelaws for preventing waste of water) of the Metropolitan Water Board Act 1932 or section 17 of the Water Act 1945 or under any other enactment corresponding with the provisions of subsections (1) and (2) of the said section 17;

22 & 23 Geo 5.
c. lxxxv.

(b) subsections (3) and (4) of the said section 17; and

(c) sections 61 to 65 of the Third Schedule to the Water Act 1945 as applied (whether with or without any modifications or adaptations) to the undertaking of any water undertakers and any provisions corresponding with the provisions of those sections or any of them contained in any other enactment relating to any water undertakers.

(2) The waste prevention provisions (so far as those provisions may be applicable in relation to the water undertakers and are not so applicable otherwise than by virtue of this section) shall apply with respect and in relation to heating service appliances as if any hot water or steam for the production of which water supplied by the water undertakers is used were water supplied by the water undertakers.

(3) For the purposes of this section subsections (3) and (4) of the said section 17 shall have effect as if the references therein

PART II
—cont.For further
protection of
water
undertakers.

to any byelaw made under that section included references to any byelaw made under any other enactment corresponding with the provisions of subsections (1) and (2) of that section.

19. Except with the consent of the water undertakers concerned it shall not be lawful for any authorised work provided or used by a heating authority 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 any water undertakers in such manner as to permit the flow of water through such connection. Any person committing a breach of this provision shall be liable on summary conviction to a fine not exceeding five pounds.

Conditions
of supply.

20.—(1) A supply of heat to any premises under the powers of this Part of this Act may be furnished by a heating authority upon and subject to the terms and conditions provided by this Part of this Act and such other terms and conditions as may be agreed between them and the owner or occupier of the premises.

(2) Before a heating authority enter into an agreement with the occupier (not being the owner) of any premises of which they are not themselves the owners for the furnishing of a supply of heat to such premises they shall give notice of their intention to do so to the owner of the premises and in the event of the supply of heat given in pursuance of such agreement being discontinued (otherwise than temporarily) they shall forthwith give notice of such discontinuance to such owner.

(3) A heating authority shall not in the exercise of any of the powers of this Part of this Act show undue preference to any person and shall not exercise any undue discrimination against any person.

For protection
of Port of
London
Authority.

21. The notice which a heating authority are required by subsection (2) of section 20 (Conditions of supply) of this Act to give to the owner of any premises of their intention to enter into an agreement as therein mentioned shall in the case of any premises of which the Port of London Authority are the owners be given not less than fourteen days before the heating authority propose to enter into such agreement and if within fourteen days after the giving of such notice the Port of London Authority notify the heating authority in writing that they object to the furnishing of a supply of heat to the premises to which such notice relates the heating authority shall not supply heat to those premises unless and until such objection is withdrawn.

Heating
charges.

22.—(1) A heating authority may make and recover charges for heat supplied by them under the powers of this Part of this Act and may from time to time prescribe scales of heating

charges in respect of any heating undertaking established by them and may prescribe different scales in respect of different heating undertakings:

PART II
—cont.

Provided that the prescription of a scale of charges under this subsection—

(a) shall not affect any agreement then in force under subsection (1) of section 20 (Conditions of supply) of this Act unless and except to the extent that the agreement otherwise provides; and

(b) subject to the provisions of subsection (3) of the said section 20 shall not affect the power of the heating authority under the said subsection (1) to make an agreement providing for the payment of charges differing from those prescribed by the scale.

(2)—(a) Where a heating authority supply heat to any premises let by them the heating charges shall unless otherwise agreed between them and the tenant be payable by the tenant in accordance with any scale which may be so prescribed as aforesaid and may be applicable.

(b) The heating charges payable pursuant to this subsection shall be shown separately by the heating authority in rent books or on demand notes and receipts issued by them.

(3) The heating charges in respect of a heating undertaking shall be so fixed from time to time by the heating authority that as far as is reasonably practicable the total of the income in respect of that undertaking shown in the revenue accounts of the undertaking required by section 24 (Separate accounts) of this Act to be kept by the authority shall be not less than the total of the expenditure in respect of the undertaking shown in those accounts.

(4) Where a heating authority are themselves the occupiers of any premises which are included within the scope of a heating undertaking established by them they shall in respect of any heat supplied to those premises under the powers of this Part of this Act carry to the credit of the revenue accounts of the undertaking and to the debit of the revenue accounts of the service for the purposes of which they occupy the premises the like sums as would have been recoverable by them as heating charges if they had not been the occupiers and the occupier had agreed to pay heating charges in accordance with scales from time to time prescribed by them under this section.

23. The heating charges payable by any person may after a demand therefor be recovered from him by the heating authority 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 where a person fails to pay within

Recovery of
heating
charges.

PART II
—cont.

seven days after a demand therefor any heating charge payable by him in respect of any premises the authority 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 heating charge due :

Provided that if before the expiration of the said seven days' notice in writing is given to the authority 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.

24. A heating authority shall keep separate accounts of each heating undertaking established by them in such form as may be approved by the Minister so as to include all items which ought to be entered therein in order to show the financial position of the undertaking and 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 income in respect of that undertaking and on the other side all expenditure in respect of that undertaking such expenditure being divided so as also to show 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 authority for the purposes of or in connection with the undertaking ;
- (c) the requisite appropriations and instalments or sinking fund payments in respect of the repayment of moneys borrowed for the purposes of the undertaking ;
- (d) the amount (if any) paid to a reserve fund in respect of the undertaking under section 27 (Reserve funds) of this Act ;
- (e) the amount (if any) paid to a repairs equalisation fund in respect of the undertaking under section 28 (Repairs equalisation funds) of this Act ;
- (f) all other expenses (if any) of the undertaking properly chargeable to revenue.

Reports and
returns with
respect to
heating
undertakings
and supplies
of heat.

25.—(1) A heating authority shall give to the authority and to any electricity board and to any gas board such reports and returns and such information with respect to any heating undertaking of the heating authority as the authority or any such board may reasonably require and the authority and any gas board shall give to a heating authority such reports and returns and such information with respect to any supply by them respectively of heat by means of hot water or steam as the heating authority may reasonably require.

(2) Any dispute between a heating authority on the one hand and the authority or an electricity board or a gas board on the other hand as to whether any reports returns or information required by the heating authority or by the authority or any such board under this section are or are not reasonably required shall be determined by the Minister of Fuel and Power.

26.—(1) Where a heating authority have before the passing of this Act made arrangements in connection with the exercise of their powers under the Act of 1936 for supplying heat to any premises the authority may (if they think fit) with the consent of the Minister decide and where they do not so decide the Minister may (if he thinks fit) direct that as from such date as may be fixed by the Minister the supply of heat to those premises shall be given by the authority under the powers of this Part of this Act and where the authority so decide or the Minister so directs—

(a) the authority shall be deemed to have established a heating undertaking for the purpose of supplying heat to those premises and the provisions of this Part of this Act so far as applicable shall as from the date so fixed apply to that undertaking; and

(b) the authority shall make such adjustments in their accounts (including accounts kept by them pursuant to the Act of 1936) as the Minister may direct or (subject to any such direction) as may appear to them to be necessary.

(2) The Minister may on the application of the Westminster Council direct that as from such date as may be fixed by the direction the provisions of this Part of this Act shall apply in relation to the undertaking authorised by Part V (Supply of heat by Westminster City Council) of the London County Council (General Powers) Act 1947 and if the Minister gives such a direction as from the date thereby fixed the provisions of the said Part V shall cease to apply and the provisions of this Part of this Act shall apply in relation to the said undertaking as if—

(a) such undertaking were a heating undertaking established in accordance with proposals submitted by the Westminster Council to and approved by the Minister under section 11 (Proposals subject to approval of Minister) of this Act; and

(b) any works executed and any other thing done by the Westminster Council or any other person under any of the provisions of the said Part V had been executed or done under the corresponding provisions of this Part of this Act:

Provided that the Minister shall not give a direction under this subsection unless he is satisfied after consultation with the

PART II
—cont.

authority the London Electricity Board the North Thames Gas Board the Metropolitan Water Board and any other persons who are in his opinion likely to be affected by the giving of the direction that no such authority board or person objects thereto.

Reserve funds.

27.—(1) A heating authority may (if they think fit) provide a reserve fund in respect of any heating undertaking established by them.

(2) Subject to the provisions of subsection (3) of this section a heating authority may from time to time pay to a reserve fund such amounts as they may think reasonable.

(3) The amount standing to the credit of a reserve fund shall not at any time exceed a sum equal to one-tenth of the aggregate capital expended on the undertaking in respect of which the fund is provided or such less sum as may from time to time be prescribed by the heating authority.

(4) A reserve fund shall be applicable to answer any deficiency at any time happening in the income of the undertaking in respect of which it is provided or to meet any extraordinary claim or demand at any time arising against the heating authority in respect of that undertaking or for payment of the cost of renewing improving or extending any part of the buildings works and apparatus forming part thereof or otherwise for the benefit of that undertaking.

Repairs
equalisation
funds.

28.—(1) A heating authority may (if they think fit) provide in respect of any heating undertaking established by them a fund for the purpose of equalising so far as practicable the annual charge to the revenue of such undertaking in respect of the expenses of the repair and maintenance of the buildings works and apparatus forming part of the undertaking.

(2) A heating authority may in any financial year pay to a repairs equalisation fund such amount as they may think reasonable for the purpose aforesaid and may apply any moneys for the time being standing to the credit of such fund in meeting any such expenses as aforesaid incurred in connection with the undertaking in respect of which the fund is provided.

Investment
&c. of moneys
forming part
of reserve funds
&c.

29.—(1) Without prejudice to the power of a heating authority under any enactment to use moneys forming part of a reserve fund or a repairs equalisation fund for a purpose for which they are authorised to borrow money any moneys standing to the credit of any such fund and not for the time being required for a purpose for which such moneys are authorised to be applied shall be invested in statutory securities and amounts equivalent to any income from time to time arising from any such investment shall be carried to the credit of the fund from which the investment was made.

(2) Notwithstanding anything in the foregoing subsection or in any such enactment as is therein mentioned where moneys used by a heating authority as aforesaid or invested under this section form part of a reserve fund and any amount or any part of an amount representing interest which the heating authority are required by the enactment under which the moneys were so used to pay or credit to the reserve fund or income from such investment cannot be paid or credited to the reserve fund by reason of the limitation imposed by subsection (3) of section 27 (Reserve funds) of this Act so much of the said amount as cannot be so paid or credited shall be carried to the credit of the revenue account of the undertaking in respect of which the reserve fund is provided.

30. Notwithstanding anything contained in the definition of the expression "the company" in section 2 of the Act of 1893 the provisions of the said Act shall apply so as to enable the Council to require the laying in or the removal into subways of pipes within the meaning of the said Act laid by borough councils under the powers conferred by this Part of this Act in or under streets where there are subways and in relation to any such pipes so laid or to be laid the provisions of the Act of 1893 shall have effect as if a borough council acting in the exercise of the said powers were expressly included within the meaning of the said expression and as if in the first paragraph of section 3 (Removal of pipes and wires into subway) of the Act of 1893 for the reference to a communication or supply pipe there were substituted a reference to a service pipe.

Laying of
pipes by
borough
councils in
subways.

31.—(1) Notwithstanding anything in this Part of this Act a borough council shall not in the exercise of the powers thereby conferred execute any works in on over under or within one hundred feet of—

Works
affecting
bridges
embank-
ments &c.

(a) any embankment-wall viaduct or tunnel maintained by the Council ; or

(b) any bridge (whether or not a county bridge) maintained wholly or partly by or at the expense of the Council ; except with the consent of the Council and upon and subject to such terms and conditions as the Council may determine.

(2) Notwithstanding anything in this Part of this Act a heating authority shall not in the exercise of the powers thereby conferred execute any works in on over under or within one hundred feet of any bridge over the river Thames vested in the corporation except with the consent of the corporation and upon and subject to such terms and conditions as the corporation may determine.

(3) In this section—

"the corporation" means the mayor and commonalty and citizens of the city of London trustees of the Bridge House estates ;

PART II
—cont.

“embankment-wall” includes a retaining wall supporting a highway or land adjacent to a highway;

“tunnel” means a tunnel or covered way through which there is a public right of passage and includes the approaches thereto; and

“bridge” includes the abutments of a bridge and any land adjacent to a bridge or the abutments thereof which is held by the Council or the corporation (as the case may be) either alone or jointly with any other person for purposes connected with the management maintenance repair or renewal of that bridge.

Combining undertakings for purposes of accounts &c.

32. A heating authority may with the consent of the Minister treat any two or more heating undertakings established by them as a single undertaking for the purposes of subsection (3) of section 22 (Heating charges) and of section 24 (Separate accounts) section 27 (Reserve funds) and section 28 (Repairs equalisation funds) of this Act.

Undertakings to be maintained efficient and in accordance with Minister's approval &c.

33. A heating authority in carrying on any heating undertaking shall at all times except when prevented by accident or other unavoidable cause maintain and manage the undertaking so that any supply of heat which they have agreed to furnish to any premises included within the scope of the undertaking shall be efficiently maintained without interruption and so as not to cause or permit any breach of or non-compliance with the terms of any approval or requirement given or made by any government department under this Part of this Act.

Alterations in maximum and minimum temperatures and pressures.

34.—(1) In this section “the Minister” means the Minister of Fuel and Power.

(2) A heating authority shall not make any alteration in the maximum and minimum temperatures and pressures at which hot water or steam is stored transmitted or distributed in connection with any heating undertaking or in any such temperature or pressure without the approval of the Minister.

(3) A heating authority who propose to make any such alteration shall—

(a) cause to be published in one or more newspapers circulating within that part of the heating limits and any area outside those limits in which the hot water or steam is stored transmitted or distributed a notice specifying the undertaking concerned and the nature of the proposed alteration and stating that any person who may be affected by the proposed alteration may make representations to the Minister with respect thereto within twenty-eight days after the last publication of the notice; and

(b) send a copy of the said notice to the Minister the authority and every electricity board gas board and water undertakers within whose area such alteration is proposed to be made.

PART II
—cont.

(4) The Minister shall before approving any such alteration as aforesaid take into consideration any representations which may be made to him in pursuance of such notice.

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

- (a) examining and inspecting any such apparatus whether belonging to the authority or not and (where such apparatus includes any meter for measuring heat supplied to any premises) recording the reading of such meter ;
 - (b) 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 ;
 - (c) 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 authority ;
- and may when entering any premises by virtue of this subsection take with him such other persons as may be necessary :

Provided that—

- (i) except in a case of emergency arising from a defect 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 ;
- (ii) nothing in this subsection shall authorise any officer of a heating authority without the previous consent in writing of the commission or the authority or an electricity board or gas board (as the case may be) to enter any premises occupied or used by the commission in connection with their undertaking or any premises (other than offices or showrooms) occupied or used by the authority or any such board in connection with the generation or supply of electricity or the manufacture or supply of gas,

PART II
—cont.

(2) If after the giving of any notice required by the foregoing subsection to be given and the production of such authorisation 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 on summary conviction to a fine not exceeding five pounds.

(3) If any person who in compliance with the provisions of this section is admitted into a factory or workplace discloses to any person any information obtained by him in the factory or workplace with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be liable on summary conviction to a penalty not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

Interference
with
apparatus &c.

36.—(1) If any person wilfully and without the consent of the authority turns on opens closes shuts off or otherwise interferes with any valve cock or other work or apparatus belonging to a heating authority and thereby improperly causes the supply of heat to be interfered with he shall be liable on summary conviction to a fine not exceeding five pounds and (whether proceedings be taken against him in respect of his offence or not) the authority may recover from him the amount of any damage sustained by them and if such amount does not exceed twenty pounds the sum may be recovered summarily as a civil debt.

(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 heating authority concerned) be liable on summary conviction to a fine not exceeding five pounds.

Saving for Act
of 1936.

37. Nothing in this Part of this Act or done thereunder shall—

- (a) derogate from the power of a heating authority under subsection (2) of section 72 of the Act of 1936 to fit out furnish and supply any such house as is therein referred to with all requisite furniture fittings and conveniences ; or
- (b) prejudice or affect any power with respect to the management regulation control or inspection of houses conferred by or under Part V of the said Act on any person or authority (whether or not a heating authority by whom a supply of heat is given to the houses under this Part of this Act).

38.—(1) Where under the powers conferred by subsection (2) of section 72 of the Act of 1936 any house has been fitted out furnished or supplied by a heating authority with any furniture fittings or conveniences (in this section referred to as "heating conveniences") which are used or intended to be used in connection with the supply of heat to the house under this Part of this Act section 18 (Application of byelaws &c. for preventing waste &c. of water) section 35 (Power to enter premises) and section 36 (Interference with apparatus &c.) of this Act shall apply and have effect as if such heating conveniences were included in the apparatus referred to in those sections respectively.

PART III
—cont.
Provisions as to fittings &c. supplied under Act of 1936.

(2) (a) Save as expressly provided by the foregoing subsection heating conveniences shall not be deemed to form part of or to have been provided for the purposes of or in connection with any heating undertaking.

(b) The provisions of this subsection shall be without prejudice to any directions which may be given by the Minister under paragraph (b) of subsection (1) of section 26 (As to existing heating schemes) of this Act.

39. For the purposes of section 4 of the Special Roads Act 1949 a heating authority in relation to the powers conferred upon them by this Part of this Act shall be deemed to be statutory undertakers.

Saving for special roads.
12 & 13 Geo. 6.
c. 32.

40. Nothing in this Part of this Act shall exempt any person from or shall alter or affect any of the provisions of the London Traffic Act 1924.

Saving for London Traffic Act 1924.
14 & 15 Geo. 5.
c. 34.

41. Nothing in this Part of this Act shall exonerate a heating authority from any indictment action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them.

Heating authority not exempted from proceedings for nuisance.

42. Nothing in this Part of this Act shall be taken to dispense with the consent of any government department to any use of any lands of a heating authority in any case in which such consent would have been required if this Part of this Act had not been enacted.

Saving for consent of government departments.

PART III

RATING AND VALUATION

43.—(1) The following provisions of the Act of 1925 (that is to say) :—

Subsections (4) (7) and (9) of section 2 (which contain provisions relating to the general rate);

Application of certain provisions of Act of 1925 to county.

PART III
—cont.

Subsections (4) to (6) of section 4 (which contain provisions relating to the incidence of rates &c.);

Section 11 (which provides for the rating of owners and the collection of rates by owners in certain cases);

Subsection (1) of section 12 (which requires a rating authority &c. to make sufficient rates &c.); and

Section 13 (which contains provisions for securing the payment of precepts);

shall (subject to the modifications specified in subsection (2) of this section) extend to the county and the expressions "rating authority" "rating area" and "general rate" where used in the said provisions shall (subject as aforesaid) be construed accordingly.

(2) The modifications referred to in subsection (1) of this section are as follows (that is to say):—

(a) any reference in the said provisions to a general rate shall be construed—

(i) in relation to the city of London as including a reference to a poor rate; and

(ii) in relation to the Inner Temple and the Middle Temple as a reference to any rate in the nature of a general rate levied in the Inner Temple or the Middle Temple (as the case may be);

(b) in subsection (7) of the said section 2 for the words "in an urban rating area" there shall be substituted the words "in any rating area";

(c) in subsection (4) of the said section 4 at the end thereof there shall be inserted the following proviso (that is to say):—

"Provided that in relation to any rate to which section 177 (Provision as to the rating of empty houses) of the City of London Sewers Act 1848 applies this subsection shall have effect subject to the provisions of that section and any amount in respect of any such rate which any person is required by that section to pay or allow in respect of any period during which a hereditament is unoccupied shall be allowed to the rating authority in computing any sum which that person is entitled to recover from them in respect of that hereditament under this subsection";

(d) any reference in the said section 11 to a resolution of a rating authority shall in relation to the Inner Temple and the Middle Temple be construed as a reference to an order of the rating authority;

(e) in subsection (1) of the said section 11 for the words from "Provided that" to "that higher limit" there shall be substituted the words "Provided that the class shall not be so defined as to include any hereditament the rateable value of which exceeds twenty-five pounds";

(f) in subsection (2) of the said section 11 at the end thereof there shall be inserted the following paragraph (that is to say):—

"Section 177 of the City of London Sewers Act 1848 shall not apply to any hereditament in the city of London so long as an agreement in respect thereof under paragraph (a) of this subsection is in force";

(g) for subsection (10) of the said section 11 there shall be substituted the following subsection (that is to say):—

"(10) As from the date on which this section comes into operation all orders resolutions agreements and notices then in force under any enactment with respect to the rating of owners instead of occupiers shall cease to have effect";

(h) the reference in subsection (1) of the said section 12 to every local authority shall be construed as a reference to the Council the common council of the city of London and every borough council; and

(i) in subsection (1) of the said section 13 for the words "after the passing of this Act" there shall be substituted the words "after the coming into operation of this section".

(3) Nothing in the said provisions of the Act of 1925 as modified and extended to the county by this section shall be construed as applying in relation to any rate not leviable by a rating authority.

44.—(1) Subject to the provisions of subsection (6) of section 4 of the Act of 1925 (as extended and modified by this Part of this Act) every general rate made for a rating area within the county shall be made in respect of a period commencing immediately after the expiration of the last preceding period in respect of which a general rate was made for that area and terminating on such date (to be specified in the rate) as may be fixed by the rating authority and in the case of the last rate made in respect of any financial year the date so fixed shall be the last day in that year.

(2) In relation to the city of London the provisions of the foregoing subsection shall apply with respect to the making of poor rates as they apply with respect to the making of general rates.

PART III
—cont.Effect of
valuation list.
10 Edw. 7. &
1 Geo. 5. c. 24.

45.—(1) For the purpose of every rate levied within the county or any part thereof and for the purpose of determining the annual value of premises within the county under the Licensing (Consolidation) Act 1910 the valuation list as in force at the time when the rate is made or the value of the premises is to be determined shall be conclusive evidence of the values of the several hereditaments included in the list:

Provided that—

- (a) in relation to any rate in respect of which it is provided by any enactment that the values of the hereditaments included in the rate shall be determined by reference to some date other than the date on which the rate is made the foregoing provision shall have effect as if a reference to that other date were substituted therein for the reference to the time at which the rate is made ;
- (b) where for the purposes of the said Act of 1910 it is necessary to make a separate valuation of any hereditament by reason of its not being separately valued in any valuation list the value of that hereditament shall be ascertained in the same manner as if this section had not been enacted.

(2) In this section the expression “rate” includes every rate (howsoever described and by whomsoever levied) the proceeds of which are applicable to local purposes of a public nature and which is leviable on the basis of an assessment of the yearly value of property.

Commence-
ment of
Part III.

46. This Part of this Act shall come into operation on such day as the Minister may by order appoint and different days may be appointed for different purposes different rating areas and different provisions of this Part of this Act or of the Act of 1925:

Provided that if it is represented to the Minister by any rating authority that the coming into operation within the rating area of that authority of the provisions of subsection (9) of section 2 of the Act of 1925 would cause inconvenience by reason of the number of hereditaments within the area which owing to war damage are not for the time being liable to be rated the Minister shall not (except with the consent of the rating authority) appoint a day for the coming into operation of the said provisions within that area until he is satisfied that no substantial inconvenience by reason as aforesaid would result therefrom.

Repeals.

47. The enactments specified in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule as from such day or days as the Minister may by order appoint and different days may be appointed for different enactments and different purposes of one and the same enactment and for different rating areas.

PART IV

EXTENSIONS OF TIME

48.—(1) The time limited by section 56 of the London County Council (General Powers) Act 1937 as last extended by the London County Council (General Powers) Act 1937 (Extension of Time) Order 1946 for the exercise by the Westminster Council of powers for the compulsory purchase of lands under Part IV of that Act is hereby further extended until the first day of October one thousand nine hundred and fifty-four.

Extension of time for Westminster (Curzon Street) improvement.
1 Edw. 8 & 1 Geo. 6. c. xci.

(2) The time limited by section 57 of the said Act of 1937 as last extended as aforesaid for the completion of the Curzon Street improvement authorised by that Act is hereby further extended until the first day of October one thousand nine hundred and fifty-six.

49.—(1) The time limited by section 54 of the London County Council (Tunnel and Improvements) Act 1938 as last extended by the Westminster City Council (Extension of Time) Order 1946 for the exercise by the Westminster Council of powers for the compulsory purchase of lands under Part IV of that Act is hereby further extended until the first day of October one thousand nine hundred and fifty-five.

Extension of time for Westminster (Marsham Street &c.) improvement.
1 & 2 Geo. 6. c. lxxxi.

(2) The time limited by section 55 of the said Act of 1938 as last extended as aforesaid for the completion of the Westminster improvement authorised by that Act is hereby further extended until the first day of October one thousand nine hundred and fifty-seven.

PART V

MISCELLANEOUS

50. The Council in the exercise of their powers under section 144 of the Metropolis Management Act 1855 of making widening or improving streets in the county may provide and install equipment for purposes of street lighting.

Extension of section 144 of 18 & 19 Vict. c. 120.

51.—(1) In this section—

“ the Act of 1947 ” means the Fire Services Act 1947 ;

“ the fire brigade ” means the fire brigade maintained by the Council in pursuance of the Act of 1947 ;

“ training institution ” means the central training institution and any local training centre established by the Secretary of State under section 23 of the Act of 1947 ; and

“ the superannuation provisions ” means any enactment or scheme which provides for the payment of any superannuation allowance pension or other benefit on the death or retirement of any person who is or has at any time been employed by the Council.

Employment of members of fire brigade at training institution &c.
10 & 11 Geo. 6. c. 41.

PART V
—cont.

(2) The Council may upon and subject to such terms and conditions as may be agreed between them and the Secretary of State permit any member of the fire brigade to be employed either permanently or temporarily in any capacity in which his services may be desired by the Secretary of State at or in connection with a training institution:

(3) The powers of appointing and employing members of the fire brigade conferred upon the Council by the Act of 1947 shall (notwithstanding anything to the contrary in the Act of 1947 or in any scheme or regulations made thereunder) include and be deemed always to have included power to appoint any person as a member of the fire brigade for the purpose of permitting him to be so employed as aforesaid at or in connection with a training institution and to make any such appointment for that purpose upon and subject to any terms and conditions approved by the Secretary of State which may be agreed between the Council and the person so appointed.

(4) Subject to the provisions of the next following subsection employment and any period of employment of any person at or in connection with a training institution by virtue of a permission of the Council under this section shall be deemed for the purposes of the superannuation provisions to be employment and a period of employment of that person by the Council as a member of the fire brigade.

(5) An agreement between the Council and the Secretary of State under subsection (2) of this section with respect to any person may provide for the making by the Council to the fund mentioned in section 66 (Council to contribute to fund) of the London Council (General Powers) Act 1891 of such payments at such times as may be provided by the agreement for the purpose of meeting the whole or any part of any liabilities which may fall upon or any deficiency which may arise in the said fund by reason of the employment of such person and any such payments shall (if the agreement so provides) be in lieu of any contributions or payments falling to be made by the Council to the said fund in respect of that person under the said section 66.

54 & 55 Vict.
c. ccvi.

Acquisition of
lands by
borough
councils for
purposes of
refuse disposal
&c.

52.—(1) Notwithstanding anything in the Act of 1939 or in any other enactment the powers conferred by section 100 of the Act of 1939 so far as they relate to the compulsory purchase of lands by a borough council shall apply in relation to any lands required by a borough council for the provision of places for the deposit of refuse or otherwise for the purposes of or in connection with the exercise of their functions under Part III of the Public Health (London) Act 1936 with respect to the collection removal and disposal of street refuse house refuse and trade refuse.

(2) Subject to the provisions of this section hereinafter contained the Acquisition of Land (Authorisation Procedure) Act 1946 (in this section referred to as "the Act of 1946") shall apply as if subsection (1) of this section had been enacted in the Act of 1939.

PART V
—cont.

9 & 10 Geo. 6
c. 49.

(3) Where a borough council by virtue of subsection (1) of this section makes a compulsory purchase order under the Act of 1946 and there is comprised in the order any land situated in a county borough or county district the provisions of Part I of the First Schedule to the Act of 1946 shall in relation to the said order have effect subject to the following modifications (that is to say) :—

(a) The acquiring authority shall whether or not the confirming authority gives any such direction as is referred to in head (b) of sub-paragraph (1) of paragraph 3 of the said schedule serve upon the local authority the like notice as they may be required to serve upon an owner lessee or occupier under the said head (b) For the purpose of this provision "local authority" means in relation to land situated in a county borough the council of the county borough and in relation to land situated in a county district the council of the county district and the council of the county ;

(b) For the purposes of paragraph 4 of the said schedule any objection made by any owner lessee or occupier of any land situated within three hundred yards of any land comprised within the order or by a local authority upon whom a notice is served under paragraph (a) of this subsection shall be deemed to be such an objection as is referred to in the said paragraph 4 and references (however expressed) in the said paragraph 4 to any person by whom an objection has been made shall be construed accordingly.

(4) In relation to the use for any such purpose as is referred to in subsection (1) of this section of any land acquired under any such order as is referred to in subsection (3) of this section nothing in this section shall prejudice or derogate from any of the provisions of—

(a) section 94 of the Surrey County Council Act 1931 ; or 21 & 22 Geo. 5.
c. ci.

(b) section 146 of the Essex County Council Act 1933 ; or 23 & 24 Geo. 5.
c. xlv.

(c) section 26 of the Hertfordshire County Council Act 1935 ; or 25 & 26 Geo. 5.
c. cxiii.

(d) sections 222 and 223 of the Middlesex County Council Act 1944. 7 & 8 Geo. 6.
c. xxi.

PART V
—cont.10 & 11 Geo. 6.
c. 51.

(5) Any such order as aforesaid shall not authorise a borough council to acquire compulsorily land situated in a county borough or county district which is for the time being designated in a development plan under the Town and Country Planning Act 1947 as subject to compulsory acquisition by any local authority within the meaning of that Act.

Power to
Chelsea
Council to
provide studio
accommoda-
tion.

53.—(1) In this section “studio” includes a studio which is used or intended to be used by the occupant thereof partly for the purposes of a studio and partly for residential purposes and any set of premises consisting of a studio (whether or not used or intended to be used as aforesaid) together with other premises occupied or intended to be occupied therewith for residential purposes.

(2) The Chelsea Council may provide and maintain within the borough studio accommodation for artists and may make arrangements with other persons as hereinafter provided for the provision and for the maintenance of such accommodation within the borough.

(3) Without prejudice to any powers exercisable by them under the Act of 1939 or under any other enactment the Chelsea Council may for the purposes of this section—

(a) erect studios ;

(b) construct studios by the conversion alteration or adaptation of buildings or any part or parts thereof including (with the consent of the Minister) any part of a building belonging to them but not appropriated for the purposes of this section ;

(c) acquire studios erected or constructed by other persons or any interest in any such studios ; and

(d) furnish and supply any studios so erected or constructed by them or which or any interest in which they have acquired as aforesaid with all such fittings equipment and furniture (other than movable furniture intended solely or primarily for domestic use) which they may consider requisite for the convenient use by artists of the accommodation provided therein.

(4) The Chelsea Council may themselves maintain any studios provided by them under this section and may let such studios or allow such studios to be used upon such terms and subject to such conditions for securing the proper use thereof by artists as they may determine or they may transfer grant or sell to any person any estate or interest in any such studios of which they are competent to dispose subject to such covenants and conditions with respect to the maintenance of the studios and the proper use thereof by artists as they may think fit to impose.

(5) Arrangements made by the Chelsea Council under this section for the provision of studio accommodation by other persons may provide for the sale or lease to any person or for the grant to any person of any interest in any land or building acquired or appropriated by the Chelsea Council for the purposes of this section subject to such covenants and conditions as the Chelsea Council may think fit to impose with respect to the provision by such person of studios on such land or in such building and with respect to the maintenance and use of such studios when so provided and the Chelsea Council may sell or lease or grant any interest in any such land or building in accordance with such arrangements.

(6) Any covenants and conditions imposed by the Chelsea Council under this section may be enforced by them as well against any person deriving title under the person upon whom the covenants and conditions are imposed as against the last-mentioned person.

(7) Notwithstanding anything in the Act of 1939 the provisions of sections 107 and 108 of that Act shall apply in relation to the letting and sale of lands and buildings by the Chelsea Council under this section as if such lands and buildings were land to which those sections apply and for the purposes of the said section 107 a grant by the Chelsea Council under this section of any interest in any land or building for a term exceeding seven years shall be deemed to be a letting of land.

54.—(1) Notwithstanding anything in section 34 or in section 64 of the Act of 1939 or in Part III of the Local Government Act 1933 a person shall not be disqualified for being elected or being a member of the Council or for being a member of a committee or sub-committee of the Council or for being a representative of the Council on any joint committee of the Council and any other local authority by reason only that he has a share or interest—

Avoidance of disqualification of certain persons for membership of Council &c. 23 & 24 Geo. 5. c. 51.

(a) in the case of a medical practitioner in any fees payable by the Council in connection with the vaccination or immunisation of persons against any disease in pursuance of arrangements made by the Council under section 26 of the National Health Service Act 1946 (hereinafter in this section referred to as "the Act of 1946"); or

9 & 10 Geo. 6. c. 81.

(b) in the case of any member of—

(i) the board of governors of a teaching hospital ;

or

(ii) a hospital management committee ; or

(iii) any such voluntary organisation as is referred to in Part III of the Act of 1946 ;

PART V
—cont.

in any arrangements made by the Council with such board committee or organisation under any provision of the said Part III ; or

- (c) in any contract or employment with or by any such board committee or organisation with whom the Council have made any arrangements or to whom the Council have made or agreed to make any contribution for or in respect of the provision of any services under any of the following sections of the Act of 1946 (that is to say) sections twenty-two to twenty-five (inclusive) and sections twenty-seven and twenty-eight.

(2) Nothing in this section shall be construed to disqualify for being elected or for being a member of the Council or of any committee or sub-committee of the Council or for being a representative of the Council on any joint committee of the Council and any other local authority any person who would not have been so disqualified if this section had not been enacted.

(3) This section shall be deemed to have come into force on the fifth day of July one thousand nine hundred and forty-eight.

Judges not
disqualified.

55. 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.

Inquiries by
Ministers.

56. The Minister the Minister of Fuel and Power and the Minister of Fuel and Power and the Minister of Transport acting jointly may hold such inquiries as they may respectively consider necessary in regard to the exercise of any powers conferred on them by this Act and section 189 of the Act of 1939 shall apply in relation to any such inquiry as if that section were re-enacted herein with any necessary modifications.

Arbitration.

57. Except as otherwise provided by this Act any question or difference which pursuant to this Act is to be determined by arbitration shall be referred to and determined by an arbitrator to be agreed upon between the parties in difference or failing such agreement to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institution of Civil Engineers and subject as aforesaid the provisions of the Arbitration Acts 1889 to 1934 shall apply to any such reference and determination.

Saving for
town and
country
planning.

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

59. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing in this Act shall authorise the Council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the said commissioners or the Chancellor of the said duchy respectively on behalf of His Majesty first had and obtained for that purpose.

PART V
—cont.

Crown rights.

60.—(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.

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—

- (i) Part IV (Extensions of time) ; and
- (ii) Section 53 (Power to Chelsea Council to provide studio accommodation) ;

shall unless otherwise agreed be paid as regards (i) by the Westminster Council and as regards (ii) by the Chelsea Council.

SCHEDULE

ENACTMENTS REPEALED

Session and chapter	Short title	Extent of repeal
11 & 12 Vict. c. 91.	The Poor Law Audit Act 1848.	Sections one and two.
11 & 12 Vict. c. clxiii.	The City of London Sewers Act 1848.	In section one hundred and seventy-eight the words from "provided also" to the end of the section. Sections one hundred and seventy-nine to one hundred and eighty-two one hundred and ninety-three and two hundred.
31 & 32 Vict. c. 122.	The Poor Law Amendment Act 1868.	Sections thirty-nine and forty.
32 & 33 Vict. c. 41.	The Poor Rate Assessment and Collection Act 1869.	Sections three to six nine eleven thirteen fourteen sixteen and twenty.
32 & 33 Vict. c. 67.	The Valuation (Metropolis) Act 1869.	In section four the definition of "year" and in the definition of "hereditament" the words "by this Act". Section forty-five. The whole Act.
45 & 46 Vict. c. 20.	The Poor Rate Assessment and Collection Act 1869 Amendment Act 1882.	The whole Act.
11 & 12 Geo. 5. c. 67.	The Local Authorities (Financial Provisions) Act 1921.	Section two.
21 & 22 Geo. 5. c. lix.	The London County Council (General Powers) Act 1931.	Section forty-six.
23 & 24 Geo. 5. c. xxiii.	The City of London (Various Powers) Act 1933.	Section sixteen.
23 & 24 Geo. 5. c. xxviii.	The London County Council (General Powers) Act 1933.	Subsection (2) of section sixty-seven.
2 & 3 Geo. 6. c. 40.	The London Government Act 1939.	In subsection (1) of section sixty-seven the words from "or in the case of the county council" to the end of the subsection. Subsection (5) of section one hundred and seventeen.
3 & 4 Geo. 6. c. 32.	The Remission of Rates (London) Act 1940.	The whole Act.

Session and chapter	Short title	Extent of repeal
11 & 12 Geo. 6. c. 26.	The Local Government Act 1948.	Subsection (2) of section fifty-five. In subsection (1) of section sixty-six the words "or section four of the Poor Rate Assessment and Collection Act 1869" and the words "or under section three of the said Act of 1869". Paragraph (e) of subsection (2) of section one hundred and twenty. Paragraph (d) of subsection (4) of section one hundred and twenty-one.

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