



Greater London Council (General Powers) Act 1971

CHAPTER xxviii

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ELIZABETH II



1971 CHAPTER xxviii

An Act to confer further powers upon the Greater London Council and other authorities; and for other purposes.

[27th May 1971]

WHEREAS—

(1) It is expedient that further and better provision should be made for the finances, public health and local government services of Greater London and that the powers of the Greater London Council (hereinafter called “the Council”), and of the London borough councils and the Common Council of the City of London, should be extended and amended as provided in this Act:

(2) It is expedient to extend to the councils of outer London boroughs and to certain other authorities the provisions of section 64 (Consents under section 5 of Cremation Act, 1902) of 1902 c. 8. the London County Council (General Powers) Act, 1935, and 1935 c. xxxiii. otherwise to amend the law relating to the provision of crematoria in Greater London:

(3) It is expedient that a portion of Northwood Cemetery in the London borough of Hillingdon should be freed from the effects of consecration and from certain other restrictions attaching thereto:

(4) It is expedient that the other provisions contained in this Act should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

(6) 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 254 of the Local Government Act, 1933, and the council of the London borough of Hillingdon (as respects the provisions of the Bill relating to the Northwood Cemetery) have complied with the requirements of Part XIII of that Act as applied by subsection (3) of section 7 of the London Government Act, 1963:

1933 c. 51.

1963 c. 33.

May it therefore please Your Majesty that it may be enacted, and be it enacted, by the Queen'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:—

PRELIMINARY

Short title.

1. This Act may be cited as the Greater London Council (General Powers) Act 1971.

Interpretation.

2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—

“the Act of 1963” means the London Government Act, 1963;

“borough” means a London borough, and “borough council” means the council of a London borough;

“the city” means the City of London;

“the Common Council” means the Common Council of the City of London;

“the Council” means the Greater London Council;

“enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

“the Secretary of State” means the Secretary of State for the Environment;

and any reference to an 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.

PROVISIONS RELATING TO COUNCIL AND
BOROUGH COUNCILS

3. Part II (Works in connection with Beverley Brook) of the London County Council (General Powers) Act, 1924, is hereby repealed as from 31st March, 1971.
- 4.—(1) This section applies to the byelaws for the time being in force and—
- (a) made by the London County Council under—
- (i) subsection (2) of section 16 of the Public Health (London) Act, 1891, and confirmed by the Local Government Board on 28th June, 1893;
 - (ii) subsection (1) of section 39 of the Public Health (London) Act, 1891, and section 24 of the London County Council (General Powers) Act, 1928, and confirmed by the Minister of Health on 21st August, 1930;
 - (iii) subsection (1) of section 34 of the Public Health (London) Act, 1936, and section 147 of the London Government Act, 1939, and confirmed by the Minister of Housing and Local Government on 12th March, 1962;
 - (iv) subsection (1) of section 107 of the Public Health (London) Act, 1936, and section 147 of the London Government Act, 1939, and confirmed by the Minister of Housing and Local Government on 24th April, 1963;
- and having effect in the inner London boroughs by virtue of subsection (1) of section 87 of the Act of 1963; or
- (b) made by the Council under—
- (i) paragraph 6 of Part III of Schedule 9;
 - (ii) paragraph 3 of Part II of Schedule 11;
- to the Act of 1963.
- (2) If, on an application made to them under this section, an inner London borough council consider that the operation of any requirement of a byelaw to which this section applies would be unreasonable in relation to the particular case to which the application relates, they may dispense with or relax that requirement upon and subject to such terms or conditions (if any) as they think fit:

Repeal of
Part II of
London
County
Council
(General
Powers) Act,
1924.
1924 c. lvii.

Power to
dispense, etc.,
with, and
increase of
fines in respect
of, certain
byelaws as to
sanitation,
etc.

1891 c. 76.
1928 c. lxxvii.

1936 c. 50.
1939 c. 40.

Provided that an application made under this section by or on behalf of the Council, a borough council or the Common Council shall be transmitted by the inner London borough council to whom it is made to the Secretary of State, who may, after consultation with that inner London borough council and with such other persons as he thinks fit, give directions for dispensing with or relaxing that requirement upon such terms and conditions (if any) as he thinks fit.

(3) An application under this section shall be in such form and contain such particulars as may be prescribed by the Council.

(4) If it appears to an inner London borough council that to dispense with or relax any requirement of a byelaw under subsection (2) of this section would affect the interests of any person other than the person in respect of whom application is made under this section, they shall serve on the first-mentioned person a notice giving him the right, within such time as may be specified in the notice, to make representations to them with respect to the application, and they shall have regard to any such representations at the same time as the application is considered, or, in a case coming within the proviso to the said subsection (2), shall forward a copy of such representations to the Secretary of State.

(5) (a) An inner London borough council shall—

- (i) keep in a form prescribed by the Council, a register of all decisions under this section dispensing with or relaxing any requirement of a byelaw and such register shall show the terms and conditions (if any) on which any application under this section has been granted and shall at all reasonable hours be open to public inspection without payment; and
- (ii) furnish the Council each year, or at such shorter intervals as may be agreed, with a copy of the entries in such register.

(b) The Council shall keep a register of all entries furnished to them under sub-paragraph (ii) of the foregoing paragraph and such register shall at all reasonable hours be open to public inspection without payment.

(6) If a person contravenes or fails to comply with any term or condition attached to any dispensation or relaxation of a byelaw under subsection (2) of this section he shall be liable to a fine not exceeding fifty pounds and to a further fine not exceeding ten pounds for each day on which the default continues after he is convicted.

(7) Any person who has made an application under this section and is aggrieved by—

- (a) the refusal of an inner London borough council to dispense with or relax any requirement of a byelaw to which this section applies; or

- (b) any term or condition attached to a dispensation or relaxation granted (other than a term or condition so attached in accordance with a direction of the Secretary of State);

may appeal against the decision of the inner London borough council to the Council and the provisions of section 7 of the Public Health Act, 1961, shall, with any necessary modifications, 1961 c. 64. apply to such an appeal as if that section were incorporated in this Act and as if—

- (i) for references in that section to a local authority and to building regulations, there were substituted respectively references to the inner London borough council to whom the application was made and to a byelaw to which this section applies;
- (ii) the references in subsection (1) of that section to the refusal of an application included references to the granting of an application subject to the attachment thereto of any terms or conditions;
- (iii) the functions of the Secretary of State under that section were exercisable by the Council; and
- (iv) for subsection (6) of that section there were substituted the following subsection:—

“(6) On an appeal the Council may give such directions as they think fit—

- (a) for dispensing with or relaxing any requirement of a byelaw to which this section applies, or for refusing such dispensation or relaxation;
- (b) for confirming, varying or quashing any term or condition which is the subject of the appeal;
- (c) for imposing any term or condition.”.

(8) Notwithstanding anything in any other enactment, the byelaws to which this section applies shall have effect as if the maximum amount of the fine which may be imposed for an offence under any of those byelaws were a fine not exceeding fifty pounds and a further fine not exceeding ten pounds for each day on which the default continues after conviction.

(9) The provisions of this section shall, so far as may be appropriate, apply and have effect in relation to the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple as they apply and have effect in relation to an inner London borough council.

PROVISIONS RELATING TO BOROUGH COUNCILS, ETC.

Borough
council
insurance
funds.

5.—(1) (a) The powers conferred on the Council by paragraph 30 of Schedule 2 to the Act of 1963 in connection with the establishment and administration of an insurance fund shall extend and apply to a borough council, and accordingly the provisions of the said paragraph shall have effect as if—

- (i) references therein to the Council and the general London account of the Council's general fund included respectively references to the council of a London borough and the general rate fund of that London borough;
- (ii) the references to a payment for general London purposes in sub-paragraph (4) and sub-paragraph (7) thereof included references to a payment from the general rate fund of a London borough.

(b) The provisions of the foregoing paragraph (a) shall extend and apply to the Common Council and, accordingly, shall have effect as if any reference therein to a borough council or the council of a London borough included a reference to the Common Council and any reference to the general rate fund of a London borough included a reference to the general rate of the city.

(2) At the end of the said paragraph 30 there shall be inserted the following sub-paragraph:—

“(12) (a) When in pursuance of the powers conferred by section 5 (Borough council insurance funds) of the Greater London Council (General Powers) Act, 1971, the council of a London borough or the Common Council establish an insurance fund under this paragraph—

- (i) any property standing to the credit of any existing insurance fund shall be carried to and form part of the first-mentioned insurance fund;
- (ii) the provisions of any enactment relating to the establishment and administration of the existing insurance fund shall cease to have effect in relation to that London borough or the City (as the case may be).

(b) In this sub-paragraph ‘existing insurance fund’ means an insurance fund established or administered by the council of a London borough or the Common Council and in existence immediately before an insurance fund is established under this paragraph.”

Officers of
borough
councils
acting as
receivers, etc.
1959 c. 72.

6.—(1) A borough council may pay to any of their officers who acts in any of the following capacities—

- (a) as the receiver appointed by an order made under Part VIII of the Mental Health Act, 1959;

- (b) as a surety to a bond required by law from an officer acting in accordance with the foregoing paragraph;
- (c) as the administrator of the estate of a deceased person acting by virtue of a grant made to him as the nominee of the borough council;

the amount of any sum forfeited by him to the Crown or the principal probate registrar or the amount of any payment which he is liable to make by reason of his acting in the course of his duties as an officer of the borough council in any such capacity as aforesaid.

(2) The borough council may pay the amount of any premiums upon an insurance policy indemnifying an officer acting in any of the capacities mentioned in the foregoing subsection against any act, neglect or default whether his own or that of any other person occurring in the course of the receivership or administration.

(3) Any payments which the borough council have power to make under the provisions of subsection (1) of this section and any of the risks referred to in subsection (2) of this section may, by resolution of the borough council, be included among the risks specified or referred to, as the case may be, under the provisions of any enactment whereby an insurance fund is or has been established by a borough council to be available for making good such losses, damages, costs and expenses as may from time to time arise in connection with such last-mentioned risks, and the provisions of that enactment shall be construed accordingly.

(4) (a) Section 122 (Officers of Corporation acting as receivers, etc.) of the East Ham Corporation Act, 1957, is hereby repealed. 1957 c. xxxvii.

(b) Section 39 (Officers of Council acting as receivers, etc.) of the Middlesex County Council Act, 1961, and section 91 (Officers of Council acting as receivers, etc.) of the Kent County Council Act, 1958, shall cease to have effect so far as they relate to a borough council or any of their officers. 1961 c. xxxvii. 1958 c. vi. (7 & 8 Eliz. 2.)

(5) In this section the expression "borough council" includes the Common Council.

7.—(1) In its application to a crematorium constructed or proposed to be constructed on land in Greater London by a Greater London burial authority, section 5 of the Cremation Act, 1902, shall have effect and be deemed always to have had effect as if for the word "crematorium" there were substituted the words "building fitted with appliances for the purpose of burning human remains". Extension of powers as to crematoria. 1902 c. 8.

1935 c. xxxiii. (2) Section 64 (Consents under section 5 of Cremation Act, 1902) of the London County Council (General Powers) Act, 1935, shall have effect and be deemed always to have had effect as if—

(a) in subsection (1) thereof, for the word “crematorium” in the first place where that word occurs, there were substituted the words “building fitted with appliances for the purpose of burning human remains”, and for the words “a proposed crematorium” there were substituted the words “any such building”;

(b) in subsection (2) thereof, in the definition of the expression “site of a proposed crematorium” for the word “used” there were substituted the words “fitted with appliances”.

(3) Subject to the provisions of the next following subsection, the said section 64 as amended by the last foregoing subsection shall extend and apply and be deemed always to have extended and applied in relation to the construction or proposed construction of a crematorium on land in Greater London by a Greater London burial authority and references in that section to a borough council shall be construed accordingly:

1962 c. 38. Provided that development consisting of or including the construction by a Greater London burial authority on land in an outer London borough of a building fitted with appliances for the purpose of burning human remains shall, if the building is to be situated within 200 yards of any dwelling-house (not being a new dwelling-house within the meaning of the said section 64), be deemed to be development of a class to which section 15 of the Town and Country Planning Act, 1962, applies, and which has been designated under subsection (3) of that last-mentioned section.

(4) Nothing in this section shall be deemed to prejudice the effect of the following enactments, that is to say:—

1936 c. cxxi. (i) section 34 (Application of Cremation Act 1902) of the Mortlake Crematorium Act, 1936;

1947 c. ix. (ii) section 40 (Application of Cremation Act 1902) of the South-West Middlesex Crematorium Act, 1947;

1956 c. lxi. (iii) section 32 (Application of Cremation Acts 1902 and 1952) of the North-East Surrey Crematorium Board Act, 1956;

1969 c. xxxix. (iv) section 5 (Use of part of cemetery lands for crematorium) of the City of London (Various Powers) Act, 1969;

and the Greater London burial authorities to whom those enactments apply may exercise or continue to exercise the powers thereby conferred as if this section had not been enacted.

(5) In this section, "Greater London burial authority" means—

- (a) a borough council;
- (b) the Common Council;
- (c) a joint committee appointed under section 91 of the Local Government Act, 1933, and authorised to exercise powers under the Cremation Acts, 1902 and 1952, or under any other enactment relating to the provision and maintenance of crematoria, being a joint committee any member of which is appointed by a borough council or the Common Council; or 1933 c. 51.
- (d) a burial, cemetery or crematorium board established under any enactment and authorised to exercise powers under the Cremation Acts, 1902 and 1952, or under any other enactment relating to the provision and maintenance of crematoria, being a board of which at least one of the constituent authorities is a borough council or the Common Council;

and in relation to a crematorium constructed before 1st April, 1965, any reference to a borough council shall be deemed to include a reference to the council of any administrative area abolished by paragraph (b) of subsection (1) of section 3 of the Act of 1963.

8.—(1) As from 1st September, 1971, the burial lands shall by virtue of this Act be freed from the effects of consecration and from all trusts, uses, obligations, disabilities and restrictions whatsoever which immediately before that date attached thereto under ecclesiastical law or otherwise:

Part of Northwood Cemetery freed from effects of consecration, etc.

Provided that—

- (i) nothing in this section shall affect the application to the burial lands of the provisions of the Public Health (Interments) Act, 1879; and 1879 c. 31.
- (ii) as from the said date the burial lands shall be deemed to have been allotted as a portion of the unconsecrated part of the cemetery in pursuance of the provisions of section 7 of the Burial Act, 1853. 1853 c. 134.

(2) In this section—

- "the burial lands" means that part of the cemetery coloured pink on the signed plan;
- "the cemetery" means the lands comprising the Northwood Cemetery in the borough of Hillingdon;
- "the signed plan" means the plan signed in quadruplicate by the Earl of Listowel, the Chairman of the Committee of the House of Lords to which the Bill for this Act was

referred, one copy of which has been deposited in the office of the Clerk of the Parliaments, House of Lords, one copy in the Private Bill Office of the House of Commons, one copy with the director-general and clerk to the Council and one copy with the town clerk of the borough of Hillingdon.

SUPPLEMENTAL

Costs of Act. 9.—(1) Subject to any provision of the Act of 1963, or of any other enactment, requiring or enabling expenses in connection with any functions of the Council to be chargeable otherwise than as expenses for general London purposes, all expenses of the Council in the execution of this Act shall be defrayed, as the Council may decide, as—

- (a) expenditure for general London purposes; or
- (b) expenditure for special London purposes chargeable on such part of Greater London as the Council may determine.

(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 section 8 (Part of Northwood Cemetery freed from effects of consecration, etc.) of this Act shall be paid by the council of the borough of Hillingdon.

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