

[1 EDW. 8. &  
1 GEO. 6.]

*London County Council  
(General Powers) Act, 1937.*

[Ch. xci.]



## CHAPTER xci.

An Act to confer further powers upon the London County Council and other authorities and for other purposes. [20th July 1937.]

A.D. 1937.

**W**HEREAS it is expedient that the London County Council (hereinafter referred to as "the Council") should be empowered to execute the street works described in Part III of this Act and to acquire for that purpose and the other purposes mentioned in Part II of this Act the lands described or referred to in the said Part II:

And whereas it is expedient that the council of the metropolitan borough and city of Westminster (hereinafter referred to as "the Westminster Council") should be empowered to execute the street works described in Part IV of this Act and to acquire for that purpose the lands described or referred to in that Part:

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

And whereas under the provisions of the School Board for London (Superannuation Scheme) Act 1902 and certain resolutions passed by the late School Board for London before the passing of that Act superannuation allowances are payable to certain teachers in the service of the Council on retirement from such service out of a fund known as the "teachers' fund":

2 Edw. 7.  
c. xxxvi.

A.D. 1937.

1 & 2 Geo. 5.  
c. lxxiii.

And whereas by the London County Council (General Powers) Act 1911 the balance of the teachers' fund as at the thirty-first day of December one thousand nine hundred and eleven is required to be administered until the determination of all the existing interests therein in the same manner as immediately before that date :

And whereas it is expedient that the moneys and securities belonging to the teachers' fund should be transferred to the superannuation and provident fund of the Council and that such provisions as are contained in this Act with respect to the contributions and superannuation allowances of members of the teachers' fund should be made :

6 Edw. 7.  
c. vi.  
7 Edw. 7.  
c. xciv.  
1 & 2 Geo. 5.  
c. cii.  
12 & 13  
Geo. 5. c. xc.  
9 Edw. 7.  
c. ix.

And whereas by the Bethnal Green Borough Council (Superannuation) Act 1906 the Kensington Borough Council (Superannuation) Act 1907 the Poplar Borough Council (Superannuation and Pensions) Act 1911 the Shoreditch and other Metropolitan Borough Councils (Superannuation) Act 1922 and the Wandsworth Borough Council (Superannuation) Act 1909 as amended by other Acts provision was made for the establishment respectively by the council of the metropolitan borough of Bethnal Green by the council of the royal borough of Kensington by the council of the metropolitan borough of Poplar by the councils of the metropolitan boroughs of Shoreditch Bermondsey Finsbury Greenwich Hammersmith Southwark and Stoke Newington and by the council of the metropolitan borough of Wandsworth of superannuation funds for the benefit of employees of those councils and it is expedient that the said Acts should be amended or further amended as provided by this Act :

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

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

And whereas the Minister of Transport has with the approval of the Treasury determined to make grants from the Road Fund to the extent and in accordance with the general conditions set forth in the First Schedule to this Act :

And whereas an estimate has been prepared of the cost of and incidental to the execution of the works

to be executed by the Council under the powers of this Act and the acquisition of lands therefor or in connection therewith and such estimate (being calculated to cover the original cost of purchasing lands and executing the said works without any allowance in respect of returns from the resale or letting of lands) amounts to two million one hundred and seven thousand pounds : A.D. 1937.

And whereas a similar estimate has been prepared in connection with the works to be executed by the Westminster Council under the powers of this Act and the lands to be acquired by them for or in connection with the said works and amounts to three hundred and sixty-three thousand two hundred pounds :

And whereas plans and sections showing the lines and levels of the works to be executed by the Council and the Westminster Council respectively such plans also showing the lands which may be acquired or used compulsorily for or in connection with the said works under the powers of this Act and plans showing the other lands which may be acquired compulsorily by the Council under the powers of this Act together with a book of reference to the said plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands have been deposited with the clerk of the Council and with the clerk of the West Sussex County Council :

And whereas in relation to the promotion of the Bill for this Act the Westminster Council (as respects the provisions of the said Bill relating exclusively to that council) have complied with the requirements of the Borough Funds Acts 1872 and 1903 :

35 & 36 Vict.  
c. 91.  
3 Edw. 7.  
c. 14.

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 :—

## PART I.

### INTRODUCTORY.

1. This Act may be cited as the London County Council (*General Powers*) Act 1937. Short title.

A.D. 1937.

PART I.  
—cont.  
Act divided  
into Parts.

2. This Act is divided into Parts as follows:—
- Part I—Introductory.
  - Part II—Acquisition of land by the Council.
  - Part III—Works to be executed by the Council.
  - Part IV—Works to be executed by the Westminster Council.
  - Part V—Public health.
  - Part VI—Superannuation (Teachers) Fund.
  - Part VII—Bethnal Green Borough Council (Superannuation).
  - Part VIII—Kensington Borough Council (Superannuation).
  - Part IX—Poplar Borough Council (Superannuation).
  - Part X—Shoreditch and other Borough Councils (Superannuation).
  - Part XI—Wandsworth Borough Council (Superannuation).
  - Part XII—Miscellaneous.

Interpreta-  
tion.

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

- “the county” means the administrative county of London;
- “the Council” means the London County Council;
- “borough” means a metropolitan borough and “the borough” means the borough of the borough council in relation to which that 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 that expression is used;
- “the city of Westminster” means the borough and city of Westminster;
- “the Westminster Council” means the council of the city of Westminster;
- “the Minister” means the Minister of Transport;

“ the London improvements ” means the new street street widenings improvements of streets and other works by Part III of this Act authorised to be executed by the Council or any of them or any part thereof respectively and “ improvement ” means any of the London improvements or any part thereof;

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PART I.  
—cont.

“ reserved area ” means any area for the time being set apart in the London improvements for dividing lines of traffic;

“ the Curzon Street improvement ” means the street widenings improvements of streets and other works by Part IV of this Act authorised to be executed by the Westminster Council or any of them or any part thereof respectively;

“ the London deposited plans ” “ the London deposited sections ” and “ the London book of reference ” mean respectively so much of the plans and sections deposited in connection with the Bill for this Act with the clerk of the Council and with the clerk of the West Sussex County Council as relates to the London improvements and the lands to be acquired by the Council under the powers of this Act for the purposes of or in connection with those improvements or for other purposes and so much of the book of reference so deposited as aforesaid as relates to that part of the said plans;

“ the Westminster deposited plan ” “ the Westminster deposited sections ” and “ the Westminster book of reference ” mean respectively so much of the plans and sections so deposited as aforesaid as relates to the Curzon Street improvement and the lands to be acquired by the Westminster Council for the purposes thereof or in connection therewith and so much of the book of reference so deposited as aforesaid as relates to that part of the said plans;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919;

9 & 10  
Geo. 5. c. 57.

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PART I.  
—cont.

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

“the tribunal” means the arbitrator or other authority to whom any question of disputed purchase money or compensation under this Act is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

“street” has the meaning assigned to that term by the Metropolis Management Acts 1855 to 1893;

“enactment” includes any enactment in a Provisional Order confirmed by Parliament; and

“telegraphic line” has the same meaning as in the Telegraph Act 1878.

41 & 42 Vict.  
c. 76.

(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 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.

### ACQUISITION OF LAND BY THE COUNCIL.

Incorporation of  
Lands  
Clauses  
Acts.

4.—(1) The Lands Clauses Acts so far as they are applicable for the purposes of and are not varied by or inconsistent with this Part of this Act are hereby incorporated with and form part of this Part of this Act with the following exceptions and modifications:—

8 & 9 Vict.  
c. 18.

(a) sections 127 to 133 inclusive of the Lands Clauses Consolidation Act 1845 are not incorporated with this Part of this Act;

(b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section.

(2) For the purposes of this Part of this Act the expressions "the promoters of the undertaking" and "the company" in the Lands Clauses Acts shall be construed to mean the Council.

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PART II.  
—cont.

5.—(1) Subject to the provisions of this Part of this Act the Council may enter upon take and use all or any part of the lands hereinafter referred to and delineated on the London deposited plans and described in the London book of reference (that is to say):—

Power to  
Council to  
take lands.

In the county—

- (a) lands in the boroughs of Saint Marylebone Paddington and Kensington for the purposes of the London improvements and for providing space for the erection of houses and buildings adjoining or near to the London improvements and for the purposes of recoupment reinstatement or exchange and for other purposes of Part III of this Act or for any of those purposes;
- (b) a strip of land in the city of Westminster forming part of St. John's Gardens situate on the southern side of Horseferry Road for the purpose of the widening of that road;
- (c) lands in the borough of Lambeth for the purposes of the widening of Westminster Bridge Road and York Road and the extension of the existing County Hall and for the purposes of recoupment reinstatement or exchange or for any of those purposes;
- (d) lands in the borough of Stoke Newington for the purpose of the exercise of their powers and duties under the Education Act 1921; and

11 & 12  
Geo. 5. c. 51.

In the administrative county of West Sussex—

- (e) lands and premises in the parish of Rustington in the rural district of Worthing known as "Seafeld Court" for the purposes of the hospital services of the Council.

(2) The powers of the Council for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by the Council by agreement of any other lands in the county which they may think it

A.D. 1937. desirable to purchase in order to provide sites for the  
erection of houses for persons of the working class or  
substituted sites or facilities for any persons whose lands  
may be required by the Council for the purposes of or  
in connection with the London improvements.

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PART II.  
—cont.

Power to  
Council to  
acquire and  
transfer  
certain  
lands.

6.—(1) Subject to the provisions of this Part of  
this Act the Council may enter upon take and use the  
lands and premises in the county known as No. 161  
Strand in the city of Westminster which are delineated  
on the London deposited plans and described in the  
London book of reference.

(2) The Council may convey transfer or lease the  
lands and premises acquired by them under the powers  
of this section to the Court of the University of London  
or to the governors of a school of that university for the  
purposes of university education on such terms and  
conditions as the Council may think fit.

Power to  
use subsoil  
of streets.

7. Subject to the provisions of this Part of this Act  
the Council may enter upon take use and appropriate so  
much of the subsoil and under-surface of any public  
street road or footway within the limits of deviation  
shown on the London deposited plans in relation to the  
London improvements as shall be necessary for the  
purposes of those improvements without being required  
to purchase the same or any easement therein or  
thereunder.

Taking of  
parts of  
certain  
properties.

8. And whereas in the execution of the London  
improvements or otherwise in the exercise by the Council  
of the powers of this Act it may happen that portions  
only of certain properties shown or partly shown on the  
London deposited plans will be sufficient for the purposes  
of the Council and that such portions or some other  
portions less than the whole can be severed from the  
remainder of the said properties without material detri-  
ment thereto therefore the following provisions shall  
have effect :—

(1) The owner of and other persons interested in any  
of the properties whereof the whole or part is  
described in the Second Schedule to this Act  
and whereof a portion only is required for the  
purposes of the Council or each or any of them



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PART II.  
—cont.

are or is hereinafter included in the term "the owner" and the said properties are hereinafter referred to collectively as "the scheduled properties" and severally as a "scheduled property":

- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner fails to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner by notice in writing to the Council alleges that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed:
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion so determined to be severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

A.D. 1937.

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PART II.  
—cont.

- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the determination of any matters under this section shall be borne and paid by the owner :
- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not it shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and its final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any of the scheduled properties.

9. Notwithstanding anything contained in this Part of this Act or in any Act wholly or partly incorporated therewith the Council shall not be required to purchase any railway or any part thereof which may be crossed or interfered with in constructing the London improvements but may acquire such easements and rights in over or under any such railway as they may require for making and maintaining the London improvements and may give notice to treat in respect of such easements and rights describing the nature thereof and (subject to the foregoing provisions of this section and to the other provisions of this Part of this Act) the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements and rights as fully as if the same were lands within the meaning of those Acts.

A.D. 1937.

PART II.  
—cont.

Power to acquire easements compulsorily in certain cases.

10. All private rights of way over any lands which the Council are authorised by this Part of this Act to acquire compulsorily shall as from the date of the acquisition of such lands by the Council be extinguished :

Extinguishment of private rights of way.

Provided that the Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

11. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Council any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act or for any purpose for which lands are authorised by this Part of this Act to be acquired compulsorily in over or affecting any such lands and for the purposes of this Part of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

Power to certain persons to grant easements &c.

A.D. 1937.

PART II.  
—cont.

Correction  
of errors &c.  
in deposited  
plans &c.

12. If there be any omission misstatement or wrong description of any lands referred to in this Part of this Act or of the owners lessees or occupiers of any such lands shown on the London deposited plans or specified in the London book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to a metropolitan police magistrate (as respects lands in the county) or to two justices (as respects lands without the county) for the correction thereof and if it appears to the magistrate or justices that the omission or misstatement or wrong description arose from mistake he or they shall certify accordingly and he or they shall in his or their certificate state the particulars of the omission or in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerks of the Council and of the county council of the administrative county of West Sussex and a duplicate thereof shall be deposited with the town clerk of the borough or (in the case of lands in the last-mentioned county) the clerk of the county district and the clerk of the parish council of the parish in which the lands are situate and such certificate or copy and duplicate respectively shall be kept by such clerks with the other documents to which the same relate and thereupon the London deposited plans and the London book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the lands and execute the London improvements in accordance with the certificate.

Power to  
enter upon  
property for  
survey &c.

13. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice to the occupiers thereof enter upon and into the lands houses and buildings by this Part of this Act authorised to be taken and used as aforesaid or any of them or any premises in respect of which a claim for compensation under this Act is received for the purpose of surveying and valuing the said lands houses

and buildings and of inspecting the said premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses buildings or premises.

A.D. 1937.

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PART II.  
—cont.

14. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Part of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after—

Compensation payable by Council in case of recently acquired interest.

(a) the thirty-first day of October one thousand nine hundred and thirty-six as respects the lands described in paragraph (c) of subsection (1) of section 5 (Power to Council to take lands) of this Act; and

(b) the twenty-fifth day of July one thousand nine hundred and thirty-six as respects all other lands to be acquired under the powers of this Part of this Act;

if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Part of this Act.

15. In determining the amount of compensation or purchase money to be paid by the Council in respect of the acquisition under this Part of this Act of any part of the lands of any person the enhancement in value of the adjoining lands of such person not so acquired or of any other lands of such person which are contiguous with such adjoining lands arising out of the execution of the London improvements or arising through such adjoining lands becoming lands fronting on any street shall be fairly estimated and shall be set off against the said compensation or purchase money.

Benefits to be set off against compensation.

16.—(1) The Council may for the purposes of or in connection with the London improvements appropriate and use or deal with or dispose of in accordance with the provisions of this Act any lands in the county belonging to them and not required by them for any other purpose and the provisions of this Act relating to lands acquired

Power to appropriate lands for purposes of London improvements.

A.D. 1937. by the Council thereunder shall apply to any lands  
appropriated by the Council under the powers of this  
section as if such lands had been so acquired.

PART II.  
—cont.

The Council shall make any necessary adjustments  
in their accounts required in consequence of any such  
appropriation as aforesaid.

(2) (a) An amount equivalent to the ascertained  
value of any lands appropriated by the Council under the  
powers of this section for the purposes of or in connection  
with the London improvements shall be added to and be  
deemed to form part of the expenditure incurred by the  
Council in executing those improvements.

(b) The said ascertained value shall be such a sum  
as may be agreed between the Minister and the Council  
or in the event of difference between them as may be  
settled by arbitration. Provided that for the purposes  
of this subsection section 130 (General provisions as to  
arbitration) of this Act shall apply as if in that section  
the words "the President of the Chartered Surveyors'  
Institution" were substituted for the words "the  
President of the Institution of Civil Engineers."

Sale or leas-  
ing &c. of  
lands.

17.—(1) Notwithstanding anything in this or any  
other Act or Acts or otherwise to the contrary the  
Council may—

- (a) retain and hold and use for such time and for  
such purpose as they may think fit (making  
any necessary adjustments in their accounts  
in consequence of such user); or
- (b) demise lease or let for any term or (subject or  
not as the case may be to any such demise  
lease or letting) sell and convey or exchange  
for other lands in the county either with or  
without paying or receiving any money for  
equality of exchange; or
- (c) grant any easements rights or privileges in under  
or over;

any land acquired by them under this Part of this Act  
or taken in exchange under the powers of this section  
and do any act or thing requisite or proper for any of  
the purposes aforesaid.

(2) Any such sale conveyance demise lease letting  
or exchange may be made at such price or rent (including

a peppercorn rent) or for such consideration and may be subject to such restrictions conditions and stipulations (whether as to the title to be produced to such land or as to the nature of the buildings at any time erected or to be erected thereon or as to the use or enjoyment thereof or otherwise) and may be effectuated in one or more parcels or lots and either by public auction or private contract as the Council think reasonable and as regards any restrictions conditions and stipulations which may be contained in any assurance made under this enactment the same may at all times thereafter be enforced by the Council for the benefit of the Council or of any person entitled to other property adjoining or held under title derived from the Council.

(3) Nothing in this section shall be taken to dispense with the consent of the Board of Education to any sale lease appropriation or exchange of the whole or any part of the lands referred to in paragraph (d) of subsection (1) of section 5 (Power to Council to take lands) of this Act which may be acquired by the Council.

18. The Council may subject to the provisions of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of any lands which may be acquired by or are vested in the Council under the provisions of this Act with respect to the sale by the Council to such person of any of such last-mentioned lands for such consideration as may be agreed upon between the Council and such person or with respect to the reinstatement of such person and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any other lands or property required by the Council for the purposes of this Act.

19.—(1) If and when the Council acquire under the powers of this Part of this Act any portion of St. John's Gardens in the city of Westminster they shall before applying or using any part thereof for the widening of Horseferry Road remove or cause to be removed the remains of all deceased persons interred in such part.

(2) Before proceeding to remove any such remains the Council shall publish a notice for three successive days in two newspapers circulating in the county to the

A.D. 1937.

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PART II.  
—cont.

Power to  
make  
agreements  
with owners  
of property  
&c.

Removal of  
human  
remains.

A.D. 1937. effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

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PART II.  
—cont.

(3) At any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in the said part of such lands may give notice in writing to the Council of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned to any regulations made by the bishop of the diocese of London to cause such remains to be removed to and re-interred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Council that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of London who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and re-interment (not exceeding in respect of remains removed from any one grave the sum of fifteen pounds) shall be defrayed by the Council such sum to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Council in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the bishop the Council may without any faculty for that purpose remove the remains of the deceased person and subject to the consent of the bishop cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Council think suitable for the purpose.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this



section shall at the expense of the Council be removed and re-erected at the place of re-interment of such remains or at such place within the county as the bishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Council and the Council shall cause to be made a record of such monuments and tombstones and of their situation when re-erected showing the particulars respecting each monument and tombstone as a separate entry and such record shall be deposited at the General Register Office Somerset House London with the miscellaneous records in the custody of the Registrar-General.

A.D. 1937.

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PART II.  
—cont.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county.

20. Subject to the provisions of this Act the Council may stop up the whole or such portion or portions as they may from time to time think fit of the streets and parts of streets mentioned in the Third Schedule to this Act.

Power to stop up streets.

21. The powers of the Council for the compulsory purchase of lands under this Part of this Act shall cease as respects the lands required for the purposes of or in connection with the London improvements on the first day of October one thousand nine hundred and forty-two and as respects all other lands on the first day of October one thousand nine hundred and forty.

Limitation of time for purchase of lands by Council.

22. Notwithstanding anything contained in this Act or shown on the London deposited plans the Council shall not under the powers of this Act acquire compulsorily any estate or interest in the properties numbered on those plans 1 2 3 and 4 in the borough of Islington.

For protection of Aberdeen Park Estate.

### PART III.

#### WORKS TO BE EXECUTED BY THE COUNCIL.

23. Subject to the provisions of this Act the Council may in the lines or situations and within the limits of deviation shown on the London deposited plans and according to the levels shown on

Power to Council to execute works.

A.D. 1937. the London deposited sections execute the works in the county hereinafter described (that is to say):—

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PART III.  
—cont.

In the boroughs of Paddington and Saint Marylebone—

Work No. 1 A new street commencing by a junction with Edgware Road opposite the junction of that road with Harrow Road and terminating at or near to the junction of Marylebone Road with Cosway Street including—

- (1) a variation of Mitcham Street between Lisson Street and a point twenty yards or thereabouts westward of the junction of Mitcham Street with Cosway Street by the widening of portions of the first-mentioned street on the northern and southern sides thereof or on one of such sides;
- (2) the covering over of portions of the Metropolitan Railway of the London Passenger Transport Board:

In the borough of Saint Marylebone—

Work No. 2 A variation of Marylebone Road between the termination of Work No. 1 hereinbefore described and the junction of that road with Seymour Place by the widening of the first-mentioned road on the southern side and part of the northern side thereof:

In the boroughs of Paddington and Saint Marylebone—

Work No. 3 A widening of Edgware Road on the western side thereof between Harrow Road and Praed Street:

In the royal borough of Kensington—

Work No. 4 A variation of Holland Park Avenue Notting Hill Gate and Bayswater Road between a point ten yards or thereabouts westward of the junction of Campden Hill Place with Holland Park Avenue and the junction of Kensington Palace Gardens with Bayswater Road by the widening of Holland Park Avenue on the southern side thereof of portions of Notting Hill

Gate on the northern and southern sides thereof or on one of such sides and of Bayswater Road on the southern side thereof;

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PART III.  
—cont.

Work No. 5 A widening of Church Street on the western side thereof between Notting Hill Gate and Edge Street;

Work No. 5A A widening of Kensington Place on the northern side thereof between Newcombe Street and Church Street;

Work No. 6 A widening of Pembridge Road on the western side thereof between Notting Hill Gate and a point seventy yards or thereabouts northward of the junction of Pembridge Road with Notting Hill Gate.

24. Subject to the provisions of this Part of this Act and within the limits of deviation shown on the London deposited plans the Council in connection with and for the purposes of this Part of this Act and as part of the London improvements (in addition to the works described or referred to in any other provision of this Act) may execute or do any of the following works or things (that is to say):—

Power to  
make  
subsidiary  
works &c.

- (a) Make junctions and communications (including the provision of steps for the use of persons on foot) with any existing streets intersected or interfered with by or contiguous to any of the London improvements and divert widen or alter the line or alter the level of any existing street for the purposes of those improvements;
- (b) Stop up any street or part of a street which they may consider unnecessary to retain or to throw into the London improvements and alter and divert any street or part of a street;
- (c) Raise sink or otherwise alter the position of any of the steps areas cellars cellar-flaps pavement-lights gratings boundary walls railings fencings windows sewers drains watercourses pipes or spouts belonging to any house or building and remove all other obstructions so as to cause in so doing as little delay and inconvenience to the inhabitants as the circumstances of the case will admit and the Council shall make reasonable compensation to any person who

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PART III.  
—cont.

suffers damage by any such alteration such compensation to be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement;

- (d) Execute any works for the protection of any adjoining land or buildings;
- (e) Execute any works and do any things necessary for the strengthening and supporting of any walls of adjoining buildings.

Power to construct bridges &c. and to execute temporary works on railways.

**25.** Subject to the provisions of this Act the Council may for the purposes of or in connection with the London improvements and within the limits of deviation shown on the London deposited plans construct and execute all such bridges arches piers viaducts embankments tunnels abutments wing walls and other works as they may deem necessary or expedient for carrying the London improvements over or under any railway or land and may for the purpose of and during the execution of the London improvements over or under any railway erect place or execute and maintain upon over or under such railway all such temporary structures erections works apparatus and appliances as may be necessary or convenient and as will not prevent the safe use of such railway or interfere to any greater extent than is reasonably necessary with the traffic thereon.

Deviation from lines and levels in executing London improvements.

**26.** In executing the London improvements the Council may deviate laterally from the lines or situations thereof to any extent within the limits of deviation shown on the London deposited plans relating thereto respectively and vertically from the levels thereof defined on the London deposited sections to any extent not exceeding five feet.

Underpinning of houses near London improvements.

**27.** The Council at their own costs and charges may subject as hereinafter provided underpin or otherwise strengthen any house or building within one hundred feet of any of the London improvements and the following provisions shall have effect (that is to say) :—

- (1) At least ten days' notice shall except in case of emergency be given to the owners lessees and occupiers of the house or building intended to be so underpinned or otherwise strengthened :

(2) Each such notice shall be served in manner prescribed by section 19 of the Lands Clauses Consolidation Act 1845 :

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PART III.

—cont.

(3) If any owner lessee or occupier of any such house or building shall within seven days after the giving of such notice give a counter notice in writing that he disputes the necessity of such underpinning or strengthening the question of the necessity shall be settled by arbitration :

(4) The Council shall be liable to compensate the owners lessees and occupiers of every such house or building for any loss or damage which may result to them by reason of the exercise of the powers granted by this section provided that the claim for compensation in respect of such loss or damage be made within three months from the occurrence thereof :

(5) (a) In any case in which any house or building shall have been underpinned or strengthened under the powers of this section the Council may from time to time after the completion of such underpinning or strengthening and during the execution of the work in connection with which such underpinning or strengthening was done or within twelve months after the opening for traffic of that work enter upon and survey such house or building and do such further underpinning or strengthening thereof as they may deem necessary or expedient or as in case of dispute between the Council on the one hand and the owner lessee or occupier of the house or building on the other hand shall be settled by arbitration ;

(b) If in any such case as is referred to in this subsection the underpinning or strengthening done by the Council shall at any time within twelve months from the opening for traffic of the work in connection with which such underpinning or strengthening was done prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of such work the Council shall make compensation to the

A.D. 1937.

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PART III.  
—cont.

owner lessee and occupier of the house or building for such injury provided that the claim for compensation in respect thereof be made within one month from the discovery thereof:

- (6) Nothing in this section contained nor any dealing with any property in pursuance of this section shall relieve the Council from the liability to compensate under section 68 of the Lands Clauses Consolidation Act 1845 or under any other Act:
- (7) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts:
- (8) Nothing in this section shall repeal or affect the application of section 92 of the Lands Clauses Consolidation Act 1845.

Vesting of  
site of  
streets  
stopped up.

**28.** On the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Act all rights of way over the same and other rights in respect thereof shall be extinguished and the site and soil thereof shall vest in the Council so far as such site and soil shall not be already vested in them but the Council shall not stop up any street or portion thereof unless they are owners in possession of all houses and lands (other than lands forming part of any street) on both sides of the street or portion to be stopped up except so far as the owners lessees and occupiers of such houses and lands may otherwise agree:

Provided that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished under or by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Power to  
prevent  
access to  
or from  
London  
improvements.

**29.—(1)** For the purpose of facilitating the movement of vehicular traffic along the route of the London improvements or the safety of the public or otherwise the Minister on the application of the Council may from time to time authorise the Council at or in the vicinity of the junction of any street with the London improvements to erect or remove barriers for the prevention or limitation of access by vehicular traffic to or

from such route from or to any such street or notices prohibiting or limiting such access.

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PART III.  
—cont.

(2) Any person removing or interfering with any such barrier or removing defacing or failing to comply with any such notice shall be liable to a penalty not exceeding five pounds for each offence.

(3) For the purposes of this section the expression "the Council" includes (in addition to the Council) the borough council within whose district any such street is situate.

**30.**—(1) Subject to the provisions of this Part of this Act the Council may cause such parts of the London improvements to be laid out for carriageway and such parts thereof for footway and such parts thereof for a reserved area as they may think proper and may upon the lands acquired by or vested in them under the provisions of this Act and within the limits of deviation shown on the London deposited plans construct erect and provide all such works and conveniences including subways (whether for persons on foot or for the accommodation of mains pipes or wires) as they may think proper for the purposes of or in connection with the London improvements.

Carriageway  
footway  
and other  
works in  
connection  
with  
London  
improve-  
ments.

(2) The provisions of the London County Council (Subways) Act 1893 and all byelaws for the time being in force thereunder shall extend and apply to any subway for the accommodation of mains pipes or wires constructed by the Council under the powers of this section as well during as after the construction thereof as if any such subway had been included in the expression "subway" in the said Act of 1893 For the purposes of the application of the said Act of 1893 to any such subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

56 & 57 Vict.  
c. ccii.

**31.** Where the Council lay out any part of the London improvements as dual carriageways separated by a reserved area and the highway authority indicate by notices conspicuously placed on such reserved area or in proximity thereto or by the erection of fences that such reserved area or any part thereof is not intended for use by foot passengers horses cattle or vehicles any person who shall wilfully walk or otherwise proceed or

Prohibition  
of persons  
vehicles &c.  
on reserved  
area.

A.D. 1937. lead ride or drive any horse or cattle or vehicle on over or across any such reserved area or part thereof shall be liable to a penalty not exceeding five pounds for each offence.

PART III.  
—cont.

Sewers &c.  
to be  
removed  
arched over  
or filled up.

**32.** Subject to the provisions of this Part of this Act the Council may cause to be removed arched over or filled up all such sewers drains or watercourses or parts thereof as shall be in or near the streets to be interfered with for the purposes of the London improvements and as shall become unnecessary by reason of the purchase of the property entitled to the use thereof.

Vesting and  
disposal of  
materials.

**33.** There shall be by virtue of this Act vested in the Council—

- (a) all building or other materials of houses buildings and structures acquired by them under the powers of Part II of this Act and all materials and apparatus in under upon or over any lands so acquired;
- (b) all lamp-posts paving metalling and other materials in over or under any street or part of a street stopped up altered or diverted; and
- (c) all materials obtained in the alteration of or interference with any street sewer or drain in connection with the London improvements;

and the Council may appropriate and use or sell or dispose of the same or any of them.

London  
improve-  
ments to  
form public  
streets  
repair &c.

**34.**—(1) When any of the London improvements is completed a certificate thereof shall be issued under the seal of the Council and any duly authenticated copy of such certificate shall in all proceedings and for all purposes be admissible and received as evidence that such certificate has been duly made and that the improvement to which such certificate relates has been completed and from the date of such certificate so much of the improvement to which such certificate relates as has been laid out as carriageway reserved area or footway shall subject to the provisions of this Act form part of the street and may subject as aforesaid be used by the public accordingly.

(2) Subject to the provisions of this Act so much of the land acquired by the Council for or in connection



with the London improvements as is laid out as carriage-way reserved area or footway shall after the issue of the certificate relating thereto (subject to the enjoyment by the council of the borough in which the same is situate of all such rights in such land as are usually enjoyed in respect of a street by the highway authority) be and remain vested in the Council and the maintenance repair paving draining cleansing and lighting of so much of the London improvements as has been laid out as aforesaid (including unless otherwise agreed any subways for persons on foot constructed in connection with those improvements) shall be under the care management control and jurisdiction of the council of the borough in which the same is situate :

Provided that the structure of the work carrying Work No. 1 by this Act authorised over the Metropolitan Railway of the London Passenger Transport Board with the retaining walls parapets and other works incidental to such first-mentioned work (other than the road surface thereof) shall vest in and be maintained by the said board.

**35.**—(1) The Council shall so far as they conveniently can permit any person having statutory powers so to do to lay down or place under and in accordance with the statutes in that behalf mains pipes wires or other apparatus for the distribution of water gas or electricity or telephonic or telegraphic apparatus in the soil under the footway on either side of Works Nos. 1 and 2 by this Act authorised or under the reserved area during the construction of the portion of the footway or reserved area under which it is desired to lay such apparatus.

(2) Notwithstanding anything in any other Act to the contrary it shall not be lawful during the construction of any part of Works Nos. 1 and 2 by this Act authorised for any person to enter upon break up or interfere with any existing street on the line of such part of the said works or either of them for the purpose of laying down any main pipe wire or other apparatus or executing any work whatsoever therein thereon or thereunder (other than repairs to existing apparatus in case of emergency) except with the previous consent in writing of the Council but such consent shall not be unreasonably withheld and may be given subject

A.D. 1937.

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PART III.  
—cont.

Laying of  
pipes &c.  
in carriage-  
way of  
London im-  
provements.

A.D. 1937. to such terms and conditions as the Council may reasonably determine and any difference between the Council and any person under this subsection shall be settled by the Minister.

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PART III.  
—cont.

(3) Notwithstanding anything in any other Act to the contrary it shall not be lawful after the completion of any part of Works Nos. 1 and 2 by this Act authorised for any person to enter upon break up or interfere with the carriageway of such part of the said works or either of them for the purpose of laying down any main pipe wire or other apparatus or executing any work whatsoever therein thereon or thereunder (other than repairs to existing apparatus in case of emergency) except with the previous consent in writing of the highway authority but such consent shall not be unreasonably withheld and may be given subject to such terms and conditions as the highway authority may reasonably determine and any difference between the highway authority and any person under this subsection shall be settled by the Minister.

(4) Nothing in this section shall alter prejudice or affect any of the rights powers and authorities of the Postmaster-General under the provisions of the Telegraph Acts 1863 to 1926.

Power to  
stop up  
ways  
temporarily.

**36.**—(1) Subject to the provisions of this Act the Council may for the purposes of and during the execution of the London improvements stop up interfere with alter or divert temporarily all or any part of the carriageway or footway of any street or part of a street or of any subway shown within the limits of deviation delineated upon the London deposited plans and may execute and do all necessary works and things for or in connection with such stopping up interference alteration or diversion and for keeping such carriageway or footway open for traffic and may after consultation with the Commissioner of Police of the Metropolis remove or alter any drinking-troughs lamp-posts street refuges lavatories posts and other erections upon the said lands.

(2) The Council shall provide reasonable access for all persons bona fide going to or returning from any premises in any street of which the carriageway or footway is stopped up interfered with altered or diverted under the powers of this section.

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PART III.  
—cont.

Council) of the undertakers unless the undertakers refuse or neglect to give such superintendence at the time specified in the notice for the commencement of such works or discontinue the same during the execution of such works and the Council shall execute such works to the reasonable satisfaction of the undertakers.

(3) If within seven days after notice under subsection (2) of this section has been served upon any undertakers those undertakers so elect they shall themselves execute such works to their apparatus as may be necessary for the purposes of this section and the reasonable cost of executing such works shall be repaid to them by the Council Provided that such works shall be carried out in accordance with the directions and to the reasonable satisfaction of the Council.

(4) All sewers drains and watercourses substituted under the provisions of this section for any existing sewers drains or watercourses shall be under the same jurisdiction care management and direction as the existing sewers drains or watercourses for which they may respectively be so substituted.

(5) If any difference arises between the Council and any undertakers touching the amount of any compensation or cost to be paid by the Council under the foregoing provisions of this section or touching any work matter or thing to be done or executed by the Council or by such undertakers under such provisions with reference to any apparatus or touching the mode of doing or executing the same such difference shall be settled by arbitration.

For protec-  
tion of  
Postmaster-  
General.

**38.**—(1) The Council shall not remove divert alter the position of or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

(2) Notwithstanding the stopping up (otherwise than temporarily) of any street or part of a street under the powers of this Act the Postmaster-General may if he so desires (without derogation from any other right vested in him) remove therefrom any telegraphic line which is in under upon along over or across the same and any Post Office letter box or telephone call box and the Council shall pay to the Postmaster-General the expenses incurred by him of and incidental to the

37.—(1) In and for the purposes of this section— A.D. 1937.

“ apparatus ” includes sewers drains culverts  
watercourses and mains pipes valves tubes  
cables wires or apparatus laid down or used  
for or in connection with the carrying con-  
veying or supplying of a supply of water or  
water for hydraulic power gas or electricity  
or for telegraphic or other purposes standards  
and brackets carrying street lamps and street  
refuges lavatories posts and other structures  
and works ;

PART III .  
—*cont.*  
Removal  
&c. of  
apparatus.

“ undertakers ” means the company body or  
person (other than the Council) to whom  
any apparatus in relation to which the  
expression is used belongs ;

“ the permitted works ” means all such works  
and things as the Council are by this section  
authorised to execute or do.

(2) The Council for any purpose in connection with  
the exercise of the powers of this Part of this Act may  
and (if and when reasonably required by the under-  
takers) shall remove divert alter the position or line or  
level of or carry out any other alterations to any apparatus  
in under over or upon the lands acquired by or vested  
in them under the provisions of this Act and also in any  
street or part of a street within the limits of deviation  
shown on the London deposited plans and any other  
apparatus connected with any apparatus so removed  
diverted or altered and may remove any other obstruc-  
tion in under or near such lands street or part of a street  
and shall make such appropriate substituted works either  
permanent or temporary as may be reasonably necessary  
and shall cause as little detriment and inconvenience as  
circumstances admit and shall make reasonable com-  
pensation for any damage caused by the execution of  
the permitted works :

Provided that before the Council execute any of  
the permitted works relating to any apparatus they shall  
(except in cases of emergency) give to the undertakers  
notice of their intention to do so such notice to be given  
seven days at least before the commencement of the  
execution of the permitted works and such works shall  
be done under the superintendence (at the expense of the

removal of such telegraphic line or of any telegraphic line connected therewith which in consequence will be rendered useless and of such letter box or call box and the substitution of a telegraphic line or letter box or call box (as the case may be) in such other place as the Postmaster-General may require.

A.D. 1937.  
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PART III.  
—cont.

39. Before breaking up or otherwise interfering with any street in connection with the execution of the London improvements the Council shall (except in cases of emergency) give seven days' notice in writing to the Commissioner of Police of the Metropolis and make such arrangements with the said commissioner as may be reasonably necessary so as to cause as little interference as may be reasonably practicable with the traffic in the street during the execution of the London improvements.

Notice to  
Commis-  
sioner of  
Police.

40. If the London improvements are not completed on or before the first day of October one thousand nine hundred and forty-four then as from that date the powers of the Council under this Act for the execution of those improvements shall cease except so far as the same are respectively then completed.

Period for  
completion  
of London  
improve-  
ments.

41.—(1) The Council on the one hand and any borough council or any company body or person having the control or management of water gas or other pipes or electric or other wires or apparatus on the other hand may with the approval of the Minister enter into and carry into effect agreements with reference to any of the provisions of Part II or Part III of this Act relating to or affecting only the parties to such agreements respectively.

Agreements  
between  
Council  
and others.

(2) (a) The Council on the one hand and the London Passenger Transport Board on the other hand may with the approval of the Minister enter into and carry into effect agreements with reference to any of the provisions of Part II or Part III of this Act relating to or affecting only the parties to such agreements respectively.

(b) Notwithstanding anything contained in this Act any such agreement entered into between the Council and the said board may with the approval of the Minister provide for the variation of any of the provisions of Part II or Part III of this Act (so far as they relate only

A.D. 1937. to the powers rights obligations or interests of the  
Minister or of the parties to any such agreement) or of  
PART III. the provisions of any previous agreement between the  
—cont. same parties.

(3) The Minister and the Council may enter into and carry into effect agreements with reference to any matters arising out of the carrying of Parts II and III of this Act into execution and may by any such agreement vary any of the provisions of those Parts but not so as to affect prejudicially the rights or interests of any person other than the Minister and the Council.

(4) For the purposes of this Act the provisions and purposes of any agreement entered into under the provisions of this section shall be deemed to be provisions and purposes of the said Parts II and III of this Act.

For protec-  
tion of  
Kensington  
Borough  
Council.

42. For the protection of the council of the royal borough of Kensington (in this section referred to as "the borough council") the following provisions shall unless otherwise agreed in writing between the Council and the borough council have effect (that is to say):—

If within a period of five years after the issue by the Council pursuant to the provisions of section 34 (London improvements to form public streets repair &c.) of this Act of a certificate of the completion of any part of Work No. 4 or any subsidiary works in connection therewith any subsidence of such part of such work or of such subsidiary works shall occur the Council may in their discretion contribute towards the costs and expenses incurred by the borough council in making good the work but nothing in this section shall affect any claim which may lawfully be made in respect of such subsidence.

For protec-  
tion of St.  
Marylebone  
Borough  
Council.

43. For the protection and benefit of the council of the borough of Saint Marylebone (in this section referred to as "the borough council") the following provisions notwithstanding anything contained in this Act or shown on the London deposited plans and the London deposited sections shall unless otherwise agreed in writing between the borough council and the Council apply and have effect (that is to say):—

(1) The reasonable expense of all repairs or renewals of any electric lines mains or other apparatus

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PART III.  
—cont.

for transmitting or controlling electricity pipes tunnels or other works (in this section referred to as "apparatus") of the borough council in connection with their electricity undertaking which may be rendered reasonably necessary (a) by or in consequence of the acts or defaults of the Council during and in connection with the execution of any works under the powers of this Part of this Act or (b) by reason or in consequence of any subsidence resulting from the execution of such works by the Council whether during such execution or within twelve months after the completion thereof shall be borne by the Council and paid by them to the borough council :

- (2) Any new apparatus laid by the Council or the borough council under the powers of this Act in substitution for or in consequence of any alteration of any existing apparatus of the borough council or any apparatus which is diverted or the position line or level whereof is altered under such powers shall so far as reasonably practicable be laid or relaid as the case may be under the footway of the new street or the widened street or any existing street wherein the same may be laid or relaid or if it be not reasonably practicable so to lay or relay them then as near as may be to a footway in the street and in such manner so far as reasonably practicable as to enable electricity to be conveniently afforded therefrom to any premises in such street :
- (3) Any new or altered apparatus provided or laid by the Council or by the borough council under the powers of this Act for the use of the borough council shall as from the completion of the provision or laying thereof become and be the property of the borough council and maintainable by them :
- (4) In carrying out the works by this Part of this Act authorised the Council shall not—
  - (a) remove displace or alter any apparatus of the borough council; or

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PART III.  
—cont.

(b) without the consent in writing of the borough council (which consent shall not be unreasonably withheld) do anything to interrupt the continuous supply of electricity by means of such apparatus;

until such good and sufficient apparatus and other works (if any) as shall be necessary or proper for maintaining the continuity of such supply shall at the expense of the Council and to the reasonable satisfaction of the borough council have been first made and laid down and be ready for use in such position in a carriage-way or footway as the borough council shall reasonably approve :

- (5) The Council shall indemnify the borough council in respect of any actions claims or demands arising from any interference by the Council with any apparatus of the borough council in the exercise of the powers of this Part of this Act except such as are attributable to the negligence of the borough council their contractors agents workmen or servants :
- (6) Should any interruption of the supply of electricity by the borough council be in any way occasioned either by reason of the exercise by the Council of the powers of this Part of this Act or by any act or default of the Council or any of their contractors agents workmen or servants or any person in the employ of them or any or either of them in connection with the exercise of such powers the Council shall indemnify the borough council against all claims demands proceedings costs losses damages and expenses which may be made or taken against the borough council or which the borough council may incur consequent upon such interruption except such as are attributable to the negligence of the borough council their contractors agents workmen or servants :
- (7) If within a period of five years after the issue by the Council pursuant to the provisions of this Act of a certificate of the completion of Works Nos. 1 and 2 authorised by this Act any subsidence of such works shall occur the Council



may in their discretion contribute towards the costs and expenses incurred by the borough council in making good the improvement but nothing in this subsection shall affect any claim which may lawfully be made in respect of such subsidence :

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PART III.  
—cont.

- (8) If any difference shall arise under this section between the borough council and the Council the same shall be settled by arbitration.

44. Notwithstanding anything in this Act the following provisions for the protection of the London Passenger Transport Board (in this section referred to as "the board") shall unless otherwise agreed in writing between the board and the Council apply and have effect (that is to say) :—

For protec-  
tion of  
London  
Passenger  
Transport  
Board.

- (1) In this section—

" Work No. 1 " " Work No. 2 " " Work No. 3 " " Work No. 4 " " Work No. 5 " and " Work No. 6 " mean respectively Work No. 1 Work No. 2 Work No. 3 Work No. 4 Work No. 5 and Work No. 6 by this Act authorised ;

" The Edgware Road works " means Works Nos. 1 2 and 3 ;

" The Notting Hill Gate works " means Works Nos. 4 5 and 6 ;

" The authorised works " means the works authorised by this Part of this Act to be executed by the Council ;

" The Edgware Road stations " means the Edgware Road station of the board (Metropolitan Railway) and the Edgware Road station of the board (Baker Street and Waterloo Railway) ;

" The Notting Hill Gate stations " means the Notting Hill Gate station of the board (Metropolitan Railway) and the Notting Hill Gate station of the board (Central London Railway) ;

" The signed plans " means the plans marked " Notting Hill Gate station—Works Plan No. 1 " and " Notting Hill Gate

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PART III.  
—cont.

station—Works Plan No. 2” signed by Cecil Grantham Page on behalf of the board and by Thomas Peirson Frank on behalf of the Council and any plans modifying or varying those plans which may be agreed between the board and the Council;

“The station works” means the works shown on the signed plans which the board will execute under their statutory powers;

“The railways or works of the board” includes the station works whether at the time being they shall have been constructed or not;

“The engineer” means the chief engineer of the board:

- (2) The Council shall not under the powers conferred upon them by this Act without the consent of the board take any land which is the property of the board but the Council may purchase and take and the board shall if so required by the Council sell and grant such easements and rights as may be reasonably required for constructing maintaining renewing and using the authorised works in under or over such land and the provisions of the Lands Clauses Acts with respect to lands shall (subject to the provisions of this Act) extend and apply to such easements and rights as if the same were lands within the meaning of those Acts except that the purchase of any such easement shall not be deemed to be the purchase of a part of a house or other building or manufactory within the meaning of section 92 of the Lands Clauses Consolidation Act 1845:
- (3) The Council shall not commence to construct so much of the authorised works as will interfere with the Edgware Road stations or the Notting Hill Gate stations or any of those stations or the access thereto respectively or to the station works or any of the station works (when constructed) until such temporary substituted accommodation as the board may reasonably approve shall have been provided by the Council:

(4) In the construction of Work No. 1 over the Metropolitan Railway any column or columns supporting the structure of that work shall be of such dimensions and be placed in such positions as may be reasonably required by the engineer :

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PART III.  
—cont.

(5) In the construction of Work No. 1 or Work No. 3 or the works connected with or incidental to those works respectively the Council shall not do any act or thing which shall prejudice the board in the exercise of their powers for the construction of Work No. 21 or Work No. 21A authorised by the London Passenger Transport Act 1936 or the works connected with or incidental to those works respectively :

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

(6) The Council shall not construct Work No. 4 Work No. 5 or Work No. 6 or the works connected with or incidental to those works respectively otherwise than in such manner as will enable the board to construct the station works in the manner shown on the signed plans :

(7) If the Council decide to construct Works Nos. 4 5 and 6 the board shall not construct the station works otherwise than in the manner shown on the signed plans :

(8) (a) Except as provided by section 20 (Power to stop up streets) of this Act the Council shall not under the powers of this Act stop up either temporarily or permanently any street which affords access to the Edgware Road stations or the Notting Hill Gate stations or any of those stations unless the Council shall have provided or left open such alternative access as the engineer may reasonably approve ;

(b) After stopping up under the powers of this Act of the whole or part of any street the board notwithstanding the vesting in the Council of the site and soil of such street or the part thereof stopped up shall have the same rights of entering upon using and appropriating without payment the subsoil and under-surface of the whole or such part of such street as they had before the stopping up of

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PART III.  
—cont.

the same under powers in existence at the passing of this Act or conferred by any Act passed in the present session :

- (9) The Council shall not construct or permit to be constructed upon any land acquired by or vested in them under the powers of this Act any building or work which will be situate over or within one hundred feet of any railway or work of the board in such manner as may in the reasonable opinion of the engineer endanger such railway or work :
- (10) The Council shall not construct the authorised works where the same shall pass over or under or within one hundred feet of the railways or works of the board otherwise than in accordance with plans sections and specifications to be previously submitted to and approved in writing by the engineer or in case of difference between the engineer and the Council settled by arbitration and the Council shall not commence the intended works until the plans sections and specifications relating thereto have been so submitted and approved or settled Provided always that if the engineer shall not within twenty-eight days after the submission to him of any plans sections or specifications signify his disapproval thereof and the grounds of such disapproval he shall be deemed to have approved thereof :
- (11) The authorised works so far as they pass over or under or within one hundred feet of the railways or works of the board shall be executed by the Council under the supervision (if the same be given) and to the reasonable satisfaction of the engineer and when commenced shall be completed with all reasonable dispatch :
- (12) If in the opinion of the engineer it shall be necessary either during the execution of the work or within twelve months after the completion thereof that owing to the construction of the authorised works any part of the railways or works of the board shall be altered reconstructed or strengthened the board may after

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PART III.  
—cont.

reasonable notice to the Council carry out such works as may be reasonably requisite in that behalf and the costs and expenses reasonably incurred by the board in connection therewith shall be repaid by the Council to the board :

- (13) If at any time or times the engineer considers that any of the railways or works of the board is likely to be endangered by the execution or continued execution of any part of the authorised works he may reasonably require the same to be suspended until such precautionary measures are taken for securing the safety of such railway or work as he may reasonably require. If the execution or continued execution of any part of the authorised works is so required to be suspended the Council shall not further proceed therewith until the precautionary measures so required by the engineer or (if a difference shall arise with regard to the necessity therefor or the extent and nature thereof) such precautionary measures (if any) as shall be determined by arbitration to be necessary shall have been carried out to the reasonable satisfaction of the engineer :
- (14) The Council shall not in constructing the authorised works in any manner obstruct hinder or interfere with the free uninterrupted and safe user of the railways of the board or the conduct of any traffic thereon and if at any time or times hereafter the free uninterrupted and safe user of such railways or the conduct of any traffic thereon shall be obstructed hindered or interfered with contrary to this enactment the Council shall pay to the board all reasonable costs and expenses to which the board may be put as well as full compensation for the loss sustained by them by reason of any such obstruction hindrance or interference :
- (15) The Council shall before commencing the construction of the authorised works so far as they pass over or under or within one hundred feet of the railways or works of the board give fourteen days' previous notice in writing to the

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PART III.  
—cont.

engineer of the intended works and shall bear and pay to the board the cost of the employment by them of a sufficient number of inspectors or watchmen to be appointed by them for watching the railways and works of the board with reference to and during the execution of the said works and for preventing as far as may be all interference obstruction danger or accident which may arise from any of the operations of the Council or from the acts or defaults of their contractors or of any person or persons in their employ with reference thereto :

- (16) Upon the vesting in the board of the structure of the work carrying Work No. 1 over the Metropolitan Railway and the retaining walls parapets and other works incidental to such first mentioned work in pursuance of section 34 (London improvements to form public streets repair &c.) of this Act the Council shall pay to the board such capital sum as may be agreed or determined by arbitration to represent the cost of maintaining and renewing the said structure retaining walls parapets and other works :
- (17) The Council shall be responsible for and make good to the board all reasonable costs and expenses and all damages and losses which may be occasioned to the board by reason of the construction of the authorised works (except where such costs losses damages and expenses arise from the neglect or default of the board their servants or agents) or of any act or omission of the Council or of their contractors and the Council will effectually indemnify and hold harmless the board from all claims and demands upon or against them by reason of such construction act or omission Provided always that the board shall give to the Council reasonable notice of any such claim or demand and that no settlement or compromise thereof shall be made except with the consent of the Council who shall (if they so elect) have the sole conduct of any settlement or compromise

or of any proceedings necessary to resist the claim or demand. The fact that any work or thing has been executed or done in accordance with the foregoing provisions of this section shall not excuse the Council from any liability under this subsection :

- (18) Any additional expense which the board may reasonably incur in maintaining renewing widening altering or reconstructing their railways or works under powers in existence at the passing of this Act by reason of the existence of the authorised works shall be paid by the Council :
- (19) If the board shall acquire for the purpose of providing a substation the premises delineated on the plans deposited in relation to the Bill which is being promoted by them in the present session of Parliament under the short title of the London Passenger Transport Board Bill and numbered on the said plans 108 109 201 202 203 and 204 in the royal borough of Kensington the Council shall pay to the board the amount by which the purchase price of the said premises exceeds (a) the purchase price which would have been payable by the board if they had acquired for the said purpose the lands in the said borough which are delineated on the London deposited plans and thereon respectively numbered 123 124 and 125 including the cost of rehousing working class persons and (b) the cost which would have been incurred by the board in constructional works so as to provide on the last mentioned lands if they had been acquired by the board a site of equivalent area suitable for the erection thereon of the proposed substation :
- (20) For the purposes of subsections (12) and (15) of this section any costs or expenses incurred by the board shall include compensation payable to any workmen or the legal representatives or dependants of workmen who may be injured or killed whilst employed by the board in and about the works or operations mentioned in the said subsections :

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PART III.  
—cont.

- (21) Any difference (other than a difference to which the Lands Clauses Acts apply) which may arise between the Council and the board or the engineer under or with reference to the provisions of this section shall be settled by arbitration.

For protec-  
tion of  
London  
Hydraulic  
Power  
Company.

**45.** For the protection of the London Hydraulic Power Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council apply and have effect (that is to say):—

- (1) In this section "apparatus" means mains pipes valves hydrants plugs syphons and other works and apparatus:
- (2) Notwithstanding anything in section 35 (Laying of pipes &c. in carriageway of London improvements) of this Act the company shall be entitled—

(a) for the purpose of laying down maintaining inspecting repairing renewing or removing apparatus to exercise from time to time either during the construction or after the completion of the London improvements or any part thereof the like rights of opening and breaking up so much of the London improvements as consists of—

(i) the reserved area; and

(ii) so much of the carriageway situate between severed portions of the reserved area as lies between imaginary lines in continuation of the longitudinal boundaries of such severed portions; and

(b) for the purpose of maintaining inspecting repairing renewing or removing any apparatus for the time being situate in or under the carriageway of the London improvements and of making altering repairing or disconnecting service connections between any such apparatus and any premises supplied by the company to exercise from time to time either during the construction or after the completion of the London improvements or any part thereof the like



rights of opening and breaking up such carriageway ; A.D. 1937.

as if the said section had not been enacted :

PART III.  
—cont.

Provided that nothing in this paragraph shall affect the operation of section 37 (Removal &c. of apparatus) of this Act :

- (3) Notwithstanding the stopping up temporarily of any street or part of a street or of any subway under the powers of section 36 (Power to stop up ways temporarily) of this Act the company their engineers and workmen and others in their employ shall at all times have such rights of access to all or any apparatus of the company situate in or under any such street or part of a street or subway as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon or under such street or part of a street or subway as may be necessary for inspecting repairing maintaining renewing or removing such apparatus :
- (4) If in the exercise of any of the powers of this Act the Council lower or raise the level of any street so as to leave over any apparatus of the company situate thereunder a less depth of cover than two feet where the covering now existing is not less than two feet or less than the existing covering where the same is less than two feet or a greater depth of cover than four feet where the covering now existing does not exceed four feet or more than the existing covering where the same exceeds four feet the company may lower such apparatus to a depth not exceeding two feet or the existing cover whichever is the less or raise such apparatus to a depth not less than four feet or the existing depth whichever is the greater (as the case may be) below the surface of the street and the Council shall repay to the company the expense reasonably incurred by them in so doing :
- (5) The provisions of section 37 (Removal &c. of apparatus) of this Act shall in its application to

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PART III.  
—cont.

the company be read and have effect subject to the following modifications:—

(i) the period of twenty-one days shall be substituted for the period of seven days mentioned in the proviso to subsection (2) of that section; and

(ii) the period of fourteen days shall be substituted for the period of seven days mentioned in subsection (3) of that section:

(6) In addition to any rights exerciseable by them under the provisions of the said section 37 (*Removal &c. of apparatus*) of this Act the company shall be entitled to execute such works as the engineer of the company may reasonably deem necessary for supporting or protecting any apparatus of the company situate in under across or along the line of the carriageway of the London improvements affected by any of the works or operations of the Council or for maintaining the continuity of the supply of water for hydraulic power by means of such apparatus:

(7) If by reason or in consequence of the execution of the London improvements any damage to any apparatus or property of the company or any interruption in the supply of water for hydraulic power by the company shall be caused the Council shall bear and pay the cost reasonably incurred by the company in making good such damage and shall—

(a) make reasonable compensation to the company for any loss sustained by them; and

(b) indemnify the company against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the company;

by reason or in consequence of any such damage or interruption except such as are attributable to the negligence of the company their contractors agents workmen or servants:

(8) The reasonable expense of all repairs and renewals of any apparatus of the company

or any works in connection therewith which may be rendered reasonably necessary by or in consequence of—

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PART III.  
—cont.

(a) the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any of them; or

(b) any subsidence resulting from the works of the Council whether during the construction of such works or within a period of twelve months after the date or the respective dates of the completion thereof;

(except such as are attributable to the negligence of the company their contractors agents workmen or servants) shall be borne and paid by the Council:

(9) The company may if they deem fit employ watchmen or inspectors to watch and inspect any improvement whereby any apparatus of the company will or may be interfered with or affected during the execution thereof and the reasonable expenses thereof shall be borne by the Council and be paid by them to the company:

(10) If any question or difference shall arise between the Council and the company under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be settled by arbitration.

**46.** For the protection of the Gas Light and Coke Company (in this section referred to as "the company") the following provisions shall unless otherwise agreed in writing between the company and the Council apply and have effect (that is to say):—

For protection of Gas Light and Coke Company.

(1) In this section the expression "apparatus" means mains pipes valves stopcocks or other works or apparatus of the company:

(2) Notwithstanding anything contained in subsection (2) of section 30 (Carriageway footway and other works in connection with London improvements) of this Act the provisions of the London County Council (Subways) Act

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PART III.  
—cont.

1893 and any byelaws for the time being in force thereunder in their application for the purposes of this Act shall not extend or apply to the company or any apparatus :

(3) Notwithstanding anything contained in section 33 (Vesting and disposal of materials) of this Act the Council shall at the option of the company either deliver to the company free of charge at such place as they may reasonably appoint or pay to the company the value of all such lamp-posts lamps and other materials of the company as are referred to in that section unless such lamp-posts lamps or other materials are required for use in connection with the London improvements :

(4) Notwithstanding anything contained in section 35 (Laying of pipes &c. in carriageway of London improvements) of this Act the Company shall be entitled—

(a) for the purpose of laying down maintaining inspecting repairing renewing or removing apparatus (other than service mains and service pipes) to exercise from time to time either during the construction or after the completion of Works Nos. 1 and 2 by this Act authorised or any part thereof the like rights of opening and breaking up so much of the said works as consists of—

(i) the reserved area; and

(ii) so much of the carriageway situate between severed portions of the reserved area as lies between imaginary lines in continuation of the longitudinal boundaries of such severed portions; and

(b) for the purpose of maintaining inspecting repairing renewing or removing any apparatus for the time being situate in or under the carriageway of the said works and of making altering repairing or disconnecting service connections between any such apparatus and any premises supplied or to

be supplied with gas therefrom to exercise from time to time either during the construction or after the completion of the said works or any part thereof the like rights of opening and breaking up such carriageway; as if the said section had not been enacted:

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PART III.  
—cont.

Provided that nothing in this paragraph shall affect the operation of section 37 (Removal &c. of apparatus) of this Act as amended in its application to the company by this section:

- (5) Notwithstanding the stopping up temporarily of any street or part of a street or of any subway under the powers of section 36 (Power to stop up ways temporarily) of this Act the company their engineer and workmen and others in their employ shall at all times have such rights of access to all or any apparatus situate in or under any such street or part of a street or subway as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon or under such street or part of a street or subway as may be necessary for inspecting repairing maintaining renewing or removing such apparatus:
- (6) If in the exercise of any of the powers of this Act the Council lower or raise the level of any street so as to leave over any apparatus situate thereunder a less depth of cover than two feet where the covering now existing is not less than two feet or less than the existing covering where the same is less than two feet or a greater depth of cover than four feet where the covering now existing does not exceed four feet or more than the existing covering where the same exceeds four feet the company may lower such apparatus to a depth not exceeding two feet or the existing cover whichever is the less or raise such apparatus to a depth not less than four feet or the existing depth whichever is the greater (as the case may be) below the surface of the street and the Council shall repay to the company the expense reasonably incurred by them in so doing:

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PART III.  
—cont.

- (7) Where by reason or in consequence of the exercise of any of the powers of this Act any apparatus is rendered derelict or unnecessary the Council shall pay to the company the value of such apparatus so rendered derelict or unnecessary unless substituted apparatus be provided :
- (8) The provisions of section 37 (Removal &c. of apparatus) of this Act shall in its application to the company be read and have effect subject to the following modifications :—
- (i) the period of twenty-one days shall be substituted for the period of seven days mentioned in the proviso to subsection (2) of that section; and
- (ii) the period of fourteen days shall be substituted for the period of seven days mentioned in subsection (3) of that section :
- (9) In addition to any rights exerciseable by them under the provisions of the said section 37 of this Act the company shall be entitled to execute such works as the engineer of the company may reasonably deem necessary for supporting or protecting any apparatus being situate in under across or along the line of the carriageway of the London improvements and affected by any works or operations of the Council or for maintaining the continuity of the supply of gas by means of such apparatus and if it be reasonably necessary so to do the company may substitute steel pipes encased in cement concrete for so much of any main or pipe as will be situate in under across or along the line of the carriageway of the London improvements or within a distance of ten feet on either side thereof and the Council shall repay to the company the reasonable cost incurred by them under the provisions of this paragraph :
- (10) If by reason or in consequence of the provisions of this Act relating to the London improvements or of anything done thereunder it shall

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PART III.  
—cont.

be reasonably necessary for the company to lay a second service main in any street or part of a street in which the company have a single service main from which supplies of gas are afforded to premises situate on both sides of such street the Council shall pay to the company the reasonable cost incurred by them in providing and laying such second service main and the communication pipes necessary for connecting that main with the premises to be supplied by means thereof :

- (11) If by reason or in consequence of the execution of the London improvements any damage to any apparatus or property of the company or any interruption in the supply of gas by the company shall be caused the Council shall bear and pay the cost reasonably incurred by the company in making good such damage and shall—

(a) make reasonable compensation to the company for any loss sustained by them; and

(b) indemnify the company against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the company;

by reason or in consequence of any such damage or interruption except such as are attributable to the negligence of the company their contractors agents workmen or servants :

- (12) The reasonable expense of all repairs and renewals of any apparatus or any works in connection therewith which may be rendered reasonably necessary by or in consequence of—

(a) the acts or defaults of the Council their contractors agents workmen or servants or any person in the employ of them or any of them; or

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PART III.  
—cont.

(b) any subsidence resulting from the works of the Council whether during the construction of such works or within a period of twelve months after the date or the respective dates of the completion thereof;

(except such as are attributable to the negligence of the company their contractors agents workmen or servants) shall be borne and paid by the Council :

(13) The Council shall bear and pay to the company the amount of any expenses reasonably incurred by the company in or in connection with—

(a) the cutting off of any apparatus from any other apparatus and the connecting of any new or substituted apparatus with any existing apparatus rendered necessary by reason or in consequence of the execution of the London improvements; or

(b) the removal or any alteration of any communication pipes rendered necessary by reason or in consequence of such execution; and shall indemnify the company against all claims and demands by the owner of any such communication pipe or by the owners or occupiers of premises supplied by means thereof :

(14) The company may if they deem fit employ watchmen or inspectors to watch and inspect any improvement whereby any apparatus will or may be interfered with or affected during the execution thereof and the reasonable expenses thereof shall be borne by the Council and be paid by them to the company :

(15) If any question or difference shall arise between the Council and the company under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be settled by arbitration :

(16) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or any enactment incorporated therewith to the benefit of which the company would have been entitled if this section had not been enacted.



47. For the protection of the Notting Hill Electric Lighting Company Limited and the Metropolitan Electric Supply Company Limited (in this section referred to together or respectively as the case may require as "the company") the following provisions notwithstanding anything contained in this Act or shown on the London deposited plans and the London deposited sections shall unless otherwise agreed in writing between the company and the Council apply and have effect (that is to say):—

- (1) The reasonable expense of all repairs or renewals of any electric lines mains or other apparatus for transmitting or controlling electricity pipes tunnels or other works (in this section referred to as "apparatus") of the company which may be rendered reasonably necessary (a) by or in consequence of the acts or defaults of the Council during and in connection with the execution of any works under the powers of this Part of this Act or (b) by reason or in consequence of any subsidence resulting from the execution of such works by the Council whether during such execution or within twelve months after the completion thereof shall be borne by the Council and paid by them to the company:
- (2) Any new apparatus laid by the Council or the company under the powers of this Act in substitution for or in consequence of any alteration of any existing apparatus of the company or any apparatus which is diverted or the position line or level whereof is altered under such powers shall so far as reasonably practicable be laid or relaid as the case may be under the footway of the widened street or any existing street wherein the same may be laid or relaid or if it be not reasonably practicable so to lay or relay them then as near as may be to a footway in the street and in such manner so far as reasonably practicable as to enable electricity to be conveniently afforded therefrom to any premises in such street:
- (3) Any new or altered apparatus provided or laid by the Council or by the company under the powers of this Act for the use of the company shall as from the completion of the provision

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PART III.  
—cont.

For pro-  
tection of  
Notting Hill  
Electric  
Lighting  
Company  
Limited and  
Metropoli-  
tan Electric  
Supply  
Company  
Limited.

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PART III.  
—cont.

or laying thereof become and be the property of the company and maintainable by them :

(4) In carrying out the works by this Part of this Act authorised the Council shall not—

(a) remove displace or alter any apparatus of the company; or

(b) without the consent in writing of the company (which consent shall not be unreasonably withheld) do anything to interrupt the continuous supply of electricity by means of such apparatus;

until such good and sufficient apparatus and other works (if any) as shall be necessary or proper for maintaining the continuity of such supply shall at the expense of the Council and to the reasonable satisfaction of the company have been first made and laid down and be ready for use in such position in a carriageway or footway as the company shall reasonably approve :

(5) The Council shall indemnify the company in respect of any actions claims or demands arising from any interference by the Council with any apparatus of the company in the exercise of the powers of this Part of this Act except such as are attributable to the negligence of the company their contractors agents workmen or servants :

(6) Should any interruption of the supply of electricity by the company be in any way occasioned either by reason of the exercise by the Council of the powers of this Part of this Act or by any act or default of the Council or any of their contractors agents workmen or servants or any person in the employ of them or any or either of them in connection with the exercise of such powers the Council shall indemnify the company against all claims demands proceedings costs losses damages and expenses which may be made or taken against the company or which the company may incur consequent upon such interruption except such as are attributable

to the negligence of the company their contractors agents workmen or servants :

- (7) If any difference shall arise under this section between the company and the Council the same shall be settled by arbitration.

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PART III.  
—cont.

#### PART IV.

#### WORKS TO BE EXECUTED BY THE WESTMINSTER COUNCIL.

48. Subject to the provisions of this Act the Westminster Council may in the lines or situations and within the limits of deviation shown on the Westminster deposited plan and according to the levels shown on the Westminster deposited sections execute the works in the city of Westminster hereinafter described and may enter upon take and use all or any of the lands in that city delineated on the Westminster deposited plan and described in the Westminster book of reference which they may require for the purposes of those works and for providing space for the erection of houses and buildings adjoining or near to the said works and for the purposes of recouplement reinstatement or exchange and for other purposes of this Part of this Act or for any of those purposes.

Execution of works and acquisition of lands by Westminster Council.

The said works are the following (that is to say):—

Work No. 7 A variation of Curzon Street between a point thirty-five yards or thereabouts westward of the junction therewith of Half Moon Street and the termination of Curzon Street at its junction with Fitzmaurice Place and Lansdowne Row by the widening of portions of the first-mentioned street on the northern and southern sides thereof or on one of such sides and the raising of the level thereof between a point fifty-three yards or thereabouts westward of the junction therewith of Bolton Street and the junction of Curzon Street with Fitzmaurice Place and Lansdowne Row;

Work No. 7A A raising of the level of Bolton Street between the junction thereof with Curzon Street and a point thirty-seven yards or thereabouts southward of such junction.

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PART IV.

—cont.

Application  
of certain  
provisions  
of this Act  
to West-  
minster  
Council.

49. The following sections of Parts II (Acquisition of land by the Council) and III (Works to be executed by the Council) of this Act (that is to say):—

Part II—

- Section 4 (Incorporation of Lands Clauses Acts);
- Section 7 (Power to use subsoil of streets);
- Section 8 (Taking of parts of certain properties);
- Section 10 (Extinguishment of private rights of way);
- Section 11 (Power to certain persons to grant easements &c.);
- Section 12 (Correction of errors &c. in deposited plans &c.);
- Section 13 (Power to enter upon property for survey &c.);
- Section 15 (Benefits to be set off against compensation); and
- Section 18 (Power to make agreements with owners of property &c.);

Part III—

- Section 24 (Power to make subsidiary works &c.);
- Section 27 (Underpinning of houses near London improvements);
- Section 32 (Sewers &c. to be removed arched over or filled up);
- Section 33 (Vesting and disposal of materials);
- Section 36 (Power to stop up ways temporarily);
- Section 37 (Removal &c. of apparatus);
- Section 38 (For protection of Postmaster-General);
- Section 39 (Notice to Commissioner of Police); and
- Section 46 (For protection of Gas Light and Coke Company) so far as applicable (except subsection (10) of that section);

shall extend and apply to the Westminster Council and to the works to be executed and the lands and premises to be acquired by them under this Part of this Act as if—

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PART IV.  
—cont.

- (a) except where the context otherwise requires the Westminster Council the town clerk of the city of Westminster the Curzon Street improvement the Westminster deposited plan the Westminster deposited sections and the Westminster book of reference were named or referred to in the said provisions instead of the Council the clerk of the Council the London improvements the London deposited plans the London deposited sections and the London book of reference respectively;
- (b) in the said section 8 (Taking of parts of certain properties) a reference to the Fourth Schedule to this Act were substituted for the reference to the Second Schedule to this Act; and
- (c) in the said applied provisions references to this Part of this Act were substituted for references to Part II or Part III of this Act.

**50.** In executing the Curzon Street improvement the Westminster Council may deviate laterally from the lines or situations thereof to any extent within the limits of deviation shown on the Westminster deposited plan and vertically from the levels thereof defined on the Westminster deposited sections to any extent not exceeding three feet.

Deviation from lines and levels in executing Curzon Street improvement.

**51.** The powers of the Westminster Council for the purchase of lands by agreement shall be deemed to extend to and to authorise the purchase by the Westminster Council by agreement of any lands in the county other than those delineated on the Westminster deposited plan and described in the Westminster book of reference which they may think it desirable to purchase in order to provide substituted sites or facilities for any persons whose lands may be required by the Westminster Council for the purposes of or in connection with the Curzon Street improvement.

Extension of powers of Westminster Council of purchasing lands by agreement.

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## PART IV.

—cont.

Compensation payable by Westminster Council in case of recently acquired interest.

**52.** For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Part of this Act the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the land created after the twenty-eighth day of May one thousand nine hundred and thirty-six if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Part of this Act.

Retention and disposal of lands by Westminster Council.

**53.**—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Westminster Council may retain hold and use for such time as they may think fit or may sell lease exchange for other lands in the county or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in consideration either of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Part of this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interest therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange :

Provided that the Westminster Council shall not without the consent of the Minister of Health sell lease exchange or otherwise dispose of any such lands or any interests therein at a price or rent or for a consideration of a value less than the current market value of such lands or interests but a purchaser or lessee shall not be concerned to inquire whether the consent of the said Minister is necessary or has been obtained.

(2) Nothing in this section shall release the Westminster Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or conditions made payable by or contained in any conveyance lease

or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Westminster Council or any person from or through whom the Westminster Council may have derived or may hereafter derive title to the same but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this section had not been enacted.

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PART IV.  
—cont.

54.—(1) Subject to the provisions of this Part of this Act the Westminster Council may cause such parts of the Curzon Street improvement to be laid out for carriageway and such parts thereof for footway as they may think proper and may upon the lands acquired by or vested in them under the provisions of this Part of this Act and within the limits of deviation shown on the Westminster deposited plan construct erect and provide all such works and conveniences including subways for persons on foot as they may think proper for the purposes of or in connection with the Curzon Street improvement.

Carriageway footway and other works in connection with Curzon Street improvement.

(2) When the Curzon Street improvement or any part thereof is completed and opened for traffic by the Westminster Council so much of that improvement as has been laid out as carriageway or footway and any subway constructed by the Westminster Council as aforesaid shall subject to the provisions of this Part of this Act form part of the highway and be under the care management control and jurisdiction of the Westminster Council and may be used by the public accordingly.

55.—(1) On or at any time after the completion of the Curzon Street improvement the Westminster Council may if they think fit stop up so much of Curzon Street opposite the southern end of Fitzmaurice Place as is shown by a red colour on the plan signed in triplicate by William Whytehead Boulton the chairman of the committee of the House of Commons to whom the Bill for this Act was referred which plan has been deposited in the Committee and Private Bill Office of the House of Commons in the Parliament Office House of Lords and with the town clerk of the

Stopping up and vesting of part of Curzon Street.

A.D. 1937. city of Westminster at his office at the City Hall  
 — Westminster.

PART IV.  
 —cont.

(2) Upon such stopping up all rights of way over the portion of street stopped up and other rights in respect thereof shall be extinguished and the site and soil of the said portion of street shall by virtue of this Act vest in the owners of the property adjoining the north-eastern and south-eastern sides thereof:

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

(3) Nothing in this section or done thereunder shall alter or affect the operation of sections 66 and 67 of the Public Health (London) Act 1936 or either of those sections or prejudice or derogate from the rights powers and jurisdiction of the Council as the main drainage authority for the purposes of the said Act.

Limitation  
 of time for  
 purchase of  
 lands by  
 Westminster  
 Council.

**56.** The powers of the Westminster Council for the compulsory purchase of lands under this Part of this Act shall cease on the first day of October one thousand nine hundred and forty.

Period for  
 completion  
 of Curzon  
 Street  
 improve-  
 ment.

**57.** If the Curzon Street improvement is not completed on or before the first day of October one thousand nine hundred and forty-two then as from that date the powers of the Westminster Council under this Act for the execution of the Curzon Street improvement shall cease except so far as the same is then completed.

Agreements  
 between  
 West-  
 minster  
 Council and  
 others.

**58.**—(1) The Westminster Council on the one hand and any company body or person having the control or management of water gas or other pipes or electric or other wires or apparatus on the other hand may with the approval of the Minister enter into and carry into effect agreements with reference to any of the provisions of this Part of this Act relating to or affecting only the parties to such agreements respectively.

(2) The Minister and the Westminster Council may enter into and carry into effect agreements with reference to any matters arising out of the carrying of this Part of this Act into execution and may by any such agreement vary any of the provisions of this Part of this Act but not so as to affect prejudicially the rights or interests of any person other than the Minister and the Westminster Council.



(3) For the purposes of this Act the provisions and purposes of any agreement entered into under the provisions of this section shall be deemed to be provisions and purposes of this Part of this Act.

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 —  
 PART IV.  
 —cont.

**59.**—(1) The Westminster Council may incur such expenditure and (subject to the provisions of this section) may borrow money to such amount as may be necessary for the purposes of this Part of this Act and of section 138 (Costs of Act) of this Act.

Expendi-  
 ture and  
 borrowing  
 by West-  
 minster  
 Council.

(2) For the purpose of securing the repayment with interest of any moneys to be borrowed under this section the Westminster Council may mortgage and assign any of the moneys or rates authorised to be raised or levied by them under the Metropolis Management Act 1855 and any borrowing under this section shall be subject in all respects to the provisions of sections 183 to 189 of that Act. Provided that all moneys borrowed by the Westminster Council under the powers of this section shall be repaid within a period or periods not exceeding sixty years from the date or respective dates of borrowing.

18 & 19 Vict.  
 c. 120.

**60.** Nothing in this Part of this Act shall prejudice or affect the operation of or derogate from any of the provisions of—

Saving for  
 London Building  
 and Town and  
 Country  
 Planning Acts.

- (a) the London Building Acts 1930 and 1935 or any byelaw or regulation for the time being in force thereunder; or
- (b) the Town and Country Planning Act 1932 or any scheme or order for the time being in force under that Act or under any Act repealed by that Act;

20 & 21 Geo. 5.  
 c. clviii.  
 25 & 26 Geo. 5.  
 c. xcii.  
 22 & 23 Geo. 5.  
 c. 48.

as respects any land acquired by the Westminster Council for the purposes of this Part of this Act and not required for the Curzon Street improvement.

**61.** The provisions of subsection (1) and subsections (3) to (10) of section 45 (For protection of London Hydraulic Power Company) of this Act shall extend and apply to the Westminster Council and to the works to be executed by them under this Part of this Act as if the Westminster Council and the Curzon Street improvement were named or referred to therein instead of the Council and the London improvements respectively.

For further  
 protection  
 of London  
 Hydraulic  
 Power  
 Company.

A.D. 1937.

PART V.

PUBLIC HEALTH.

Interpretation of "Act of 1936" &c.

**62.**—(1) In this Part of this Act the expression "the Act of 1936" means the Public Health (London) Act 1936.

(2) This Part of this Act shall be read and construed as one with the Act of 1936.

Publication of annual reports of medical officers of health.

**63.**—(1) It shall be the duty of a borough council to publish as soon as may be after it is received the annual report made to the borough council by a medical officer of health of the borough.

(2) Subsection (6) of section 8 (District medical officers of health) of the Act of 1936 is hereby repealed.

Supply of refreshments at swimming baths.

**64.** A borough council may provide and sell or allow upon such terms and conditions as they think fit the provision and sale of refreshments subject to the provisions of all Acts relating thereto at any swimming bath maintained by the borough council whether the swimming bath is used for the time being for the purposes of swimming or for any other purpose.

Extension of section 184 of Act of 1936 to all tenement houses.

**65.** The proviso to subsection (1) of section 184 (Accommodation for storage and cooking of food in tenement houses) of the Act of 1936 is hereby repealed and accordingly the other provisions of that section shall extend and apply to every tenement house within the county whether the tenement house was or was not used or occupied as such before the beginning of August nineteen hundred and eight or the sixteenth day of August nineteen hundred and nine as the case may be.

Noise nuisances.

**66.**—(1) A noise nuisance shall be a nuisance which may be dealt with summarily under the Act of 1936 :

Provided that no complaint to a petty sessional court under paragraph 20 of the Fifth Schedule to the Act of 1936 in respect of a noise nuisance shall be of any effect unless it is made by not less than three persons being either householders or occupiers of premises within hearing of the noise nuisance which is the subject of the complaint.

(2) In any proceedings under the Act of 1936 in respect of a noise nuisance occasioned in the course of

any trade business or occupation it shall be a good defence for the person charged to show that he has used the best practicable means of preventing or mitigating the nuisance having regard to the cost and to other relevant circumstances.

A.D. 1937.  
—  
PART V.  
—cont.

(3) For the purpose of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise which is injurious or dangerous to health.

(4) Nothing in this section shall—

(a) apply to a noise occasioned by the exercise of the functions under any Act of the county council or the sanitary authorities or any statutory undertakers; or

(b) affect the power of the county council or any borough council to make byelaws under section 38 (Byelaws by Council or borough councils for good rule and government and suppression of nuisances) of the London County Council (General Powers) Act 1934:

24 & 25  
Geo. 5. c. xl.

For the purposes of this subsection the expression—

“statutory undertakers” means any persons authorised by any Act to construct work or carry on any railway canal inland navigation dock harbour tramway trolley vehicle light railway gas electricity water or other public undertaking; and

“Act” means any public general or local Act or Order having the force of an Act.

**67.** The exemption contained in subsection (4) of section 135 (Tents and vans used for human habitation) of the Act of 1936 for any tent van shed or structure erected or used by any portion of His Majesty’s naval or military forces shall extend to any tent van shed or structure erected or used by any portion of the Royal Air Force.

Extension  
of section  
135 (4) of  
Act of 1936  
to Royal  
Air Force.

**68.**—(1) The provisions of this section shall apply in relation to any house building or other premises being property belonging to His Majesty in right of the Crown or of the Duchy of Lancaster or belonging to the Duchy of Cornwall or belonging to a Government department

Power to  
apply pro-  
visions of  
Act of 1936  
to Crown  
property.

A.D. 1937. or held in trust for His Majesty for purposes of a  
Government department.

PART V.  
—cont.

(2) The authority which in relation to any such property is for the purposes of this section the appropriate authority and the county council or the sanitary authority of the district in which the property is situate may agree that any provisions of the Act of 1936 specified in the agreement shall apply to that property and while the agreement is in force those provisions shall (subject to the terms of the agreement) apply to that property accordingly.

An agreement under this subsection may contain such consequential and incidental provisions (including with the approval of the Treasury provisions of a financial character) as appear to the appropriate authority to be necessary or equitable.

(3) In this section the expression "the appropriate authority" means—

- (a) in the case of property belonging to His Majesty in right of the Crown the Commissioners of Crown Lands or other Government department having the management of the property in question;
- (b) in the case of property belonging to His Majesty in right of the Duchy of Lancaster the Chancellor of the Duchy;
- (c) in the case of property belonging to the Duchy of Cornwall such person as the Duke of Cornwall or the possessor for the time being of the Duchy of Cornwall appoints; and
- (d) in the case of property belonging to a Government department or held in trust for His Majesty for purposes of a Government department that department;

and if any question arises as to what authority is the appropriate authority in relation to any property that question shall be referred to the Treasury whose decision shall be final.

Correction  
of Seventh  
Schedule to  
Act of 1936.

69. The Act of 1936 shall have effect and be deemed as from the date on which it came into operation to have had effect as if in so much of the third column of the Seventh Schedule to that Act as relates to the repeal

of certain provisions of the Local Government Act 1929 for the words "under the Public Health (London) Act 1891" there were substituted the words "the Public Health (London) Act 1891 and".

19 & 20  
Geo. 5. c. 17.  
54 & 55 Vict.  
c. 76.

PART VI.

SUPERANNUATION (TEACHERS) FUND.

70. In this Part of this Act the expression—

"the Council's fund" means the superannuation and provident fund established in pursuance of Part IV of the London Council (General Powers) Act 1891;

"the teachers' fund" means the teachers' fund referred to in section 10 (Administration of teachers' fund) of the London County Council (General Powers) Act 1911; and

"the date of transfer" means the first day of January one thousand nine hundred and thirty-eight.

Interpreta-  
tion of  
expressions  
in Part VI  
of Act.  
54 & 55 Vict.  
c. ccvi.

1 & 2 Geo. 5.  
c. lxiii.

71. As on and from the date of transfer all the moneys and securities belonging to or forming the teachers' fund shall be transferred to and become part of the Council's fund and all persons who at the date of transfer are contributors to the teachers' fund shall make to the Council's fund such contributions as they would have been liable to make to the teachers' fund if this Act had not been passed.

Merger of  
teachers'  
fund in  
Council's  
fund.

72.—(1) Every person who is in receipt of a superannuation allowance out of the teachers' fund immediately before the date of transfer shall as from that date continue to receive during life out of the Council's fund an annual superannuation allowance of the same amount as he was receiving from the teachers' fund immediately before that date.

Super-  
annuation  
allowances.

(2) Every person who is a contributor to the teachers' fund immediately before the date of transfer shall as from the date on which he would have become entitled to a superannuation allowance out of the teachers' fund if this Act had not been passed be entitled to receive during life out of the Council's fund an annual superannuation allowance equal to one two-hundred-and-fortieth of his annual salary as at the date

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PART VI.  
—cont.

on which he becomes entitled to such an allowance for each of the years of his service which would have been taken into account in calculating his superannuation allowance out of the teachers' fund if this Act had not been passed with a maximum of forty two-hundred-and-fortieths of such annual salary.

Amendment of Council's superannuation scheme.

**73.** For the purpose of giving effect to the provisions of this Part of this Act the Council may amend any scheme in force under Part IV of the London Council (General Powers) Act 1891 or may make and may from time to time amend a new scheme and may make such annual or other payments to the Council's fund as they think desirable and may exercise all or any of the powers conferred upon the Council by Part IV of the said Act of 1891.

Dissolution of Teachers' Superannuation Committee.

**74.** The committee appointed to administer pursuant to section 10 (Administration of teachers' fund) of the London County Council (General Powers) Act 1911 the balance of the teachers' fund referred to in that section shall be and is hereby dissolved as on and from the date of transfer and shall not be re-appointed.

Repeals consequential on Part VI of Act.  
14 & 15 Geo. 5.  
c. lvii.

**75.** As on and from the date of transfer section 10 (Administration of teachers' fund) of the London County Council (General Powers) Act 1911 section 32 (Constitution of committee administering teachers' fund) of the London County Council (General Powers) Act 1924 and the words "or to any committee appointed to administer the balance of the teachers' fund referred to in section 10 of the London County Council (General Powers) Act 1911" in subsection (3) of section 23 (Reference to statutory committees of Council) of the London County Council (General Powers) Act 1934 shall be and are hereby repealed.

## PART VII.

### BETHNAL GREEN BOROUGH COUNCIL (SUPERANNUATION).

Interpretation of expressions in Part VII of Act.  
6 Edw. 7. c. vi.  
12 & 13 Geo. 5.  
c. 59.

**76.**—(1) In this Part of this Act—

“the Act of 1906” means the Bethnal Green Borough Council (Superannuation) Act 1906;

“the Act of 1922” means the Local Government and other Officers' Superannuation Act 1922;

- “ the Act of 1930 ” means the London County Council (General Powers) Act 1930; A.D. 1937.
- “ the appointed day ” means the first day of October one thousand nine hundred and thirty-seven; PART VII.  
—cont.  
20 & 21  
Geo. 5.  
c. clix.
- “ the Bethnal Green Council ” means the mayor aldermen and councillors of the metropolitan borough of Bethnal Green;
- “ actuary ” means a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;
- “ retired employee ” means a male person who on or at any time after the appointed day ceases to be in the employment of the Bethnal Green Council as an officer or servant and who upon such cessation becomes entitled to a superannuation allowance under the Act of 1906 as amended by this Part of this Act by reason of his having—
- (a) attained the age of sixty-five years;
  - or
  - (b) attained the age of sixty years and completed a service or aggregated service of forty years; and
- “ quarter day ” means the last day of March June September or December as the case may require.

(2) References in this Part of this Act to the wife of a retired employee shall be construed as references to the person who was the wife of the retired employee on the date on which he ceased to be in the employment of the Bethnal Green Council as an officer or servant.

(3) References in this Part of this Act to the Act of 1906 shall be construed as references to that Act as amended by the Act of 1930.

**77.**—(1) As on and from the appointed day the Act of 1906 shall be read and have effect subject to the following amendments:—

- (a) Section 2 (Interpretation) shall have effect as if in the definition therein of “ emoluments ” the words “ by the Council ” were omitted therefrom;

A.D. 1937.

PART VII.

—cont.

(b) Section 3 (Title of officers and servants to superannuation allowances) shall have effect as if the proviso thereto were omitted;

(c) Section 5 (Reckoning service) shall have effect as if in the proviso thereto the words "or neglects" were inserted after the word "unable" and the words "permanent service or employment" were substituted for the words "service or employment."

(2) Notwithstanding the provisions of section 3 (Title of officers and servants to superannuation allowances) of the Act of 1906 a female officer who is employed as a nurse or who is a health visitor or sanitary inspector ordinarily employed on outdoor duties under the supervision of the medical officer of health who shall have attained the age of fifty-five years and completed a service or an aggregated service of thirty years shall be entitled on resigning or otherwise ceasing to hold her office or employment to receive during life out of the superannuation fund a superannuation allowance according to the scale contained in section 4 (Scale of superannuation allowances) of the Act of 1906.

(3) As on and from the appointed day section 44 (Superannuation fund) of the Act of 1930 shall be read and have effect as if the words "as amended by any subsequent enactment" were substituted for the words "as amended by the Act of 1930" in paragraph (b) of subsection (1) of the section which was substituted by the said section 44 for section 14 (Superannuation fund) of the Act of 1906.

Reckoning  
temporary  
service.

**78.**—(1) If an officer or servant gives notice in writing to the Bethnal Green Council within the appointed time that he desires the whole or any part of a period of temporary employment to be reckoned as service for the purposes of the Act of 1906 that period of temporary employment or such part thereof as may be specified in the notice shall (subject to the payment of such sum as is hereinafter mentioned) be reckoned as service as an officer or servant for the purposes of the Act of 1906.

(2) Where an officer or servant gives such a notice as is referred to in subsection (1) of this section he shall pay into the superannuation fund (in addition to any



contributions payable by him under section 11 (Obligation of officers and servants to contribute) of the Act of 1906) a sum equal to the total amount of the contributions which would have been payable by him under the said section if such period of temporary employment or such part thereof as is specified in the notice (as the case may be) had been service as an officer or servant.

A.D. 1937.  
—  
PART VII.  
—cont.

(3) Any sum payable by an officer or servant under subsection (2) of this section may be deducted by the Bethnal Green Council from the salary or wages and emoluments of the officer or servant either in a lump sum or in such instalments extending over a period not exceeding three years as the Bethnal Green Council may determine and if any such instalment remains to be paid by an officer or servant at the date on which he becomes entitled to a superannuation allowance the amount of the unpaid instalment or instalments shall be deducted from the payment or payments to him of superannuation allowance until all such instalments have been recovered.

(4) In this section—

(a) the expression “the appointed time” means—

(i) in the case of an officer or servant in the service of the Bethnal Green Council immediately before the appointed day a period of three months commencing on the appointed day;

(ii) in the case of an officer or servant appointed as such on or after the appointed day a period of three months commencing on the day as from which he is so appointed;

(b) the expression “temporary employment” means employment by the Bethnal Green Council or their predecessors in a temporary capacity for a continuous period of not less than six months.

**79.** An officer or servant who on or after the appointed day is dismissed or resigns or otherwise ceases to hold his office or employment by reason or in consequence of an offence of a fraudulent character or of

Forfeiture  
for fraud  
&c.

A.D. 1937. grave misconduct shall forfeit all rights under the Act of 1906 as amended by this Part of this Act :

—  
PART VII.  
—cont.

Provided that the Bethnal Green Council may if they think fit so to do—

- (i) return to the officer or servant or pay to his wife or dependants a sum out of the superannuation fund not exceeding the amount of his contributions thereto; or
- (ii) if the officer or servant has attained such an age and completed such a period of service or aggregated service as would on his retiring voluntarily at that age have entitled him to a superannuation allowance under the Act of 1906 as amended by this Part of this Act grant to him out of the superannuation fund a superannuation allowance not exceeding the amount of the superannuation allowance to which he would have been so entitled if he had retired voluntarily at the earliest date at which he would have been entitled on voluntary retirement to such an allowance.

Return of contributions and power to grant gratuities in certain cases.

**80.**—(1) An officer or servant who on or after the appointed day and before becoming entitled to a superannuation allowance under the Act of 1906 as amended by this Part of this Act is dismissed or resigns or otherwise ceases to hold his office or employment (such dismissal resignation or cesser not being in consequence of an offence of a fraudulent character or of grave misconduct) shall be entitled to receive out of the superannuation fund a sum equal to the aggregate amount of his contributions thereto together with compound interest thereon calculated to the date of such dismissal resignation or cesser at the rate of three per centum per annum with half-yearly rests on the thirty-first day of March and the thirtieth day of September in each year :

Provided that if a holder of a joint appointment who has attained the age of fifty years or has completed twenty years' service ceases to hold his office or employment by reason of the death removal resignation or incapacity of the other holder of the joint appointment he shall (unless he is reappointed by the Bethnal Green Council or unless the holders of the joint appointment

were husband and wife and the office or employment of one of them is determined by reason of grave misconduct) be entitled in lieu of such a sum as aforesaid to receive during life a superannuation allowance according to the scale contained in section 4 (Scale of superannuation allowances) of the Act of 1906.

A.D. 1937.  
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PART VII.  
—cont.

(2) If by virtue of the provisions of subsection (1) of this section an officer or servant becomes entitled to any such sum as is referred to in that subsection the Bethnal Green Council may if they think fit (in addition to the sum payable under that subsection) grant to the officer or servant a gratuity not exceeding one-twelfth of the amount of his salary or wages and emoluments during the year ending on the quarter day last preceding the date on which he ceased to hold his office or employment for each completed year of his service or aggregated service but not exceeding in any case a sum equivalent to twice the amount of his said salary or wages and emoluments.

A gratuity under this subsection shall be paid out of the same funds rates and revenues as those upon which the salary or wages of the officer or servant were chargeable immediately before the date on which he ceased to hold his office or employment and not out of the superannuation fund.

(3) Any payment made by the Bethnal Green Council under this section shall be in addition to and not in substitution for any sum payable under the scheme scheduled to the Act of 1906.

**81.**—(1) If the salary or wages of an officer or servant are or have been reduced by reason of an alteration made in his grade or status for any cause (other than misconduct) the officer or servant may give notice in writing to the Bethnal Green Council of his desire to contribute to the superannuation fund as from the date when such reduction takes or took effect or as from such subsequent date as the officer or servant may desire in all respects as if the reduction had not taken effect and in the event of his so continuing to contribute the amount in respect of which he so continues to contribute shall for the purposes of the Act of 1906 as amended by this Part of this Act be deemed to be the amount of his salary or wages for the period in respect of which he so continues to contribute.

Contributions in case of reduction or suspension of salary or wages.

A.D. 1937.

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PART VII.  
—cont.

A notice under this subsection shall be given in the case of a reduction occurring before the passing of this Act within three months after the passing of this Act and in the case of a reduction occurring subsequently to the passing of this Act within three months after such reduction.

(2) In any case in which the salary or wages of an officer or servant are or have been reduced or suspended by reason of illness during any part of the period of five years ending on the quarter day which immediately precedes the date on which he becomes entitled to a superannuation allowance under the Act of 1906 as amended by this Part of this Act the officer or servant shall (notwithstanding such reduction or suspension) be deemed for the purpose of calculating the amount of his superannuation allowance to have received the same salary or wages and emoluments as he would have received if such reduction or suspension had not taken effect.

Transfer  
values.

**82.**—(1) As on and from the appointed day subsections (1) and (3) of section 8 (Reckoning service in case of transfer) of the Act of 1922 shall apply and have effect in the case of—

- (a) an officer or servant who transfers from the service of the Bethnal Green Council (with the consent of that council) to a designated post in the service of a local authority who have adopted the Act of 1922; or
- (b) a person occupying a designated post in the service of a local authority who have adopted the Act of 1922 who transfers from the service of that authority (with the consent of the authority) to the service of the Bethnal Green Council and on such transfer becomes an officer or servant of the Bethnal Green Council;

as if the Bethnal Green Council were a local authority who had adopted the Act of 1922 and as if service as an officer or servant of the Bethnal Green Council were service in a designated post within the meaning of the Act of 1922.

(2) In the case of a person who transfers to the service of the Bethnal Green Council from a designated post in the service of a local authority who have adopted

the Act of 1922 and in respect of whom a transfer value has been paid to the Bethnal Green Council under the provisions of subsection (1) of this section the following provisions shall have effect (that is to say):—

A.D. 1937.

—  
PART VII.  
—cont.

- (a) all periods of service which were taken into account for the purpose of calculating the amount of the transfer value shall be deemed to be service under the Bethnal Green Council as an officer or servant for the purposes of the Act of 1906 and this Part of this Act:

Provided that if the transfer value includes an amount in respect of a period of non-contributing service as defined in the Act of 1922 so much of any superannuation allowance payable under section 4 (Scale of superannuation allowances) of the Act of 1906 as is attributable to that period of non-contributing service shall be payable at one-half of the rate specified in the said section 4;

- (b) no such additional contribution as is referred to in the proviso to section 13 (Contributions in respect of previous service) of the Act of 1906 shall be payable in respect of any period of service which was taken into account for the purpose of calculating the amount of the transfer value;

- (c) for the purpose of calculating the amount of any sum payable to an officer or servant under section 80 (Return of contributions and power to grant gratuities in certain cases) of this Act or to his legal personal representatives under section 8 (Return in case of death) of the Act of 1906 or under the provisions which as respects certain officers and servants were substituted for that section by section 43 (Amendment of Act of 1906) of the Act of 1930 all contributions paid by the officer or servant to a superannuation fund under the Act of 1922 shall be deemed to have been made to the superannuation fund established under the Act of 1906.

(3) In the case of an officer or servant who transfers from the service of the Bethnal Green Council to a designated post in the service of a local authority who have adopted the Act of 1922 and in respect of whom

A.D. 1937. a transfer value has been paid by the Bethnal Green Council under the provisions of subsection (1) of this section the following provisions shall have effect (that is to say):—

—  
PART VII.  
—cont.

- (a) all periods of service which would have been taken into account for the purpose of calculating a superannuation allowance at the rate set out in section 4 (Scale of superannuation allowances) of the Act of 1906 shall be deemed to be contributing service within the meaning of the Act of 1922 and all periods of service which would have been taken into account for the purpose of calculating a superannuation allowance at one-half of that rate shall be deemed to be non-contributing service within the meaning of the Act of 1922;
- (b) no sum shall be payable to the officer or servant by the Bethnal Green Council under the provisions of section 80 (Return of contributions and power to grant gratuities in certain cases) of this Act.

(4) The Minister of Health may make such alterations in the rules made under section 8 of the Act of 1922 in their application to an officer or servant or other person to whom subsection (1) of this section applies as may be necessary to give effect to the provisions of this section.

(5) An actuary appointed by the Bethnal Green Council may make such alterations in any certificate given by him in accordance with the provisions of section 45 (Actuarial investigation) of the Act of 1930 as may be necessary to give effect to the provisions of this section.

Annuities  
for widows  
of em-  
ployees of  
Bethnal  
Green  
Council.

**83.**—(1) If an officer or servant of the Bethnal Green Council gives notice in writing to that council during the period of one month immediately preceding any date on which if he ceased to hold his office or employment he would become entitled to a superannuation allowance under the Act of 1906 as amended by this Part of this Act by reason of his having—

- (a) attained the age of sixty-five years; or  
(b) attained the age of sixty years and completed a service or aggregated service of forty years;

A.D. 1937.

PART VII.  
—cont.

at the date on which he became a retired employee or (if the case is one which is not covered by the provisions of Part I of the said schedule) such proportion of the full annual superannuation allowance as is certified to be just by an actuary appointed by the Bethnal Green Council;

(b) if the wife of the retired employee survives him and has not ceased at the date of his death to be his wife or if the officer or servant predeceases his wife in such circumstances as are referred to in subsection (1) of this section the wife of the retired employee or of the officer or servant (as the case may be) shall be entitled as from the date of his death to receive during life an annuity equal to one-third of—

(i) the amount of the annual superannuation allowance which was payable to the retired employee under paragraph (a) of this subsection; or

(ii) the proportion of the full annual superannuation allowance which would have been payable to the officer or servant under paragraph (a) of this subsection if he had retired voluntarily immediately before the date of his death;

as the case may be;

(c) if the wife of the retired employee predeceases him then as from the date of her death the annual superannuation allowance payable to the retired employee shall be an amount equal to two-thirds of the annual superannuation allowance payable to him under paragraph (a) of this subsection.

(3) In any case to which this subsection applies—

(a) the amount of the annual superannuation allowance payable to the retired employee during his life shall be such proportion of the full annual superannuation allowance which would have been payable to him if he had not given a notice under subsection (1)

requiring that the provisions of subsection (2) or subsection (3) (according as shall be specified in the notice) of this section shall apply to him and to his wife then (unless the Bethnal Green Council notify him in writing within one month after the receipt by them of the notice that they do not intend to comply with the requirement on the ground that the state of his health is not reasonably satisfactory having regard to his age) the provisions of subsection (2) or subsection (3) of this section (as the case may be) and the other provisions of this section shall have effect in his case as from the date on which he becomes entitled to a superannuation allowance or (if he dies while holding his office or employment but would if he had retired voluntarily immediately before the date of his death have been entitled to a superannuation allowance) as from the date of his death:

Provided that a notice under this subsection may be given in respect of a part only (to be specified in the notice) of the full annual superannuation allowance which would have become payable to the officer or servant if he had not given any notice under this subsection and where a notice is so given in respect of part only of the full annual superannuation allowance the balance of the full annual superannuation allowance in respect of which notice is not given shall be paid to him during his life and this section shall apply only to that part in respect of which notice is given as though for the purposes of this section and of Parts I and II of the Fifth Schedule to this Act the amount representing that part were the amount of the full annual superannuation allowance which would have been payable to him if he had not given such a notice.

(2) In any case to which this subsection applies—

- (a) the amount of the annual superannuation allowance payable to the retired employee during the joint lives of himself and his wife shall be such proportion of the full annual superannuation allowance which would have been payable to him if he had not given a notice under subsection (1) of this section as is specified in Part I of the Fifth Schedule to this Act as appropriate in his case having regard to his age and to that of his wife

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PART VII.  
—cont.



of this section as is specified in Part II of the Fifth Schedule to this Act as appropriate in his case having regard to his age and to that of his wife at the date on which he became a retired employee or (if the case is one which is not covered by the provisions of Part II of the said schedule) such proportion of the full annual superannuation allowance as is certified to be just by an actuary appointed by the Bethnal Green Council;

(b) if the wife of the retired employee survives him and has not ceased at the date of his death to be his wife or if the officer or servant predeceases his wife in such circumstances as are referred to in subsection (1) of this section the wife of the retired employee or of the officer or servant (as the case may be) shall be entitled as from the date of his death to receive during life an annuity equal to one-third of the amount of the full annual superannuation allowance which would have been payable to the retired employee during his life if he had not given a notice under subsection (1) of this section or which would have been so payable if the officer or servant had retired voluntarily immediately before his death (as the case may be).

(4) If at any time on the receipt of a report by an actuary appointed by the Bethnal Green Council it appears to the Bethnal Green Council to be expedient that all or any of the percentages specified in the Fifth Schedule to this Act should be varied as respects that council they may make representations to that effect to the Minister of Health and the said Minister may by order vary all or any of the said percentages as respects the Bethnal Green Council as from such date as (after consultation by him with the Bethnal Green Council) may be specified in the order and the provisions of this section and of the said schedule as varied by the order shall have effect in the case of any officer or servant who on or after the date so specified gives such a notice as is referred to in subsection (1) of this section.

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—  
PART VII.

—cont.

A.D. 1937.  
—  
PART VII.  
—cont.

(5) The first payment of an annual superannuation allowance to a retired employee to whom the provisions of subsection (2) or subsection (3) of this section apply shall be accompanied by a statement showing the amount of the annuity which may become payable under this section to his wife.

(6) An annuity payable under this section shall be payable out of the superannuation fund.

(7) In any case in which an annuity becomes payable under this section the Bethnal Green Council shall not be required to make any payment to the legal personal representatives of the retired employee under the provisions of section 8 (Return in case of death) of the Act of 1906 or under the provisions which as respects certain officers and servants were substituted for that section by section 43 (Amendment of Act of 1906) of the Act of 1930 until the death of his widow and the said section or substituted provisions (as the case may be) shall have effect as if any payment made to the widow of the retired employee by way of annuity under this section had been a payment made by way of superannuation allowance to the retired employee.

(8) Every annuity payable under this section shall be payable to or in trust for the widow entitled to receive the same and shall not be assignable or chargeable with her debts or other liabilities.

Payment of  
gratuities to  
non-pension-  
able  
employees.

84.—(1) Where any person employed by the Bethnal Green Council who is not an officer or servant as defined in section 2 (Interpretation) of the Act of 1906 is dismissed or resigns or otherwise ceases to be so employed (such dismissal resignation or cesser not being in consequence of an offence of a fraudulent character or of grave misconduct) the Bethnal Green Council may if they think fit pay to him a gratuity not exceeding—

(a) a sum equal to the amount of one-twelfth of his salary or wages and emoluments during the period of one year ending on the quarter day which last preceded the date on which his employment terminated multiplied by the number of years of his service completed at that date; or

(b) a sum equal to twice the amount of his salary or wages and emoluments during the year ended on the quarter day which last preceded the date on which his employment terminated; whichever sum is the less.

A.D. 1937.  
—  
PART VII.  
—cont.

(2) A gratuity under this section shall be paid out of the same funds rates and revenues as those upon which the salary or wages of the officer or servant were chargeable immediately before the date on which he ceased to hold his office or employment and not out of the superannuation fund.

**85.** The provisions of section 18 (Arbitration) of the Act of 1906 shall apply as respects any question which may arise between the Bethnal Green Council and an officer or servant or a retired employee or the wife of an officer or servant or retired employee as to the right to or the amount of any sum to which the officer or servant or retired employee or wife is or claims to be entitled under this Part of this Act.

Arbitration  
under Part  
VII of Act.

**86.** Section 6 (Forfeiture for fraud &c.) and section 7 (Return of contributions and power to grant gratuities and superannuation allowances in certain cases) of the Act of 1906 shall be and are hereby repealed as on and from the appointed day.

Repeals  
consequen-  
tial on  
Part VII  
of Act.

**87.** This Part of this Act shall be read and construed as one with the Bethnal Green Borough Council (Superannuation) Acts 1906 and 1930 and those Acts and this Part of this Act may be cited together as the Bethnal Green Borough Council (Superannuation) Acts 1906 to 1937.

Construc-  
tion and  
citation of  
Part VII  
of Act.

### PART VIII.

#### KENSINGTON BOROUGH COUNCIL (SUPERANNUATION).

**88.**—(1) In this Part of this Act—

“ the Act of 1907 ” means the Kensington Borough Council (Superannuation) Act 1907;

“ the Act of 1928 ” means the London County Council (General Powers) Act 1928;

“ the Kensington Council ” means the mayor aldermen and councillors of the royal borough of Kensington; and

Interpreta-  
tion of  
expressions  
in Part VIII  
of Act.  
7 Edw. 7.  
c. xciv.  
18 & 19  
Geo. 5.  
c. lxxvii.

A.D. 1937.  
—  
PART VIII.  
—cont.

“actuary” means a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland.

(2) References in this Part of this Act to the Act of 1907 shall be construed as references to that Act as amended by the Act of 1928.

Amendment  
of defini-  
tions of  
“officer”  
“servant”  
&c.

**89.**—(1) The following definitions shall be substituted for the definitions of “officer” and “servant” respectively in section 2 (Interpretation) of the Act of 1907 (that is to say):—

“ ‘Officer’ means (subject as otherwise expressly provided by section 89 (Amendment of definitions of ‘officer’ ‘servant’ &c.) of the London County Council (*General Powers*) Act 1937) every person in the whole-time service of the Council whose salary or wages and emoluments are calculated by reference to a yearly rate and who has completed a period of service of six consecutive months under the Council;

‘Servant’ means (subject as aforesaid) every person (other than an officer) in the whole-time service of the Council who has completed a period of service of six consecutive months under the Council.”

(2) The Kensington Council may permit any person in their service otherwise than in the whole-time service of that council to pay contributions to the superannuation fund as from such date as the Kensington Council may determine and if that person thereupon pays such contributions he shall be deemed to be an “officer” or “servant” (as the case may be) for the purposes of the Act of 1907 as amended by this Part of this Act as from that date.

(3) In the case of a person who becomes an employee of the Kensington Council after the passing of this Act the Kensington Council may—

(a) make during and in respect of the whole or some part of the period comprising the first six months of his service with that council such percentage deductions from his salary or wages and emoluments as they would have been entitled to make under the Act of 1907 if he

had been an officer or servant during the whole or part of that period (as the case may be); and

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—  
PART VIII.  
—cont.

- (b) at any time within the said period of six months or within three months after the end of that period require payment by him of a sum equal to the total amount of the contributions which would have been paid by him during the whole or such part of the said period of six months (as the case may be) in respect of which deductions are not made by the Kensington Council under the foregoing paragraph (a);

and if such deductions are made and the employee pays any sum which he is required under the foregoing paragraph (b) to pay he shall be deemed to have been an "officer" or "servant" (as the case may be) for the purposes of the Act of 1907 as amended by this Part of this Act as from the date on which his employment commenced.

A sum payable under paragraph (b) of this subsection shall be paid either in a lump sum or in such instalments and at such times as the Kensington Council may direct.

(4) The expression "service" in the Act of 1907 and this Part of this Act includes all service under the Kensington Council except (in the case of an officer or servant appointed on or after the first day of January one thousand nine hundred and eight) service in respect of which no contributions are or have been paid under the Act of 1907 as amended by this Part of this Act.

(5) As from the passing of this Act the proviso to section 5 (Reckoning service) of the Act of 1907 shall be read and have effect as if the words "nine months" were substituted therein for the words "three months."

**90.** In the case of an officer or servant in the service of the Kensington Council at the date of the passing of this Act the following provisions shall have effect:—

Contributions in respect of temporary service.

- (1) The whole or part of any period during which a person was in the service of the Kensington Council after attaining the age of eighteen years before becoming an officer or servant may (if he so elects) subject to the approval

A.D. 1937.

PART VIII.

—cont.

of the Kensington Council and on such terms as to payment of contributions or the deduction from his salary or wages and emoluments of percentage or other amounts (in addition to the percentage amount to be contributed by him by deduction from his salary or wages and emoluments pursuant to section 13 (Scale of contributions) of the Act of 1907 or paragraph (8) of section 40 of the Act of 1928) as shall be certified to be just by an actuary appointed by the Kensington Council be aggregated and reckoned as part of his service for the purposes of the Act of 1907 as amended by this Part of this Act :

Provided that—

(i) no period of service shall be so aggregated and reckoned unless the Kensington Council are reasonably satisfied before the expiration of a period of three months from the date of the passing of this Act that the officer or servant was in the service of the Kensington Council during that period; and

(ii) this paragraph shall not apply to any such period of service as respects any officer or servant who at the date of the passing of this Act—

(a) had made and completed his contributions to the superannuation fund in respect of that period; or

(b) is making contributions to the superannuation fund in respect of that period by means of deductions from his salary or wages and emoluments of such an additional percentage thereof as is referred to in the proviso to section 14 of the Act of 1907 :

(2) If an officer or servant accepts such terms as are referred to in the foregoing paragraph (1) and those terms provide for the deduction of additional percentage or other amounts from his salary or wages and emoluments the Kensington Council shall deduct such amounts in manner provided by section 13 (Scale of contributions) of the Act of 1907 :

(3) All contributions made and additional amounts deducted under the provisions of the foregoing paragraphs (1) and (2) shall be carried to the credit of and form part of the superannuation fund.

A.D. 1937.  
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PART VIII.  
—cont.

**91.**—(1) Notwithstanding anything contained in this Part of this Act all persons who at the date of the passing of this Act are contributors to the superannuation fund established under section 15 (Superannuation fund) of the Act of 1907 or are in receipt of superannuation allowances out of that fund shall for all purposes of the Act of 1907 or of that Act as amended by this Part of this Act be deemed to be or at the respective dates of their retirement from the service of the Kensington Council to have been officers or servants within the meaning of section 2 (Interpretation) of the Act of 1907 as amended by this Part of this Act and all service legally taken into account in calculating the amount of the contributions of an officer or servant to the superannuation fund or in calculating any such superannuation allowance shall be deemed to have been service as such an officer or servant.

Savings &c.

(2) All persons who at the date of the passing of this Act are contributors to the said superannuation fund shall (subject to the provisions of this Part of this Act and so long as they remain in the service of the Kensington Council) continue to make the like contributions to that fund as they were making immediately before the passing of this Act.

(3) The proviso to section 14 (Contributions in respect of previous service) of the Act of 1907 shall not apply to any period of service under the Kensington Council in respect of which an officer or servant—

- (a) is required to make a contribution to the superannuation fund under section 90 (Contributions in respect of temporary service) of this Act; or
- (b) had made and completed contributions to the superannuation fund before the passing of this Act.

**92.**—(1) This Part of this Act shall be read and construed as one with the Act of 1907 and Part. VI of the Act of 1928.

Construction  
and citation  
of Part VIII  
of Act.

A.D. 1937.

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PART VIII.  
—cont.

(2) The Act of 1907 Part VI of the Act of 1928 and this Part of this Act may be cited together as the Kensington Borough Council (Superannuation) Acts 1907 to 1937.

PART IX.

POPLAR BOROUGH COUNCIL (SUPERANNUATION).

Interpreta-  
tion of  
expressions  
in Part IX  
of Act.  
1 & 2 Geo. 5.  
c. cii.  
23 & 24  
Geo. 5.  
c. xxviii.

93.—(1) In this Part of this Act—

“ the Act of 1911 ” means the Poplar Borough Council (Superannuation and Pensions) Act 1911;

“ the Act of 1933 ” means the London County Council (General Powers) Act 1933;

“ the Act of 1934 ” means the London County Council (General Powers) Act 1934;

“ the appointed day ” means the first day of October one thousand nine hundred and thirty-seven;

“ the Poplar Council ” means the mayor aldermen and councillors of the metropolitan borough of Poplar;

“ actuary ” means a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;

“ retired employee ” means a male person who on or at any time after the appointed day ceases to be in the employment of the Poplar Council as an officer and who upon such cessation becomes entitled to a superannuation allowance under the Act of 1911 by reason of his having—

(a) attained the age of sixty-five years;  
or

(b) attained the age of sixty years and completed a service or aggregated service of forty years.

(2) References in this Part of this Act to the wife of a retired employee shall be construed as references to the person who was the wife of the retired employee on the date on which he ceased to be an officer of the Poplar Council.



(3) References in this Part of this Act to the Act of 1911 shall be construed as references to that Act as amended by the Act of 1933 and by the Act of 1934.

A.D. 1937.

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PART IX.  
—cont.

94. As on and from the appointed day section 3 (Interpretation) of the Act of 1911 shall be read and have effect as if—

Amend-  
ments of  
Act of  
1911.

(a) the following definition were substituted for the definition of “ aggregated service ” (that is to say):—

“ ‘ Aggregated service ’ means service as above defined together with any service under a local authority (other than the Council or their predecessors) or a public authority or as a civil servant which is aggregated and reckoned in accordance with the provisions of section 95 (Service under other authorities) of the London County Council (*General Powers*) Act 1937 ”;

(b) the following definitions were added at the end thereof (that is to say):—

“ ‘ Civil servant ’ means a person employed in the civil service of the State;

‘ Local authority ’ means the council of a county county borough municipal borough metropolitan borough urban district or rural district and any other authority within the meaning assigned to that expression by section 34 (Definitions) of the Local Loans Act 1875 and includes a joint committee or joint board any member of which is appointed by a local authority as so defined;

38 & 39 Vict.  
c. 83.

‘ Public authority ’ means the London Passenger Transport Board the Port of London Authority and any person or body of persons (not trading for profit) authorised by or under any Act to carry on a transport dock water gas electricity or other public undertaking and any conservancy authority or harbour authority.”

95. The following provisions shall have effect as on and from the appointed day:—

Service  
under other  
authorities.

(1) Subject to the deduction of the increased percentage amounts to be contributed in that

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—  
PART IX.  
—cont.62 & 63 Vict.  
c. 14.

behalf as hereinafter in this section provided the whole or any part of a period of service by an officer (other than an officer to whom a compensation allowance has been granted under the London Government Act 1899) rendered before his appointment as an officer by the Poplar Council or their predecessors—

(a) under and as an employee of any other local authority (whether the powers and duties of that local authority have or have not been transferred to the Poplar Council); or

(b) under and as an employee of a public authority; or

(c) as a civil servant;

shall (if the officer so desires and the Poplar Council so determine) be aggregated and reckoned for the purposes of the Act of 1911 and of this Part of this Act whether the whole time of the officer has or has not been devoted to such service :

Provided that—

(i) no period of service shall be so aggregated and reckoned which has been or may be aggregated and reckoned for the purpose of superannuation allowances or gratuities under any other Act or under any scheme made under any other Act;

(ii) in the case of an officer appointed on or after the appointed day or within three months before the appointed day no period of service shall be so aggregated and reckoned unless the officer declares or has declared (as the case may be) such service to the Poplar Council before his appointment and proves or has proved such service to the satisfaction of the Poplar Council within three months after the date of his appointment;

(iii) in the case of an officer in the employment of the Poplar Council immediately before the appointed day (other than an officer appointed within three months before

the appointed day) no period of service shall be so aggregated and reckoned if—

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PART IX.  
—cont.

(a) it is such a period of service as is referred to in section 6 (Service under other authorities) of the Act of 1911 and could not immediately before the appointed day have been so aggregated and reckoned if this Act had not been passed; or

(b) in the case of any other period of service the officer fails to prove such service to the satisfaction of the Poplar Council within three months after the appointed day:

(2) An officer who is entitled to aggregate and reckon any period of service under this section shall—

(a) in the case of an officer appointed before the appointed day as on and from that day; and

(b) in the case of an officer appointed on or after the appointed day as on and from the date of his appointment;

(in addition to the contributions required to be made by section 14 (Scale of contributions) of the Act of 1911) pay or contribute annually to the superannuation fund by such instalments and in such manner as the Poplar Council may direct a sum equivalent to one per centum of his annual salary or wages and emoluments in respect of each period of five years or part thereof so aggregated and reckoned:

Provided that no additional contribution shall be payable under this paragraph in respect of any period of service in respect of which the officer has paid or contributed before the appointed day such an amount as is referred to in paragraph (a) of the proviso to section 15 (Additional contributions in respect of service under other authorities) of the Act of 1911.

96.—(1) If an officer dies on or after the appointed day before becoming entitled to a superannuation allowance his legal personal representative shall be

Payments  
in case of  
death.

A.D. 1937. entitled to receive out of the superannuation fund such sum as is hereinafter mentioned (that is to say):—

—  
PART IX.  
—cont.

(a) if the officer had completed less than five years' service or aggregated service at the date of his death a sum equal to the aggregate amount of his contributions to the superannuation fund together with compound interest thereon at the rate of three per centum per annum calculated with half-yearly rests to the date of his death;

(b) if the officer had completed five years' but less than ten years' service or aggregated service at the date of his death a sum equal to—

(i) the aggregate amount of his contributions to the superannuation fund together with compound interest thereon at the rate of three per centum per annum calculated with half-yearly rests to the date of his death; or

(ii) the average annual amount of the salary or wages and emoluments of the officer during the five years ending on the quarter day which immediately preceded the date of his death;

whichever amount is the greater;

(c) if the officer had completed ten years' service or aggregated service at the date of his death a sum equal to—

(i) the amount of the sum which would have been payable under paragraph (b) of this subsection if the provisions of that paragraph had applied to an officer who had completed ten years' service or aggregated service at the date of his death; or

(ii) the amount of the lump sum which would have been payable to him under subsection (2) of section (5) (Scale of superannuation allowances) of the Act of 1911 as amended by the Act of 1933 if he had by reason of permanent infirmity of mind or body or of old age ceased to hold his office

or employment on the day immediately preceding the date of his death or if he would on retiring on that day have been entitled to a superannuation allowance under the Act of 1911 (as the case may be) or (if he were an officer to whom the said subsection (2) did not apply) the amount of the lump sum which would have been so payable to him if he had been an officer to whom the said subsection (2) had applied;

whichever amount is the greater.

(2) In this section the expression "superannuation allowance" includes an annual allowance or other amount payable under the proviso added to subsection (1) of section 4 (Title of officers to superannuation allowances) of the Act of 1911 by paragraph (2) of section 53 (Amendment of Act of 1911) of the Act of 1933.

**97.**—(1) If an officer of the Poplar Council gives notice in writing to that council during the period of one month immediately preceding the date on which he becomes a retired employee requiring that the provisions of this section shall apply to him and to his wife then (unless the Poplar Council decide before he becomes a retired employee not to comply with the requirement on the ground that the state of his health is not reasonably satisfactory having regard to his age) the following provisions shall have effect in his case as from the date on which he becomes entitled to a superannuation allowance under the Act of 1911 (that is to say):—

(a) the amount of the annual superannuation allowance payable to the retired employee shall be reduced by eleven per centum;

(b) if the age of the retired employee is greater than the age of his wife the amount of the annual superannuation allowance payable to him shall be further reduced—

(i) if the difference between the age of the retired employee and his wife is less than eleven years by an amount calculated in accordance with the table set out in the Sixth Schedule to this Act;

A.D. 1937.

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PART IX.  
—cont.

Annuities  
for widows  
of officers  
of Poplar  
Council.

A.D. 1937.

PART IX.  
—cont.

(ii) in any other case by such amount as shall be certified to be just by an actuary appointed by the Poplar Council;

(c) if the wife of the retired employee survives him and has not ceased at the date of his death to be his wife she shall be entitled as from the date of his death to receive during life an annuity equal to one-third of the amount of his annual superannuation allowance calculated as if it had not been reduced as aforesaid.

(2) An annuity payable under this section shall be payable out of the superannuation fund.

(3) Every annuity payable under this section shall be payable to or in trust for the widow entitled to receive the same and shall not be assignable or chargeable with her debts or other liabilities.

(4) If the annual superannuation allowance of a retired employee would if he had not given such a notice as is referred to in subsection (1) of this section have exceeded the sum of one thousand pounds per annum the foregoing provisions of this section shall have effect as if the annual superannuation allowance payable to him amounted to that sum and no more and the balance of his superannuation allowance shall be paid to him as if he had not given such a notice.

(5) In any case in which an annuity becomes payable under this section the following provisions shall have effect (that is to say):—

(a) no sum shall be payable on the death of the retired employee to his legal personal representatives under section 55 (Payments at death of officer in certain cases) of the Act of 1933;

(b) on the death of the widow of the retired employee the Poplar Council shall pay to her legal personal representative such sum (if any) as shall be equal to the amount by which the sum which would have been payable to the legal personal representatives of the retired employee under section 96 (Payments in case of death) of this Act if he had died on the last day of his service exceeds the aggregate of the amounts which the retired employee received by way

of superannuation allowance (including any lump sum) under the Act of 1911 and his widow received by way of annuity under this section.

A.D. 1937.  
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PART IX.  
—cont.

(6) In this section the expression "annual superannuation allowance" means a superannuation allowance exclusive of any lump sum.

**98.** The provisions of section 22 (Arbitration) of the Act of 1911 shall apply as respects—

Arbitration  
under Part  
IX of Act.

(a) any question which may arise between the Poplar Council and the legal personal representative of an officer as to the right to or the amount of any sum payable under section 96 (Payments in case of death) of this Act; and

(b) any question which may arise between the Poplar Council and the widow of a retired employee as to the right to or the amount of an annuity payable under section 97 (Annuities for widows of officers of Poplar Council) of this Act.

**99.** The following provisions shall be and are hereby repealed as on and from the appointed day (that is to say):—

Repeals  
consequen-  
tial on  
Part IX of  
Act.

Section 6 (Service under other authorities) of the Act of 1911;

Section 10 (Return of contributions in case of death) of the Act of 1911;

The proviso to section 15 (Additional contributions in respect of service under other authorities) of the Act of 1911;

Paragraph (5) of section 53 (Amendment of Act of 1911) of the Act of 1933; and

Section 57 (Payments to representatives of deceased officers) of the Act of 1933.

**100.** This Part of this Act shall be read and construed as one with the Poplar Borough Council (Superannuation) Acts 1911 to 1934 and those Acts and this Part of this Act may be cited together as the Poplar Borough Council (Superannuation) Acts 1911 to 1937.

Construc-  
tion and  
citation of  
Part IX of  
Act.

A.D. 1937.

PART X.

SHOREDITCH AND OTHER BOROUGH COUNCILS (SUPER-  
ANNUATION).

Interpreta-  
tion of  
expressions  
in Part X  
of Act.  
12 & 13  
Geo. 5. c. xc.

101.—(1) In this Part of this Act—

“the Act of 1922” means the Shoreditch and other Metropolitan Borough Councils (Superannuation) Act 1922;

“the Act of 1930” means the London County Council (General Powers) Act 1930;

“the Act of 1933” means the London County Council (General Powers) Act 1933;

“the appointed day” means the first day of October one thousand nine hundred and thirty-seven;

“actuary” means a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;

“retired employee” means a person who on or at any time after the appointed day ceases to be an employee of a borough council and who upon such cessation becomes entitled to a superannuation allowance by reason of his having—

(a) attained the age of sixty-five years;  
or

(b) attained the age of sixty years and completed a service or aggregate service of forty years.

(2) References in this Part of this Act to a borough council shall be construed as references only to the council of a borough to which the Act of 1922 applies and the expression “the borough council” means as respects any of those boroughs the council of that borough.

(3) References in this Part of this Act to the wife of a retired employee shall be construed as references to the person who was the wife of the retired employee on the date on which he ceased to be an employee.



(4) References in this Part of this Act to the Act of 1922 shall be construed as references to that Act as amended by the Act of 1930 and by the Act of 1933.

A.D. 1937.

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PART X.  
—cont.

**102.**—(1) If on or after the appointed day a person who had at any time ceased to be an employee of a borough council and on any such cessation had been paid such a sum as is referred to in section 10 (Return of contributions in certain cases) of the Act of 1922 becomes again an employee of that borough council the period or periods of service which he was entitled to reckon for the purposes of the Act of 1922 immediately before such cessation shall be aggregated and reckoned as a period of service under the borough council for the purposes of the Act of 1922 if the employee either—

Re-entry  
into service  
of borough  
council.

(a) repays into the superannuation fund of the borough council the sum or sums previously paid to him under the said section 10 on the termination of that period or those periods of service which is or are to be so aggregated and reckoned as aforesaid; or

(b) contributes annually to the superannuation fund of the borough council (in addition to any contribution which he is required to make under section 7 (Service under other authorities) or section 14 (Contributions by employees) of the Act of 1922) a sum equal to one-half of one per centum of his salary or wages for each period of five years or part of five years which is to be so aggregated and reckoned as aforesaid;

according as the borough council shall in each case determine.

(2) No sum or additional contribution shall be payable under this section for a period of service in respect of which sums have been or are being paid under section 63 (Reckoning further service) of the Act of 1933.

**103.** In the case of an employee to whom the scale of superannuation allowances specified in section 51 (Revised scale of superannuation allowances) of the Act of 1930 as amended by section 61 (Amendment of Act of 1930) of the Act of 1933 applies the following provisions shall be substituted for the provisions of

Payments  
on death.

A.D. 1937. section 11 (Return of contributions in case of death)  
of the Act of 1922 and section 50 (Amendment of  
section 11 (1) of Act of 1922) of the Act of 1930 :—  
PART X.  
—cont.

“(1) In the case of an employee who dies before receiving a superannuation allowance under the Act of 1922 his legal personal representative shall be entitled to receive out of the superannuation fund a sum equal to the aggregate amount of his contributions thereto together with compound interest thereon calculated to the date of his death at the rate of three per centum per annum by half-yearly rests :

Provided that if the employee had completed immediately before the date of his death five years' continuous service with the borough council in whose service he was at the date of his death and the sum payable to his legal personal representative under the foregoing provisions of this subsection is less than the average annual amount of the salary or wages of the employee during the last five years of his service the borough council shall (in addition to the sum so payable) pay out of the superannuation fund to his legal personal representative a sum equivalent to the amount by which the sum first mentioned in this proviso is less than the said average annual amount.

(2) In the case of an employee who dies after he has become entitled to a superannuation allowance but before he has received by way of superannuation allowance (including any lump sum) an amount in the aggregate equal to the sum which would have been payable to his legal personal representative under subsection (1) of this section if he had died on the last day of his service the borough council in whose service he was at the date on which he became entitled to such an allowance shall pay out of the superannuation fund to his legal personal representative an amount equal to the difference between the sum which would have been so payable as aforesaid to his legal personal representative and the amount received by him by way of superannuation allowance (including any lump sum).”

104.—(1) An employee to whom the scale of superannuation allowances specified in section 51 (Revised scale of superannuation allowances) of the Act of 1930 as amended by section 61 (Amendment of Act of 1930) of the Act of 1933 applies may during the period of one month immediately preceding the date on which he becomes a retired employee give notice in writing to the borough council of his desire to have the whole or such part as may be specified in the notice of the lump sum which would become payable to him on his becoming a retired employee converted into an annuity payable during the life of himself or of his wife or (with the consent of the borough council) of such one dependant of his as may be named for the purpose in the said notice and approved by the borough council and in that event the borough council shall as from the date on which he becomes a retired employee pay to him or to his wife or to such dependant (as the case may require) out of the superannuation fund an annuity calculated in accordance with the provisions contained in the Seventh Schedule to this Act or (if the case is one which is not covered by the provisions of that schedule) an annuity of such amount as is certified to be just by an actuary appointed by the borough council:

Provided that no such conversion shall be permissible unless the annuity into which the lump sum or the specified part thereof is proposed to be converted would amount to not less than thirteen pounds per annum.

(2) If at any time it appears to a borough council on the receipt of a report by an actuary appointed by them to be expedient that the table of annuities set out in the Seventh Schedule to this Act should be varied as respects that council the borough council may make representations to that effect to the Minister of Health and the said Minister may by order vary the said table as respects that borough council as from such date as (after consultation by him with the borough council) may be specified in the order and the provisions of this section and of the said schedule as varied by the order shall have effect in the case of any employee of that council who on or after the date so specified gives such a notice as is referred to in subsection (1) of this section.

A.D. 1937.

PART X.

—cont.

Conversion  
of lump  
sum pay-  
ment into  
annuity.

A.D. 1937.

—  
PART X.  
—cont.

(3) In any case in which the whole or a part of a lump sum is converted into an annuity in accordance with the provisions of this section the provisions of subsection (2) of section 103 (Payments on death) of this Act shall have effect as if the whole or part of the lump sum so converted (as the case may be) had been paid to the retired employee on the date on which he ceased to hold his employment.

Income  
from invest-  
ments &c.  
of super-  
annuation  
fund.

**105.** If the total gross income arising in any year from such investment or use of any moneys forming part of the superannuation fund as is referred to in section 19 (Investment of surplus income) of the Act of 1922 amounts to a sum which is less than the equivalent of four per centum of the aggregate amount invested or used the borough council may if they think fit pay into the superannuation fund out of the general rate such sum as may be necessary to make up the total gross income so arising for that year to an amount equivalent to four per centum of such aggregate amount.

Annuities  
for widows  
&c. of  
employees  
of borough  
council.

**106.**—(1) If a male employee of a borough council gives notice in writing to that council during the period of one month immediately preceding the date on which he becomes a retired employee requiring that the provisions of subsection (2) or subsection (3) (according as shall be specified in the notice) of this section shall apply to him and to his wife then (unless the borough council notify him in writing within one month after the receipt by them of the notice that they do not intend to comply with the requirement on the ground that the state of his health is not reasonably satisfactory having regard to his age) the provisions of subsection (2) or subsection (3) of this section (as the case may be) and the other provisions of this section shall have effect in his case as from the date on which he becomes entitled to a superannuation allowance :

Provided that a notice under this subsection may be given in respect of a part only (to be specified in the notice) of the full annual superannuation allowance which would have become payable to the employee if he had not given a notice under this subsection and where a notice is so given in respect of part only of the full annual superannuation allowance the balance of the

full annual superannuation allowance in respect of which notice is not given shall be paid to him during his life and this section shall apply only to that part in respect of which notice is given as though for the purposes of this section and of Parts I and II of the Fifth Schedule to this Act the amount representing that part were the amount of the full annual superannuation allowance which would have been payable to him if he had not given such a notice.

A.D. 1937.

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PART X.  
—cont.

(2) In any case to which this subsection applies—

- (a) the amount of the annual superannuation allowance payable to the retired employee during the joint lives of himself and his wife shall be such proportion of the full annual superannuation allowance which would have been payable to him if he had not given a notice under subsection (1) of this section as is specified in Part I of the Fifth Schedule to this Act as appropriate in his case having regard to his age and to that of his wife at the date on which he became a retired employee or (if the case is one which is not covered by the provisions of Part I of the said schedule) such proportion of the full annual superannuation allowance as is certified to be just by an actuary appointed by the borough council;
- (b) if the wife of the retired employee survives him and has not ceased at the date of his death to be his wife she shall be entitled as from the date of his death to receive during life an annuity equal to one-third of the amount of the annual superannuation allowance which was payable to the retired employee under paragraph (a) of this subsection;
- (c) if the wife of the retired employee predeceases him then as from the date of her death the annual superannuation allowance payable to the retired employee shall be an amount equal to two-thirds of the annual superannuation allowance payable to him under paragraph (a) of this subsection;

A.D. 1937.

PART X.  
—cont.

(3) In any case to which this subsection applies—

(a) the amount of the annual superannuation allowance payable to the retired employee during his life shall be such proportion of the full annual superannuation allowance which would have been payable to him if he had not given a notice under subsection (1) of this section as is specified in Part II of the Fifth Schedule to this Act as appropriate in his case having regard to his age and to that of his wife at the date on which he became a retired employee or (if the case is one which is not covered by the provisions of Part II of the said schedule) such proportion of the full annual superannuation allowance as is certified to be just by an actuary appointed by the borough council;

(b) if the wife of the retired employee survives him and has not ceased at the date of his death to be his wife she shall be entitled as from the date of his death to receive during life an annuity equal to one-third of the amount of the full annual superannuation allowance which would have been payable to the retired employee during his life if he had not given a notice under subsection (1) of this section.

(4) If at any time it appears to a borough council on the receipt of a report by an actuary appointed by them to be expedient that all or any of the percentages specified in the Fifth Schedule to this Act should be varied as respects that council the borough council may make representations to that effect to the Minister of Health and the said Minister may by order vary all or any of the said percentages as respects that borough council as from such date as (after consultation by him with the borough council) may be specified in the order and the provisions of this section and of the said schedule as varied by the order shall have effect in the case of any employee of that council who on or after the date so specified gives such a notice as is referred to in subsection (1) of this section.

A.D. 1937.

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PART X.  
—cont.

(5) The first payment of an annual superannuation allowance to a retired employee to whom the provisions of subsection (2) or subsection (3) of this section apply shall be accompanied by a statement showing the amount of the annuity which may become payable under this section to his wife and in the case of a retired employee to whom the provisions of the said subsection (2) apply by a statement showing the amount of the superannuation allowance which will become payable to the retired employee if his wife predeceases him.

(6) An annuity payable under this section shall be payable out of the superannuation fund.

(7) In any case in which an annuity becomes payable under this section the borough council shall not be required to make any payment to the legal personal representative of the retired employee under the provisions of subsection (2) of section 11 (Return of contributions in case of death) of the Act of 1922 or under the corresponding provisions substituted for the said section 11 in the case of certain employees by section 103 (Payments on death) of this Act until the death of his widow and the said subsection shall have effect as if any payment made to the widow of the retired employee by way of annuity under this section had been a payment made by way of superannuation allowance to the retired employee.

(8) Every annuity payable under this section shall be payable to or in trust for the widow entitled to receive the same and shall not be assignable or chargeable with her debts or other liabilities.

(9) In this section the expression "annual superannuation allowance" means a superannuation allowance exclusive of any lump sum or of any annuity into which such lump sum or any part thereof may be converted under the provisions of section 104 (Conversion of lump sum payment into annuity) of this Act.

(10) A borough council may by resolution determine that as respects their borough the provisions of this section shall be extended for all or any of the following purposes (that is to say):—

(a) so as to permit of a male employee at his option and with the consent of the borough council specifying in a notice given under subsection (1) of this section one dependant

A.D. 1937.

PART X.  
—cont.

- named in the notice and approved by the borough council in lieu of his wife (if any);
- (b) so as to permit of a female employee giving such a notice as is referred to in the said subsection (1) and specifying therein either her husband (if any) or with the consent of the borough council one dependant named in the notice and approved by the borough council as the person to be entitled to the like benefits as those to which the wife specified in a notice given under the said subsection by a male employee is entitled;

and in the event of any such resolution being passed references in this Part of this Act and in the Fifth Schedule to this Act to the wife or widow of a retired employee shall (subject and according to the terms of the resolution) be construed as including references to the husband or widower (as the case may require) of a retired employee or to any such named dependant as aforesaid. Provided that where the person specified in a notice given under this section is a male dependant of a male employee or any dependant of a female employee the percentages specified in the Fifth Schedule to this Act shall not apply and the amount of the annual superannuation allowance payable to the retired employee during the joint lives of himself and of the dependant so specified or during his life (as the case may require) shall be such as may be certified to be just by an actuary appointed by the borough council.

Increase of allowances to employees of borough council in certain cases.

**107.**—(1) Without prejudice to the provisions of section 23 (Increase of allowance in special cases) of the Act of 1922 a borough council may at any time during the period of service of an employee of the borough council who is required to possess professional technical or other special qualifications not ordinarily to be acquired in the service of the borough council by resolution direct that subject to such terms and conditions as may be specified in the resolution such a number of years (not exceeding ten) as shall be so specified shall be added to the actual number of years of his service or aggregate service and reckoned as years of service for the purposes of the Act of 1922 and this Part of this Act.

(2) Any additional contributions required to be paid by virtue of a resolution passed under subsection (1)



of this section shall be paid into the superannuation fund and any addition to a superannuation allowance payable by reason of any such resolution shall—

A.D. 1937.  
 —  
 PART X.  
 —cont.

- (i) in any case in which such additional contributions as aforesaid are required to be paid and notwithstanding the provisions of paragraph (iii) of section 5 (Incidence of certain allowances) of the Act of 1922 be payable out of that fund; and
- (ii) in any other case be payable out of the general rate authorised to be levied by the borough council.

**108.** The provisions of section 22 (Arbitration) of the Act of 1922 shall apply as respects—

Arbitration under Part X of Act.

- (a) any question which may arise between a borough council and the legal personal representative of an employee as to the right to or the amount of any sum payable under section 103 (Payments on death) of this Act; and
- (b) any question which may arise between a borough council and the widow or widower or dependant of a retired employee as to the right to or the amount of any allowance or annuity payable under section 104 (Conversion of lump sum payment into annuity) or section 106 (Annuities for widows &c. of employees of borough council) of this Act.

**109.** This Part of this Act shall be read and construed as one with the Shoreditch and other Metropolitan Borough Councils (Superannuation) Acts 1922 to 1933 and those Acts and this Part of this Act may be cited together as the Shoreditch and other Metropolitan Borough Councils (Superannuation) Acts 1922 to 1937.

Construction and citation of Part X of Act.

PART XI.

WANDSWORTH BOROUGH COUNCIL (SUPERANNUATION).

**110.**—(1) In this Part of this Act—

- “the Act of 1909” means the Wandsworth Borough Council (Superannuation) Act 1909;
- “the Act of 1924” means the Wandsworth Borough Council (Superannuation) Act 1924;

Interpretation of expressions in Part XI of Act.

9 Edw. 7. c. ix.  
 14 & 15 Geo. 5.  
 c. xlv.

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PART XI.

—cont.

“actuary” means a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland;

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

“the Wandsworth Council” means the mayor aldermen and councillors of the metropolitan borough of Wandsworth; and

“retired employee” means a male person who on or at any time after the passing of this Act ceases to be in the employment of the Wandsworth Council as an officer or servant and who upon such cessation becomes entitled to a superannuation allowance by reason of his having—

(a) attained the age of sixty-five years;

or

(b) attained the age of sixty years and completed a service of forty years.

(2) References in this Part of this Act to the wife of a retired employee shall be construed as references to the person who was the wife of the retired employee on the date on which he ceased to be in the employment of the Wandsworth Council as an officer or servant.

(3) References in this Part of this Act to the Act of 1909 shall be construed as references to that Act as amended by the Act of 1924.

Superannua-  
tion allow-  
ances under  
Act of 1909.

**111.**—(1) In the case of an officer or servant who is appointed as such on or after the appointed day the following provisions shall be substituted for section 4 (Scale of superannuation allowances) of the Act of 1909:—

“4. The superannuation allowance to be made under this Act to an officer or servant who has completed ten years’ service shall be as follows:—

(a) an annual sum calculated on the basis of one-eightieth for each completed year of his service of the average annual amount of his salary or wages and emoluments during the last five years of his service

ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment with a maximum of forty-eightieths of such average annual amount; and

- (b) a single lump sum (to be charged upon and paid out of the superannuation fund) equal to one-thirtieth of the said average annual amount multiplied by the number of completed years of his service so however that such lump sum shall in no case exceed one and a half times the said average annual amount."

(2) A person who immediately before the appointed day was an officer or servant of the Wandsworth Council and who continues to be an officer or servant of the Wandsworth Council after the appointed day may within three months after that day by notice in writing to the Wandsworth Council adopt the provisions substituted by subsection (1) of this section in the case of certain officers and servants for the provisions of section 4 (Scale of superannuation allowances) of the Act of 1909 and in that event the provisions so substituted shall as from the appointed day apply to him instead of the provisions of the said section 4 except that the amount of the lump sum payable to him by reason of the adoption by him of the said substituted provisions and the maximum permissible amount of the lump sum shall be increased by one-half of one per centum in respect of each year of his service completed on or before the appointed day :

Provided that this subsection shall not apply to an officer or servant who by virtue of the provisions of section 15 (Savings for existing officers and servants) of the Act of 1909 is not obliged to make contributions to the superannuation fund.

**112.** In the case of an officer or servant to whom the provisions substituted by subsection (1) of the last foregoing section for the provisions of section 4 (Scale of superannuation allowances) of the Act of 1909 apply or by whom the provisions so substituted have been adopted the following provisions shall have effect in lieu of the provisions of section 7 (Return of contributions or part

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PART XI.  
—cont.

Payments  
in case of  
death of  
contributor  
or pen-  
sioner.

A.D. 1937. thereof in case of death) of the Act of 1909 or section 6  
(Payments in case of death) of the Act of 1924 :—

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PART XI.  
—cont.

(1) In the event of an officer or servant dying before becoming entitled to a superannuation allowance under the Act of 1909 as amended by this Part of this Act the Wandsworth Council shall pay out of the superannuation fund to his legal personal representative such sum as is hereinafter mentioned (that is to say) :—

(a) if the officer or servant dies before completing five years' service a sum equal to the amount of his contributions to the superannuation fund together with compound interest thereon calculated to the date of his death at the rate of three per centum per annum with half-yearly rests;

(b) in any other case a sum equal to—

(i) the amount of the salary or wages and emoluments of the officer or servant during the year immediately preceding the date of his death; or

(ii) one-thirtieth of the average annual amount of the salary or wages and emoluments of the officer or servant during the last five years of his service ending on the quarter day which immediately preceded the date of his death multiplied by the number of years (not exceeding forty-five) of his service completed at the date of his death;

whichever is the greater :

Provided that if the officer or servant was appointed as such before the appointed day the sum payable under the foregoing provisions of this section shall not be less than the sum which would have been payable to his legal personal representative under section 7 (Return of contributions or part thereof in case of death) of the Act of 1909 or subsection (2) of section 6 (Payments in case of death) of the Act of 1924 if that section or subsection (as the case may be) had continued to apply to the officer or servant :

- (2) In the event of an officer or servant dying after he has become entitled to a superannuation allowance under the Act of 1909 as amended by this Part of this Act but before receiving by way of such an allowance (including any lump sum) an amount in the aggregate equal to the amount of his salary or wages and emoluments during the year immediately preceding the date on which he ceased to hold his office or employment the Wandsworth Council shall pay out of the superannuation fund to his legal personal representative a sum equal to the difference between the said amount of the salary or wages and emoluments of the officer or servant and the aggregate amount so received :

Provided that if the officer or servant was appointed as such before the appointed day and immediately before the appointed day the provisions of subsection (3) of section 6 (Payments in case of death) of the Act of 1924 applied to his case the sum payable under this paragraph shall not be less than the amount (if any) by which the amount of his contributions to the superannuation fund together with compound interest thereon calculated to the date on which he ceased to hold his office or employment at the rate of three per centum per annum with half-yearly rests exceeds the amount received by him by way of superannuation allowance (including any lump sum) :

- (3) If in respect of any part of any period referred to in the foregoing provisions of this section an officer or servant to whom those provisions apply had pursuant to the provisions of section 2 (Interpretation) of the Act of 1909 made contributions to the superannuation fund on a sum in excess of his actual salary or wages and emoluments for that part of such period the amount of the salary or wages and emoluments on which such contributions were based shall be deemed for the purposes of this section to have been his salary or wages and emoluments for that part of the said period.

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PART XI.

—cont.

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PART XI.  
—cont.

Annuities  
for widows  
of em-  
ployees of  
Wandsworth  
Council.

**113.**—(1) If an officer or servant of the Wandsworth Council gives notice in writing to that council not less than two months and not more than three months before he becomes a retired employee requiring that the provisions of this section shall apply to him and to his wife then (unless the Wandsworth Council decide not less than one week before he becomes a retired employee not to comply with the requirement on the ground that the state of his health is not reasonably satisfactory having regard to his age) the following provisions shall have effect in his case as from the date on which he becomes entitled to a superannuation allowance (that is to say) :—

(a) The amount of the annual superannuation allowance payable to the retired employee shall (subject as hereinafter provided) be reduced by eleven per centum ;

(b) If the age of the retired employee is greater than the age of his wife the amount of the annual superannuation allowance payable to him shall (subject as hereinafter provided) be further reduced—

(i) if the difference between the age of the retired employee and his wife is less than eleven years by an amount calculated in accordance with the table set out in the Sixth Schedule to this Act ;

(ii) in any other case by such amount as shall be certified to be just by an actuary appointed by the Wandsworth Council ;

(c) If the wife of the retired employee survives him and has not ceased at the date of his death to be his wife she shall (subject as hereinafter provided) be entitled as from the date of his death to receive during life an annuity equal to one-third of the amount of his annual superannuation allowance calculated as if it had not been reduced as aforesaid ;

(d) If when an officer or servant gives such a notice as is referred to in this subsection he states therein his desire to have his annual superannuation allowance reduced by only one-half of the amount indicated in paragraphs (a) and (b)

of this subsection the reduction shall be in accordance with that statement and in that event the amount of any annuity payable under paragraph (c) of this subsection shall also be reduced by one-half :

A.D. 1937.

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PART XI.

—cont.

Provided that in the case of a person who becomes a retired employee before the fifteenth day of October one thousand nine hundred and thirty-seven the foregoing provisions of this subsection shall have effect with the substitution of the words "one month" for the words "two months."

(2) If at any time on the receipt of a report by an actuary appointed by the Wandsworth Council it appears to the Wandsworth Council to be expedient that all or any of the percentages specified in paragraph (a) of subsection (1) of this section and in the second column of the table set out in the Sixth Schedule to this Act should be varied as respects that council they may make representations to that effect to the Minister of Health and the said Minister may by order vary all or any of the said percentages as respects the Wandsworth Council as from such date as (after consultation by him with the Wandsworth Council) may be specified in the order and the provisions of this section and of the said schedule as varied by the said order shall have effect in the case of an officer or servant who on or after the date so specified gives such a notice as is referred to in subsection (1) of this section.

(3) An annuity payable under this section shall be payable out of the superannuation fund.

(4) Every annuity payable under this section shall be payable to or in trust for the widow entitled to receive the same and shall not be assignable or chargeable with her debts or other liabilities.

(5) If the annual superannuation allowance of a retired employee would if he had not given such a notice as is referred to in subsection (1) of this section have exceeded the sum of one thousand pounds per annum the foregoing provisions of this section shall have effect as if the annual superannuation allowance payable to him amounted to that sum and no more and the balance of his superannuation allowance shall be paid to him as if he had not given such a notice.

A.D. 1937.

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PART XI.  
—cont.

(6) In any case in which an annuity becomes payable under this section no sum shall be payable to the legal personal representative of the retired employee under subsection (3) of section 6 (Payments in case of death) of the Act of 1924 or under section 112 (Payments in case of death of contributor or pensioner) of this Act until the death of his widow and the said subsection (3) and the said section 112 shall have effect as if any payment made to such widow by way of annuity under this section had been a payment made by way of superannuation allowance to the retired employee.

(7) In this section the expression "annual superannuation allowance" means a superannuation allowance exclusive of any lump sum.

Amendment  
of section 7  
of Act of  
1924.

**114.**—(1) The following provision shall as from the passing of this Act be substituted for subsection (1) of section 7 (Service under other authorities) of the Act of 1924 :—

"(1) Subject to the provisions of this section all periods of service by an officer or servant rendered before his appointment by the Council or their predecessors under and as an officer or servant of a local authority as defined in section 34 of the Local Loans Act 1875 in a whole-time capacity shall be aggregated and reckoned as part of his service for all purposes of the principal Act as amended by this Act and by any subsequent Act."

(2) Subsection (2) of section 7 of the Act of 1924 shall not apply in the case of an officer or servant appointed as such on or after the passing of this Act and in lieu thereof the following provisions shall have effect in any such case (that is to say) :—

(a) In addition to the contribution to be made under section 11 of the Act of 1909 as amended by section 9 of the Act of 1924 an officer or servant to whom section 7 of the Act of 1924 as amended by this Act applies shall pay into the superannuation fund a sum calculated in accordance with the rules set out in the Eighth Schedule to this Act;



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PART XI.  
—cont.

(b) An officer or servant shall if he so desires be entitled to reckon a part only of his service under such a local authority as is referred to in subsection (1) of section 7 of the Act of 1924 as amended by this Act on payment of a proportionate part of the sum which would be payable under the rules set out in the Eighth Schedule to this Act if the whole of such service were to be reckoned;

(c) Any sum payable by an officer or servant under this subsection may be paid either in a lump sum forthwith or by such instalments and at such times as may be agreed between him and the Wandsworth Council:

Provided that not less than one-tenth of the total sum payable shall be payable within the first and each of the subsequent years from the date on which the officer or servant entered the service of the Wandsworth Council and the whole of the instalments shall be payable within a period of ten years from that date with compound interest on the amount for the time being unpaid calculated at the rate of four per centum per annum with half-yearly rests as from that date;

(d) For the purpose of calculating the amount which may be or is required to be paid by way of return of contributions to or in respect of an officer or servant under section 5 (Forfeiture for fraud &c.) of the Act of 1909 or under section 6 (Return of contributions and power to grant gratuities and superannuation allowances in certain cases) of the Act of 1909 as amended by the Act of 1924 or under section 112 (Payments in case of death of contributor or pensioner) of this Act one-half of the sum payable by him under this subsection shall be treated as contributions which have been paid by him into the superannuation fund;

(e) If any instalment of the sum payable by an officer or servant under this subsection remains to be paid at the date of his death or on the date

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PART XI.  
—cont.

on which he ceases to hold his office or employment under the Wandsworth Council the amount thereof together with any interest which may have accrued thereon shall be deducted from the sum to be paid by way of return of contributions or payment on death to or in respect of him under the provisions referred to in the last preceding paragraph of this subsection;

- (f) If any instalment as aforesaid remains to be paid at the date on which the officer or servant becomes entitled to a superannuation allowance under the Act of 1909 as amended by this Part of this Act the amount thereof together with any interest which may have accrued thereon shall be deducted from the payment or payments of superannuation allowance (including any lump sum) made to him next after the instalment has become due until the whole sum payable has been recovered;
- (g) If at the date on which an officer or servant ceases to hold his office or employment under the Wandsworth Council or dies (as the case may be) the amount of any instalment (with interest accrued thereon) remaining to be paid exceeds the sums recoverable under paragraph (e) or paragraph (f) of this subsection the balance thereof shall be treated as cancelled;
- (h) If at any time on the receipt of a report by an actuary appointed by the Wandsworth Council it appears to the Wandsworth Council to be expedient that all or any of the amounts specified in the table set out in the Eighth Schedule to this Act should be varied they may make representations to that effect to the Minister of Health and the said Minister may by order vary all or any of the said amounts as from such date as (after consultation with the Wandsworth Council) may be specified in the order and the provisions of this section and of the said schedule as varied by the said order shall have effect in the case of an officer or servant appointed as such on or after the date so specified.

**115.**—(1) In addition to the allowances and other payments charged upon the superannuation fund by virtue of subsection (2) of section 12 (Superannuation fund) of the Act of 1909 there shall be charged upon that fund all superannuation allowances and other annual allowances in the nature of pensions payable by the Wandsworth Council under the Superannuation (Metropolis) Act 1866 the Poor Law Officers' Superannuation Act 1896 the London Government Act 1899 and the Local Government Act 1929.

A.D. 1937.  
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PART XI.  
—cont.  
Superannua-  
tion allow-  
ances under  
other Acts.  
29 & 30 Vict.  
c. 31.  
59 & 60 Vict.  
c. 50.

(2) For the purposes of subsection (3) of the said section 12 superannuation allowances and other annual allowances referred to in subsection (1) of this section shall be deemed to be superannuation allowances within the meaning of that section.

(3) All contributions receivable by the Wandsworth Council under the Poor Law Officers' Superannuation Act 1896 shall be carried and credited to the superannuation fund.

(4) In certifying pursuant to section 13 (Actuarial investigation) of the Act of 1909 the amount of the primary annual contribution to be paid into the superannuation fund the actuary shall take into account the superannuation allowances and other annual allowances in the nature of pensions for which the Wandsworth Council may be liable and any contributions towards such allowances which may be receivable by the Wandsworth Council under the Superannuation (Metropolis) Act 1866 the Poor Law Officers' Superannuation Act 1896 the London Government Act 1899 and the Local Government Act 1929 or any of those Acts and the certificate to be given by the actuary under the said section 13 shall be such as will cast upon the general rate as nearly as may be an equal annual charge in respect of the expenditure under the said enactments and under the Act of 1909 as amended by this Part of this Act.

**116.** If any contribution or sum payable by an officer or servant to the superannuation fund or any part of such contribution or sum remains unpaid at the date on which a superannuation allowance under the Act of 1909 or under that Act as amended by this Part of this Act becomes payable to the officer or servant or (if he

Deductions  
from super-  
annuation  
allowances  
in respect  
of unpaid  
contribu-  
tions &c.

A.D. 1937.

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PART XI.  
—cont.

dies before becoming entitled to such an allowance but after completing five years' service) remains unpaid at the date of his death the Wandsworth Council may deduct the amount of such unpaid contribution or sum or part from the superannuation allowance (including any lump sum) payable to the officer or servant or from any annuity payable to his widow under the provisions of section 113 (Annuities for widows of employees of Wandsworth Council) of this Act or from the sum payable to his legal personal representative under section 112 (Payments in case of death of contributor or pensioner) of this Act as the case may be.

Evidence of  
existence.

**117.** Every person who is entitled to a superannuation allowance or annuity under the Act of 1909 or under that Act as amended by this Part of this Act shall at his own expense supply to the Wandsworth Council at such times as that council may require such evidence of his being alive as the Wandsworth Council may require and in default thereof the Wandsworth Council may suspend the payment of such allowance or annuity.

Arbitration  
under  
Part XI  
of Act.

**118.** The provisions of section 18 (Arbitration) of the Act of 1909 shall apply as respects any question which may arise between—

- (a) the Wandsworth Council and the legal personal representative of an officer or servant as to the right to or the amount of any sum payable under section 112 (Payments in case of death of contributor or pensioner) of this Act; and
- (b) the Wandsworth Council and the widow of a retired employee as to the right to or the amount of an annuity payable under section 113 (Annuities for widows of employees of Wandsworth Council) of this Act.

Construc-  
tion and  
citation of  
Part XI of  
Act.

**119.** This Part of this Act shall be read and construed as one with the Wandsworth Borough Council (Superannuation) Acts 1909 and 1924 and those Acts and this Part of this Act may be cited together as the Wandsworth Borough Council (Superannuation) Acts 1909 to 1937.

PART XII.

A.D. 1937.

MISCELLANEOUS.

120.—(1) In this section the following expressions have the meanings hereby assigned to them respectively:—

“the board” means the London Passenger Transport Board;

“the fund” means the superannuation and provident fund established under Part IV (Superannuation &c.) of the London Council (General Powers) Act 1891; and

“scheme” means a scheme for the establishment and administration of the fund.

Superannua-  
tion of  
certain  
employees  
of London  
Passenger  
Transport  
Board.

(2) Notwithstanding anything in any other enactment or in any scheme the Council may on such terms and conditions as they think fit and as from such date (whether before or after the passing of this Act) as they may determine permit any person to whom this section applies to become a member of the fund:

Provided that notwithstanding the provisions of any scheme a person who becomes a member of the fund by virtue of the provisions of this section shall not be entitled to make any contribution to the fund in respect of any period before the first day of July one thousand nine hundred and thirty-three.

(3) The Council and the board may enter into and carry into effect agreements as to the financial and other arrangements to be made between the Council and the board in respect of any person admitted to be a member of the fund pursuant to this section.

(4) A person admitted to be a member of the fund by virtue of the provisions of this section shall (subject to the terms and conditions on which she is so admitted and to any agreement made under subsection (3) of this section) from the date as from which she becomes a contributor to the fund and so long as she remains an officer or servant of the board be deemed for the purposes of any scheme to be in the service of the Council.

A.D. 1937.  
PART XII.  
—cont.

- (5) This section applies to any female person who—
- (a) was immediately before the first day of July one thousand nine hundred and thirty-three an officer or servant of the Council but was not then a member of the fund; and
  - (b) on the said first day of July became an officer or servant of the board; and
  - (c) has remained an officer or servant of the board until the passing of this Act; and
  - (d) by the terms of her appointment as an officer or servant of the Council would have been entitled (subject to a certificate that her conduct work and general efficiency had been in all respects satisfactory and to her passing the usual medical examination) to be placed on the permanent staff of the Council if she had remained continuously in the service of the Council for a period of five years; and
  - (e) on being placed on the permanent staff of the Council would under the provisions of any scheme have become a member of the fund.

Dispensing with certificates of suitability &c. in respect of places of public entertainment.

41 & 42 Vict.  
c. 32.

**121.**—(1) The following provisions of the Metropolis Management and Building Acts Amendment Act 1878 and of the London County Council (General Powers) Act 1930 shall cease to have effect:—

- (a) so much of section 12 of the said Act of 1878 and of section 18 of the said Act of 1930 as prohibits the having or keeping open of premises for the purposes referred to in those sections respectively unless and until the Council grant a certificate to the effect that the premises are in accordance with the regulations made by the Council in pursuance of the said sections; and
- (b) so much of section 13 of the said Act of 1878 as imposes upon the licensing authority an obligation to confirm a provisional licence in the circumstances mentioned in that section.

(2) The enactments mentioned in the Ninth Schedule to this Act shall be and are hereby repealed

to the extent specified in the third column of that schedule. A.D. 1937.

PART XII.  
—cont.

(3) The foregoing provisions of this section shall come into operation on the first day of January one thousand nine hundred and thirty-eight.

(4) The Council shall within three months after the passing of this Act give public notice of subsections (1) and (3) of this section by advertisement in two or more daily newspapers circulating in the county and in such other manner (if any) as they think fit.

**122.**—(1) Except in any case in which the Council otherwise require so much of section 7 (To whom licences shall be granted) of the Theatres Act 1843 as provides that the actual and responsible manager for the time being of a theatre in respect of which a licence is granted under that Act and two sureties shall become bound in penal sums for the purposes mentioned in the said section shall cease to have effect as respects licences granted by the Council under that Act. Dispensation by Council with bonds by theatre managers. 6 & 7 Vict. c. 68.

(2) (a) If the licensee of a theatre licensed by the Council under the Theatres Act 1843 uses it or allows it to be used in contravention of the provisions of that Act or any rules made by the Council thereunder or of the terms conditions or restrictions upon or subject to which the licence was granted he shall be liable to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

(b) Upon a conviction under this subsection the court may in their discretion in addition to imposing a pecuniary penalty order that the licence granted in respect of the theatre shall become void or shall be suspended for such period as may be specified in the order.

(3) In this section the expression—

“contravention” in relation to any rule term condition or restriction includes a failure to comply with that rule term condition or restriction; and

“daily penalty” means a penalty for each day on which any offence is continued by a person after conviction.

A.D. 1937.

PART XII.

—cont.

(4) The foregoing provisions of this section shall come into operation on the first day of January one thousand nine hundred and thirty-eight.

(5) The Council shall within three months after the passing of this Act give public notice of the foregoing provisions of this section by advertisement in two or more daily newspapers circulating in the county and in such other manner (if any) as they think fit.

Extension  
of Council's  
higher  
education  
functions.  
11 & 12  
Geo. 5. c. 51.

**123.** The functions of the Council under sections 70 and 71 of the Education Act 1921 (which relate to higher education) shall include a power to provide furnish equip maintain and carry on the business of an hotel in conjunction with or as part of their Westminster Technical Institute situate in Vincent Square in the city of Westminster in connection with the supply in such hotel of education in all or any branches of the hotel industry.

Maintenance  
of certain  
children in  
schools  
under  
Poor Law  
Act 1930  
approved  
under  
Children  
and Young  
Persons Act  
1933.  
20 & 21  
Geo. 5. c. 17.  
23 & 24  
Geo. 5. c. 12.

**124.**—(1) Notwithstanding the provisions of any other enactment the Council may receive and maintain in any separate school within the meaning of the Poor Law Act 1930 which is under their control any child who has been ordered to be sent to an approved school within the meaning of the Children and Young Persons Act 1933 (in this section referred to as "the Act of 1933") pursuant to section 45 of the Education Act 1921 or section 62 or section 64 of the Act of 1933 if the separate school has been approved by the Secretary of State under section 79 of the Act of 1933 and the Council are named in the approved school order.

(2) Any separate school to which this section applies shall be deemed to be a school to which section 79 of the Act of 1933 applies.

(3) This section shall not apply to a child—

(a) who at the date of the approved school order relating to him is of the age of thirteen years or upwards; or

(b) who is ordered to be sent to an approved school after a period of five years immediately succeeding the date of the passing of this Act.



**125.**—(1) Notwithstanding anything in section 51 (Exercise of powers under Part V of Act) of the London County Council (General Powers) Act 1935 or in the Paddington Recreation Ground Act 1893 or in any other enactment the Paddington Council may in relation to the Paddington recreation ground exercise the same powers as those conferred as regards any open space upon the council of a metropolitan borough by section 49 (Use of open spaces for charitable purposes) of the said Act of 1935 but for the purposes of this section the said section 49 shall be construed as if after the words “any philanthropic or charitable purposes” in subsection (1) thereof there were inserted the words “or the holding of meetings for or in connection with any athletic sport not conducted for private gain.”

A.D. 1937.  
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PART XII.  
—cont.  
Restricted  
use of  
Paddington  
recreation  
ground on  
special  
occasions.  
25 & 26  
Geo. 5.  
c. xxxiii.  
56 & 57 Vict.  
c. lxxvii.

(2) Any person who enters upon any part of the Paddington recreation ground which the public is by virtue of the exercise of the powers of this section precluded from entering—

- (a) in any case where the right to use the said part was granted to any person by virtue of the provisions of this section without the permission of that person; or
- (b) in any other case without the permission of the Paddington Council;

shall be liable to a penalty not exceeding five pounds.

(3) For the purposes of this section—

the expression “the Paddington Council” means the council of the borough of Paddington; and

the expression “Paddington recreation ground” means the recreation ground to which the Paddington Recreation Ground Act 1893 applies and includes any addition made to that recreation ground since the passing of the said Act of 1893.

**126.** The time limited by—

- (a) the London County Council (Tramways and Improvements) Act 1920 as extended by subsequent Acts for the compulsory purchase of lands for the widenings at Cable Street and Brook Street in the borough of Stepney

Extension  
of time for  
compulsory  
purchase of  
lands.  
10 & 11  
Geo. 5.  
c. clxxii.

A.D. 1937.

PART XII.

—cont.

15 & 16

Geo. 5.

c. cxix.

described in and authorised by the said Act of 1920; and

- (b) the London County Council (General Powers) Act 1925 as extended by subsequent Acts for the compulsory purchase of lands in the city of Westminster for the purpose of the widening of the Strand; and
- (c) the London County Council (General Powers) Act 1934 for the compulsory purchase of lands for the purposes of paragraph (a) of subsection (1) of section 5 of that Act;

is hereby extended or further extended (as the case may be) until the first day of October one thousand nine hundred and thirty-nine.

For protection of Metropolitan Water Board.

**127.** For the protection of the Metropolitan Water Board (in this section referred to as "the board") the following provisions shall unless otherwise agreed in writing between the board and the Council or the Westminster Council (as the case may require) apply and have effect:—

(1) In this section—

"apparatus" means mains pipes valves hydrants plugs syphons and other works and apparatus; and

"appropriate authority" where used in relation to the provisions of Parts II and III of this Act and such of the powers of this Act as are exerciseable by the Council means the Council and where used in relation to the provisions of Part IV and such of the powers of this Act as are exerciseable by the Westminster Council means the Westminster Council:

(2) Notwithstanding anything in section 35 (Laying of pipes &c. in carriageway of London improvements) of this Act the Board shall be entitled—

(a) for the purpose of laying maintaining inspecting repairing renewing or removing apparatus (other than service mains and service pipes) to exercise from time to time either during the construction or after the

completion of the London improvements or any part thereof the like rights of opening and breaking up so much of the London improvements as consists of—

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—  
PART XII.  
—cont.

(i) the reserved area; and

(ii) that part of the carriageway situate between severed portions of the reserved area which lies between imaginary lines in continuation of the longitudinal boundaries of such severed portions; and

(b) for the purpose of maintaining inspecting repairing renewing or removing any apparatus for the time being situate in or under the carriageway of the London improvements and of making altering repairing or disconnecting service connections between any such apparatus and any premises supplied or to be supplied with water therefrom to exercise from time to time either during the construction or after the completion of the London improvements or any part thereof the like rights of opening and breaking up such carriageway;

as they would be entitled to exercise if the said section had not been enacted:

Provided that nothing in this subsection shall affect the operation of section 37 (Removal &c. of apparatus) of this Act:

- (3) Notwithstanding the stopping up temporarily for the purposes of the London improvements or the Curzon Street improvement of any street or part of a street or of any subway under the powers of section 36 (Power to stop up ways temporarily) of this Act the board their engineers workmen and others in their employ shall at all times have such rights of access to all or any apparatus of the board situate in or under any such street or part of a street or subway as they had immediately before such stopping up and shall be at liberty to execute and do all such works and things in upon or under such street or part of a street or subway as may be necessary for inspecting

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PART XII.

—cont.

repairing maintaining renewing or removing  
such apparatus :

- (4) If in the exercise of any of the powers of this Act the appropriate authority lower or raise the level of any street so as to leave over any apparatus of the board situate thereunder a less depth of cover (in the case of mains having an internal diameter exceeding twenty-four inches) than four feet or less than the existing covering where the same is less than four feet and (in the case of mains having an internal diameter exceeding twelve inches and not exceeding twenty-four inches) than three feet six inches or less than the existing covering where the same is less than three feet six inches and (in the case of any other mains or apparatus) than three feet or less than the existing covering where the same is less than three feet or a greater depth of cover than five feet where the covering now existing does not exceed five feet or more than the existing covering where the same exceeds five feet the board may lower such apparatus to a depth not exceeding such minimum covering or the existing covering whichever is the less or raise such apparatus to a depth not less than five feet or the existing depth whichever is the greater (as the case may be) and the appropriate authority shall repay to the board the expense reasonably incurred by them in so doing :
- (5) Where by reason or in consequence of the exercise of any of the powers of this Act any apparatus of the board is rendered derelict or unnecessary the appropriate authority shall pay to the board the value of such apparatus so rendered derelict or unnecessary unless substituted apparatus be provided Such value shall in case of difference between the board and the appropriate authority be determined by arbitration in manner hereinafter provided :
- (6) The provisions of section 37 (Removal &c. of apparatus) of this Act shall in its application to the board in relation to the powers of Part III

and Part IV of this Act be read and have effect subject to the following modifications:—

(i) the period of twenty-one days shall be substituted for the period of seven days mentioned in the proviso to subsection (2) of that section; and

(ii) the period of fourteen days shall be substituted for the period of seven days mentioned in subsection (3) of that section:

(7) In addition to any rights exerciseable by them under the provisions of the said section 37 of this Act the board shall be entitled to execute such works as the engineer of the board may reasonably deem necessary for supporting or protecting any apparatus of the board being situate in under across or along the line of the carriageway of the London improvements and the Curzon Street improvement and affected by any of the works or operations of the appropriate authority or for maintaining the continuity of the supply of water by means of such apparatus and if it be reasonably necessary so to do the Board may substitute steel pipes encased in cement concrete for so much of any main or pipe as will be situate in under across or along the line of the carriageway of the London improvements or the Curzon Street improvement or within a distance of ten feet on either side thereof and the appropriate authority shall repay to the board the reasonable cost incurred by them under the provisions of this subsection:

(8) If by reason or in consequence of the provisions of this Act relating to the London improvements or of anything done thereunder it shall be reasonably necessary for the board to lay a second service main in any street or part of a street in which the board have a single service main from which supplies of water are afforded to premises situate on both sides of such street the appropriate authority shall pay to the board the reasonable cost incurred by them in providing and laying such second service main and the service pipes necessary

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PART XII.

—cont.

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PART XII.

—cont.

for connecting that main with the premises to be supplied by means thereof:

- (9) If by reason or in consequence of the execution of the London improvements or the Curzon Street improvement any damage to any apparatus or property of the board or any interruption in the supply of water by the board shall be caused the appropriate authority shall bear and pay the cost reasonably incurred by the board in making good such damage and shall—
- (a) make reasonable compensation to the board for any loss sustained by them; and
  - (b) indemnify the board against all claims demands proceedings costs damages and expenses which may be made or taken against or recovered from or incurred by the board; by reason or in consequence of any such damage or interruption except such as are attributable to the negligence of the board their contractors agents workmen or servants:
- (10) The appropriate authority shall not except with the consent of the board (which consent shall not be unreasonably withheld) execute or do any work which may involve any interference with the continuous supply of water by the board from any main or pipe other than a service main or service pipe during the months of May June July August and September in any year:
- (11) The reasonable expense of all repairs and renewals of any apparatus of the board or any works in connection therewith which may be rendered reasonably necessary by or in consequence of—
- (a) the acts or defaults of the appropriate authority their contractors agents workmen or servants or any person in the employ of them or any of them; or
  - (b) any subsidence resulting from the works of the appropriate authority whether during the construction of such works or within

a period of twelve months after the date or the respective dates of the completion thereof;

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PART XII.

—cont.

(except such as are attributable to the negligence of the board their contractors agents workmen or servants) shall be borne and paid by the appropriate authority :

- (12) The appropriate authority shall bear and pay to the board the amount of any expenses reasonably incurred by the board in or in connection with—

(a) the cutting off of any apparatus of the board from any other apparatus and the connecting of any new or substituted apparatus with any existing apparatus of the board rendered necessary by reason or in consequence of the execution of the London improvements or the Curzon Street improvement; or

(b) the removal or any alteration of any communication pipes or supply pipes rendered necessary by reason or in consequence of such execution;

and shall indemnify the board against all claims and demands by the owner of any such communication pipe or supply pipe or by the owners or occupiers of premises supplied by means thereof :

- (13) The board may if they deem fit employ watchmen or inspectors to watch and inspect any of the London improvements or the Curzon Street improvement whereby any apparatus of the board will or may be interfered with or affected during the execution thereof and the reasonable expenses thereof shall be borne by the appropriate authority and be paid by them to the board :

- (14) If any question or difference shall arise between the appropriate authority and the board under this section (other than a difference as to the meaning or construction of this section) such question or difference shall be settled by arbitration :

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PART XII.  
—cont.

(15) The provisions of this section shall be in addition to and not in derogation of any other provisions of this Act or of any enactment incorporated therewith to the benefit of which the board would have been entitled if this section had not been enacted.

Conditions  
of grant by  
Minister &c.

**128.** The general conditions relating to the grant by the Minister towards the expenditure incurred or to be incurred by the Council and the Westminster Council respectively in connection with this Act and to the arrangements for the execution of the London improvements and the Curzon Street improvement as set forth in the First Schedule to this Act are hereby confirmed.

Separate  
accounts of  
receipts and  
payments.

**129.**—(1) Notwithstanding anything contained in this or any other Act all receipts and payments by (a) the Council relating to the provisions and purposes of Part III and (so far as it relates to the purposes of the said Part III) Part II of this Act and (b) the Westminster Council relating to the provisions and purposes of Part IV of this Act shall be carried or charged to separate accounts to be kept by the Council and the Westminster Council respectively in relation to the said provisions of this Act.

(2) The said accounts shall at all times be available for examination by officers appointed for the purpose by the Minister.

General  
provisions  
as to  
arbitration.

**130.** Any question or difference which pursuant to this Act is to be settled by arbitration (other than a question or difference to which the provisions of the Lands Clauses Acts apply and except as otherwise provided by this Act) 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.

Authentica-  
tion and  
service of  
notices &c.

**131.** The provisions of section 65 (Service and authentication of notices under Metropolis Management and other Acts) of the London County Council (General Powers) Act 1935 (other than subsection (9)



of that section) shall extend to and apply with reference to any notice or other document which under this Act or any enactment incorporated with any Part thereof is required or authorised to be notified given transmitted made or served by or on behalf of the Council or any borough council as if such notice or document were a statutory notice within the meaning of that section.

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PART XII.  
—cont.

**132.** Save as otherwise expressly provided all offences against this Act and all fines forfeitures penalties costs charges and expenses imposed or recoverable thereunder may be prosecuted and recovered in a summary manner Provided that costs charges and expenses except such as are recoverable along with a fine shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of  
penalties  
&c.

**133.** Proceedings for the recovery of any demand made under the authority of this Act whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in an action founded on contract or on tort.

Recovery of  
demands.

**134.** 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.

Judges not  
disqualified.

**135.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequence to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Saving for  
indictments  
&c.

**136.** The Minister may hold or cause to be held such inquiries as he may consider necessary in regard to the exercise of any powers conferred upon him or

Inquiries  
by Minister.

A.D. 1937. the giving of consents or approvals under this Act  
 — and the provisions of subsections (2) (3) (4) and (5)  
 PART XII. of section 290 of the Local Government Act 1933  
 —cont. shall apply to any such inquiry as they apply to local  
 23 & 24 inquiries held under that section but as if for refer-  
 Geo. 5. c. 51. ences to a department there were substituted therein  
 references to the Minister.

Crown  
rights.

**137.**—(1) Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown or in particular except with and subject to the terms of the consent in writing of the Commissioners of Crown Lands on behalf of His Majesty or of the Commissioners of Works or of the Board of Trade as the case may be—

- (a) authorises the Council to take enter upon use or interfere with any land water or property (notwithstanding that any such land water or property may be described in the deposited book of reference or delineated on the London deposited plans the London deposited sections the Westminster deposited plan or the Westminster deposited sections) or any rights of whatsoever description for the time being belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or vested in or in the occupation of or exercised or exerciseable by the Commissioners of Works or vested in or in the occupation of or exercised or exerciseable by any other person body or corporation acting for or on behalf of the Commissioners of Works; or
- (b) authorises the Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively; or

(c) takes away lessens prejudices or alters any right privilege or power vested in or exercised or exercisable by the Commissioners of Works. A.D. 1937.  
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PART XII.  
—cont.

(2) Any consent for the purposes of this section may be given on such conditions as the Commissioners of Crown Lands or the Commissioners of Works or the Board of Trade as the case may be may see fit to impose.

**138.**—(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 Local Government Act 1888 according as the Council may decide and the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act shall be defrayed by the Council in like manner : Costs of Act.  
51 & 52 Vict.  
c. 41.

Provided that so much of such last-mentioned costs charges and expenses as may be incurred in respect of or in connection with the provisions contained in—

- (i) Section 6 (Power to Council to acquire and transfer certain lands);
- (ii) Part IV (Works to be executed by the Westminster Council);
- (iii) Part VII (Bethnal Green Borough Council (Superannuation));
- (iv) Part VIII (Kensington Borough Council (Superannuation));
- (v) Part IX (Poplar Borough Council (Superannuation));
- (vi) Part X (Shoreditch and other Borough Councils (Superannuation));
- (vii) Part XI (Wandsworth Borough Council (Superannuation)); and
- (viii) Section 125 (Restricted use of Paddington recreation ground on special occasions);

shall unless otherwise agreed be paid as regards (i) by the Court of the University of London or the governors of a school of that university as regards (ii) by the

A.D. 1937.

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PART XII.—*cont.*

Westminster Council as regards (iii) by the council of the borough of Bethnal Green as regards (iv) by the council of the royal borough of Kensington as regards (v) by the council of the borough of Poplar as regards (vi) by the councils of the boroughs of Shoreditch Bermondsey Finsbury Greenwich Hammersmith Southwark and Stoke Newington in equal shares as regards (vii) by the council of the borough of Wandsworth and as regards (viii) by the council of the borough of Paddington.

(2) All expenses incurred by a borough council in the execution of any of the provisions of this Act shall except as otherwise expressly provided be defrayed out of the general rate authorised to be levied by them.

The SCHEDULES referred to in the  
foregoing Act.

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### FIRST SCHEDULE.

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#### GENERAL CONDITIONS OF GRANT BY MINISTER OF TRANSPORT.

1. The Minister will make a grant from the Road Fund  
of—

(a) sixty per centum of the net amount (approved by the  
Minister) of the expenditure incurred or to be incurred  
by the Council in carrying into execution the provisions  
and purposes of Part III and (so far as it relates to  
the purposes of the said Part III) Part II of this Act;  
and

(b) thirty-three and one-third per centum of the net  
amount (approved by the Minister) of the expenditure  
incurred or to be incurred by the Westminster Council  
in carrying into execution the provisions and purposes  
of Part IV of this Act.

The said expenditure includes expenditure to be incurred  
by the Council and the Westminster Council respectively in  
defraying so much of the costs of and incidental to the Bill for this  
Act as is attributable to the said provisions and purposes and by  
the Council in connection with or as ancillary to the rehousing  
of persons of the working class displaced under the provisions of  
the said Part II so far as it relates to the said Part III.

2. All plans specifications estimates and engineering details  
relative to the London improvements and the Curzon Street  
improvement and any modifications thereof respectively shall be  
subject to the approval of the Minister.

3. (a) As soon as may be after the passing of this Act the  
Council and the Westminster Council respectively shall forward  
to the Minister estimates in such form as the Minister may require  
or approve of the expenditure to be incurred by them under the  
provisions of this Act hereinbefore referred to during the twelve  
months next ensuing.

(b) On or before the expiration of the said period and there-  
after at such intervals as may be approved by the Minister the  
Council and the Westminster Council respectively shall forward

A.D. 1937.

—  
1ST SCH.  
—cont.

to the Minister in such form as he may require or approve statements showing estimates of the liabilities incurred and to be incurred by them under the said provisions of this Act during such ensuing period as may be specified by the Minister.

(c) After receipt of any such estimates the Minister will pay to the Council and the Westminster Council respectively such sums at such times as will furnish them with the appropriate percentage set out in paragraph 1 hereof of the moneys required to meet as and when they arise the liabilities of such Councils in connection with the carrying into execution of the said provisions of this Act subject to the grants specified in paragraph 1 hereof not being exceeded.

(d) The Council and the Westminster Council respectively shall furnish to the Minister at such times and in such form and accompanied by such vouchers certificates reports or other documents as he may require or approve statements of the amounts paid by them under the said provisions of this Act.

4. If any difference shall arise between the Minister and the Council or the Westminster Council with reference to the adjustment of accounts or the basis of such adjustment for giving effect to the foregoing conditions such difference shall be determined in such manner as may be agreed between the Minister and the Council or the Westminster Council as the case may be.

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## SECOND SCHEDULE.

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### PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED TO BE TAKEN BY THE COUNCIL.

Area.	Numbers on London deposited plans and in London book of reference.										
Royal borough of Kensington.	2	3	4	5	6	7	8	82	116	185	187
	188 and 191.										
Borough of St. Marylebone.	12	67	118	121	125	126	127	and			
	128.										
Borough of Stoke Newington.	3 and 6.										

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THIRD SCHEDULE.

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A.D. 1937.

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STREETS AND PARTS OF STREETS WHICH MAY BE STOPPED  
 UP BY THE COUNCIL.

In the borough of Saint Marylebone—

so much of Mitcham Street as is not included in Work No. 1  
 by this Act authorised.

In the royal borough of Kensington—

(a) the pedestrian passageway between Notting Hill Gate  
 and Uxbridge Street;

(b) so much of Uxbridge Street as lies between Jameson  
 Street and Newcombe Street;

(c) Newcombe Street; and

(d) so much of West Mall and Rabbit Row as lies between  
 Church Street and the projection in a westerly direction  
 of the northern side of the footway of the eastern portion  
 of West Mall.

In the borough of Lambeth—

Addington Crescent.

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FOURTH SCHEDULE.

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PROPERTIES OF WHICH PORTIONS ONLY ARE REQUIRED  
 TO BE TAKEN BY THE WESTMINSTER COUNCIL.

Area.	Numbers on Westminster deposited plan and in Westminster book of reference.
City of Westminster	- - - 28 29 31 32 33 and 38.

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A.D. 1937.

## FIFTH SCHEDULE.

## BETHNAL GREEN BOROUGH COUNCIL (SUPERANNUATION).

SHOREDITCH AND OTHER BOROUGH COUNCILS  
(SUPERANNUATION).

## ANNUITIES FOR WIDOWS.

## PART I.

Percentage of the full annual superannuation allowance which may be paid during the joint lives of the retired employee and his wife in order that (i) his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of the annual superannuation allowance payable during their joint lives and (ii) the retired employee shall be entitled to receive during the remainder of his life after the death of his wife a superannuation allowance equal to two-thirds of the amount of the annual superannuation allowance payable during their joint lives.

Age last birthday of wife at date of retirement of retired employee.	Age last birthday of retired employee at date of his retirement.							
	60	61	62	63	64	65	66	67
50	87	—	—	—	—	—	—	—
51	87 $\frac{1}{2}$	86 $\frac{1}{2}$	—	—	—	—	—	—
52	88 $\frac{1}{4}$	87 $\frac{1}{4}$	86	—	—	—	—	—
53	89	88	86 $\frac{3}{4}$	85 $\frac{1}{2}$	—	—	—	—
54	89 $\frac{3}{4}$	88 $\frac{3}{4}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	—	—	—
55	90 $\frac{1}{2}$	89 $\frac{1}{2}$	88 $\frac{1}{4}$	87	85 $\frac{3}{4}$	84 $\frac{1}{2}$	—	—
56	91 $\frac{1}{4}$	90 $\frac{1}{4}$	89	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{4}$	84	—
57	92	91	89 $\frac{3}{4}$	88 $\frac{1}{2}$	87 $\frac{1}{4}$	86	84 $\frac{3}{4}$	83 $\frac{1}{2}$
58	93	92	90 $\frac{3}{4}$	89 $\frac{1}{2}$	88 $\frac{1}{4}$	87	85 $\frac{3}{4}$	84 $\frac{1}{4}$
59	94	92 $\frac{3}{4}$	91 $\frac{3}{4}$	90 $\frac{1}{2}$	89 $\frac{1}{4}$	88	86 $\frac{3}{4}$	85 $\frac{1}{4}$
60	95	93 $\frac{3}{4}$	92 $\frac{3}{4}$	91 $\frac{1}{2}$	90 $\frac{1}{4}$	89	87 $\frac{3}{4}$	86 $\frac{1}{4}$
61	96	94 $\frac{3}{4}$	93 $\frac{3}{4}$	92 $\frac{1}{2}$	91 $\frac{1}{4}$	90	88 $\frac{3}{4}$	87 $\frac{1}{4}$
62	97	95 $\frac{3}{4}$	94 $\frac{3}{4}$	93 $\frac{1}{2}$	92 $\frac{1}{4}$	91	89 $\frac{3}{4}$	88 $\frac{1}{4}$
63	98	96 $\frac{3}{4}$	95 $\frac{3}{4}$	94 $\frac{1}{2}$	93 $\frac{1}{4}$	92	90 $\frac{3}{4}$	89 $\frac{1}{2}$
64	99 $\frac{1}{4}$	98	97	95 $\frac{3}{4}$	94 $\frac{1}{2}$	93 $\frac{1}{4}$	92	90 $\frac{3}{4}$
65	—	99	98	97	95 $\frac{3}{4}$	94 $\frac{1}{2}$	93 $\frac{1}{4}$	91 $\frac{3}{4}$
66	—	—	99 $\frac{1}{4}$	98 $\frac{1}{4}$	97	95 $\frac{3}{4}$	94 $\frac{1}{4}$	93
67	—	—	—	99 $\frac{1}{2}$	98 $\frac{1}{4}$	97	95 $\frac{3}{4}$	94 $\frac{1}{2}$



PART II.

A.D. 1937.

Percentage of the full annual superannuation allowance which may be paid to a retired employee during his lifetime in order that his wife shall be entitled to receive during the remainder of her life after his death an annuity equal to one-third of the amount of the full annual superannuation allowance.

5TH SCH.  
—cont.

Age last birthday of wife at date of retirement of retired employee.	Age last birthday of retired employee at date of his retirement.							
	60	61	62	63	64	65	66	67
50	81 $\frac{3}{4}$	—	—	—	—	—	—	—
51	82 $\frac{1}{2}$	81	—	—	—	—	—	—
52	83	81 $\frac{3}{4}$	80 $\frac{1}{4}$	—	—	—	—	—
53	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{2}$	—	—	—	—
54	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{2}$	78 $\frac{3}{4}$	—	—	—
55	85 $\frac{1}{4}$	84	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$	78	—	—
56	86	84 $\frac{3}{4}$	83 $\frac{1}{2}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$	79	77 $\frac{1}{4}$	—
57	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83	81 $\frac{1}{2}$	80	78 $\frac{1}{4}$	76 $\frac{1}{2}$
58	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{2}$	81	79 $\frac{1}{4}$	77 $\frac{1}{2}$
59	88	87	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{4}$	81 $\frac{3}{4}$	80 $\frac{1}{4}$	78 $\frac{1}{2}$
60	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	82 $\frac{3}{4}$	81 $\frac{1}{4}$	79 $\frac{3}{4}$
61	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85	83 $\frac{3}{4}$	82 $\frac{1}{4}$	80 $\frac{3}{4}$
62	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	85 $\frac{3}{4}$	84 $\frac{1}{2}$	83 $\frac{1}{2}$	81 $\frac{3}{4}$
63	90 $\frac{3}{4}$	90	89	88	86 $\frac{3}{4}$	85 $\frac{1}{2}$	84 $\frac{1}{4}$	83
64	91 $\frac{1}{4}$	90 $\frac{1}{2}$	89 $\frac{3}{4}$	88 $\frac{3}{4}$	87 $\frac{3}{4}$	86 $\frac{1}{2}$	85 $\frac{1}{4}$	84
65	91 $\frac{3}{4}$	91	90 $\frac{1}{4}$	89 $\frac{1}{2}$	88 $\frac{1}{2}$	87 $\frac{1}{2}$	86 $\frac{1}{4}$	85
66	92 $\frac{1}{4}$	91 $\frac{1}{2}$	91	90 $\frac{1}{4}$	89 $\frac{1}{4}$	88 $\frac{1}{4}$	87 $\frac{1}{4}$	86
67	92 $\frac{1}{2}$	92	91 $\frac{1}{2}$	90 $\frac{3}{4}$	90	89	88	87

A.D. 1937.

## SIXTH SCHEDULE.

POPLAR BOROUGH COUNCIL (SUPERANNUATION).

WANDSWORTH BOROUGH COUNCIL (SUPERANNUATION).

ANNUITIES FOR WIDOWS—FURTHER REDUCTION OF ANNUAL  
SUPERANNUATION ALLOWANCE BASED ON AGE DIFFERENCE  
BETWEEN RETIRED EMPLOYEE AND HIS WIFE.

Difference between ages of retired employee and his wife.	Further reduction of annual superannuation allowance of retired employee.
—	—
	Per centum.
Less than 1 year - - -	1
1 year but less than 2 years -	2
2 years but less than 3 years -	3
3       "       "       4       "       -	3 $\frac{3}{4}$
4       "       "       5       "       -	4 $\frac{1}{2}$
5       "       "       6       "       -	5 $\frac{1}{4}$
6       "       "       7       "       -	6
7       "       "       8       "       -	6 $\frac{3}{4}$
8       "       "       9       "       -	7 $\frac{1}{2}$
9       "       "       10       "       -	8 $\frac{1}{4}$
10       "       "       11       "       -	9

SEVENTH SCHEDULE.

A.D. 1937.

SHOREDITCH AND OTHER BOROUGH COUNCILS  
(SUPERANNUATION).

TABLE OF ANNUITIES.

Amount of annuity per annum which may be paid to a retired employee or his wife or a male or female dependant in respect of each £10 of lump sum converted.

Age last birthday at date of conversion of the person for whose life the annuity is to continue.	If the person for whose life the annuity is to continue is—		
	The retired employee.	The wife or a female dependant of the retired employee.	A male dependant of the retired employee.
	£ s. d.	s. d.	£ s. d.
50	— — —	11 6	12 8
51	— — —	11 8	12 11
52	— — —	11 11	13 3
53	— — —	12 2	13 7
54	— — —	12 5	13 11
55	— — —	12 8	14 3
56	— — —	12 11	14 8
57	— — —	13 2	15 1
58	— — —	13 6	15 6
59	— — —	13 10	15 11
60	16 5	14 2	16 5
61	16 11	14 7	16 11
62	17 5	15 0	17 5
63	18 0	15 6	18 0
64	18 7	16 0	18 7
65	19 3	16 7	19 3
66	1 0 0	17 2	1 0 0
67	1 0 9	17 9	1 0 9

A.D. 1937.

## EIGHTH SCHEDULE.

## WANDSWORTH BOROUGH COUNCIL (SUPERANNUATION).

RULES FOR DETERMINING THE SUMS TO BE PAID TO THE SUPERANNUATION FUND BY NEWLY APPOINTED OFFICERS AND SERVANTS IN RESPECT OF PREVIOUS SERVICE.

1. The amount shown in column 2 of the succeeding table as appropriate to the age of the officer or servant at the date of transfer shall be multiplied by the number of completed years of his service with a local authority referred to in section 7 of the Act of 1924 as amended by this Act.

2. The corresponding amount in column 3 of the table shall be multiplied by the number of completed months (in excess of completed years) of the service of the officer or servant as aforesaid.

3. The sum of these two products shall be the sum payable for each £100 of salary or wages and the actual sum payable by the officer or servant shall be calculated proportionately by reference to his salary or wages at the date of entering the service of the Wandsworth Council.

*The Table above referred to.*

Age at date of transfer.	Amount for each £100 of salary or wages in respect of each completed period of previous service.	
	Year.	Month.
(1)	(2)	(3)
Under age 25	£ 8 s. 5 d.	£ 14 s. 0 d.
25 and under 30	8 10 0	14 0 0
30 " " 35	8 15 0	15 0 0
35 " " 40	9 0 0	15 0 0
40 " " 41	9 5 0	15 0 0
41 " " 42	9 5 0	15 0 0
42 " " 43	9 10 0	16 0 0
43 " " 44	9 10 0	16 0 0
44 " " 45	9 15 0	16 0 0
45 " " 46	10 0 0	17 0 0
46 " " 47	10 5 0	17 0 0
47 " " 48	10 10 0	18 0 0
48 " " 49	10 15 0	18 0 0
49 " " 50	11 0 0	18 0 0
50 " " 51	11 5 0	19 0 0
51 " " 52	11 10 0	19 0 0
52 " " 53	11 15 0	1 0 0
53 " " 54	12 0 0	1 0 0
54 " " 55	12 5 0	1 0 0

[1 EDW. 8. &  
1 GEO. 6.]

*London County Council  
(General Powers) Act, 1937.*

[Ch. xci.]

NINTH SCHEDULE.

A.D. 1937.

ENACTMENTS REPEALED.

Session and chapter.	Short title.	Extent of repeal.
41 & 42 Vict. c. 32.	Metropolis Management and Building Acts Amendment Act 1878.	In section twelve the words from "From and after the "making of any such regulations" to the end of the section and in section thirteen the words from "but the "licensing authority shall confirm the same" to the end of the section.
20 & 21 Geo. 5. c. clix.	London County Council (General Powers) Act 1930.	Subsections (4) and (5) of section eighteen.
25 & 26 Geo. 5. c. xxxiii.	London County Council (General Powers) Act 1935.	Section 56.

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