



CHAPTER lii

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

[29th July 1959.]

WHEREAS—

(1) It is expedient that the London County Council (hereinafter referred to as “the Council”) should be empowered to acquire certain lands and notwithstanding anything in the Disused Burial Grounds Act 1884 to use those lands and certain other lands in the metropolitan borough of Hammersmith for the purposes of or in connection with any of the works authorised by Part III (Improvements) of the London County Council (Improvements) Act 1948:

(2) For the purpose of reducing the fire risks in the vicinity of Covent Garden market it is expedient that restrictions should be imposed on the storage therein of empty containers for transporting horticultural produce to and from the said market and that provision should be made for the establishment outside the area of the said market of sufficient depots for the storage sorting repair and disposal of containers and their contents:

(3) The times limited by certain enactments for the compulsory purchase of lands and the completion of certain works by the Council and by the mayor aldermen and councillors of the city of Westminster (hereinafter referred to as “the Westminster Council”) respectively will shortly expire and it is expedient that the times so limited should be extended as by this Act provided:

(4) It is expedient that powers should be conferred on metropolitan borough councils enabling them to control the use of land as sites for movable dwellings:

(5) It is expedient that further provision should be made as by this Act provided for the storage of house refuse in connection with certain buildings and for the provision of sanitary conveniences at certain premises which are frequented by the public for purposes of refreshment or entertainment:

(6) It is expedient that metropolitan borough councils should be empowered to pay compensation in certain circumstances to persons who discontinue their employment to prevent the spread of disease:

(7) For the purpose of erecting a National Theatre on the south bank of the river Thames it is expedient that the encroachment of the said theatre over a part of an area laid out and maintained by the Council as public open space should be authorised:

(8) It is expedient that the powers of the Council in connection with the Geffrye Museum should be clarified and that the Council should be authorised to acquire by agreement for the purposes of the said museum lands within an area defined in this Act and situate in the metropolitan borough of Shoreditch:

(9) It is expedient that provision should be made for appeals against certain decisions of the Council in connection with licences for public entertainment:

(10) It is expedient that provision should be made enabling the Council and metropolitan borough councils to erect and maintain commemorative plaques tablets or other signs:

(11) It is expedient that metropolitan borough councils should be empowered to provide additional facilities at certain parking places provided by them:

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

(13) The objects aforesaid cannot be attained without the authority of Parliament:

(14) A plan showing the lands which may be acquired or used compulsorily under the powers of this Act and a book of reference to such plan containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands have been deposited in the office of the Clerk of the Parliaments House of Lords and in the Private Bill Office of the House of Commons and with the clerk of the Council and are in this Act referred to respectively as the deposited plan and the deposited book of reference:

(15) In relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the Bill) have complied with the requirements of section 151 of the London Government Act 1939 and the Westminster Council (as respects the provisions of the Bill relating exclusively to that council) have complied with the requirements of sections 151 and 152 of the said Act of 1939 as amended by the London County Council (General Powers) Act 1948:

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

PART I

PRELIMINARY

1. This Act may be cited as the London County Council Short title.
(General Powers) Act 1959.

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

Division of
Act into Parts.

Part I.—Preliminary.

Part II.—Lands.

Part III.—Storage of containers for horticultural produce.

Part IV.—Extensions of time.

Part V.—Public health.

Part VI.—Miscellaneous.

Part VII.—Supplemental.

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

“ the Act of 1751 ” means the Disorderly Houses Act 1751;

“ the Act of 1843 ” means the Theatres Act 1843;

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

“ the Act of 1939 ” means the London County Council (General Powers) Act 1939;

“ the Act of 1947 ” means the Town and Country Planning Act 1947;

“ the Act of 1954 ” means the London County Council (General Powers) Act 1954;

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

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

“ the Council ” means the London County Council;

PART I
—cont.

“ the county ” means the administrative county of London;

“ daily fine ” means a fine for each day on which an offence is continued after conviction therefor;

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

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

“ the Westminster Council ” means the mayor aldermen and councillors of the city of Westminster.

(2) Except as otherwise expressly provided in this Act or unless the context otherwise requires—

(a) terms to which meanings are assigned by the Lands Clauses Acts have in and for the purposes of Part II (Lands) of this Act; and

(b) terms to which meanings are assigned by any enactment applied or amended by any provision of this Act or which have in any such enactment special meanings have in and for the purposes of the said provision;

the same respective meanings.

(3) Any reference in this Act to an enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

Incorporation
of Lands
Clauses Acts.

4. The Lands Clauses Acts except sections 127 to 133 and sections 150 and 151 of the Lands Clauses Consolidation Act 1845 (so far as such Acts are applicable for the purposes of and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

PART II

LANDS

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Council may enter upon take and use for the purposes of any of the works authorised by Part III (Improvements) of the London County Council (Improvements) Act 1948 all or any part of the lands situate in the borough of Hammersmith delineated on the deposited plan and described in the deposited book of reference and therein numbered 1.

(2) So much of the lands aforesaid as is consecrated land may be used by the Council for any of the purposes aforesaid without any faculty for that purpose and notwithstanding any obligation or restriction on the use of that land imposed under ecclesiastical law or otherwise.

(3) The powers for the compulsory purchase of land conferred by this section shall cease after the expiration of three years from the first day of October nineteen hundred and fifty-nine.

PART II
—cont.

6.—(1) If the deposited plan or the deposited book of reference is inaccurate in its description of any land or in its statement or description of the ownership or occupation of any land the Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to a metropolitan stipendiary magistrate for the correction thereof.

Correction of errors in deposited plan and book of reference.

(2) If on any such application it appears to the magistrate that the misstatement or wrong description arose from mistake he shall certify the fact accordingly and shall in his certificate state in what respect any matter is misstated or wrongly described.

(3) The certificate shall be deposited in the office of the Clerk of the Parliaments House of Lords and a copy thereof in the Private Bill Office of the House of Commons and with the clerk of the Council and with the town clerk of the borough of Hammersmith and thereupon the deposited plan and the deposited book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the land and execute the works in accordance with the certificate.

(4) Any certificate or copy deposited under this section with any person shall be kept by him with the other documents to which it relates.

7. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under section 5 (Power to acquire lands) of this Act but not less than one month after giving to the owner and occupier of the land notice of their intention to exercise the powers of this section the Council may enter on and take possession of the land or such part thereof as is specified in the last-mentioned notice without previous consent and without compliance with sections 84 to 90 of the Lands Clauses Consolidation Act 1845:

Power to expedite entry.

Provided that the Council shall pay the like compensation for land of which possession is taken under this section and the like interest on the compensation awarded as would have been payable if the provisions of those sections had been complied with.

8. Any person acting on behalf of the Council and duly authorised by the clerk of the Council or by such other officer of the Council as the Council may designate for the purpose may at all reasonable times enter on any land which may be acquired compulsorily under section 5 (Power to acquire lands) of this Act for the purpose of surveying or valuing the land:

Power to enter for survey or valuation.

PART II
—cont.

Provided that no land shall be entered under this section unless the Council not less than seven days before the first entry and not less than twenty-four hours before any subsequent entry have given notice to the owner and occupier of the land.

Extinction of
private rights
of way.

9.—(1) All private rights of way over any land which may be acquired compulsorily under section 5 (Power to acquire lands) of this Act shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the Council compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

As to disused
burial ground
in Hammer-
smith.

10.—(1) Nothing in the Disused Burial Grounds Act 1884 shall apply to the land in the borough of Hammersmith shown by pink colour on the deposited plan (in this section referred to as “the said land”).

(2) Before the Council carry out any work on any part of the said land they shall remove or cause to be removed all bodies interred in the said land:

Provided that a Secretary of State on the application of the Council and on being satisfied that such removal is not necessary or desirable may dispense with all or any of the requirements of this section on such conditions (if any) as he thinks fit.

(3) Before proceeding to remove any such bodies the Council shall publish a notice for three successive days in two newspapers circulating in the county to the effect that it is intended to remove the bodies and such notice shall include the substance of subsections (4) to (7) and (9) of this section.

(4) At any time within one month after the first publication of such notice any person who is an executor administrator or relative of any person whose body is interred in the said land may give notice in writing to the Council of his intention to undertake the removal of the body and thereupon he shall be at liberty without any faculty for the purpose but subject as hereinafter mentioned and to any regulations made by the Lord Bishop of London to cause the body to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place but in the case of a churchyard only with the consent of the incumbent.

(5) If any person giving notice as aforesaid shall fail to satisfy the Council that he is such 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 and reinter the body and as to the payment of the costs of the application.

(6) The expense of such removal and reinterment (not exceeding in respect of any one grave the sum of fifty pounds) shall be defrayed by the Council such sum to be apportioned if necessary equally according to the number of bodies in the grave.

(7) If—

(a) within the said period of one month no such notice has been given to the Council in respect of the bodies in any grave; or

(b) within one month after such notice has been given no application has been made under subsection (5) of this section and the person giving the notice fails to remove the body; or

(c) within one month after any order is made by the registrar under the said subsection the person (not being the Council) specified in the order fails to remove the body;

the Council may without any faculty for the purpose cause the bodies to be removed and reinterred in such other consecrated burial ground or cemetery in which burials may legally take place and which subject to the consent of the said bishop the Council think suitable for the purpose but in the case of reinterment in a churchyard the previous consent of the incumbent shall also be required.

(8) Upon the reinterment of a body under this section a certificate of reinterment shall be sent to the Registrar-General by the Council giving the date of reinterment and identifying the place from which the body was removed and the place in which it is reinterred.

(9) All monuments and tombstones relating to a person whose body is reinterred under this section shall at the expense of the Council be re-erected at the place of reinterment or at such place as the said bishop may direct on the application (if any) of such executor administrator or relative as aforesaid or failing such application on the application of the Council and the Council shall cause a record to be made of each monument or tombstone re-erected under this section containing—

(a) a copy of the inscription on it; and

(b) a statement where it has been re-erected;

and shall deposit a copy of the record with the Registrar-General.

(10) The removal and reinterment of bodies under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the county.

(11) In this section references to a body or bodies include references to a part of a body or bodies.

PART III

STORAGE OF CONTAINERS FOR HORTICULTURAL PRODUCE

Interpretation
of Part III.

11.—(1) In this Part of this Act—

“ container ” means a barrel basket box cask crate keg sack tray or other similar receptacle which is has been or is intended to be used in connection with the transport of horticultural produce;

“ empty container ” means a container which contains no horticultural produce intended for sale;

“ horticultural produce ” means vegetation intended for purposes of decoration or fruit vegetables flowers or plants;

“ the market area ” means the area in the city of Westminster and the borough of Holborn bounded on the west by Charing Cross Road and Shaftesbury Avenue on the north by New Oxford Street and High Holborn on the east by Kingsway and Aldwych on the south-east by the Strand and on the south by William IV Street (the limits of the area following in each case the middle line of the said highways) and more particularly shown edged pink on the plan signed in triplicate by the Right Honourable the Lord Terrington the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the clerk of the Council;

“ the Minister ” means the Minister of Agriculture Fisheries and Food.

(2) References in this Part of this Act to the sale of horticultural produce by way of wholesale dealing shall be construed as references to the sale of such produce to a person who buys for the purpose of selling again and references to the disposal of containers and the contents thereof do not include the sale or exchange of horticultural produce.

Acquisition
of land.

12.—(1) The Council may acquire land (whether within or without the county) for the purpose of providing thereon facilities for the storage sorting repair and disposal of containers and horticultural produce therein.

(2) Land may be acquired by the Council for the purpose of this section by agreement or they may be authorised by the Minister to purchase land compulsorily for that purpose.

(3) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply to the compulsory purchase of land under this section and accordingly that Act shall have effect as if this section were an enactment contained in a public general Act in force immediately before the commencement of the said Act of 1946.

(4) Any person acting on behalf of the Council and duly authorised by the clerk of the Council or by such other officer of the Council as the Council may designate for the purpose may at all reasonable times enter on any land which may be acquired compulsorily under this section for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Council not less than seven days before the first entry and not less than twenty-four hours before any subsequent entry have given notice to the owner and occupier of the land.

13.—(1) The Council may on any land acquired or appropriated by them for the purpose mentioned in the last foregoing section erect buildings or adapt existing buildings and equip and manage such buildings for the storage sorting repair and disposal of containers and the contents thereof.

Provision of accommodation and charges therefor.

(2) Where the Council undertake the management of any premises provided under this section they may make charges for the use thereof in accordance with a scale of charges approved by the Minister.

(3) The Council may make byelaws for the regulation of any premises provided under this section and of persons resorting thereto but in so far as any byelaws so made conflict with regulations as to food hygiene made under Part I of the Food and Drugs Act 1955 the regulations shall prevail.

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

14.—(1) The Council may upon such terms and conditions and subject to such restrictions and for such period as they think fit lease any accommodation provided by them under the last foregoing section to any public authority or to any body representative of persons engaged in the sale of horticultural produce by way of wholesale dealing in the market area and may enter into and carry into effect agreements with any such authority or body with respect to the provision equipment maintenance and management of such accommodation and any other matters incidental thereto or consequential thereon.

Power to Council to lease and enter into agreements.

(2) The Council may sell or otherwise dispose of any land acquired by them under this Part of this Act for such consideration and on such terms and conditions as they think fit.

15. When the Minister is satisfied that accommodation (whether provided by the Council or by any other person) is available outside the market area being adequate and suitable for the storage sorting repair and disposal of such quantity of empty containers as in his opinion is necessary for the conduct of the sale of horticultural produce by way of wholesale dealing

Certificate of Minister that sufficient storage accommodation is available.

PART III
—cont.

in the market area he may issue a certificate to that effect which certificate shall come into force at the expiration of three months from the issue thereof and may be withdrawn by the Minister at any time should he consider that such accommodation is no longer available.

Empty
containers
not to be
kept in
market area
without
licence.

16.—(1) During such time as a certificate issued by the Minister under the last foregoing section is in force no person who engages in the sale of horticultural produce by way of wholesale dealing shall keep in or on any premises within the market area any empty container unless a licence permitting the keeping of empty containers in or on the said premises has previously been granted by the Council.

(2) If within a period of two months from the date of receipt by the Council of an application for a licence under this section the Council have not notified the applicant that his application has been granted or has been granted subject to terms or conditions or has been refused such application shall be deemed to have been refused as at the expiration of that period:

Provided that such period may be extended by agreement in writing made between the Council and the applicant at any time before the expiration thereof.

(3) The Council may attach to any licence granted by them under this section such terms and conditions as they think fit:

Provided that when taking into consideration any application for a licence in respect of any premises the Council shall have regard to—

- (i) the facilities subsisting thereat for dealing with any fires which may break out therein (including means of access thereto and escape therefrom) and for restricting the spread of fire;
- (ii) the construction of the premises and the degree to which they can be regarded as capable of resisting the effects of fire;
- (iii) the nature of the trade or business carried on or intended to be carried on in or on the premises;
- (iv) the facilities required by and available to the applicant for the reception and retention of empty containers on the premises for the purpose of the carrying on of his trade or business.

(4) Any person aggrieved by the refusal of the Council to grant a licence under this section in respect of any premises or by any term or condition attached to any such licence may appeal to a magistrates' court.

(5) An appeal to a magistrates' court under this section shall be brought within twenty-one days from the date on which the decision which is the subject of the appeal was notified to the person desiring to appeal and in any case where such an appeal lies the letter or other document notifying to the person concerned the decision of the Council in the matter shall state the right of appeal conferred by this section and the time within which such an appeal may be brought.

(6) Any person aggrieved by an order made by a magistrates' court on determining an appeal brought under subsection (4) of this section may appeal therefrom to a court of quarter sessions.

(7) Where upon any appeal under this section a court varies or reverses any decision of the Council it shall be the duty of the Council to give effect to the order of the court and in particular to grant any licence or modify any terms or conditions attached by the Council to a licence as may be necessary for that purpose.

(8) Any person who engages in the sale of horticultural produce by way of wholesale dealing and who during such time as a certificate issued by the Minister under the last foregoing section is in force—

- (a) keeps any empty container in or on any premises within the market area contrary to the provisions of this section; or
- (b) fails to comply with any term or condition attached to any licence granted under this section;

shall be liable on summary conviction to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds:

Provided that where an application for a licence under this section has been made before the date on which a certificate issued by the Minister under the last foregoing section came into force no offence under this section shall be deemed to have been committed before the date on which a licence is refused or before the time for appealing has expired or if an appeal against the refusal is lodged until the date on which the appeal is finally disposed of or withdrawn or fails for want of prosecution.

(9) Nothing in this section shall apply to the keeping by any person engaged in the trade or business of a horticultural sundriesman of any empty container sold or intended to be sold by him in the ordinary course of such trade or business.

17.—(1) Any person acting on behalf of the Council and duly authorised by the clerk of the Council or by such other officer of the Council as the Council may designate for the purpose

PART III
—cont.

and (if so required) producing his authorisation may at all reasonable times enter any premises within the market area for the purpose of ascertaining whether any offence has been committed under the last foregoing section or otherwise for the purpose of the exercise of the functions of the Council thereunder:

Provided that no premises shall be entered under this subsection unless the Council have given not less than twenty-four hours' notice of the proposed entry to the occupier of the premises.

(2) If after the giving of such notice and the production of such authorisation as aforesaid any such person is refused admittance to any premises or is obstructed in the doing of any thing for the purpose of which he entered the premises the person refusing him admittance or so obstructing him shall be liable on summary conviction to a fine not exceeding ten pounds.

Council not
empowered to
trade.

18. Nothing in this Part of this Act shall be construed to authorise or empower the Council to carry on the business of selling horticultural produce whether by way of wholesale dealing or otherwise.

PART IV

EXTENSIONS OF TIME

Extension of
time for
compulsory
purchase of
lands by
Council.

19.—(1) The period now limited by the London County Council (General Powers) Act 1956 for the exercise by the Council of powers for the compulsory purchase of lands—

(a) in the city of Westminster and the borough of Lambeth for the purposes of paragraph (a) of subsection (1) of section 5 (Power to Council to take lands) of the Act of 1939; and

(b) in the borough of Holborn for the purposes of subsection (1) of section 5 (Power to take lands) of the London County Council (General Powers) Act 1948;

is hereby further extended until the first day of October nineteen hundred and sixty-two.

(2) Notwithstanding anything in subsection (1) of this section if at any time before the first day of January nineteen hundred and sixty-two the owner or lessee of any land to which that subsection relates gives to the Council notice in writing requiring them forthwith to decide whether or not they will proceed with the purchase of his estate or interest in any such land which is specified in the notice the powers referred to in the said subsection shall not extend so as to enable the Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified or in any part of such land in pursuance of a notice to treat served later than six months after the receipt by the Council of the first-mentioned notice.

(3) If the Council give notification in writing to the owner or lessee of any land being land to which this section relates and which is specified in the notification that they do not intend to proceed with the purchase of the estate or interest of such owner or lessee in the land so specified the powers referred to in this section so far as they authorise the compulsory purchase of such estate or interest shall cease forthwith.

PART IV
—cont.

20. The period now limited by the Act of 1954 for the completion of the works in the borough of Hammersmith authorised by the London County Council (Improvements) Act 1948 is hereby further extended until the first day of October nineteen hundred and sixty-four.

Extension of
time for
completion of
works by
Council.

21.—(1) The period now limited by the Act of 1954 for the exercise by the Westminster Council of powers for the compulsory purchase of lands under Part IV of the London County Council (General Powers) Act 1937 is hereby further extended until the first day of October nineteen hundred and sixty-four and the period so limited for the completion of the Curzon Street improvement (as defined in the said Act of 1937) authorised by the said Part IV is hereby further extended until the first day of October nineteen hundred and sixty-six.

Extensions of
time for
Westminster
Council.

(2) The period now limited by the Act of 1954 for the exercise by the Westminster Council of powers for the compulsory purchase of lands under Part IV of the London County Council (Tunnel and Improvements) Act 1938 is hereby further extended until the first day of October nineteen hundred and sixty-five and the period so limited for the completion of the Westminster improvement (as defined in the said Act of 1938) authorised by the said Part IV is hereby further extended until the first day of October nineteen hundred and sixty-seven.

(3) Notwithstanding anything in the foregoing provisions of this section if at any time—

- (a) before the first day of January nineteen hundred and sixty-four in the case of land to which subsection (1) of this section relates; or
- (b) before the first day of January nineteen hundred and sixty-five in the case of land to which subsection (2) of this section relates;

the owner or lessee of any such land gives to the Westminster Council notice in writing requiring them forthwith to decide whether or not they will proceed with the purchase of his estate or interest in any such land which is specified in the notice the powers referred to in the said subsection (1) or the said subsection (2) (as the case may be) shall not extend so as to enable the Westminster Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified

PART IV
—cont.

or in any part of such land in pursuance of a notice to treat served later than six months after the receipt by the Westminster Council of the first-mentioned notice.

(4) If the Westminster Council give notification in writing to the owner or lessee of any land being land to which this section relates and which is specified in the notification that they do not intend to proceed with the purchase of the estate or interest of such owner or lessee in the land so specified the powers referred to in this section so far as they authorise the compulsory purchase of such estate or interest shall cease forthwith.

PART V

PUBLIC HEALTH

Control of
movable
dwellings.

22.—(1) In this section and in the next following section except as otherwise expressly provided or unless the context otherwise requires—

“the appointed day” means the first day of October nineteen hundred and sixty;

“movable dwelling” includes—

(a) a structure capable of being moved from place to place; and

(b) a vehicle or other conveyance (whether on wheels or not);

used or intended to be used (whether temporarily or otherwise) for the purpose of human habitation;

“occupier” in relation to any land means the person entitled to the possession thereof and the expression “occupied” shall be construed accordingly;

“use” in relation to a movable dwelling includes the act of permitting another person to use such dwelling whether under a hiring agreement or otherwise.

(2) (a) Subject to the provisions of this section a borough council may for the purpose of regulating the use of movable dwellings within their borough grant for such periods as they think fit (not exceeding three years in respect of any one licence) licences authorising persons to use or allow to be used as sites for movable dwellings land occupied by those persons within the borough.

(b) A borough council may attach to any licence granted under this section such conditions as they think fit with respect to the number and classes of movable dwellings which may be kept at the same time on land to which the licence relates and the space

to be kept free between any such dwellings and with respect to water supply and fire protection arrangements and for securing sanitary conditions and the prevention of nuisance from noise.

PART V
—cont.

(3) On and after the appointed day no person shall use or knowingly allow to be used as a site for movable dwellings any land occupied by him and situate in a borough unless he holds in respect of the land so used a licence granted by the borough council under this section.

(4) On and after the appointed day no person shall erect station or retain and use a movable dwelling on any land in a borough unless there is in force in respect of that land a licence granted by the borough council under this section.

(5) Where an application for a licence under this section is made to a borough council the borough council shall be deemed to have granted the licence for a period of three years or for such shorter period as may be specified in the application (as the case may be) but in other respects unconditionally unless within three months from the date of the receipt of the application or within such longer period as may be agreed in writing between the borough council and the applicant the borough council serve notice on him stating that his application is refused or stating the conditions subject to which a licence is granted and any licence deemed to have been granted by virtue of the provisions of this subsection shall have effect as from the expiry of the said period of three months or of such longer period as may have been agreed (as the case may be).

(6) On receipt of an application for a licence under this section the borough council shall forthwith forward a copy of the application to the Council and before notifying the applicant of their decision thereon shall have regard to any written representations made to them by the Council within a period of one month from the receipt by the Council of the copy of the application.

(7) Where a borough council propose to grant an application for a licence under this section (other than an application to which subsection (8) of this section applies) they shall cause notice of the proposal to be published in a local newspaper circulating in the borough and shall also cause a copy of such notice to be published for not less than fourteen days on the land to which the proposal relates and every such notice shall—

(a) specify the land to which the proposal relates; and

(b) notify the date (not being earlier than fourteen days after the date on which the notice is first published) by which any representations in writing objecting to the proposal must be received by the borough council;

PART V
—cont.

and before carrying into effect any proposal of which notice is required to be given under this subsection the borough council shall consider any representations received by them by the date so fixed in that behalf.

(8) A borough council shall not refuse an application for the grant of a licence under this section if the effect of such refusal would be to prohibit any development or require the discontinuance of any use for which planning permission under Part III of the Act of 1947 has already been granted otherwise than by a development order made under that Act but nothing in this subsection shall be deemed to prejudice the power of the borough council to attach to such a licence any such conditions as are mentioned in paragraph (b) of subsection (2) of this section.

(9) An applicant who is aggrieved by the refusal of a borough council to grant him a licence or by any condition attached to a licence granted to him may appeal to a court of summary jurisdiction.

(10) A person who contravenes any of the provisions of this section or fails to comply with any condition attached to a licence granted to him under this section shall be liable to a fine not exceeding ten pounds and to a daily fine not exceeding five pounds.

(11) A borough council after giving not less than twenty-four hours' notice to the occupier of any premises may at all reasonable times enter those premises for the purpose of ascertaining whether any offence has been committed under this section or otherwise for the purpose of the exercise of their functions thereunder.

(12) Before the thirty-first day of October nineteen hundred and fifty-nine every borough council shall cause to be published for two successive weeks in a local newspaper circulating in their borough notice of the general effect of the foregoing provisions of this section.

Savings from
foregoing
section.

23. Nothing in the last foregoing section shall apply to—

- (a) a movable dwelling which is kept by its owner on land occupied by him in connection with his dwelling-house and is used for habitation only by him or by members of his household; or
- (b) a movable dwelling which is kept by its owner on agricultural land occupied by him and is used for human habitation only at certain seasons and only by persons employed on farming or other like operations on that land; or
- (c) a movable dwelling which is temporarily used by persons employed in connection with building or roadmaking operations and is erected or stationed on the site of such operations; or
- (d) a movable dwelling while it is not in use for human habitation and is being kept on premises the occupier

of which permits no movable dwellings to be kept thereon except such as are for the time being not in use for human habitation; or

- (e) a movable dwelling whilst erected or stationed on the site of and used in connection with a pleasure fair within the meaning of subsection (2) of section 68 (Byelaws by sanitary authorities as to pleasure fairs) of the Act of 1939 or any fair held by statute charter royal licence letters patent or ancient custom; or
- (f) a movable dwelling which belongs to a person who is the proprietor of a travelling circus roundabout amusement fair stall or store (not being a pedlar hawker or costermonger) and which—
 - (i) is regularly used by him in the course of travelling for the purpose of his business; and
 - (ii) is for the time being erected or stationed and used by him as his dwelling either on land which is occupied by him or on land the occupier of which has consented in writing to that erection or stationing and use; or
- (g) a movable dwelling temporarily used for the service of the Council or of a borough council or other public authority or any statutory undertakers; or
- (h) a movable dwelling belonging to any statutory undertakers and used by those undertakers for the purposes of their undertaking; or
- (i) a movable dwelling used for recreational or instructional purposes so long as it is so used and is not used as a sole or principal means of human habitation; or
- (j) a canal boat or any other boat bona fide used for navigation; or
- (k) a conveyance used by the British Transport Commission in connection with the maintenance and repair of their undertaking; or
- (l) a shelter provided for the treatment of tuberculosis or used in connection with an open-air school.

24.—(1) In this section—

“ building ” includes a part of a building;

“ refuse storage accommodation ” in relation to a building means reasonable accommodation for the storage of dustbins containing or intended to contain the house refuse arising from the use or occupation of the building together with satisfactory means of access to a street.

Refuse
storage
accommoda-
tion.

(2) Every building to which this section applies shall be provided with refuse storage accommodation approved by the borough

PART V
—cont.

council and in considering as respects any such building whether reasonable accommodation as aforesaid is or is not provided or proposed to be provided regard shall be had to the character and situation of such building.

(3) This section applies to a building in a borough as respects which works of a structural nature for any of the following purposes are begun on or after the first day of April nineteen hundred and sixty (that is to say) for:—

- (a) the erection or rebuilding of the building;
- (b) altering or adapting the building for use for human habitation;
- (c) dividing the building into flats or tenements;
- (d) effecting any change in the use or occupation of the building as a result of which the refuse storage accommodation thereat will be rendered insufficient or unsuitable;
- (e) altering the building in such a manner that the refuse storage accommodation thereat will be rendered insufficient or unsuitable:

Provided that this section shall not apply to any building from which the collection of house refuse is undertaken by or on behalf of the Crown Estate Paving Commissioners.

(4) Where a building to which this section applies is not or (as the case may be) is not proposed to be provided with refuse storage accommodation approved by the borough council the borough council may serve on the owner or occupier thereof a notice requiring him to carry out such works and do such other things as may be necessary to secure that the building is provided with refuse storage accommodation approved by the borough council and the provisions of section 286 of the Act of 1936 shall apply in relation to the notice.

(5) Where there is submitted to a borough council particulars of proposals for the provision of refuse storage accommodation or for the alteration of such accommodation the borough council shall be deemed to have approved such accommodation or alteration unless within two months of the submission of the particulars or within such longer period as may be agreed in writing between the borough council and the applicant the borough council serve notice on him that they refuse to give their approval to the proposals or approve them subject to such modifications or conditions as may be specified in the notice.

(6) Where a borough council refuse to give approval under this section to any proposals for the provision or alteration of refuse storage accommodation or give such approval subject to modifications or conditions they shall state the grounds of their decision and any person aggrieved thereby may appeal to a court of summary jurisdiction.

(7) A borough council after giving not less than twenty-four hours' notice to the occupier of any premises may at all reasonable times enter those premises for the purpose of ascertaining whether the requirements of this section are being complied with.

(8) Nothing in this section shall authorise or require—

(a) the carrying out of any work in contravention of the London Building Acts 1930 to 1939 or any byelaws in force thereunder or of any consent or any term or condition attached to a consent granted under the said Acts or byelaws;

(b) the carrying out of any development within the meaning of the Town and Country Planning Acts 1947 to 1959 otherwise than in accordance with the provisions of those Acts or of any permission or condition attached to a permission granted under or by virtue of those Acts; or

(c) the carrying out of any work in contravention of any byelaw made or having effect as if made by the Council under paragraph (c) of subsection (2) of section 84 or subsection (1) of section 107 of the Act of 1936.

(9) Before the thirty-first day of October nineteen hundred and fifty-nine every borough council shall cause to be published for two successive weeks in a local newspaper circulating in their borough notice of the general effect of the foregoing provisions of this section.

25.—(1) Subject to the provisions of this section a borough council may by notice require the owner or occupier of any inn refreshment house or place of public entertainment in the borough to provide and maintain in a suitable position such number of sanitary conveniences for the use of persons frequenting the premises as may be reasonable.

As to
provision of
sanitary
conveniences
at inns
refreshment
houses etc.

(2) The provisions of section 286 of the Act of 1936 shall apply in relation to notices given under this section.

(3) A borough council after giving not less than twenty-four hours' notice to the occupier of any such premises as are referred to in subsection (1) of this section may at all reasonable times enter those premises for the purpose of the exercise of their functions under this section.

(4) A borough council may enter into and carry into effect an agreement with the owner of any such premises as are referred to in subsection (1) of this section to execute at his expense any works for the provision of sanitary conveniences for the use of persons frequenting those premises and section 8 (As to certain expenses recoverable by sanitary authorities under Act of 1936) of the London County Council (General Powers)

PART V
—cont.

Act 1951 shall have effect in its application to any such agreement as if for the words “ thirty years ” in subsection (2) of that section there were substituted the words “ five years ”.

(5) For the purposes of this section a borough council may include as part of the expenses or cost of executing any work a sum not exceeding five per centum of the cost of carrying out the work in respect of their establishment charges.

(6) Nothing in this section shall apply in relation to any premises being—

- (a) premises in respect of which there is in force a licence granted under the Act of 1751 or the Cinematograph Acts 1909 and 1952; or
- (b) premises which it is for the time being lawful to keep or use for the public performance of stage plays by virtue of letters patent or a licence granted under the Act of 1843; or
- (c) premises in respect of which there is in force a justices’ licence for the sale of intoxicating liquor for consumption on the premises; or
- (d) premises forming part of a railway station.

Compensation for stopping employment to prevent spread of disease.

26. If with a view to preventing the spread of—

- (a) a notifiable infectious disease; or
- (b) a disease as respects which provision is for the time being made in the borough in or by virtue of regulations made under section 143 of the Public Health Act 1936; or
- (c) a disease to which subsection (1) of section 23 of the Food and Drugs Act 1955 applies;

a medical officer of health for a borough requests in writing a person to discontinue his employment the borough council may if they think fit compensate such person for any loss occasioned by his compliance with the request.

Interpretation of Part V.

27. This Part of this Act shall be construed as one with the Act of 1936 and that Act shall have effect as if sections 22 to 25 of this Act were contained in Part III thereof and section 26 of this Act were contained in Part IX thereof.

PART VI

MISCELLANEOUS

Power to lease etc. land for purposes of National Theatre.

28.—(1) The land to which this section applies is the land in the borough of Lambeth shown by pink colour on the plan signed in triplicate by the Right Honourable the Lord Terrington the chairman of the committee of the House of Lords to whom the Bill for this Act was referred one copy of which has been deposited in the office of the Clerk of the Parliaments House of Lords one copy in the Private Bill Office of the House of Commons and one copy with the clerk of the Council being part of the land

laid out and maintained by the Council as a public open space within the meaning of the Open Spaces Act 1906 and commonly known as the Riverside Walk.

PART VI
—cont.

(2) For the purpose of facilitating the erection of a National Theatre on the south bank of the river Thames adjacent to the northern end of the County Hall the land to which this section applies is hereby freed from any trust to allow the use thereof by the public as an open space and the Council may lease or let the said land or grant any easement right or privilege therein thereunder or thereover as if the said land were and always had been part and parcel of the land lying immediately to the east thereof and shown by blue colour on the plan aforesaid:

Provided that nothing in this subsection shall prejudice or affect any right or interest which any person may have in under or over the land to which this section applies otherwise than as a member of the public.

29.—(1) For the removal of doubts it is hereby declared that the Council have and shall be deemed always to have had power to adapt furnish maintain and use the premises in the borough of Shoreditch known as the Geffrye Museum—

Provisions as
to Geffrye
Museum.

- (a) as a museum for the display of furniture and of examples of allied crafts and trades and of domestic arts; and
- (b) for any other purpose mentioned in subsection (2) of section 157 of the London Government Act 1939;

and to acquire by agreement such exhibits as they think fit in connection with the use of those premises for the purposes mentioned in paragraph (a) of this subsection.

(2) For the purposes of extending the Geffrye Museum or otherwise improving the facilities thereof the Council may by agreement acquire (whether by way of purchase lease or exchange) any land in the borough of Shoreditch within the area bounded on the west by Hoxton Street on the north by Nuttall Street and Whiston Road on the east by the railway of the British Transport Commission connecting Shoreditch and Dalston Junction stations and on the south by Old Street and may on any land so acquired carry out such works and erect such buildings or structures as the Council may consider necessary or desirable for the purposes aforesaid.

30.—(1) This section applies to any licence which the Council are empowered to grant or have granted (as the case may be) under or in pursuance of—

Appeals in
connection
with certain
licences for
public enter-
tainment.

- (a) section 2 (Unlicensed places for entertainment deemed disorderly houses) of the Act of 1751;
- (b) the Act of 1843 (which relates (inter alia) to licences in respect of premises kept or used for the public performance of stage plays);

PART VI
—cont.

- (c) section 13 (Provisional licence for new premises) of the Metropolis Management and Building Acts Amendment Act 1878;
- (d) subsection (4) of section 14 (Provisions with respect to music and dancing licences) of the London County Council (General Powers) Act 1915;
- (e) section 17 (Control of public boxing) of the London County Council (General Powers) Act 1930;
- (f) section 3 (Provision as to musical entertainments) of the Sunday Entertainments Act 1932; or
- (g) section 5 (Control of public wrestling) of the London County Council (General Powers) Act 1938.

(2) Where in pursuance of their powers in that behalf the Council—

- (i) refuse to grant renew or transfer a licence to which this section applies; or
- (ii) revoke such a licence; or
- (iii) attach any terms conditions or restrictions to such a licence; or
- (iv) refuse an application made under section 16 (Council may vary conditions attached to licences for stage plays &c.) of the London County Council (General Powers) Act 1923 as respects such a licence;

then notwithstanding anything to the contrary in any enactment the applicant or (as the case may be) the holder of the licence who is aggrieved thereby may appeal to a magistrates' court.

(3) An appeal under this section shall be brought within twenty-one days from the date on which the decision which is the subject of the appeal was notified to the person desiring to appeal and in any case where such an appeal lies the letter or other document notifying to the person concerned the decision of the Council in the matter shall state the right of appeal conferred by this section and the time within which such an appeal may be brought.

(4) Where upon an appeal under this section a magistrates' court varies or reverses any decision of the Council it shall be the duty of the Council to take such action as may be necessary to give effect to the order of that court.

(5) Where a licence to which this section applies is revoked such licence shall be deemed to remain in force during the period within which an appeal under this section may be brought and if such an appeal is brought until the appeal is finally determined abandoned or withdrawn.

Commemorative plaques etc.

31. The Council or the borough council may provide and on any conspicuous part of any house building or place in a borough cause to be put up with the consent of the owner of such house

building or place a commemorative plaque tablet or other sign indicating an event or other matter of public interest in connection with such house building or place or the site thereof and may with the like consent maintain any such plaque tablet or sign or any plaque tablet or sign put up by any person or body (including the Council or a borough council) whether before or after the passing of this Act.

PART VI
—cont.

32.—(1) The powers exercisable by a borough council by virtue of any order for the time being in force under subsection (2) of section 20 of the Restriction of Ribbon Development Act 1935 (which subsection empowers the Minister of Housing and Local Government by order to apply to London the provisions of section 68 of the Public Health Act 1925 as amended by section 16 of the said Act of 1935 relating to the provision of parking places) shall include power to provide and maintain at any parking place provided by them in pursuance of those powers such buildings facilities and apparatus as they think fit for the storage and sale of petroleum and lubricants and for the supply of air and water for vehicles and accordingly the definition of “ parking place ” in subsection (1) of the said section 16 shall in relation to a borough council be construed as including any such buildings facilities and apparatus as aforesaid: Extension of powers of borough councils as to parking places.

Provided that nothing in this section shall—

- (a) empower a borough council themselves to sell petroleum or lubricants;
- (b) authorise the carrying out of any work in contravention of the London Building Acts 1930 to 1939 or any byelaws in force thereunder or of any consent or any term or condition attached to a consent granted under the said Acts or byelaws;
- (c) authorise the carrying out of any development within the meaning of the Town and Country Planning Acts 1947 to 1959 otherwise than in accordance with the provisions of those Acts or of any permission or condition attached to a permission granted under or by virtue of those Acts;
- (d) authorise the establishment of a petroleum filling station otherwise than in accordance with the provisions of section 69 of the London County Council (General Powers) Act 1933 or of any consent or conditional consent granted under that section; or
- (e) authorise the keeping of petroleum spirit otherwise than in accordance with the provisions of the Petroleum (Consolidation) Act 1928 and any licence granted thereunder.

(2) In this section the expression “ petroleum ” has the same meaning as in the said Act of 1928.

PART VII

SUPPLEMENTAL

Judges not
disqualified.

33. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate.

Saving for
town and
country
planning.

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

Crown rights.

35. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular and without prejudice to the generality of the foregoing nothing herein contained authorises the Council or a borough council to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose.

Costs of Act.

36.—(1) Except as otherwise provided in this Act 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 London Government Act 1939 as the Council may decide.

(2) So much of the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in section 21 (Extensions of time for Westminster Council) shall unless otherwise agreed be paid by the Westminster Council.

— — — — —

Table of Statutes referred to in this Act

Short title	Session and chapter
Disorderly Houses Act 1751	25 Geo. 2 c. 36.
Theatres Act 1843	6 & 7 Vict. c. 68.
Lands Clauses Consolidation Act 1845 ...	8 & 9 Vict. c. 18.
Metropolis Management and Building Acts Amendment Act 1878	41 & 42 Vict. c. 32.
Disused Burial Grounds Act 1884	47 & 48 Vict. c. 72.
Open Spaces Act 1906	6 Edw. 7 c. 25.
Cinematograph Act 1909	9 Edw. 7 c. 30.
London County Council (General Powers) Act 1915	5 & 6 Geo. 5 c. ciii.
Acquisition of Land (Assessment of Compen- sation) Act 1919	9 & 10 Geo. 5 c. 57.
London County Council (General Powers) Act 1923	13 & 14 Geo. 5 c. vii.
Public Health Act 1925	15 & 16 Geo. 5 c. 71.
Petroleum (Consolidation) Act 1928	18 & 19 Geo. 5 c. 32.
London County Council (General Powers) Act 1930	20 & 21 Geo. 5 c. clix.
Sunday Entertainments Act 1932	22 & 23 Geo. 5 c. 51.
London County Council (General Powers) Act 1933	23 & 24 Geo. 5 c. xxviii.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.
Public Health Act 1936	26 Geo. 5 & 1 Edw. 8 c. 49.
Public Health (London) Act 1936	26 Geo. 5 & 1 Edw. 8 c. 50.
London County Council (General Powers) Act 1937	1 Edw. 8 & 1 Geo. 6 c. xci.
London County Council (General Powers) Act 1938	1 & 2 Geo. 6 c. xxxviii.
London County Council (Tunnel and Improve- ments) Act 1938	1 & 2 Geo. 6 c. lxxxii.
London Government Act 1939	2 & 3 Geo. 6 c. 40.
London County Council (General Powers) Act 1939	2 & 3 Geo. 6 c. c.
Acquisition of Land (Authorisation Procedure) Act 1946	9 & 10 Geo. 6 c. 49.
Town and Country Planning Act 1947 ...	10 & 11 Geo. 6 c. 51.
London County Council (Improvements) Act 1948	11 & 12 Geo. 6 c. iv.
London County Council (General Powers) Act 1948	11 & 12 Geo. 6 c. liii.
London County Council (General Powers) Act 1951	14 & 15 Geo. 6 c. xli.
Cinematograph Act 1952	15 & 16 Geo. 6 & 1 Eliz. 2 c. 68.
London County Council (General Powers) Act 1954	2 & 3 Eliz. 2 c. xxiv.
Food and Drugs Act 1955	4 & 5 Eliz. 2 c. 16.
London County Council (General Powers) Act 1956	4 & 5 Eliz. 2 c. lxxvii.

Ch. iii

*London County Council
(General Powers) Act, 1959*

7 & 8 ELIZ. 2

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE
Price 1s. 9d. net

PRINTED IN GREAT BRITAIN

London County Council (General Powers) Act, 1959

7 & 8 ELIZ. 2 Ch. lii

ARRANGEMENT OF SECTIONS

PART I PRELIMINARY

Section

1. Short title.
2. Division of Act into Parts.
3. Interpretation.
4. Incorporation of Lands Clauses Acts.

PART II LANDS

5. Power to acquire lands.
6. Correction of errors in deposited plan and book of reference.
7. Power to expedite entry.
8. Power to enter for survey or valuation.
9. Extinction of private rights of way.
10. As to disused burial ground in Hammersmith.

PART III

STORAGE OF CONTAINERS FOR HORTICULTURAL PRODUCE

11. Interpretation of Part III.
12. Acquisition of land.
13. Provision of accommodation and charges therefor.
14. Power to Council to lease and enter into agreements.
15. Certificate of Minister that sufficient storage accommodation is available.
16. Empty containers not to be kept in market area without licence.
17. Power of entry.
18. Council not empowered to trade.

PART IV

EXTENSIONS OF TIME

Section

19. Extension of time for compulsory purchase of lands by Council.
20. Extension of time for completion of works by Council.
21. Extensions of time for Westminster Council.

PART V

PUBLIC HEALTH

22. Control of movable dwellings.
23. Savings from foregoing section.
24. Refuse storage accommodation.
25. As to provision of sanitary conveniences at inns refreshment houses etc.
26. Compensation for stopping employment to prevent spread of disease.
27. Interpretation of Part V.

PART VI

MISCELLANEOUS

28. Power to lease etc. land for purposes of National Theatre.
29. Provisions as to Geffrye Museum.
30. Appeals in connection with certain licences for public entertainment.
31. Commemorative plaques etc.
32. Extension of powers of borough councils as to parking places.

PART VII

SUPPLEMENTAL

33. Judges not disqualified.
34. Saving for town and country planning.
35. Crown rights.
36. Costs of Act.