

# London County Council (General Powers) Act, 1960

8 & 9 ELIZ. 2 Ch. xxix

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## CHAPTER xxix

An Act to confer further powers upon the London County Council and other authorities and for other purposes. [29th July 1960.]

**W**HEREAS—

(1) The times limited by certain enactments for the compulsory purchase of lands and the completion of certain works by the London County Council (hereinafter referred to as “the Council”) will shortly expire and it is expedient that the times so limited should be extended as by this Act provided:

(2) By the Kensington Borough Council (Superannuation) Acts 1907 to 1951 provision is made for the establishment by the council of the royal borough of Kensington (hereinafter referred to as “the Kensington Council”) of a superannuation fund for the benefit of the employees of that council and it is expedient that the said Acts should be amended as by this Act provided:

(3) It is expedient that provision should be made for enabling parts of metropolitan commons in the administrative county of London (hereinafter referred to as “the county”) to be used by the Council for the widening or improvement of streets:

(4) It is expedient that the rating authorities for the Inner Temple and the Middle Temple should in certain eventualities be relieved from liability to contribute to rate-equalisation schemes in the county:

(5) It is expedient that the powers of the Council with respect to the payment of compensation in respect of the death of or an injury to an officer of the Council should be extended as by this Act provided:

(6) It is expedient that provision should be made enabling the Council and metropolitan borough councils to prevent prohibit or limit access by vehicular traffic to or from certain streets:

(7) It is expedient that in the interest of the health of the inhabitants of the county the list of nuisances which may be dealt with summarily under the Public Health (London) Act 1936 should be extended as by this Act provided:

(8) It is expedient that metropolitan borough councils should be empowered to provide and maintain life-saving appliances:

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

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

(11) 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 Kensington Council (as respects the provisions of the Bill relating exclusively to that council) have complied with the requirements of sections 151 and 152 of that Act 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

Short title.      1. This Act may be cited as the London County Council (General Powers) Act 1960.

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

Part I.—Preliminary.

Part II.—Extensions of time.

Part III.—Kensington Borough Council (superannuation).

Part IV.—Miscellaneous and supplemental.

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

PART I  
—cont.

Interpretation.

“ the Act of 1855 ” means the Metropolis Management Act 1855;

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

“ 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;

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

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

(2) 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.

## PART II

### EXTENSIONS OF TIME

4.—(1) The period now limited by the London County Council (General Powers) Act 1957 for the exercise by the Council of powers for the compulsory purchase of lands—

Extension of time for compulsory purchase of lands by Council.

(a) in the borough of Lambeth for the purposes of paragraph (c) of subsection (1) of section 5 (Power to Council to take lands) of the London County Council (General Powers) Act 1937;

(b) in the borough of Wandsworth for the purposes of paragraph (b) of subsection (1) of section 5 (Power to Council to take lands) of the London County Council (General Powers) Act 1939;

(c) in the city of Westminster for the purposes of the London County Council (Improvements) Act 1939; and

(d) in the city of Westminster for the purposes of section 5 (Power to acquire lands) of the said Act of 1957;

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

PART II  
—cont.

(2) Notwithstanding anything in subsection (1) of this section if at any time before the first day of January nineteen hundred and sixty-three 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.

Extension of  
time for  
completion of  
works by  
Council.

5. The period now limited by the London County Council (General Powers) Act 1955 for the exercise of powers conferred by—

- (a) the London County Council (General Powers) Act 1937 for the execution of works in the royal borough of Kensington authorised by that Act;
- (b) the London County Council (Improvements) Act 1939 for the execution of works in the city of Westminster authorised by that Act; and
- (c) the London County Council (General Powers) Act 1948 for the execution of works in the borough of Holborn authorised by that Act;

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

## PART III

## KENSINGTON BOROUGH COUNCIL (SUPERANNUATION)

Interpretation  
of Part III.

6. In this Part of this Act—

- “ the Act of 1907 ” means the Kensington Borough Council (Superannuation) Act 1907;
- “ the Act of 1937 ” means the Local Government Superannuation Act 1937;
- “ the Act of 1953 ” means the Local Government Superannuation Act 1953;

“ contributor ” means a contributor to the fund whether an officer or a servant;

“ the fund ” means the superannuation fund maintained by the Kensington Council under the Kensington Superannuation Acts;

“ the Kensington Superannuation Acts ” means the Kensington Borough Council (Superannuation) Acts 1907 to 1951;

and the expressions “ contributory employee ” “ disqualifying break of service ” “ employment ” “ local Act ” “ local Act contributor ” “ local authority ” “ officer ” and “ remuneration ” have the same meanings as in the Act of 1937.

7.—(1) Where for the efficient discharge of his duties a contributor is required to possess professional or other qualifications and possesses such qualifications which he has not acquired during employment with a local authority the Kensington Council may if application for the purpose is made in accordance with this section consent to the adding of a number of years to his service: Added years under Kensington Superannuation Acts.

Provided that—

(a) this subsection shall not apply to a person—

(i) unless at the time of his first becoming a contributor he had reached the age of twenty-seven years but was not over the age of thirty-five years;

(ii) if on first becoming a contributor he was entitled to reckon as a period of service any period in which he had been employed before reaching the age of twenty-seven years;

(iii) if he became entitled by virtue of a determination made by the Kensington Council under the next following section or by any other local authority under subsection (6) of section 12 of the Act of 1937 or subsection (3) of section 7 of the Act of 1953 or under any corresponding local Act provision to take into account in reckoning his service any period in which he had before reaching the age of twenty-seven years been in the employment of an officer of a local authority;

(b) the number of years added shall not exceed ten years or the number of years by which the age of the contributor at the time of his first becoming a contributor exceeds the age of twenty years whichever is the less.

(2) An application by a contributor under this section shall be made in writing to the Kensington Council—

(a) in the case of a person who is a contributor at the passing of this Act within six months thereafter;

PART III  
—cont.

(b) in any other case within six months after the date on which he first becomes a contributor after the passing of this Act.

(3) Upon the giving of a consent under this section in respect of a contributor the contributor shall be liable to pay to the fund at such intervals as the Kensington Council may determine by way of additional contributions in respect of each year added to his service an amount in respect of all service thereafter up to the age of sixty years equal to such percentage of his remuneration for the time being as would be payable if he were a person to whom regulation 12 of the Local Government Superannuation (Benefits) Regulations 1954 or any enactment amending or replacing the same applied:

Provided that—

(a) if the contributor ceases to hold his employment on the ground that he is in the opinion of the Kensington Council permanently incapable of efficiently discharging his duties by reason of ill-health or infirmity of mind or body or has a disqualifying break of service or dies before reaching the age of sixty years no further sum shall be payable under this subsection;

(b) the Kensington Council may if they think fit reduce by not more than one-third the percentage applicable in the case of the contributor and if they do so the reduction shall operate so long as he remains liable to make payments under this subsection.

(4) If the aggregate of the amount payable by the contributor under the last foregoing subsection by way of additional contributions and the amount payable by him by way of contributions to the fund under the Kensington Superannuation Acts or under any scheme amending or extending those Acts exceeds fifteen per centum of his remuneration he shall satisfy his liability in respect of the excess over fifteen per centum by payment (either in a lump sum or by way of such instalments payable at such times as may be agreed between him and the Kensington Council) of a sum certified by the Government Actuary to represent the capital value of the excess.

(5) Any amount payable by a contributor under subsection (3) of this section shall be recoverable either by deduction from his remuneration or otherwise in like manner and shall be returnable in the like circumstances as if any amounts so payable were such contributions as are referred to in section 12 (Obligation of officers and servants to contribute) of the Act of 1907 and during any period during which by virtue of section 17 (Contributions in certain cases of absence from duty) or section 20 (Reduction of salary etc. not due to absence from duty) of the London County

Council (General Powers) Act 1950 a contributor who suffers a reduction in or suspension of his salary or wages and emoluments continues to contribute to the fund the like amount as if they had not been reduced or suspended the amount payable by the contributor under subsection (3) of this section shall be the amount which would have been so payable if his salary or wages and emoluments had not been reduced or suspended.

(6) A contributor shall be entitled if he complies with the requirements of this section to reckon years added to his service by a consent under this section as years of service:

Provided that—

(a) any years so added shall not be so reckonable—

(i) if the contributor fails to pay any amount payable by him under subsection (3) or subsection (4) of this section; or

(ii) if the contributor leaves the employment of the Kensington Council before the expiration of a period beginning with the giving of the consent equal to one-half of such period as may be specified in the consent and the Kensington Council before a transfer value is paid in respect of the contributor resolve that the years so added shall not be so reckonable and return to him a sum equal to the aggregate of the amounts paid by him under this section; or

(iii) if by virtue of such a determination as is referred to in sub-paragraph (iii) of paragraph (a) of the proviso to subsection (1) of this section made after the Kensington Council have given a consent under this section the contributor becomes entitled to reckon as a period of service of one-half of its actual length any period in which he had been employed before reaching the age of twenty-seven years; or

(iv) for the purpose of determining whether any superannuation benefit is payable to or in respect of a contributor;

(b) any years so added shall not in any circumstances be reckonable as a period of service of one-half of its actual length.

(7) Section 6 (As to officers having special qualifications) of the Act of 1907 is hereby repealed.

8.—(1) Where a person who has been for a continuous period of not less than three years in the employment of an officer of a local authority and engaged wholly or mainly in the performance of duties relating to the functions of that authority becomes a contributor there shall be taken into account in reckoning his Reckoning of indirect service.



PART III  
—cont.

service so much (if any) of that period as the Kensington Council may determine within one year from the date on which he becomes a contributor.

(2) If the following conditions are fulfilled with respect to any person who is a contributor at the date of the passing of this Act (that is to say):—

- (a) that he has been for a continuous period of not less than three years in the employment of an officer of a local authority and engaged wholly or mainly in the performance of duties relating to the functions of that authority; and
- (b) that he has subsequently entered the employment of that or some other local authority; and either
- (c) that the first local authority under whom he became a contributory employee or local Act contributor has not made a determination in pursuance of subsection (6) of section 12 of the Act of 1937 or of a corresponding local Act provision that the whole of the period aforesaid shall be taken into account in reckoning his service; or
- (d) that such a determination has been made but he is a person to whom subsection (2) of section 7 of the Act of 1953 applies;

then the Kensington Council may within one year from the date of the passing of this Act—

- (i) in a case where a determination has been made in pursuance of the said subsection (6) or corresponding local Act provision that part only of that period shall be so taken into account determine that the whole or any additional part of that period shall be so taken into account; or
- (ii) in any other case determine that the whole or any part of that period shall be so taken into account.

(3) Subsection (2) of section 7 of the Act of 1953 and subsection (4) of section 3 of the Local Government Staffs (War Service) Act 1939 shall with any necessary modifications apply for the purposes of the foregoing provisions of this section as they apply for the purposes of subsection (6) of section 12 of the Act of 1937 as if references in the said subsection (2) and the said subsection (4) to the said subsection (6) included references to this section.

(4) Any period taken into account in reckoning the service of a contributor by virtue of a determination made under this section shall for all purposes of the Kensington Superannuation Acts other than those relating to eligibility for superannuation benefits be reckoned as a period of service of one-half of its actual length.

9.—(1) This Part of this Act shall be read and construed as one with the Kensington Superannuation Acts.

PART III

—cont.

Construction  
and citation  
of Part III.

(2) The Kensington Superannuation Acts and this Part of this Act may be cited together as the Kensington Borough Council (Superannuation) Acts 1907 to 1960.

## PART IV

## MISCELLANEOUS AND SUPPLEMENTAL

10.—(1) Notwithstanding section 5 of the Metropolitan Commons Act 1866 the Minister of Agriculture Fisheries and Food (in this section referred to as “the Minister”) may entertain an application by the Council in connection with the widening or improvement by them of any street road or way in the exercise of their powers under section 144 of the Act of 1855 for consent to the inclosure of such portions of any metropolitan common within the meaning of the Metropolitan Commons Acts 1866 to 1898 in the administrative county of London as may be required by the Council for the purpose of such widening or improvement as aforesaid and for purposes incidental thereto and the Minister if he thinks fit may give his consent accordingly.

(2) In any case where the Minister gives his consent to the inclosure of any portion of a metropolitan common for the purposes specified in the last foregoing subsection that portion shall cease for all purposes—

(a) to form part of that common; and

(b) to be subject to any Act or scheme made or established for the local management of that common by the conservators or other body or person charged with the control regulation and management thereof.

(3) Any land given in exchange for land inclosed for the purposes specified in subsection (1) of this section shall be subject to the like rights trusts and incidents as attached to the land so inclosed immediately before such inclosure to the intent—

(a) that the land so given in exchange shall be controlled regulated and managed by the conservators or other body or person charged as aforesaid; and

(b) that any byelaws and regulations made under any Act or scheme made or established as aforesaid shall be enforceable as fully and effectually as if the land so given in exchange formed part and had always formed part of the metropolitan common from which the land inclosed is severed.

PART IV  
—cont.

(4) A plan showing the boundaries of any such portion of a metropolitan common as is mentioned in subsection (2) of this section and of any such land given in exchange therefor as is mentioned in subsection (3) of this section sealed with the seal of the conservators or other body or person charged as aforesaid or if there be no such conservators body or person as aforesaid sealed with the seal of the Council shall be deposited by them with the Minister.

(5) The enactment of the foregoing provisions of this section shall not limit or affect the powers of the Minister the Council or a borough council under section 23 (Use of portions of open spaces for street improvements) of the London County Council (General Powers) Act 1933.

Amendments  
as to rate-  
equalisation  
schemes.

11.—(1) The Minister of Housing and Local Government may—

- (a) by order direct that notwithstanding anything in any other enactment any reference to a rating area or to a rating authority in section 31 (Contributions by rating authorities for purposes of scheme under section 10 of the Local Government Act 1948) of the London County Council (General Powers) Act 1951 shall so long as the order is in force be deemed not to include a reference to the Inner Temple and the Middle Temple or to the sub-treasurer of the Inner Temple and the under-treasurer of the Middle Temple (as the case may be); and

(b) at any time revoke any such order:

Provided that the said Minister shall not make or revoke an order under this subsection except after consultation with the said sub-treasurer and the said under-treasurer and with the Council the common council of the city of London and any body which appears to the said Minister to be representative of the borough councils.

(2) The first order made under paragraph (a) of the foregoing subsection shall be deemed to have come into force on such day not being earlier than the first day of April nineteen hundred and fifty-nine as may be specified in that order.

(3) In subsections (2) and (4) of the said section 31 the words “to borough councils” (wherever those words occur) are hereby repealed.

Power to  
Council to  
vary certain  
compensation  
awards.

12.—(1) Any compensation payable by the Council under section 92 of the Act of 1939 may be paid either—

- (a) by way of a lump sum; or  
(b) by way of periodical payments of such amounts and payable at such times and for such periods as the Council may from time to time determine having regard to all the circumstances of the case.

(2) The powers of the Council under paragraph (b) of the foregoing subsection shall include a power to increase from time to time if they think fit (but not to reduce or discontinue) any compensation payable by them by way of instalments or periodical payments in pursuance of an award made before the passing of this Act under the said section 92 or under the corresponding provisions of any enactment repealed by the Act of 1939:

Provided that nothing in this subsection shall be construed as derogating from any power of the Council to reduce or discontinue an award so made in accordance with any term of or condition attached to that award.

(3) Subsection (2) of the said section 92 is hereby repealed.

13.—(1) Where the Council in the exercise of their powers under section 144 of the Act of 1855 have made widened or improved any street road or way (hereinafter in this section referred to as “the improvement”) the Minister of Transport on the application of the Council or a borough council may from time to time and for the purpose of facilitating the movement of vehicular traffic along or the safety of the public on the route of the improvement authorise the applicant whether the Council or a borough council at or in the vicinity of the junction of any street with the improvement to erect or remove—

Restriction of  
vehicular  
access to and  
from street  
improvements.

(a) barriers for the prevention prohibition or limitation of access by vehicular traffic to or from such route from or to any such street; or

(b) notices prohibiting or limiting such access:

Provided that no barriers or notices shall be erected on or removed from any street outside the administrative county of London under the powers of this section without the consent of the council of the county borough or county district in which the street is situate.

(2) The Council or the borough council concerned (as the case may be) shall give public notice of the making of an application under subsection (1) of this section in such manner as the Minister of Transport may direct.

(3) Any person removing or interfering with any such barrier or removing defacing or failing to comply with any such notice shall be liable on summary conviction to a fine not exceeding five pounds.

(4) In this section the expression “street” has the meaning assigned to it by the Act of 1855.

PART IV  
—cont.  
Dust nuisances.

14. Section 82 of the Public Health (London) Act 1936 shall be read and have effect as if—

(a) at the end of subsection (1) thereof there were added the following paragraph:—

“(e) any dust or other airborne particles caused by any trade business process or manufacture and being a nuisance or injurious or dangerous to health.”;

(b) after subsection (2) thereof there were inserted the following subsections:—

“(2A) Nothing in paragraph (e) of subsection (1) of this section shall render a person punishable in respect of any dust or other airborne particles if the court is satisfied that having regard to cost and to local conditions and circumstances the best practicable means have been taken for preventing or for counter-acting the effect of such dust or airborne particles.

(2B) A sanitary authority or other complainant shall not without the consent of the Minister institute proceedings under this Act in respect of any such nuisance as is mentioned in paragraph (e) of subsection (1) of this section if proceedings in respect thereof might be instituted under the Alkali &c. Works Regulation Act 1906.”

Provision of  
life-saving  
appliances.

15. A borough council may provide and maintain life-saving appliances at such places in the borough (whether places used for bathing or not) as they think fit.

Crown rights.

16. 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 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.

17.—(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 Act of 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 Part III (Kensington Borough Council (superannuation)) of this Act shall unless otherwise agreed be paid by the Kensington Council.

*Table of Statutes referred to in this Act*

Short title	Session and chapter
Metropolis Management Act 1855 ... ..	18 & 19 Vict. c. 120.
Metropolitan Commons Act 1866 ... ..	29 & 30 Vict. c. 122.
Alkali &c. Works Regulation Act 1906 ...	6 Edw. 7 c. 14.
Kensington Borough Council (Superannua- tion) Act 1907	7 Edw. 7 c. xciv.
London County Council (General Powers) Act 1933	23 & 24 Geo. 5 c. xxviii.
Public Health (London) Act 1936 ... ..	26 Geo. 5 & 1 Edw. 8 c. 50.
Local Government Superannuation Act 1937	1 Edw. 8 & 1 Geo. 6 c. 68.
London County Council (General Powers) Act 1937	1 Edw. 8 & 1 Geo. 6 c. xci.
London Government Act 1939 ... ..	2 & 3 Geo. 6 c. 40.
Local Government Staffs (War Service) Act 1939	2 & 3 Geo. 6 c. 94.
London County Council (General Powers) Act 1939	2 & 3 Geo. 6 c. c.
London County Council (Improvements) Act 1939	2 & 3 Geo. 6 c. ci.
Local Government Act 1948 ... ..	11 & 12 Geo. 6 c. 26.
London County Council (General Powers) Act 1948	11 & 12 Geo. 6 c. liii.
London County Council (General Powers) Act 1950	14 Geo. 6 c. xlii.
London County Council (General Powers) Act 1951	14 & 15 Geo. 6 c. xli.
Local Government Superannuation Act 1953	1 & 2 Eliz. 2 c. 25.
London County Council (General Powers) Act 1955	4 & 5 Eliz. 2 c. xxix.
London County Council (General Powers) Act 1957	5 & 6 Eliz. 2 c. xxxv.

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SIR JOHN ROUGHTON SIMPSON, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

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*London County Council  
(General Powers) Act, 1960*

8 & 9 ELIZ. 2

LONDON : PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 1s. 0d. net

PRINTED IN ENGLAND