



CHAPTER xxviii

An Act to authorise the Corporation of London to acquire land and to construct street works for the purposes of Spitalfields Market and to make other provision with respect thereto, and further provision with respect to public health, the London Central Markets and for other purposes.

[19th July, 1961.]

WHEREAS—

(1) The Corporation of London, in their capacity as a local authority, own and manage Spitalfields Market in the metropolitan borough of Stepney and are in process of carrying out certain improvements of the market for the purpose of relieving congestion of traffic therein, and in the vicinity thereof, and of facilitating the business of the market:

(2) It is expedient to empower the Corporation to acquire lands for the purpose of such improvements and to construct street works in connection therewith:

(3) The poultry section of the London Central Markets of the Corporation has been destroyed by fire and the Corporation are desirous of rebuilding the same and, in connection therewith, of carrying out certain improvements of the said section, and it is expedient to confer further powers upon the Corporation with respect to the borrowing of money for the purposes of the London Central Markets:

(4) It is expedient to make new provision with respect to the collection of house refuse and trade refuse in the city, the cleansing of streets and other matters, including provision with respect to byelaws, public safety and police, and that the other provisions contained in this Act should be enacted:

(5) The objects of this Act cannot be attained without the authority of Parliament:

(6) Estimates have been prepared by the Corporation for, and in connection with, the following purposes:—

The construction of the street works
authorised by this Act and works
connected therewith £300,000

(7) Plans and sections showing the lines and levels of the street works authorised by this Act and the lands required, or which may be taken, for the purpose of those works and for the purpose of other improvements of Spitalfields Market, and a book of reference to such plans containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of those lands, were duly deposited in the office of the Clerk of the Parliaments and in the Private Bill Office, House of Commons and with the clerk of the London County Council, the town clerk of the city of London and the town clerk of the metropolitan borough of Stepney, which plans, sections and book of reference are in this Act referred to respectively as the deposited plans, the deposited sections and the deposited book of reference:

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:—

PART I

PRELIMINARY

- Short title. 1. This Act may be cited as the City of London (Various Powers) Act, 1961.
- Division of Act into Parts. 2. This Act is divided into Parts as follows:—
Part I.—Preliminary.
Part II.—Spitalfields Market improvements.
Part III.—Public health.
Part IV.—Miscellaneous.
- Incorporation of Lands Clauses Acts. 3. The Lands Clauses Acts, except sections 127 to 132, 150 and 151 of the Lands Clauses Consolidation Act, 1845, (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with, and form part of, this Act:

Provided that the bond required by section 85 of the Lands Clauses Consolidation Act, 1845, shall be sufficient without the addition of the sureties mentioned in that section.

PART I
—cont.

4.—(1) In this Act, unless there be something in the subject or context repugnant to such construction— Interpretation.

- “ city ” means the city of London;
- “ contravene ” includes fail to comply;
- “ Corporation ” means the mayor and commonalty and citizens of the city acting by the common council;
- “ county council ” means the London County Council;
- “ enactment ” includes an enactment in this Act or in any general or local Act and any order, byelaw, regulation, rule, scheme or other instrument made under any Act for the time being in force within the city;
- “ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act, 1919, by the Lands Tribunal Act, 1949, by the Town and Country Planning Acts, 1947 to 1959, and by this Act;
- “ limits of deviation ” means the limits of deviation for the works authorised by Part II of this Act shown on the deposited plans;
- “ owner ” means, in relation to any premises, the person (other than a mortgagee not in possession) who is for the time being entitled to receive the rack rent payable in respect of the premises, whether for his own benefit or as agent or trustee for another person, or who would be so entitled if the premises were let at a rack rent;
- “ market ” means the Spitalfields Market of the Corporation as from time to time existing;
- “ premises ” includes messuages, buildings, lands, easements and hereditaments of any tenure;
- “ street ” includes any highway, including a highway over any bridge, and any road, lane, footway, square, court, alley or passage, whether a thoroughfare or not;
- “ the magistrates’ court ” means the assistant judge or any additional judge of the Mayor’s and City of London Court at either of the justice rooms of the city;
- “ town clerk ” means the town clerk of the city and includes any person duly appointed to discharge temporarily the duties of that office;

PART I
—cont.

“tribunal” means the tribunal or other authority to which 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.

(2) Except where the context otherwise requires, 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

SPITALFIELDS MARKET IMPROVEMENTS

Power to
acquire lands.

5.—(1) Subject to the provisions of this Act the Corporation may enter upon, take and use such of the lands in the city and in the metropolitan borough of Stepney delineated on the deposited plans and described in the deposited book of reference as may be required for the purpose of the works authorised by this Part of this Act, the improvement and development of frontages and of lands abutting on or adjacent to any street, the carrying out of improvements to Spitalfields Market or for any purpose in connection with the market.

(2) The powers of the Corporation for the compulsory purchase of land under this section shall cease on the first day of October, nineteen hundred and sixty-four.

Stopping up of
streets etc.

6.—(1) The Corporation may stop up the streets and passage in the metropolitan borough of Stepney referred to in the next following table, so far as the same are shown on the deposited plans as intended to be stopped up, and thereupon all public rights of way over the said streets and passage or portions thereof shall be extinguished, and the site and soil thereof shall vest in the Corporation so far as such site and soil shall not be already vested in them:—

Streets or passage	Letters on plans denoting portion to be stopped up
Steward Street	A—B
Fort Street	C—D
Nantes Passage	E—F

(2) No portion of any street or passage shall be stopped up under the powers of this section until the Corporation are in possession of all lands on both sides of such portion, except so

far as the owners, lessees and occupiers of those lands may otherwise agree.

PART II
—cont.

7.—(1) If the deposited plans or the deposited book of reference are inaccurate in their description of any land or in their statement or description of the ownership or occupation of any land, the Corporation, after giving ten days' notice to the owner, lessee and occupier of the land in question, may apply to a metropolitan stipendiary magistrate having jurisdiction in the place where the land is situated for the correction thereof.

Correction of errors in deposited plans 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 and copies thereof in the Private Bill Office, House of Commons and with the clerk of the county council, the town clerk and the town clerk of the metropolitan borough of Stepney with whom a copy of the deposited plans (or of so much thereof as includes the land to which the certificate relates) has been deposited in accordance with the Standing Orders of the Houses of Parliament, or who has the custody of any such copy so deposited, and thereupon the deposited plans and the deposited book of reference shall be deemed to be corrected according to the certificate, and it shall be lawful for the Corporation to take the land in accordance with the certificate.

(4) A person with whom a copy of a certificate is deposited under this section shall keep it with the other documents to which it relates.

(5) In this section reference to a metropolitan stipendiary magistrate shall in the case of land situated in the city be construed as reference to the assistant judge or any additional judge of the Mayor's and City of London Court at either of the justice rooms of the city.

8.—(1) For the purposes of this Part of this Act the following provisions of this section shall have effect in substitution for section 92 of the Lands Clauses Consolidation Act, 1845.

Acquisition of part only of certain properties.

(2) No person shall be required to sell a part only of any house, building or factory if he is willing and able to sell the whole of the house, building or factory, unless the tribunal determines that such part as is proposed to be taken can be taken without material detriment to the house, building or factory.

(3) If the tribunal determines as aforesaid, compensation shall be awarded in respect of any loss due to the severance of the

PART II
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part proposed to be taken, in addition to the value of that part, and thereupon the person interested shall be required to sell to the Corporation that part of the house, building or factory.

Power to expedite entry.

9. At any time after serving a notice to treat in respect of any land which may be acquired compulsorily under this Part of this Act, but not less than three months after giving the owner and occupier of the land notice of their intention to exercise the powers of this section, the Corporation 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:

Provided that the Corporation 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.

Power to enter for survey or valuation.

10. Any person acting on behalf of the Corporation and duly authorised in that behalf may, on producing if required some duly authenticated document showing his authority, at all reasonable times enter on any land which the Corporation are authorised by this Part of this Act to acquire compulsorily for the purpose of surveying or valuing the land:

Provided that no land shall be entered under this section unless the Corporation, not less than seven days before the date of 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 in manner provided by section 9 (Service of notices by Corporation) of the City of London (Various Powers) Act, 1954.

Disregard of recent improvements and interests.

11. In determining any question of disputed compensation or purchase money in respect of land acquired under this Part of this Act, the tribunal shall not take into account—

(a) any improvement or alteration made, or building erected after the fifth day of December, nineteen hundred and sixty; or

(b) any interest in the land created after the said date;

which in the opinion of the tribunal was not reasonably necessary and was made, erected or created with a view to obtaining or increasing the compensation or purchase money.

Extinction of private rights of way.

12.—(1) Any private right of way over any land which may be acquired compulsorily under this Part 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 Corporation compensation to be determined in case of dispute

under, and in accordance with, the Acquisition of Land (Assessment of Compensation) Act, 1919.

PART II
—cont.

13.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or release lands may, if he thinks fit, subject to the provisions of those Acts, grant to the Corporation any easement or right required for the purposes of this Part of this Act in, over or affecting any such lands (not being an easement or right of water in which some person other than the grantor has an interest).

Grant of easements by persons under disability.

(2) The provisions of the said Acts with respect to lands and rentcharges so far as they are applicable shall extend and apply to any such grant, and to any such easement or right, as aforesaid.

14. The power of the Corporation of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners and occupiers of land which may be acquired under this Part of this Act.

Provision of substituted sites.

15.—(1) The Corporation may enter into, and carry into effect, an agreement or arrangement with the owner or occupier of any land acquired under this Part of this Act with respect to his reinstatement elsewhere.

Power to reinstate owners or occupiers of property.

(2) Any such agreement may provide for the exchange of land and for that purpose the Corporation may pay or receive money for equality of exchange.

16. Subject to the provisions of this Act, the Corporation may, within the city and the metropolitan borough of Stepney, make and maintain in the lines or situations shown on the deposited plans and according to the levels shown on the deposited sections the works referred to in this section hereafter described, together with all necessary and proper works and conveniences connected therewith or incidental thereto:—

Power to construct street works.

Work No. 1—A road widening on both sides of Brushfield Street between its junction with Crispin Street in the metropolitan borough of Stepney and a point in the city eighty feet, or thereabouts, westward of the junction of Brushfield Street with Fort Street;

Work No. 2—A new market road commencing by a junction with the road widening (Work No. 1) at a point forty-six feet, or thereabouts, north-westward of the said junction of Brushfield Street with Fort Street and terminating by a junction with Steward Street at a point twenty-four feet, or thereabouts, northward from the junction of Fort Street with Steward Street.

PART II
—cont.

Period for
completion of
works.

17. Subject to the provisions of this Act, if Works Nos. 1 and 2 authorised by this Part of this Act are not completed within ten years from the first day of October, nineteen hundred and sixty-one, then, on the expiration of that period, the powers granted by this Act to the Corporation for making and completing the said works, or otherwise in relation thereto, shall cease, except as to so much thereof as is then completed:

Provided that nothing in this section shall prejudice or affect the powers of the Corporation to maintain, use, extend, enlarge, alter, replace or relay the said Work No. 2 at any time and from time to time as occasion may require.

Limits of
deviation.

18. In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally from the lines or situations thereof as shown on the deposited plans to any extent not exceeding the limits of deviation and from the levels thereof as shown on the deposited sections to any extent not exceeding five feet upwards or downwards.

Land laid into
streets to form
part thereof.

19.—(1) All lands acquired by the Corporation under this Part of this Act and laid into or appropriated as part of any street shall form part of that street and shall be maintained and repaired in all respects as the rest of that street is for the time being by law maintained and repaired.

(2) The provisions of this section shall not apply in relation to the new market road (Work No. 2) or any works constructed as part of, or in connection with, or for the purposes of, that work, except as to so much thereof as is constructed in Steward Street.

Subsidiary
street works.

20.—(1) Within the limits of deviation the Corporation, in connection with, or for the purposes of Works Nos. 1 and 2 authorised by this Part of this Act, may—

- (a) make junctions and communications with any existing streets which may be intersected, or interfered with, by, or be contiguous with, those works or either of them;
- (b) make diversions, widenings or alterations of lines or levels of any existing streets for the purpose of connecting the same with those works, or either of them;
- (c) stop up so much of any streets as shall be rendered unnecessary by the exercise of the powers of this Act;
- (d) construct and provide carriageways, footways, vaults, cellars, arches, sewers, drains and other works and conveniences;
- (e) execute any works for the protection of any adjoining land or buildings;

(f) remove, alter, divert, arch over or stop up any drain, sewer, channel or watercourse, the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer, or water in any channel or watercourse; and

(g) raise, sink or otherwise alter the position of any of the steps, areas, cellars, windows, walls, doors and pipes or spouts belonging to any house or building, and remove all other obstructions.

(2) Any sewers, drains and works (hereafter in this subsection called "apparatus") rendered unnecessary by the substitution of other apparatus therefor shall vest in the Corporation, and the substituted apparatus shall be under the same jurisdiction, care, management and direction as the existing apparatus for which it may be so substituted.

(3) In the exercise of the powers conferred by this section the Corporation shall cause as little detriment and inconvenience as circumstances admit to any person, and shall make reasonable compensation for any damage caused to any person by the exercise of such powers.

(4) Any question of disputed compensation payable under the foregoing provisions of this section shall be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

21. There shall be, by virtue of this Part of this Act, vested in the Corporation—

Vesting and disposal of materials.

(a) all lamp-posts, paving, metalling and other materials in, over or under any street, or part of a street, stopped up, altered or diverted under the powers of this Part of this Act; and

(b) all materials obtained in the alteration of, or interference with, any street, sewer or drain in connection with the works authorised by this Part of this Act;

and the Corporation may appropriate and use, or sell or dispose of the same, or any of them:

Provided that the Corporation shall not under the powers of this section sell or dispose of any matter or thing if any person other than the Corporation proves to the reasonable satisfaction of the Corporation that he is the owner thereof.

22.—(1) Subject to the provisions of this Act, the Corporation may, for the purposes of, and during the construction of, the works authorised by this Part of this Act, stop up, open, break up and interfere with, alter or divert temporarily all, or any part of, the carriageway or footway of any street, or part of a street, within the limits of deviation, and may execute and do all necessary works and things for, or in connection with, such stopping up, opening, breaking up, interference, alteration or diversion and

Power to stop up ways temporarily.

PART II
—cont.

for keeping such carriageway or footway open for traffic, and may remove or alter any monuments, drinking fountains, lamp-posts, street refuges, posts and other erections within the limits of deviation.

(2) The Corporation 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.

Regulation
of traffic
in market.

23.—(1) Any officer duly authorised by the Corporation to regulate traffic in the market (on production if required of his authority) may give directions as to the movement or stopping of any vehicle in the market, not being on a public highway.

(2) If the driver of any vehicle in the market, not being on a public highway, fails to comply with a direction given under the provisions of subsection (1) of this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

(3) Nothing in this section shall prejudice or affect the power of the Corporation to make byelaws under section 16 (Power to make byelaws &c.) of the City of London (Spitalfields Market) Act, 1902, or any byelaws so made.

Amendment of
section 6 of
City of London
(Various
Powers) Act,
1960.

24. Section 6 (Stopping up of street) of the City of London (Various Powers) Act, 1960, shall have effect as if, in subsection (2) thereof, the word “ owners ” were omitted.

For protection
of Postmaster-
General.

25.—(1) Unless otherwise agreed in writing between the Corporation and the Postmaster-General—

(a) the provisions of the Public Utilities Street Works Act, 1950, shall apply and have effect in relation to any of the works authorised by this Act to which, apart from this subsection, those provisions would not apply, as if those works were mentioned in paragraph (a) of subsection (1) of section 21 of that Act;

(b) for the purposes of the application of the provisions of the said Act of 1950 in relation to any of the works authorised by this Act, the said Act of 1950 shall have effect—

(i) so as to impose on the Corporation an obligation before commencing any of the said works to give notice to the Postmaster-General under paragraph 2 of the Fourth Schedule to that Act, together with plans, sections and particulars of the works to be commenced; and

(ii) as if accordingly the words in parenthesis in paragraph 3 of the said schedule relating to a road alteration were omitted from the paragraph.

(2) If in pursuance of section 6 (Stopping up of streets etc.) or section 20 (Subsidiary street works) of this Act the Corporation stop up any street or passage or part of a street or passage, the following provisions of this subsection shall, unless otherwise agreed in writing between the Corporation and the Postmaster-General, have effect in relation to so much of any telegraphic line belonging to or used by the Postmaster-General as is under, in, upon, over, along or across the land which, by reason of the stopping up, ceases to be a highway (in this subsection referred to as "the affected line") that is to say—

- (a) The power of the Postmaster-General to remove the affected line shall be exercisable notwithstanding the stopping up, so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of three months from the date of the sending of the notice referred to in subsection (3) of this section unless, before the expiration of that period, the Postmaster-General has given notice to the Corporation of his intention to remove the affected line or that part thereof, as the case may be;
- (b) The Postmaster-General may by notice in that behalf to the Corporation abandon the affected line or any part thereof and shall be deemed, as respects the affected line or any part thereof, to have abandoned it at the expiration of the said period of three months unless before the expiration of that period he has removed it or given notice of his intention to remove it;
- (c) The Postmaster-General shall be entitled to recover from the Corporation the expense of providing, in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line, a telegraphic line in such other place as he may require;
- (d) Where under paragraph (b) of this subsection the Postmaster-General has abandoned the whole or any part of the affected line, it shall vest in the Corporation and the provisions of the Telegraph Acts, 1863 to 1954, shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(3) As soon as practicable after any such stopping up as is referred to in subsection (2) of this section the Corporation shall send by post to the Postmaster-General a notice informing him of such stopping up.

(4) The exercise by the Corporation of the powers conferred by section 22 (Power to stop up ways temporarily) of this Act

PART II:
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in relation to any street or part of a street shall not prejudice or affect the right of the Postmaster-General—

- (a) to maintain, inspect, repair, renew or remove any telegraphic line belonging to or used by him which, at the time of the stopping up, was under, in, upon, over, along or across that street; or
- (b) for the purpose of such maintenance, inspection, repair, renewal or removal, to enter upon or break open that street.

(5) In this section “telegraphic line” has the same meaning as in the Telegraph Act, 1878.

For protection
of London
County
Council.

26. For the protection of the county council the following provisions shall, unless otherwise agreed in writing between the Corporation and the county council, apply and have effect:—

- (1) In this section, unless the subject or context otherwise requires—

“the county council’s engineer” means the chief engineer of the county council or other officer duly authorised to exercise the functions of that officer;

“the sewer” means the Nightingale Lane Sewer (main line) of the county council and shall be deemed to include the Brushfield Street unfiltered water main situated beneath Brushfield Street in the city and in the metropolitan borough of Stepney, laid by the county council pursuant to a scheme approved by the Secretary of State under section 58 of the Civil Defence Act, 1939;

“the specified works” means so much of the road widening (Work No. 1) authorised by this Act as will or may pass over, under or by the side of, or interfere with, the sewer:

- (2) The Corporation shall not commence the construction of any of the specified works until they shall have given to the county council twenty-eight days’ notice in writing of their intention to commence the same by leaving such notice at the principal office of the county council with plans as described in paragraph (9) of this section (in this section referred to as “the said plans”), and until the county council shall have signified their approval of the same (unless the county council do not signify their approval, disapproval or other directions within twenty-eight days after service of the said plans):
- (3) The Corporation shall comply with, and conform to, all reasonable orders, directions and regulations of the county council in the execution of the specified works

and shall provide new, altered or substituted works in such manner as the county council shall reasonably require for the proper protection of, and for preventing injury or impediment to, the sewer by reason of the specified works and shall save harmless the county council against all expenses to be occasioned thereby:

- (4) All such new, altered or substituted works shall where reasonably so required by the county council be done by, or under the direction, superintendence and control of, the county council's engineer at the cost in all respects of the Corporation, and all costs, charges and expenses which the county council may reasonably incur by reason of such works, whether in the execution of works, the preparation or examination of plans, or designs, superintendence or otherwise, shall be paid to the county council by the Corporation:
- (5) When any such new, altered or substituted works, or any protective works connected therewith, shall be completed by, or at the cost of, the Corporation under the provisions of this section, the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the county council as any sewers now or hereafter may be:
- (6) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested, or to be vested, in the county council in relation to sewers but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:
- (7) The county council may require the Corporation, in constructing the specified works, to make any reasonable deviation within the limits of deviation for such works, from the line or level thereof shown upon the said plans for the purpose of avoiding injury or risk of injury to the sewer, and the Corporation shall, in constructing such works, deviate from the line or level thereof in accordance with any such reasonable requirement of the county council:
- (8) The county council's engineer may from time to time enter upon and inspect any works of the Corporation constructed under this Act under, or in the neighbourhood of, any street or road or part of a street or road in or under which the sewer is situated and any works which under the provisions of this section are required

PART II
—cont.

to be constructed in accordance with plans, sections and specifications approved by the county council:

- (9) The plans to be submitted to the county council for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, the said works are proposed to be constructed and shall accurately describe the position of the sewer within the limits of deviation of the specified works (for which purpose the county council shall allow the Corporation access to plans in their possession and to the sewer in order to enable the Corporation to obtain reliable information) and shall comprise detailed drawings of every alteration which the Corporation may propose to make in the sewer:
- (10) The county council may require such modifications to be made in the said plans as may be reasonably necessary to secure the London main drainage system against interference or risk of damage and to provide and secure a proper and convenient means of access to the sewer:
- (11) The Corporation shall be liable to make good all injury or damage caused by, or resulting from, the construction of the specified works to the sewer or to any drains or works vested in the county council:
- (12) The approval by the county council of any plans, or the superintendence by them of any work, under the provisions of this section shall not exonerate the Corporation from any liability or affect any claim for damages under this section or otherwise:
- (13) If the Corporation, in the construction of any of the specified works, alter, damage or in any way interfere with any sewer of the county council the Corporation shall—
 - (a) from time to time pay to the county council any additional cost to which the county council may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the construction of the specified works; and
 - (b) give to the county council full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof.

27. For the protection of the statutory undertakers the following provisions shall, unless otherwise agreed in writing between the Corporation and the statutory undertakers concerned, apply and have effect:—

PART II
—cont.
For protection
of certain
statutory
undertakers.

(1) In this section, unless the subject or context otherwise requires—

“ Act of 1950 ” means the Public Utilities Street Works Act, 1950;

“ apparatus ” means—

(a) electric lines or works (as respectively defined in the Electric Lighting Act, 1882) belonging to, or maintained by, the Central Electricity Generating Board and the London Electricity Board;

(b) mains, pipes, valves, syphons, stopcocks or other works or apparatus belonging to, or maintained by, the North Thames Gas Board; or

(c) mains, pipes, valves, hydrants, stopcocks or other works or apparatus belonging to, or maintained by, the Metropolitan Water Board;

and includes any works constructed for the lodging therein of apparatus;

“ in ” in a context referring to apparatus includes under, over, across, along or upon;

“ position ” includes depth;

“ statutory undertakers ” means—

the Central Electricity Generating Board;

the London Electricity Board;

the North Thames Gas Board; and

the Metropolitan Water Board;

or any of them, and in relation to any apparatus means the statutory undertakers to whom the apparatus belongs or by whom the apparatus is maintained, and in relation to the supply of electricity, gas or water means the statutory undertakers by whom the supply is provided:

(2) Notwithstanding anything in this Act or shown on the deposited plans or contained in the deposited book of reference, the Corporation shall not under the powers of this Act acquire any apparatus compulsorily:

(3) (a) The provisions of the Act of 1950 shall apply and have effect in relation to the construction of the new market road (Work No. 2) authorised by this Act as if that work were mentioned in paragraph (a) of subsection (1) of section 21 of the Act of 1950;

PART II
—cont.

(b) For the purposes of the application of the provisions of the Act of 1950 in relation to the construction of any of the works authorised by this Act, the Act of 1950 shall have effect—

(i) so as to impose on the Corporation an obligation before commencing that work to give notice to the statutory undertakers under paragraph 2 of the Fourth Schedule to the Act of 1950 together with plans, sections and particulars of that work; and

(ii) as if accordingly the words in parenthesis in paragraph 3 of the said schedule relating to a road alteration were omitted from that paragraph:

(4) (a) Notwithstanding the stopping up of any street or passage, or portion of a street or passage, under the powers of this Part of this Act the statutory undertakers shall have the same powers and rights in respect of any apparatus in the street or passage or portion so stopped up as if this Part of this Act had not been enacted, or the statutory undertakers may, and, if reasonably required so to do by the Corporation in accordance with the following provisions of this paragraph shall—

(i) remove the apparatus and place it or other apparatus provided in substitution for it in such other position as the statutory undertakers may reasonably determine and have power to place it; or

(ii) provide other apparatus in substitution for the existing apparatus and place it in such position as aforesaid,

or, at the option of the statutory undertakers, they may abandon the apparatus:

Provided that nothing in this sub-paragraph shall affect the rights and duties of the Corporation and the statutory undertakers under the provisions of the Act of 1950 with respect to any apparatus affected by the construction of the new market road (Work No. 2) authorised by this Act situated in the portion of Fort Street in the metropolitan borough of Stepney which may be stopped up under the powers of this Part of this Act;

(b) If the Corporation require the removal of any apparatus under the last foregoing sub-paragraph and give to the statutory undertakers written notice of their requirement, the statutory undertakers, unless within fourteen days after the receipt of that notice they shall have given a counter-notice to the Corporation of their intention to abandon the apparatus, shall proceed with all diligence to remove the apparatus and to provide, construct or lay down such alternative apparatus (if any) as may be adequate to enable the statutory undertakers to fulfil

their statutory functions with regard to the supply of electricity, gas or water and, if the statutory undertakers do not complete the removal of the apparatus within such period as may be reasonably specified in the notice served upon them, the statutory undertakers shall be deemed to have abandoned the apparatus;

- (c) The Corporation shall afford to the statutory undertakers, without payment, all such facilities of access to any apparatus and to all or any lands for the time being belonging to the Corporation as may be reasonably necessary to enable the statutory undertakers to comply with their obligations under sub-paragraph (b) of this paragraph;
- (d) The Corporation shall repay to the statutory undertakers the reasonable costs incurred by them in, or in connection with, the removal of any apparatus and the provision and construction or laying down of alternative apparatus under this paragraph less the value of any apparatus so removed (such value being calculated after removal) and the reasonable costs of and incidental to—
- (i) the cutting off of any apparatus from any other apparatus; and
 - (ii) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in sub-paragraph (a) or sub-paragraph (b) of this paragraph:

Provided that—

(i) if the statutory undertakers provide and construct or lay down alternative apparatus of a better type or of a greater capacity than the apparatus for which the alternative apparatus is substituted they shall bear such proportion of the costs of providing and constructing or laying down such alternative apparatus as represents the amount by which such costs exceed the costs which would have been incurred if the type or capacity of the alternative apparatus had been the same as those of the apparatus for which the alternative apparatus is substituted; and

(ii) if the statutory undertakers provide and construct or lay down alternative apparatus in substitution for existing apparatus constructed or laid more than seven and a half years earlier, so as to confer upon the statutory undertakers any financial benefit by deferment of the time for renewal of the existing apparatus in the ordinary course, the costs to be paid to the statutory undertakers under this sub-paragraph shall be reduced by the amount which represents that benefit:

PART II
—cont.

- (5) In exercising the powers of section 20 (Subsidiary street works) of this Act the Corporation shall cause as little inconvenience in relation to access by the statutory undertakers to apparatus as the circumstances of the case will admit:
- (6) The temporary stopping up, alteration or diversion of the whole or any part of the carriageway or footway of any street, or part of a street, under the powers of section 22 (Power to stop up ways temporarily) of this Act shall not prejudice or affect any right of the statutory undertakers—
- (a) to maintain, operate, inspect, repair, renew or remove any apparatus which at the time of the stopping up, alteration or diversion is in the carriageway or footway or part thereof, as the case may be; or
- (b) for the purpose of such maintenance, operation, inspection, repair, renewal or removal, to enter upon, break open or carry out works in the carriageway or footway, or part thereof, as the case may be:
- (7) If any apparatus is abandoned or deemed to be abandoned under this section or if, by reason or in consequence of the stopping up of any part of any street or passage (other than Fort Street in the metropolitan borough of Stepney) under the powers of this Part of this Act, any apparatus is rendered derelict or redundant, the Corporation shall repay to the statutory undertakers the reasonable costs incurred by the statutory undertakers in, or in connection with the cutting off from any other apparatus of the apparatus so abandoned or rendered derelict or redundant:
- (8) Nothing in section 36 (Driving of vehicles on footpaths etc. for street cleansing etc.) of this Act shall relieve the Corporation from liability for damage caused by them to any apparatus in a footway or paved area in the exercise of the powers of that section:
- (9) Any difference which may arise between the Corporation and the statutory undertakers under this section (other than a difference as to the meaning or construction of this section) shall be referred to and determined by an arbitrator to be agreed upon between the parties or, in default of 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.

PART III
PUBLIC HEALTH

28. This Part of this Act shall come into operation on the appointed day.

Commence-
ment of Part
III of Act.

29. In this Part of this Act, unless there be something in the subject or context repugnant to such construction—

Interpretation
for Part III
of Act.

“appointed day” means the first day of January, nineteen hundred and sixty-two;

“Commissioner of Police” means the Commissioner of Police for the city;

“dustbin” means a movable receptacle, for the deposit of refuse;

“house refuse” means dust, ashes, cinders, breeze, rubbish, or filth but does not include trade refuse;

“street refuse” means dust, dirt, rubbish, mud, road scrapings, ice, snow or filth;

“trade refuse” means the refuse of any trade, manufacture or business or of any building materials.

30.—(1) The Corporation may by notice require the owner or occupier of any premises within the city to provide such number of covered dustbins for the reception of house refuse or trade refuse of such material, size and construction as the Corporation may approve:

Receptacles
for refuse.

Provided that this subsection shall not entitle the Corporation to require the replacement of any dustbin in use on the appointed day so long as it is of suitable material, size and construction and properly covered and in proper condition.

(2) Any person aggrieved by a requirement of the Corporation under subsection (1) of this section may appeal to the magistrates' court.

(3) Where an appeal is brought under subsection (2) of this section in respect of a notice requiring one of two persons who are respectively the owner and the occupier of premises to provide a dustbin, and the grounds upon which the appeal is brought include the ground that it was not equitable that the notice should have been served on the appellant—

(a) the appellant shall serve a copy of his notice of appeal on the other of the two said persons; and

(b) on the hearing of the appeal the court may make such order as it thinks fit with respect to compliance with the first-mentioned notice either by the appellant or by the said other person;

and in exercising its powers under this subsection the court shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of the tenancy of the premises concerned.

PART III
—cont.

(4) Subject to such right of appeal as aforesaid and (where any such appeal as aforesaid is brought) to any order made by the court, if a person fails to comply with a notice under subsection (1) of this section, or fails to maintain in good order and condition any dustbin which under that subsection he has been required to provide, or fails to replace any such dustbin when worn out by a new dustbin of a material, size and construction approved by the Corporation, the Corporation may provide such dustbin, or such new dustbin, as may be required and may recover the expenses reasonably incurred by them in so doing from the person in default, and, without prejudice to the right of the Corporation to exercise that power, he shall be liable to a fine not exceeding five pounds.

(5) Instead of requiring the owners or occupiers of premises to provide and maintain dustbins for the reception of house refuse or trade refuse under this section, the Corporation may, in the exercise of their powers under subsections (1) to (4) of section 11 (Power to sanitary authority to provide dustbins) of the London County Council (General Powers) Act, 1954, as respects any premises, themselves provide and maintain such dustbins as are referred to in that section.

Arrangements
for disposal of
refuse.

31.—(1) For the purpose of facilitating the collection and removal of house refuse and trade refuse the Corporation may, by notice, require the occupier of any premises in the city from which any house refuse or trade refuse is to be collected and removed by the Corporation to place any dustbins containing such refuse in such position (being a position within the curtilage of the premises at, in or near to a means of access from the premises to a street or, if necessary in the case of any premises, in a street) on such days and at such times as may be specified in the notice:

Provided that, where in the case of any premises the Corporation are satisfied after inquiry that the owner thereof and not the occupier is, as between those two persons, responsible for the placing of dustbins for the collection by the Corporation of refuse, they may serve notice under this subsection upon the owner of the premises.

(2) If a person fails to comply with a notice under subsection (1) of this section, he shall be liable to a fine not exceeding five pounds:

Provided that in any proceedings under this subsection it shall be a defence to show that any requirement specified in the notice affecting the defendant was unreasonable and it shall be open to the defendant to question the reasonableness of the Corporation's decision to address the notice to him and not to the owner or, as the case may be, the occupier of the premises.

(3) The giving of a notice by the Corporation under subsection (1) of this section specifying a time for the collection and removal

of house refuse shall be compliance with the obligation imposed upon the Corporation by paragraph (a) of subsection (1) of section 87 of the Public Health (London) Act, 1936, to give notice of the times appointed for the removal, cleansing and emptying of dustbins, and the provisions of paragraph (b) of the said subsection (1) relating to the removal of house refuse shall apply, in relation to any such notice given by the Corporation under this section, as if it were a notice given under the said paragraph (a).

(4) Notwithstanding the repeal by this Act of section 4 (As to removal of house refuse) of the City of London (Public Health) Act, 1902, the provisions of the said section and of any byelaws made thereunder shall continue to apply in relation to any premises until such time as the Corporation give notice under subsection (1) of this section in relation to those premises.

32.—(1) In this section “ refuse disposal facilities ” in relation to a building or part of a building means accommodation for the storage of dustbins containing or intended to contain refuse, or other facilities for the collection and removal of refuse, together with means of access to a street.

Refuse disposal facilities.

(2) Every building or part of a building to which this section applies shall be provided with such refuse disposal facilities as may be reasonably approved by the Corporation and, in considering as respects any building or part thereof whether reasonable refuse disposal facilities are, or are not, provided, or proposed to be provided, regard shall be had to the character and situation of that building or part as the case may be.

(3) This section applies to a building or a part of a building in the city as respects which works of a structural nature for any of the following purposes are begun on or after the appointed day, that is to say, for:—

- (a) the erection or rebuilding of that building or that part (as the case may be);
- (b) the making of any alteration or adaptation of that building or that part (as the case may be) or the effecting of any change in the use or occupation thereof in consequence of which alteration, adaptation or change of use or occupation existing refuse disposal facilities serving that building or that part will be rendered insufficient or unsuitable or new refuse disposal facilities will be required to serve that building or that part.

(4) Where a building or part of a building to which this section applies is not, or (as the case may be) is not proposed to be, provided with such refuse disposal facilities as may be reasonably approved by the Corporation, the Corporation 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

PART III
—cont.

that that building or that part (as the case may be) is provided with such facilities as aforesaid and the provisions of section 46 (Provisions as to appeals against, and enforcement of, certain notices) of this Act shall apply in relation to the notice.

(5) (a) Where there is submitted to the Corporation particulars of proposals for the provision of refuse disposal facilities or for the alteration of such facilities, the Corporation shall be deemed to have approved such facilities 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 Corporation and the applicant, the Corporation 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.

(b) Where the Corporation refuse to give approval under this subsection to any proposals for the provision or alteration of refuse disposal facilities, 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 the magistrates' court.

(6) The Corporation, 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.

(7) 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.

Restriction on
use of
dustbins etc.

33.—(1) No person shall—

- (a) deposit in a dustbin or other receptacle, whether movable or not, for removal by, or on behalf of, the Corporation, as house refuse, any refuse of a liquid character (unless in securely closed metal containers), or any refuse which is not house refuse; or
- (b) use any dustbin provided by the Corporation (being a dustbin so provided for the removal of house refuse) for any purpose other than the deposit of refuse for removal by, or on behalf of, the Corporation.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding five pounds.

34.—(1) No person shall deposit in a dustbin or other receptacle, whether movable or not, for removal by, or on behalf of, the Corporation, whether as house refuse or trade refuse any, or any part of any, fluorescent tubes, cathode ray tubes or corrosive substances or inflammable liquids (whether in containers or not), or any fur waste which is trade refuse, or any similar matter in such a state or condition that injury to the health of the Corporation's employees may be caused thereby without giving warning to the employees of the Corporation at the time of the collection of the refuse of the nature of the matter so deposited for removal.

PART III
—cont.
Deposit of
dangerous
matter in
dustbins etc.

(2) If any person contravenes the provisions of this section, he shall be liable to a fine not exceeding five pounds:

Provided that in any proceedings under this subsection it shall be a defence to show that the defendant had not received notice of the provisions of this section.

35. All house refuse, trade refuse and street refuse collected by, or on behalf of, the Corporation shall be the property of the Corporation who may sell and dispose of it as they think proper, and the person purchasing the refuse may, notwithstanding anything in subsection (1) of section 91 of the Public Health (London) Act, 1936, take, carry away and dispose of the refuse for his own purposes.

Disposal of
refuse.

36.—(1) (a) Notwithstanding anything in any other enactment, it shall be lawful for a vehicle referred to in paragraph (b) of this subsection, when used between the hours of nine p.m. and seven a.m. in any period of twenty-four hours by, or on behalf of, the Corporation, for any of the purposes specified in the said paragraph (b) in relation to that vehicle, to be driven over or along any footway or paved area in the city at a speed not exceeding ten miles per hour.

Driving of
vehicles on
footpaths etc.
for street
cleansing etc.

(b) The vehicles and purposes hereinbefore in this subsection referred to are the following:—

- (i) any mechanically propelled road or footpath cleansing vehicle, for the purpose of cleansing any street;
- (ii) any vehicle, for the purpose of the reception of street refuse;
- (iii) any vehicle, for the purpose of street gritting or salting or the clearing of snow from streets; and
- (iv) any tower wagon or similar vehicle, for the purpose of the cleansing, repair or maintenance of overhead street lighting apparatus;

not being in any case a vehicle any wheel of which, when the vehicle is at rest upon a level surface, transmits to such surface a weight exceeding ten hundredweight.

PART III
—cont.

(c) Notwithstanding anything in paragraph (a) of this subsection, a vehicle shall not be driven over or along any footway or paved area the surface of which is maintainable by any person other than the Corporation or which is supported by a work maintainable by any person other than the Corporation without the consent of that person.

(2) (a) Subject to the approval of the Commissioner of Police and to compliance with any conditions which he may make for securing the safety of the public, the provisions of any regulation made, or having effect as being made, under the Road Traffic Act, 1960, or the Road Traffic and Roads Improvement Act, 1960, prohibiting the driving of vehicles on any specified road in the city otherwise than in a specified direction, and the provisions of any enactment applicable to the direction to be followed by vehicles using roads provided with dual carriageways, shall not apply to a vehicle referred to in paragraph (b) of this subsection, when used between the hours of nine p.m. and seven a.m. in any period of twenty-four hours by, or on behalf of, the Corporation, for any of the purposes specified in the said paragraph (b) in relation to that vehicle.

(b) The vehicles and purposes hereinbefore in this subsection referred to are the following:—

- (i) any mechanically propelled road cleansing vehicle, for the purpose of cleansing any street or the emptying and cleansing of gulleys or drains in any street;
- (ii) any vehicle, for the purpose of street gritting or salting or the clearing of snow from streets; and
- (iii) any vehicle, for the purpose of the collection of refuse.

(3) (a) Notwithstanding anything in any other enactment, but subject to the approval of the Commissioner of Police, it shall be lawful for a mechanically propelled footpath cleansing vehicle, when used between the hours of seven a.m. and nine p.m. on any day, by, or on behalf of, the Corporation, to be driven over or along any high level footway in the city at a speed not exceeding ten miles per hour for the purpose of cleansing such footway.

(b) In this subsection the expression “high level footway” means a highway maintainable by the Corporation situated above ground level over which the public have a right of way on foot only other than such a highway at the side of a public road, and includes bridges, ramps, stairways and any means of access, whether or not above ground level, provided for the purposes of, or in connection with, any such highway.

Repeal and
amendment of
enactments
relating to
Part III
of Act.

37.—(1) The enactments specified in Part I of the schedule to this Act are hereby repealed, to the extent specified in the third column of that Part of that schedule.

(2) The enactments specified in Part II of the schedule to this Act shall, to the extent specified in the third column of that Part of that schedule, cease to have effect in relation to the city and the Corporation.

(3) In its application to the city, section 112 of the Public Health (London) Act, 1936, shall have effect as if, in subsection (1) thereof—

(i) for the words “movable ashpit” there were substituted the words “dustbin or other suitable receptacle for refuse”;

(ii) after the words “or order made” there were inserted the words “or any notice given”.

38. The places known as the Inner Temple and the Middle Temple shall be exempt from the operation of this Part of this Act.

For protection
of Inner and
Middle
Temples.

PART IV

MISCELLANEOUS

39.—(1) The Corporation may make byelaws for the good rule and government of the whole, or any part, of the city and for the suppression of nuisances therein:

Byelaws for
good rule and
government
and
suppression
of nuisances.

Provided that any byelaw so made by the Corporation shall not be inconsistent with any byelaw made by the county council under section 146 of the London Government Act, 1939, and in force in any part of the city.

(2) (a) The confirming authority in relation to byelaws made under this section shall be the Secretary of State, except that as respects byelaws relating to public health or to any other matter which, in the opinion of the Secretary of State and of the Minister of Housing and Local Government, concerns the functions of the said Minister rather than those of the Secretary of State the confirming authority shall be the said Minister.

(b) The validity of a byelaw made under this section and confirmed by the Secretary of State or by the Minister of Housing and Local Government shall not be questioned in any legal proceedings on the ground that the Secretary of State or the said Minister (as the case may be) is not the confirming authority in relation to that byelaw.

(3) (a) Where, by or under any enactment in force in the city, or in any part thereof, provision is made for the prevention and suppression in a summary manner of any nuisance, power to make byelaws under this section for that purpose shall not be exercisable as respects the city, or such part thereof (as the case may be), in respect of that nuisance.

(b) Subsection (1) of section 4 of the Noise Abatement Act, 1960, shall apply in relation to the foregoing provisions of this

PART IV
—cont.

section as it applies in relation to section 146 of the London Government Act, 1939.

(4) Sections 147, 148 and 149 of the London Government Act, 1939, shall apply to byelaws made by the Corporation under this section and shall have effect in relation thereto as if byelaws so made were byelaws made by a metropolitan borough council under that Act.

(5) (a) Section 14 (Power to Corporation to make byelaws under section 23 of the Municipal Corporations Act, 1882) of the City of London (Various Powers) Act, 1933, is hereby repealed.

(b) Any byelaws made or having effect under, or by virtue of, the said section 14, and in force in the city at the passing of this Act, shall continue to have effect as if made under the foregoing provisions of this section.

Derelict
petrol tanks.

40.—(1) Where a tank or other fixed container which has been used for the storage of petroleum-spirit and is no longer used for that purpose is kept on any premises in the city, the occupier of the premises or, if the premises are unoccupied, the owner of the premises, shall take all such steps as may be reasonably necessary to prevent danger from the container.

(2) Any officer of the Corporation duly authorised by them may, on producing a copy of his authority signed by the town clerk, require the occupier of the premises or, if the premises are unoccupied, the owner of the premises, on which is situated any tank or other fixed container which has been used for the storage of petroleum-spirit and is no longer used for that purpose, to show him the container and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) (a) The Corporation may by notice require the occupier of the premises or the owner of the premises (as the case may be) to take any steps reasonably necessary to prevent danger from any tank or other container to which subsection (1) of this section applies.

(b) The provisions of section 46 (Provisions as to appeals against, and enforcement of, certain notices) of this Act shall apply in relation to any notice under this subsection.

(4) In this section the expression “petroleum-spirit” has the same meaning as in the Petroleum (Consolidation) Act, 1928.

Disposal of
dangerous
containers.

41.—(1) No person shall, within the city, dispose of, or deposit, any container (including a container attached to a vehicle or machine) which has been used for the storage of any inflammable or explosive substance and is no longer used for that purpose, unless he takes all such steps as may be reasonably necessary to prevent danger from the container.

(2) If any person contravenes the provisions of subsection (1) of this section, he shall be liable to a fine not exceeding twenty pounds, and the Corporation may take such steps as may be reasonably necessary to prevent danger from the container and may recover from that person the expenses incurred by them in so doing.

PART IV
—cont.

(3) This section shall not apply to any tank or fixed container to which section 40 (Derelict petrol tanks) of this Act applies.

42. For the purpose of rebuilding and improving the poultry section of the London Central Markets the Corporation may, from time to time, (in the exercise of their power to borrow on the credit of their estates and revenues) borrow at interest on the credit of the tolls, rents, and other receipts from those markets, as well as on the credit of the said estates and revenues, so much money as they may from time to time think requisite not exceeding one million pounds.

Power to borrow for London Central Markets.

43. Section 54 (Corporation to provide and maintain a steam tug in the Upper Pool) of the Corporation of London (Tower Bridge) Act, 1885, shall have effect as if the word "steam" in both places where it occurs were omitted.

Amendment of section 54 of Corporation of London (Tower Bridge) Act, 1885.

44. Subsection (7) of section 167 of the Representation of the People Act, 1949 (which makes provision for the payment of certain costs and expenses incurred in connection with municipal elections in the city, including ward elections) shall have effect as if for the words "ward rate of that ward" therein there were substituted the words "general rate".

Amendment of section 167 of Representation of the People Act, 1949.

45. Section XCII (Accounts to be laid before Parliament yearly) of the City Police Act, 1839, is hereby repealed.

Repeal of section XCII of City Police Act, 1839.

46.—(1) Where it is expressly provided in any enactment that the provisions of this section shall apply in relation to a notice served by the Corporation, the following provisions of this section shall have effect in relation to the notice.

Provisions as to appeals against, and enforcement of, certain notices.

(2) Any such notice shall (without prejudice to any provision of the section under which it is served) indicate the nature of the works or things thereby required to be executed or provided, or other thing thereby required to be done, and shall state the time within which the requirements of the notice are to be complied with.

(3) A person served with such a notice as aforesaid may appeal to the magistrates' court on any of the following grounds

PART IV
—cont.

which are appropriate in the circumstances of the particular case:—

- (a) that the notice, or any requirement thereof, is not justified by the terms of the section under which the notice purports to have been served;
- (b) that there has been some informality, defect or error in, or in connection with, the notice;
- (c) that the Corporation have refused unreasonably to approve the carrying out of alternative proposals, or that the requirements of the notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time allowed by the notice for compliance with its requirements is not reasonably sufficient for that purpose;
- (e) that the notice might lawfully have been served upon some person other than the appellant, and that it would have been equitable for it to have been so served;
- (f) that the notice requires the execution of works which would be for the common benefit of two or more premises, and that some other person (being the owner or occupier of premises to be benefited) ought to contribute towards the expenses of executing any works required.

(4) If, and in so far as, an appeal under this section is based on the ground of some informality, defect or error in, or in connection with, the notice, the court shall dismiss the appeal, if it is satisfied that the informality, defect or error was not a material one.

(5) (a) Where the ground, or one of the grounds, upon which an appeal under this section is brought is the ground specified in paragraph (e) or paragraph (f) of subsection (3) of this section, the appellant shall serve a copy of his notice of appeal on each other person referred to.

(b) In the case of any appeal under this section the appellant may serve a copy of his notice of appeal on any other person having an estate or interest in the premises to which the notice served by the Corporation relates.

(c) On the hearing of the appeal the court may make such order as it thinks fit with respect to the person (being either the appellant or a person upon whom a copy of the notice of appeal was served as aforesaid) by whom any requirement of the notice served by the Corporation is to be complied with, and the contribution to be made by any other such person towards the cost of complying with the requirement, or as to the proportions in which any expenses which may become recoverable by the Corporation are to be borne by any such persons.

(d) In exercising its powers under this subsection the court shall have regard to the degree of benefit to be derived by the different persons concerned and all the other circumstances of the case, including (as between an owner and an occupier) the terms and conditions, whether contractual or statutory, of the tenancy.

(6) Subject to such right of appeal as aforesaid and (where any such appeal as aforesaid is brought) to any order made by the court, if any requirement of the notice is not duly complied with—

(a) the Corporation may themselves execute or provide such works or things, and do all such other acts, as may be necessary to secure conformity with the requirement and recover from the person on whom the notice was served, or who was ordered by the court to comply with the requirement or to bear the expenses (as the case may be), the expenses reasonably incurred by them in so doing; and

(b) (without prejudice to the right of the Corporation to exercise the powers conferred by paragraph (a) of this subsection) the person in default shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding forty shillings for each day on which the default continues after conviction therefor.

(7) In proceedings by the Corporation against the person served with the notice for the recovery of any expenses which the Corporation are entitled to recover from him, it shall not be open to him to raise any question which he could have raised on an appeal under this section.

47.—(1) Where any enactment in this Act provides for an appeal to the magistrates' court against the decision or order of the Corporation, the time within which any such appeal may be brought shall be twenty-one days from the date on which notice of the decision or order was served upon the person desiring to appeal.

Appeals to
magistrates'
court.

(2) In any case where such an appeal lies the document notifying to the person concerned the decision or order of the Corporation in the matter shall state the right of appeal to the magistrates' court and the time within which such an appeal may be brought.

(3) For the removal of doubts it is hereby declared that section 285 of the Public Health (London) Act, 1936, applies in relation to an order made by the magistrates' court in any such appeal to that court as is referred to in this section.

(4) Where upon any appeal under this Act the court varies or reverses any decision of the Corporation, it shall be the duty

PART IV
—cont.

of the Corporation to give effect to the order of the court and, in particular, to grant or issue any consent or directions necessary for that purpose.

Application of
general
enactments.

48.—(1) The sections of the Public Health (London) Act, 1936, mentioned in subsection (2) of this section shall have effect in relation to the provisions of Part III of this Act, and the said sections (other than section 274 (Exercise of powers of entry)) shall have effect in relation to sections 40 (Derelict petrol tanks) and 41 (Disposal of dangerous containers) of this Act, as if those provisions formed part of the said Act of 1936, and as if any reference in the said sections of the said Act of 1936 to a court of summary jurisdiction were a reference to the magistrates' court.

(2) The sections hereinbefore referred to are the following:—

Section 274 (Exercise of powers of entry);

Section 275 (Penalty for obstruction &c.);

Section 279 (Mode of recovering fines, expenses, &c.);

Section 284 (Appearance of county council or sanitary authority in legal proceedings);

Section 285 (Appeal from courts of summary jurisdiction to quarter sessions);

Section 289 (Recovery of expenses by sanitary authorities from occupier of premises); and

Section 299 (Protection of authorities and their officers and agents from personal liability).

Judges not
disqualified.

49. 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
powers of
Treasury.

50. It shall not be lawful to exercise the powers of borrowing conferred by this Act otherwise than in accordance with the provisions of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act, 1946.

Saving for
town and
country
planning.

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

Costs of Act.

52. The costs, charges and expenses preliminary to, and of, and incidental to, the preparing, obtaining and passing of this Act shall be paid by the Corporation out of the city's cash and out of the general rate of the city in such proportions as the Corporation may deem just.

SCHEDULE

REPEALS

PART I

ENACTMENTS REPEALED

Section 37.

Act	Section	Extent of repeal	
City of London Sewers Act, 1848	82 (Commissioners to appoint Scavengers)	The words " and for collecting and removing all Dirt, Ashes, Rubbish, and Filth " and the words from " or on the lawful Request " to " prescribed by the Commissioners ".	
	83 (Refuse collected to be vested in Commissioners who shall dispose of the same in aid of the Sewer Rate)	The whole section.	
	84 (Owners or Occupiers to pay Scavengers for Removal of Refuse of Trades)	The whole section.	
	86 (Penalty for obstructing Scavengers in Performance of their Duty)	The whole section.	
	99 (Commissioners may require Owners of Houses to provide Privies and Ashpits for the same)	The words " or Ashpit ", the words " and also such fit and sufficient Ashpit, and in such Situation, not disturbing any Building already erected," the words " and Ashpit " and the words " and Ashpits ".	
	100 (No House to be built without a Privy and Ashpit being provided)	The words " and also an Ashpit " and the words " and Ashpit ".	
	114 (Penalty on emptying Privies or conveying offensive Matter at improper times)	The whole section.	
	148 (Regulations for making dustholes &c.)	The whole section.	
	City of London Sewers Act, 1851	6 (Commissioners to determine what shall be considered Refuse of Trade)	The whole section.
		7 (Section 85 of 11 & 12 Vict. c. 163 repealed)	The whole section.
28 (Ashpit to include Dustbin)		The whole section.	

Act	Section	Extent of repeal
City of London (Public Health) Act, 1902	2 (Interpretation)	The definition of the words "House refuse".
	4 (As to removal of house refuse)	The whole section.

PART II

ENACTMENTS CEASING TO HAVE EFFECT IN CITY

Act	Section	Extent
Public Health (London) Act, 1936	91 (Restrictions on dealing with and disposal of house refuse and street refuse)	Subsection (2).
	105 (Obligation to provide Water-closets &c.)	In subsection (1), the words "a sufficient ashpit and" and, in subsection (3), the words "ashpit or" in both places in which those words occur.
London County Council (General Powers) Act, 1939	67 (Provision of ashpits)	Subsections (3) and (5).



Table of Statutes referred to in this Act

Short title	Session and chapter
City Police Act, 1839	2 & 3 Vict. c. xciv.
Lands Clauses Consolidation Act, 1845 ..	8 & 9 Vict. c. 18.
City of London Sewers Act, 1848	11 & 12 Vict. c. clxiii.
City of London Sewers Act, 1851	14 & 15 Vict. c. xci.
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Municipal Corporations Act, 1882	45 & 46 Vict. c. 50.
Electric Lighting Act, 1882	45 & 46 Vict. c. 56.
Corporation of London (Tower Bridge) Act, 1885	48 & 49 Vict. c. cxcv.
City of London (Public Health) Act, 1902 ..	2 Edw. 7. c. cxvi.
City of London (Spitalfields Market) Act, 1902	2 Edw. 7. c. clxv.
Acquisition of Land (Assessment of Compensation) Act, 1919	9 & 10 Geo. 5. c. 57.
Petroleum (Consolidation) Act, 1928	18 & 19 Geo. 5. c. 32.
City of London (Various Powers) Act, 1933 ..	23 & 24 Geo. 5. c. xxiii.
Public Health (London) Act, 1936	26 Geo. 5 & 1 Edw. 8. c. 50.
Civil Defence Act, 1939	2 & 3 Geo. 6. c. 31.
London Government Act, 1939	2 & 3 Geo. 6. c. 40.
London Building Acts (Amendment) Act, 1939	2 & 3 Geo. 6. c. xcvi.
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.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6. c. 58.
Town and Country Planning Act, 1947.. .. .	10 & 11 Geo. 6. c. 51.
Lands Tribunal Act, 1949	12, 13 & 14 Geo. 6. c. 42.
Representation of the People Act, 1949	12, 13 & 14 Geo. 6. c. 68.
Public Utilities Street Works Act, 1950	14 Geo. 6. c. 39.
City of London (Various Powers) Act, 1954 ..	2 & 3 Eliz. 2. c. xxvii.
London County Council (General Powers) Act, 1954	2 & 3 Eliz. 2. c. xxiv.
City of London (Various Powers) Act, 1960 ..	8 & 9 Eliz. 2. c. xxxvi.
Road Traffic Act, 1960	8 & 9 Eliz. 2. c. 16.
Road Traffic and Roads Improvement Act, 1960	8 & 9 Eliz. 2. c. 63.
Noise Abatement Act, 1960	8 & 9 Eliz. 2. c. 68.

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