



CHAPTER xxviii.

An Act to confer further powers upon the London County Council and other authorities and for other purposes. A.D. 1933.
[28th June 1933.]

WHEREAS it is expedient that the London County Council (hereinafter referred to as "the Council") and the council of the metropolitan borough of Woolwich (hereinafter referred to as "the Woolwich Council") should respectively be empowered to acquire compulsorily the lands described in this Act as intended to be so acquired :

And whereas the time limited by certain Acts for the compulsory purchase of lands and the completion of certain street improvements by the Council and by the council of the metropolitan borough and city of Westminster (hereinafter referred to as "the Westminster Council") and others respectively will shortly expire and it is expedient that the time so limited should be extended as by this Act provided :

And whereas it is expedient that further powers should be conferred upon the Council and the councils of metropolitan boroughs as respects open spaces :

And whereas it is expedient that the powers by this Act conferred upon the Westminster Council relating to a passage in the city of Westminster should be granted :

And whereas by the Camberwell and other Metropolitan Borough Councils (Superannuation) Act 1908 the Poplar Borough Council (Superannuation and Pensions) Act 1911 and the Shoreditch and other Metropolitan

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A.D. 1933. Borough Councils (Superannuation) Act 1922 as amended
— by other Acts provision was made for the establishment
respectively by the councils of the metropolitan boroughs
of Camberwell Deptford and Hackney by the council of
the metropolitan borough of Poplar and by the councils
of the metropolitan boroughs of Shoreditch Bermondsey
Finsbury Greenwich Hammersmith Southwark and Stoke
Newington of superannuation funds for the benefit of
employees of those councils and it is expedient that the
said Acts should be amended or further amended as
provided by this Act :

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

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

And whereas plans showing the lands which may be
acquired or used compulsorily or on which an improvement
charge may be imposed under the powers of this Act 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 such lands have been deposited
with the clerk of the Council and are in this Act respec-
tively referred to as the deposited plans and book of
reference :

And whereas in relation to the promotion of the Bill
for this Act the Westminster Council the council of the
royal borough of Kensington and the councils of the
metropolitan boroughs of Camberwell Deptford and
Poplar (as respects the provisions of the said Bill relating
exclusively to those councils respectively) have complied
with the requirements of the Borough Funds Acts 1872
and 1903 :

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

PART I.

INTRODUCTORY.

Short title. 1. This Act may be cited as the London County
Council (General Powers) Act 1933.

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2. This Act is divided into Parts as follows :— A.D. 1933.
- Part I.—Introductory. —
 - Part II.—Acquisition of land by the Council. Act divided
 - Part III.—Acquisition of land by the Wool- into Parts.
wich Council.
 - Part IV.—Extensions of time.
 - Part V.—Open spaces.
 - Part VI.—Powers for the Westminster Council.
 - Part VII.—Camberwell and other Metropolitan
Borough Councils (Superannua-
tion).
 - Part VIII.—Poplar Borough Council (Super-
annuation).
 - Part IX.—Shoreditch and other Metropolitan
Borough Councils (Superannua-
tion).
 - Part X.—Miscellaneous.

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

- “ the county ” means the administrative county of London;
- “ the Council ” means the London County Council;
- “ the common council ” means the mayor aldermen and commons of the city of London in common council assembled;
- “ borough council ” means the council of a metropolitan borough;
- “ the Westminster Council ” means the council of the metropolitan borough and city of Westminster;
- “ the Woolwich Council ” means the council of the metropolitan borough of Woolwich;
- “ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919; and
- “ street ” has the same meaning as in the Metropolis Management Acts 1855 to 1893.

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(2) Except as otherwise expressly provided terms to which meanings are assigned by any enactment incorporated with any Part of this Act or which have in any such enactment special meanings have in and for the purposes of such Part the same respective meanings.

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

PART II.

ACQUISITION OF LAND BY THE COUNCIL.

Incorporation of
Lands
Clauses
Acts.

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

- (a) sections 127 to 133 inclusive of the Lands Clauses Consolidation Act 1845 are not incorporated with this Part of this Act;
- (b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Council and shall be sufficient without the addition of the sureties mentioned in that section; and
- (c) the expressions “the promoters of the undertaking” and “the company” in the Lands Clauses Acts shall be construed to mean the Council.

Power to
London
County
Council to
take land.

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

Lands and premises known as numbers 35 37
39 41 and 43 Thomas Street in the metropolitan
borough of Woolwich.

(2) The Council may upon and subject to such terms and conditions as they may think fit convey transfer or lease to the governors of the Woolwich Polytechnic the

lands and premises acquired under the powers of this Part of this Act and described in subsection (1) of this section for the purposes of the Polytechnic. A.D. 1933. —

6. If there is any omission mis-statement or wrong description of any lands referred to in this Part of this Act or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to a metropolitan police magistrate for the correction thereof and if it appears to the magistrate that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the Council and a duplicate thereof shall be deposited with the town clerk of the metropolitan borough of Woolwich and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Council to take the lands in accordance with the certificate.

Correction of errors in deposited plans &c. for purposes of Part II of Act.

7. For the purpose of determining any question of disputed compensation payable in respect of lands taken under the powers of this Part of this Act the following provisions shall apply and have effect:—

Compensation in case of recently created interest.

- (1) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the tenth day of May one thousand nine hundred and thirty-two and before the date of the passing of this Act if in the opinion of the arbitrator the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which the claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation under this Part of this Act:

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(2) Subject as is hereinafter in this section provided the arbitrator shall not take into account—

(a) any building erected after the date of the passing of this Act or any improvement or alteration of any premises (other than any improvement or alteration reasonably necessary for properly maintaining such premises) made after that date which in the opinion of the arbitrator materially enhances the value of such premises; or

(b) any interest in land greater than that of a quarterly tenant created after the date of the passing of this Act:

(3) If at any time after the date of the passing of this Act and before the expiration of the period limited by this Part of this Act for the compulsory purchase of lands any person being the owner of or having any estate or interest in any premises which are liable to be acquired compulsorily under the powers of this Part of this Act gives notice in writing to the Council of his intention to erect any building upon or to make any improvement or alteration of or to create any such interest as aforesaid in those premises (such intended building improvement alteration or interest being specifically described in the notice) and the Council do not within one month after receiving any such notice serve upon such person notice to sell and convey or release his estate or interest in the said premises but serve such notice at any time after the expiration of the said period of one month—

(a) paragraph (2) of this section shall not apply with respect to the building improvement alteration or new interest described as aforesaid; and

(b) paragraph (1) of this section shall apply with respect to the said building improvement alteration or new interest as if the same had been erected made or created after the said tenth day of May and before the date of the passing of this Act:

(4) The Council shall forthwith after the passing of this Act send by post or deliver a copy of this section to all persons named in the deposited book of reference having an interest greater than that of a yearly tenant in any lands which are liable to be acquired compulsorily under the powers of this Part of this Act. A.D. 1933.
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8. The Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the clerk of the Council may at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards twelve hours' previous notice to the occupiers thereof enter upon and into any lands and buildings by this Part of this Act authorised to be taken and used or any premises in respect of which a claim for compensation under this Part of this Act is received for the purposes of surveying and valuing the said lands and buildings and of inspecting the said premises without being deemed trespassers and without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands and buildings or premises. Power to London County Council to enter upon property for survey and valuation.

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

10. The Council may subject to the provisions of this Part of this Act enter into and carry into effect agreements with any person being the owner of or interested in any lands or property abutting on any portion of the lands which the Council may acquire under the powers of this Part of this Act with respect to the sale by the Council to such person of any such last-mentioned lands for such consideration as may be agreed upon between the Council and such person Power to London County Council to make agreements with owners of property &c.

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and the Council may accept as satisfaction of the whole or any part of such consideration the grant by such person of any other lands or property required by the Council for the purposes of this Part of this Act.

Extinction of private rights of way.

11. All private rights of way over any lands which shall under the powers of this Part of this Act be acquired compulsorily by the Council shall as from the date of such acquisition be extinguished. Provided that the Council shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Leasing and exchange of lands.

12. The Council may grant leases of or let for a term of years or from year to year or for any shorter period all or any land acquired under the powers or for the purposes of this Part of this Act and not for the time being required for those purposes and the Council may exchange for other land all or any land so acquired and not required for the said purposes.

Receipt of London County Council to be effectual discharge.

13. The receipt of the Council or of any person duly authorised by the Council for any purchase money rent or money payable to the Council by virtue of this Part of this Act shall be a sufficient and effectual discharge for the money in such receipt expressed or acknowledged to be received and the person to whom the receipt is given shall not afterwards be answerable or accountable for the misapplication or non-application of the money in such receipt expressed or acknowledged to be received.

Limitation of time for purchase of lands.

14. The powers of the Council for the compulsory purchase of lands under this Part of this Act shall cease on the first day of October one thousand nine hundred and thirty-six.

PART III.

ACQUISITION OF LAND BY THE WOOLWICH COUNCIL.

Power to Woolwich Council to acquire land.

15. Subject to the provisions of this Part of this Act the Woolwich Council may for the purposes of the Electricity (Supply) Acts 1882 to 1928 the Woolwich Borough Council Act 1903 and the Electric Lighting Order Confirmation (No. 3) Act 1905 or any of those

purposes enter upon take and use all or any of the lands which are hereinafter described and are shown on the deposited plans and described in the deposited book of reference (that is to say) :—

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Lands and premises known as numbers 46 and 48 Powis Street in the metropolitan borough of Woolwich.

16. The provisions of the sections of Part II (Acquisition of land by the Council) of this Act of which the marginal notes are respectively as follows :—

Application of certain provisions of this Act to Woolwich Council.

- “ Incorporation of Lands Clauses Acts ” ;
- “ Compensation in case of recently created interest ” ;
- “ Power to London County Council to enter upon property for survey and valuation ” ;
- “ Power to certain persons to grant easements &c. by agreement ” ;
- “ Power to London County Council to make agreements with owners of property &c. ” ;
- “ Extinction of private rights of way ” ;
- “ Leasing and exchange of lands ” ;
- “ Receipt of London County Council to be effectual discharge ” ; and
- “ Limitation of time for purchase of lands ” ;

shall extend and apply to the Woolwich Council and the lands and premises to be acquired by them under this Part of this Act as if the Woolwich Council and the town clerk of the metropolitan borough of Woolwich were named in the said provisions instead of the Council and the clerk of the Council respectively and as if in the said section of this Act of which the marginal note is “ Compensation in case of recently created interest ” the fourteenth day of June were substituted for the tenth day of May and as if in the said applied sections references to this Part of this Act were substituted for references to Part II of this Act.

17. If there is any omission mis-statement or wrong description of any lands referred to in this Part of this Act or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the Woolwich Council after giving ten days' notice to the owners lessees and

Correction of errors in deposited plans &c. for purposes of Part III of Act.

A.D. 1933. occupiers of the lands in question may apply to a metropolitan police magistrate for the correction thereof and if it appears to the magistrate that the omission mis-statement or wrong description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the Council and a duplicate thereof shall be deposited with the town clerk of the metropolitan borough of Woolwich and such certificate or copy and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the Woolwich Council to take the lands in accordance with the certificate.

Leasing and disposal of surplus land and ground rents.

18.—(1) Where any land acquired under this Part of this Act is not required for the purposes thereof the Woolwich Council may—

(a) grant leases of or let for a term of years or from year to year or for any shorter period such land or any part thereof; or

(b) sell and dispose of—

(i) the ground rent reserved by any lease or agreed to be reserved by any agreement for a lease of such land or any part thereof; or

(ii) the fee simple of such land or any part thereof whether or not any lease thereof has been previously granted or agreed to be granted;

for such sum of money as the Woolwich Council think reasonable.

(2) On any such sale or disposal the Woolwich Council may impose such stipulations and conditions as to the enjoyment of the land sold or disposed of and as to the nature of the buildings which may be at any time erected thereon and as to the title to be produced to the land to be sold or disposed of as the Woolwich

Council think fit and any stipulations or conditions contained in any conveyance under this section may at all times be enforced by the Woolwich Council for the benefit of the Woolwich Council or any party entitled to other property adjoining or held under title derived from the Woolwich Council. A.D. 1933. —

19. The Woolwich Council may expend on capital account for the purposes of this Part of this Act such amount as may be necessary for those purposes and may for those purposes borrow under and subject to the provisions of the Electricity (Supply) Acts 1882 to 1928 such sums of money as may be requisite. Capital expenditure and borrowing by Woolwich Council.

PART IV.

EXTENSIONS OF TIME.

20. The time limited by—

- (a) the Mall Approach (Improvement) Act 1914 as extended by subsequent orders and Acts for the completion of the improvements described in and authorised by the said Act of 1914; and Extension of time for completion of street improvements.
- (b) the London County Council (Tramways and Improvements) Act 1920 as extended by subsequent Acts for the completion of the widenings at Cable Street and Brook Street in the metropolitan borough of Stepney described in and authorised by the said Act of 1920;

is hereby further extended until the first day of October one thousand nine hundred and thirty-six.

21. The Westminster City (Millbank) Improvement Act 1929 shall be read and have effect as if in section 18 (Period for compulsory purchase of lands) of that Act the period of seven years were substituted for the period of four years and as if in section 19 (Period for completion of new streets) of that Act the period of eight years were substituted for the period of five years. Extension of time for compulsory purchase of lands and completion of works under Westminster City (Millbank) Improvement Act 1929.

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PART V.

OPEN SPACES.

Exchange
by London
County
Council of
lands for
open spaces.

22. The provisions of Part VI (Exchange of lands in connection with public open spaces) of the London County Council (General Powers) Act 1905 shall extend to enable the Council to enter into and carry into effect any such agreement as is therein referred to notwithstanding that the right of vacant possession of the lands to be conveyed to the Council by way of exchange is not conferred by the conveyance to the Council executed pursuant to such agreement and accordingly section 32 (Lands conveyed to Council to form part of the open space) of the said Act shall be read and have effect as if—

(a) in subsection (1) of that section the words “as from the date on which the Council receive vacant possession thereof” were substituted for the word “forthwith”; and

(b) in subsection (3) of that section the words “the date on which the Council receive vacant possession of any lands conveyed to them” were substituted for the words “the conveyance to the Council of any lands” and the words “on or after that date” were inserted after the words “the Council shall.”

Use of
portions of
open spaces
for street
improve-
ments.

23.—(1) Notwithstanding anything contained in any Act the Council or any borough council upon such terms and conditions whether as to payment or otherwise as may be or may have been determined by them in their discretion and for the purpose of the construction widening or alteration of any street either within or without the county (whether such construction widening or alteration is carried out by the Council or by a borough council or by any other person) are hereby empowered and they shall be deemed always to have been empowered—

(a) to utilise alienate or exchange for other land any part of any open space vested in them or under their control; and

(b) in a case where land is utilised under this section to debit the account relating to the construction widening or alteration of the street with an amount representing the whole or a portion of the value of the land so utilised. A.D. 1933.
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(2) No land shall under the powers of this section be utilised alienated or exchanged except (in the case of land subject to rights of common) with the consent of the Minister of Agriculture and Fisheries or (in the case of any other land) with the consent of the Minister of Health and in either case the Minister before giving any such consent shall take into account any representations made to him by any other person having an interest in the land proposed to be utilised alienated or exchanged.

(3) As soon as practicable after making application for the consent required by subsection (2) of this section to the exercise with reference to any open space of any of the powers mentioned in subsection (1) of this section the Council or the borough council (as the case may be) shall fix on or in the vicinity of that open space a placard giving notice of the making of such application and specifying the powers proposed to be exercised and stating that a plan relating to the proposal may be inspected at the offices of the Council or of the borough council (as the case may be) and that representations on the proposal may within twenty-eight days from the date of such notice be forwarded to the Minister for whose consent application is to be made. Any placard so fixed shall be retained for not less than twenty-eight days from the date of the fixing thereof.

(4) Where under subsection (1) of this section the Council or a borough council utilise alienate or exchange for other land any part of any open space they shall expend on capital account for or in respect of the acquisition of lands to be used as or to be added to an open space (including payment of any compensation payable by them pursuant to paragraph (b) of subsection (6) of this section or in the case of the Council also in payment of any compensation payable by them pursuant to subsection (3) of section 32 of the London County Council (General Powers) Act 1905) sums not less than any moneys which—

(a) in the case of such utilisation they may have debited to the account relating to the construc-

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tion widening or alteration of the street under the provisions of subsection (1) of this section; or

- (b) in the case of such alienation they may receive as consideration for the land alienated by them; or
- (c) in the case of such exchange they may receive for equality of exchange.

(5) Where the Council or a borough council utilise alienate or convey by way of exchange any lands under subsection (1) of this section those lands shall from and after the utilisation or the vesting thereof in the party to whom the lands are alienated or conveyed by way of exchange (as the case may be) be freed and discharged from all rights of common public rights of way and other public rights in over or affecting the lands and all such rights shall be extinguished and the lands shall cease to form part of the open space of which they formed part and to be subject to the provisions of any Act byelaws or scheme relating to that open space.

(6) Where the Council or a borough council acquire any lands either by way of exchange under subsection (1) of this section or by expenditure of money under subsection (4) of this section the following provisions shall as from the date on which the Council or the borough council receive vacant possession of the lands apply and have effect :—

- (a) (i) the lands so acquired shall (if adjacent to an open space and acquired for addition thereto) form part of that open space and be subject to the same provisions with reference to management control and maintenance as that open space and to all provisions of any Act or byelaws or scheme specially relating to that open space and where the lands are acquired for addition to the same open space of which part has been utilised alienated or exchanged under subsection (1) of this section the lands so acquired shall be subject to the like rights of common (if any) as the lands utilised alienated or exchanged by the Council or the borough council;

- (ii) subject in the case of lands to which subparagraph (i) of this paragraph applies to the

provisions of that sub-paragraph the lands acquired as aforesaid shall be held in all respects as if the lands had been acquired under the Open Spaces Act 1906; A.D. 1933.

(b) all private rights in over or affecting the lands shall be extinguished unless and except so far as the Council or the borough council (as the case may be) otherwise determine and in any case in which they so determine they shall give notice in writing of their determination to the persons entitled to the private rights to which the determination relates. Provided that in the event of such extinction—

(i) where the lands are acquired by way of exchange under subsection (1) of this section the authority or other person constructing widening or altering the street; or

(ii) where the lands are acquired by expenditure of money under subsection (4) of this section the Council or the borough council (as the case may be);

shall make full compensation to all parties interested in respect of any private rights extinguished by virtue of this subsection and the compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(7) The provisions of this section shall be by way of full compensation and in discharge of all claims in respect of any public rights in over or affecting any lands utilised alienated or conveyed by way of exchange by the Council or a borough council under subsection (1) of this section.

(8) For the purposes of this section "open space" includes any park heath common recreation ground public walk pleasure ground garden walk ornamental enclosure burial ground or other open space.

(9) Except with the consent in writing of the owner of any scheduled lands within the meaning of the London Squares and Enclosures (Preservation) Act 1906 or any protected square within the meaning of the London Squares Preservation Act 1931 (not being scheduled lands or a protected square vested in the Council or a

A.D. 1933. borough council) nothing in this section shall confer upon the Council or any borough council any greater or other powers of dealing with such scheduled lands or protected square than they would have possessed if this section had not been enacted.

PART VI.

POWERS FOR THE WESTMINSTER COUNCIL.

Definition of expressions in Part VI of Act.

24. In this Part of this Act except as otherwise expressly provided or unless the subject or context otherwise requires—

“the passage” means the passage extending from Carlisle Place to Francis Street in the metropolitan borough and city of Westminster and delineated and marked “Passage to be paved” on the deposited plans relating to this Part of this Act;

“owner” means the person for the time being receiving the rack rent of the lands or premises in connection with which the said word is used whether on his own account or as agent or trustee for any other person or who would so receive the same if such lands or premises were let at a rack rent;

“the street works” means the works described in subsection (1) of the section of this Act of which the marginal note is “Power for Westminster Council to pave passage” or so much of those works as the Westminster Council may determine to execute.

Power for Westminster Council to pave passage.

25.—(1) It shall be lawful for the Westminster Council to execute the following works in the passage:—

(a) the provision and laying in such manner as the Westminster Council may determine throughout the length and breadth of the passage or so much thereof as they may think fit of a road surface of such description and the execution in connection with such provision and laying of such works of drainage and other incidental works (including footways and works for lighting the passage) as the Westminster Council may deem necessary or expedient;

- (b) the removal alteration or adjustment of all or any gates fences projections steps spouts pipes cables mains wires apparatus and works obstructing the passage or interfering with the exercise of the powers of this subsection and the provision and erection at or near either or each end of the passage of gates or fences in lieu of any gates or fences so removed;
- (c) the execution of any works for the protection of adjoining premises or of persons using the passage.
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(2) The Westminster Council shall submit to the Council plans sections and specifications of such of the street works as are described in paragraph (a) of subsection (1) of this section and particulars as to the proposed mode and time of execution of the street works and shall not commence to execute the street works until at least five weeks after such plans sections specifications and particulars have been approved in writing by the Council.

(3) The Westminster Council for the purposes and during the execution of the street works may stop up or cause to be stopped up temporarily all or any part of the passage as they shall think necessary.

26.—(1) The probable expenses of the street works shall be estimated by the engineer of the Westminster Council who shall prepare a provisional apportionment of the estimated expenses among the premises comprised within the limits of lands liable to improvement charge marked on the deposited plans relating to this Part of this Act according to the frontage of the respective premises upon the passage but the Westminster Council may if they think just decide that in settling the provisional apportionment regard shall be had to the following considerations:—

Provisional
apportion-
ment and
objections
thereto.

- (i) the greater or less degree of benefit to be derived by any such premises from the street works;
- (ii) the amount and value of any work in the nature of street works already done in the passage by the owners or occupiers of any such premises.

(2) (a) At least one month before the commencement of the street works there shall be served on the owner of each of the said premises notice of the intention of the

A.D. 1933. Westminster Council to execute the street works together with a copy of so much of the provisional apportionment as relates to his premises.

(b) During the period of one month from the date or latest date of the service of notices under the foregoing paragraph (a) the plans sections and specifications as approved by the Council and the estimate of the probable expenses and provisional apportionment referred to in subsection (1) of this section shall be kept deposited at the offices of the Westminster Council and shall be open to inspection at all reasonable times.

(3) During the period of one month referred to in paragraph (b) of the preceding subsection any owner of any premises shown in such provisional apportionment as liable to be charged with any part of the expenses of executing the street works may by written notice served on the Westminster Council object to the provisional apportionment on any of the following grounds:—

- (i) that there has been some material informality defect or error in or in respect of the notice plans sections or estimate;
- (ii) that the proposed works are unreasonable or that the estimated expenses are excessive;
- (iii) that any premises ought to be excluded from or inserted in the provisional apportionment;
- (iv) that the provisional apportionment is incorrect in respect of some matter of fact to be specified in the objection or (where the provisional apportionment is made with regard to other considerations than frontage as hereinbefore provided) in respect of the degree of benefit to be derived by any premises or the amount or value of any work in the nature of street works already done in the passage by the owner or occupier of any premises.

For the purposes of this section joint tenants may object through one of their number authorised in writing under the hands of the majority of such joint tenants.

(4) (a) The Westminster Council at any time after the expiration of the last-mentioned period of one month may apply to a court of summary jurisdiction to appoint a time for determining the matter of all objections made under this section and a notice of the time and place

appointed shall be served upon the objectors and at the time and place so appointed any such court may proceed to hear and determine the matter of all such objections in the same manner as nearly as may be and with the same powers and subject to the same provisions with respect to stating a case as if the Westminster Council were proceeding summarily against the objectors to enforce payment of a sum of money summarily recoverable.

A.D. 1933.
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(b) The court may amend the plans sections estimate and provisional apportionment or any of them on the application either of any objector or of the Westminster Council and may also if it thinks fit adjourn the hearing and direct any further notices to be served.

(c) No objection which could be made under this section shall be otherwise made or allowed in any court proceeding or manner whatsoever.

(5) The costs of any proceedings before a court of summary jurisdiction in relation to objections under this section shall be in the discretion of the court and the court shall have power if it thinks fit to direct that the whole or any part of such costs ordered to be paid by an objector or objectors shall be paid in the first instance by the Westminster Council and charged as part of the expenses of the street works on the premises of the objector or of the objectors in such proportions as may appear just.

27.—(1) (a) When the street works have been completed and the expenses thereof ascertained the engineer of the Westminster Council shall make a final apportionment by dividing the expenses in the same proportions in which the estimated expenses were divided in the original or amended provisional apportionment (as the case may be) and such final apportionment shall subject to the provisions of this section be conclusive for all purposes.

Final apportionment and recovery of expenses.

(b) Notice of such final apportionment shall be served upon the owners of the premises affected thereby and the sums apportioned thereby shall be recoverable in manner provided by this Act.

(c) The Westminster Council shall have power to declare any such sums to be payable by instalments with interest thereon from the date of service of a demand note for the same until payment thereof.

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(2) (a) Within one month after the date of the service upon him of the notice referred to in paragraph (b) of subsection (1) of this section the owner of any premises charged with any expenses under such final apportionment may by a written notice to the Westminster Council object to such final apportionment on the following grounds or any of them:—

- (i) that the actual expenses have without sufficient reason exceeded the estimated expenses by more than fifteen per centum;
- (ii) that the final apportionment has not been made in accordance with this section;
- (iii) that there has been an unreasonable departure from the plans sections and specifications.

(b) Objections under this subsection shall be determined in the same manner as objections to the provisional apportionment.

(3) Any premises included in the final apportionment and all estates and interests from time to time therein shall stand and remain charged (to the like extent and effect as under section 257 of the Public Health Act 1875) with the sum finally apportioned on them or if objection has been made against the final apportionment with the sum determined to be due in respect of such premises with interest thereon from the date of service of a demand for the same till payment thereof and the Westminster Council for the recovery of such sum and interest shall have all the powers and remedies under the Law of Property Act 1925 and otherwise as if they were mortgagees having powers of sale and leasing and of appointing a receiver.

(4) The Westminster Council may from time to time (in addition and without prejudice to any other remedy) recover summarily or as a simple contract debt by action in any court of competent jurisdiction from the owner for the time being of any premises in respect of which any sum is due under this Part of this Act the whole or any portion of such sum together with interest thereon from the date of service of a demand for the same till payment thereof.

(5) The rate of interest on sums referred to in paragraph (c) of subsection (1) and in subsections (3)

and (4) of this section shall be five per centum per annum or such other rate of interest as the Minister of Health may from time to time by general order fix pursuant to his powers in that behalf under section 77 of the Public Health Act 1925. A.D. 1933.

28. The Westminster Council shall maintain the street works and any gates or fences at or near either or each end of the passage erected whether before or after the passing of this Act and not removed under the powers of this Part of this Act and shall be responsible for the cleansing and lighting of the passage. Provided that the Westminster Council shall not be liable for any damage which may be caused to any sewer or drain lying under the passage in the course of the exercise of their powers and duties under this Part of this Act or any byelaws made thereunder other than any damage caused by the wilful or negligent act or default of or by any contravention of the said byelaws by the Westminster Council or their servants or agents. Maintenance &c. of street works.

29.—(1) The Westminster Council shall make byelaws (to be approved by the Council) for regulating the use of the passage. Such byelaws may and if the Council so require shall provide for the following matters or any of them:— Power to Westminster Council to make byelaws.

- (a) prohibiting or restricting the use of the passage by vehicles exceeding a specified weight laden or unladen or of any specified class or description;
- (b) controlling any gates or fences at or near the ends of the passage;
- (c) preventing the commission of any nuisance contrary to public decency or propriety in the passage;
- (d) preventing injury or damage to the passage.

(2) The provisions of section 114 (Byelaws) of the Public Health (London) Act 1891 shall apply to all byelaws made under this section as if the expression "the Westminster Council" were substituted for the expression "sanitary authority" in the said section 114.

(3) Such byelaws shall be enforced by the Westminster Council or (in case of default by them) by the Council.

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Restriction
on use of
passage and
provisions
as to dam-
age.

30.—(1) No person shall be entitled to use the passage except in accordance with the byelaws made in pursuance of the section of this Act of which the marginal note is “Power to Westminster Council to make byelaws.”

(2) If any person causes any damage or injury to the street works or the passage or any sewer or drain thereunder by any wilful or negligent act or default or by failing to comply with the provisions of such byelaws he shall repay to the Westminster Council or the Council (as the case may be) all costs charges and expenses incurred or sustained by them or either of them in repairing and making good such damage or injury as aforesaid but nothing in this subsection shall relieve such person from liability to any proceedings which could otherwise have been instituted against him or from any penalty to which he would otherwise have been liable for or in respect of any offence resulting in such damage or injury.

Prohibition
of building
on passage.

31. Subject to the provisions of this Part of this Act no building structure or obstruction shall be erected placed or maintained on over or under the passage or any part thereof other than the street works and any such temporary building structure or obstruction as may be necessary for the execution of the street works or the repair of the passage or any sewer or drain thereunder and any such other temporary building or structure as may from time to time be licensed by the Council after consultation with the Westminster Council.

Saving for
London
County
Council.

32. Nothing in this Part of this Act or done thereunder shall alter or affect the operation of section 204 (Buildings not to be made over sewers without consent) of the Metropolis Management Act 1855 or of section 68 (Penalty on persons placing buildings or encroachments on sewers) or section 69 (Penalty on persons interfering with sewers) of the Metropolis Management Amendment Act 1862 nor shall prejudice or derogate from the rights powers and duties of the Council as the main drainage authority under the Metropolis Management Acts 1855 to 1893.

Exercise of
powers not to
constitute pas-
sage a highway.

33. Nothing in this Part of this Act or done thereunder shall constitute the passage a highway.

PART VII.

A.D. 1933.

CAMBERWELL AND OTHER METROPOLITAN BOROUGH
COUNCILS (SUPERANNUATION).

34.—(1) In this Part of this Act—

“ the Act of 1908 ” means the Camberwell and other Metropolitan Borough Councils (Superannuation) Act 1908 ;

“ the Act of 1929 ” means the London County Council (General Powers) Act 1929 ;

“ the borough council ” means the mayor aldermen and councillors of the metropolitan borough of Camberwell or of the metropolitan borough of Deptford as the case may require ; and

“ the appointed day ” means the twenty-ninth day of September one thousand nine hundred and thirty-three.

Definition of expressions in Part VII of Act.

(2) For the purposes of this Part of this Act an officer or servant shall be deemed to enter the service of the borough council on the first day on which he is wholly in the service of the borough council in an established capacity or upon the permanent establishment thereof.

35.—(1) As from the appointed day section 3 (Interpretation) of the Act of 1908 shall be read and have effect as if the words “ by the Council ” were omitted from the definition of the expression “ emoluments.”

Amendment of definition of “ emoluments.”

(2) The said amendment shall be deemed always to have had effect in its application to any officer or servant in the service of the Council on the appointed day if before the appointed day he has contributed or within three months thereafter contributes to the superannuation fund of the Council a sum representing the excess of the total amount which he would have contributed to that fund pursuant to section 12 (Obligation of officers and servants to contribute) of the Act of 1908 if the words “ by the Council ” had been omitted from such definition in the Act of 1908 as originally enacted over the total amount in fact contributed by him to the said fund.

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(3) The foregoing provisions of this section shall be read and construed as one with the Act of 1908.

Amendment
of Camberwell
and other
Metropolitan
Borough
Councils
(Superannua-
tion) Act 1908.

36. As from the appointed day the Act of 1908 shall except so far as that Act applies to the metropolitan borough of Hackney be read and construed subject to the amendments hereinafter contained in this Part of this Act.

Superannu-
ation
allowances
for new
entrants.

37. In the case of officers and servants who enter the service of the borough council after the appointed day the following provision shall be substituted for section 5 (Scale of superannuation allowances) of the Act of 1908 :—

“ The superannuation allowance to be made to an officer or servant under this Act after ten years’ service shall be as follows :—

- (a) an annual sum calculated on the basis of one-eightieth for each completed year of service of the average annual amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment with a maximum of forty-eightieths of such average annual amount; and
- (b) a single lump sum (to be charged upon and paid out of the superannuation fund) equal to one-thirtieth of the said average annual amount multiplied by the number of completed years of his service so however that such lump sum shall in no case exceed one and a half times the said average annual amount.”

Ascertain-
ment of
average
wages of
servants.

38. For the purposes of section 5 (Scale of superannuation allowances) of the Act of 1908 the section of this Part of this Act of which the marginal note is “ Superannuation allowances for new entrants ” and paragraph (b) of the section of this Part of this Act of which the marginal note is “ Return of contributions on death of superannuated person ” the superannuation allowance or payment (as the case may be) shall in the case of a servant of the borough council who so desires and who gives notice in writing to the borough council of his desire not less than two months before the date on which he ceases

to hold his employment be calculated on the average annual amount of his wages and emoluments during any consecutive five years (ending on the thirty-first day of March) comprised in the period of fifteen years immediately preceding the date on which he ceased to hold his employment other than any part of that period prior to the first day of April one thousand nine hundred and twenty-three Provided that if at any time the wages or emoluments of a servant who gives such a notice as aforesaid have been or are reduced (whether before or after the giving of the notice) on the ground of misconduct and the consecutive five years specified in the notice includes any period before such reduction took effect the amount of the superannuation allowance or payment (as the case may be) shall for the purposes referred to in this section be calculated by reference to the basis of calculation which would be applicable if such notice had not been given. A.D. 1933.

39. An officer or servant who entered the service of the borough council before the appointed day may if he continues in such service after the appointed day within three months after that day signify in writing to the borough council his intention to adopt the provisions of the section of this Part of this Act of which the marginal note is "Superannuation allowances for new entrants" and in that event the said provisions shall (subject to the provisions of the section of this Part of this Act of which the marginal note is "Ascertainment of average wages of servants") extend and apply to such officer or servant accordingly instead of the provisions of section 5 (Scale of superannuation allowances) of the Act of 1908 except that the amount of the lump sum payable to him pursuant to this Part of this Act and the maximum permissible amount of such lump sum shall be increased by one-half of one per centum in respect of each year of his service or aggregated service completed on the appointed day. Existing officers and servants may elect to adopt new scale of allowances.

40. The percentage amounts to be deducted for the purposes of the Act of 1908 in the case of an officer or servant who enters the service of the borough council after the appointed day shall be five per centum of his annual salary or wages and emoluments. Scale of contributions for new entrants.

41. Section 6 (Reckoning service) of the Act of 1908 shall be read and have effect as if the words "or under" Reckoning service.

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“ and as an officer or servant of any local authority within “ the meaning of the Local Loans Act 1875 ” were inserted therein after the words “ Council or not.”

Previous
service of
new
entrants.

42.—(1) Section 6 (Reckoning service) as amended by this Part of this Act and section 14 (Contributions in respect of previous service) of the Act of 1908 shall not apply to any officer or servant who enters the service of the borough council after the appointed day.

(2) Where an officer or servant—

(a) has been employed as an officer or servant of any of the authorities referred to in section 6 (Reckoning service) of the Act of 1908 as amended by this Part of this Act and after the appointed day enters the service of the borough council within six months of leaving the service of any such authority (or within twelve months where he left such service owing to a reduction in staff); or

(b) has been employed by the borough council otherwise than in an established capacity or on the permanent establishment and enters the service of the borough council after the appointed day;

he shall (if he pays to the borough council a sum to be ascertained in accordance with the rules contained in the schedule to this Act) be entitled to reckon in whole or in part such employment as is mentioned in paragraphs (a) and (b) hereof (in this section referred to as “ ranking service ”) for the purpose of calculating the superannuation allowance and lump sum payable to him under this Part of this Act according to the amount of the sum so paid by him and subject to the succeeding provisions of this section.

(3) No service with any authority other than the borough council shall be reckoned under this section unless the officer or servant concerned has within three months after he enters the service of the borough council satisfied the borough council that he has been in the service of that other authority and no period of such service shall be reckoned under this section which has been reckoned or aggregated and reckoned for the

purpose of superannuation allowances gratuities or compensation for loss of office granted or paid or payable either— A.D. 1933.

- (a) in respect of his service with any authority referred to in section 6 (Reckoning service) of the Act of 1908 as amended by this Part of this Act; or
- (b) under any of the Acts referred to in the said section 6.

(4) An officer or servant shall if he so desires be entitled to reckon a part only of his ranking service upon payment of a proportionate part of the sum which would be payable under the rules contained in the schedule to this Act if the whole of such service were to be reckoned.

(5) Any sum payable by an officer or servant under this section may be paid in a lump sum forthwith or by such instalments as may be agreed between him and the borough council. Provided that the first instalment shall be not less than one-tenth of the total sum payable and shall be payable within one year from the date of his entering the service of the borough council and that the whole of the instalments shall be payable within a period of ten years from that date with compound interest on the amount for the time being unpaid calculated at the rate of four per centum per annum with half-yearly rests as from the date upon which the officer or servant enters the service of the borough council.

(6) For the purpose of calculating the amount which may be or is required to be paid by way of return of contributions to or in respect of an officer or servant under section 7 (Forfeiture for fraud &c.) of the Act of 1908 or under the sections of this Part of this Act of which the marginal notes are respectively—

“Return of contributions and power to grant gratuities in certain cases”; and

“Return of contributions on death of superannuated person”;

the whole of the sum paid by him under this section (or if the amount is payable by instalments under subsection (5) of this section the amount of the instalments and interest paid by the officer or servant to the date of the determination of the appointment or his death (as the case may be) shall be treated as contributions which have

A.D. 1933. — been paid by him to the superannuation fund of the borough council.

(7) If any instalment of the sum payable by an officer or servant under this section remains to be paid at the date on which the officer or servant becomes entitled to a superannuation allowance the amount of each such instalment shall with accrued interest thereon be deducted from the payment or payments of superannuation allowance made next after the instalment has become due until the whole sum payable has been recovered but the total amount of the remaining instalments or any part thereof with accrued interest thereon may if the borough council so decide be deducted from the lump sum payable under the section of this Part of this Act of which the marginal note is "Superannuation allowances for new entrants."

(8) If any instalment of the sum payable by an officer or servant under this section remains to be paid at the date on which he dies before becoming entitled to a superannuation allowance the total amount of every such instalment shall with accrued interest thereon be deducted from any amount due to his legal personal representatives under the proviso to paragraph (c) of subsection (1) of the next succeeding section but not so as to reduce the amount payable below the sum which would have been payable if that proviso had not been enacted.

(9) Upon and after the date of the coming into operation of any general Act of Parliament requiring the payment of transfer values or sums in lieu of transfer values to the borough council in respect of the ranking service of an officer or servant with an authority to whom the Local Government and other Officers' Superannuation Act 1922 or any amendment thereof applies or to whose officers and servants a scheme for the granting of superannuation allowances under a local Act or Order applies this section (except subsection (1) thereof) shall not apply to any such officer or servant who enters the service of the borough council on or after such date.

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

43.—(1) An officer or servant who ceases to hold his office or employment before becoming entitled to a superannuation allowance or (in case of death) his legal personal representatives shall be entitled in any of the following circumstances to receive out of the superannuation fund a sum equal to the aggregate amount of

his contributions under the Act of 1908 or the Act of 1908 A.D. 1933.
as amended by this Part of this Act (as the case may be)
together with compound interest at the rate of three per
centum per annum calculated as hereinafter in this Part
of this Act provided to the thirty-first day of March
immediately preceding the date of the determination of
the appointment:—

- (a) if he loses his office or employment by reason of a reduction of staff or of any alteration of areas or boundaries or ceases to hold his office or employment by reason of bodily injury not occasioned by his own default;
- (b) if he is dismissed or resigns or otherwise ceases to hold his office or employment and such dismissal resignation or cesser is not in consequence of an offence of a fraudulent character or of grave misconduct; or
- (c) if he dies: Provided that if he has completed five years' service with the borough council and the sum payable to his legal personal representatives under the preceding provisions of this section is less than the average annual amount of his salary or wages and emoluments during the five years ending on the quarter day immediately preceding the date of his death the borough council shall also pay to his legal personal representatives the amount by which the contributions with such compound interest as aforesaid is less than the said average annual amount.

(2) In any such case of loss of office or employment as is mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section the borough council may also if they see fit grant to an officer or servant a gratuity not exceeding twice the amount of his salary or wages and emoluments during the year ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment but every such gratuity shall be paid out of the general rate authorised to be levied by the borough council and not out of the superannuation fund. Provided that when such loss of office or employment occurs in a case in which the death resignation or insanity of one of the holders of a joint appointment vacates the office of the other the officer or

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Council (General Powers) Act, 1933.

A.D. 1933. servant whose office or employment is vacated shall unless he is re-appointed by the borough council and except where in the case of husband and wife the joint appointment is terminated owing to the grave misconduct of one of them be entitled to receive during life a superannuation allowance (including any single lump sum) according to the scale specified in the Act of 1908 or in the Act of 1908 as amended by this Part of this Act (as the case may be) if such officer or servant has attained the age of fifty years or has served for not less than twenty years.

(3) The payments to be made by the borough council to servants of the borough council under this section shall be in addition to and not in substitution for the sick pay and death allowances referred to in section 23 (Confirmation of sick pay scheme (Camberwell)) or the contributions referred to in section 25 (Power to Deptford Council to contribute to provident fund) of the Act of 1908 (as the case may be).

Return of
contribu-
tions on
death of
superannu-
ated person.

44. In any case in which an officer or servant dies after he has become entitled to a superannuation allowance and before he has received by way of superannuation allowance (together with any single lump sum which may be paid to him under the section of this Part of this Act of which the marginal note is "Superannuation allowances for new entrants" in cases in which that section applies) an amount equal to—

(a) the amount of his contributions under the Act of 1908 or under the Act of 1908 as amended by this Part of this Act together with compound interest at the rate of three per centum per annum calculated as hereinafter in this Part of this Act provided to the thirty-first day of March immediately preceding the date of his retirement; or

(b) the average annual amount of his salary or wages and emoluments during the five years ending on the quarter day immediately preceding the day on which he ceased to hold his office or employment;

(whichever is the greater) the borough council shall pay to his legal personal representatives out of the superannuation fund the amount by which the amount of the said contributions and interest or the said average

annual amount (as the case may be) exceeds the aggregate amount which he has received by way of superannuation allowance and single lump sum as aforesaid. A.D. 1933.
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45. For the purposes of the last two preceding sections of this Part of this Act the compound interest shall be calculated with yearly rests on the thirty-first day of March in each year and the amount on which such interest shall be calculated on each such day shall be the aggregate of the total amount of the contributions standing to the credit of the officer or servant on the thirty-first day of March in the preceding year and the amount of compound interest calculated to such last-mentioned date. Ascertain-
ment of
compound
interest.

46. Special notice in writing shall be given with the ordinary agenda paper to every member of the borough council of the time at which there will be considered any proposal to return contributions under section 7 (Forfeiture for fraud &c.) of the Act of 1908 or any proposal to grant a gratuity under subsection (2) of the section of this Part of this Act of which the marginal note is "Return of contributions and power to grant gratuities in certain cases." Notice of
proposal to
return
contribu-
tions or pay
gratuity.

47.—(1) The borough council may on the retirement from service of any officer or servant possessing professional or other peculiar qualifications not ordinarily to be acquired in such service and of special value therein by resolution direct that such number of years (not exceeding ten) as the borough council shall by such resolution specify be added to the actual number of years of service or aggregated service of such officer or servant for the purpose of calculating the superannuation allowance and the lump sum (if any) payable to him under the Act of 1908 or under the Act of 1908 as amended by this Part of this Act. Increase of
allowance in
special
cases.

(2) Any superannuation allowance and lump sum determined in accordance with the provisions of subsection (1) of this section shall to the extent to which the amount thereof exceeds the amount of the allowance and lump sum which would have been payable to the officer or servant concerned if the powers of subsection (1) of this section had not been exercised be paid out of the general rate authorised to be levied by the borough council and not out of the superannuation fund.

A.D. 1933.
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Superannuation fund.

48.—(1) Section 15 (Superannuation fund) of the Act of 1908 shall continue in operation until the thirty-first day of March one thousand nine hundred and thirty-four but as respects the period extending from the appointed day to the said thirty-first day of March the borough council shall pay into the superannuation fund in that period a sum equal in amount to the sum which during that period has been contributed to the superannuation fund by officers and servants who enter the service of the borough council after the appointed day under the section of this Part of this Act of which the marginal note is "Scale of contributions for new entrants" in addition to the sums mentioned in the said section 15.

(2) As from the thirty-first day of March one thousand nine hundred and thirty-four the said section 15 of the Act of 1908 shall be and is hereby repealed and the superannuation fund of the borough council shall be administered in accordance with the succeeding provisions of this section.

(3) Subject to the provisions of the next succeeding section the borough council shall in each year carry and credit to the superannuation fund—

(a) the amounts deducted in such year under the provisions of the Act of 1908 as amended by this Part of this Act from the salaries wages and emoluments of the officers and servants contributing to the superannuation fund;

(b) a sum equal in amount to the sum which during such year has been contributed to the superannuation fund by officers and servants who enter the service of the borough council after the appointed day (in this Part of this Act referred to as "the equivalent contributions") and such further sums if any as the borough council may become liable to carry and contribute thereto under the provisions of this Part of this Act;

(c) all dividends and interest arising in such year out of the investment or use of the superannuation fund or any part thereof;

(d) the amount of any payments made to the borough council under the section of this Part of this Act of which the marginal note is

“ Previous service of new entrants ” or under any general Act of Parliament requiring the payment of transfer values or sums in lieu of transfer values to the borough council; and

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- (e) such amount as may be certified by an actuary as soon as may be after the thirty-first day of March one thousand nine hundred and thirty-four as necessary in order that the superannuation fund may be solvent such sum to be calculated so far as it relates to the liability to the fund in respect of officers and servants who entered the service of the borough council before the appointed day so as to cast upon the borough council so far as may be an equal annual charge for a period not exceeding forty years from the first day of April one thousand nine hundred and twenty-nine.

(4) The equivalent contributions and the payments to be made under paragraph (e) of subsection (3) of this section shall be made out of the same funds rates and revenues as those out of which are payable the salaries or wages from which the amounts referred to in paragraph (a) of that subsection are deducted.

49.—(1) As soon as may be after the thirty-first day of March one thousand nine hundred and thirty-four and at the expiration of every subsequent period of five years the condition of the superannuation fund shall be submitted by the borough council to an actuary being a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by them who shall consider the same and shall make an actuarial valuation of the assets and liabilities of the superannuation fund and on the basis of such valuation shall certify what sum (if any) calculated so as to cast upon the borough council an equal annual charge for a period not exceeding forty years from the date of the valuation in addition to the equivalent contributions and the payments to be made by the borough council under paragraph (e) of subsection (3) of the last preceding section should in his opinion be contributed by the borough council in order that the superannuation fund may be solvent and for the then ensuing quinquennial period the sum so certified shall be contributed by the

Actuarial
investigation.

A.D. 1933. — borough council to the superannuation fund accordingly out of the funds rates and revenues referred to in subsection (4) of the last preceding section.

(2) Where on such valuation the actuary certifies that a disposable surplus is disclosed the borough council shall dispose of the surplus by decreasing to such extent as shall be certified by the actuary to be possible without risk of causing a deficit in the fund the equivalent contributions or any other sums which the borough council may have become liable to contribute to the fund under the provisions of this Part of this Act (including the payments to be made under paragraph (e) of subsection (3) of the last preceding section of this Part of this Act) Provided that the disposable surplus shall be applied in the first instance to the reduction of such last-mentioned other sums and that the balance of the disposable surplus (if any) or the disposable surplus if no such other sums are then payable shall be applied to the reduction of the equivalent contributions of the borough council for a period of forty years from the date of the valuation or such less period as in the opinion of the actuary is reasonable having regard to the amount of the disposable surplus.

(3) Section 16 (Actuarial investigation) of the Act of 1908 shall be and is hereby repealed as from the thirty-first day of March one thousand nine hundred and thirty-four.

Annual allowances to employees in cases under Workmen's Compensation Act 1925.

50. The expression "superannuation allowance" shall for the purposes of the sections of this Part of this Act of which the marginal notes are respectively—

"Previous service of new entrants";

"Return of contributions and power to grant gratuities in certain cases"; and

"Return of contributions on death of superannuated person";

be deemed to include an annual allowance made by the borough council to an officer or servant under section 49 (Amendment of Camberwell and other Metropolitan Borough Councils (Superannuation) Act 1908) of the Act of 1929.

51. As from the appointed day the following sections of the Act of 1908 shall be and are hereby repealed to the extent mentioned hereunder :—

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Repeals.

Section 7 (Forfeiture for fraud &c.) The words “or who voluntarily resigns his office or employment”;

Section 8 (Return of contributions and power to grant gratuities and superannuation allowances in certain cases) The whole section;

Section 9 (Return of contributions in case of death) The whole section;

Section 10 (Notice of proposal to return contributions or grant gratuity) The whole section.

PART VIII.

POPLAR BOROUGH COUNCIL (SUPERANNUATION).

52. In this Part of this Act—

“the Poplar Council” means the council of the metropolitan borough of Poplar; and

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

Definition of expressions in Part VIII of Act.

53. As from the passing of this Act the Act of 1911 shall be read and have effect subject to the following amendments :—

Amendment of Act of 1911.

(1) Section 3 (Interpretation) shall have effect as if—

(a) for the definition therein of “officer” there were substituted the following definition :—

“officer” means every officer in the service of the Council in an established capacity and every servant or workman on weekly wages in the permanent employ of the Council and duly placed on the establishment staff;

(b) for the definition therein of “superannuation fund” there were substituted the following definition :—

“superannuation fund” means the fund referred to in the section of this Act

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of which the marginal note is "Superannuation fund";

(c) the definitions therein of "servant" "pension fund" and "provident fund" were omitted;

(d) the following definition were added thereto:—

"the Act of 1933" means the London County Council (General Powers) Act 1933.

(2) Subsection (1) of section 4 (Title of officers to superannuation allowances) shall have effect as if the following proviso were added thereto:—

"Provided that—

(a) the following provisions shall apply in the case of any officer who has completed ten years' service or aggregated service and in respect of permanent incapacity due to an injury receives from the Council compensation under the Workmen's Compensation Act 1925 or under any Act repealed by that Act or under any scheme made pursuant to any such Act:—

(i) any such officer to whom the scale contained in section 5 of this Act as originally enacted would but for such permanent incapacity as aforesaid have applied and in whose case the annual amount of such compensation is less than the amount of the superannuation allowance to which he would have been entitled under this section if such permanent incapacity had been due to any cause other than an injury for which he receives such compensation shall be entitled to receive out of the superannuation fund an annual allowance equal to the amount by which such superannuation allowance exceeds the annual amount of such compensation;

(ii) any such officer to whom the provisions of subsection (2) of section 5 of this Act apply and in whose case the

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annual amount of such compensation is equal to or less than the amount of the superannuation allowance (excluding any lump sum) to which he would have been entitled under this section if such permanent incapacity had been due to any cause other than an injury for which he receives such compensation shall be entitled to receive out of the superannuation fund the lump sum to which he would have been entitled under this section if such permanent incapacity had been due to any such other cause together with an annual allowance equal to the amount (if any) by which such superannuation allowance (excluding any lump sum) exceeds the annual amount of such compensation;

- (iii) any such officer to whom the provisions of subsection (2) of section 5 of this Act apply and in whose case the annual amount of such compensation exceeds the amount of the superannuation allowance (excluding any lump sum) to which he would have been entitled under this section if such permanent incapacity had been due to any cause other than an injury for which he receives such compensation but is less than an amount equivalent to one and one-third times the superannuation allowance (excluding any lump sum) to which he would have been entitled under this section if such permanent incapacity had been due to any such other cause shall be entitled to receive out of the superannuation fund an amount equal to the amount of the lump sum to which he would have been entitled under this section if such permanent incapacity had been due to any such other cause reduced by a sum which bears the same proportion to such lump sum as the amount of the

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difference between the annual amount of such compensation and such superannuation allowance (excluding any lump sum) bears to one-third of such superannuation allowance (excluding any lump sum);

(b) the expression 'superannuation allowance' or 'superannuation allowances' shall for the purpose of subsection (1) of section 8 and sections 10 12 16 and 22 of this Act be deemed to include such an annual allowance or annual allowances as aforesaid and any other amount payable under this proviso;

(c) the expression 'superannuation allowance' shall for the purposes of section 18 of this Act be deemed to include such an annual allowance as aforesaid."

(3) Section 5 (Scale of superannuation allowances) shall have effect as if there were added at the end of that section the following subsections:—

"(2) In the case of an officer who is appointed as such after the passing of the Act of 1933 the following provisions shall be substituted for the preceding provisions of this section:—

The superannuation allowance to be made to an officer under this Act shall be as follows:—

After ten years' service or aggregated service ten-eightieths of the average annual amount of his salary or wages and emoluments during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment with an addition of one-eightieth of such average annual amount for every additional completed year of service or aggregated service and of one-twelfth of one-eightieth of such average annual amount for each completed month of service or aggregated service beyond such period of completed years with a maximum of forty-eightieths

of such average annual amount on the completion of forty or more years' service or aggregated service; A.D. 1933.
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And in addition thereto (in each case) a lump sum (to be paid out of the superannuation fund) equal to one-thirtieth of the said average annual amount of salary or wages and emoluments multiplied by the number of completed years of his service or aggregated service so however that such lump sum shall in no case exceed one and a half times such average annual amount.

(3) Any officer who at the passing of the Act of 1933 is in the service of the Council may within three months thereafter signify in writing to the Council his intention to adopt the provisions of subsection (2) of this section and in that event the said provisions instead of the provisions of this section as originally enacted shall extend and apply to such officer accordingly except that the amount of the lump sum payable to him under this section and the maximum permissible amount of such lump sum shall be increased by one-half of one per centum in respect of each year of his service or aggregated service completed at the passing of the Act of 1933:

Provided that in the case of any officer to whom immediately before the passing of the Act of 1933 the proviso to section 5 of this Act as originally enacted applied no such period of service as is referred to in that proviso shall be reckoned for the purposes of this subsection."

(4) Subsection (1) of section 8 (Return of contributions and power to grant gratuities and superannuation allowances in certain cases) shall have effect as if there were inserted at the end of that subsection the words "together with compound interest at the rate of three per centum per annum calculated with half-yearly rests to the date on which he ceased to hold his office or employment."

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(5) Section 10 (Return of contributions in case of death) shall have effect as if there were inserted at the end of that section the words “together with compound interest at the rate of three per centum per annum calculated with half-yearly rests to the date of death.”

(6) Section 14 (Scale of contributions) shall have effect as if after the words “the Council may from time to time direct” the following proviso were inserted:—

“Provided also that in the event of the salary or wages and emoluments of an officer being reduced for any cause whatsoever (otherwise than on account of misconduct or of a reduction in the cost of living) he may if he so desires and within a period of three months after the date on which such reduction was decided upon give notice to the Council of his desire to continue to contribute to the superannuation fund in all respects as if such reduction had not taken effect and in the event of his so continuing to contribute the amount of his salary or wages and emoluments for the period in respect of which he so continues to contribute shall for the purposes of this Act or of this Act as amended by the Act of 1933 be deemed to be the amount of the salary or wages and emoluments which he would have received from the Council in respect of that period if such reduction had not taken effect.”

(7) Section 16 (Superannuation fund) shall have effect as if—

(a) after the words “total salaries” wherever those words occur in that section there were inserted the words “wages and emoluments”;

(b) in paragraph (B) of subsection (1) thereof there were inserted at the end of that paragraph the words “and of the section of Part VIII of the Act of 1933 of which the marginal note is ‘Reckoning further service’”;

(c) for subsection (3) of that section there were substituted the following subsection:— A.D. 1933.

“ (3) The following shall be charged upon the superannuation fund:—

(A) Superannuation allowances (including any lump sum payments) made in pursuance of this Act (other than any such superannuation allowances as are referred to in subsection (4) of section 4 of this Act);

(B) Pensions and other payments which but for the passing of the Act of 1933 would have been payable out of the pension fund established pursuant to this Act and transferred to the superannuation fund pursuant to the Act of 1933;

(C) Contributions or parts of contributions (including any interest thereon) returned or paid in pursuance of this Act;

(D) Any other amounts which in pursuance of this Act or of Part VIII of the Act of 1933 are payable out of the superannuation fund.”

(8) Section 17 (Actuarial investigation) shall have effect as if there were inserted therein after the words “total salaries” the words “wages and emoluments.”

54.—(1) For the purposes of the Act of 1911 the whole or any part of any period during which an officer within the meaning of that Act (not being a person who at the passing of this Act has ceased to be in the service of the Poplar Council) was in the service of the Poplar Council prior to his being appointed such an officer may subject to the approval of the Poplar Council and to the making of such further contributions (if any) as would have been or would be payable by him if during the whole or the part of that period (as the case may require) he had been in the service of the Poplar Council in an established capacity or in the permanent employ of that council and duly placed on the establishment staff (as the case may be) be deemed to be a period of service under the Poplar Council. Reckoning further service.

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(2) All contributions made under subsection (1) of this section shall be paid to the Poplar Council and shall be carried to the credit of and form part of the superannuation fund established under the Act of 1911. Provided that the Poplar Council may if they think fit agree to deduct such contributions (other than any contributions which relate to service as an officer after the passing of this Act) by instalments from the salary or wages payable to the officer by whom such contributions are to be made.

Payments
at death of
officer in
certain
cases.

55.—(1) The legal personal representatives of every officer within the meaning of the Act of 1911 who dies whilst in receipt of a superannuation allowance under that Act shall be entitled to receive out of the superannuation fund established under that Act the sum (if any) by which the total amount paid to such officer by way of superannuation allowance (including any lump sum payment) falls short of the amount to which his legal personal representatives would have been entitled under that Act if he had died on the last day of his service.

(2) The legal personal representatives of every such officer who dies after receiving any annual allowance or other amount under the proviso to subsection (1) of section 4 of the Act of 1911 shall be entitled to receive out of the said superannuation fund the sum (if any) by which the total amount paid to such officer by way of such annual allowance and other amount (if any) as aforesaid together with the total amount paid or payable by the Poplar Council to or in respect of such officer as compensation under the Workmen's Compensation Act 1925 or under any Act repealed by that Act or under any scheme made pursuant to any such Act for an injury resulting in permanent incapacity falls short of the amount to which his legal personal representatives would have been entitled under the Act of 1911 if he had died on the last day of service.

(3) Section 9 (Payments at death of officer in certain cases) of the Act of 1911 is hereby repealed.

Repeal of
Part III of
Act of 1911.

56.—(1) Part III (Pensions) of the Act of 1911 is hereby repealed.

(2) Any money standing to the credit of and any other assets of the pension fund established in pursuance of the Act of 1911 shall on the passing of this Act be

transferred to and form part of the superannuation fund established under the Act of 1911. A.D. 1933.

(3) Notwithstanding the repeal of Part III of the Act of 1911 all pensions or other annual amounts which immediately before the passing of this Act were payable under the said Part III shall subject to the provisions of that Part continue to be payable as if the said Part had remained in force except that all payments after the passing of this Act in respect of such pensions or other annual amounts shall be made out of the superannuation fund established under the Act of 1911.

57.—(1) If the sum payable under the provisions of section 10 (Return of contributions in case of death) of the Act of 1911 to the legal personal representatives of an officer of the Poplar Council who dies while in the service of the Poplar Council after completing five years of such service is less than the average annual amount of the salary or wages and emoluments of such officer during the five years ending on the quarter day immediately preceding the date of his death the Poplar Council shall pay to such representatives out of the superannuation fund a further sum equal to the amount by which the sum payable as aforesaid under the Act of 1911 is less than the said average annual amount. Payments to representatives of deceased officers.

(2) Words and expressions used in this section have the same respective meanings as in the Act of 1911.

(3) Part V (Powers to Poplar Council) of the London County Council (General Powers) Act 1923 is hereby repealed.

58. The Act of 1911 and this Part of this Act may be cited together as the Poplar Borough Council (Superannuation) Acts 1911, and 1933. Citation of Part VIII of Act.

PART IX.

SHOREDITCH AND OTHER METROPOLITAN BOROUGH COUNCILS (SUPERANNUATION).

59. In this Part of this Act—

“the Act of 1922” means the Shoreditch and other Metropolitan Borough Councils (Superannuation) Act 1922; Definition of expressions in Part IX of Act.

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

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—
Amendment
of Act of
1922.

60. As from the date of the passing of this Act the Act of 1922 shall be read and construed subject to the following amendments (that is to say):—

(1) Section 3 (Interpretation) of the Act of 1922 shall have effect as if—

(a) as respects any employee to whom the provisions of subsection (2) or subsection (4) of the section of this Part of this Act of which the marginal note is "Reckoning further service" applies there were substituted for the definition in the said section 3 of "service" the following definition:—

"service" means—

(i) in the case of all employees service under the Council; and

(ii) in the case of any employee transferred to the Council from any other authority by or under the London Government Act 1899 service under such other authority;

on the permanent establishment or (subject as hereinafter provided) otherwise than on the permanent establishment Provided that no period of service otherwise than on the permanent establishment (whether under the Council or under any such other authority as aforesaid or under both of them) shall be reckoned unless such service was continuous with service on the permanent establishment under the Council or under any such other authority and the total period of service otherwise than on the permanent establishment (whether under the Council or under any such other authority as aforesaid or under both of them) to be reckoned shall not in any case exceed ten years;

(b) for the definition therein of "aggregate service" there were substituted the following definition:—

"aggregate service" means service as defined in this section together with

any service under any authority other than the Council or their predecessors which is aggregated and reckoned in accordance with the provisions of the section of this Act whereof the marginal note is "Service under other authorities";

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(c) for the definition therein of "salary or wages" there were substituted the following definition:—

"salary" or "wages" means all salary wages fees poundage and other payments (including any war bonus) paid or made to any employee as such for his own use also the money value of any apartments rations or other allowances in kind appertaining to his office or employment but does not include payments for overtime or any allowance paid to him to cover cost of travelling or of office accommodation or clerks' assistance.

(2) Section 6 (Scale of superannuation allowances) of the Act of 1922 shall have effect as if for the scale therein specified there were substituted the following scale:—

"After ten years' service or aggregate service ten-sixtieths of the average annual amount of his salary or wages during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his employment with an addition of one-sixtieth of such average annual amount for every additional completed year of service or aggregate service and of one-twelfth of one-sixtieth of such average annual amount for each completed month of service or aggregate service beyond such period of completed years with a maximum of forty-sixtieths of such average annual amount on the completion of forty or more years' service or aggregate service."

(3) Section 7 (Service under other authorities) of the Act of 1922 shall have effect as if—

(a) the words "and as an officer of" were omitted from subsection (1) thereof; and

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—

(b) there were added at the end of that section the following subsection:—

“(4) (a) Notwithstanding anything contained in this section any employee who at the date of the passing of the London County Council (General Powers) Act 1933 (hereinafter in this subsection referred to as “the Act of 1933”) is in the service of the Council on the permanent establishment may within three months thereafter give notice in writing to the Council of his desire that all or any periods of service with any of the other authorities referred to in subsection (1) of this section shall be aggregated and reckoned in accordance with this Act and (subject to his proving to the satisfaction of the Council within a period of three months after giving such notice that he has been in the service of any such other authorities for the periods which he desires to be aggregated and reckoned) the Council may at their discretion direct whether the whole or any part of such service shall or shall not be so aggregated and reckoned;

(b) Any employee as respects whom the Council have directed that any period of service shall be aggregated and reckoned under paragraph (a) of this subsection shall contribute to the superannuation fund—

(i) an amount representing the difference (if any) between the total amount which would up to the date of the passing of the Act of 1933 have been payable by him as contributions to the superannuation fund if such period of service as is aggregated and reckoned under this subsection had been aggregated and reckoned under subsection (1) or subsection (3) of this section together with any other period of service aggregated and reckoned under the said subsection (1) or subsection (3) and the total amount which was up to the

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payable by him as contributions to
such superannuation fund; and

(ii) as from the date of the passing of the Act of 1933 such percentage amount as he would be liable to contribute to the superannuation fund if such period of service as is aggregated and reckoned under this subsection had been aggregated and reckoned under subsection (1) or subsection (3) of this section together with any other period of service aggregated and reckoned under the said subsection (1) or subsection (3);

(c) Any amount which is to be contributed by an employee under sub-paragraph (i) of paragraph (b) of this subsection may subject to the consent of the Council and to such conditions as they may impose be paid by instalments of such amounts and at such times as the Council may determine."

61. As from the date of the passing of this Act the Act of 1930 shall be read and construed subject to the following amendments (that is to say):— Amendment of Act of 1930.

Section 51 (Revised scale of superannuation allowances) shall have effect as if—

(a) for the scale therein specified there were substituted the following scale:—

“After ten years’ service or aggregate service ten-eightieths of the average annual amount of his salary or wages during the five years ending on the quarter day which immediately precedes the day on which he ceases to hold his employment with an addition of one-eightieth of such average annual amount for every additional completed year of service or aggregate service and of one-twelfth of one-eightieth of such average annual amount for each completed month of service or aggregate service beyond such period of completed years with a maximum of forty-eightieths of such

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average annual amount on the completion of forty or more years' service or aggregate service;

And in addition thereto (in each case) a lump sum equal to the amount arrived at by multiplying one-thirtieth of the said average annual amount of salary or wages by the number of completed years of his service or aggregate service and adding to the amount so ascertained an amount equal to one-twelfth of one-thirtieth of the said average annual amount of salary or wages for each completed month of service or aggregate service beyond such period of completed years so however that such lump sum shall in no case exceed one and a half times such average annual amount of salary or wages";

(b) as respects any employee who has adopted the provisions of that section and is at the date of the passing of this Act in the service of any council to which the Act of 1922 applies there were added at the end of subsection (2) of that section the words "and (in any case where at the passing of this Act the period of service or aggregate service of such employee exceeds a number of completed years) by a further sum equal to one-twelfth of one-half of one per centum in respect of each completed month of his service or aggregate service beyond such number of completed years."

Reduction
or suspen-
sion of
salary or
wages.

62. In the event of the salary or wages of an employee having been or being either—

(a) reduced by reason of an alteration made in his grade or status for any cause (other than misconduct or any cause as a result of which he has under any enactment received compensation by reason of being placed in a worse position as respects superannuation benefits) after the period of his service or aggregate service amounted or amounts to at least twenty years; or

(b) reduced or suspended by reason of illness;

he may if he so desires and has within a period of three months after the passing of this Act (or in the case of an employee first appointed after the passing of this Act within a period of three months after being so appointed) given notice in writing of his desire to the council concerned contribute to the superannuation fund as from the passing of this Act or as from the date after the passing of this Act when any such reduction or suspension of his salary or wages takes effect (as the case may be) in all respects as if such reduction or suspension had not taken effect and in the event of his so contributing the amount of his salary or wages for the period in respect of which he so contributes shall for the purposes of the Act of 1922 or of that Act as amended by the Act of 1930 and this Part of this Act be deemed to be the amount of the salary or wages which he would have received in respect of that period if such reduction or suspension had not taken effect.

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63.—(1) If the length of the period or periods of service (as defined in the section of this Part of this Act of which the marginal note is “Amendment of Act of 1922”) of an employee who is at the date of the passing of this Act in the service on the permanent establishment of any council to which the Act of 1922 applies exceeds the length of the period or periods of his service as defined in section 3 (Interpretation) of the Act of 1922 as originally enacted he shall if he so desires and within a period of three months after the date of the passing of this Act gives notice in writing of his desire to the council concerned be entitled (subject to the payment by him of such further contributions as are referred to in subsection (2) of this section) to have reckoned for the purposes of the Act of 1922 or of that Act as amended by the Act of 1930 and this Part of this Act the whole of his period or periods of service as defined by the section of this Act of which the marginal note is “Amendment of Act of 1922.”

Reckoning
further
service.

(2) Any employee who duly gives notice under subsection (1) of this section shall contribute to the superannuation fund of the council concerned—

- (a) an amount representing the difference (if any) between (i) the total amount which would up to the date of the passing of this Act have been payable by him as contributions to such

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superannuation fund if the expression "service" as defined in the section of this Part of this Act of which the marginal note is "Amendment of Act of 1922" had been originally enacted in the Act of 1922 in lieu of the definition of that expression therein contained and (ii) the total amount which was up to the date of the passing of this Act payable by him as contributions to such superannuation fund; and

(b) as from the date of the passing of this Act such percentage amount as he would be liable to contribute to such superannuation fund if the expression "service" as defined in the section of this Part of this Act of which the marginal note is "Amendment of Act of 1922" had been originally enacted in the Act of 1922 in lieu of the definition of that expression therein contained.

(3) If after the date of the passing of this Act an employee is placed on the permanent establishment of any of the councils to which the Act of 1922 applies after a period of service (as defined in the section of this Part of this Act of which the marginal note is "Amendment of Act of 1922") under that council otherwise than on the permanent establishment he shall if he so desires and within a period of three months after being placed on the permanent establishment give notice in writing of his desire to the council concerned be entitled (subject to the payment by him of such further contributions as are referred to in subsection (4) of this section) to have reckoned for the purposes of the Act of 1922 as amended by the Act of 1930 and this Part of this Act the whole of such period of service.

(4) Any employee who duly gives notice under subsection (3) of this section shall in respect of such period of service as is referred to in that subsection contribute to the superannuation fund of the council concerned such an amount as would have been payable by him as contributions to such superannuation fund if during the whole of such period of service he had been on the permanent establishment of the council concerned.

(5) Any amount which is to be contributed by an employee under paragraph (a) of subsection (2) of this section or under subsection (4) of this section may

subject to the consent of the council concerned and to such conditions as they may impose be paid by instalments of such amounts and at such times as that council may determine. A.D. 1933.
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64. The Act of 1922 Part VII of the Act of 1930 and this Part of this Act shall be read and construed as one Act and may be cited as the *Shoreditch and other Metropolitan Borough Councils (Superannuation) Acts 1922 to 1933.* Construc-
tion and
citation of
Part IX of
Act.

PART X.

MISCELLANEOUS.

65.—(1) The Council may make vary and revoke standing orders empowering— Continuance
in office of
committees
and sub-
committees
of London
County
Council.

(a) any committee appointed by the Council; and

(b) any sub-committee appointed by the Council or by any such committee or sub-committee;

as constituted immediately before the ordinary day of retirement of county councillors under section 1 of the *County Councils (Elections) Act 1891* or such members of any such committee or sub-committee as shall be able and willing to act as such committee or sub-committee to continue on and after that day until the appointment of the successors of or the termination of the appointment of such committee or sub-committee as the case may be to exercise and perform as such committee or sub-committee such powers and duties in relation to matters of routine or of so urgent a nature that they cannot conveniently be postponed until the appointment of a new committee or sub-committee as the committee or sub-committee were entitled or required to exercise or perform immediately before that day and any committee sub-committee or members to whom any standing orders so made and for the time being in force apply shall continue as aforesaid to exercise and perform the said powers and duties.

(2) Any standing orders made or varied under subsection (1) of this section may include provisions governing the proceedings of any committee sub-committee or members acting as aforesaid to whom the standing orders relate.

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(3) The foregoing provisions of this section shall be in addition to and not in derogation of the powers of the Council or of any such committee or sub-committee as is hereinbefore referred to under any other Act or under any scheme made under any other Act and the provisions of all enactments and schemes made thereunder applicable to any member of any committee or sub-committee referred to in subsection (1) of this section shall so far as they are consistent with the provisions of that subsection continue to apply to any such member during the period mentioned in that subsection.

Amendment
of section 44
of Public
Health
(London)
Act 1891.

66.—(1) Section 44 (Power to sanitary authority to provide public conveniences) of the Public Health (London) Act 1891 shall be construed as if in subsection (2) thereof the words “street repairable by the inhabitants at large” were substituted for the words “road exclusive of the footway adjoining any building or the curtilage of a building” Provided that nothing in this section shall be deemed to vest in a sanitary authority any bridge vested in the Council or the common council or any part of such bridge or such part of the approaches thereto or of the subsoil of such approaches as is vested in the Council or the common council.

(2) Any person who proves that damage is occasioned to him by the exercise by a sanitary authority in relation to the subsoil of the footway of any street repairable by the inhabitants at large of the powers conferred by section 44 of the Public Health (London) Act 1891 as amended by subsection (1) of this section shall be entitled to recover compensation for such damage from the sanitary authority and any question whether compensation is payable under this subsection or as to the amount of any compensation so payable shall in default of agreement be determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act 1919.

Scope of
county and
general
rates.

67.—(1) Section 68 (Funds of county council) of the Local Government Act 1888 shall in its application to the Council have effect as if the words “within six months” were omitted from subsection (9) thereof.

(2) The general rate from time to time made by a borough council may include such an amount as will be

sufficient in the opinion of the borough council to cover expenditure incurred before the making of the rate. A.D. 1933.

68.—(1) Notwithstanding anything contained in any other enactment the following provisions shall have effect with reference to any electricity undertaking (in this section referred to as “the undertaking”) carried on by any borough council (in this section referred to as “the borough council”) under the Electricity (Supply) Acts 1882 to 1928 :—

Revenue and expenditure of electricity undertakings of metropolitan borough councils.

(A) There shall be carried to and form part of the fund or account to which the proceeds of the general rate levied by the borough council are carried (hereinafter in this section referred to as “the general rate fund”)—

(a) all moneys received by the borough council on account of the revenue of the undertaking;

(b) all interest and other annual proceeds received by the borough council on the investments forming part of any fund accumulated in relation to the undertaking for the redemption of debt or as a reserve fund; and

(c) all interest on moneys forming part of any such fund as is referred to under the foregoing head (b) and used by the borough council under the powers and for the purposes of section 55 (Power to borough councils to use sinking and other funds instead of borrowing) of the London County Council (General Powers) Act 1924 (which Act is in this section referred to as “the Act of 1924”);

and there shall be paid out of the general rate fund all payments made and expenses incurred by the borough council on revenue account in respect of the undertaking. Provided that an amount equivalent to such interest and other annual proceeds as are referred to under the foregoing head (b) and such interest as is referred to under the foregoing head (c) shall be credited in the accounts to the fund of which the investments producing such interest and proceeds or the

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moneys so used as aforesaid (as the case may be) form part but not so as to increase such fund to an amount exceeding—

(i) in the case of a fund accumulated for the redemption of debt the amount of the loan for the redemption of which such fund was formed; or

(ii) in the case of a reserve fund (including any principal moneys repayable to the fund under section 55 of the Act of 1924) the prescribed maximum.

(B) The borough council shall keep the accounts of the undertaking so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

(a) the working and establishment expenses and cost of maintenance of the undertaking;

(b) the interest on moneys borrowed by the borough council for purposes of or connected with the undertaking;

(c) the requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for purposes of the undertaking;

(d) all other expenses (if any) of the undertaking not being expenses properly chargeable to capital;

(e) the sums (if any) applied out of the general rate fund in any of the ways mentioned in paragraph (c) of this subsection.

(c) If in any year the accounts of the undertaking kept under paragraph (B) of this subsection show that the total amount carried to the general rate fund in respect of that year under paragraph (A) of this subsection exceeds the aggregate

amount of the payments and expenses in respect of that year under heads (a) (b) (c) and (d) mentioned in paragraph (B) of this subsection and of the amount credited in respect of that year under the proviso to paragraph (A) of this subsection to the funds referred to in the last-mentioned paragraph the borough council shall out of the general rate fund apply a sum equal to such excess in any one or more of the following ways:—

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—

(a) in reduction of the charges for the supply of electrical energy;

(b) in reduction of capital moneys borrowed for purposes of the undertaking;

(c) in making any payment authorised by section 56 (Further power as to net revenue of electricity undertakings of borough councils) of the Act of 1924;

(d) with the consent of the Electricity Commissioners in payment of any expenses in respect of the undertaking (other than such as the borough council are empowered to defray under section 56 of the Act of 1924) which might otherwise have been defrayed out of capital moneys;

(e) in providing a reserve fund in respect of the undertaking by setting aside such amounts as they may from time to time think reasonable and (subject to the provisions of subsection (3) of this section) investing in statutory securities the amounts so set aside and sums equivalent to any amounts from time to time credited to that fund under the proviso to paragraph (A) of this subsection until the fund so formed (including any principal moneys repayable to the fund under section 55 of the Act of 1924) amounts to one-tenth of the aggregate capital expended for the time being upon the undertaking (in this section referred to as "the prescribed maximum"):

Provided that if any such reserve fund (including any principal moneys repayable to the fund under section 55 of the Act of 1924) exceeds an amount equivalent to one-twentieth of the aggregate

A.D. 1933.

capital expended for the time being upon the undertaking the foregoing provisions of this paragraph shall not be binding on the borough council unless and except in so far as the amount of such excess exceeds an amount equivalent to one and a half per centum of the outstanding debt of the undertaking.

(2) (a) Any reserve fund (including any principal moneys repayable to the fund under section 55 of the Act of 1924) which has been formed for the purpose of the undertaking and which was in existence at the commencement of this section shall if amounting to the prescribed maximum be deemed to have been provided under head (e) of paragraph (c) of subsection (1) of this section and shall if amounting to less than the prescribed maximum be deemed to be part of a reserve fund so provided.

(b) Any reserve fund provided or deemed to have been provided under the said head (e) shall be applicable to answer any deficiency at any time happening in the income of the undertaking or to meet any extraordinary claim or demand at any time arising against the borough council in respect of the undertaking and if that fund is at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens.

(c) Resort may be had to any such reserve fund although such fund at the time may not have reached or may have been reduced below the prescribed maximum.

(3) Notwithstanding anything in this section the provisions of section 55 of the Act of 1924 shall subject to the provisions of subsection (1) of this section continue in operation and the borough council may exercise the powers of that section with reference to any reserve fund provided or deemed to have been provided under this section.

(4) For the purposes of this section "statutory securities" means any security in which trustees are for the time being by or under any Act of Parliament authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans

Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the borough council. A.D. 1933.
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(5) Paragraph (1) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by section 43 of and the Fifth Schedule to the Electricity (Supply) Act 1926 or the corresponding provisions of any special Act or Provisional Order relating to the supply of electricity which does not incorporate the provisions of the said first-mentioned schedule shall cease to apply to the undertaking and to the borough council in respect thereof.

(6) The provisions of this section shall be deemed to have come into operation on the first day of April one thousand nine hundred and thirty-three which date is in this section referred to as "the commencement of this section."

69.—(1) After the commencement of this section no petroleum-filling station shall without the consent of the local authority be established in the county so as to be adjacent to any street or so that any carriageway forming part of the petroleum-filling station communicates directly with any street but such consent shall not be refused in the case of any proposed petroleum-filling station unless in the opinion of the local authority the petroleum-filling station if established would cause obstruction to traffic. Control of
petroleum-
filling
stations.

(2) The local authority may attach to any consent under this section such terms conditions and restrictions as they may determine in relation to the lay-out of and the approach to and egress from any proposed petroleum-filling station and any other matters relevant to the prevention of obstruction to traffic and a consent to which terms conditions or restrictions have been so attached is in this section referred to as a "conditional consent."

(3) (a) Any person aggrieved by the refusal of consent by the local authority under this section or by the terms conditions or restrictions attached to a conditional consent may within fourteen days after notice of the refusal of consent or of the grant of a conditional consent (as the case may be) has been given to him appeal to a court of summary jurisdiction provided that not less than seven days before the hearing of any such appeal he gives to the local authority notice in writing of the appeal and of the grounds thereof.

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(b) The court may on any such appeal make such order in the matter as it thinks fit and may award costs to be recoverable as a civil debt.

(c) Notice of the right of appeal shall be endorsed on any notice of the local authority communicating their refusal of consent or the grant of a conditional consent under this section.

(4) If any person establishes or permits to be established any petroleum-filling station in contravention of this section or maintains any petroleum-filling station so established or fails to comply with any term condition or restriction attached to a conditional consent he shall without prejudice to any other proceedings which may be taken against him be guilty of an offence and shall be liable on conviction to a penalty not exceeding five pounds and any person so convicted shall within such time as the court may allow do all such things as may be necessary to remove any petroleum-filling station established in contravention of this section or to comply with the said terms conditions and restrictions (as the case may be) and if he fails to do so he shall be deemed to commit a continuing offence and shall be liable on conviction to a penalty not exceeding forty shillings for each day of such failure.

(5) No consent shall be given or refused by the Council under this section until after consultation with the Commissioner of Police of the Metropolis and the council of the metropolitan borough in which the petroleum-filling station is proposed to be established.

(6) For the purposes of this section the local authority shall be—

(a) as respects the county (except the city of London) the Council; and

(b) as respects the city of London the common council.

(7) Except as expressly provided by this section nothing contained therein or done thereunder shall prejudice or affect the operation of any other enactment or of any byelaw or regulation made thereunder nor shall prejudice or derogate from the rights powers and duties of the local authority under any such other enactment byelaw or regulation.

(8) In this section the expression "petroleum-filling station" means any premises or place used or intended to be used by way of trade or for purposes of gain for fuelling motor vehicles with petroleum by means of a pump or standpipe or other like apparatus and includes any building advertisement pump or other apparatus used in connection with such premises or place and the expression "petroleum" has the same meaning as in the Petroleum (Consolidation) Act 1928.

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—

(9) This section shall come into operation on the first day of January one thousand nine hundred and thirty-four and in this section the expression "commencement of this section" means the said first day of January.

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

70.—(1) Notwithstanding anything contained in section 7 of the Housing Act 1930 any area in the royal borough of Kensington in which the housing conditions referred to in that section exist may under and in accordance with the provisions of that Act be declared to be an improvement area if those conditions can as to the whole or any part of such area be effectively remedied by the putting into operation of the provisions of subsection (2) of this section in addition to the remedies mentioned in the said section 7.

Extension
of certain
provisions
of Housing
Acts in
certain
areas.

(2) The following provisions (in addition to the provisions of the Housing Act 1930 relating to improvement areas) shall have effect in relation to any area which by virtue of the extension of powers effected by subsection (1) of this section has been declared to be an improvement area by the council of the said royal borough (hereinafter referred to as "the Kensington Council") or (upon and in accordance with a request so to do made to them by the Kensington Council under their common seal) by the London County Council:—

(a) The Kensington Council may under and subject to the provisions of Part II of the Housing Act 1930 take the like proceedings in relation to any room in that area which is occupied or of a type suitable for occupation by persons of the

A.D. 1933.

working classes (whether or not let as a separate tenement) and is unfit for human habitation as they are empowered to take in relation to a dwelling-house which is unfit for human habitation subject however to this qualification that in circumstances in which in the case of a dwelling-house they would have made a demolition order they shall in the case of such room make a closing order prohibiting the use of the room for purposes of a living place or for purposes of a sleeping place or for both of those purposes;

- (b) For the purposes of this section any room the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room or more than three feet below the surface of any ground within nine feet of the room if the room either is not on an average at least seven feet in height from floor to ceiling or does not comply with regulations prescribed by the Kensington Council or made by the Minister under section 18 of the Housing Act 1925 shall be deemed to be unfit for human habitation;
- (c) The Kensington Council shall determine a closing order made under paragraph (a) of this subsection on being satisfied that the room to which it relates has been rendered fit for human habitation;
- (d) The provisions relating to the making and enforcement of byelaws contained in sections 8 and 16 of the Housing Act 1930 shall extend to the making and enforcement of byelaws to prevent nuisances from or in any room to which a closing order made under paragraph (a) of this subsection relates; and
- (e) The Kensington Council shall in relation to any persons of the working classes whose displacement will be necessitated in consequence of the making of a closing order under paragraph (a) of this subsection be deemed to be the local authority for the purposes of section 9 (Obligations of local authority with respect to re-housing) of the Housing Act 1930.

(3) Any person who while a closing order made under paragraph (a) of subsection (2) of this section continues in force uses or permits to be used the room to which such closing order relates for any purpose other than a purpose approved by the Kensington Council shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day or part of a day on which he so uses the room or permits the room to be so used after conviction. Provided that the approval of the Kensington Council under this subsection shall not be unreasonably withheld and any person aggrieved by the withholding of any such approval may appeal to the county court in the like manner and with the like incidents as if the withholding of approval were a refusal to determine a closing order within the meaning of section 22 of the Housing Act 1930.

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(4) In calculating the amount of the contribution by the Minister under section 26 of the Housing Act 1930 towards expenses incurred by the Kensington Council or the London County Council in connection with any action taken by those councils or either of them in dealing with any area declared to be an improvement area under this section the number of persons of the working classes whose displacement is shown to the satisfaction of the Minister to have been rendered necessary by such action shall be reduced by the number of those persons who would not have been displaced if Part II of the Housing Act 1930 had not been amended by this section.

(5) Nothing in this section shall save as otherwise expressly provided therein prejudice or affect the rights powers duties or obligations of the London County Council or the Kensington Council under the Housing Acts 1925 and 1930.

(6) This section shall be construed as one with the Housing Acts 1925 and 1930.

71.—(1) In this section—

“the company” means the London Electric Railway Company;

“the subway” means the pipe subway constructed or to be constructed by the company under Cranbourn Street in the city of Westminster

Vesting of
Cranbourn
Street
subway in
London
County
Council.

A.D. 1933.

shown by red colour on a plan signed by Arthur Reginald Cooper on behalf of the company and by Thomas Peirson Frank on behalf of the Council and the works carried out or to be carried out by the company for making a connection between the said pipe subway and the existing pipe subway of the Council under Charing Cross Road as diverted by the company under their statutory powers ;

“ the Act of 1893 ” means the London County Council (Subways) Act 1893; and

“ the date of completion ” means the date of a certificate issued by the chief engineer of the Council that the subway has been completed to the satisfaction of the Council in accordance with plans and specifications approved for that purpose by the Council.

(2) (a) The subway shall on and from the date of completion vest in and be the property of the Council and the provisions of the Act of 1893 and all byelaws for the time being in force thereunder shall as from the date of completion extend and apply to the subway and (subject to the exemptions contained in the Act of 1893) to any pipes or wires for the time being therein as if the subway had been included in the expression “ subway ” in the Act of 1893 :

Provided that for the purposes of the application of the Act of 1893 to the subway the Metropolitan Water Board and the London Hydraulic Power Company shall be deemed to be water companies.

(b) Conditions made by the Council under or by virtue of any Provisional Order licence or Special Order under the Electricity (Supply) Acts 1882 to 1928 or any special Act incorporating those Acts and for the time being in force relating to pipes or wires placed in subways vested in the Council and to all matters in connection therewith shall apply to any pipes or wires which are authorised by such Provisional Order licence Special Order or special Act to be laid and are in the subway at the date of completion.

(3) The Council and the company may enter into and carry into effect and from time to time vary agreements with regard to the incidence of liability for

annual charges for the use of the subway in respect of the pipes and wires therein at the date of completion and the supervision thereof by the Council and such agreements shall have effect notwithstanding anything in this Act contained : A.D. 1933.
—

Provided that nothing in any such agreement shall affect prejudicially the rights or interests of any person other than the parties thereto.

72.—(1) Where any notice or other document under this Act or under any enactment incorporated with or applied by this Act or any byelaw made thereunder requires authentication it shall be sufficient authentication for that purpose if the notice or other document is signed— Authentica-
tion and
service of
notices &c.

- (a) in the case of the Council by the clerk of the Council or other officer of the Council duly authorised in that behalf;
- (b) in the case of the common council by the town clerk of the city of London or other officer of the common council duly authorised in that behalf; and
- (c) in the case of a borough council by the town clerk of the metropolitan borough or other officer of the borough council duly authorised in that behalf;

without the necessity of adducing proof of such signature.

(2) Notices and other documents required or authorised to be served or given under this Act or under any enactment incorporated with or applied by this Act may be served or given by post or by delivering the same to or at the residence of the person to whom they are respectively addressed or where addressed to the owner or occupier of premises by delivering the same or a true copy thereof to some person on the premises or if there is no person on the premises who can be so served by fixing the same on some conspicuous part of the premises Provided that—

- (a) a notice to treat given under section 18 of the Lands Clauses Consolidation Act 1845 if served by post shall be served by registered post;
- (b) in the case of a company any such notice or document shall be delivered or sent by post

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Council (General Powers) Act, 1933.

A.D. 1933.

addressed to the secretary of the company at its registered office or at its principal office or place of business ;

- (c) in the case of a firm any such notice or document may be delivered or sent by post addressed to the firm by their business name at their principal place of business and any notice or document so delivered or sent shall be deemed to have been delivered or sent to each partner in the firm (the expressions "firm" "business name" and "partner" where used in this proviso having the same respective meanings as in the Registration of Business Names Act 1916).

In proving service by post it shall be sufficient to prove that the notice or other document was properly addressed and put into the post.

(3) Any such notice as aforesaid which is required to be served on or given to the owner or occupier of any premises may be addressed by the description of "the owner" or "the occupier" of the premises (naming the premises) in respect of which the notice is given without further name or description.

Recovery of penalties &c.

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

Penalties to be paid to authorities taking proceedings.

74. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act every penalty recovered under or in pursuance of this Act or any byelaw made under this Act shall be payable to the authority taking the proceedings leading to the recovery of the penalty.

Recovery of demands.

75. Proceedings for the recovery of any demand made under the authority of this Act or any enactment incorporated with or applied by this Act or any byelaw made thereunder whether provision is or is not made for the recovery in any specified court or manner may be

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taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action. A.D. 1933.
—

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

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

78. Nothing contained in this Act affects prejudicially any estate right power privilege or exemption belonging to or enjoyed by His Majesty in right of the Duchy of Cornwall or belonging to or enjoyed by the Duke of Cornwall for the time being. Saving rights of Duchy of Cornwall.

79. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular 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 His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands without the consent in writing of those commissioners on behalf of His Majesty first had and obtained for that purpose. Crown rights.

80. The Council may expend on capital account for the purposes of Part II (Acquisition of land by the Council) of this Act such money as they may from time to time think fit and may borrow or otherwise provide the whole or any part of the money required for those purposes in accordance with the provisions of the London County Council (Finance Consolidation) Act 1912. Money to be raised by London County Council on capital account.

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—
Payments
under this
Act.

81. Except as otherwise provided by this Act—

(a) all costs and expenses incurred under this Act by the Council shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 according as the Council may decide and the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act shall be defrayed by the Council in like manner Provided that so much of such last-mentioned costs charges and expenses as may be incurred in respect of or in connection with the provisions contained in—

(i) Part II (Acquisition of land by the Council);

(ii) Part III (Acquisition of land by the Woolwich Council);

(iii) the section of this Act of which the marginal note is “ Extension of time for
“ compulsory purchase of lands and com-
“ pletion of works under Westminster City
“ (Millbank) Improvement Act 1929 ”;

(iv) Part VI (Powers for the Westminster Council);

(v) Part VII (Camberwell and other Metropolitan Borough Councils (Superannuation));

(vi) Part VIII (Poplar Borough Council (Superannuation));

(vii) Part IX (Shoreditch and other Metropolitan Borough Councils (Superannuation));

(viii) the section of this Act of which the marginal note is “ Revenue and expenditure
“ of electricity undertakings of metropolitan
“ borough councils ”; and

(ix) the section of this Act of which the marginal note is “ Vesting of Cranbourn Street subway in London County Council ”

shall unless otherwise agreed be paid as regards (i) by the governors of the Woolwich

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Polytechnic as regards (ii) by the Woolwich Council as regards (iii) and (iv) by the Westminster Council as regards (v) so far as relates to the section of this Act of which the marginal note is "Amendment of definition of 'emoluments'" by the councils of the metropolitan boroughs of Camberwell Deptford and Hackney in equal shares and so far as relates to the remaining provisions of Part VII of this Act by the councils of the metropolitan boroughs of Camberwell and Deptford in equal shares as regards (vi) by the council of the metropolitan borough of Poplar as regards (vii) by the councils of the metropolitan boroughs of Bermondsey Finsbury Greenwich Hammersmith Shoreditch Southwark and Stoke Newington in equal shares as regards (viii) by the councils of the metropolitan boroughs of Battersea Bermondsey Bethnal Green Fulham Hackney Hammersmith Hampstead Islington Poplar St. Marylebone St. Pancras Shoreditch Southwark Stepney Stoke Newington and Woolwich in equal shares and as regards (ix) by the London Electric Railway Company and such payment shall in the case of each of the said borough councils be made out of the general rate authorised to be levied by those councils respectively;

- (b) all expenses incurred under this Act by the common council shall be defrayed out of the general rate authorised to be levied by them; and
- (c) all expenses incurred under this Act by a borough council shall be defrayed out of the general rate authorised to be levied by them.

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The SCHEDULE referred to in Part VII
of the foregoing Act.

CAMBERWELL AND OTHER METROPOLITAN BOROUGH
COUNCILS (SUPERANNUATION).

RULES DETERMINING THE SUMS TO BE PAID TO THE SUPER-
ANNUATION FUND BY NEWLY APPOINTED OFFICERS OR SERVANTS
IN RESPECT OF PREVIOUS SERVICE.

1. The amount shown in column 2 of the succeeding table as appropriate to the age of the officer or servant at the date of his entering the service of the borough council to be multiplied by the number of completed years of the service of the officer or servant with an authority or authorities referred to in section 6 (Reckoning service) of the Act of 1908 as amended by this Act or with the borough council otherwise than in an established capacity or on the permanent establishment as the case may be.

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

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

4. In the case of an officer or servant who at the date of his entering the service of the borough council is employed in whole-time service a period of part-time service shall be treated for the purposes of these rules as though it were whole-time service for a proportionately reduced period.

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Council (General Powers) Act, 1933.

THE TABLE ABOVE REFERRED TO.

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

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