

[26 GEO. 5. & *London County Council*  
1 EDW. 8.] (*General Powers*) Act, 1936.

[Ch. ix.]



## CHAPTER ix.

An Act to confer further powers upon the London County Council and other authorities and for other purposes. A.D. 1936.  
[14th July 1936.]

**W**HEREAS it is expedient that the councils of the metropolitan boroughs of Greenwich and Bethnal Green should respectively be empowered to acquire the lands referred to in Parts II and III of this Act for the purposes respectively mentioned in those Parts :

And whereas the council of the metropolitan borough of Hampstead have adopted the Local Government and other Officers' Superannuation Act 1922 and by the Paddington Borough Council (Superannuation and Pensions) Act 1911 and the Saint Marylebone Borough Council (Superannuation) Act 1908 as respectively amended by other Acts provision was made for the establishment by the councils of the metropolitan boroughs of Paddington and Saint Marylebone respectively of superannuation funds for the benefit of the employees of those councils and it is expedient that the said Act of 1922 should be amended in its application to the council of the said metropolitan borough of Hampstead and that the said other Acts should be further amended as provided by this Act :

And whereas it is expedient that the provisions contained in this Act with reference to the charging of fees on application for licences for public entertainment should be enacted :

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And whereas it is expedient that further powers should be conferred upon the London County Council (hereinafter referred to as “the Council”) the councils of metropolitan boroughs and certain other local authorities and bodies:

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 compulsorily under the powers of this Act and a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of those lands have been deposited with the clerk of the Council and are in this Act respectively referred to as the deposited plans and book of reference:

35 & 36 Vict.  
c. 91.

51 & 52 Vict.  
c. 41.

3 Edw. 7.  
c. 9.

And whereas in relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the said Bill) have complied with the requirements of the Borough Funds Act 1872 so far as that Act applies to the Council under the provisions of the Local Government Act 1888 as extended by the County Councils (Bills in Parliament) Act 1903 and the councils of the metropolitan boroughs of Greenwich and Bethnal Green (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 1936.

Act divided into Parts.

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

Part I—Introductory.

- Part II—Acquisition of land by the Greenwich Council. A.D. 1936.
- Part III—Acquisition of land by the Bethnal Green Council.
- Part IV—Hampstead Borough Council (superannuation).
- Part V—Paddington Borough Council (superannuation).
- Part VI—Saint Marylebone Borough Council (superannuation).
- Part VII—Public entertainments.
- Part VIII—Miscellaneous.

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

“the county” means the administrative county of London;

“the Council” means the London County Council;

“borough” means a metropolitan borough;

“borough council” means the council of a borough;

“the Bethnal Green Council” means the council of the borough of Bethnal Green;

“the Greenwich Council” means the council of the borough of Greenwich;

“the Hampstead Council” means the council of the borough of Hampstead;

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

9 & 10  
Geo. 5. c. 57.

“the arbitrator” means the arbitrator to whom any question of disputed compensation may be referred under the provisions of this Act;

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

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

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



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

(3) Any reference in this Act to any enactment shall unless the context otherwise requires 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 GREENWICH COUNCIL.

Incorporation of Lands Clauses Acts.

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

8 & 9 Vict.  
c. 18.

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

(b) the bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the seal of the Greenwich 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 Greenwich Council.

Power to Greenwich Council to take land.

56 & 57 Vict.  
c. ccxxi.

5. Subject to the provisions of this Part of this Act the Greenwich Council may for or in connection with the purposes of section 24 (Public buildings of vestries and district boards) of the London County Council (General Powers) Act 1893 as extended by the Metropolitan Boroughs (Offices) Scheme 1901 enter upon take and use all or any of the lands in the borough of Greenwich which are delineated on the deposited

plans and described in the deposited book of reference A.D. 1936.  
(that is to say):—

- (a) lands and premises known as the Globe public house situate at the junction of Peyton Place and Royal Hill; and
- (b) lands and premises known as the Portland Hotel including the garage and passageway adjacent thereto situate in London Street.

6. If there is any omission misstatement or wrong description of any lands referred to in this Part of this Act or of the owners lessees or occupiers of any such lands shown on the deposited plans or specified in the deposited book of reference the Greenwich 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 misstatement or wrong description arose from mistake he shall certify accordingly and he shall in his certificate state the particulars of the omission or in what respect any such matter is misstated or wrongly described and such certificate or a copy thereof shall be deposited with the clerk of the Council and a duplicate thereof shall be deposited with the town clerk of the borough of Greenwich 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 Greenwich 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. In settling any question of disputed purchase money or compensation payable by the Greenwich Council under this Part of this Act the arbitrator shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the lands created after the twenty-fourth day of July one thousand nine hundred and thirty-five if in the opinion of the arbitrator the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created

Compensa-  
tion in case  
of recently  
altered  
buildings  
&c.



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with a view to obtaining or increasing compensation under this Part of this Act.

Power to Greenwich Council to enter upon property for survey and valuation.

8. The Greenwich Council and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk of the borough of Greenwich may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice to the occupiers thereof enter upon and into any lands and buildings by this Part of this Act authorised to be taken and used as aforesaid or any of them or any premises in respect of which a claim for compensation under this 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 certain persons to grant easements &c. by agreement.

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 Greenwich 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 for the purposes of this Part of this Act the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such easements rights and privileges as aforesaid and to any grant of the same respectively.

Power to Greenwich Council to make agreements with owners of property &c.

10. The Greenwich 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 Greenwich Council may acquire under the powers of this Part of this Act with respect to the sale by the Greenwich Council to such person of any of such last-mentioned lands for such consideration as may be agreed upon between the

Greenwich Council and such person and the Greenwich 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 Greenwich Council for the purposes of this Part of this Act. A.D. 1936.

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 Greenwich Council shall as from the date of such acquisition be extinguished. Provided that the Greenwich 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. Extinction of private rights of way.

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

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

(2) Nothing in this section contained shall release the Greenwich Council or any person purchasing or acquiring any lands from them under this section from any rents covenants restrictions reservations terms or



A.D. 1936. — conditions made payable by or contained in any conveyance lease or other deed or instrument by which any such lands were or may hereafter be conveyed or leased to or otherwise acquired by the Greenwich Council or any person from or through whom the Greenwich Council may have derived or may hereafter derive title to the same. but all such rents covenants restrictions reservations terms and conditions shall remain and be of as full force and effect and may be recovered exercised enjoyed and enforced in like manner and to the same extent as if this Act had not been passed.

Receipt of Greenwich Council to be effectual discharge.

**13.** The receipt of the Greenwich Council or of any person duly authorised by the Greenwich Council for any purchase money rent or money payable to the Greenwich 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 Greenwich 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-nine.

Expenditure and borrowing by Greenwich Council.

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

18 & 19 Vict.  
c. 120.

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



- 16.** Nothing in this Part of this Act shall prejudice or affect the operation of or derogate from any of the provisions of—
- (a) the London Building Acts 1930 and 1935 or any byelaw or regulation for the time being in force thereunder; or
  - (b) the Town and Country Planning Act 1932 or any scheme or order for the time being in force under that Act or under any Act repealed by that Act.

Saving for London Building and Town and Country Planning Acts.  
20 & 21 Geo. 5. c. clviii.  
25 & 26 Geo. 5. c. xcii.  
22 & 23 Geo. 5. c. 48.

### PART III.

#### ACQUISITION OF LAND BY THE BETHNAL GREEN COUNCIL.

**17.** Subject to the provisions of this Part of this Act the Bethnal Green Council may for or in connection with the purposes of section 24 (Public buildings of vestries and district boards) of the London County Council (*General Powers*) Act 1893 as extended by the Metropolitan Boroughs (*Offices*) Scheme 1901 enter upon take and use all or any of the lands in the borough of Bethnal Green which are delineated on the deposited plans and described in the deposited book of reference (that is to say):—

Power to Bethnal Green Council to take land.

lands and premises known as Nos. 9 11 13 15 17 19 21 and 23 Peel Grove No. 34 Patriot Square and No. 15 Old Ford Road and lands and premises at the rear of No. 15 Old Ford Road extending to Patriot Square and known as No. 24A Patriot Square.

**18.** The following sections of Part II (Acquisition of land by the Greenwich Council) of this Act (that is to say):—

Application of certain provisions of this Act to Bethnal Green Council.

- 4 (Incorporation of Lands Clauses Acts);
- 6 (Correction of errors in deposited plans &c. for purposes of Part II of Act);
- 7 (Compensation in case of recently altered buildings &c.);
- 8 (Power to Greenwich Council to enter upon property for survey and valuation);
- 9 (Power to certain persons to grant easements &c. by agreement);

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- 10 (Power to Greenwich Council to make agreements with owners of property &c.);
- 11 (Extinction of private rights of way);
- 12 (Retention and disposal of lands);
- 13 (Receipt of Greenwich Council to be effectual discharge);
- 14 (Limitation of time for purchase of lands);
- 15 (Expenditure and borrowing by Greenwich Council); and
- 16 (Saving for London Building and Town and Country Planning Acts)

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

- (a) the Bethnal Green Council and the town clerk of the borough of Bethnal Green were named or referred to in the said provisions instead of the Greenwich Council and the town clerk of the borough of Greenwich respectively;
- (b) in the said section 7 (Compensation in case of recently altered buildings &c.) of this Act the twenty-fifth day of April were substituted for the twenty-fourth day of July; and
- (c) in the said applied sections references to this Part of this Act were substituted for references to Part II of this Act.

Power to enter on land after service of notice to treat.

**19.**—(1) Notwithstanding anything contained in section 84 of the Lands Clauses Consolidation Act 1845 the Bethnal Green Council may at any time after notice to treat for the compulsory acquisition under the provisions of this Part of this Act of any of the lands referred to in section 17 (Power to Bethnal Green Council to take land) of this Act has been served upon all persons whose estate or interest therein is authorised to be taken by the Bethnal Green Council and after giving to such persons not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 85 to 90 of the Lands Clauses Consolidation Act 1845 but subject to the payment of the like compensation for the land of which



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possession is taken and interest on the compensation awarded as would have been payable if the provisions of the said sections of the said Act of 1845 had been complied with. A.D. 1936.

(2) Where the Bethnal Green Council have agreed to purchase any of the lands referred to in the said section 17 of this Act subject to the interest of the person in possession thereof and that interest is not greater than that of a tenant for a year or from year to year then at any time after such agreement has been made by the Bethnal Green Council the Bethnal Green Council may after giving to the person so in possession not less than fourteen days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent but subject to the payment to the person so in possession of the like compensation (with such interest thereon as aforesaid) as if the Bethnal Green Council had been authorised to purchase the land compulsorily in accordance with the provisions of the Lands Clauses Acts (except the provisions thereof relating to the service of notice to treat and except sections 84 to 90 of the Lands Clauses Consolidation Act 1845) and such person had in pursuance of such authorisation been required to quit possession before the expiration of his term or interest in the land.

#### PART IV.

##### HAMPSTEAD BOROUGH COUNCIL (SUPERANNUATION).

20. Words and expressions to which meanings are assigned by section 3 (Definitions) of the Act of 1922 have in this Part of this Act the same respective meanings. Interpretation of expressions in Part IV of Act.

21.—(1) In the case of a person who first becomes an officer or servant of the Hampstead Council after the passing of this Act the following provisions shall be substituted for so much of section 7 (Scale of superannuation allowances) of the Act of 1922 as specifies the scale of superannuation allowances under that Act :— Superannuation allowances under Act of 1922.

“ Subject to the provisions of section 16 of this Act as amended by subsection (3) of section 21 (Superannuation allowances under Act of 1922) of the London County Council (General

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Powers) Act 1936 and to any other provisions of this Act the superannuation allowance to be made under this Act to an officer or servant who has completed ten years' service shall be paid out of the superannuation fund and shall be as follows:—

(a) an annual sum calculated on the basis of one-eightieth for each completed year of his service of the average annual amount of his salary or wages during the last five years of his service ending on the day which immediately precedes the day on which he ceases to hold his office or employment or attains the age of sixty-five years (whichever is the earlier) with a maximum of forty-eightieths of such average annual amount; and

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

(2) A person who immediately before the passing of this Act was an officer or servant of the Hampstead Council and who continues to be an officer or servant of the Hampstead Council after the passing of this Act may within three months after the passing of this Act by notice in writing to the Hampstead Council adopt the provisions substituted by subsection (1) of this section in the case of certain persons for so much of section 7 (Scale of superannuation allowances) of the Act of 1922 as is referred to in that subsection and in that event the provisions so substituted shall as from the passing of this Act apply to him instead of the provisions of the said part of the said section 7 except that the amount of the lump sum payable to him by reason of the adoption by him of the said substituted provisions and the maximum permissible amount of the lump sum shall be increased by one-half of one per centum in respect of each year of his contributing service completed at the passing of this Act.



(3) As respects an officer or servant to whom the provisions substituted by subsection (1) of this section apply or by whom the said substituted provisions have been adopted the following provisions shall be substituted for subsection (1) of section 16 (Allowance for previous service) of the Act of 1922:—

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“(1) (a) Non-contributing service shall be reckoned for determining whether an officer or servant is entitled to a superannuation allowance under this Act and in calculating the superannuation allowance of an officer or servant who is so entitled the allowance in respect of his non-contributing service shall subject to the provisions of paragraph (c) of this subsection consist of an annual sum equal to one one-hundred-and-sixtieth of the average annual amount of his salary or wages during the last five years of his service in respect of each year (not exceeding forty years) of his non-contributing service together with a lump sum equal to one-sixtieth of the said average annual amount in respect of each year (not exceeding forty-five years) of his non-contributing service;

(b) In reckoning the non-contributing service of an officer or servant any portion of a year during which the officer or servant has served in non-contributing service for more than six months shall be reckoned as a year;

(c) The council of the metropolitan borough of Hampstead may in the case of any such officer or servant as aforesaid by resolution determine that the allowance in respect of his non-contributing service shall for the purpose of calculating the superannuation allowance to which he may be entitled be increased to amounts not exceeding the respective annual sum and lump sum to which he would have been entitled if his non-contributing service had been contributing service:

Provided that except as otherwise provided in section 53 (Calculation of and arrangements as to certain superannuation allowances under the Act of 1922) of the London County Council (General Powers) Act 1936 any allowance so

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determined under this paragraph in respect of non-contributing service so far as the allowance is in excess of the amount to which the officer or servant would have been entitled apart from any such determination shall not be paid out of the superannuation fund but shall be chargeable upon the same funds rates and revenues as those upon which his salary or wages were chargeable immediately before the date on which he ceased to hold his office or employment."

Gratuity on death of officer or servant.

**22.**—(1) If an officer or servant of the Hampstead Council dies after the passing of this Act and before becoming entitled to a superannuation allowance under the Act of 1922 the Hampstead Council may grant to his legal personal representative such gratuity as the Hampstead Council may by resolution determine not exceeding a sum equal to twice the amount of the salary or wages of such officer or servant during the year immediately preceding the date of his death.

(2) A gratuity granted under this section shall not be paid out of the superannuation fund but shall be chargeable upon the same funds rates and revenues as those upon which the salary or wages of the deceased officer or servant were chargeable immediately before the date of his death.

(3) The provisions of section 13 (Notice of certain proposals) of the Act of 1922 with reference to such proposals as are referred to in that section shall extend and apply with reference to any proposal to grant a gratuity under the provisions of this section.

#### PART V.

#### PADDINGTON BOROUGH COUNCIL (SUPERANNUATION).

**23.** In this Part of this Act—

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

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

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

Interpretation of expressions in Part V of Act.

1 & 2 Geo. 5. c. ci.

18 & 19 Geo. 5.

c. lxxvii.



“ the Paddington Council ” means the mayor aldermen and councillors of the metropolitan borough of Paddington; and A.D. 1936.  
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“ quarter day ” means the twenty-fifth day of March June September or December as the case may require.

24. As from the appointed day section 4 (Title of officers to superannuation allowances) of the Act of 1911 shall be read and have effect as if the following subsections were added thereto :— Amend-  
ments of  
Act of 1911.

“ (5) The first proviso added to the last preceding subsection by section 42 (Amendment of Paddington Borough Council (Superannuation and Pensions) Act 1911) of the London County Council (General Powers) Act 1928 shall not apply to an officer to whom the scale of superannuation allowances specified in subsection (1) of section 25 (Superannuation allowances under Act of 1911) of the London County Council (General Powers) Act 1936 applies by virtue of that subsection or of subsection (2) of the said section 25 and who in respect of permanent incapacity due to an injury sustained on or after the first day of October one thousand nine hundred and thirty-six receives from the Council compensation under the Workmen’s Compensation Act 1925 or under any scheme made pursuant to that Act or any Act repealed by that Act and in lieu of the said proviso the following provisions shall apply in the case of that officer :— 15 & 16  
Geo. 5. c. 84.

(a) any officer in whose case the annual amount of compensation does not exceed the amount of the superannuation allowance (excluding any lump sum) to which he would have been entitled under this section if the 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 and pension fund the lump sum to which he would have been so entitled together with an annual allowance equal to the amount (if any) by which such superannuation allowance

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(excluding any lump sum) exceeds the annual amount of the compensation payable to him; and

- (b) any officer in whose case the annual amount of compensation exceeds the amount of the superannuation allowance (excluding any lump sum) to which he would have been entitled under this section if the 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 so entitled shall be entitled to receive out of the superannuation and pension fund an amount equal to the amount of the lump sum to which he would have been so entitled reduced by a sum which bears the same proportion to such lump sum as the amount of the difference between the annual amount of the compensation payable to him and such superannuation allowance (excluding any lump sum) bears to one-third of such superannuation allowance (excluding any lump sum).

(6) The expression 'superannuation allowance' shall for the purposes of section 22 (Arbitration) of this Act be deemed to include any annual allowance or other amount payable under this section."

Superannuation allowances under Act of 1911.

**25.**—(1) In the case of an officer who is appointed as such on or after the appointed day the following provisions shall be substituted for so much of section 5 (Scale of superannuation allowances) of the Act of 1911 as specifies the scale of superannuation allowances under that Act:—

"The superannuation allowance to be made under this Act to an officer who has completed ten years' service or aggregated service shall be as follows:—

- (a) an annual sum calculated on the basis of one-eightieth for each completed year



of his service or aggregated service of the average annual amount of his salary or wages and emoluments during the last five years of his service or aggregated service ending on the quarter day which immediately precedes the day on which he ceases to hold his office or employment with a maximum of forty-eightieths of such average annual amount; and

- (b) a single lump sum (to be charged upon and paid out of the superannuation and pension fund) equal to one-thirtieth of the said average annual amount 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 the said average annual amount."

(2) A person who immediately before the appointed day was an officer of the Paddington Council and who continues to be an officer of the Paddington Council after the appointed day may within three months after that day by notice in writing to the Paddington Council adopt the provisions substituted by subsection (1) of this section in the case of certain officers for so much of section 5 (Scale of superannuation allowances) of the Act of 1911 as is referred to in that subsection and in that event the provisions so substituted shall as from the appointed day apply to him instead of the provisions of the said part of the said section 5 except that the amount of the lump sum payable to him by reason of the adoption by him of the said substituted provisions and the maximum permissible amount of the lump sum shall be increased by one-half of one per centum in respect of each year of his service or aggregated service completed on or before the appointed day :

Provided that this subsection shall not apply to an officer who by virtue of section 20 (Saving for existing officers) of the Act of 1911 is not liable to make contributions to the superannuation and pension fund.

**26.**—(1) An officer who on ceasing on or after the appointed day to hold his office or employment by reason of—

- (a) a reduction of staff; or

Interest on returned contributions.

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- (b) an alteration of areas or boundaries; or  
(c) bodily injury not occasioned by his own default and in respect of which compensation is not payable by or on behalf of the Paddington Council;

is entitled to receive any such sum as is referred to in subsection (1) of section 8 (Return of contributions and power to grant gratuities and superannuation allowances in certain cases) of the Act of 1911 shall (in addition) be entitled to receive out of the superannuation and pension fund a sum equal to compound interest on the sum first mentioned in this subsection at the rate of three per centum per annum (calculated as hereinafter provided) to the thirty-first day of March or the thirtieth day of September (whichever is the later) last preceding the date on which he so ceased to hold his office or employment.

(2) If an officer dies on or after the appointed day before becoming entitled to a superannuation allowance under the Act of 1911 or under that Act as amended by this Part of this Act his legal personal representatives shall be entitled to receive out of the superannuation and pension fund (in addition to any sum to which they are entitled under section 10 (Return of contributions in case of death) of the Act of 1911) a sum equal to compound interest on the sum first mentioned in this subsection at the rate of three per centum per annum (calculated as hereinafter provided) to the thirty-first day of March or the thirtieth day of September (whichever is the later) immediately preceding the date of his death:

Provided that if the officer had completed five years' service with the Paddington Council and the aggregate amount of the sums to which his legal personal representatives are entitled under section 10 of the Act of 1911 and under this subsection is less than the average annual amount of his salary or wages and emoluments during the last five years of his service or aggregated service ending on the quarter day immediately preceding the date of his death the Paddington Council shall (in addition to such aggregate amount) pay to his legal personal representatives out of the superannuation and pension fund a sum equivalent to the amount by which such aggregate amount is less than the said average annual amount.



(3) If in respect of any portion of the period of five years secondly referred to in the proviso to subsection (2) of this section an officer to whom that proviso applies had pursuant to the proviso which by virtue of subsection (3) of section 42 of the Act of 1928 was added to section 5 (Scale of superannuation allowances) of the Act of 1911 made contributions to the superannuation and pension fund on a sum in excess of the amount of his actual salary or wages and emoluments for that portion of such period the amount of his salary or wages and emoluments shall be deemed for the purposes of the proviso to subsection (2) of this section to be the amount on which the said contributions were based.

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(4) For the purposes of this section compound interest shall be calculated with half-yearly rests as on the thirty-first day of March and the thirtieth day of September in each year and the amount on which the interest shall be calculated as on each such day shall be the aggregate of the total amount of the contributions standing to the credit of the officer on the last preceding half-yearly day and the amount of compound interest calculated to that day.

(5) As from the appointed day paragraph (5) of section 42 (Amendment of Paddington Borough Council (Superannuation and Pensions) Act 1911) of the Act of 1928 shall be and is hereby repealed.

**27.** This Part of this Act shall be read and construed as one with the Paddington Borough Council (Superannuation and Pensions) Acts 1911 and 1928 and those Acts and this Part of this Act may be cited together as the Paddington Borough Council (Superannuation and Pensions) Acts 1911 to 1936.

Construc-  
tion and  
citation of  
Part V  
of Act.

## PART VI.

### SAINT MARYLEBONE BOROUGH COUNCIL (SUPERANNUATION).

**28.**—(1) In this Part of this Act—

“ the Act of 1908 ” means the Saint Marylebone Borough Council (Superannuation) Act 1908;

“ the Act of 1922 ” means the Saint Marylebone Borough Council (Superannuation) Act 1922;

Interpreta-  
tion of ex-  
pressions in  
Part VI of  
Act.

8 Edw. 7.  
c. xxi.  
12 & 13 Geo. 5.  
c. lxxxix.

A.D. 1936.

19 & 20  
Geo. 5.  
c. lxxxvii.

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

“ the actuary ” means an actuary being a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland appointed by the Saint Marylebone Council;

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

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

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

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

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

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

Superannuation allowances under Act of 1908.

**29.**—(1) In the case of an officer or servant who is appointed as such on or after the appointed day the following provisions shall be substituted for section 4 (Scale of superannuation allowances) of the Act of 1908 :—

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

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



[26 GEO. 5. & *London County Council* [Ch. lx.]  
1 EDW. 8.] (*General Powers*) Act, 1936.

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

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

(2) A person who immediately before the appointed day was an officer or servant of the Saint Marylebone Council and who continues to be an officer or servant of the Saint Marylebone Council after the appointed day may within three months after that day by notice in writing to the Saint Marylebone Council adopt the provisions substituted by subsection (1) of this section in the case of certain officers and servants for the provisions of section 4 (Scale of superannuation allowances) of the Act of 1908 and in that event the provisions so substituted shall as from the appointed day apply to him instead of the provisions of the said section 4 except that the amount of the lump sum payable to him by reason of the adoption by him of the said substituted provisions and the maximum permissible amount of the lump sum shall be increased by one-half of one per centum in respect of each year of his service completed on or before the appointed day.

**30.** In the case of an officer or servant to whom the provisions substituted by subsection (1) of the last foregoing section for the provisions of section 4 (Scale of superannuation allowances) of the Act of 1908 apply or by whom the provisions so substituted have been adopted the following provisions shall be substituted for the provisions of section 7 (Payments in case of death of contributor) of the Act of 1922 :—

Payments  
in case of  
death of  
contributor.

"(1) In the case of an officer or servant who dies before receiving a superannuation allowance his legal personal representative shall

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—

be entitled to receive out of the superannuation fund a sum equal to the aggregate amount of his contributions thereto together with compound interest thereon at the rate of three per centum per annum (calculated as hereinafter provided) to the thirty-first day of March last preceding the date of his death:

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

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

(3) For the purposes of this section compound interest shall be calculated with yearly rests as on the thirty-first day of March in each year and the amount on which the interest shall be calculated as on each such day shall be the



[26 GEO. 5. & *London County Council* [Ch. 1x.]  
1 EDW. 8.] (*General Powers*) Act, 1936.

aggregate of the total amount of the contributions standing to the credit of the officer or servant on the last preceding thirty-first day of March and the amount of compound interest calculated to that date.” A.D. 1936.  
—

31. In the case of an officer or servant to whom the provisions substituted by subsection (1) of section 29 (Superannuation allowances under Act of 1908) of this Act for the provisions of section 4 (Scale of superannuation allowances) of the Act of 1908 apply or by whom the provisions so substituted have been adopted the following proviso shall be substituted for the proviso which by virtue of paragraph (b) of subsection (1) of section 50 (Amendment of Saint Marylebone Borough Council (Superannuation) Acts 1908 and 1922) of the Act of 1929 was added to subsection (1) of section 3 (Title of officers and servants to superannuation allowances) of the Act of 1908 :—

Amend-  
ments of  
Act of 1908.

“ Provided that so much of the provisions of this subsection as entitles an officer or servant in any of the circumstances therein mentioned to a superannuation allowance according to the scale therein referred to shall not apply to an officer or servant to whom the provisions substituted by subsection (1) of section 29 (Superannuation allowances under Act of 1908) of the London County Council (General Powers) Act 1936 for the provisions of section 4 (Scale of superannuation allowances) of this Act apply or by whom the provisions so substituted have been adopted and who has completed ten years' service or aggregated service and receives from the Council in respect of permanent incapacity due to an injury compensation under the Workmen's Compensation Act 1925 or under any scheme made pursuant to that Act or any Act repealed by that Act and in lieu of so much of those provisions as aforesaid the following provisions shall apply in the case of that officer or servant :—

- (i) any officer or servant in whose case the annual amount of such compensation does not exceed the amount of the superannuation allowance (excluding any lump sum)

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to which but for this proviso he would have been entitled under this section if the 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 so entitled 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 the compensation payable to him; and

- (ii) any officer or servant in whose case the annual amount of compensation exceeds the amount of the superannuation allowance (excluding any lump sum) to which he would have been entitled under this section if the 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 so entitled 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 so entitled reduced by a sum which bears the same proportion to such lump sum as the amount of the difference between the annual amount of the compensation payable to him and such superannuation allowance (excluding any lump sum) bears to one-third of such superannuation allowance (excluding any lump sum)."

Amend-  
ments of  
Act of 1922.

**32.**—(1) Paragraph (b) of subsection (1) of section 4 (Reductions in salary or wages) of the Act of 1922 shall as from the appointed day be read and have effect as if after the words "superannuation allowance" there had been inserted the words "and for the purpose of ascertaining the amount of any sum payable to his legal personal representative under section 30



[26 GEO. 5. & *London County Council* [Ch. 1x.]  
1 EDW. 8.] (*General Powers*) Act, 1936.

“(Payments in case of death of contributor) of the A.D. 1936.  
“London County Council (General Powers) Act 1936.” —

(2) Section 5 (Reckoning service under other local authorities) of the Act of 1922 shall as from the appointed day apply and have effect as if there were added to and included in paragraph (c) of subsection (1) thereof a reference to section 29 (Superannuation allowances under Act of 1908) of this Act.

**33.** Subsection (2) of section 50 (Amendment of Saint Marylebone Borough Council (Superannuation) Acts 1908 and 1922) of the Act of 1929 shall as from the appointed day have effect as if— Amend-  
ments of  
Act of 1929.

(a) any amount payable under the provisions of section 31 (Amendments of Act of 1908) of this Act were an annual allowance within the meaning of the said subsection (2); and

(b) the following words were added at the end of the said subsection (2):—

“ or the provision substituted for the said section 7 in the case of certain officers and servants by section 30 (Payments in case of death of contributor) of the London County Council (General Powers) Act 1936.”

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

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

(b) If the age of the retired employee is greater than the age of his wife the amount of the

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annual superannuation allowance payable to him shall (subject as hereinafter provided) be further reduced—

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

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

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

(d) If when an officer or servant gives such a notice as is referred to in this subsection he states therein his desire to have his annual superannuation allowance reduced by only one-half of the amount indicated in paragraphs (a) and (b) of this subsection the reduction shall be in accordance with such statement and in that event the amount of any annuity payable under paragraph (c) of this subsection shall also be reduced by one-half:

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

(2) If at any time on the receipt of a report by the actuary it appears to the Saint Marylebone Council to be expedient that all or any of the percentages specified in paragraph (a) of subsection (1) of this section and in the second column of the table set out in the schedule to this Act should be varied the Saint Marylebone Council may make representations to that effect to the Minister of Health and the said Minister may by order vary all or any of the said percentages



[26 GEO. 5. & *London County Council* [Ch. 1x.]  
1 EDW. 8.] (*General Powers*) Act, 1936.

as from such date as (after consultation by him with the Saint Marylebone Council) may be specified in the order and the provisions of this section and of the said schedule as varied by the said order shall have effect as respects any retired employee who on or after the date so specified gives such a notice as is referred to in subsection (1) of this section. A.D. 1936.

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

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

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

(6) If the wife of the retired employee survives him no sum shall be payable to his legal personal representative under subsection (2) of section 7 (Payments in case of death of contributor) of the Act of 1922 or under subsection (2) of the provision substituted for the said section 7 in the case of certain officers and servants by section 30 (Payments in case of death of contributor) of this Act until her death and the said subsections shall have effect as if any payment made to the wife of the retired employee by way of annuity under this section had been payments made by way of superannuation allowance to the retired employee.

(7) This section shall not apply to a retired employee who immediately before he became a retired employee held with his wife a joint appointment.

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

A.D. 1936.  
Arbitration.

**35.** The provisions of section 18 (Arbitration) of the Act of 1908 shall apply as respects—

- (a) any question which may arise between the Saint Marylebone Council and the legal personal representative of an officer or servant as to the right to or the amount of any sum payable under section 30 (Payments in case of death of contributor) of this Act; and
- (b) any question which may arise between the Saint Marylebone Council and the wife of a retired employee as to the right to or the amount of any annuity payable under section 34 (Annuities for widows) of this Act.

Construction and citation of Part VI of Act.

**36.** This Part of this Act shall be read and construed as one with the Saint Marylebone Borough Council (Superannuation) Acts 1908 to 1929 and those Acts and this Part of this Act may be cited together as the Saint Marylebone Borough Council (Superannuation) Acts 1908 to 1936.

## PART VII.

### PUBLIC ENTERTAINMENTS.

Fees on application for music and dancing licences.  
25 Geo. 2. c. 36.

**37.—**(1) Notwithstanding the provisions of section 2 of the Disorderly Houses Act 1751 any person making application under that section for the grant renewal or transfer of a licence for public dancing music or other public entertainment of the like kind shall when making the application pay to the Council such fee as the Council shall determine not exceeding—

	£	s.	d.
(a) where the application is for the grant of an occasional licence ...	10	0	
(b) where the application is for the grant or renewal of a licence other than an occasional licence ...	1	0	0
(c) where the application is for the transfer of a licence ...	5	0	

(2) For the purposes of this section an occasional licence is a licence for the use of any premises on one



[26 GEO. 5. & London County Council [Ch. lx.]  
1 EDW. 8.] (General Powers) Act, 1936.

particular occasion or on two or more particular occasions within a period not exceeding one month. A.D. 1936.

**38.** Section 19 (which relates to licence fees for public boxing) of the London County Council (General Powers) Act 1930 shall have effect as if at the end of that section there were added the words "and on application for the transfer of any such licence such fee not exceeding five shillings as the Council shall determine." Fee on application for transfer of licence for public boxing. 20 & 21 Geo. 5. c. clix.

**39.** The foregoing provisions of this Part of this Act shall come into operation on the first day of January one thousand nine hundred and thirty-seven. Commencement of Part VII of Act.

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

## PART VIII.

### MISCELLANEOUS.

**41.** The time limited for the compulsory purchase of land by the Council—  
(a) for the purposes of the Woolwich Polytechnic under the London County Council (General Powers) Act 1933; and  
(b) for the purposes of the London School of Economics and Political Science under the London County Council (General Powers) Act 1931; Extensions of time for compulsory purchase of land. 23 & 24 Geo. 5. c. xxviii. 21 & 22 Geo. 5. c. lix.

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

**42.—(1)** Where a number of candidates nominated at an election of councillors for an electoral division of the county or for a ward of a borough not being less than the number of councillors to be elected at that election give notice in writing to the returning officer— Extension of polling hours at Council and borough council elections.

(a) in the case of an election of councillors for an electoral division of the county not later than

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five o'clock in the afternoon of the day next after the last day for delivery of nomination papers; or

- (b) in the case of an election of councillors for a ward of a borough not later than five o'clock in the afternoon of the eighth day before the day of election;

48 & 49 Vict.  
c. 10. that they wish the poll at that election to be kept open till nine o'clock in the afternoon the Elections (Hours of Poll) Act 1885 shall in relation to the election be construed as if nine o'clock in the afternoon were substituted in that Act for eight o'clock in the afternoon.

(2) Public notice of an extension of the hours of polling under this section shall be given at the same time in the same manner and by the same persons as public notice is given of the poll.

(3) A notice given by a candidate under this section shall not be of any effect for the purposes thereof if the candidate is not validly nominated or withdraws his candidature.

Maintenance  
by Council  
of certain  
wharves &c.  
54 & 55 Vict.  
c. 76.

43. The obligation of the Council as successors of the Metropolitan Asylum Managers to continue under subsection (1) of section 79 of the Public Health (London) Act 1891 to maintain the wharves landing places and approaches thereto referred to in that section shall cease to have effect but the Council may if they think fit maintain those wharves landing places and approaches or any of them :

10 & 11  
Geo. 5.  
c. clxxiii.

Provided that nothing in this section shall exempt the Council from the provisions of section 212 of the Port of London (Consolidation) Act 1920.

Publicity of  
amenities  
of London.

44. The Council may for the purpose of giving publicity to the amenities and advantages of the county—

- (a) enter into and carry into effect agreements for such purpose with any body or person approved by the Minister of Health;
- (b) make reasonable contributions towards the expenses incurred by any such body or person in giving effect to any such agreement;



- (c) incur reasonable expenditure upon the use of suitable media of advertising; and A.D. 1936.
- (d) incur reasonable expenditure upon the establishment and maintenance of office accommodation for the dissemination of information relating to the county :

Provided that nothing in this section shall authorise the Council either—

- (i) to give publicity to the commercial and industrial advantages of the county by advertisement or otherwise in the United Kingdom; or
- (ii) to incur expenditure in advertising in any newspaper circulating exclusively or mainly within the county;

nor shall anything in the foregoing paragraphs (c) and (d) or either of them authorise the Council themselves to advertise in any place outside the United Kingdom or to establish or maintain office accommodation in any such place.

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

- “ the Act of 1866 ” means the Metropolitan Commons Act 1866;
- “ the Act of 1935 ” means the London County Council (General Powers) Act 1935;
- “ the Minister ” means the Minister of Agriculture and Fisheries; and
- “ common ” means an open space which is subject to the provisions of a scheme made under the Act of 1866.

Restriction on exercise of powers under Part V of London County Council (General Powers) Act 1935.

29 & 30 Vict. c. 122.  
25 & 26 Geo. 5. c. xxxiii.

(2) In the exercise of the powers conferred by section 42 (Facilities for public recreation) or section 43 (Licences to provide facilities and letting of buildings for public recreation) of the Act of 1935 the local authority shall not without the consent of the Minister (which consent the Minister is hereby empowered to give) erect or permit to be erected any building or structure on or enclose permanently or permit to be enclosed permanently any part of a common.

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(3) Nothing in this section shall affect or derogate from the provisions of a scheme certified under the Act of 1866 or of the Act confirming the scheme.

(4) This section shall be construed as one with Part V (Open Spaces) of the Act of 1935.

Payment of  
benefits to  
dependants  
out of  
Council's  
superannua-  
tion fund.  
54&55 Vict.  
c. cevi.

**46.**—(1) In addition to the matters or things which the Council may under Part IV of the London Council (General Powers) Act 1891 determine by any scheme for the establishment of a superannuation and provident fund (which fund is in this section referred to as "the fund") the Council may make provision in and by any such scheme or by any alteration or amendment thereof—

- (a) for securing that in such circumstances and subject to such conditions as to proof of good health and other matters as may be specified in any provision so made a retiring officer (that is to say a person of such a class as may be so specified) who being a contributor to the fund ceases otherwise than on the ground of ill-health to hold the office or employment in respect of which he contributes to the fund shall be allowed to surrender as from the date of that cessation in return for the benefits of any such provision as aforesaid such part as may be provided for in the scheme or in any alteration or amendment thereof (not exceeding one-third) of any annual superannuation or retiring allowance which he may be entitled to receive from the fund; and
- (b) for enabling the Council to grant out of the fund either to the wife or husband (as the case may be) or to a dependant of the retiring officer a pension of such value as according to tables to be prepared from time to time by an actuary appointed by the Council is actuarially equivalent at the date of such cessation as aforesaid to the value of that part of the said annual allowance which is surrendered.

(2) Any such pension as aforesaid for the benefit of a dependant (not being the spouse) of a retiring officer shall be payable in respect of the period (if



any) for which the dependant survives the retiring officer and any such pension as aforesaid for the benefit of the spouse of a retiring officer shall according as the retiring officer may in conformity with the provisions of the scheme or of any alteration or amendment thereof elect be payable either—

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(a) in respect of the period (if any) for which the spouse survives the retiring officer; or

(b) in respect both of the period of their joint lives subsequent to the retirement and of the period (if any) for which the spouse survives the retiring officer;

and the scheme or any alteration or amendment thereof may if the Council think fit provide that a pension payable thereunder in respect of the periods mentioned in paragraph (b) of this subsection shall be paid at one rate in respect of the first of those periods and at a higher rate in respect of the second.

(3) The foregoing provisions of this section shall extend to empower the Council to apply those provisions to any contributor to the fund to whom the provisions of the Scheme of 1930 apply and for the purpose of applying those provisions the Council may in and by any such scheme as is referred to in subsection (1) of this section or by any alteration or amendment thereof make any necessary or consequential amendments in the Scheme of 1930.

(4) In this section the expression "the Scheme of 1930" means the London County (Transferred Poor Law Officers) Superannuation Scheme 1930 made by the Council under paragraph (b) of subsection (2) of section 124 (Superannuation of transferred poor law officers) of the Local Government Act 1929 and approved by the Minister of Health on the twenty-seventh day of March one thousand nine hundred and thirty.

19 & 20  
Geo. 5. c. 17.

47.—(1) Notwithstanding the provisions of any other enactment all superannuation allowances and annual allowances to which this section applies shall if the Council so resolve be charged on and paid out of the superannuation and provident fund (hereinafter in this section referred to as "the superannuation

Chargeability of certain allowances to Council superannuation fund.

A.D. 1936. fund") established by the Council in pursuance of Part IV of the London Council (General Powers) Act 1891.

(2) Any charge imposed on the superannuation fund under the foregoing provisions of this section shall be liquidated by means of transfers from the county fund to the superannuation fund of such amounts as may be certified by an actuary to be necessary to cast upon the county fund so far as may be (subject to such periodical adjustments as an actuary may certify to be necessary) an equal annual charge for such period not exceeding forty years from the first day of October one thousand nine hundred and thirty-six as the Council may determine. For the purposes of this subsection the expression "an actuary" means a fellow of the Institute of Actuaries or of the Faculty of Actuaries in Scotland.

(3) The superannuation allowances and annual allowances to which this section applies are such superannuation allowances and annual allowances as are from time to time payable by the Council—

27 & 28 Vict.  
c. 42.  
29 & 30 Vict.  
c. 31.  
59 & 60 Vict.  
c. 50.  
2 & 3 Geo. 5.  
c. civ.

(a) under the Poor Law Officers' Superannuation Act 1864 the Superannuation (Metropolis) Act 1866 the Poor Law Officers' Superannuation Act 1896 and Part IV (Superannuation of officers) of the London County Council (General Powers) Act 1912; and

(b) in consequence of the transfer to the Council by the Local Government Act 1929 of the liability for the payment of superannuation allowances and annual allowances granted under the Poor Law Officers' Superannuation Act 1864 or the Poor Law Officers' Superannuation Act 1896 by any poor law authority as defined in section 134 of the Local Government Act 1929.

False calls  
for  
ambulances.

48.—(1) Any person who gives or is responsible for giving to the Council or to any employee of the Council information from which it may reasonably be inferred that it is necessary or desirable for the Council to send any ambulance to any place shall if the information is false be liable on summary conviction to a penalty not exceeding twenty-five



pounds unless he satisfies the court that he had reasonable cause to believe that the information was correct. A.D. 1936.

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

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

49.—(1) The Council on the one hand and the local authority for any district adjoining or near to the county on the other hand may upon such terms as to payment or otherwise as may be agreed enter into and carry into effect agreements for giving mutual assistance in case of fire in the county or in the district of the local authority as the case may be and with respect to attendances at fires in pursuance of any such agreement the following provisions shall (except so far as may be otherwise provided by the agreement) have effect:—

Mutual arrangements for extinguishment of fires by Council and other local authorities.

(a) If any part of the brigade attends a fire in the district the owner and occupier of the property where the fire has occurred shall notwithstanding the provisions of section 30 of the Act of 1865 not be liable to defray any expenses incurred by the brigade in attending that fire or any charges for the attendance thereat of any part of the brigade;

(b) If any part of the local brigade attends a fire in the county the owner of the lands or buildings where the fire has happened shall notwithstanding the provisions of section 33 of the Town Police Clauses Act 1847 not be liable to defray any expenses thereby incurred or any charge for the use of engines or their appurtenances or for the attendance at the fire of any part of the local brigade;

10 & 11 Vict. c. 89.

(c) If any part of the brigade attends a fire in the district—

(i) whether any part of the local brigade does or does not attend any member of the

A.D. 1936.

brigade being on duty shall be deemed to be a member of the local brigade for the purposes of section 87 of the Act of 1907;

(ii) if no part of the local brigade attends the chief officer of the brigade or any other member thereof for the time being in charge of the said part of the brigade shall be deemed to be the captain or superintendent or other officer of the local brigade for the purposes of section 89 of the Act of 1907;

(iii) section 306 (Penalty on obstructing execution of Act) of the Public Health Act 1875 shall apply and have effect as if in relation to the fire a member of the brigade were duly employed in the execution of that Act; and

(iv) if there is in force in the district any local Act containing provisions to the like effect as the provisions or any of the provisions mentioned in this paragraph of the said Acts of 1907 and 1875 references to the said provisions of such local Act shall be deemed to be substituted in this paragraph for the references to the corresponding provisions of the said Acts of 1907 and 1875 or one of those Acts as the case may be;

(d) If any part of the local brigade attends a fire in the county the captain or superintendent or any other officer in charge of the said part of the local brigade and any member of the local brigade acting on an order given by such captain or superintendent shall during such time as no part of the brigade attends the fire be deemed to be the chief or other officer or a member of the brigade for the purposes of section 12 of the Act of 1865;

(e) If any part of the brigade attends premises in the district in consequence of any such fire as is mentioned in section 30 (Penalty for setting chimneys wilfully on fire) or section 31 (Penalty for accidentally allowing chimneys to catch fire) of the Town Police Clauses Act



1847 and no part of the local brigade attends the Council shall be entitled to recover any penalty incurred by any person by virtue of the section under which the proceedings are taken; and A.D. 1936.

(f) If any part of the local brigade attends a house or building in the county in consequence of any such fire as is mentioned in section 60 (Payments in cases of fires in chimneys or ducts) of the London County Council (*General Powers*) Act 1934 and no part of the brigade attends that section shall be construed as if references to the local brigade and the local authority respectively were substituted for the references therein to the brigade and the Council. 24 & 25 Geo. 5. c. xl.

(2) An agreement entered into under this section may provide for the employment on special services under section 30 of the Act of 1865 of any part of the local brigade in lieu of any part of the brigade.

(3) Except as otherwise provided by this section nothing therein contained shall prejudice or affect the operation of the Act of 1865.

(4) In this section—

“the Act of 1865” means the Metropolitan Fire Brigade Act 1865; 28 & 29 Vict. c. 90.

“the Act of 1907” means the Public Health Acts Amendment Act 1907; and 7 Edw. 7. c. 53.

“the brigade” means the London Fire Brigade; and in relation to any agreement entered into under this section—

“the local authority” means the local authority with whom the Council have entered into that agreement;

“the district” means the district of that authority; and

“the local brigade” means the fire brigade of that authority.

**50.**—(1) The Council may purchase and store and supply to any authority as defined in this section any goods or materials required for the discharge of the functions of that authority and for those purposes the Supply of goods by Council to other authorities.

A.D. 1936. Council and any such authority may enter into and carry into effect agreements and do all such other acts as may be necessary or convenient.

(2) For the purposes of this section the expression "authority" means—

- (a) any borough council or any joint committee appointed by two or more borough councils; or
- (b) any body of persons corporate or unincorporate discharging functions which relate to education or public health and receiving financial aid from the Council in relation to those functions; or
- (c) any body of persons corporate or unincorporate concerned in the promotion of the welfare of blind persons ordinarily resident within the county; or
- (d) the local pension committee appointed by the Council pursuant to the Old Age Pensions Acts 1908 to 1924 or the Insurance Committee for the County of London or the British Post-graduate Medical School.

Lectures under auspices of borough councils as library authorities.

**51.** Any borough council may as a library authority under the Public Libraries Acts 1892 to 1919 arrange for the giving of lectures on educational or other subjects and may for that purpose provide or make provision for the use of lecture rooms and may make reasonable charges for the use of such lecture rooms or for admission to the lectures and incur expenditure for or in connection with the exercise of the powers conferred by this section.

Repeal of section 1 of Metropolitan Police Act 1864 in its application to London. 27 & 28 Vict. c. 55.

**52.** Section 1 of the Metropolitan Police Act 1864 which relates to the regulation of street music within the Metropolitan Police District shall cease to have effect within the county.

Calculation of and arrangements as to certain superannuation allowances under the Act of 1922.

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

- "adopting authority" means a borough council by whom the Act of 1922 has been adopted;
- "additional allowance" means the amount by which a superannuation allowance granted to an officer or servant to whom this section applies and calculated in the manner referred



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to in paragraph (a) of subsection (2) of this section exceeds the superannuation allowance to which the officer or servant would have been entitled if no such resolution as is referred to in section 16 (Allowance for previous service) of the Act of 1922 or in subsection (2) of this section had been passed;

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—

and other expressions used in this section have the same respective meanings as in the Act of 1922.

(2) (a) An adopting authority may at any time by resolution decide that as respects all or any of the officers and servants to whom this section applies the amount of any superannuation allowance granted under the Act of 1922 shall be calculated in such a manner as to include therein in respect of non-contributing service an allowance at such a rate as may be specified in the resolution not exceeding the maximum rate which the authority could under section 16 of the Act of 1922 determine and subject as hereinafter in this section provided any such decision shall be deemed to be a decision of the adopting authority under the said section 16.

(b) If before the passing of this Act any such resolution as is referred to in paragraph (a) of this subsection or any resolution purporting to have similar effect has been passed by an adopting authority the resolution shall have effect as if it had been passed pursuant to the provisions of this section.

(3) (a) If an adopting authority exercise the powers of paragraph (a) of subsection (2) of this section or have before the passing of this Act passed a resolution which by virtue of paragraph (b) of the said subsection (2) is to have effect as if it had been passed pursuant to the provisions of this section the authority may if they think fit by resolution decide to pay into the superannuation fund such amounts as may be certified by an actuary to be necessary to liquidate the liability arising from the grant of any additional allowance to any officer or servant to whom this section applies the amount so to be paid being calculated from time to time so as to cast upon the adopting authority (so far as may be and subject to the provisions of subsection (4) of this section) an equal annual charge for a period (hereinafter in this section

A.D. 1936. — referred to as “the specified period”) determined by the adopting authority not exceeding the period commencing on the date of the passing of the resolution secondly referred to in this paragraph and ending at the expiration of a period of forty years from the appointed day.

(b) If after passing any such resolution as is referred to in paragraph (b) of subsection (2) of this section an adopting authority have before the passing of this Act passed a further resolution to accumulate or form a special or reserve fund or account to liquidate the liability referred to in paragraph (a) of this subsection any fund or account accumulated or formed in pursuance of the resolution shall be deemed to have been lawfully accumulated or formed and if the adopting authority exercise the powers of paragraph (a) of this subsection the amount of any fund so accumulated shall be paid into the superannuation fund or an amount equivalent to the amount standing to the credit of any account so formed shall be transferred to the credit of the superannuation fund (as the case may be) and the amount so paid or transferred shall be taken into account by the actuary in calculating under paragraph (a) of this subsection or subsection (4) of this section the amount of the annual charge to be cast upon the adopting authority concerned for the specified period.

(c) If an adopting authority exercise the powers of paragraph (a) of this subsection—

- (i) the authority shall in each year during the specified period pay into the superannuation fund such amounts as may be certified by the actuary to be necessary to liquidate the liability referred to in the said paragraph (a); and
- (ii) the whole of any superannuation allowance granted to an officer or servant to whom this section applies shall notwithstanding anything contained in section 16 of the Act of 1922 be paid out of the superannuation fund.

(4) In any case where an equal annual charge is cast on an adopting authority under the foregoing provisions of this section the actuary shall on the occasion of every actuarial valuation of the superannuation fund of the authority made by him during the specified period under section 19 (Actuarial investigation) of the



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Act of 1922 certify the alteration (if any) to be made in the amount of the annual charge for that portion of the specified period which is unexpired at the date of the actuarial valuation and the adopting authority shall adjust the annual charge in accordance with any alteration so certified. A.D. 1936.

(5) If in relation to an officer or servant to whom this section applies the scale of superannuation allowances specified in section 7 of the Act of 1922 (as modified by section 16 of that Act) ceases to apply and the officer or servant becomes subject to a different scale of superannuation allowances by virtue of any provisions contained in this Act or in any Act passed after the passing of this Act the references in subsection (2) of this section to a superannuation allowance granted under the Act of 1922 and to the maximum rate determinable under section 16 of the Act of 1922 shall in relation to such last-mentioned officer or servant be construed as references to any corresponding superannuation allowance and the rate or basis of any corresponding maximum allowance respectively specified or referred to in this Act or in any Act passed after the passing of this Act (as the case may be).

(6) All amounts payable into the superannuation fund under the provisions of this section shall be charged upon and provided out of the same funds rates and revenues as those upon which the salaries or wages of the officers and servants concerned are charged.

(7) The reference in section 20 (Use of moneys of superannuation fund) of the Act of 1922 to payments to be made under that Act shall be deemed to include payments made under this section out of the superannuation fund.

(8) If an adopting authority have such separate superannuation funds as are referred to in subsection (2) of section 4 of the Act of 1922 the foregoing provisions of this section shall apply with any necessary modifications to each of such separate funds.

(9) This section applies to any officer or servant who under the proviso to subsection (1) of section 29 (Saving for Superannuation (Metropolis) Act) of the Act of 1922 is deemed for the purposes of that Act

A.D. 1936. to be an officer or servant of the adopting authority and who is or was in the service of the adopting authority at the date of the passing of any such resolution as is referred to in paragraph (a) or paragraph (b) of subsection (2) of this section.

(10) If a resolution is passed pursuant to paragraph (a) of subsection (2) of this section or is deemed by virtue of paragraph (b) of that subsection to have been passed pursuant to the said paragraph (a) and any officer or servant to whom the resolution applies ceases to be an officer or servant of the adopting authority before becoming entitled to a superannuation allowance under the Act of 1922 the resolution shall as from the date of such cesser cease to apply to such officer or servant.

(11) Nothing in the foregoing provisions of this section shall derogate from the powers of an adopting authority under subsection (1) of section 16 of the Act of 1922.

Powers of Act cumulative.

54. Save as in this Act otherwise expressly provided the powers conferred upon the Council or any borough council or other authority by this Act shall be in addition to and not in substitution for or derogation of any powers exerciseable by them under any other enactment.

Authentic-  
ation and  
service of  
notices &c.

55. The provisions of section 65 (Service and authentication of notices under Metropolis Management and other Acts) of the London County Council (General Powers) Act 1935 (other than subsection (9) of that section) shall extend to and apply with reference to any notice or other document which under this Act or any enactment incorporated with any Part thereof is required or authorised to be notified given transmitted made or served by or on behalf of a borough council as if such notice or document were a statutory notice within the meaning of that section.

Penalties to  
be paid to  
authorities  
taking  
proceedings.  
2 & 3 Vict.  
c. 71.

56. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act every penalty recovered on proceedings taken by the Council or a borough council or other authority under or in pursuance of this Act shall be payable to the authority taking such proceedings.



57. A judge of any court or a justice shall not be disqualified for acting in the execution of this Act by reason of his being liable to any rate. A.D. 1936.  
—  
Judges not disqualified.

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

59.—(1) All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 according as the Council may decide and the costs charges and expenses preliminary to and of and incidental to the preparing applying for and obtaining of this Act shall be defrayed by the Council in like manner 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— Payments under this Act.  
51 & 52 Vict. c. 41.

- (i) Part II (Acquisition of land by the Greenwich Council);
- (ii) Part III (Acquisition of land by the Bethnal Green Council);
- (iii) Part IV (Hampstead Borough Council (superannuation));
- (iv) Part V (Paddington Borough Council (superannuation));
- (v) Part VI (Saint Marylebone Borough Council (superannuation)); and
- (vi) Section 41 (Extensions of time for compulsory purchase of land);

of this Act shall unless otherwise agreed be paid as regards (i) by the Greenwich Council as regards (ii) by the Bethnal Green Council as regards (iii) by the Hampstead Council as regards (iv) by the council of the borough

A.D. 1936. — of Paddington and as regards (v) by the council of the borough of Saint Marylebone out of the general rate authorised to be levied by those councils respectively and as regards (vi) by the governors of the Woolwich Polytechnic in so far as the section relates to the acquisition of land for the purposes of the Polytechnic and by the court of the University of London in so far as the section relates to the acquisition of land for the purposes of the London School of Economics.

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

Crown  
rights.

60. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown.



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1 EDW. 8.] (*General Powers*) Act, 1936.

The SCHEDULE referred to in the  
foregoing Act.

A.D. 1936.

**SAINTE MARYLEBONE BOROUGH COUNCIL (SUPER-  
ANNUATION)—ANNUITIES FOR WIDOWS FURTHER  
REDUCTION OF ANNUAL SUPERANNUATION ALLOW-  
ANCE BASED ON AGE DIFFERENCE BETWEEN RETIRED  
EMPLOYEE AND HIS WIFE.**

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

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