

ELIZABETH II



1972 CHAPTER xl

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

[9th August 1972]

WHEREAS—

(1) It is expedient that further and better provision should be made for the finances, improvement, public health and local government services of Greater London and that the powers of the Greater London Council (hereinafter called “the Council”) and of the London borough councils and the Common Council of the City of London should be extended and amended as provided in this Act:

(2) It is expedient that as in this Act provided the Council should be relieved of all future liabilities in respect of certain water mains installed for civil defence purposes and that the major part of such mains should be transferred to and vested in the Metropolitan Water Board and the remainder abandoned by the Council:

(3) It is expedient to extend to the councils of outer London boroughs the provisions of section 36 (Extension of powers of borough councils to maintain burial grounds) of the London County Council (General Powers) Act, 1955:

1955 c. xxix.

(4) It is expedient that the council of the Royal Borough of Kingston upon Thames should be empowered to provide recreational facilities on and in connection with certain of their lands and wharves adjoining or abutting on the river Thames in the said Royal Borough, and that for such purpose public and private rights over those lands and wharves should be extinguished and other provision made in connection therewith:

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

(6) The purposes of this Act cannot be effected without the authority of Parliament:

(7) In relation to the promotion of the Bill for this Act the Council (as respects the appropriate provisions of the Bill) have complied with the requirements of section 254 of the Local Government Act, 1933, and the council of the Royal Borough of Kingston upon Thames and the council of the City of Westminster (as respects the provisions of the Bill relating exclusively to those councils) have complied with the requirements of Part XIII of that Act as applied by subsection (3) of section 7 of the London Government Act, 1963:

1933 c. 51.

1963 c. 33.

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

PART I

PRELIMINARY

Short title. 1. This Act may be cited as the *Greater London Council (General Powers) Act 1972*.

Interpretation. 2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—

“the Act of 1933” means the Local Government Act, 1933;

1937 c. 68. “the Act of 1937” means the Local Government Superannuation Act, 1937;

1957 c. xxxv. “the Act of 1957” means the London County Council (General Powers) Act, 1957;

1967 c. xx. “the Act of 1967” means the Greater London Council (General Powers) Act, 1967;

1969 c. lii. “the Act of 1969” means the Greater London Council (General Powers) Act 1969;

- “borough” means London borough, and “borough council” means London borough council; PART I
—cont.
- “the city” means the City of London;
- “the Common Council” means the Common Council of the city;
- “the Council” means the Greater London Council;
- “enactment” means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;
- “the Kingston Council” means the council of the Royal Borough of Kingston upon Thames;
- “the Secretary of State” means the Secretary of State for the Environment;
- “vessel” means every description of vessel, whether with or without means of propulsion of any kind, and includes anything constructed or used to carry persons, goods, plant or machinery, or to be propelled or moved, on or by water, a seaplane on or in the water and a hovercraft within the meaning of the Hovercraft Act, 1968; 1968 c. 59.
- “the Westminster Council” means the council of the City of Westminster;

and any reference to an enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any subsequent enactment including this Act.

PART II

PROVISIONS RELATING TO THE COUNCIL

Greenwich Pier

3. In sections 3 to 7 of this Act— Interpretation
of sections 3
to 7 of Act.
1904 c. cciii.
- “the Act of 1904” means the Thames River Steamboat Service Act, 1904; 1904 c. cciii.
- “the Act of 1908” means the Thames River Steamboat Service Act, 1904 (Amendment) Act, 1908; 1908 c. xcvi.
- “Greenwich Pier” has the same meaning as in the Act of 1908;
- “use” in relation to Greenwich Pier includes use by a vessel for the purpose of calling, landing or embarking passengers or other persons, or taking on board or discharging goods, wares or merchandise.

PART II
—cont.

Amendment
of certain
Acts in
relation to
Greenwich
Pier.

4. In relation to Greenwich Pier—

(1) the definition of “vessel” in the Act of 1904 shall cease to have effect and the word “vessel” wherever else it occurs in that Act and in the Act of 1908 shall be construed as defined in section 2 (Interpretation) of this Act;

(2) the following section shall be substituted for section 7 (Byelaws) of the Act of 1908:—

“Byelaws. 7.—(1) The Greater London Council may make and enforce byelaws appointing tolls, rates or charges to be demanded and received under the powers of this Act in respect of—

(a) vessels calling, landing or embarking passengers or other persons, or taking on board or discharging goods, wares or merchandise, at Greenwich Pier;

(b) passengers and other persons so landing or embarking and goods, wares or merchandise so taken on board or discharged.

(2) (a) Byelaws made under the foregoing subsection may appoint different tolls, rates or charges as respects—

(i) different classes and descriptions of vessels, persons, goods, wares or merchandise;

(ii) different periods for which and different times at which Greenwich Pier may be used for any purpose in respect of which tolls, rates or charges may be demanded and received under those byelaws.

(b) In respect of any vessel used for carrying passengers for reward, byelaws made in pursuance of paragraph (a) of the foregoing subsection may, without prejudice to the generality of that subsection, appoint tolls, rates or charges to be calculated by reference to the number of passengers which that vessel is for the time being certified by the Secretary of State for Trade and Industry or by the Civil Aviation Authority, as may be appropriate, or licensed by the Port of London Authority, as being fit to carry:

Provided that where tolls, rates or charges are so appointed and calculated no further tolls, rates or charges shall be appointed in pursuance of paragraph (b) of the foregoing subsection in respect of passengers and other persons landing from or embarking on such vessel.”;

(3) any byelaws in force under section 7 (Byelaws) of the Act of 1908 immediately before the passing of this Act shall continue in force and have effect as if made under the section substituted for the said section 7 by this section;

(4) in relation to byelaws made or to be made under the Act of 1904 or the Act of 1908—

(a) sections 250 to 252 of the Act of 1933 shall apply as if those byelaws were made or to be made (as the case may be) by the Council by virtue of an enactment passed after the commencement of the Act of 1933 and accordingly section 32 (Regulations respecting byelaws) of the Act of 1904, the reference to that section in section 8 (Applying certain provisions of Act of 1904) of the Act of 1908 and the second proviso to the said section 8 shall cease to have effect;

(b) the confirming authority shall be the Secretary of State; and

(c) the said section 250 shall have effect as if in subsection (6) of that section, after the word “confirm” in the first place where it occurs, there were inserted the words “with or without modification” and as if at the end of that subsection there were inserted the following proviso:—

“Provided that, where the confirming authority proposes to make a modification which appears to him to be substantial, he shall inform the Council and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Council and by other persons who have been informed of it.”;

(5) in section 35 (Tolls and charges to be charged equally) of the Act of 1904, after the words “of this Act” there shall be inserted the words “and of any byelaws made under this Act or under the Thames River Steamboat Service Act, 1904 (Amendment) Act, 1908”.

1908 c. xcvi.

5. Section 27 (Abolition of certain tolls, etc., at Greenwich Repeal Pier) of the Act of 1967 is hereby repealed.

PART II
—cont.

Further powers to regulate use of Greenwich Pier.

6.—(1) (a) The Council may from time to time and, unless they reasonably refuse so to do, shall within one month after the appropriate date if so requested in writing, grant to the owner of any vessel permission for that vessel to use Greenwich Pier:

Provided that the Council shall not refuse such permission in respect of a vessel which was regularly using Greenwich Pier in the course of scheduled or chartered passenger boat services during any period of three months in the two years immediately preceding the passing of this Act.

(b) Any such permission shall be granted for such period and on such conditions (other than conditions appointing tolls, rates or charges) and shall be effective as from such date as the Council may reasonably determine.

(c) If within one month after the date of the receipt by the Council of a request in writing pursuant to paragraph (a) of this subsection the Council shall not have granted permission in pursuance of a request made under this subsection they shall be deemed to have refused permission.

(2) A vessel in respect of which such a permission has been granted and is in force shall, so far as practicable, use Greenwich Pier on the conditions subject to which the permission was granted and not otherwise and for the purpose of implementing such permission or the conditions thereof the Council may control the use of Greenwich Pier by any vessel.

(3) In relation to Greenwich Pier, section 5 (Power to prevent vessels using pier if tolls, &c., not paid) of the Act of 1908 shall after 31st March 1973 apply in relation to a vessel in respect of which—

- (a) a permission under this section is not in force; or
- (b) the conditions specified in such a permission in force have not been complied with;

as it applies in relation to a vessel the master or person in charge of which neglects or refuses to pay the proper amount of tolls, rates or charges payable by him under the provisions of the Act of 1908.

(4) If any question arises under this section whether any refusal by, or period, date or condition determined by the Council is reasonable, the question shall be referred to and determined by an arbitrator to be agreed upon between the parties in dispute or, failing such agreement, to be appointed on the application of either party after notice in writing to the other by the President of the Law Society and in any proceedings under this subsection the arbitrator shall be empowered—

- (a) as regards a refusal which he determines to be unreasonable to determine also the period, date and conditions subject to which the Council is to grant permission; and

(b) as regards any question relating to a period, date or condition, which he considers to be unreasonable, to vary or revoke the Council's determination:

PART II
—cont.

(5) The provisions of this section shall have effect notwithstanding anything to the contrary in section 38 (Council's piers to be used by public) of the Act of 1904 or in any other provision of that Act or the Act of 1908.

(6) In this section—

“the appropriate date” means the date of receipt by the Council of a request in writing pursuant to paragraph (a) of subsection (1) of this section or, in any case to which subsection (4) of this section applies, the date of communication to the Council of the arbitrator's determination; and

“owner” includes charterer, master or other person in charge.

7. In the Act of 1904 in its application to Greenwich Pier—

Increase of penalties under Act of 1904.

(a) section 23 (Penalty for contravention of byelaws as to explosives and dangerous packages) shall have effect as if for the words “twenty pounds” there were substituted the words “one hundred pounds”;

(b) section 26 (Penalty for assaulting resisting or obstructing officers of Council &c.) shall have effect as if for the words “five pounds” there were substituted the words “twenty-five pounds”; and

(c) section 30 (Further powers of regulation) shall have effect as if in subsection (2) thereof for the words “forty shillings” there were substituted the words “twenty pounds”.

Transfer of mains, etc.

8. In sections 8 to 14 of this Act—

Interpretation of sections 8 to 14 of Act.

“the appointed day” means 1st October 1972;

“the Board” means the Metropolitan Water Board;

“the relinquished mains” means the unfiltered water mains the route of which is indicated by the colour green on the signed plan, and all pipes, apparatus and equipment associated with such mains;

“the signed plan” means the plan five copies of which have been signed by Frank Taylor, the Chairman of the Committee of the House of Commons, to whom the Bill for this Act was referred, and deposited respectively

PART II
—cont.

in the office of the Clerk of the Parliaments, in the Private Bill Office of the House of Commons, with the Secretary of State, with the director-general and clerk to the Council and with the clerk and chief executive officer of the Board;

“the transfer” means the transfer and vesting of the transferred mains to and in the Board in pursuance of section 9 (Transfer to Board, etc.) of this Act;

“the transferred mains” means the unfiltered water mains the route of which is indicated by the colour red on the signed plan, the pumping station in Regent’s Park for abstracting water from the Grand Union Canal, and all pipes, apparatus and equipment which on the appointed day are associated with any such mains or such pumping station.

Transfer to
Board, etc.

9. Subject to the provisions of sections 10, 11, 13 and 14 of this Act, on the appointed day the transferred mains shall, by virtue of this Act and without any further assurance, be transferred without charge to and be vested in the Board, freed and discharged from all mortgages, charges and liens and from all debts, liabilities and financial obligations of the Council subsisting on that day, and thereupon the transferred mains shall, for all purposes, become part of the Board’s undertaking and the rights and obligations of the Board with reference to the maintenance, repair, renewal and removal of pipes laid down by them shall extend and apply to the transferred mains as they apply to pipes so laid down.

Agreements,
etc., to be
binding on
Board.

10. All agreements, contracts, leases, conveyances, deeds of grant of rights or easements and other instruments made, entered into or granted by or with the Council or the former London County Council and in force on the appointed day and relating to or in so far as they relate to the transferred mains shall, on and after the appointed day, be as binding and of as full force and effect in every respect in so far as aforesaid against or in favour of the Board and be enforceable as fully and effectively as if, instead of the Council or the said London County Council, as the case may be, the Board had been a party thereto.

Transfer of
books,
documents,
etc., to
Board.

11. All books and documents which, if sections 8 to 14 of this Act had not been passed, would have been evidence for or against the Council in respect of any matter relating to the transferred mains shall on and after the appointed day be admitted in evidence in respect of the same or the like matter for or against the Board and any such books and documents in the possession of the Council shall be included in the transfer except where they concern or relate to any property of, or under the control of, the Council not included in the transfer.

12. Subject to the provisions of subsection (1) of section 13 (Outgoings in respect of mains) and of section 14 (Actions, etc., not to abate) of this Act, on the appointed day all the estate, title and interest of the Council in, to and in respect of the relinquished mains, together with all easements, rights and privileges appertaining thereto, shall by virtue of this Act, and without any assurance, cease and determine and the Council shall, as from the appointed day, be relieved of and from all future liabilities however arising in respect of the relinquished mains.

PART II
—cont.
As to
relinquished
mains.

13.—(1) The Council shall pay and discharge all debts, liabilities and outgoings which shall have become payable by them before, or accrued due from them up to, the appointed day in respect of the relinquished mains and the transferred mains.

Outgoings
in respect of
mains.

(2) The Board shall pay and discharge all debts, liabilities and outgoings which shall become payable or accrue due on or after the appointed day in respect of the transferred mains.

(3) For the purpose of giving effect to the foregoing provisions of this section any debts, liabilities or outgoings in respect of the transferred mains shall when necessary be apportioned between the Council and the Board by agreement or, failing agreement, by an arbitrator to be agreed upon between the parties or, failing such agreement, to be appointed on the application of either party (after notice in writing to the other of them) by the President of the Institute of Chartered Accountants in England and Wales.

14. If on the appointed day any action, arbitration or proceeding or any cause of action, arbitration or proceeding is pending or existing by, against or in favour of, the Council in respect of the relinquished mains or the transferred mains, the same shall not abate or be discontinued or in any way be prejudicially affected by reason of anything in sections 8 to 13 of this Act and may be continued, prosecuted or enforced by, against or in favour of the Council as if the said sections of this Act had not been passed.

Actions, etc.,
not to abate.

Extension of time

15.—(1) The period now limited by the Act of 1969 for the exercise by the Council of powers for the compulsory purchase of lands in the City of Westminster for the purposes of the London County Council (Improvements) Act, 1939 is hereby further extended until 31st December 1975.

Extension of
time for
compulsory
purchase of
lands by the
Council.

(2) The provisions of the foregoing subsection shall be deemed to have come into force on 30th September 1972.

1939 c. ci.

(3) Notwithstanding anything in subsection (1) of this section if, at any time before 1st April 1975, the owner or lessee of any

PART II
—cont.

land to which this section relates gives to the Council notice in writing requiring them forthwith to decide whether or not they will proceed with the purchase of his estate or interest in any such land which is specified in the notice, the powers referred to in the said subsection (1) shall not extend so as to enable the Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified, or in any part of such land, in pursuance of a notice to treat served later than six months after the receipt by the Council of the first-mentioned notice.

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

PART III

PROVISIONS RELATING TO THE COUNCIL AND TO
BOROUGH COUNCILS, ETC.Investment of
capital and
other funds

16.—(1) (a) Notwithstanding anything in any other enactment, any property standing to the credit of any capital, insurance, repairs, reserve, renewals, contingency or other similar fund established by the Council or a borough council, other than a fund applicable wholly or partly for the redemption of debt, may be invested in a similar manner and subject to the same restrictions as property belonging to any fund maintained by the Council or by the borough council, as the case may be, for the purposes of local government superannuation under the statutory powers for the time being in force.

1961 c. 62.

(b) In this subsection “property” shall have the same meaning as is assigned to that word by subsection (1) of section 4 of the Trustee Investments Act, 1961, except that for the reference to “the trust fund” in the proviso to that subsection there shall be substituted a reference to any of the funds to which this section applies.

(2) The provisions of the foregoing subsection shall extend and apply to the Common Council and, accordingly, shall have effect as if any reference therein to the Council or a borough council included a reference to the Common Council.

(3) Subsection (4) of section 32 (Housing advances reserve fund) of the Act of 1969 is hereby repealed, and any powers of investment exercised by the Council by virtue of the provisions

of that subsection before the passing of this Act shall be deemed to have been exercised by virtue of the provisions of subsection (1) of this section.

PART III
—cont.

17.—(1) Without prejudice to the provisions of any other enactment, where a local authority have reasonable cause to believe that an offence involving the use of a vehicle under any enactment which they are empowered to enforce (other than an offence referred to in subsection (5) of this section) has been committed in their area by the driver or person in charge of a vehicle whilst so driving or being in charge they may by notice in writing, specifying the offence and enactment to which the notice relates, require—

Duty to give information in certain cases.

- (a) the person keeping the vehicle to give them such information as they may require as to the identity of the driver or person in charge; and
- (b) any other person to give them any information which it is in his power to give and which may lead to the identification of the driver or person in charge.

(2) (a) A person shall be guilty of an offence if he fails to comply with a requirement of a notice under the foregoing subsection or knowingly or recklessly gives false information in relation thereto:

Provided that in any proceedings for failing to comply with such a requirement brought against the person keeping the vehicle it shall be a defence if he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who was the driver or person in charge of the vehicle.

(b) A person guilty of an offence under this subsection shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) Where on the summary trial of an information for an offence referred to in subsection (1) of this section—

- (a) it is proved to the satisfaction of the court, on oath or in manner prescribed by rules made under section 15 of the Justices of the Peace Act, 1949, that a requirement under subsection (1) of this section to give information as to the identity of the driver or person in charge of a particular vehicle on the particular occasion to which the information relates has been served on the accused; and
- (b) a statement in writing is produced to the court purporting to be signed by the accused that the accused was the driver or person in charge of that vehicle on that occasion;

1949 c. 101.

PART III
—cont.

the court may accept that statement as evidence that the accused was the driver or person in charge of that vehicle on that occasion.

(4) In this section—

“ area ” in relation to the Council means Greater London, in relation to a borough council means the borough and in relation to the Common Council means the city;

“ local authority ” means the Council, a borough council or the Common Council;

“ vehicle ” means a vehicle of any description and includes a machine or implement of any kind drawn or propelled along roads whether by animal or mechanical power.

(5) This section shall not apply in relation to an offence under any of the following enactments:—

1955 c. 16.
(4 & 5 Eliz. 2.)
1963 c. 31.
1968 c. 29.

(a) the Food and Drugs Act, 1955;

(b) the Weights and Measures Act, 1963; or

(c) the Trade Descriptions Act, 1968.

PART IV

PROVISIONS RELATING TO BOROUGH COUNCILS, ETC.

General provisions

Contributions
in respect of
railings.

18.—(1) Without prejudice to the provisions of any other enactment, a borough council may, upon and subject to such terms and conditions as they think fit, contribute by grant or loan towards the expenses incurred, or to be incurred, in the provision, reinstatement, repair or maintenance of railings at any square, unenclosed land or garden enclosure in the borough if, in their opinion, such provision, reinstatement, repair or maintenance would improve the amenities of such square, unenclosed land or garden enclosure or of the surrounding area.

(2) A contribution by way of loan under the foregoing subsection may be made upon such terms and conditions as the borough council may determine, including, without prejudice to the generality of the foregoing words, a term that the loan shall be free of interest; and the borough council may at any time renounce their right to repayment of the loan or any interest for the time being outstanding and, by agreement with the borrower, may otherwise vary any of the terms and conditions on which the loan is made.

(3) This section shall extend and apply to the Common Council and the city as it applies to a borough council and the borough respectively.

19.—(1) Where any building used for human habitation has ceased to be supplied with gas or electricity sufficient for the domestic purposes of any occupier thereof (hereafter in this section referred to as “the occupier”) by reason of the failure of the owner thereof to pay to the statutory undertakers such charges as are properly due from him for the supply of gas or electricity, the borough council may, without prejudice to any action or proceedings which may be taken under any other enactment, pay to the statutory undertakers their reasonable expenses of reconnecting the supply of gas or electricity to the building to secure that such supply is restored and shall thereafter, for so long as they consider necessary, pay the statutory undertakers’ charges in respect of the subsequent supply of gas or electricity to the building.

(2) A borough council shall give not less than twenty-four hours’ notice to the statutory undertakers of their intention to terminate payments in respect of the subsequent supply of gas or electricity.

(3) The borough council may, without prejudice to any action or proceedings which may be taken under any other enactment, recover from the owner or from the occupier of the building as a simple contract debt in any court of competent jurisdiction—

- (a) any expenses reasonably incurred by the borough council (including their establishment charges) in exercising their powers under this section in relation to the building; and
- (b) the amount of charges properly due to the statutory undertakers in respect of the building at the time the supply of gas or electricity was restored thereto in consequence of the exercise by the borough council of their powers under the foregoing subsection:

Provided that—

- (i) proceedings shall not be commenced under this subsection against the owner or the occupier until notice in writing has been served on him by the borough council requiring him to pay to them any such expenses or other amount due and he has failed to comply with that notice;
- (ii) no greater sum shall be recovered at any one time from the occupier than the amount of any rent which is for the time being owed by him to the owner, or which has accrued due since such notice as aforesaid was served on him; and
- (iii) if the occupier, as between himself and the owner, is not liable to pay to the statutory undertakers their charges in respect of the supply of gas or electricity to the building, he shall be entitled to deduct from the

PART IV
—cont.

rent payable by him to the owner any sum paid by him in compliance with such a notice as aforesaid, or so recovered from him, and every sum so paid shall be a valid discharge of the rent to the extent of that sum.

(4) Any amount received by the borough council by virtue of paragraph (b) of the last foregoing subsection shall be forwarded by them to the statutory undertakers in reduction of the amount of charges properly due to them.

(5) In any proceedings under subsection (3) of this section for the recovery of any expenses or other amount due the court may enquire whether the whole or any part thereof should, instead of being borne by the person from whom they are sought to be recovered, be borne by any other person (being the owner or the occupier) and the court may make such order as appears to it to be just in the circumstances of the case with respect to the person (being either the owner or the occupier) by whom the said expenses or other amount due are to be borne or as to the apportionment between any such persons of their liability to bear them:

Provided that the court shall not under this subsection order the said expenses or other amount due or any part thereof to be borne by such other person as aforesaid unless it is satisfied that he has, at the instance of the person from whom they are sought to be recovered, had due notice of the proceedings and an opportunity of being heard.

(6) (a) Any expenses incurred by a borough council in respect of any building and recoverable from the owner under this section, together with interest thereon from the date of service on the owner of the building of the notice referred to in paragraph (i) of the proviso to subsection (3) of this section shall, from the date when such expenses were incurred until recovered, be a charge on the building and on the appropriate estates and interests therein or, if the building is part of larger premises having the same owner, on those premises and on the appropriate estates and interests therein.

(b) The borough council shall, for the purpose of enforcing a charge under this subsection, have all the same powers and remedies under the Law of Property Act, 1925 and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

(c) The rate of interest chargeable under paragraph (a) of this subsection shall be such rate as the borough council may determine, not exceeding the maximum rate fixed by the Secretary of

State for the purpose of section 291 of the Public Health Act, 1936 at the time when the expenses were incurred, or, if different maximum rates are then so fixed, the highest of those rates.

PART IV
—cont.
1936 c. 49.

(7) The borough council may, if they think fit, themselves bear the whole or any part of any expenses recoverable under paragraph (a) of subsection (3) of this section.

(8) In this section—

“appropriate estates and interests” means all estates and interests of the owner and of all persons deriving title under him;

“building” means a building in a borough and includes any part of a building;

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

“premises” includes messuages, buildings, lands, easements and hereditaments;

“statutory undertakers” means the persons authorised by any enactment to carry on any undertaking for the supply of gas or electricity, as the case may be, to the building in connection with which the words are used.

(9) This section shall extend and apply to the Common Council and to the city as it applies to a borough council and a borough respectively.

20.—(1) Section 36 (Extension of powers of borough councils to maintain burial grounds) of the London County Council (General Powers) Act, 1955 shall extend and apply to the council of an outer London borough as it applies to the council of an inner London borough, and in that section—

(a) “borough council” and “borough” shall be construed as defined in section 2 (Interpretation) of this Act;

(b) in subsection (9) for the words “the diocese of London or of the diocese of Southwark Where a licence or faculty of either of those courts” there shall be substituted the words “any diocese which includes part of Greater London. Where a licence or faculty of any such court”.

Extension of section 36 of London County Council (General Powers) Act, 1955.
1955 c. xxix.

(2) In the said section 36 the expression “burial ground” shall be deemed to include a cemetery and any other place for the interment of the dead.

PART IV
—cont.
1952 c. 1.

(3) (a) Section 159 (Extension of power to maintain burial grounds) of the Essex County Council Act, 1952, so far as it relates to any part of Greater London, shall cease to have effect.

(b) The following enactments, which extend the powers of certain authorities to maintain burial grounds, are hereby repealed, that is to say:—

1951 c. xxxviii.

section 83 of the Sutton and Cheam Corporation Act, 1951;
section 32 of the Orpington Urban District Council Act,
1954;

1954 c. xlvi.

1956 c. xc.

section 48 of the Middlesex County Council Act, 1956; and

1960 c. xl.

section 120 of the Croydon Corporation Act, 1960:

Provided that as from the date of the passing of this Act anything previously done under any enactment repealed by this subsection or under the said section 159 (so far as it related to any part of Greater London) shall have effect as if it had been done under the said section 36.

For
protection of
Common-
wealth
War Graves
Commission.
1955 c. xxix.

21.—(1) In this section—

“ the Commission ” means the Commonwealth War Graves Commission;

“ the principal section ” means section 36 of the London County Council (General Powers) Act, 1955;

“ memorial ” means any object erected, placed or planted for the commemoration of the dead, and includes any wall, kerb or railing protecting, enclosing or marking a grave or memorial.

(2) In relation to the exercise by a borough council of any of the powers conferred by subsection (1) (b) of the principal section the borough council shall—

(a) not later than the date upon which they first publish notice under the principal section of their intention to exercise such power, serve upon the Commission a copy of the notice;

(b) give written notification to the Commission of their intention to apply for a faculty or licence of a consistory court for the purpose of exercising such power;

and shall have due regard to any written representations made by the Commission within a period of twenty-one days of the service of such notice or, as the case may be, the giving of such notification.

(3) A borough council shall not remove a memorial placed or erected by the Commission over any grave except in accordance

with such arrangements and in such manner, including disposal of the memorial, as shall be agreed in writing between the borough council and the Commission or failing such agreement determined by the Secretary of State.

(4) In any case to which subsection (4) of the principal section applies the borough council shall, not later than the date upon which the matter is referred to the Secretary of State, inform the Commission in writing of the reference, and the Secretary of State shall consider any representations submitted to him by the Commission within a period of twenty-eight days from the date of the reference.

22.—(1) In section 11 (Trade refuse disposal facilities) of the London County Council (General Powers) Act, 1963—

Refuse storage
accommoda-
tion at trade
premises.
1963 c. xvii.

(i) in subsection (1) the word “ trade ”, in the second place where it occurs, shall be omitted and, after the word “ building ” in the fourth place where it occurs there shall be inserted the words “ for the purposes of trade, manufacture or business ”;

(ii) in paragraph (c) of subsection (2) the word “ trade ” shall be omitted;

(iii) in subsection (3) the words from “ and as respects ” to the end of paragraph (b) shall be omitted;

(iv) in subsection (4) for the words from “ not later than ” to the words “ of this section ” there shall be substituted the words “ at any time ”;

(v) in paragraph (a) of subsection (8) at the end there shall be inserted the words “ or of building regulations made under section 4 of the Public Health Act, 1961 ”; and

1961 c. 64.

(vi) for paragraph (c) of the said subsection (8) there shall be substituted—

“ (c) the carrying out of any work in contravention of any byelaw made or having effect as if made by the Greater London Council or the council of any London borough under—

(i) paragraph 3 of Part II of Schedule 11 to the London Government Act, 1963; or

1963 c. 33.

(ii) section 61 (1) or section 72 (3) of the Public Health Act, 1936; or

1936 c. 49.

(iii) paragraph (c) of section 84 (2) or section 107 (1) of the Public Health (London) Act, 1936.”.

1936 c. 50.

PART IV
—cont.

(2) The provisions of the last foregoing subsection shall not apply in relation to refuse arising from the use of a building as an office.

(3) The said section 11 shall extend and apply to the council of an outer London borough as it applies to the council of an inner London borough, and accordingly, in that section (except in subsection (7) thereof) “borough council” and “borough” shall be construed as defined in section 2 (Interpretation) of this Act.

Provisions for Kingston Council

Interpretation
of sections 23
to 28 of Act.
1855 c. xlv.

23. In sections 23 to 28 of this Act—

“the Act of 1855” means the Kingston-upon-Thames Improvement Act, 1855;

“the borough” means the Royal Borough of Kingston upon Thames;

“facilities” means such quays, jetties, piers, causeways, hards, moorings, buoys, apparatus or conveniences for vessels, works and things as may appear to the Kingston Council to be necessary or expedient for facilitating the use of the lands, the wharves and the river for recreational purposes;

“the lands” means any lands in the borough adjoining or abutting on the river and acquired by the Kingston Council whether before or after the passing of this Act but does not include the wharves;

“the river” means the river Thames;

“the wharves” means the two wharves in the borough belonging to the Kingston Council at the date of the passing of this Act and known as Town End Wharf and Canbury Wharf.

Extinction
of public
rights to use
lands and
wharves.

24. Notwithstanding anything in the Act of 1855 or in any other enactment, no part of the lands or the wharves shall be a public quay, wharf or landing place and all rights of the public to use the lands or the wharves or any part thereof as a quay, wharf or landing place shall—

(a) in the case of the lands, as from the date of the passing of this Act or of the acquisition of the lands by the Kingston Council, whichever is the later; and

(b) in the case of the wharves, as from the date of the passing of this Act;

PART IV
—cont.

be extinguished.

25.—(1) Notwithstanding anything in the Act of 1855 or in any other enactment, all private rights over any part of the lands or the wharves—

Extinction of private rights to use lands and wharves.

(a) for the purpose of embarking or disembarking passengers or other persons or of loading or unloading any goods, wares or merchandise;

(b) for the purpose of mooring any vessel; or

(c) for or in connection with the carrying on of any ferry service across the river;

shall—

(i) in the case of the lands, as from the date of the passing of this Act or of the acquisition of the lands by the Kingston Council, whichever is the later; and

(ii) in the case of the wharves, as from the date of the passing of this Act;

be extinguished:

Provided that this subsection shall not apply in relation to any ferry service which was carried on immediately before the date of the passing of this Act.

(2) Any person who suffers loss by the extinguishment of any private right under the foregoing subsection shall be entitled to be paid by the Kingston Council compensation to be determined in case of dispute by an arbitrator to be appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors on the application of either party after notice in writing to the other.

26.—(1) (a) The Kingston Council may provide and maintain facilities on or in connection with the lands and the wharves, including, in appropriate cases, facilities wholly or partly in the river, but before providing facilities on the banks of or wholly or partly in the river the Kingston Council shall obtain any necessary consents and licences under—

Provision of facilities, etc.

(i) the Land Drainage Acts, 1930 and 1961; and

(ii) the Thames Conservancy Acts and Orders, 1932 to 1966.

PART IV
—cont.

(b) In the foregoing paragraph, in relation to works and things, “provide” shall, where the context so permits, include “carry out and do”.

(2) The Kingston Council may demand, receive and recover in respect of the use of all or any of the lands, the wharves and the facilities such reasonable charges as they may from time to time prescribe.

Byelaws, etc.

27.—(1) Without prejudice to any other power in that behalf, the Kingston Council may make and enforce byelaws for regulating or controlling the use of all or any of the lands, the wharves and the facilities and in particular, but without prejudice to the generality of the foregoing words, may make and enforce byelaws for all or any of the following purposes:—

- (a) preserving order and preventing and suppressing nuisances;
- (b) preventing damage;
- (c) regulating the conduct and securing the safety of persons;
- (d) specifying the vessels which may or may not call at or use, and uses which may or may not be made of, all or any of the lands, the wharves and the facilities.

(2) Byelaws made under this section may contain provisions for imposing on persons offending against the byelaws fines, recoverable on summary conviction, not exceeding fifty pounds and in the case of a continuing offence a further fine not exceeding five pounds for each day during which the offence continues after conviction thereof.

(3) For the purposes of section 250 of the Act of 1933, the Secretary of State shall be the confirming authority as respects byelaws made under this section.

(4) The said section 250, in its application to byelaws made under this section, shall have effect as if, in subsection (6) of that section, after the word “confirm” in the first place where it occurs there were inserted the words “with or without modification” and as if at the end of that subsection there were inserted the following proviso:—

“Provided that, where the confirming authority proposes to make a modification which appears to him to be substantial, he shall inform the Kingston Council and require them to take any steps he thinks necessary for informing persons likely to be concerned with that modification and shall not confirm the byelaws until there has elapsed such period as he thinks reasonable for consideration of, and comment upon, the proposed modification by the Kingston Council and by other persons who have been informed of it.”

(5) No byelaws made under this section after the passing of this Act shall affect any right, power, authority, jurisdiction or privilege of the Conservators under the Land Drainage Acts, 1930 and 1961 or the Thames Conservancy Acts and Orders, 1932 to 1966.

(6) Section 81 (Corporation may make Byelaws with respect to the public Wharves and Landing Places) of the Act of 1855 is hereby repealed:

Provided that any byelaws made under the said section 81 and in force immediately before the date of the passing of this Act shall continue in force and have effect as if made under this section.

28.—(1) Where any vessel is sunk, stranded, abandoned or without lawful authority left or moored at or in the vicinity of any of the lands, the wharves or the facilities, the Kingston Council may take all such action as may be necessary to remove the vessel: Removal of vessels, etc.

Provided that, if the name and address of the owner are known to the Kingston Council, he shall be given the appropriate notice in writing of their intention so to do and for the purposes of this proviso the appropriate notice shall be not less than three months in the case of a vessel sunk, stranded or abandoned or left or moored as aforesaid before 1st January, 1972, and not less than one month in the case of a vessel sunk, stranded or abandoned or left or moored as aforesaid on or after that date.

(2) The Kingston Council may recover from the owner of any such vessel all expenses reasonably incurred by them in respect of the removal and storage thereof or in removing or storing any furniture, tackle, apparel, goods, chattels and effects removed therefrom.

(3) Any such vessel which is not previously proved to the satisfaction of the Kingston Council to belong to any claimant shall vest in the Kingston Council at the expiration of six weeks from the time of its removal by them:

Provided that if within six months of such removal a claim is made to the vessel by a person who subsequently proves to the satisfaction of the Kingston Council that he was the owner thereof then, if the vessel is unsold, it shall re-vest in the owner upon payment of the expenses referred to in subsection (2) of this section or, if the vessel has been sold, the Kingston Council shall pay to such owner the amount of the proceeds of such sale after deducting the said expenses, and, in case such proceeds shall be insufficient to reimburse the Kingston Council such expenses, the deficiency may be recovered by the Kingston Council.

PART IV
—cont.

(4) Any expenses recoverable under this section may, if not exceeding fifty pounds, be recovered either as a simple contract debt in any court of competent jurisdiction or summarily as a civil debt and, if exceeding fifty pounds, may be recovered in the former manner.

(5) The owner of a vessel which is removed under the provisions of this section who suffers loss by the consequential interference with a private right held in connection with the vessel and which was acquired before 1st January 1972, shall be entitled to be paid by the Kingston Council compensation to be determined in case of dispute by an arbitrator to be appointed in default of agreement by the President of the Royal Institution of Chartered Surveyors on the application of either party after notice in writing to the other.

(6) In this section "owner" in relation to any vessel sunk, stranded, abandoned, left or moored as aforesaid means the owner of the vessel at the time of the sinking, stranding, abandonment, leaving or mooring thereof and "vessel" includes part of a vessel and any furniture, tackle, apparel, goods, chattels and effects thereon at the time of its removal by the Kingston Council.

Provisions for Westminster Council

Extension of
time for
compulsory
purchase of
lands by
Westminster
Council.

29.—(1) The period now limited by the Act of 1969 for the exercise by the Westminster Council as the highway authority of powers for the compulsory purchase of lands in the City of Westminster for the purposes of paragraph (a) of subsection (1) of section 5 (Power to acquire lands) of the Act of 1957 is hereby further extended until 31st December 1975.

(2) The provisions of the foregoing subsection shall be deemed to have come into force on 30th September 1972.

(3) Notwithstanding anything in subsection (1) of this section if, at any time before 1st April 1975, the owner or lessee of any land to which this section relates gives to the Westminster Council notice in writing requiring them forthwith to decide whether or not they will proceed with the purchase of his estate or interest in any such land which is specified in the notice, the powers referred to in the said subsection (1) shall not extend so as to enable the Westminster Council to purchase compulsorily the estate or interest of such owner or lessee in the land so specified, or in any part of such land, in pursuance of a notice to treat served later than six months after the receipt by the Westminster Council of the first-mentioned notice.

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

to in this section, so far as they authorise the compulsory purchase of such estate or interest, shall cease forthwith.

PART IV
—cont.

30.—(1) The period now limited by the Act of 1967 for the exercise by the Westminster Council as the highway authority of powers conferred by the Act of 1957 for the execution of works in the City of Westminster authorised by Part III of the Act of 1957 is hereby further extended until 31st December 1977.

Extension of time for completion of works by Westminster Council.

(2) The provisions of the foregoing subsection shall be deemed to have come into force on 30th September 1972.

PART V
SUPPLEMENTAL

31. Section 289 of the Town and Country Planning Act, 1971 shall apply to this Act as if it had been passed during the Session of the 10 & 11 Geo. 6; and accordingly the Town and Country Planning Act, 1971 and orders, regulations, rules, schemes and directions made or given thereunder shall apply to development authorised by this Act.

Saving for Town and Country Planning Act. 1971 c. 78.

32.—(1) Subject to any provision of the London Government Act, 1963, or of any other enactment, requiring or enabling expenses in connection with any functions of the Council to be chargeable otherwise than as expenses for general London purposes, all expenses of the Council in the execution of this Act shall be defrayed, as the Council may decide, as—

Costs of Act. 1963 c. 33.

- (a) expenditure for general London purposes; or
- (b) expenditure for special London purposes chargeable on such part of Greater London as the Council may determine.

(2) So much of the costs, charges and expenses preliminary to and of and incidental to the preparing, applying for and obtaining of this Act as may be incurred in respect of or in connection with the provisions contained in—

- (a) sections 23 to 28, which relate to the use of certain lands and wharves in the Royal Borough of Kingston upon Thames;
- (b) section 29 (Extension of time for compulsory purchase of lands by Westminster Council); and
- (c) section 30 (Extension of time for completion of works by Westminster Council);

shall, unless otherwise agreed, be paid as regards (a) by the Kingston Council and as regards (b) and (c) by the Westminster Council.

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CHAPTER xl

ARRANGEMENT OF SECTIONS

PART I

Section PRELIMINARY

1. Short title.
2. Interpretation.

PART II

PROVISIONS RELATING TO THE COUNCIL

Greenwich Pier

3. Interpretation of sections 3 to 7 of Act.
4. Amendment of certain Acts in relation to Greenwich Pier.
5. Repeal.
6. Further powers to regulate use of Greenwich Pier.
7. Increase of penalties under Act of 1904.

Transfer of mains, etc.

8. Interpretation of sections 8 to 14 of Act.
9. Transfer to Board, etc.
10. Agreements, etc., to be binding on Board.

Section

11. Transfer of books, documents, etc., to Board.
12. As to relinquished mains.
13. Outgoings in respect of mains.
14. Actions, etc., not to abate.

Extension of time

15. Extension of time for compulsory purchase of lands by the Council.

PART III

PROVISIONS RELATING TO THE COUNCIL AND TO
BOROUGH COUNCILS, ETC.

16. Investment of capital and other funds.
17. Duty to give information in certain cases.

PART IV

PROVISIONS RELATING TO BOROUGH COUNCILS, ETC.

General provisions

18. Contributions in respect of railings.
19. Restoration of gas and electricity services.
20. Extension of section 36 of London County Council (General Powers) Act, 1955.
21. For protection of Commonwealth War Graves Commission.
22. Refuse storage accommodation at trade premises.

Provisions for Kingston Council

23. Interpretation of sections 23 to 28 of Act.
24. Extinction of public rights to use lands and wharves.
25. Extinction of private rights to use lands and wharves.
26. Provision of facilities, etc.
27. Byelaws, etc.
28. Removal of vessels, etc.

Provisions for Westminster Council

29. Extension of time for compulsory purchase of lands by Westminster Council.
30. Extension of time for completion of works by Westminster Council.

PART V

SUPPLEMENTAL

31. Saving for Town and Country Planning Act.
32. Costs of Act.