

City of London (Various Powers) Act, 1958

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CHAPTER xlvii

An Act to confer further powers on the corporation of London with respect to lands to permit the appropriation for housing of land forming part of and adjacent to the Metropolitan Cattle Market Islington to make provision for the delegation to the corporation of certain planning powers in respect of the city of London conferred on the London County Council by the Town and Country Planning Act 1947 and for other purposes.

[1st August 1958.]

WHEREAS it is expedient that—

- (1) further powers should be conferred on the Corporation of the city of London with respect to the acquisition use and disposal of lands :
- (2) the Corporation should be authorised to appropriate for housing purposes land forming part of and adjacent to the Metropolitan Cattle Market at Islington :
- (3) provision should be made for the delegation to the Corporation by the London County Council of their powers as local planning authority for the city of London :
- (4) the other provisions in this Act contained should be enacted :

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

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

PART I

PRELIMINARY AND INTERPRETATION

Short title.

1. This Act may be cited as the City of London (Various Powers) Act 1958.

Division of Act into Parts.

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

Part I. —Preliminary and interpretation.

Part II. —Lands.

Part III.—Miscellaneous.

Incorporation of Lands Clauses Acts.

3. The Lands Clauses Acts except sections 127 to 132 of the Lands Clauses Consolidation Act 1845 (which relate to the sale of superfluous lands) and sections 150 and 151 of that Act (which relate to access to the special Act) (so far as they are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act.

Interpretation.

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

“ Act of 1949 ” means the City of London (Various Powers) Act 1949 ;

“ Act of 1950 ” means the City of London (Various Powers) Act 1950 ;

“ Act of 1954 ” means the City of London (Various Powers) Act 1954 ;

“ Act of 1957 ” means the City of London (Various Powers) Act 1957 ;

“ city ” means the city of London ;

“ Corporation ” means the mayor and commonalty and citizens of the city acting by the common council ;

“ enactment ” includes this Act and any general or local Act order byelaw regulation rule scheme or other instrument made under any Act ;

“Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 by Part V of the Town and Country Planning Act 1947 by the Lands Tribunal Act 1949 by the Town and Country Planning Act 1954 and by this Act;

(2) Unless otherwise expressly stated any reference in this Act to any enactment shall be construed as a reference to that enactment as applied extended amended or varied by or by virtue of any subsequent enactment including this Act.

5. The expressions “the common council” “the common council of the city of London” “the mayor aldermen and commons of the city of London” and any similar expressions used in this Act or in any enactment whether passed before or after the commencement of this Act shall mean the mayor aldermen and commons of the city of London in common council assembled.

Interpretation of references to “common council” in enactments.

6.—(1) In this section “local authority” means the council of a county borough or of a metropolitan borough or of a county district.

Meaning of “general rate fund” in future Acts.

(2) Where in any Act passed after the commencement of this Act reference is made to the general rate fund of a local authority and the provisions of that Act in which such reference occurs are by virtue of that Act or any subsequent enactment applicable to the common council the expression “general rate fund” shall unless the contrary intention appears mean in relation to the common council the general rate of the city.

PART II

LANDS

7. The Corporation may for the purpose of any of their functions acquire by agreement whether by way of purchase lease or exchange any land whether situate within or without the city.

Acquisition of land by agreement.

8.—(1) The power to acquire land under the last foregoing section may be exercised notwithstanding that the land is not immediately required for the purpose for which it is to be acquired and any such land may be acquired by the Corporation for the benefit improvement or development of the city.

Acquisition of land in advance of requirements.

(2) Any land acquired under this section may until it is appropriated under section 12 (Power to appropriate land) of the Act of 1949 be used for the purpose of any of the functions of the Corporation.

Disposal of
land.

9.—(1) The Corporation may sell lease exchange or otherwise dispose of any land to which this section applies in such manner and for such consideration and on such terms and conditions as they think fit (whether in consideration of the execution of works or of the payment of a capital sum or of an annual rent or of payment in any other form) and may on any such exchange pay or receive money for equality of exchange.

(2) Capital money received by the Corporation in respect of the sale leasing exchange or other disposition of land under this section shall be applied towards the discharge of any debt of the Corporation or otherwise for any purpose for which capital money may properly be applied.

(3) Where capital money is applied under subsection (2) of this section for a purpose other than that for which the land which was the subject of the transaction was held such adjustments shall be made in the accounts of the Corporation as may be necessary.

(4) Nothing in this section shall authorise the disposal by the Corporation whether by sale lease or exchange or other disposition of any land which is a recreation ground or open space held by the Corporation for or dedicated to the use of the public or in any case where such disposal would constitute a breach of any trust covenant or agreement binding upon the Corporation.

(5) This section applies to any land held by the Corporation whether situate within or without the city other than land held under and by virtue of any public general Act and in respect of which the Corporation have under any such Act power to dispose of the land.

Interpretation
of last three
foregoing
sections.

10. In section 7 (Acquisition of land by agreement) section 8 (Acquisition of land in advance of requirements) and section 9 (Disposal of land) of this Act references to the Corporation shall be construed as references to the Corporation in their capacity as a local authority.

Use of lands
at Islington
for housing
purposes.

11.—(1) In this section “the signed plan” means the plan of which copies have been signed in quadruplicate by the Lord Merthyr the chairman of the committee of the House of Lords to which the Bill for this Act was referred of which plan one copy has been deposited in the office of the Clerk of the Parliaments in the House of Lords one copy in the Private Bill Office of the House of Commons one copy in the office of the Town Clerk of the city and one copy in the office of the City Remembrancer at the Guildhall in the city.

(2) Notwithstanding anything in the Metropolitan Market Acts 1857 to 1896 or any other enactment the Corporation may appropriate and use for the purpose of housing the whole or any

part of the land in the metropolitan borough of Islington shown coloured pink on the signed plan being land forming part of the Metropolitan Cattle Market as defined in the Metropolitan Market Act 1896 and certain land adjacent thereto.

(3) Upon any such appropriation—

(a) such adjustment shall be made in the accounts of the Corporation as may be necessary ; and

(b) the land appropriated shall be freed and discharged from any obligation or liability arising out of the Metropolitan Market Acts 1857 to 1896.

(4) Development of any of the lands referred to in subsection (2) of this section for the purpose of housing shall not by virtue only of this section or of anything shown on the signed plan be deemed for the purposes of the Town and Country Planning General Development Order 1950 and any enactment amending or replacing the same to be carried out in pursuance of an Act which designates specifically both the nature of the development and the land upon which it may be carried out.

PART III

MISCELLANEOUS

12.—(1) In this section—

Functions
relating to
town planning.

“ the Act of 1947 ” means the Town and Country Planning Act 1947 ;

“ the county council ” means the London County Council ;

“ the Minister ” means the Minister of Housing and Local Government ;

“ planning powers ” means the functions of the county council under any of the following (that is to say) :—

(a) Part III of the Act of 1947 ;

(b) orders made in pursuance of subsection (3) of section 20 of the Restriction of Ribbon Development Act 1935 ; and

(c) section 89 of the National Parks and Access to the Countryside Act 1949.

(2) Notwithstanding anything in section 114 of the Act of 1947 and in any regulation made under subsection (10) of the said section 114 planning powers in the city may be delegated to the common council under and in accordance with a scheme made under the provisions of this section.

(3) A scheme of delegation made under this section may provide for the delegation to the common council of any planning powers upon such terms and subject to such conditions restrictions and reservations as may be specified in the scheme.

(4) Without prejudice to the generality of the last foregoing subsection a scheme made under this section may—

- (a) make different provisions with respect to different parts of the city or with respect to different classes of buildings or development ;
- (b) provide for the making as between the common council and the county council of financial adjustments as to the incidence of the cost of any compensation payable under Part III or Part VIII of the Act of 1947 by reason of the exercise of planning powers in the city ;
- (c) provide for the determination by the Minister of any difference arising between the common council and the county council under the scheme ;
- (d) include such transitional and consequential provisions as may be required for the purposes of the scheme.

(5) Nothing in a scheme made under this section shall prejudice or affect the provisions of sections 19 25 29 and 30 of the Act of 1947 in their application to the common council and the county council or any provision in force at the date of the coming into operation of the scheme for the delegation by the county council to the common council of functions relating to the control of advertisements under sections 31 and 32 of the Act of 1947.

(6) Where the common council exercise planning powers delegated to them by a scheme made under this section they shall exercise such powers on behalf of the county council and any document by which any such powers are exercised shall state that the powers are exercised on behalf of the county council.

(7) Subject to the provisions of this section a scheme may be made under this section by the common council or the county council or by both such councils jointly and shall come into force on the date (not before the first day of October nineteen hundred and fifty-eight) on which and in the form in which it is approved by the Minister.

(8) A scheme made under subsection (7) of this section shall be submitted by the common council or the county council or by both such councils jointly (as the case may be) to the Minister Except where a scheme is submitted by both such councils jointly the authority submitting the scheme shall on or before the date on which it is submitted send a copy thereof to the other authority and such other authority may within three months thereof give notice of objection to the scheme to the Minister and to the authority submitting the scheme stating the reasons for such objection or counter-proposals with respect to the scheme.

(9) The Minister before approving a scheme submitted by either the common council or the county council shall take into consideration any objection or counter-proposals made by the other of them and any representations which may be made by the authority submitting the scheme with respect to the scheme or such objection or counter-proposals and may in any case approve a scheme submitted to him either in the form in which it is submitted or with such modifications as he thinks fit.

(10) Where it appears to the Minister to be expedient to do so for the purpose of securing a more efficient exercise of planning powers in the city he may notwithstanding anything in the last three foregoing subsections of this section himself prepare and make a scheme but before any scheme is so made by the Minister he shall send to the common council and the county council notice of his proposals and shall take into consideration any objections or counter-proposals with respect thereto which either or both such authorities shall send to him within three months of such notice.

(11) If notice of objection to any scheme made by the common council or the county council under subsection (7) of this section or prepared by the Minister under subsection (10) of this section is given to the Minister and not withdrawn or the Minister proposes to make any modification in a scheme submitted to or prepared by him which is not agreed by both the common council and the county council the scheme shall not come into force until it is confirmed by a regulation made by the Minister.

(12) The power conferred on the Minister by this section to make regulations shall be exercisable by statutory instrument and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(13) Any scheme under this section may be varied or revoked by a subsequent scheme and the provisions of the last six foregoing subsections shall mutatis mutandis apply to any such subsequent scheme.

(14) Any difference which may arise between the common council and the county council under this section shall be referred to and determined by the Minister.

(15) As from the coming into force of a scheme first made after the passing of this Act under this section the Town and Country Planning Delegation (London) Regulations 1948 and the Town and Country Planning (City of London Applications) Direction 1948 made by the Minister under the Act of 1947 shall cease to have effect and subsection (10) of section 114 of the Act of 1947 shall have effect as if the words " and shall delegate to that council in accordance with regulations made under this Act such of their functions in relation to applications for planning permission under Part III of this Act as may be prescribed by the regulations " were omitted therefrom.

13. Without prejudice to the powers of borrowing for the purpose of defraying expenses incurred by the Corporation in the execution of the provisions of Part II of the City of London (Various Powers) Act 1937 relating to their Billingsgate Market conferred upon them by section 27 (Power to borrow) of that

Additional power to borrow for purposes of Billingsgate Market.

Act the Corporation may from time to time for the purpose of defraying further expenses incurred or to be incurred by them in connection with the said market borrow at interest on the credit of the tolls stallages rents and other payments referred to in the said section 27 so much money as they from time to time think requisite not exceeding the sum of two hundred thousand pounds such money being charged if the Corporation (in the exercise of their power to borrow on the credit of their estates and revenues) so determine as collateral security on the credit of the said estates and revenues.

Amendment of
section 20
of Act of 1950.

14. Section 20 (Power to borrow) of the Act of 1950 shall have effect as if in subsection (2) for the word "rates" there were substituted the words "a general rate" and as if subsection (3) was omitted therefrom.

Amendment of
section 18 of
Act of 1954.

15. Section 18 (As to vesting of functions and land in Corporation) of the Act of 1954 shall have effect and shall be deemed always to have had effect as if the following provisions were substituted therefor :—

"(1) Any enactment which confers or imposes any functions upon the common council shall be construed as conferring or imposing such functions on the Corporation.

(2) The common council may exercise all such functions as are vested in the Corporation.

(3) Any enactment which confers upon the common council power to acquire land shall be deemed always to have conferred power to vest the land acquired thereunder in the Corporation and any land vested in the common council and all functions attaching thereto are hereby and without further assurance transferred to and vested in the Corporation.

(4) The Corporation shall have and be deemed always to have had power to hold land without licence in mortmain.

(5) In this section references to the Corporation and to the common council shall be construed as references to the Corporation and to the common council in their several capacities as local authorities and the expression 'functions' shall include exemptions".

Amendment of
section 8 of
Act of 1957.

16. Section 8 (Manner of voting at ward elections) of the Act of 1957 shall have effect as if in the definition of the expression "returning officer" in subsection (5) thereof for the words "the alderman of the ward in which the ward election is held" there were substituted the words "the presiding officer at the ward election".

Reports
and returns.

17.—(1) The common council shall make to the Secretary of State or to the Minister of Housing and Local Government

such reports and returns and give him such information with respect to their functions as he may require or as may be required by either House of Parliament.

(2) Section 51 of the Local Government Act 1929 shall cease to apply to the city.

18.—(1) The following enactments of the Metropolitan Market Repeal Act 1857 are hereby repealed :—

Section XXXI (No Purchase or Contract exceeding 50,000*l.* to be made without Approbation of Treasury) ;

Section XXXIII (Annual Reports and Abstracts of Accounts to be made and sent to the Secretary of State) ;

Section XXXIV (Reports to be laid before Parliament).

(2) On and from the first day of April nineteen hundred and fifty-nine the following enactments shall be repealed :—

City Police Act 1839—

Section LXX (For assessing public buildings and vacant spaces of ground) ;

City of London Sewers Act 1848—

Section 187 (Provisions for rating public Buildings and vacant Spaces of Ground) ;

City of London Sewers Act 1851—

Section 43 (No Rate on public Buildings and vacant Spaces of Ground to exceed hereafter Threepence per Square Yard).

(3) Subsection (2) of section 115 of and the Seventh Schedule to the Local Government Act 1929 shall cease to apply to the city and the said provisions and the words “and the Seventh Schedule to this Act” in subsection (6) of the said section 115 are accordingly hereby repealed.

19. It shall not be lawful to exercise the powers of borrowing conferred by this Act (other than the power of borrowing to pay the costs charges and expenses of this Act) otherwise than in compliance with the provisions of any order for the time being in force made under section one of the Borrowing (Control and Guarantees) Act 1946. Saving for powers of Treasury.

Saving
for town and
country planning.

20. Except in relation to section 12 (Functions relating to town planning) this Act shall be deemed to be an enactment passed before and in force at the passing of the Town and Country Planning Act 1947 for the purposes of subsection (4) of section 13 and subsection (1) of section 118 of that Act.

Costs of Act.

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

Table of Statutes referred to in this Act

Short title	Session and chapter
City Police Act 1839	2 & 3 Vict. c. xciv.
Lands Clauses Consolidation Act 1845	8 & 9 Vict. c. 18.
City of London Sewers Act 1848	11 & 12 Vict. c. clxiii.
City of London Sewers Act 1851	14 & 15 Vict. c. xci.
Metropolitan Market Act 1857	20 & 21 Vict. c. cxxxv.
Metropolitan Market Act 1896	59 & 60 Vict. c. xxxvi.
Acquisition of Land (Assessment of Compensation) Act 1919	9 & 10 Geo. 5 c. 57.
Local Government Act 1929	19 & 20 Geo. 5 c. 17.
Restriction of Ribbon Development Act 1935	25 & 26 Geo. 5 c. 47.
City of London (Various Powers) Act 1937	1 Edw. 8 & 1 Geo. 6 c. xlv.
Borrowing (Control and Guarantees) Act 1946	9 & 10 Geo. 6 c. 58
Town and Country Planning Act 1947	10 & 11 Geo. 6 c. 51.
Lands Tribunal Act 1949	12 13 & 14 Geo. 6 c. 42.
National Parks and Access to the Countryside Act 1949	12 13 & 14 Geo. 6 c. 97.
City of London (Various Powers) Act 1949	12 13 & 14 Geo. 6 c. xiv.
City of London (Various Powers) Act 1950	14 Geo. 6 c. v.
Town and Country Planning Act 1954	2 & 3 Eliz. 2 c. 72.
City of London (Various Powers) Act 1954	2 & 3 Eliz. 2 c. xxvii.
City of London (Various Powers) Act 1957	5 & 6 Eliz. 2 c. x.

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