



London Government Act 1963

1963 CHAPTER 33

PART VI

APPLICATION OF PUBLIC HEALTH ACTS AND RELATED ACTS

40 General application of Public Health Acts

- (1) The enactments to which this section applies shall apply or, as the case may be, continue to apply throughout Greater London as they apply elsewhere in England and Wales, but those enactments shall have effect subject to the provisions of subsection (2) of this section and to the modifications specified in Part I of Schedule 11 to this Act.
- (2) Subject to any provision to the contrary in the said Part I, and in particular the provisions of the said Part I conferring on the Greater London Council functions with respect to refuse disposal and other matters, the local authority and the urban sanitary authority for the purposes of the said enactments shall—
 - (a) for a London borough, be the council of the borough;
 - (b) for the City, be the Common Council; and
 - (c) for the Inner Temple and the Middle Temple, be the Sub-Treasurer and the Under-Treasurer thereof respectively.
- (3) The provisions of Part II of Schedule 11 to this Act shall have effect in Greater London (being provisions reproducing, with modifications designed to bring them into conformity with this Act or the enactments to which this section applies, certain provisions of the Public Health (London) Act 1936 and certain other enactments having effect only in the administrative county of London).
- (4) This section applies to the following enactments:—
 - (a) the Public Health Acts 1875 to 1925 ;
 - (b) the Public Health Act 1936;
 - (c) the Water Acts 1945 and 1948 and the Water Act 1958 ;
 - (d) sections 8 and 12 of the Local Government (Miscellaneous Provisions) Act 1953 ;

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- (e) the Clean Air Act 1956 ;
- (f) sections 14 to 18 and 23 of the Mental Health Act 1959 ;
- (g) the Noise Abatement Act 1960 ; and
- (h) the Public Health Act 1961:

Provided that this section shall not apply to any enactment applied by or mentioned in section 37, 38, 44 or 58 of, or Schedule 9 or 10 to, this Act, except that it applies to sections 1 (2) and 90 and Part XII of the Public Health Act 1936 so far as relating to other enactments to which this section applies.

41 Port health authority for Port of London

- (1) For the purposes of the Public Health Act 1936 the Port of London shall be a port health district and the Common Council shall be the port health authority for that district; and the Minister of Health may by order—
 - (a) confer on the said authority jurisdiction over all waters within the Port of London and also over the whole or part of the district of any riparian authority within the meaning of Part I of that Act as amended by subsection (3) of this section ;
 - (b) assign to the said port health authority any of the functions, rights and liabilities of a local authority under any of the enactments to which section 40 of this Act applies or would apply but for the proviso to subsection (4) of that section and under any provision of Part II of Schedule 11 to this Act or any local statutory provision continued in force by section 87 of this Act and any of the functions, rights and liabilities of a local authority or a food and drugs authority under any provision of the Food and Drugs Act 1955 ; and
 - (c) extend to all waters mentioned in paragraph (a) of this subsection and the whole or part of any district so mentioned any such provision as aforesaid or any instrument made under any such provision, being a provision or instrument which would not otherwise so extend.
- (2) In the foregoing subsection the references to a local authority and the district of an authority shall include references respectively to the Greater London Council and, in relation to that Council, Greater London.
- (3) Part I of the Public Health Act 1936, so far as it relates to port health districts and authorities, shall have effect subject to the following modifications:—
 - (a) references in sections 2 and 4 to a local authority and the district of an authority shall be construed in accordance with the last foregoing subsection;
 - (b) no order under the said Part I constituting a port health district shall include any part of the Port of London in that district or confer jurisdiction over any area for the time being subject to the jurisdiction of the port health authority for that port;
 - (c) section 9 shall apply to any order under subsection (1) of this section as it applies to an order under the said Part I constituting a port health district; and
 - (d) in Schedule 1, in its application to the Port of London, paragraphs 2 (1) and 3 and, in paragraph 4 (2), the words from " in respect of " to " foregoing paragraph " shall be omitted.

42 Medical officers of health and public health inspectors for the City, etc.

- (1) The provisions of sections 106, 108, 110, 115 and 116 of the Local Government Act 1933 relating to medical officers of health and public health inspectors shall apply to the City, the Inner Temple and the Middle Temple, and accordingly in those sections, so far as they apply to such officers and inspectors, references to a borough and to a borough council or a local authority shall be construed as including references to the City, the Inner Temple and the Middle Temple and to the Common Council, the Sub-Treasurer of the Inner Temple and the Under-Treasurer of the Middle Temple respectively.
- (2) The provisions of the said sections 106, 115 and 116 relating to medical officers of health and public health inspectors shall also apply to the port health district of the Port of London, and accordingly in those sections, so far as they apply to such officers and inspectors, references to a borough and to a borough council or a local authority shall also be construed as including references to that district and to the port health authority therefor respectively.

43 Modifications of London Building Acts

- (1) Without prejudice to the application to any part of Greater London by section 40 of this Act of any enactments relating to building control and to buildings and structures, but subject to any order under section 84 of this Act, the relevant provisions of the London Building Acts shall continue to have effect in Greater London other than the outer London boroughs, and Part II of the Act of 1939 and any regulations thereunder and any other relevant provisions of the London Building Acts which relate to the said Part II shall, notwithstanding anything in section 4 of the Act of 1930, extend to the outer London boroughs; and—
 - (a) the Greater London Council shall have the functions of the London county council under all the aforementioned provisions; and
 - (b) the councils of the inner London boroughs and, in the case of provisions which extend to the outer London boroughs, the councils of the outer London boroughs shall have the functions of metropolitan boroughs under the said provisions.
- (2) In accordance with the foregoing subsection, in the relevant provisions of the London Building Acts and any byelaws and regulations made thereunder—
 - (a) for references to London or the administrative county of London there shall be substituted references to Greater London other than the outer London boroughs;
 - (b) for references to the London county council there shall be substituted references to the Greater London Council, except that for references to instruments of any description made by, or resolutions of, the London county council there shall be substituted references to instruments of that description made by, or resolutions of, that county council or the Greater London Council;
 - (c) for references to the council of a metropolitan borough there shall be substituted references to the council of an inner London borough or, in the case of a provision which extends to the outer London boroughs, references to the council of any London borough, and references to a local authority shall be construed accordingly;
 - (d) for references to the London Building Acts or the provisions of those Acts there shall be substituted references to the relevant provisions of those Acts, and for references to the Act of 1930, 1935 or 1939 (other than references to

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a specified provision thereof) there shall be substituted references to so much of the said relevant provisions as are contained in that Act.

- (3) If the Minister, after consultation with the Greater London Council and any other council concerned, so directs, the Greater London Council shall in the exercise of the power conferred on them by section 5(1) of this Act delegate such of their functions under the relevant provisions of the London Building Acts as the Minister may specify in the direction.
- (4) The expenses incurred by the Greater London Council in the discharge of their functions under the relevant provisions of the London Building Acts which do not extend to the outer London boroughs (including any expenses incurred by the council of an inner London borough or the Common Council as agent for the Greater London Council by virtue of section 5 (1) of this Act) shall be chargeable only on the inner London boroughs and the City.
- (5) In this section " the relevant provisions of the London Building Acts" means—
- (a) the London Building Acts 1930 to 1939, except the provisions repealed by the next following subsection;
 - (b) sections 6 and 7 of the London County Council (General Powers) Act 1954, and section 3 of that Act so far as it relates to those sections ;
 - (c) sections 5 to 13 of, and Schedules 1 and 2 to, the London County Council (General Powers) Act 1955, and section 3 of that Act so far as it relates to those sections and Schedules;
 - (d) section 62 of the London County Council (General Powers) Act 1956; and
 - (e) sections 15 to 17 of the London County Council (General Powers) Act 1958, and sections 3 and 13 of that Act so far as they relate to the said sections 15 to 17;

and references to the Acts of 1930, 1935 and 1939 shall be construed as references respectively to the London Building Act 1930, the London Building Act (Amendment) Act 1935 and the London Building Acts (Amendment) Act 1939.

- (6) The following provisions of the London Building Acts 1930 to 1939 shall cease to have effect, that is to say—
- (a) Parts II and III and sections 51 to 53 of the Act of 1930;
 - (b) section 4 (1) (a) of the Act of 1935;
 - (c) sections 128 to 131 and 156 of the Act of 1939, and section 148 of that Act so far as it relates to other provisions of the London Building Acts 1930 to 1939 repealed by this subsection.

44 Cemeteries and crematoria

- (1) The council of a London borough shall as respects the borough and the Common Council shall as respects the City be the local authority for the purposes of the Public Health (Interments) Act 1879 and the Cremation Acts 1902 and 1952, and—
- (a) the powers conferred by the Burial Acts 1852 to 1906 to provide burial grounds shall not be exercisable by the council of any London borough or the Common Council; and
 - (b) any burial board constituted for an area wholly within Greater London shall cease to exist on 1st April 1965.

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- (2) No new cemetery shall be provided in Greater London without the previous approval of the Minister.
- (3) Subsection (1) of this section shall not affect the power to make an Order in Council under section 1 of the Burial Act 1853 or section 1 of the Burial Act 1855 with respect to the discontinuance of burials; and—
 - (a) the power to make any such Order shall, notwithstanding anything in section 5 of the said Act of 1853 (which precludes the exercise of that power in the case of cemeteries provided under any Act of Parliament or with the approval of the Minister), be exercisable in relation to all cemeteries provided in or for an area in Greater London, whether provided by virtue of the Public Health (Interments) Act 1879 or otherwise ; and
 - (b) section 51 of the Burial Act 1852 shall apply to cemeteries in which burials are discontinued by virtue of this subsection as it applies to burial grounds in which interments are discontinued under that Act:

Provided that nothing in any such Order shall prevent the interment of the body of any person in the cathedral church of St. Paul's, London, or in the collegiate church of St. Peter's, Westminster, if Her Majesty signifies Her pleasure that the body be so interred.

- (4) In the Burial Acts 1852 to 1906 any reference to the Metropolis shall be construed as a reference to Greater London ; and in those Acts in their application to Greater London—
 - (a) any reference to a parish (not being a reference which is to be taken as a reference to an ecclesiastical parish) shall, without prejudice to section 68 (5) of the Rating and Valuation Act 1925, as amended by paragraph 13 of Schedule 15 to this Act, be construed as a reference to a London borough or the City, as the case may be ; and
 - (b) any reference to a burial board shall be construed as a reference to the council of a London borough or the Common Council, as the case may be.
- (5) Notwithstanding anything in section 7 of the Burial Act 1900 and without prejudice to section 3 of the Public Health (Interments) Act 1879, the provisions of sections 27 to 31 of the Cemeteries Clauses Act 1847 shall, so far as applicable, continue to apply to the City of London Cemetery, but the foregoing provisions of this subsection shall not affect the right of the incumbent of any ecclesiastical parish in the City to perform funeral services in respect of his own parishioners.
- (6) The provision made by an order under section 84 of this Act may include provision that a burial ground provided under the Burial Acts 1852 to 1906 for any area the whole or part of which is included in a London borough, or a cemetery provided by virtue of the said Act of 1879 for any such area, shall be treated as if it were provided for the whole of that borough or, if the area is included partly in one and partly in another borough, as if it were provided for the whole of one or both of those boroughs.
- (7) In this section " cemetery" includes a burial ground' or any other place for the interment of the dead.