



London Government Act 1963

1963 CHAPTER 33

PART VII

FUNCTIONS AS TO HEALTH AND WELFARE SERVICES AND OTHER MATTERS

45 Local health authorities

- (1) Subject to section 19(2) and (3) of the National Health Service Act 1946 (which relate to joint boards and health committees of local health authorities) and subject to subsection (3) of this section, the local health authority for each London borough shall be the council of that borough and for the City shall be the Common Council.
- (2) It shall be the duty of every local health authority in Greater London (so far as concerns the functions conferred or imposed on them by virtue of subsection (1) of this section) to continue to provide for their area on and after 1st April 1965 the services corresponding (with any necessary modifications) with the services which were required or authorised to be provided for that area immediately before that date by the local health authority or authorities for the whole or any part of that area in pursuance of Part III of the said Act of 1946 and of any proposals or arrangements thereunder ; and—
 - (a) any such proposals and arrangements in force immediately before that date shall continue in force accordingly until revoked or modified by further proposals or arrangements under the said Part III;
 - (b) such further proposals or, as the case may be, particulars of such further arrangements shall be submitted to the Minister of Health by each local health authority in Greater London within such period after 1st April 1965 as that Minister may direct.
- (3) In its application to Greater London, section 27 of the said Act of 1946 (which imposes a duty on local health authorities to provide ambulance services) shall have effect as if for any reference to the local health authority there were substituted a reference to the Greater London Council; and so far as concerns the duty imposed on that Council by virtue of this subsection—

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- (a) subsection (2) of this section shall apply to that Council as it applies, so far as concerns functions conferred or imposed by virtue of subsection (1) of this section, to a local health authority;
 - (b) the following provisions shall apply to that council as if they were the local health authority for the whole of Greater London, that is to say—
 - (i) in the said Act of 1946, sections 2, 20, 57, 58, 63, 65, 66, 71, 72 and 74;
 - (ii) section 24 of the National Health Service (Amendment) Act 1949;
 - (iii) the National Health Service (Amendment) Act 1957.
- (4) The Greater London Council shall have the like powers of contributing to voluntary organisations as are conferred on local health authorities by sections 22(5) and 28(3) of the said Act of 1946.
- (5) Section 55(1) of the said Act of 1946 (which relates to the accounts of local health authorities who are county borough councils) shall apply to the Common Council as it applies to a county borough council.
- (6) In section 79(1) of the said Act of 1946, in the definition of " local authority ", for the words " metropolitan borough " there shall be substituted the words " London borough, the Greater London Council "; and in section 20 (2) (c) of that Act and in paragraph 6 of Part II of Schedule 4 to that Act, for the words " forming part of " there shall be substituted the words " the whole or part of which is included in ",
- (7) In paragraph 2 of Part II of Schedule 4 to the said Act of 1946, any reference to the council of a county borough shall be construed as including a reference to the council of a London borough and to the Common Council.

46 Accommodation and welfare of disabled and old persons, etc.

- (1) The council of each London borough shall as respects the borough and the Common Council shall as respects the City—
- (a) be the local authority for the purposes of the National Assistance Act 1948 (including Part III thereof);
 - (b) have the functions conferred by or by virtue of that Act on councils of county boroughs ;
 - (c) be the local authority for the purposes of section 3 of the Disabled Persons (Employment) Act 1958.
- (2) In accordance with the foregoing subsection, but subject to the subsequent provisions of this section, the following references, that is to say—
- (a) references in any enactment to the local authority or registration authority within the meaning or for the purposes of either of the said Acts or any provision thereof;
 - (b) references to a local authority, so far as concerns the functions of such an authority under either of those Acts or any provision thereof;
 - (c) references in the said Act of 1948 to the council of a county borough,
- shall be construed in relation to Greater London as references to the council of a London borough or the Common Council, as the case may be; and references in any enactment to the area of any such authority, and references in the said Act of 1948 to a county borough, shall be construed accordingly.

- (3) The Greater London Council shall have the like powers of contributing to the funds of voluntary organisations as are conferred on the councils of London boroughs by sections 26(6), 30(2) and 31(3) of the said Act of 1948.
- (4) The functions of the council of a county borough under section 47 of the said Act of 1948 (which relates to the removal to suitable premises of persons in need of care and attention) and section 50 of that Act (which relates to the burial and cremation of the dead) shall, as respects the Inner Temple and the Middle Temple, be exercisable by the Sub-Treasurer and the Under-Treasurer thereof respectively, and those persons shall be included among the appropriate authorities specified in sections 47(12) and 50(2) of that Act.
- (5) Without prejudice to paragraph 27(a) of Schedule 4 to this Act, section 59 of the said Act of 1948 (which relates to the accounts of county borough councils) shall not apply to the London borough councils.
- (6) It shall be the duty of each London borough council and of the Common Council to continue to provide for the area of the council on and after 1st April 1965 the accommodation and the services and facilities for disabled persons corresponding (with any necessary modifications) with those which were required or authorised to be provided for that area immediately before that date by the local authority or authorities for the whole or any part of that area in pursuance of the provisions of Part III of the said Act of 1948 or of section 3 of the said Act of 1958 and of any schemes made under those provisions ; and any such schemes in force immediately before that date shall continue in force until revoked or modified by further schemes under the relevant provisions of the next following subsection.
- (7) It shall be the duty of each London borough council and of the Common Council, within such period after 1st April 1965 as the Minister of Health may by directions specify, to submit schemes for the exercise of the council's functions with respect to the provision for the area of the council of accommodation and of services and facilities for disabled persons and section 34 of the said Act of 1948 shall apply to schemes under this section as it applies to schemes under sections 21 and 29 of that Act:

Provided that in relation to the provision of facilities for disabled persons this subsection shall have effect as if for the references therein and in the said section 34 to the Minister of Health there were substituted references to the Minister of Labour.

- (8) In this section—
- (a) references to accommodation provided under Part III of the said Act of 1948 and to a local authority providing accommodation shall be construed as if they were contained in the said Part III;
 - (b) references to services for disabled persons shall be construed as references to the services required or authorised to be provided under section 29 of that Act for persons who are substantially and permanently handicapped, including persons suffering from any form of mental disorder ; and
 - (c) references to facilities for disabled persons are references to facilities for employment for them or work on their own account, or for their training for such employment or work, required or authorised to be provided under section 3 of the Disabled Persons (Employment) Act 1958.

47 Children authorities

- (1) Subject to subsection (2) of this section, the council of each London borough shall as respects the borough, and the Common Council shall as respects the City, have the functions of the council of a county borough under the enactments to which this section applies and be the local authority for the purposes of such of those enactments as refer to a local authority ; and accordingly references to the council of a county borough or a local authority in those enactments, in the amendment of section 96 of the Children and Young Persons Act 1933 made by Schedule 4 to the Acquisition of Land (Authorisation Procedure) Act 1946 and in the definition of " remand home " in any enactment shall, subject as aforesaid, be construed as including references to the council of a London borough and the Common Council.
- (2) Section 96(4) of the Children and Young Persons Act 1933 shall not apply to expenses incurred by the Common Council, and, without prejudice to paragraph 27(d) of Schedule 4 to this Act, subsections (2) and (3) of section 49 of the Children Act 1948 shall not apply to the accounts kept by a London borough council under that section.
- (3) The enactments to which this section applies are—
 - (a) Parts III, IV and V of the Children and Young Persons Act 1933 and Part VI of that Act so far as it relates to the said Parts III, IV and V ;
 - (b) the Children Act 1948 ;
 - (c) sections 48 and 49 of the Criminal Justice Act 1948;
 - (d) Part I of the Children Act 1958;
 - (e) the Adoption Act 1958;
 - (f) any other enactment conferring functions for the purposes of which a local authority are required to establish a children's committee under section 39 of the Children Act 1948.
- (4) The Greater London Council may make contributions to any voluntary organisation—
 - (a) whose object or primary object is to promote the welfare of children ; or
 - (b) who are providing advice, guidance and assistance such as to promote the welfare of children by diminishing the need to receive children into or keep them in care under the Children Act 1948 or the Children and Young Persons Act 1933 or to bring children before a juvenile court.

48 Fire authorities

- (1) The Greater London Council shall be the fire authority for Greater London for the purposes of the Fire Services Acts 1947 to 1959, and accordingly—
 - (a) references in those Acts to a county and to a county council shall be construed as including references to Greater London and the Greater London Council respectively;
 - (b) references in any other enactment to a fire authority or to a fire authority constituted by, or for the purposes of, the Fire Services Act 1947 shall, in the application of that enactment to Greater London, be construed as references to the Greater London Council.
- (2) Not later than the end of 1964, the Greater London Council shall prepare and submit to the Secretary of State for his approval an establishment scheme for a fire brigade for Greater London under section 19 of the Fire Services Act 1947 to come into force on 1st April 1965, and the Secretary of State shall not later than 15th March 1965 approve that scheme either as submitted or subject to such modifications as he may direct.

- (3) The Metropolitan Fire Brigade Act 1865 shall have effect as if references to the Metropolitan Board of Works were references to the Greater London Council and references to the metropolis were references to Greater London other than the outer London boroughs.

49 Civil defence

- (1) Subject to subsection (2) of this section, the functions conferred or imposed by or by virtue of any provision of the Civil Defence Acts 1937 and 1939 or of regulations under the Civil Defence Act 1948 on a local authority within the meaning of that provision or on a council of a specified description shall—

- (a) if expressed to be conferred or imposed on a fire authority or if relating to ambulance services or a service for the collection and removal of casualties or to the section of the Civil Defence Corps formed for stretcher bearing and giving first aid, be exercisable throughout Greater London by the Greater London Council;
- (b) if relating to the making and carrying out of plans for the dispersal of members of the civil population or for their maintenance and temporary accommodation when dispersed, be exercisable as respects a London borough or the City by the Greater London Council as well as by the council of the borough or the Common Council, as the case may be;
- (c) in any other case be exercisable as respects a London borough by the council of that borough and as respects the City by the Common Council;

and accordingly any reference in the said Acts of 1937 and 1939 and in those regulations to a local authority or a council of a specified description shall, so far as relates to the exercise of any such function in Greater London, be construed as a reference to the council or councils to whom the function is transferred by this subsection.

- (2) The foregoing subsection shall not apply to functions conferred or imposed on police authorities, statutory water undertakers or sewerage authorities.
- (3) For the purpose of determining whether any, and if so what, deduction should be made from grants payable in accordance with regulations under section 3 of the Civil Defence Act 1948 to a local authority to whom functions are transferred by subsection (1) of this section from another authority, any land or article acquired by, or article provided for, that other authority for the purposes of those functions shall be treated as having been acquired or, as the case may be, provided for the first-mentioned authority for those purposes.
- (4) Any power to vary or revoke regulations made under the Civil Defence Act 1948 shall include power to amend or repeal subsections (1) and (3) of this section so far as those subsections amend those regulations.
- (5) For section 58 (4) of the Civil Defence Act 1939 there shall be substituted the following subsection:—

“(4) The Greater London Council may be authorised by a scheme submitted by them under this section to exercise, for the purpose of securing supplies of water for extinguishing fires in Greater London caused by hostile attack, any powers exercisable under paragraph 1(1) of Part III of Schedule 9 to the London Government Act 1963 in connection with the functions there mentioned, and to exercise those powers in any part of Greater London,

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notwithstanding that it is outside the sewerage area of the Greater London Council as defined by section 39 of that Act, and without compliance with any requirement mentioned in paragraph 1(4) of the said Part III; and where they are authorised to exercise such powers paragraph 9 of the said Part III shall apply accordingly”;

and in section 58(5) of the said Act of 1939 for the reference to the London county council there shall be substituted a reference to the Greater London Council.

- (6) In section 33(4)(a) of the Civil Defence Act 1939 (as amended by Part III of Schedule 1 to the Public Health Act 1961) for the words " outside the administrative county of London " there shall be substituted the words " outside Greater London and in the outer London boroughs ",

50 Explosives and petroleum spirit

- (1) Subject to subsection (3) of this section, the council of a London borough shall be the local authority for the borough for the purposes of the Explosives Acts 1875 and 1923 and the Fireworks Act 1951.
- (2) Subject to subsection (3) of this section, the Greater London Council shall be the local authority empowered to grant petroleum-spirit licences as respects Greater London under the Petroleum (Consolidation) Act 1928 ; and accordingly for section 2(1)(a) and (b) of that Act there shall be substituted—
- “(a) in Greater London, the Greater London Council”.
- (3) Subsections (1) and (2) of this section shall not affect the jurisdiction exercisable in any harbour wholly or partly in Greater London by a harbour authority within the meaning of the Explosives Act 1875 or, as the case may be, the Petroleum (Consolidation) Act 1928.

51 Shops, etc.

- (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 Offices, Shops and Railway Premises Act 1963, and the Greater London Council shall have the functions of the London county council under that Act; and accordingly—
- (a) in the definition of " local authority " in section 90(1) of that Act, for the words " or a county district, the council of a metropolitan borough " there shall be substituted the words " a London borough or a county district "; and
- (b) for the words " London County Council " wherever they occur in that Act there shall be substituted the words " Greater London Council ",
- (2) The said Act of 1963 shall be further amended as follows:—
- (a) in section 41(1) for the words "administrative county of London" there shall be substituted the words " inner London boroughs, the City of London, the Inner Temple and the Middle Temple ";
- (b) in section 41(3) for the words "administrative county of London " there shall be substituted the words " inner London boroughs, the City of London, the Inner Temple or the Middle Temple ";
- (c) in section 52(3)(a) after the word " county " there shall be inserted the words " or the Greater London Council ";

- (d) in section 52(5) for the words " administrative county of London" there shall be substituted the words " Greater London ",
- (3) No order shall be made under section 54 of the Shops Act 1950 other than an order revoking, either generally or as respects a specified area, a previous order under that section ; and, in relation to any area outside the City and the Temples, the power of making such an order under that section shall be exercisable by the council of the London borough in which that area falls, and references in subsections (2) to (4) of that section and in any order made thereunder to the London county council shall be construed as references to that borough council.
- (4) Until finally repealed as respects all classes of premises and for all purposes by the said Act of 1963—
 - (a) section 72(2) of the Shops Act 1950 shall have effect throughout Greater London as originally enacted and not as amended by section 18 of the London County Council (General Powers) Act 1958 ;
 - (b) the definition of " sanitary authority " in section 74(1) of the Shops Act 1950 shall have effect as if for the words from " means " onwards there were substituted the words " means the council of a borough or an urban or rural district or, as respects the City of London, the Common Council ",

52 Licensing of theatres, public entertainments, etc.

- (1) The authority under the Theatres Act 1843 for the licensing of houses or places for the public performance of stage plays in any part of Greater London in which the lord chamberlain of Her Majesty's household is not that authority shall be the Greater London Council.
- (2) The provisions of the Cinematograph Act 1909, except section 5 thereof, shall apply to Greater London as if it were a county and the Greater London Council were the council of that county; and section 1 of the Sunday Entertainments Act 1932 shall extend to the whole of Greater London and, in its application to Greater London, have effect as if subsection (5) were omitted.
- (3) Schedule 12 to this Act shall have effect with respect to the licensing of the public entertainments referred to in that Schedule in Greater London and with respect to the functions of the Greater London Council by virtue of subsections (1) and (2) of this section.

53 Licensing of tracks for betting

- (1) The authority empowered to grant licences under Schedule 3 to the Betting, Gaming and Lotteries Act 1963 authorising the provision of betting facilities on tracks shall, in relation to Greater London, be the Greater London Council; but that Council may delegate their functions under that Schedule to a committee consisting of members thereof, and in that case—
 - (a) if the committee are specially appointed for the purpose, the number and term of office of the members thereof shall be fixed by the Greater London Council; and
 - (b) subject to the provisions of that Schedule and to any directions given by the Greater London Council, the procedure of the committee shall be such as they may themselves determine;

and section 5(1) of this Act shall not apply to any functions of the Greater London Council by virtue of this section.

(2) Where, apart from this subsection, the betting days within the meaning of paragraph 14 of the said Schedule 3 for Greater London would fall to be fixed for the period of twelve months beginning with 1st July in any year in accordance with paragraph 15(4) of that Schedule, then, if within the period of one month from the date of the publication of the notice referred to in paragraph 15(2) of that Schedule the authority referred to in subsection (1) of this section receive written notice signed by all the holders of licences under that Schedule for the time being in force in respect of tracks in Greater London, being tracks—

(a) which, immediately before 1st April 1965, were in the same licensing area for the purposes of that Schedule; and

(b) in respect of which such licences were in force immediately before that date, stating that the signatories unanimously desire that the betting days for that period of twelve months for those tracks should be the days specified in the notice given under this subsection, and those days are days which might lawfully be fixed under that Schedule as the betting days for that period, that authority shall fix as the betting days for those tracks for that period the days so specified and the said paragraph 15(4) shall not apply thereto.

(3) Where in the case of any particular track or group of tracks the betting days for any such period of twelve months as aforesaid are fixed by virtue of subsection (2) of this section, so much of paragraph 14(3) of the said Schedule 3 as requires, the betting days or, as the case may be, the four of those days fixed as special betting days for the purposes of section 7 (2) of the said Act of 1963 to be the same for the whole of Greater London shall be construed in relation to that period as a requirement that—

(a) those of any betting days fixed by virtue of subsection (2) of this section which are fixed as special betting days shall be the same for all the tracks for which those betting days are fixed ;

(b) any betting days fixed otherwise than by virtue of subsection (2) of this section and those of them fixed as special betting days shall be the same for the whole of Greater London;

and unless the betting days fixed for that period are the same for the whole of Greater London, any reference in section 6(3) or 15(1)(a) of the said Act of 1963 to one of the betting days fixed as mentioned in that provision shall be construed in relation to any track in Greater London as a reference to one of the days fixed in accordance with that Schedule or subsection (2) of this section as the days on which betting facilities may be provided on that particular track.

54 Food, drugs, markets and animals

(1) The council of a London borough shall, as respects that borough, be—

(a) both the food and drugs authority and the local authority for the purposes of the Food and Drugs Act 1955 ;

(b) the authority responsible for enforcing section 31 of that Act (which prohibits the sale of milk from diseased cows); and

(c) the local authority for the purposes of the Slaughter-houses Act 1958 and the Slaughter of Animals Act 1958;

and the Common Council shall, as respects the City, be the authority responsible for enforcing the said section 31 and the local authority for the purposes of each of the said

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Acts of 1958 ; and in the said Act of 1955 Part III (which relates to the provision and regulation of markets) shall extend to all the London boroughs, Part IV (which relates to slaughterhouses, knackers' yards, and cold-air stores) shall extend to the whole of Greater London, and so much of section 15(2) as restricts the power of local authorities in London to make byelaws under that section shall cease to have effect.

- (2) Notwithstanding anything in subsection (1) of this section, neither the council of any London borough nor the Common Council shall be required to carry out a review of, or submit a report on, slaughterhouse facilities under section 3 of the Slaughterhouses Act 1958, and section 4(3) of that Act shall not apply to any such council; but—
- (a) in relation to the council of an inner London borough or the Common Council, section 4 (1) and (2) of that Act shall have effect as if the following provisions thereof were omitted, that is to say—
- (i) in the said section 4 (1), the words from the beginning to " last foregoing section" and paragraphs (a) and (b);
- (ii) in the said section 4 (2), the words from " after " to " apply and " ;
- (b) in relation to the council of an outer London borough, sections 4(1) and (2) and 6(1) of that Act shall have effect as if any report submitted under section 3 of that Act which relates, or so far as it relates, to the area of that borough had been submitted by that council and any application refused under the said section 6(1) by the authority by whom that report was submitted had been so refused by that council.
- (3) For the purposes of the Diseases of Animals Act 1950—
- (a) subject to paragraph (b) of this subsection, the council of a London borough shall be the local authority for the borough;
- (b) for the purpose of the provisions of that Act relating to imported animals, the Common Council shall be the local authority in and for the whole of Greater London.
- (4) The Diseases of Animals Act 1950, the Food and Drugs Act 1955 and the Slaughter of Animals Act 1958 shall have effect subject to the modifications specified in relation thereto in Parts I, II and III respectively of Schedule 13 to this Act, being modifications consequential on the foregoing provisions of this section.

55 Smallholdings, allotments, etc.

- (1) Part IV of the Agriculture Act 1947 (which relates to smallholdings) shall apply to the Greater London Council as it applies to a county council, and accordingly in section 47(1) of that Act (which makes it the duty of every county council other than the London county council to provide smallholdings) for the words " other than the London County Council " there shall be substituted the words " and of the Greater London Council ",
- (2) The Greater London Council shall have the like powers as a county council under section 12 of the Agricultural Land (Utilisation) Act 1931 with respect to the provision of cottage holdings; and any remaining functions under the provisions of the Small Holdings and Allotments Acts 1908 to 1931 repealed by the Small Holdings and Allotments Act 1926 or saved by proviso (a) to section 67 (2) of the Agriculture Act 1947 which, by virtue of section 19(1) of the said Act of 1926 or the said section 67(2), were exercisable immediately before 1st April 1965 by the Middlesex county council shall as from that date become functions of the Greater London Council.

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- (3) Section 61(3) of the Agriculture Act 1947 (which relates to the matters which may be referred by a smallholdings authority to the smallholdings committee constituted by that authority under section 61 (1) of that Act) shall apply to the Greater London Council as it applies to the council of a county; and in section 71(8)(c) of that Act (which relates to the discharge of the functions of County Agricultural Executive Committees in the existing county of London) for the words " the county of London" there shall be substituted the words " Greater London ",
- (4) In its application to an inner London borough, section 23 of the Small Holdings and Allotments Act 1908 shall have effect as if—
- (a) in subsection (1) for the word " shall" wherever it occurs there were substituted the word " may "; and
 - (b) subsection (2) were omitted ;
- and in section 20 of the Allotments Act 1922 for the words " Metropolitan borough " there shall be substituted the words " outer London borough ",

56 Library authorities

- (1) The Public Libraries Act 1892 shall be deemed to have been adopted in every London borough and each London borough shall be a library district within the meaning of that Act; and—
- (a) in section 13(2)(e) of that Act, for the words " the administrative county of London" there shall be substituted the words " Greater London ";
 - (b) section 20 of that Act, section 8 of the Public Libraries Act 1901 and section 3 of the Public Libraries Act 1919 shall not apply to any London borough;
 - (c) section 6 of the Public Libraries Act 1919 shall apply to a London borough council whether or not they are the local education authority.
- (2) In section 13 of the Public Libraries Act 1901, for the words " administrative county " there shall be substituted the word " City ",

57 Provision of entertainments, concert halls, museums, etc.

- (1) The Greater London Council shall be a local authority for the purposes of section 132 of the Local Government Act 1948 (which relates to the powers of local authorities with respect to the provision of entertainments).
- (2) Any property (including the Royal Festival Hall) which immediately before 1st April 1965 was held by the London county council by virtue of any of the following enactments, that is to say—
- (a) section 46 of the London County Council (General Powers) Act 1901 (which relates to the Horniman museum);
 - (b) the Iveagh Bequest (Kenwood) Act 1929 ;
 - (c) section 3 of the London County Council (General Powers) Act 1940 (which relates to certain ponds at Ken Wood, Hampstead Heath and Parliament Hill);
 - (d) section 4 of the London County Council (General Powers) Act 1947 (which relates to the provision of concert halls, etc.);
 - (e) the London County Council (Crystal Palace) Act 1951 ;
 - (f) section 29 of the London County Council (General Powers) Act 1959 (which relates to the Geffrye museum),

shall on that date vest in the Greater London Council; and the functions of the London county council by virtue of the enactments referred to in paragraph (a), (b), (e) or (f) of this subsection or by virtue of section 20 of the London County Council (General Powers) Act 1952 (which relates to the exhibition at Ken Wood of drawings from Sir John Soane's museum) shall on that date become functions of the Greater London Council.

58 Parks and open spaces

- (1) The following provisions (being provisions relating to the powers of local authorities with respect to parks and open spaces), that is to say, section 164 of the Public Health Act 1875, the Open Spaces Act 1906 (other than section 14 thereof) and sections 52 to 54 of the Public Health Act 1961, and, for the purposes of the said section 54, the provisions therein mentioned of the Public Health Act 1936, shall have effect as if—
- (a) the London borough councils, and
 - (b) for the purposes of any park or open space for the time being vested in the Greater London Council or of the provision of further parks or open spaces where that provision is—
 - (i) by way of the appropriation of land held for other purposes, being, notwithstanding anything in section 23 of the Town and Country Planning Act 1959, an appropriation made with the consent of the Minister; or
 - (ii) approved by the Minister as being for the benefit of an area of Greater London substantially larger than the London boroughs in or near which the park or open space is proposed to be provided,the Greater London Council,
- were included among the local authorities to whom the provision in question applies.
- (2) Any land which immediately before 1st April 1965 was vested in the London or Middlesex county council and used as a park or open space, not being land to which section 57(2) or 59(1) of this Act applies, shall on that date vest in the Greater London Council; but, not later than 31st March 1970 or such later date before 1st April 1975 as the Minister may direct, the Greater London Council shall, after consultation with the London borough councils, prepare and submit to the Minister a scheme with respect to that land—
- (a) containing proposals as to what part, if any, of that land should, in the opinion of the Greater London Council, be retained by that Council and giving their grounds for that opinion;
 - (b) providing with respect to the remainder of that land for the transfer of any park or open space comprised therein to one, or to two or more jointly, of the London borough councils, and, in the case of a transfer to two or more councils jointly, providing for the management and control of the park or open space by a body representative of both or all of those councils ;
 - (c) in the case of any of that land proposed to be transferred, indicating any necessary modifications of any local Act or other instrument with respect to the land in question;

and the Minister may by order, after consultation with the Greater London Council and any London borough council to whom the order relates or in whose area any of the land is situated, give effect to the scheme without modification or with such modifications as the Minister thinks fit or make such other provision for the retention by the Greater London Council, or the transfer to one, or to two or more jointly, of the

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London borough councils, of any of that land as appears to the Minister appropriate; and any reference in this subsection to a London borough council shall be construed as including a reference to the Common Council and, in relation to any land outside Greater London, as including a reference to the council of any county or county district in whose area any of the land is situated.

- (3) Until the coming into operation of the Minister's order under subsection (2) of this section, one half of the expenditure of the Greater London Council in the exercise of functions with respect to parks and open spaces, being functions which immediately before 1st April 1965 were functions of the London county council, shall be treated as expenditure for special London purposes and be chargeable only on the inner London boroughs, the City and the Temples.

59 The Green Belt

- (1) Where, in the case of any Green Belt land within the meaning of the Green Belt (London and Home Counties) Act 1938, immediately before 1st April 1965—
- (a) that land, not being land to which section 81(1) of this Act applies, was vested in the London or Middlesex county council; or
 - (b) any functions, rights or liabilities were exercisable with respect to that land by either of those councils,

then on that date that land shall vest in, or, as the case may be, those functions, rights and liabilities shall become functions, rights and liabilities of, the Greater London Council.

- (2) In the said Act of 1938—
- (a) in section 2 (1), in the definition of " the area ", for the words from " London " onwards there shall be substituted the words " and Surrey, and Greater London ";
 - (b) the expression " local authority " shall include the Greater London Council;
 - (c) the expression " contributing local authority " in relation to any land in relation to which, if this Act had not been passed, any existing council to whom section 3(1)(b) of this Act applies would have been such an authority, shall, if that existing council is the London or Middlesex county council, include the Greater London Council or, in any other case, include the London borough council whose area includes the whole or any part of the area of that existing council;
 - (d) in sections 5, 6, 12, 15 and 32, the expression " the county council " in relation to any land in Greater London shall mean the Greater London Council;
 - (e) in section 17 (7) for the words " county or borough or district or parish " there shall be substituted the word " area ",

60 Functions under National Parks and Access to the Countryside Act 1949

- (1) Subject to the provisions of this section, as respects any part of the existing county of Hertfordshire, Essex, Kent or Surrey which on 1st April 1965 ceases to be part of that county and as respects any part of the existing county of Middlesex, any functions under sections 27 to 34 of the National Parks and Access to the Countryside Act 1949 (which relate to the ascertainment of footpaths, bridleways and certain other highways) which on 31st March 1965 still remained to be discharged by the county council shall on 1st April 1965 become functions—

Status: This is the original version (as it was originally enacted).

- (a) in the case of any area falling within a London borough, of the council of that borough ;
- (b) in the case of any part of the urban district of Potters Bar, of the Hertfordshire county council;
- (c) in the case of any part of the urban district of Staines or Sunbury-on-Thames, of the Surrey county council;

and, in the case of an area mentioned in paragraph (b) or (c) of this subsection, the county council so mentioned shall not be required to discharge as respects that area any functions under the said sections 27 to 34 already discharged by the Middlesex county council.

- (2) As respects any part of a London borough to which the said sections 27 to 34 do not apply by virtue of subsection (1) of this section and as respects any part of the City, subsections (2), (3) and (5) of section 35 of the said Act of 1949 (which relate to the extension of the said sections 27 to 34 to county boroughs) and, as respects any part of any London borough or the City, subsection (4) of that section (which relates to the exclusion of parts of a county from the operation of those sections) shall apply in relation to that London borough and the council thereof or to the City and the Common Council, as the case may be, as they apply in relation to a county borough (or, in the case of the said subsection (4), a county) and the council thereof.
- (3) The London borough council to whom any functions of any county council other than the Middlesex county council are transferred by virtue of subsection (1) of this section may agree with the county council for the performance of any of those functions by that county council on behalf of the borough council; and where by virtue of subsection (1) or (2) of this section the said sections 27 to 34 for the time being apply to any part of any London borough or the City, the borough council or Common Council, as the case may be, may agree with the Greater London Council for the functions of the borough council or Common Council under the said sections 27 to 34 to be discharged by the Greater London Council, and while such an agreement with the Greater London Council is in force—
 - (a) references in Part IV of the said Act of 1949 to the surveying authority shall be construed accordingly ;
 - (b) section 28 (1) of the said Act of 1949 shall have effect in relation to a survey carried out by the Greater London Council as if the reference therein to the councils of county districts and parishes were a reference to the borough council or Common Council, as the case may be.
- (4) In section 23 of the said Act of 1949, the reference to the local planning authority shall be construed in relation to land in a London borough or the City as a reference to the borough council or, as the case may be, the Common Council.
- (5) The provisions of Part V of the said Act of 1949 with respect to access agreements and access orders and section 90 of that Act shall not apply to the inner London boroughs or the City; and in relation to land in an outer London borough references in sections 64 to 82 and 90 of that Act to the local planning authority shall be construed as references to the borough council.
- (6) In section 89 of the said Act of 1949 the expression " local planning authority ", and in section 99 of that Act the expression " local authority ", shall include the Greater London Council, a London borough council and the Common Council; and in section 102 of that Act—

Status: This is the original version (as it was originally enacted).

- (a) the expression " local planning authority " shall include the council of an outer London borough; and
- (b) the expression " local authority" shall include the Greater London Council.

61 Functions under Town Development Act 1952

- (1) As respects participation in town development within the meaning of the Town Development Act 1952, and as respects the power to contribute towards expenses of such development conferred by sections 4 and 10(3) of that Act on the council of a county borough, the Greater London Council shall be in the same position under that Act as the council of a county borough, and accordingly references in that Act to the council of a county borough as an authority participating or eligible to participate and the references to the council of a county borough in sections 4, 10(3) and 12(1) of that Act shall include references to the Greater London Council; and, for the purposes of any such development in respect of which the Greater London Council have power under the said section 4 to make a contribution to the council of any receiving district within the meaning of that Act, they shall also have power to make available to that council the services of any of their officers or servants.
- (2) In section 2(1)(b) of the said Act of 1952, for sub-paragraphs (ii) and (iii) there shall be substituted the following—
 - “(ii) Greater London; or
 - (iii) a county district in an area of continuous urban development adjacent to any big centre of population other than Greater London ; or”.
- (3) It shall be the duty of the Greater London Council—
 - (a) to implement, or complete the implementation of, any undertaking given before 1st April 1965 with the approval of the Minister—
 - (i) under section 4, 10(3) or 19(3) of the said Act of 1952 (including the said section 4 as extended by section 34(2) of the Housing Act 1961) by any council to whom section 3(1)(b) of this Act applies; or
 - (ii) under the said section 4 (as extended as aforesaid) by the Hertfordshire, Essex, Kent or Surrey county council in a case where the undertaking was in respect of development relieving congestion in any area falling within Greater London;
 - (b) to take or complete any action which was agreed to be taken by any council to whom section 3(1)(b) of this Act applies in pursuance of an agreement made before 1st April 1965, being an agreement made with the authority of the Minister under section 8(1) of the said Act of 1952 or an agreement such as is referred to in section 8(2) of that Act;

and the Greater London Council shall have the like rights under any agreement to which paragraph (b) of this subsection applies as the council whose liabilities thereunder they assume by virtue of that paragraph.
- (4) References in subsection (3) of this section to an undertaking given or action agreed to be taken by any council shall be construed as including references to any undertaking or action which, having regard to the established practice of that council, should properly be deemed to have been so given or to have been so agreed to be taken; and any dispute as to the existence or extent of any duty, right or liability of the Greater London Council by virtue of the said subsection (3) or as to whether or not

any particular undertaking or action should properly be deemed as aforesaid shall be referred to and determined by the Minister.

- (5) Any action authorised by an order under section 9 of the said Act of 1952 to be taken by any council to whom section 3(1)(b) of this Act applies may be taken by the Greater London Council; and that Council shall have the like liabilities and rights in connection with any obligation with respect to that action imposed by the order as the council originally authorised by the order to take that action.

62 Miscellaneous local authority functions

- (1) The London borough councils and (where not already so) the Common Council shall be local authorities for the purposes of the following enactments—
- (a) the Canals Protection (London) Act 1898, which shall extend to the whole of Greater London;
 - (b) the Celluloid and Cinematograph Film Act 1922, which shall extend to the whole of Greater London ;
 - (c) the Pharmacy and Poisons Act 1933 ;
 - (d) section 17 of the Restriction of Ribbon Development Act 1935 ;
 - (e) the Riding Establishments Act 1939 ;
 - (f) the Schedule to the Consumer Protection Act 1961, including that Schedule as applied by section 6(3)(b) of that Act.
- (2) Schedule 14 to this Act shall have effect with respect to the discharge in Greater London and the adjoining areas of functions with respect to land drainage and flood prevention and other functions under the enactments therein mentioned.
- (3) Without prejudice to the operation in Greater London of the Places of Worship Registration Act 1855, nothing in this Act shall transfer to any local authority in Greater London any functions under the Places of Religious Worship Act 1812.
- (4) Unless provision for the purpose is made by some other Act passed during the same session as this Act, the Board of Trade may, as respects Greater London or any part thereof, by order make provision as to the authority by whom there shall be exercised on and after 1st April 1965 any function conferred on local authorities by the enactments relating to weights and measures.
- (5) The confirmation and record of the rules of loan societies under the Loan Societies Act 1840 shall as respects any such society formed in Greater London be functions of the Greater London Council; and accordingly in relation to that Act sections 3 and 78 of the Local Government Act 1888 shall have effect as if Greater London were a county and the Greater London Council were the council of that county.