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SCHEDULES

NINTH SCHEDULE

Section 202.

PROVISIONS RELATING TO LONDON

- 1 The London County Council is the local planning authority for London.
- 2 The following provisions of this Act, that is to say, sections sixty-eight, seventy-four, (the provisions of Part VIII relating to purchase notices, and section two hundred and seven, shall have effect as if references therein to the council of the county borough or county district in which the land is situated—
 - (a) in relation to land in the City, were references to the Common Council, and
 - (b) in relation to land elsewhere in London, were references to the London County Council.
- 3 The following provisions of this Act, that is to say, sections thirty-one to thirty-three, sixty-nine, seventy-one, one hundred and fifty-four and one hundred and eighty-nine, shall have effect in relation to land in London as if any reference therein to the council of a county borough or county district included a reference to the Common Council and to the council of any metropolitan borough.
- 4 The power of a local planning authority to make agreements under section thirty-seven of this Act may be exercised also—
 - (a) in relation to land in the City, by the Common Council, and
 - (b) in relation to land in a metropolitan borough, by the council of that borough with the consent of the London County Council,and references in that section to a local planning authority shall be construed accordingly.
- 5 The council of a metropolitan borough shall not, except with the consent of the London County Council, be authorised to acquire land compulsorily under subsection (2) of section sixty-eight of this Act.
- 6
 - (1) Without prejudice to the powers conferred by section sixty-seven of this Act, or by section sixty-eight thereof as modified by the last preceding paragraph, if the Minister is satisfied that it is expedient in the public interest that any land within a metropolitan borough (whether designated by a development plan as subject to compulsory acquisition or not) should be acquired by the council of that borough for the purpose of providing a public open space, he may authorise that council to acquire that land compulsorily.
 - (2) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under the preceding sub-paragraph, and accordingly shall have effect as if that sub-paragraph had been in force immediately before the commencement of that Act.
 - (3) Before submitting to the Minister a compulsory purchase order under this paragraph, the council of a metropolitan borough shall consult with the London County Council.

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- (4) Any reference in this Act to Part V thereof shall be construed as including a reference to the preceding provisions of this paragraph.
- 7 References in this Act to any of the provisions of sections one hundred and sixty-three to one hundred and sixty-six of the Local Government Act, 1933, shall, in relation to land in London, be construed as references respectively to the corresponding provisions of sections one hundred and six to one hundred and nine of the London Government Act, 1939.
- 8 (1) In relation to land in the City, the London County Council may delegate to the Common Council any of their functions under regulations made by virtue of section thirty-four of this Act with respect to the control of advertisements.
- (2) The preceding sub-paragraph shall have effect without prejudice to the provisions of section twelve of the City of London (Various Powers) Act, 1958 (which relates to the delegation of planning powers to the Common Council) or of any scheme made thereunder, whether made before or after the commencement of this Act.
- 9 Without prejudice to the last preceding paragraph or to any such provisions as are mentioned in sub-paragraph (2) thereof, the London County Council shall consult with the Common Council—
- (a) before submitting to the Minister any proposals for altering or adding to the development plan relating to land in the City ;
- (b) before determining any application for planning permission relating to any such land ;
- (c) before making a tree preservation order or building preservation order affecting any such land.
- 10 In relation to land in any metropolitan borough, the London County Council may delegate to the council of that borough any of their functions under regulations made under section thirty-four of this Act with respect to the control of advertisements.
- 11 The London County Council shall consult with the council of a metropolitan borough—
- (a) before submitting to the Minister proposals for altering or adding to the development plan relating to any land in that borough ;
- (b) before determining any application for planning permission for the development of any such land, being an application of any such class as may be prescribed by the development order;
- (c) before making a tree preservation order or a building preservation order affecting any such land.
- 12 (1) The class of applications for planning permission prescribed by a development order for the purposes of sub-paragraph (b) of the last preceding paragraph shall be such class as appears to the Minister to involve matters of principle.
- (2) Where an application of any class so prescribed is referred to the Minister for determination in pursuance of directions given by him under section twenty-two of this Act, the London County Council shall give notice to that effect to the council of the metropolitan borough in which the land to which the application relates is situated; and the Minister shall, in dealing with the application, take into account any representations made to the London County Council by the council of that borough.
- 13 (1) In relation to land in the City, the provisions of this Act specified in paragraph 2 of the Eighth Schedule thereto shall have effect as if references to a county borough or

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county district were references to the City and references to the council of a county borough or county district were references to the Common Council.

- (2) In relation to land elsewhere in London, those provisions shall have effect as if references to a county borough or county district were references to London and references to the council of a county borough or county district were references to the London County Council.
- 14 (1) In the application to London of sections one hundred and thirty-eight to one hundred and fifty-one of this Act—
- (a) any reference to a highway authority or a local highway authority shall be construed as including a reference to the London County Council; and
 - (b) in paragraph (e) of subsection (1) of section one hundred and thirty-eight of this Act, the reference to the provisions of Part X of the Highways Act, 1959, shall be construed as a reference to those provisions as modified by the Twentieth Schedule to that Act.
- 15 (1) The provisions of this paragraph shall have effect in relation to any land in London which is defined by a development plan—
- (a) as the site of a proposed road, or
 - (b) as land required for the widening of an existing road which is of less than byelaw width,
- and is designated by the plan as land to which this paragraph applies.
- (2) The appropriate council may at any time by order declare the land (together with any land forming part of any such existing road as is mentioned in the preceding sub-paragraph) to be a private street, and thereupon the land shall be deemed to have been dedicated to the public and to be a private street:
- Provided that, except with the consent of all persons interested in the land, no such order shall be made by the appropriate council in relation to land which has not been acquired by them at the date of the order, other than land forming part of any such existing road.
- (3) In relation to land which is deemed to be a private street by virtue of a declaration under the last preceding sub-paragraph.—
- (a) if it is land in the City, the provisions of sections one hundred and twenty-six to one hundred and twenty-eight of the City of London Sewers Act, 1848, and any provisions of the City of London Sewers Acts, 1848 to 1897, which relate to those sections, or
 - (b) if it is land elsewhere in London, the provisions of section one hundred and five of the Metropolis Management Act, 1855, section seventy-seven of the Metropolis Management Amendment Act, 1862, and the Metropolis Management Act, 1862, Amendment Act, 1890, and any provisions of the Metropolis Management Acts, 1855 to 1893, which relate to those provisions,
- shall apply, subject to such exceptions, adaptations and modifications as may be prescribed by regulations made under this Act, as if the land were a street to which those provisions respectively apply.
- (4) Regulations made for the purposes of the last preceding sub-paragraph shall make provision for securing—
- (a) that the amount of the expenses incurred in the execution of street works charged under the provisions referred to in that sub-paragraph on the owners

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of adjoining land shall not exceed the amount which would, at the date of the commencement of the works, have been the cost of the execution of street works in the course of the construction, widening or improvement, if it had been carried out so as to comply with the provisions of any byelaws, regulations or other enactments in force in the district, and, with respect to matters for which no such provision is made, so as to comply with such requirements as would, at the date of the commencement of the works, have been imposed by the highway authority as a condition of declaring the street to be a highway repairable by the inhabitants at large;

- (b) that, as soon as the street has been made up or widened by or to the satisfaction of the appropriate council, it shall become a highway repairable by the inhabitants at large;
- (c) that no expenses incurred in the execution of any street works shall be recoverable against agricultural land or buildings until the land or buildings cease to be agricultural land or buildings;
- (d) that no expenses incurred in the execution of street works for the purpose of making a new street shall be recoverable in respect of any land (whether the site of a building or not) unless and until access is provided for, and used by, persons or vehicles from that land to the new street.

(5) Regulations made for the purposes of sub-paragraph (3) of this paragraph—

- (a) may make provision whereby, in respect of street works carried out by the appropriate council, expenses incurred by a local authority in the construction of sewers in or under the land (being expenses incurred after the date on which the land is defined and designated as mentioned in sub-paragraph (1) of this paragraph, but before it is declared to be a private street under sub-paragraph (2) thereof) may be included in the expenses recoverable as mentioned in the last preceding sub-paragraph; and
- (b) may provide for authorising the appropriate council to enter upon any land adjoining the street for the purpose of executing street works on land comprised in the street.

(6) The references in sub-paragraph (3) of this paragraph to the enactments therein mentioned shall be construed as including references to those enactments as amended by any other local Act, and to any local Act making provision corresponding with the provisions of those enactments, or corresponding with the provisions of sections one hundred and seventy-four to one hundred and eighty-eight of the Highways Act, 1959 ; and the power of the Minister to make regulations for the purposes of this paragraph shall include power to make special regulations with respect to any district in which such a local Act is in force.

(7) In this paragraph—

“the appropriate council ” in relation to land in the City means the Common Council, and in relation to land in a metropolitan borough means the council of that borough;

“byelaw width ”, in relation to a road, means the width required by any byelaws, regulations or other enactments regulating the construction of streets in the area in which the road is situated;

“construction ” and “improvement ”, in relation to a street, include the planting, laying out, maintenance and protection of trees, shrubs and grass margins in and beside the street;

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“street works ” means the sewerage, levelling, paving, metalling, flagging, channelling and making good a street or part of a street and providing proper means of lighting for it.

- 16 Section ten of the Development and Road Improvement Funds Act, 1909 (which enables the Minister of Transport to authorise the construction of new roads in respect of which advances are made under that Act and provides for the expenses of the construction, and for the maintenance, of such roads) shall apply in relation to the construction of a new road by a local highway authority on land defined by a development plan as the site of a proposed road, or on any other land acquired by or transferred to them under Part V of this Act, as if the road were a road in respect of the construction of which an advance were made to that authority under that section.
- 17 Notwithstanding anything in section eleven of the London County Council (Loans) Act, 1955, in the case of money borrowed by the London County Council for the purpose of the discharge of their functions under the provisions of this Act specified in paragraph 1 of the Eighth Schedule thereto, the manner in which the Council may borrow shall include borrowing from the Public Works Loan Commissioners in accordance with the Public Works Loans Acts, 1875 to 1882.
- 18 In this Schedule (except in this paragraph) “London ” means the administrative county of London, “the City” means the City of London and “the Common Council” means the Common Council of the City of London.