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STATUTORY INSTRUMENTS

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**1970 No. 211**

**LONDON GOVERNMENT**

**The London Government Order 1970**

<i>Made</i>	- - - -	<i>12th February 1970</i>
<i>Laid before Parliament</i>		<i>20th February 1970</i>
<i>Coming into Operation</i>		<i>1st March 1970</i>

The Minister of Housing and Local Government, in exercise of his powers under section 84 of the London Government Act 1963 and as regards article 9 of this order under that section as extended by section 35 of the Administration of Justice Act 1964, and of all other powers enabling him in that behalf, hereby makes the following order—

**Title and commencement**

1. This order may be cited as the London Government Order 1970, and shall come into operation on 1st March 1970.

**Interpretation**

2.—(1) The Interpretation Act 1889 applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament.

(2) In this order—

“the Act” means the London Government Act 1963;

“the City” means the City of London; and

“the Common Council” means the Common Council of the City of London.

(3) In this order, unless the context otherwise requires, references to any enactment shall be construed as references to that enactment as amended, extended or applied by or under any other enactment.

**Miscellaneous provision as to public general and other Acts**

3.—(1) In the Electricity (Supply) Act 1919, in section 21, the reference to the local planning authority within the meaning of the Town and Country Planning Act 1947 shall be construed, in relation to land in a London borough or in the City, as including a reference to the Greater London Council but not to the borough council or to the Common Council.

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(2) In the Children and Young Persons Act 1933, in section 12(5), after “county borough” where first occurring there shall be inserted “or the Greater London Council”.

(3) In the Crown Lands Act 1936, in section 2(4), for “the London County Council” there shall be substituted “the Greater London Council”.

(4) In the Water Act 1945, in Schedule 3, in paragraph 94(1), there shall be added “or where they supply, or propose to supply, water, or have, or propose to construct, any waterworks, in Greater London, with the clerk to the Greater London Council”.

(5) In the Marriage Act 1949, in section 57(4), for the words following “the certified copy” there shall be substituted—

“and that sum shall be reimbursed to the superintendent registrar—

- (a) in the case of a registration district in the City of London, the Inner Temple and the Middle Temple, by the Common Council of the City of London;
- (b) in any other case, by the council of the county, county borough or London borough in which his registration district is situated”.

(6) In section 42 of the London County Council (General Powers) Act 1953(1) (which makes provision as to the proof of resolutions passed, orders made and reports received by the Greater London Council and the councils of the inner London boroughs and of appointments of officers made and authorities to officers given by such councils)—

- (a) in subsections (1) and (2)—
  - for “the council or a committee thereof” there shall be substituted “the council, or a predecessor, or a committee of any such body”;
  - for “the council or committee” there shall be substituted “the council, or predecessor, or committee”;
- (b) in subsection (3), there shall be added—
  - “and “predecessor” means, in the case of any council named in column (1) of the following table, a council specified in respect of such council in column (2).

**TABLE**

<i>(1)</i>	<i>(2)</i>
The Greater London Council	The London County Council
	The county council of Middlesex
The council of the London borough of Camden	The council of the metropolitan borough of Hampstead, Holborn or St. Pancras
The council of the London borough of Greenwich	The council of the metropolitan borough of Greenwich or Woolwich
The council of the London borough of Hackney	The council of the metropolitan borough of Hackney, Shoreditch or Stoke Newington
The council of the London borough of Hammersmith	The council of the metropolitan borough of Fulham or Hammersmith
The council of the London borough of Islington	The council of the metropolitan borough of Finsbury or Islington

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(1) Section substituted by S.I. 1965/540 (1965 I, p. 1597).

(1)	(2)
The council of the Royal borough of Kensington and Chelsea	The council of the metropolitan borough of Chelsea or Kensington
The council of the London borough of Lambeth	The council of the metropolitan borough of Lambeth
The council of the London borough of Lewisham	The council of the metropolitan borough of Deptford or Lewisham
The council of the London borough of Southwark	The council of the metropolitan borough of Bermondsey, Camberwell or Southwark
The council of the London borough of Tower Hamlets	The council of the metropolitan borough of Bethnal Green, Poplar or Stepney
The council of the London borough of Wandsworth	The council of the metropolitan borough of Battersea or Wandsworth
The council of the City of Westminster	The council of the metropolitan borough of Westminster, Paddington or St. Marylebone”.

(7) In the Forestry Act 1967, in section 40(2)(c) , after “parish”, there shall be inserted “the Greater London Council,”.

(8) The enactments specified in the Schedule to this order are hereby repealed to the extent mentioned in column (3) thereof.

#### **Construction of references to superseded provisions**

**4.** Where by or under the Act—

- (a) a provision of an enactment or instrument has been repealed or revoked; and
- (b) a corresponding provision has been applied to the relevant area or to any part thereof any reference in any local Act or in any instrument made under any Act to the provision mentioned in (a) shall, in the application of such Act or instrument to the relevant area or to such part, as the case may be, unless the contrary intention appears, be construed as a reference to the provision mentioned in (b).

In this article—

“the relevant area” has the meaning assigned to it by section 87(9) of the Act; and

“local Act” includes an Act confirming a provisional order.

#### **Deposit of plans and documents**

**5.** All enactments or statutory orders relating to the deposit of plans or documents, other than those relating to judicial business, shall, in their application to Greater London, be construed as if the clerk to the Greater London Council were therein substituted for the clerk of the peace.

When acting under any such enactment or statutory order, the said clerk shall act under the direction of the Greater London Council.

In this article, “enactment” and “statutory order” have the same meanings as in the Local Government Act 1933.

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### **Drainage of contiguous premises**

6.—(1) In paragraph 14(5) of Part III of Schedule 9 to the Act (which as extended to the City by the London Government (No. 2) Order 1965<sup>(2)</sup> enables the drainage in common of certain houses to be required by the council of an inner London borough or the Common Council), there shall be added—

“In this sub-paragraph, “house” includes a school and also a factory or other building in which persons are employed and, in relation to a house as hereinbefore defined, includes the curtilage thereof.”.

(2) Paragraph 14(6) of the said Part III shall apply to the City and in such application the reference to a borough council shall be read as a reference to the Common Council.

### **Compensation for injury to or the death of officers of the London County Council**

7. Section 75 of the Act (which makes provision for compensation for injury to or the death of officers), in its application to the Greater London Council, shall, in so far as it empowers the increase of compensation paid by periodical payments, extend to any officer of the London County Council, or to any widow or widower or child of any such officer, to whom compensation was being paid immediately before 1st April 1965 under section 44 of the London County Council (General Powers) Act 1895 or section 92 of the London Government Act 1939.

The said section shall also extend to the payment of compensation to the widow or widower or child of any such officer.

### **Common Council—Legal proceedings in relation to certain functions**

8. In relation to—

- (a) any functions of the Greater London Council delegated to the Common Council under section 5(1) of the Act;
- (b) any administrative, clerical, professional, scientific or technical services undertaken by the Common Council for the Greater London Council under section 5(3)(a) of the Act,

but subject in the case of item (a) to any restrictions or conditions imposed by the Greater London Council under the said section 5(1), sections 276 (Power of local authority to prosecute or defend legal proceedings) and 277 (Appearance of local authority in legal proceedings) of the Local Government Act 1933 shall apply to the Common Council as if it were a local authority within the meaning of that Act.

### **Appointment of auditors of accounts of certain conservators of commons**

9. In any provision specified in column (1) of the following table, for the words specified in respect of such provision in column (2) there shall be substituted the words so specified in column (3).

**TABLE**

<i>(1)</i>	<i>(2)</i>	<i>(3)</i>
Section 30(5) of the Wimbledon and Putney Commons Act 1871	“the chairman of the Court of Quarter Sessions for the county of Surrey”	“the chairman of the court of quarter sessions for the south-west London area”

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(2) (1965 II, p. 4267).

(1)	(2)	(3)
Clause 27 of the scheme approved by the Metropolitan Commons (Mitcham) Supplemental Act 1891	“the chairman of quarter sessions for the county of Surrey”	do.
Clause 20 of the scheme approved by the Metropolitan Commons (Harrow Weald) Supplemental Act 1899	“the Chairman of Quarter Sessions for the county of Middlesex”	“the chairman of the court of quarter sessions for the Middlesex area”

### **Corporation of wardens of the parish of St. Saviour, Southwark**

**10.** The power of electing five wardens, namely the Warden of the Great Account, the Renter Warden, the College Warden, the Bell Warden and the Newcomen's Warden, of the corporation of wardens of the parish of St. Saviour, Southwark, shall be exercisable by the council of the London borough of Southwark.

An appointment of a person to be such a warden shall not be made except on the nomination of councillors for the ward or wards consisting of or comprising the area of the parish of St. Saviour, Southwark, as existing in the metropolitan borough of Southwark until 31st March 1930:

Provided that if in any case such councillors fail to make a nomination within one calendar month from the time for which a meeting of the councillors was first summoned for the purpose, the council may make the appointment without any such nomination.

A nomination under this article shall be made in accordance with rules made or approved by the Charity Commissioners.

### **Southwark Borough Market**

**11.—(1)** In the Southwark (Borough Market) Scheme 1907(3)—

- (a) in the sixth recital, “(which council is in this Scheme referred to as the Borough Council)” shall be omitted;
- (b) in section 2(1), for “the said St. Saviour's Ward” there shall be substituted “the ward or wards consisting of or comprising the specified area”;
- (c) in section 2(3), for “a ratepayer of the parish of St. Saviour” there shall be substituted “a ratepayer of the specified area”;
- (d) in section 6—
  - (i) for “in relief of the rates of the parish of St. Saviour” there shall be substituted “in relief of the rates chargeable on hereditaments in the specified area”; and
  - (ii) for “over the parish of St. Saviour” there shall be substituted “over the specified area”;
- (e) in section 10 the following paragraph shall be inserted—
 

“(2A) In the foregoing sections of this Scheme—

“Borough Council” means the council of the London borough of Southwark ; and

“the specified area” means the area of the parish of St. Saviour, Southwark, as existing in the metropolitan borough of Southwark until 31st March 1930.”;

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- (f) in rule 1 in the Schedule, for “councillors of St. Saviour's ward” there shall be substituted “councillors of the ward or wards described in section 2(1) ”;
- (g) in rule 2 in the Schedule, for “of the St. Saviour's Ward” there shall be substituted “of the said ward or wards”, and
- (h) in rule 3 in the Schedule, for “four” there shall be substituted “two”.

(2) The trustees appointed by the council of the London borough of Southwark in office at the coming into operation of this order shall remain in office as if they had been appointed in accordance with the Southwark (Borough Market) Scheme 1907 as amended by paragraph (1) of this article.

(3) Article 13(a) of the Metropolitan Borough of Southwark (Union of Parishes) Order 1930 shall cease to have effect.

### **Victoria Embankment and the Thames adjoining**

**12.** The embankment southward of the gardens of the Societies of the Inner and Middle Temples, respectively, referred to in section 29 of the Thames Embankment Act 1862, the road thereon, and the river Thames adjoining, to the middle of the river, shall form part of the City.

The boundaries established by this article shall be mered by Ordnance Survey.

### **Festival Pleasure Gardens and Pier**

**13.—(1)** In section 3 of the Festival of Britain (Supplementary Provisions) Act 1949, any reference to the London County Council shall be construed as a reference to the Greater London Council.

(2) In relation to the Festival Pleasure Gardens Pier (being a landing stage constructed by the London County Council under section 1 of the Public Works (Festival of Britain) Act 1949 as extended by section 7 of the Festival of Britain (Supplementary Provisions) Act 1949), any reference in section 1 or 11(9) of the first-mentioned Act or in section 7 of the Act secondly mentioned to the London County Council shall be construed as a reference to the Greater London Council.

### **Contributions in respect of Knockholt sewerage scheme**

**14.** The liability of the Kent County Council under the agreement made under section 2 of the Rural Water Supplies and Sewerage Act 1944 with the Orpington Urban District Council in respect of the Knockholt sewerage scheme shall cease in respect of any contributions payable between 31st March 1965 and 1st April 1969.

### **Contribution by the Greater London Council to the London borough council of Enfield**

**15.** The Greater London Council may contribute to the London borough council of Enfield, in respect of expenses incurred by that council in the relocation of Sumex Paints Ltd. following the acquisition of their premises (such acquisition and relocation having been approved by the county council of Middlesex), such sum as may be agreed between the two councils.

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Given under the official seal of the Minister of Housing and Local Government on 12th February 1970.

L.S.

*Anthony Greenwood*  
Minister of Housing and Local Government

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## SCHEDULE

## REPEALS

<i>(1)</i> <i>Chapter</i>	<i>(2)</i> <i>Short Title</i>	<i>(3)</i> <i>Extent of Repeal</i>
1894 c.60	The Merchant Shipping Act 1894	In section 214(7), the words “in the administrative county of London the county council, and elsewhere”
1906 c.33	The Local Authorities (Treasury Powers) Act 1906	In section 1(1), the words “except the London County Council”
1907 c.40	The Notification of Births Act 1907	In any application to Greater London, the whole Act  In section 2(4) the words “(other than the county of London)”
1908 c.36	The Small Holdings and Allotments Act 1908	In any application to Greater London, section 52(1)  Section 53(1)  In section 53(4), paragraphs (a) and (b)
1913 c.19	The Local Government (Adjustments) Act 1913	The whole Act
1926 c.52	The Small Holdings and Allotments Act 1926	In any application to Greater London, the words “under section fifty-two of the principal Act” in s.14(4)
1939 c.73	The Housing (Emergency Powers) Act 1939	In section 3(1A), the words “the London County Council”

## EXPLANATORY NOTE

This order makes further incidental, consequential, transitional and supplementary provision in relation to Greater London, relating to—

- (a) the amendment of certain Acts;
- (b) the construction of references to superseded provisions;
- (c) the deposit of plans and documents;
- (d) the drainage of contiguous premises;
- (e) the increase of compensation paid by periodical payments to, or in respect of, certain officers of the London County Council;
- (f) the taking of proceedings by the Common Council in relation to delegated functions;
- (g) a number of matters of local significance.



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