FICT AMENDED
BY ABOLITION OF GLC

Lee Valley Regional Park Act 1966

CHAPTER xli

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ELIZABETH II

1966 CHAPTER xli

An Act to establish the Lee Valley Regional Park Authority for the development, preservation and management for recreation, sport, entertainment and the enjoyment of leisure of an area adjoining the river Lee as a regional park; to confer powers upon the said authority and certain other authorities, bodies and persons; to enact provisions in connection with the matters aforesaid; and for other purposes. [21st December 1966]

WHEREAS owing to the increasing demand for the development of land for housing, industrial and other urban purposes there is an increasing scarcity of land available for recreation, sport, entertainment and the enjoyment of leisure:

And whereas it is anticipated that the demand for urban development in the south-east of England will in the future greatly increase:

And whereas there is in Greater London and the counties of Essex and Hertford an area adjoining the river Lee which is suitable for development as a regional park for the purpose of providing opportunities for recreation, sport, entertainment and the enjoyment of leisure:

And whereas it is in the public interest that an authority should be established, as in this Act provided, to develop, improve, preserve and manage or procure or arrange for the development, improvement, preservation and management of the said area for such purposes as aforesaid:

And whereas it is expedient that for the purposes aforesaid the powers in that behalf contained in this Act should be conferred upon the said authority:

And whereas it is expedient that the other powers and provisions contained in this Act should be conferred and enacted:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

1933 c. 51. And whereas in relation to the promotion of the Bill for this Act the provisions of Part XIII of the Local Government Act, 1933, have been observed by the Greater London Council:

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

Short title. **1.** This Act may be cited as the Lee Valley Regional Park Act 1966.

Interpretation. **2.**—(1) In this Act, unless the subject or context otherwise requires—

" the Act of 1933 " means the Local Government Act, 1933;

1961 c. 33. " the Act of 1961 " means the Land Compensation Act, 1961;

1962 c. 38. " the Act of 1962 " means the Town and Country Planning Act 1962;

1963 c. 33. " the Act of 1963 " means the London Government Act 1963;

1965 c. 56. " the Act of 1965 " means the Compulsory Purchase Act 1965;

" the appointed day " means 1st January, 1967;

" the Authority " means the Lee Valley Regional Park Authority constituted by this Act;

" bridleway " means a way for the following purposes only, namely, the passage of persons on foot or on horseback or for leading horses or driving animals of any description;

" the catchment board " means the Lee Conservancy Catchment Board;

" the common council " means the common council of the city of London;

" "constituent council" means a riparian council or a non-riparian council;

"contributing council" means a London council or a county council;

"county council" means the council of the county of Essex or the council of the county of Hertfordshire;";

" cycle track " means a way for the following purposes only, that is to say, the passage of persons on foot or riding pedal cycles;

" enactment " means any enactment, whether public general or local, and includes any order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of an enactment;

" financial year " means a period of twelve months commencing on 1st April;

" footpath " means a way for the following purpose only, that is to say, the passage of persons on foot;

" functions " includes powers and duties;

" houseboat " means any vessel, or any part, remains or wreckage thereof, whether or not the same shall be floating, and whether or not the same is used or capable of being used as a place of temporary, intermittent or permanent habitation but does not include any boat or vessel bona fide used for navigation;

" interest " in relation to land, includes any estate in land and any right in, over or under land, whether the right is exercisable by virtue of the ownership of an interest in land or by virtue of a licence or agreement, and in particular includes rights of fishing and sporting;

" land " includes land covered by water and any interest in land;

" "London council" means a London borough council or the Common Council;";

" the Minister " means the Minister of Housing and Local Government;

" nature reserve " has the meaning assigned to that expression by section 15 of the National Parks and Access to the Countryside Act, 1949; 1949 c. 97.

" "non-riparian council" means a London council other than the councils of the London boroughs of Enfield, Hackney, Haringey, Newham, Tower Hamlets and Waltham Forest;";

" the park " means the Lee Valley Regional Park as defined by subsection (2) of this section;

"riparian council" means a council specified in section 4(2) of this Act;".

" statutory undertakers " means any persons authorised by any enactment to construct, work or carry on a railway, canal, inland navigation, gas, electricity, water or other public undertaking;

" vessel " includes any ship, boat, barge, houseboat, raft or craft of every class or description, howsoever navigated or propelled, and a hover vehicle, that is to say, a vehicle designed to be supported on a cushion of air;

" waterway " means any lake, river, canal or other waters, being (in any case) waters suitable, or which can be rendered suitable, for use in connection with any facilities provided by virtue of this Act.

(2) " The Lee Valley Regional Park " means the areas in Greater London and in the counties of Essex and Hertford coloured pink on the plan which was in the month of November, 1965, deposited in the office of the Clerk of the Parliaments, House of Lords, in the Private Bill Office of the House of Commons and copies of which were in the same month deposited with the clerks of the constituent councils.

(3) Any reference in this Act to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by, or by virtue of, any subsequent enactment, including this Act.

Incorporation of Acts. 1946 c. 49.

3.—(1) The Acquisition of Land (Authorisation Procedure) Act, 1946, shall apply to the compulsory acquisition of land under this Act and accordingly shall have effect as if this Act were a public general Act in force immediately before the commencement of the said Act of 1946.

(2) In relation to the acquisition of interests in land by way of the creation of new interests references to land in the said Act of 1946 as applied by the last preceding subsection shall be construed as references to the land in which the new interest is to be created.

(3) The provisions of section 27 of the Act of 1965 shall not apply in relation to any compulsory purchase under this Act.

(4) For the purpose of the acquisition by the Authority of land by agreement the provisions of Part I of the Act of 1965 (so far as applicable) other than sections 4 to 8, section 10, section 27 and section 31 shall apply and in the said Part I as so applied—

(*a*) " the acquiring authority " means the Authority;

(*b*) " the special Act " means this Act; and

(*c*) " land " has the meaning assigned to it in this Act.

Constitution of Authority.

4.—(1) On the appointed day there shall be constituted an Authority to be called " the Lee Valley Regional Park Authority " for the purpose of exercising the functions assigned to them by this Act.

(2) The Authority shall consist of twenty-eight members who shall be appointed as follows:—

eight by the non-riparian councils jointly;

4 by the County Council of Essex;
4 by the County Council of Hertfordshire;
1 by the London Borough Council of Enfield;
1 by the London Borough Council of Hackney;
1 by the London Borough Council of Haringey;
1 by the London Borough Council of Newham;
1 by the London Borough Council of Tower Hamlets;
1 by the London Borough Council of Waltham Forest;
2 by the Borough Council of Broxbourne;
2 by the District Council of East Hertfordshire;
2 by the District Council of Epping Forest".

(3) The incidental provisions set out in the schedule to this Act shall apply in relation to the Authority and the members thereof.

5.—

"(1) The appointments to the Authority required by section 4 of this Act shall be made —

(*a*) by the non-riparian councils before 1st April 1986 and before 1st July in 1989 and each fourth year thereafter; and

(*b*) by the riparian councils before 1st July in 1989 and each fourth year thereafter;

and each member so appointed, and the members appointed by the riparian councils in 1985, shall hold office —

(i) in the case of the first appointments made by the non-riparian councils, from 1st April 1986 to 30th June 1989;

(ii) otherwise, from 1st July next following his appointment for a term of four years.

(2) Immediately after the appointment of any member of the Authority the proper officer of the constituent council of whom he is a member shall notify the name, address and description of the member appointed to the Authority.

(3) A person shall not be eligible for appointment as a member of the Authority if he is a member of a non-riparian council one of whose members is already a member of the Authority.";

"(4) Where a casual vacancy occurs among the persons appointed to the Authority by a riparian council or by the non-riparian councils jointly, that council or, as the case may be, those councils jointly, shall as soon as practicable appoint another person to fill the vacancy and the person appointed shall come into office upon his appointment and shall hold office during the remainder of the term of office of the person in whose place he is appointed:

Provided that it shall not be obligatory upon a riparian council or, as the case may be, the non-riparian councils to fill any vacancy occurring less than two months before the ordinary date of retirement from the office in which the vacancy occurs.".

(5) The provisions of sections 58, 59, 60, 63, 76 and 95 of the Act of 1933 (which relate to the holding of office and voting) shall apply to the Authority as if the Authority were a local authority other than a parish council and such officer as shall be appointed for the purpose by the Authority were the clerk of the local authority and as if references in those provisions to that Act were references to this Act:

Provided that—

(i) in its application to the Authority paragraph (*a*) of subsection (1) of the said section 59 shall have effect as if the expression "chairman" included "vice-chairman";

(ii) in their application to the Authority the said sections 76 and 95 shall have effect as if references to members of a local authority included references to deputies of members of the Authority nominated under section 8 (Nomination of deputies) of this Act;

(iii) in their application to the Authority the said sections 58, 59 and 60 shall have effect as if references to election or re-election of members of a local authority were references to the appointment or re-appointment of members of the Authority.

Qualification for and cessation of membership of Authority.

6.—

(1) A member of the Authority shall either be a member of the riparian council by whom he was appointed or, if he was appointed by the non-riparian councils jointly, of one of those councils and if he ceases to be a member of such a council he shall thereupon cease to be a member of the Authority:

Provided that a member of the Authority who becomes disqualified for being such a member by reason only of the termination of his term of office as a member of such a council shall continue in office as a member of the Authority until 30th June next occurring after the date on which his term of office as a member of such a council terminated.";

(2) A member of the Authority may resign his membership by sending to the Authority notice of his desire to do so, and his resignation shall take effect upon the receipt of such notice by the Authority.

(3) Where any member of the Authority ceases to be a member of the Authority in pursuance of the preceding provisions of this section or becomes disqualified from being a member of the Authority or vacates his office by absence the Authority shall forthwith notify the casual vacancy so arising to the proper officer of the riparian council by whom the member was appointed or, in the case of a member appointed by the non-riparian councils jointly, the proper officers of those councils."

Members not to represent more than one council.

7.—(1) A person who is a member of two or more constituent councils shall not be qualified to represent more than one constituent council and if the same person shall be appointed a member of the Authority by more than one constituent council he shall within one month after the second appointment choose under which appointment he will serve and give notice of his choice to the Authority and thereupon the other appointment shall be deemed void and if he fails to give the said notice, the second and subsequent appointments shall be deemed void and a further appointment shall be made as if a casual vacancy had arisen.

"(2) Subsection (1) above shall have effect in relation to the non-riparian councils as if the reference to one constituent council were a reference to all those councils acting jointly."

8.—(1) A riparian councilor the non-riparian councils jointly may nominate a to act as deputy or deputies for all or any of the members of the person or persons Authority appointed by that councilor, as the case may be, those councils

(2) A person so nominated may attend and vote and take part in any proceedings or business of the Authority or any committee or any sub-committee of the Authority (being a committee or sub-committee on which a member for whom he is nominated as deputy is entitled to sit) which the member for whom he is nominated a deputy is unable to attend:

Provided that—

(*a*) at any meeting, proceedings or business of the Authority or committee of the Authority a person so nominated shall not be entitled to represent more than one member and a member shall not be represented by more than one such person; and

(*b*) a person so nominated shall be subject to the same provisions as to qualification for, and disqualification from, office as apply to members of the Authority and shall not be entitled to act as deputy for any member of the Authority until notice of his nomination so to act has been given to the Authority by the proper officer of the constituent council of whom he is a member specifying the member or members for whom he has been nominated to act as deputy.

(*c*) a person shall not be eligible for nomination as a deputy under this section if he is a member of a non-riparian council one of whose members is already a member of, or a deputy of a member of, the Authority."

Appointment of chairman and vice-chairman.

9.—(1) The Authority shall at their annual meeting in each year appoint one of their number to be chairman and the chairman shall unless he resigns his office or ceases to be a member of the Authority continue in office until his successor is appointed.

(2) The Authority may at each annual meeting appoint one of their number to be vice-chairman and the vice-chairman shall unless he resigns his office or ceases to be a member of the Authority continue in office until immediately after the election of the chairman at the next annual meeting.

(3) On a casual vacancy occurring in the office of chairman or vice-chairman of the Authority the vacancy shall be filled by the appointment by the Authority of one of their number at a meeting held as soon as practicable after the vacancy occurs, and where the office vacant is that of chairman the meeting may be convened by such officer as shall be appointed for the purpose by the Authority.

(4) The person appointed under this section to fill a vacancy shall hold office until the date upon which the person in whose place he is appointed would ordinarily have retired and he shall then retire.

Power to amend constitution.

10.—(1) The Minister may on the application of the Authority by order made in accordance with the provisions of this section amend the constitution of the Authority and, without prejudice to the generality of the foregoing, any such order may provide for the appointment of additional members of the Authority either by any one or more of the constituent councils or by some other body or person, for varying the number of members which

each such council is entitled to appoint, for reducing the number of constituent councils or providing for a member of the Authority to be appointed jointly by two or more constituent councils or other bodies or persons:

Provided that an order amending the constitution of the Authority shall not be made so as to have the effect of making the aggregate number of members appointed by the contributing councils less than is sufficient to constitute a majority of the total membership of the Authority.

(2) An application by the Authority for an order under this section shall not be made except in pursuance of a resolution passed by the Authority and no such resolution shall be effective unless it is passed at a meeting of the Authority specially convened for the purpose and not less than three-fourths of the whole number of the members of the Authority vote in favour of it.

(3) On receipt of a certified copy of a resolution passed in accordance with the provisions of the last foregoing subsection the Minister shall give notice thereof to the constituent councils and consider any objections or representations made by them.

(4) Any order made under this section may contain such incidental, consequential and supplementary provisions as the Minister (after consultation with the Authority) thinks necessary or expedient for the purposes of the order and in particular, but without prejudice to the generality of the foregoing, may provide for the amendment or repeal of any local enactment relating to the Authority.

(5) (*a*) The power conferred on the Minister by subsection (1) of this section to make an order shall be exercisable by statutory instrument and such power shall include power subject to the like conditions to make an order varying or revoking any order previously made under the said subsection.

(*b*) Any such order shall be subject to annulment in pursuance of a resolution of either House of Parliament.

Staff.

11.—(1) The Authority shall appoint such officers (including a treasurer) as the Authority think necessary for the efficient discharge of their functions.

(2) The Authority shall pay to their officers such reasonable remuneration as they may determine.

(3) A person shall, so long as he is, and for twelve months after he ceases to be, a member of the Authority, be disqualified from being appointed to any paid office of the Authority other than the office of chairman or vice-chairman.

(4) Section 119 of the Act of 1933 (which provides for the taking of security by a local authority in respect of any officer employed by them and any other person likely to be entrusted with money or property belonging to them) shall have effect as if references therein to a local authority, and to officers employed by a local authority, included respectively references to the Authority and to officers employed by the Authority.

(5) Section 120 of the Act of 1933 (which relates to the accountability of officers of local authorities) shall have effect in relation to any officer employed by the Authority as it has effect in relation to officers employed by local authorities, subject to the necessary modifications.

(6) Section 123 of the Act of 1933 (which requires an officer of a local authority to disclose his interest in any contract of the Authority) shall have effect in relation to any officer employed by the Authority as it has effect in relation to officers employed by local authorities, subject to the necessary modifications and, in particular, as if the reference in subsection (1) of that section to subsections (2) and (3) of section 76 of that Act were a reference to those subsections as applied by subsection (5) of section 5 (Appointment of members of Authority) of this Act.

(7) In this section " officer " includes a servant.

General duty of Authority.

12.—(1) It shall be the duty of the Authority to develop, improve, preserve and manage or to procure or arrange for the development, improvement, preservation and management of the park as a place for the occupation of leisure, recreation, sport, games or amusements or any similar activity, for the provision of nature reserves and for the provision and enjoyment of entertainments of any kind.

(2) For the purpose of fulfilling the duty imposed upon the Authority by subsection (1) of this section the Authority may construct, lay out, equip and maintain all such works and buildings, enter into and carry out all such agreements or arrangements with any body, company or person, provide or arrange for the provision of all such facilities, equipment and services and provide or do all such other acts or things as they may think necessary or expedient for that purpose.

Ancillary powers of Authority.

13.—(1) Without prejudice to the generality of the powers conferred on the Authority by section 12 (General duty of Authority) of this Act it shall be lawful for the Authority in the exercise of their functions under this Act either themselves to do or to make arrangements for the doing by any company, body or person of all or any of the following things:—

(*a*) the development, laying out, enclosing or appropriation of any part of the park for any of the purposes of this Act;

(*b*) the provision, erection and maintenance of all such accommodation, houses, buildings, structures, erections, vehicles, plant, machinery, apparatus or equipment as the Authority may think necessary or expedient for the purposes of this Act or the enjoyment of the park or any facilities provided for those purposes;

(*c*) the winning, working, removal and carrying away of sand, gravel and other material;

(*d*) the provision of dwellings and other accommodation for persons employed—

(i) by the Authority; or

(ii) by any company, body or person for or in connection with the carrying on of any activity or the provision of any entertainment in the park in pursuance of this Act;

(*e*) the holding of exhibitions, shows, rallies, regattas and athletic and other competitions or contests and the provision of amusement fairs, music, concerts, dances and dramatic, cinematograph and other entertainments;

(*f*) the provision of camping grounds and parking, mooring and landing places and means of access thereto and egress therefrom;

(*g*) the improvement of waterways for the purpose of open air recreation;

see 5(2)(b) below

(*h*) the provision of hotels, motels, hostels, caravans, holiday camps and other dwellings;

(*i*) the provision of accommodation for, and the provision of, meals and refreshments (including intoxicating liquor);

(*j*) the construction, improvement and maintenance (whether inside or outside the park) of roads, cycle tracks, bridleways and footpaths;

(*k*) the construction, maintenance and operation within the park of railways (including elevated cable railways and mono-railways), tramways and other means of locomotion and the provision and operation of vehicles (including trolley vehicles), vessels, plant, machinery, apparatus and equipment;

(*l*) the provision and operation of road transport vehicles for the conveyance of passengers within the park;

(*m*) the levying of tolls for the use of any private road in the park;

(*n*) the levying of charges for admission to, or the use of, any part of the park for the time being appropriated, set apart or enclosed for any particular purpose or activity or for admission to, or the use of, any camping grounds, parking, mooring or landing places, buildings, structures, erections, vehicles, vessels, plant, machinery, equipment, amusement, entertainment or facilities provided under this Act:

Provided that nothing in this section shall empower the Authority—

(*a*) to manufacture or sell motor vehicles or fuel, lubricants, accessories, spare parts or equipment for motor vehicles; or

(*b*) to carry on the business of maintaining or repairing motor vehicles.

(2) The Authority may enter into and carry into effect agreements or arrangements with any company, body or person for the provision and maintenance by such company, body or person, whether within or outside the park, of any works, facilities, supplies or services which may be desirable for or in connection with the carrying into effect of any of the purposes of this Act and by any such agreement or arrangement may agree to defray or to make contributions towards expenses incurred by the company, body or person thereunder.

(3) The foregoing provisions of this section shall not authorise the Authority or any company, body or person—

(*a*) on land in which any other person has an interest, without the consent of such last-mentioned person, to do

anything which apart from this section would be actionable at his suit by virtue of that interest;

(*b*) to do anything affecting any highway without the consent of the highway authority;

(*c*) to provide or operate any railway (including an elevated cable railway or a mono-railway), tramway, trolley vehicle or similar means of locomotion for the conveyance of passengers if the London Transport Board in agreement with the Authority will provide or operate the same;

(*d*) to operate any railway, tramway or other means of locomotion on a highway, except with the consent in writing of the Minister of Transport which may be given subject to such conditions as he thinks fit.

(4) The powers of the Authority under paragraph (*c*) of subsection (1) of this section with respect to the winning, working, removal or carrying away by themselves of any sand, gravel or other material shall not be exercisable unless the Authority have first taken all reasonable steps to arrange for the winning, working, removal or carrying away of the same by some company, body or person in the course of trade or business on terms which in the opinion of the Authority are reasonable.

(5) (*a*) No hotel or restaurant shall be provided by the Authority under paragraph (i) of subsection (1) of this section except subject to the following conditions:—

(i) the existing hotel or restaurant facilities (as the case may be) are in the opinion of the Authority inadequate or unsatisfactory; and

(ii) the Authority have first taken all reasonable steps to arrange for the provision of those facilities by some other person.

(*b*) Any application for a justices' on-licence for any restaurant or hotel provided by the Authority shall be restricted to a restaurant licence, a residential licence or a residential and restaurant licence (as the case may be).

(6) For the removal of doubt the provisions of section 41 of the Road and Rail Traffic Act, 1933 (concerning the approval of the Minister of Transport to the opening of lines for the public conveyance of passengers) shall apply to railways of any kind 1933 c. 53.

(other than elevated cable railways) constructed under the powers of paragraph (*k*) of subsection (1) of this section and the definition of the word " railway " in section 45 of that Act shall be construed accordingly.

(7) Nothing in this section shall extend to authorise—

(*a*) any toll to be levied for the use of any private road in the park or any charge to be made for the admission to or the use of any part of the park in respect of—

(i) any member of any statutory undertakers or of the catchment board;

(ii) any agent of or any person employed by any such undertakers or board or by their contractors;

(iii) any vehicle, vessel, plant, machinery or equipment used by such member, agent or person so employed;

on any occasion on which he is engaged in carrying out his duties as such member, agent or employee; or

(*b*) (without prejudice to the right of the Authority to require a payment in respect of the acquisition of rights in, under or over land of the Authority) any charge to be made for the use of any part of the park by any statutory undertakers in the exercise of their statutory powers.

(8) For the purposes of paragraph (*a*) of subsection (3) of this section the British Waterways Board shall be deemed to have an interest in land in the navigation (as defined in section 3 (Interpretation) of the Lee Conservancy Act, 1938), the Hertford Union Canal and any land held or used by the said board in connection therewith.

1938 c. xxxiii.

(9) Nothing in this or the last preceding section shall be construed as excluding or limiting the application of any other enactment prohibiting, regulating or restricting the doing of any particular thing or as authorising the doing of that thing by or under agreements or arrangements made with the Authority except in accordance with the provisions of such other enactment.

Special provision with regard to planning.

14.—(1) As soon as may be after the appointed day, and in any case not later than two years after the appointed day or within such further period as the Minister may allow, the Authority shall, after consultation with the local planning authorities and the

appropriate statutory bodies, prepare a plan showing proposals for the future use and development of the park, and shall from time to time review such proposals and shall consult with the appropriate statutory bodies and with the local planning authorities in relation to whose areas any amendment to such plan is proposed.

(2) (*a*) The local planning authorities shall from time to time include in their development plans or in any proposals for any alterations or additions to their development plans such part of the plan referred to in subsection (1) of this section or of any amendment to that plan as relates to their area.

(*b*) The inclusion under the foregoing paragraph of this subsection by a local planning authority in their development plan or in any proposals for any alteration or addition to that plan of any part of the plan of, or (as the case may be) any amendment to the plan of the Authority shall not be treated as indicating the approval of the local planning authority to such plan or amendment; nor shall such inclusion prejudice any representation to the Minister which the local planning authority may think fit to make thereon.

(3) Copies of the plan prepared pursuant to subsection (1) of this section and, if amended at any time, particulars of any amendments thereof shall be sent by the Authority to the local planning authorities and shall at all reasonable times be available for inspection by the public and for sale to the public at a reasonable cost.

(4) A local planning authority shall give the Authority notice of any application for planning permission for development where it appears to the local planning authority that the development is likely to affect any part of the park and shall consult with the Authority before determining the application.

(5) The local planning authority shall give to the Authority not less than fourteen days' notice that such application is to be taken into consideration, shall not determine the application until after the expiration of the period of such notice, and shall, in determining the application, take into account any representations received from the Authority.

(6) The local planning authority shall as soon as may be after they have taken the application into consideration give notice to the Authority of their determination and if the application is referred to the Minister under the provisions of subsection (8) of this section such determination shall take effect subject to and in accordance with the provisions of subsection (9) of this section.

(7) The local planning authority shall notify the Authority of any proposal for development by the local planning authority which appears to the local planning authority likely to affect any part of the park.

(8) If the Authority are of the opinion that the determination of the local planning authority or any proposal for development by the local planning authority would materially conflict with the proposals contained in the plan referred to in subsection (1) of this section they may by notice given to the local planning authority within fourteen days after receipt of the notice referred to in subsection (6) or subsection (7) of this section, as the case may be, or such longer period (not exceeding twenty-eight days) as may be agreed between the Authority and the local planning authority require the local planning authority to refer the application or the proposal for development, as the case may be, to the Minister for his consideration and if as a result of such consideration the Minister gives a direction under section 22 of the Act of 1962 (which enables the Minister to give directions requiring planning applications to be referred to him) requiring the application or the proposal for development, as the case may be, to be referred to him, the said section shall have effect as if the Authority were a party entitled to be afforded an opportunity of appearing before and being heard by a person appointed by the Minister for that purpose.

(9) In any case in which notice is given by the Authority to the local planning authority under subsection (8) of this section in relation to either an application or proposal for development (as the case may be)—

(*a*) if the Minister gives a direction under section 22 of the Act of 1962 the determination by the local planning authority of that application or proposal (as the case may be) shall not take effect;

(*b*) if the Minister decides not to give any such directions the said determination shall take effect on the date on which he notifies the local planning authority of that decision.

(10) (*a*) A local planning authority shall be entitled to recover from the Authority a sum equal to any compensation payable by the local planning authority—

(i) under sections 118 and 119 of the Act of 1962 (revocation of planning permission); or

(ii) under section 123 of the Act of 1962 (planning decisions not affecting new development); or

(iii) under section 124 (discontinuance of use or alteration or removal of buildings); or

(iv) under section 125 (preservation of trees and buildings); or

(v) under section 126 (restrictions on advertising); or

(vi) under subsection (2) of section 134 of the Act of 1962 (purchase notices which do not take effect); or

(vii) under subsection (1) of section 170 of the Act of 1962 (undertakers' operational land);

if the liability to pay compensation is attributable to a decision or order under the Act of 1962 which would not have been made but for representations made by the Authority:

Provided that—

(i) the Authority shall be entitled to set off against any sum payable to a local planning authority under this subsection any amount such authority may receive under Parts VII and XII of the Act of 1962;

(ii) no compensation recoverable from the Authority under this subsection shall be settled by agreement without the agreement of the Authority.

(*b*) Any dispute as to whether a decision or order as aforesaid would not have been made but for representations made by the Authority shall be referred to and determined by the Minister.

(11) In this section—

"local planning authority" means an authority which for the purposes of the Act of 1962 is a local planning authority whose area or any part of whose area is situated within the park and includes any council to whom the functions of a local planning authority have been delegated and "the local planning authorities" shall be construed as meaning all such local planning authorities;

"development plan" has the meaning assigned to it by subsection (2) of section 4 of the Act of 1962; and

"the appropriate statutory bodies" means the British Waterways Board and the catchment board.

Powers to acquire land.

15.—(1) The Authority may acquire by agreement, whether by way of purchase, lease or exchange, any land, whether within or without the park, which they may require for the purpose of, or in connection with any of their functions.

(2) The Authority, by means of an order made by them and submitted to and confirmed by the Minister, may be authorised to purchase compulsorily any such land as aforesaid.

Acquisition of new interests or rights over land.

16.—(1) The Authority may exercise the powers conferred by section 15 (Powers to acquire land) of this Act so as to acquire interests in land by way of the creation of new interests, as well as interests already in existence before the acquisition thereof by

the Authority, and an interest may be so acquired either in perpetuity or for a term of years certain or so as to be terminable by notice.

(2) Where those powers are exercised so as to acquire compulsorily an interest in any land (in this section referred to as " servient land ") by way of the creation of a new interest (in this section referred to as " the new right "), the provisions of subsections (3) to (5) of this section shall have effect with respect to compensation in respect of the acquisition of the new right.

(3) (*a*) If the value of any interest in land to which this subsection applies is depreciated by the acquisition of the new right, the person entitled to that interest shall be entitled to compensation from the Authority of an amount equal to the amount of the depreciation.

(*b*) This subsection applies to any interest in any servient land, and to any interest in any land which, on the relevant date, is held with any servient land.

(4) Where the person entitled to an interest in land to which the last preceding subsection applies sustains loss or damage which—

(*a*) is attributable to the acquisition of the new right; and

(*b*) does not consist of depreciation of the value of that interest; and

(*c*) is loss or damage for which, if his interest in the servient land has been compulsorily acquired under an order made under subsection (2) of section 15 (Powers to acquire land) of this Act and in pursuance of a notice to treat served on the relevant date, he would have been entitled to compensation by way of compensation for disturbance;

he shall be entitled to compensation from the Authority in respect of that loss or damage, in addition to compensation under the last preceding subsection.

(5) Subsections (3) and (4) of this section shall have effect without prejudice to any right to compensation under section 10 of the Act of 1965 (which relates to compensation for injurious affection) but, subject to the preceding provisions of this subsection and to the regulations referred to in subsection (6) of this section, no person shall be entitled to compensation, in respect of the compulsory acquisition of the new right, otherwise than in accordance with subsections (3) and (4) of this section.

(6) Any regulations made by the Minister and the Minister of Agriculture, Fisheries and Food under subsection (6) of section 66 of the Water Resources Act, 1963 (which authorises river authorities to acquire new interests or rights over land), shall extend and

1963 c. 38.

apply to the acquisition by the Authority under this Act of interests by way of the creation of new interests as if such interests had been acquired by them under the said Act of 1963.

(7) For the purpose of paragraph 9 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, as applied by section 3 (Incorporation of Acts) of this Act, the British Waterways Board shall, in relation to the acquisition of interests in land by way of the creation of new interests, be deemed to have acquired for the purposes of their undertaking the land in the navigation (as defined in section 3 (Interpretation) of the Lee Conservancy Act, 1938) or an interest in land in respect of the navigation (as the case may require). 1946 c. 49. 1938 c. xxxiii.

(8) In this section "the relevant date" means the date of service of the notice to treat in pursuance of which the new right is acquired.

Provision of substituted sites.

17.—(1) The power of the Authority of purchasing land by agreement shall include power to purchase land by agreement for the purpose of providing substituted sites or facilities for the owners, lessees and occupiers of land which may be acquired by virtue of this Act, or for the relocation of population, trade, commerce or industry from any such land.

(2) The Authority by means of an order made by the Authority and submitted to and confirmed by the Minister may be authorised to purchase compulsorily any land for the purposes aforesaid.

Power to reinstate owners or occupiers of property.

18.—(1) The Authority may enter into and carry into effect an agreement or arrangement with the owner or occupier of any land acquired or to be acquired by virtue of this Act with respect to his reinstatement elsewhere.

(2) Any such agreement may provide for the exchange of land and for that purpose the Authority may pay or receive money for equality of exchange.

Power to enter for survey or valuation.

19.—(1) Any person acting on behalf of the Authority and duly authorised in that behalf may, on producing, if so required, some duly authenticated document showing his authority, at all reasonable times—

(*a*) enter on any land which the Authority are authorised by virtue of this Act to acquire compulsorily for the purpose of surveying or valuing the land;

(*b*) for the purpose of determining whether, and if so in what manner, any functions of the Authority are to be performed in relation to any land, enter on any land and inspect or survey the land:

Provided that no land shall be entered on under this section unless the Authority not less than seven days before the date of

the first entry and not less than twenty-four hours before any subsequent entry, have given notice to the owner and occupier of the land.

(2) The power of survey conferred by the last foregoing subsection includes power to search and bore for the purpose of ascertaining the nature of the subsoil:

Provided that a person shall not carry out any works authorised by this subsection unless notice of his intention to do so was included in the notice required by the last foregoing subsection.

(3) Where land is damaged in the exercise of a right of entry or survey conferred under this section, any person interested in the land may recover from the Authority compensation for the damage to be determined in case of dispute by the Lands Tribunal, and, so far as compensation is properly to be calculated by reference to the depreciation of the value of his interest in the land, rules 2 to 4 of the rules set out in section 5 of the Act of 1961 shall apply.

Temporary use of land.

20. Any land for the time being belonging to the Authority and not for the time being required for the purpose for which it was acquired may until it is required for that purpose be let or used temporarily by the Authority for such purposes as they may think expedient.

Power to sell, exchange or let land.

21.—(1) Subject to the provisions of this section the Authority may—

(*a*) sell any land for the time being belonging to or held by them which is not required for the purposes of any of their functions;

(*b*) exchange any land for the time being belonging to or held by them for other land, either with or without paying or receiving any money for equality of exchange;

(*c*) let any land for the time being belonging to or held by them.

(2) In the exercise of the powers of this section the Authority shall not except with the consent of the Minister—

(*a*) sell or exchange or let for a term exceeding seven years any land which consists or forms part of an open space or which was compulsorily acquired by the Authority or was acquired by the Authority by agreement at a time when they were authorised to acquire it compulsorily; or

(*b*) sell, exchange or let any land for a price, consideration or rent less than the best price or best rent, as the case may be, which can reasonably be obtained, having regard to any restrictions or conditions (including conditions as to payment or the giving of security for payment) subject to which the land is sold, exchanged or let.

(3) In this section " open space " means any land laid out as a public garden, or used for the purposes of public recreation, or land being a disused burial ground.

Application of capital money.

22. Capital money received by the Authority in respect of a transaction under the last preceding section shall be applied in such manner as the Minister may approve towards the discharge of any debt of the Authority or otherwise for any purpose for which capital money may properly be applied.

Land outside park acquired for purposes of park.

23. Any land outside the park acquired by the Authority by virtue of this Act for the purposes of section 12 (General duty of Authority) or section 13 (Ancillary powers of Authority) of this Act shall for the purposes of this Act be deemed to be part of the park.

Copy of Act and map of park to be kept for public inspection.

24. It shall be the duty of the Authority to secure that a copy of this Act and of a map of the park (which shall show the area of the park as existing from time to time) shall be available for inspection by the public at all reasonable times at the principal office of the Authority and at the offices of each local authority within whose area any part of the park is situated.

Extinguishment of rights of way, easements, etc.

1959 c. 25.

25.—(1) (*a*) Subject to the provisions of this subsection the Authority may, with the approval of the Minister, by order extinguish any public right of way (other than a way which consists either in whole or in part of a carriageway within the meaning of the Highways Act, 1959) over any land purchased by them under this Act.

(*b*) Where the Authority propose to make an order under this subsection they shall prepare and submit to the Minister a draft of the order and shall publish in at least one local newspaper circulating in the area in which the public right of way to which the order relates is situated, and in the London Gazette, a notice—

(i) stating the general effect of the proposed order;

(ii) naming a place in the said area where a copy of the order as submitted to the Minister and of any map or plan referred to therein may be inspected by any person free of charge at all reasonable hours during a period of six weeks from the date of the publication of the notice; and

(iii) stating that, within the said period, any person may by notice to the Minister object to the confirmation of the order.

(*c*) Not later than the day on which the said notice is published or, if it is published on two or more days, the day on which it is first published, the Authority shall serve on the local authority of the district in which the public right of way is situated—

(i) a copy of the said notice;

(ii) a copy of the proposed order; and

(iii) a copy of any map or plan referred to in the proposed order relating to a matter which in the opinion of the Authority is likely to affect the council so served.

(*d*) If any objection to the proposed order is made to the Minister before the expiration of six weeks from the publication thereof and the objection is not withdrawn, the Minister shall not approve the order until he has caused a public local inquiry to be held into the matter.

(2) Where the Authority have resolved to purchase under this Act land over which a public right of way exists, it shall be lawful under the foregoing subsection for the Authority to make and the Minister to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings to which the right of way gives access are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Minister in approving the order may direct.

(3) Upon the completion by the Authority of the purchase by them of any land under this Act, all private rights of way and all rights of laying down, erecting, continuing or maintaining any apparatus on, under or over that land and all other rights or easements in or relating to that land shall be extinguished and any such apparatus shall vest in the Authority, and any person who suffers loss by the extinguishment or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the Authority compensation to be determined under and in accordance with the Act of 1961:

Provided that this subsection shall not apply to—

(*a*) any right vested in statutory undertakers or the catchment board of laying down, erecting, continuing or maintaining any apparatus;

(*b*) any right of access vested in such undertakers or board to apparatus if the Authority do not provide an adequate alternative right of access; or

(*c*) any apparatus belonging to such undertakers, or board;

and shall have effect as respects other matters subject to any agreement which may be made between the Authority and the person in or to whom the right or apparatus in question is vested or belongs.

Suspension of restrictive covenants.

26.—(1) If the Authority—

(*a*) acquire land by agreement; or

(*b*) enter into an agreement to acquire land;

for a purpose for which they are for the time being or could under any enactment for the time being in force be authorised to acquire the land compulsorily and the land is affected by any restriction

arising under a covenant as to the user thereof or the building thereon other than a covenant entered into by the Authority, the Authority may, subject to the provisions of this section, by resolution suspend the operation of such restriction.

(2) The resolution shall describe by reference to a map the land to which it applies.

(3) The Authority shall—

(*a*) in four successive weeks publish in one or more local newspapers circulating in the locality in which the land referred to in the resolution is situated a notice stating that the resolution has been passed, describing the land and naming a place within the locality where a copy of the resolution and map may be inspected and specifying the time (not being less than three months from the first publication of the notice) within which and the manner in which objections to the suspension of the restriction can be made:

Provided that in any case in which there is more than one such local newspaper as aforesaid such notice shall be published in each of four successive weeks by publication in at least one of such newspapers in the first and third of those weeks and in at least one other of such newspapers in the second and fourth of those weeks;

(*b*) serve on every person who appears to them after diligent inquiry to be entitled to the benefit of the restriction to which the resolution relates a notice or notices containing the like particulars to those specified in the preceding paragraph of this subsection; and

(*c*) affix to some conspicuous object or objects on the land to which the resolution relates a notice or notices containing the like particulars to those specified in paragraph (*a*) of this subsection.

(4) Any person claiming to be entitled to the benefit of the restriction may object to the suspension of the restriction by sending notice of his objection and of the grounds thereof to the Minister within the period specified in the notice and by sending a copy thereof to the Authority.

(5) If any objection is duly made as aforesaid and is not withdrawn, the resolution shall be of no effect unless and until it is confirmed by the Minister, and before confirming the resolution the Minister shall cause a public local inquiry to be held into the proposed suspension of the restriction and, after considering the report of the person who held the inquiry, may confirm the resolution.

(6) (*a*) If no objection is duly made under subsection (4) of this section, or if all objections so made are withdrawn, the restriction

shall be suspended on and after the date of the expiration of the period specified in the notice or the date of the withdrawal of the objection, or (if more than one) the last objection, or the date on which the Authority acquire the land (whichever is the latest).

(*b*) If objection is duly made as aforesaid and the Minister confirms the resolution the restriction shall be suspended on and after such date as the Minister shall determine, not being earlier than the date on which the Authority acquire the land.

(7) The Authority shall pay compensation in accordance with the provisions of section 10 of the Act of 1965 (which relates to compensation for injurious affection) to any person entitled to the benefit of a restriction suspended under the powers of this section who suffers loss in consequence thereof and the amount of such compensation shall be determined in case of dispute in accordance with the Act of 1961.

(8) Any restriction suspended under the powers of this section shall be unenforceable so long as the Authority are the owners of the land to which the restriction relates and if compensation is paid by the Authority under subsection (7) of this section in respect of the suspension of a restriction relating to the building upon or use of land that restriction shall remain unenforceable in respect of such building or use notwithstanding any subsequent conveyance or disposition of the land to any other person:

Provided that if such compensation is paid on the basis that land may be used for a particular purpose the restriction shall after any subsequent conveyance or disposition of the land remain unenforceable only so long as the land is used for that purpose.

(9) If the Authority dispose of any land to which the restriction suspended under the powers of this section relates they shall in two successive weeks publish notice thereof in one or more local newspapers circulating in the locality in which the land is situated.

(10) Nothing in this section shall apply to any restriction for the protection of or for securing access to apparatus of any statutory undertakers contained in any deed, wayleave, agreement or other instrument.

Undertakings and agreements binding successive owners.

27.—(1) Every undertaking given by or to the Authority to or by the owner of a legal estate in land, and every agreement made between the Authority and any such owner being an undertaking or agreement—

(*a*) given or made under seal in connection with the land; and

(*b*) expressed to be given or made in pursuance of this section;

shall be binding, not only upon the Authority and any owner joining in the undertaking or agreement, but also upon the successors in title of any owner so joining and any person claiming through or under them.

(2) Such an undertaking or agreement shall be treated as a local land charge for the purposes of the Land Charges Act, 1925. 1925 c. 22.

(3) Any person upon whom such an undertaking or agreement is binding shall be entitled to require from the Authority a copy thereof.

Byelaws.

28.—(1) The Authority may, after consultation with the constituent councils, make byelaws for regulating or controlling the use of the park or any part thereof including byelaws for all or any of the following purposes:—

(*a*) preserving order and preventing and suppressing nuisances in the park;

(*b*) preventing damage to any land or property of the Authority situated within the park;

(*c*) prohibiting, restricting or regulating the use for any purpose specified in the byelaws of any land of the Authority or under their control situated within the park;

(*d*) regulating the conduct and securing the safety of persons resorting to the park;

(*e*) regulating the speed of vehicles on any road in the park not being a road within the meaning of the Road Traffic Act, 1960; 1960 c. 16.

(*f*) preventing or minimising the outbreak and spreading of fire on land of the Authority or under their control, including regulating or prohibiting the lighting of fires thereon;

(*g*) prohibiting the depositing of rubbish and the leaving of litter in any place (other than a place in the open air (including a place which under the Litter Act, 1958, is to be treated as such a place) to which the public are entitled or permitted to have access without payment); 1958 c. 34.

(*h*) regulating the use for navigational purposes of any waterway in the park which is under the control of the Authority, including (without prejudice to the generality of the foregoing) regulating the speed and manner of navigation of vessels, the admission of vessels to any such waterway and the keeping of vessels on or near to any such waterway.

(2) Byelaws made under this section may relate to the whole of the park or to any part thereof and may make different provisions for different parts thereof.

(3) Byelaws made under this section may contain provisions for imposing on persons offending against the byelaws reasonable

fines, recoverable on summary conviction not exceeding level 2 on the standard scale, and in the case of a continuing offence a further fine not exceeding five pounds for each day during which the offence continues after conviction therefor.

(4) Nothing in this section shall be taken to empower the Authority to make any byelaw prohibiting, restricting, or interfering with rights of navigation in any tidal waters within the park.

(5) The provisions of subsections (2) to (7) of section 250 and section 252 of the Act of 1933 (which relate to the procedure for making, and evidence of, byelaws) shall apply to byelaws made by the Authority under this section as if the Authority were a local authority within the meaning of the Act of 1933, and an officer duly authorised for the purposes of the certificate mentioned in the said section 252 were the clerk of the local authority.

(6) In relation to byelaws made under paragraphs (*e*) and (*h*) of subsection (1) of this section the confirming authority for the purposes of the said section 250 shall be the Minister of Transport and in relation to any other byelaws made under the said subsection shall be the Secretary of State.

(7) The Authority shall send a copy of every byelaw made by the Authority to each of the constituent councils, the Metropolitan Water Board and the Lee Valley Water Company.

Application of Litter Act, 1958, to Authority.
1958 c.34.

29. The Authority shall have power to institute proceedings for an offence under section 1 of the Litter Act, 1958 (which makes it an offence to leave litter in the open air), and for that purpose shall be deemed to be a body referred to in subsection (2) of that section.

For prevention of trespass and vandalism.

30.—(1) The Authority shall have regard to the need as far as reasonably practicable to prevent trespass on, interference with or damage to private land and for that purpose may enter into and carry into effect agreements or arrangements with the owner or occupier of any private land—

(*a*) for the prevention of trespass on or of interference with or damage to the private land to which the agreement or arrangement relates or property thereon by persons who have gained access thereto from any parkland; or

(*b*) for the collection and disposal of litter or rubbish thrown down or left on such private land by such persons.

(2) In this section—

" parkland " means any land in the park to which the public are entitled or permitted to have access; and " private land " means any land in the park or adjacent thereto to which the public are not entitled or permitted to have access.

Appointment of wardens or rangers.

31.—(1) The Authority shall from time to time appoint such number of officers as they shall think fit to act as wardens or rangers for the purpose of enforcing or securing compliance with any byelaws made under this Act.

(2) Any officer of the Authority so appointed, any constable or any person called to the assistance of such officer or constable may without other warrant than this Act arrest any person committing or having committed any offence against any such byelaw whose name or residence is unknown to and cannot be ascertained by such officer or constable:

Provided that any officer of the Authority acting under this section shall have with him a written authority from the Authority to act and shall produce the same if required.

Contracts of Authority.

32.—(1) The Authority may enter into contracts necessary for the discharge of any of their functions.

(2) All contracts made by the Authority or by a committee thereof shall be made in accordance with the standing orders of the Authority, and in the case of contracts for the supply of goods or materials or for the execution of works, the standing orders shall—

(*a*) require that, except as otherwise provided by or under the standing orders, notice of the intention of the Authority or committee, as the case may be, to enter into the contract shall be published and tenders invited; and

(*b*) regulate the manner in which such notice shall be published and tenders invited:

Provided that a person entering into a contract with the Authority shall not be bound to inquire whether the standing orders of the Authority which apply to the contract have been complied with, and all contracts entered into by the Authority, if otherwise valid, shall have full force and effect notwithstanding that the standing orders applicable thereto have not been complied with.

Provision of housing accommodation by Authority. 1957 c. 56.

33. The Authority shall be deemed to be a housing association within the meaning of the Housing Act, 1957, and accordingly arrangements may be made under section 120 of that Act (which enables a local authority to make arrangements with a housing association for the provision of housing) for the provision by the Authority of any housing accommodation which a local authority are empowered to provide under that Act and section 121

of that Act (which enables a local authority to make arrangements with a housing association for the improvement of housing) shall apply to the Authority as it applies to a housing association.

Acceptance of gifts.

34. The Authority may accept gifts from any company, body or person for or in connection with the exercise of any of their functions under this Act, including gifts of land.

35.

Removal of vehicles.

1960 c. 16.

36.—(1) If a vehicle is left on any land belonging to or under the control of the Authority elsewhere than on a road or in an off-street parking place provided under section 81 of the Road Traffic Act, 1960 (which authorises local authorities to provide parking places), the Authority may, with the consent of the occupier of the land on which the vehicle is left and after giving not less than seven days' notice to the owner of the vehicle, cause it to be removed:

Provided that, where the vehicle appears to the Authority to be abandoned—

(*a*) the Authority may cause it to be removed without the consent of the occupier of the land if they are unable after reasonable inquiry to ascertain his name and address; and

(*b*) the Authority may cause the vehicle to be removed without notice to the owner thereof if they are unable after reasonable inquiry to ascertain his name and address.

(2) The provisions of any regulations for the time being in force under section 43 of the Road Traffic Act, 1960 (which authorises the making of regulations for the removal of vehicles illegally, obstructively or dangerously parked, abandoned or broken down) about the method of removing vehicles and their loads and arrangements for the safe custody of vehicles and their loads shall apply to vehicles removed under this section.

1960 c. 63.

(3) Section 15 of the Road Traffic and Roads Improvement Act, 1960 (which authorises the making of charges for the removal and storing of vehicles) and any order for the time being in force under that section shall apply to a vehicle removed

under this section as if it had been removed from a road in pursuance of regulations under section 43 of the Road Traffic Act, 1960. 1960 c. 16.

(4) For the purpose of the said section 15 and any such order as applied by the last preceding subsection " the appropriate authority " means the Authority and any reference in regulations made under section 43 of the Road Traffic Act, 1960, to a charge to payment of which the Authority are entitled under the said section 15 shall be construed accordingly.

(5) If it appears to the Authority that a vehicle removed under this section has been abandoned, the Authority may sell or otherwise dispose of it subject to compliance with such regulations as are for the time being in force under section 43 of the Road Traffic Act, 1960, relating to the disposal of vehicles abandoned on roads; and the provisions of any regulations under that section relating to the proceeds of the sale of vehicles abandoned on roads and to the recoupment of costs incurred in connection with the disposal of such vehicles shall, with the necessary modifications, apply to the sale and disposal of vehicles under this subsection.

(6) In this section " owner " in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement means the person in possession of the vehicle under that agreement and " road " means a highway or other road to which the public has access and includes bridges over which the road passes.

Removal of vessels.

37.—(1) Whenever any vessel is sunk, stranded or abandoned in any waterway under the control of the Authority or without lawful authority left or moored therein, the Authority may after giving not less than three months' notice to the owner of the vessel, unless it is not practicable after reasonable inquiry to ascertain the name and address of the owner, raise and remove the vessel.

(2) The Authority may recover from the owner of any such vessel all expenses reasonably incurred by the Authority in respect of the raising, removal and storage thereof or in raising, removing or storing any furniture, tackle and apparel thereof or any goods, chattels and effects raised or removed therefrom.

(3) If any vessel to which subsection (1) of this section applies be not within six weeks of its removal by the Authority proved to the satisfaction of the Authority to belong to any claimant it shall together with any furniture, tackle, apparel, goods, chattels and effects thereupon vest in the Authority:

Provided that if within six months of its removal a claim is made to the vessel by a person who subsequently proves to the satisfaction of the Authority that he is the owner thereof then

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the Authority shall, if the vessel is unsold, permit the owner to retake it with any furniture, tackle, apparel, goods, chattels and effects thereupon upon payment of the expenses referred to in subsection (2) of this section or, if the vessel, furniture, tackle, apparel, goods, chattels and effects thereupon have been sold, the Authority shall pay to such owner the amount of the proceeds of such sale after deducting the said expenses, and in case such proceeds shall be insufficient to reimburse the Authority such expenses the deficiency may be recovered by the Authority as a simple contract debt.

(4) In this section—

" owner " in relation to any vessel sunk, stranded, abandoned, left or moored as aforesaid means the owner of the vessel at the time of the sinking, stranding, abandonment, leaving or mooring thereof; and

" vessel " includes any part of a vessel.

Special provision as to houseboats.

38.—(1) If at any time the Authority are satisfied that a houseboat moored in or placed upon any waterway under the control of the Authority is in such a condition as to be seriously injurious to the amenity of that part of the waterway in or upon which it is moored or placed, the Authority may by notice require the owner thereof within such time as may be specified in the notice to take such steps as may be necessary to abate the injury to amenity.

(2) (*a*) Any person aggrieved by a requirement of the Authority under this section may appeal to a magistrates' court.

1936 c. 49.

(*b*) Section 300 of the Public Health Act, 1936 (which relates to appeals to magistrates' courts), shall apply to an appeal to a magistrates' court under this section, and sections 301 and 302 of that Act shall apply accordingly.

(*c*) Until the time for appealing has expired, or when an appeal is lodged, until the appeal is disposed of or withdrawn or fails for want of prosecution, no proceedings shall be taken in respect of any failure to comply with any notice served under subsection (1) of this section nor shall the Authority themselves take action under the next following subsection.

(3) In the event of failure to comply with the requirements of a notice served under this section, or, in the case of an appeal, with the requirements of any order of the court, the Authority may themselves take all such steps as may be necessary to carry out such requirements.

(4) The reasonable expenses incurred by the Authority in carrying out such requirements shall be repaid to the Authority by the person in default and may be recovered either summarily as a civil debt or as a simple contract debt.

Agreements.

39.—(1) The Authority and any company, body or person may enter into and carry into effect agreements or arrangements for the exercise by such company, body or person, or by the Authority and such company, body or person jointly, of any of the functions of the Authority under this Act (except the power of making bye-laws, issuing a precept or of borrowing money) and with respect to any matters incidental thereto or consequential thereon, including agreement for the defraying of expenditure incurred in the exercise of any such functions or making of contributions by the Authority towards expenditure so incurred.

(2) For the purpose of or in connection with the exercise of any such functions by any such company, body or person as aforesaid, any such agreement or arrangement as is referred to in subsection (1) of this section may provide, upon and subject to such terms and conditions as may be contained in the agreement or arrangement, for the transfer or the leasing or letting by the Authority to any such company, body or person as aforesaid of, or the grant by the Authority to such company, body or person as aforesaid of a right to use, any land or property for the time being belonging to the Authority or any interest or right of the Authority in or over such land or property.

(3) The exercise by any such company, body or person, or by the Authority and any such company, body or person jointly, of any of the said functions shall be subject to the like provisions in relation thereto as would apply if those functions were exercised by the Authority and accordingly those provisions with any necessary modification shall apply to the exercise of such functions by such company, body or person, or by the Authority and such company, body or person jointly, as the case may be.

Power to promote and oppose legislation.

40.—(1) The Authority may promote or oppose Bills in Parliament, or may apply for or oppose applications for orders, byelaws, schemes or awards to be made under any Acts.

(2) A resolution to promote or oppose a Bill under this section shall not be effective unless passed by a majority of the whole number of the members of the Authority at a meeting thereof held after ten clear days' notice of the meeting and of the purpose thereof (which notice shall be in addition to any ordinary notice required to be given for the convening of a meeting of the Authority) has been given by advertisement in one or more local newspapers circulating in the park.

(3) In the case of the promotion of a Bill, a further meeting of the Authority shall be held as soon as may be after the expiration of fourteen days after the Bill has been deposited in Parliament, and, unless the propriety of the promotion is confirmed by a

majority of the whole number of the members of the Authority at that meeting, the Authority shall take all necessary steps to withdraw the Bill.

Not less than ten clear days before the date of a meeting to be held under this subsection, the like notice shall be given in relation thereto as is required to be given in relation to a meeting held under subsection (2) of this section.

"Local Bills promoted by a London borough council.

41. Section 87 of the Local Government Act 1985 shall apply to the Authority as if the reference in subsection (1) of that section to the council of another London borough were a reference to the Authority and references elsewhere in that section to, or which fall to be construed as references to, such a council shall be construed as references to the Authority.".

Annual reports.

42.—(1) The Authority shall, as soon as possible after the 31st March, 1968, and after the 31st March in each subsequent year, make to each constituent council and to the Minister a report on the discharge by them of their functions during the relevant period and the report shall include a copy of the abstract of accounts of the Authority relating to that period.

(2) In this section " the relevant period " means in relation to the first report the period commencing on the appointed day and ending on the 31st March, 1968, and in relation to any subsequent report the period of twelve months ending on 31st March in each year.

Payment of remuneration and allowances.

43.—(1) The Authority may pay to the chairman and vice-chairman such remuneration, whether by way of salary, or by way of fees, as the Authority may from time to time determine.

(2) The Authority shall be a body to which Part VI of the Local Government Act, 1948 (which makes provision for the payment of allowances to members of local authorities), applies. 1948 c. 26.

(3) For the purposes of this section, a person acting as a deputy for a member of the Authority shall when so acting be deemed to be a member of the Authority.

Powers of local and other authorities, etc.

44.—(1) It shall be lawful for any local authority, river authority, navigation authority, railway undertakers, statutory road passenger transport undertakers or public utility undertakers to enter into and carry into effect agreements or arrangements with the Authority for the accomplishment of the purposes of this Act and for those purposes to appropriate and use any land or property for the time being belonging to or held by them and such agreements or arrangements may include provision for the defraying of or making of contributions by the Authority towards expenditure incurred in connection therewith.

(2) In this section—

" local authority " means the common council, the council of any county, county borough, borough, county district, or parish and a parish meeting;

" navigation authority " means persons authorised by any enactment to work, maintain, conserve, improve or control any canal or other inland navigation or any navigable river;

" public utility undertakers " means persons authorised by any enactment to carry on any of the following undertakings, that is to say, an undertaking for the supply of electricity, gas, water or hydraulic power;

" railway undertakers " means persons authorised by any enactment to carry on a railway undertaking or a light railway undertaking;

" river authority " includes the catchment board;

" statutory road passenger transport undertakers " means persons authorised by any enactment to carry on an undertaking for the transport of passengers by road.

Common fund.

45.—(1) Except as otherwise expressly provided by this Act, all the receipts of the Authority shall be carried to a common fund and all expenses incurred by the Authority shall be defrayed out of that fund.

(2) The Authority shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them and those arrangements shall be carried out under the supervision of the treasurer of the Authority.

Power to borrow.

46.—(1) The Authority may with the consent of the Minister borrow such sums as may be required for all or any of the following purposes, that is to say:—

(*a*) the acquisition of land;

(*b*) the construction of works or buildings;

(*c*) the provision of vehicles, plant, machinery or equipment;

(*d*) the provision of working capital;

(*e*) the doing of any other thing the cost of which, in the opinion of the Minister, ought to be spread over a term of years;

(*f*) the lending of money or the making of contributions to any body, company or person for the purpose of assisting them to develop, improve, preserve or manage or procure or arrange for the development, improvement, preservation or management of any part of the park or to provide or secure the provision of facilities, equipment or services for use in the park, for any of the purposes of this Act.

(2) Moneys borrowed by the Authority under subsection (1) of this section shall be charged indifferently on all the revenues of the Authority and any securities created by the Authority shall rank equally without any priority.

1963 c. 46.

(3) Sections 196, 198 and 199, 203 to 206, section 207 (except subsection (5)) and sections 208 to 216 of the Act of 1933 and sections 7, 8 and 10 of, and Schedule 1 to, the Local Government (Financial Provisions) Act, 1963, so far as they are applicable to the borrowing of money under subsection (1) of this section, shall apply to any borrowing thereunder subject to any necessary modifications and in particular to the following modifications:—

(*a*) for references to a local authority there shall be substituted references to the Authority;

(*b*) for references to the clerk of a local authority there shall be substituted references to such officer as shall be appointed for the purpose by the Authority;

(*c*) for references to the county fund or the general rate fund there shall be substituted references to the common fund of the Authority;

(*d*) the expression "undertaking" shall be construed as including any facility provided by the Authority, the loan charges and running costs of which are expected taking one year with another to be met by an admission or other charge made in respect of that facility or, if the facility is operated by some other person, by the rent or other payments made by that person to the Authority.

(4) The modes by which the Authority may raise money which they are authorised to borrow shall include by means of an agreement with the Public Works Loan Commissioners under section 2 of the Public Works Loans Act, 1965. 1965 c. 63.

Consolidated loans fund. 1958 c. 55.

47. The provisions of section 55 of the Local Government Act, 1958 (which enables certain local authorities to establish consolidated loans funds), shall apply to the Authority as if they were the council of a county.

Precepts.

48.—(1) As soon as may be after the appointed day the Authority shall cause to be submitted to them an estimate of their income and expenditure during the period commencing on the appointed day and terminating on the 31st March, 1968, and before the 24th January preceding the financial year commencing on the 1st April, 1968, and every succeeding financial year thereafter shall cause to be submitted to them an estimate of their income and expenditure during the then succeeding financial year.

(2) Any estimate submitted under subsection (1) of this section may, if the Authority think fit, include as part of the estimated expenditure an amount to make provision for a reasonable working balance.

(3) The Authority shall send copies of the estimates submitted under the foregoing provisions of this section to the contributing councils as soon as may be in the case of the estimate in relation to the period commencing on the appointed day and terminating on the 31st March, 1968, and (subject to the provisions of subsection (7) of this section) in the case of any other estimate not later than the 31st January in the financial year in which it is prepared.

(4) Subject to the provisions of subsection (8) of this section the Authority may raise by way of ~~precept~~ levy on the county councils and by way of levy on the borough councils the sum estimated as aforesaid to be required by the Authority to meet expenditure for defraying which provision is not otherwise made.

amended by The levying bodies (general) Regulations 1992.

"(5) The sum which under this section the Authority may raise by way of precept or, as the case may be, levy on a contributing council shall—

(*a*) in the case of a county council be a sum which bears to the total sum to be raised by way of precept or levy as aforesaid ('the total sum') the same proportion as the estimated product of a penny rate for the area of the county in question bears to the total of such products for the areas of both counties and Greater London; and

the populations of their respective areas the sum remaining after deduction from the total sum of the sum raised by way of precept;

and the Authority shall, as soon as may be after the submission of the said estimates to the contributing councils, and in any case not later than the 15 February ~~1st March~~ in the financial year preceding that to which the precept or levy relates, issue precepts, or, as the case may be, levies to the contributing councils for the said respective sums.

(5A) For the purpose of apportioning the sum to be levied as provided in subsection (5) above the population of any area shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to such date as the Secretary of State may from time to time direct.";

(6) The respective amounts demanded from the contributing councils by precepts or, the case may be, levies issued to them under this section shall be paid by them respectively by equal monthly instalments payable, in the case of every month in the year other than December, on the 25th day in the month and, in the case of the month of December, on the 24th day of that month:

Provided that—

(*a*) if such 25th day is a Sunday, Good Friday or Bank Holiday or such 24th day is a Sunday the monthly instalment shall be paid on the working day next preceding such 25th or 24th day;

(*b*) where the Authority cause to be submitted to them an estimate of any deficiency in accordance with the next following subsection, such equal monthly instalments shall as respects the remaining part of that year be increased so as to secure the payment in that year of the further precepts which issue.

(7) Subject to the provisions of subsection (8) of this section, if at any time during a financial year it appears to the Authority that the aggregate amount for which they have issued precepts for that year will fall short of the aggregate amount required to be raised by precept by the Authority for that year, the Authority shall cause to be submitted to them an estimate of the amount of the deficiency; and the provisions of subsections (3) and (4) of this section shall have effect in relation to an amount estimated under this subsection as they have effect in relation to an amount estimated under subsection (1) of this section.

"(8) The amount to be raised by way of precept on a county council or, as the case may be, levy on the London councils shall not in any financial year exceed the product of a penny rate for the area of that county council or, as the case may be, of Greater London as a whole.

(9) Section 14 of the Rates Act 1984(a) (provision of information to ratepayers) shall apply to a levy issued by the Authority and to the Authority as it applies to a precept issued by an authority having power to issue precepts and to such an authority.".

Amended by Levying bodies (general) Regulations 1992

(10) As soon as practicable after the end of each financial year the Authority shall calculate the amount by which the amount demanded by any precept or, as the case may be, levy for that year issued under this section to a contributing council exceeds or falls short of the amount which would have fallen to be so demanded if the apportionments for the purposes of the sums to be raised by precept on the county councils under subsection (5) above had been made on the basis of the proportion that the amount of the actual product of a penny rate for the area of the county in question for that year bears to the total of such products for the areas of both counties and Greater London and any excess or deficiency shown by any calculation under this subsection shall be recoverable by or, as the case may be, from the contributing council concerned.

Amended by levying bodies (general) regulations 1992

(11) For the purposes of this section "product of a penny rate" means the product of a rate of one penny in the pound as estimated or calculated for the purpose of subsection (2) of section 9 of the Rating and Valuation Act, 1925. 1925 c. 90.

Capital fund.

49.—(1) Subject to the provisions of this section, the Authority may establish a fund to be known as "the capital fund" and to be used for defraying any expenditure of the Authority to which capital is properly applicable, or in providing money for repayment of loans (but not in making any annual payment required to be made in respect of loans).

(2) Subject to the provisions of this section, the Authority may pay into the capital fund—

(*a*) any sums derived from the sale of any property of the Authority; and

(*b*) such other sums as the Authority may by resolution direct;

and shall pay into the capital fund a sum equal to the amount of any income from the capital fund which is carried to the common fund of the Authority under subsection (1) of section 52 (Investment of moneys in capital and renewal and repairs funds) of this Act.

(3) The aggregate amount paid by the Authority into the capital fund under paragraph (*b*) of subsection (2) of this section shall not, except with the consent of the Minister, exceed in any financial year three per centum of the sums in respect of which precepts, or as the case may be, levies have been issued by the Authority for that financial year

under section 48 (Precepts) of this Act and no payment shall be made by the Authority into the capital fund so as to make that fund exceed such sum as the Minister may from time to time determine.

(4) In the case of an application of moneys in the capital fund, the amount to be applied shall not in any one transaction exceed such sum as the Minister may from time to time determine.

(5) All moneys derived from the sale of land which are applied from the capital fund shall, and all other moneys applied from the fund may, if the Authority think fit, be repaid from the account to which those moneys are advanced by such annual instalments (with or without interest) and within such period as the Authority may determine.

Renewal and repairs fund.

50.—(1) Subject to the provisions of this section, the Authority may establish a fund to be known as " the renewal and repairs fund " and to be used for defraying expenditure to be incurred from time to time in repairing, maintaining, replacing and renewing any buildings, works, plant, equipment or articles belonging to the Authority.

(2) Subject to the provisions of this section the Authority may from time to time pay into the renewal and repairs fund such sums from the common fund as they think fit, and shall so pay a sum equal to the amount of any income arising from the renewal and repairs fund which is carried to the common fund under subsection (1) of section 52 (Investment of moneys in capital and renewal and repairs funds) of this Act.

(3) No payment shall be made by the Authority into the renewal and repairs fund so as to make the renewal and repairs fund exceed such sum as the Minister may from time to time determine.

Insurance fund.

51.—(1) The Authority may establish a fund to be called " the insurance fund " with a view to providing a sum of money which shall be available for making good all such losses, damages, costs and expenses as may from time to time arise in respect of such risks as may be specified in a resolution of the Authority (in this section referred to as " the specified risks ").

(2) The establishment of an insurance fund under this section shall not prevent the Authority from insuring in one or more insurance offices against the whole, or any part, of all, or any of, the specified risks.

(3) In each year after the establishment of the insurance fund, the Authority shall pay into that fund either—

(*a*) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the Authority fully insured in some insurance office of good repute against the specified risks; or

(*b*) if the Authority insure in some insurance office against the whole, or part, of all, or any of, the specified risks, such sum as will, together with the premiums paid for the last-mentioned insurance, be not less than the aggregate amount aforesaid.

(4) When the insurance fund shall amount to the prescribed amount the Authority may, if they think fit, discontinue the yearly payments to the fund, but if the fund is at any time reduced below the prescribed amount, the Authority shall recommence and continue the yearly payments to that fund in accordance with subsection (3) of this section, until the fund be restored to the prescribed amount.

(5) The Authority shall provide the yearly payments aforesaid by contributions from the common fund.

(6) (*a*) Except so far as the insurance fund, and the proceeds of sale of securities in which that fund is invested, may be required to meet losses, damages, costs and expenses in respect of the specified risks, all moneys for the time being standing in the credit of the fund shall (unless applied in any other manner authorised by any enactment) be invested in accordance with the provisions of section 52 (Investment of moneys in capital and renewal and repairs funds) of this Act.

(*b*) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section, the Authority shall in every year, so long as the fund is less than the prescribed amount, carry to the credit of that fund out of the common fund an amount equal to the interest and other annual proceeds carried to the common fund in pursuance of paragraph (*a*) of this subsection.

(7) (*a*) The insurance fund shall be applied to meet any losses, damages, costs or expenses sustained by the Authority in respect of the specified risks in the order of the dates on which such losses, damages, costs or expenses become ascertained, and if at any time, and from time to time, the insurance fund shall be insufficient to make good any such losses, damages, costs or expenses, the Authority may, with the sanction of the Minister, borrow at interest such sums of money as will be necessary to make up the deficiency.

(*b*) The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed, and the amounts of any such deficiencies as aforesaid not made up by borrowing, shall be paid out of the common fund.

(8) In this section the following expressions have the following meanings:—

" insurance office" means—

(i) an insurance company; or

(ii) an underwriter being a member of an association of underwriters;

" prescribed amount " means such sum (not being in any year less than ten times the sum payable to the insurance fund in that year pursuant to subsection (3) of this section) as may from time to time be prescribed by the Authority.

nvestment of moneys in capital and enewal and epairs funds.

52.—(1) Pending the application of the capital fund or the renewal and repairs fund for the purpose for which those funds were respectively established, the moneys in those funds respectively shall (unless applied in any other manner authorised by any enactment) be invested in accordance with the following provisions of this section.

1961 c. 62.

(2) Sections 1, 2, 5, 6, 12 and 13 of the Trustee Investments Act, 1961 (which relate to the investment powers of trustees), shall have effect in relation to any such moneys, and in relation to any investments or other property for the time being representing any such moneys, as if they constituted a trust fund and the Authority were the trustees of that trust fund; and section 7 (2) of that Act shall have effect in relation to sections 1, 2, 5 and 6 of that Act as applied by this subsection as it has effect in relation to those sections as applied by section 7 (1) of that Act.

(3) The Authority shall be included among the authorities to which section 11 of that Act applies.

(4) Any income arising from any such moneys, investments or property as are mentioned in subsection (2) of this section shall be carried to the common fund of the Authority.

s per- nuation. .937 c. 68.

53.—(1) As from the appointed day the Authority shall be included among the local authorities specified in Part I of Schedule 1 to the Local Government Superannuation Act, 1937.

(2) Notwithstanding anything in section 4 of the Local Government Superannuation Act, 1937 (which specifies the appropriate superannuation fund to which contributions are to be made), the

appropriate superannuation fund in relation to all contributory employees of the Authority shall be the fund maintained by the Greater London Council.

(3) Where a transferred employee leaves the employment to which he was transferred under the Act of 1963 in order to enter the employment of the Authority and enters that employment before 1st November 1967 the provisions of Articles 21 and 23 of the London Authorities (Superannuation) Order 1965 shall apply in relation to that person as if his entry into that employment were for the purposes of the said articles a transfer under the Act of 1963 of a transferred employee.

(4) In this section the expressions " contributory employee " and " the appropriate superannuation fund " have the respective meanings assigned to them in the Local Government Superannuation Acts, 1937 to 1953, and the expression " transferred employee " has the meaning assigned to that expression by the said Order of 1965.

Contributions and loans by local authorities.

54.—(1) A local authority may defray or contribute towards, or undertake to defray or contribute towards, expenditure incurred or to be incurred by the Authority for the purposes of this Act.

(2) (*a*) A local authority may lend to the Authority and the Authority may borrow from the local authority such money as the local authority think fit to lend and as the Authority are authorised to borrow for the purpose for which such money is proposed to be borrowed and any money so lent shall be repaid to the local authority by the Authority within the period prescribed by the sanctioning authority or otherwise for the repayment thereof.

(*b*) Any agreement under this subsection may be made by resolutions passed respectively by the local authority and by the Authority.

(*c*) A local authority may borrow such sums as may be required for the purpose of lending money to the Authority under this subsection and the provisions of Part IX of the Act of 1933 shall extend to money borrowed by a local authority under this subsection as if it were borrowed under the said Part IX:

Provided that the consent of the sanctioning authority shall not be required.

(*d*) Every sum borrowed by a local authority under this subsection shall be repaid within the period to expire not more than one year after that for which the same was lent by them to the Authority.

(*e*) A local authority shall be entitled to charge such rate of interest in respect of any particular loan under this subsection as may be agreed between the local authority and the Authority.

(3) In this section the expression " local authority " means the common council and the council of a county, county borough, borough or county district.

Inspection and audit of accounts.

55.—(1) The accounts of the Authority shall at all reasonable times be open to inspection and transcription without payment by any member of a constituent council or by any officer of a constituent council authorised by that council for that purpose.

(2) The accounts of the Authority shall be subject to audit by a district auditor and the provisions of Part X of the Act of 1933 (which relates to accounts and audit) (other than those of sections 237 to 240, and 242) shall with any necessary modifications apply in relation thereto:

Provided that the following subsection shall be substituted for subsection (1) of section 226 of the Act of 1933:—

" (1) A local government elector for the area of any of the constituent councils may be present or be represented at the audit and may make any objection to the accounts before the auditor."

(3) A copy of the abstract of accounts of the Authority and of any report to the Authority made by any auditor shall be sent by the Authority to each constituent council as soon as may be after the completion of the audit.

Disposal of completed development, etc.

56.—(1) If after the completion of the development of any part of the park for any of the purposes of this Act, it is in the opinion of the Authority unnecessary for securing the accomplishment of the purposes of this Act that the land comprised in such development should be retained by the Authority, the Authority by agreement with any constituent council, within whose area the land comprised in any such development, or any part of that land is situate, may sell, transfer or otherwise dispose of that land to that council.

(2) The payment of any sums payable by a constituent council for the purposes of an agreement under this section shall be a purpose for which that council may borrow money.

Application of section 283 of Public Health Act, 1936.

1936 c. 49.

57. Section 283 of the Public Health Act, 1936 (which requires all notices, etc., to be in writing and authorises the Minister to prescribe the form of any such notice, etc.), shall apply to the Authority as if the Authority were a council and as if references in that section to the said Act of 1936 were references to this Act.

Service of notices by Authority.

58.—(1) Any document to which this section applies, being a document required or authorised to be served on any person, shall be deemed to be duly served—

(*a*) where the person to be served is a company, if the document is addressed to the secretary of the company

at their registered office or at their principal office or place of business, and is either—

(i) sent by post; or

(ii) delivered at the registered office, or at the principal office or place of business, of the company;

(*b*) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(i) sent by post; or

(ii) delivered at the said place of business;

(*c*) where the person to be served is a public body, or a corporation, society or other body, if the document is addressed to the clerk, secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

(i) sent by post; or

(ii) delivered at that office;

(*d*) in any other case, if the document is addressed to the person to be served, and is either sent to him by post or delivered at his residence or place of business.

(2) Any document to which this section applies, being a document required or authorised to be served on the owner or occupier of any premises, may be addressed "the owner" or "the occupier", as the case may be, of those premises (naming them) without further name or description, and shall be deemed to be duly served—

(*a*) if the document so addressed is sent or delivered in accordance with paragraph (*d*) of subsection (1) of this section; or

(*b*) if the document so addressed, or a copy thereof so addressed, is delivered to some person on the premises or, where there is no person on the premises to whom it can be delivered, is affixed to some conspicuous part of the premises.

(3) Where a document to which this section applies is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

(4) (*a*) For the purpose of enabling the Authority to serve any document or make any order which by any of the provisions of this Act they are authorised or required to serve or make, the Authority may by notice require the occupier of any premises and any person who, either directly or indirectly, receives rent

in respect of any premises, to state in writing the nature of his interest therein, and the name and address of any other person known to him as having an interest therein, whether as a freeholder, mortgagee, lessee or otherwise.

(*b*) Any person who, having been required in pursuance of this subsection to give any information, wilfully refuses or neglects to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

(5) This section applies to any notice, order or other document which is required or authorised by any enactment to be served by or on behalf of the Authority, or by an officer of the Authority, not being a document to the service of which the provisions of some enactment other than this section are applicable.

(6) For the purposes of this section, a notice, order or other document shall be deemed to be a notice, order or other document which is required or authorised to be served on a person if it is required or authorised to be notified, given or transmitted, or (in the case of a demand) if it is required or authorised to be made to that person, and in this section the expressions " served " and " service " shall be construed accordingly.

Authentication of documents.

59.—(1) Any notice, order or other document which the authority are authorised or required by or under any enactment (including any enactment in this Act) to give, make or issue may be signed on behalf of the Authority by any officer of the Authority authorised by the Authority in writing to sign documents of the particular kind or the particular document, as the case may be.

(2) Any document purporting to bear the signature of an officer of the Authority stated therein to be duly authorised by the Authority to sign such a document or the particular document, as the case may be, shall be deemed, until the contrary is proved, to have been duly given, made or issued by the authority of the Authority.

In this subsection the word " signature " includes a facsimile of a signature by whatever process reproduced.

(3) Where any enactment makes, in relation to any document or class of documents, provision with respect to the matters dealt with by one of the two foregoing subsections, that subsection shall not apply in relation to that document or class of documents.

Local inquiries.

60.—(1) Any Minister of the Crown may cause such local inquiries to be held as he may consider necessary for the purpose of any of his functions under this Act.

(2) Subsections (2) to (5) of section 290 of the Act of 1933 shall apply in relation to any such inquiry ; and for that purpose the definition of " department " in subsection (8) of that section shall include any Minister of the Crown having functions under this Act as well as the Ministers therein mentioned.

(3) In this section " Minister of the Crown " has the same meaning as in the Ministers of the Crown (Transfer of Functions) Act, 1946. 1946 c. 31.

For prevention of pollution.

61.—(1) In the exercise of their functions under this Act the Authority shall have regard to the need to avoid the pollution of any protected source of supply and without prejudice to the generality of the foregoing an operator shall, in any case where the doing of any act will or is likely to lead to the pollution of any protected source of supply, comply with such reasonable requirements of the water undertakers as may be necessary to secure that no such pollution takes place.

(2) (*a*) Nothing in this section shall prejudice or affect—

(i) any duties or liabilities imposed or rights conferred on the operator by or under any enactment relating to the prevention of pollution; or

(ii) in relation to such duties and liabilities the powers of enforcement conferred by any such enactment.

(*b*) In the event of there being any conflict or inconsistency between any requirement imposed under subsection (1) of this section and the fulfilment of any duty or liability imposed by or under any such enactment, the latter shall prevail.

(3) In this section—

" operator " means the Authority or where the Authority have entered into an agreement or arrangement with a company, body or person for the exercise by such company, body or person of any of their functions, the company, body or person concerned;

" protected source of supply " means any water—

(*a*) which, in the case of surface water, belongs to the water undertakers or which they are for the time being authorised to take; or

(*b*) which, in the case of underground water, the water undertakers are for the time being authorised to take;

" water undertakers " means in relation to any protected source of supply, the statutory water undertakers (as defined in the Water Act, 1945) to whom such source belongs or who are authorised to take water therefrom (as the case may be). 1945 c. 42.

For protection of Conservators of Epping Forest.

62.—(1) Nothing in this Act shall authorise the Authority to acquire any interest in or over the lands regulated and managed by the conservators under the Epping Forest Acts except by agreement with the conservators or to exercise in relation to those lands any powers conferred by the provisions of Part I of the Act of 1965 as applied by subsection (3) of section 3 (Incorporation of Acts) of this Act.

(2) In this section—

"the conservators" means the Conservators of Epping Forest under the Epping Forest Acts;

1878 c. ccxiii.
1880 c. cxxx.
1956 c. l.
1959 c. xlix.

"the Epping Forest Acts" means the Epping Forest Act, 1878, the Epping Forest Act, 1880, section 10 of the City of London (Various Powers) Act, 1956, and section 17 of the City of London (Various Powers) Act, 1959.

For protection of owners of Stanstead Bury.

63. For the protection of the owners of the protected property the following provisions shall, unless otherwise agreed in writing between the said owners and the Authority, apply and have effect:—

(1) Notwithstanding anything in subsection (2) of section 15 (Powers to acquire land) or in section 16 (Acquisition of new interests or rights over land) of this Act, the powers conferred on the Authority by those provisions shall not be exercisable—

(*a*) in respect of so much of the protected property as comprises the mansion house known as Stanstead Bury so long as it is occupied for private residential use;

(*b*) in respect of any land for the time being within the curtilage of the said mansion house so long as it is used for a purpose incidental to the enjoyment of the mansion house for private residential use; and

(*c*) in respect of any other land comprised in the protected property so long as that land is used for the purposes of agriculture:

(2) For the purposes of the last foregoing subsection land comprised in the protected property shall be deemed to be used for the purposes of agriculture during any period in which gravel working operations are being carried out on the land in accordance with the terms of the planning permission granted for such user, and after the completion of those operations during such further period as it is reasonable to allow for the restoration of the land for use for purposes of agriculture:

(3) The Authority shall raise no objection whatsoever to any proposal by the owners of the protected property for the restoration for use for purposes of agriculture of any

land forming part of the protected property which has been or is being used or is intended to be used for gravel working operations:

(4) (*a*) The owners of the protected property shall not accept any offer for the purchase of any land comprised in so much of the protected property as is within the park by any person (other than the Authority) unless the land has previously been offered to the Authority in accordance with the provisions of the next following paragraph:

Provided that this subsection shall not apply to any sale or offer for the purchase of the whole of the protected property;

(*b*) If at any time the owners of the protected property intend to sell their estate and interest in any such land as is referred to in the last preceding paragraph they shall before offering it for sale give notice in writing to the Authority of their intention to sell and, if within six weeks of the receipt of such notice by the Authority an offer to purchase is received from the Authority, the owners shall enter into negotiations with the Authority with a view to reaching agreement on the terms of purchase:

Provided that if within the said period of six weeks no offer to purchase is received from the Authority or if such an offer is received but within that period or any such longer period, as may be agreed, the negotiations do not result in terms of purchase being agreed, the owners of the protected property shall be free to accept an offer from any other person to purchase the land in respect of which the notice was given;

(*c*) The foregoing provisions of this subsection shall have effect notwithstanding any enactment or rule of law to the contrary;

(*d*) In this subsection " sell " includes leasing for a term of not less than twenty-one years and " purchase " shall be construed accordingly:

(5) (*a*) In this section—

" agriculture " has the meaning assigned to that word by the Act of 1962;

" gravel working operations " means the winning, working, removal and carrying away of sand, gravel and other material;

" owner " has the meaning assigned to that word by subsection (7) of section 16 of the Act of 1962;

" the owners of the protected property " means the executors of the will of the late Sir William Gosselin Trower or other the owner or owners for the time being of the protected property;

" the protected property " means the whole of the property known as Stanstead Bury in the rural district of Ware in the county of Hertfordshire, which for the purposes of identification is shown coloured pink on the plan signed in duplicate by Sir Harry Legge-Bourke, the Chairman of the Committee of the House of Commons, to which the Bill for this Act was referred;

(*b*) References in this section to the use of land for the purposes of agriculture shall be construed as including references to the use of the land for forestry (including afforestation).

For protection of Postmaster General.

64. For the protection of the Postmaster General the following provisions shall, unless otherwise agreed between the Postmaster General and the Authority, apply and have effect:—

(1) If in the exercise or intended exercise or in consequence of the exercise or intended exercise of the powers conferred by this Act the Authority or any company, body or person with whom the Authority has entered into an agreement or arrangement under the provisions of section 12 (General duty of Authority) or section 13 (Ancillary powers of Authority) of this Act require an alteration either temporarily or permanently in any telegraphic line belonging to or used by the Postmaster General the provisions of paragraphs (1) to (8) of section 7 of the Telegraph Act, 1878, shall apply with respect to such alteration as though the Authority, company, body or person (as the case may be) requiring the alteration were " undertakers " within the meaning of the Telegraph Act, 1878:

1878 c. 76.

(2) If in consequence of the exercise or intended exercise by the Authority or any company, body or person with whom the Authority has entered into an agreement or arrangement under the provisions of section 12 (General duty of Authority) or section 13 (Ancillary powers of Authority) of this Act of any of the powers conferred by this Act the Postmaster General considers it necessary or expedient that an alteration should be made in any telegraphic line belonging to or used by him the Postmaster General may himself make such alteration in such telegraphic line as he deems necessary or expedient and the Authority shall pay to the Postmaster

General all the expenses incurred by him in respect of such alteration and the amount of any loss or damage sustained by him in consequence thereof:

Provided that—

(*a*) before making such alteration the Postmaster General shall give a notice to the Authority containing particulars of the telegraphic line to be altered and of the nature of the alteration he intends to make;

(*b*) the Authority may within fourteen days of the receipt of the notice give to the Postmaster General a notice objecting to the alteration on the ground that it is unnecessary or unreasonable and thereupon a difference shall be deemed to have arisen and section 4 of the Telegraph Act, 1878, shall apply accordingly 1878 c. 76.
and the tribunal by which the difference is determined may make such order as it thinks just as to the alteration (if any) to be made in the telegraphic line and as to the manner in which the proposed work of the Authority or such company, body or person is to be carried out:

(3) Where an order under subsection (1) of section 25 (Extinguishment of rights of way, easements, etc.) of this Act extinguishing a public right of way is made by the Authority and at the time of the making of the order there was under, in, on, over, along or across the land over which the public right of way subsisted a telegraphic line belonging to or used by the Postmaster General—

(*a*) the power of the Postmaster General to remove the line shall notwithstanding the making of the order be exercisable at any time not later than the end of the period of three months from the date of the sending of the notice by the Authority referred to in the next following subsection and shall be exercisable in respect of the whole or any part of the line after the end of that period if before the end of that period the Postmaster General has given notice to the Authority of his intention to remove the line or that part thereof as the case may be;

(*b*) the Postmaster General may by notice given in that behalf to the Authority not later than the end of the said period of three months abandon the telegraphic line or any part thereof;

(*c*) subject to the last preceding paragraph the Postmaster General shall be deemed at the end of the said period of three months to have abandoned any part of the line which he had then neither removed nor given notice of his intention to remove;

(*d*) the Postmaster General shall be entitled to recover from the Authority the expense reasonably incurred in providing in substitution for the line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the line a telegraphic line in such other place as the Postmaster General may require;

(*e*) if the Postmaster General gives notice under paragraph (*a*) of this subsection of his intention to remove the line or any part thereof and within the period of six months from the date of giving such notice he has not removed the line or that part the Postmaster General shall be deemed to have abandoned the line or that part;

(*f*) where under the preceding provisions of this subsection the Postmaster General has abandoned the whole or any part of a telegraphic line it shall vest in the Authority and the provisions of the Telegraph Acts, 1863 to 1962, shall not apply in relation to the line or that part thereof with respect to anything done or omitted after the abandonment thereof:

(4) As soon as practicable after a public right of way is extinguished in pursuance of an order under subsection (1) of section 25 of this Act the Authority shall send by post to the Postmaster General a notice informing him of such extinction:

(5) Nothing in subsection (3) of section 25 shall alter, prejudice or affect the rights and powers of the Postmaster General under the provisions of the Telegraph Acts, 1863 to 1962, or otherwise and the said subsection shall not apply to any telegraphic line belonging to or used by the Postmaster General:

(6) (*a*) Any electrical works or apparatus constructed, laid or erected under this Act shall be so constructed, laid or erected and so maintained and used as to prevent interference with any telegraphic line belonging to or used by the Postmaster General or with telegraphic communication by means of any such line;

(*b*) In the event of any railways (including elevated cable railways and mono-railways), tramways, trolley vehicles or other means of locomotion constructed, maintained or operated under this Act being worked by electricity the following provision shall have effect:—

Before any electric line is laid down or any act or work for working the railways, tramways, trolley vehicles or other means of locomotion by electricity is

done within 10 yards of any part of a telegraphic line of the Postmaster General (other than repairs) the Authority or the company, body or person proposing to do the work not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of any wire and the Authority and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Postmaster General from being injuriously affected by the said act or work:

(7) In this section—

(*a*) the expressions "telegraphic line", "alteration" and "alter" have the same meaning as in the Telegraph Act, 1878; 1878 c. 76.

(*b*) the reference to section 4 of the Telegraph Act, 1878, is a reference to that section as substituted by section 2 of the Railway and Canal Commission (Abolition) Act, 1949: 1949 c. 11.

(8) Any dispute or difference which may arise between the Postmaster General and the Authority under this section shall except as otherwise provided be referred to and determined by arbitration.

For protection of sewers of Greater London Council.

65. For the protection of the sewers of the Council the following provisions shall, unless otherwise agreed in writing between the Authority and the Council, apply and have effect:—

(1) The Authority shall not commence any specified work until they shall have given to the Council twenty-eight days' previous notice in writing of their intention to commence the same by leaving such notice at the principal office of the Council with plans as described in paragraph (2) of this section (in this section referred to as "the said plans") and until the Council shall have signified their approval of the said plans:

Provided that if, within twenty-eight days after the submission of the said plans, the Council have not approved or disapproved them, they shall be deemed to have approved the said plans:

(2) The plans to be submitted to the Council for the purposes of this section shall be detailed plans, drawings, sections and specifications which shall describe the exact position and manner in which, and the level at which, any

specified work is proposed to be constructed and shall accurately describe the position of all sewers of the Council within 50 feet, measured in any direction, of any part of the specified work (for which purpose the Council shall allow the Authority access to plans in their possession in order to enable the Authority to obtain reliable information) and shall comprise detailed drawings of every alteration which the Authority may wish to make in any sewer:

(3) Except as may be otherwise required by the Council under subsection (7) or subsection (9) of this section the Authority shall not (except with the consent of the Council) construct a specified work otherwise than in accordance with the said plans and the Authority shall comply with and conform to all reasonable orders, directions and regulations of the Council in the execution of any specified work and shall provide new, altered or substituted works in such manner as the Council shall reasonably require for the proper protection of, and for preventing injury or impediment to, any sewer by reason of any specified work and shall indemnify the Council against all expenses to be occasioned thereby:

(4) All such new, altered or substituted works shall, where so required by the Council, be done by or under the direction, superintendence and control of an officer of the Council duly appointed for the purpose at the costs, charges and expenses in all respects of the Authority and all costs, charges and expenses to which the Council may be put by reason of such works, whether in the execution thereof, or in the preparation or examination of plans or designs, or in such direction, superintendence or control as aforesaid, or otherwise, shall be paid to the Council by the Authority on demand:

(5) When any such new, altered or substituted works shall be completed by or at the costs, charges and expenses of the Authority under the provisions of this section the same shall thereafter be as fully and completely under the direction, jurisdiction and control of the Council as any sewer or work now or hereafter may be:

(6) Nothing in this Act shall extend to prejudice, diminish, alter or take away any of the rights, powers or authorities vested or to be vested in the Council in relation to any sewer but all such rights, powers and authorities shall be as valid and effectual as if this Act had not been passed:

(7) The Council may require the Authority in constructing any specified work to make any reasonable deviation from the line or levels shown upon the said plans for the purpose of avoiding injury or risk of injury to any sewer of the Council and the Authority shall in constructing such works deviate accordingly:

(8) It shall not be lawful for the Authority in the exercise of the powers of this Act to make any trial borings so as to interfere with any sewer of the Council:

(9) The Council may require such modifications to be made in the said plans as may be reasonably necessary to secure the Greater London sewerage system against interference or risk of damage and to provide and secure proper and convenient means of access to any sewer:

(10) The Authority shall be liable to make good, or, if the Council so decide, to bear any expense incurred by the Council in making good, all injury or damage to any sewer, drain or work vested in the Council caused by or resulting from the construction of or failure to maintain any specified work other than any injury or damage attributable to negligence on the part of the Council or of any person in their employ or of their contractors or agents and the Council shall from time to time have power to recover any expense so incurred by them from the Authority in any court of competent jurisdiction:

(11) If the Authority in the construction of any specified work or any new, altered or substituted works provided in accordance with this section alter, damage or in any way interfere with any sewer of the Council the Authority shall—

(*a*) from time to time pay to the Council any additional expense to which the Council may be put in the maintenance, management or renewal of any new, altered or substituted sewer which may be necessary in consequence of the said construction; and

(*b*) give to the Council full, free and uninterrupted access at all times to any such new, altered or substituted sewer and every reasonable facility for the inspection, maintenance, alteration and repair thereof:

(12) It shall be lawful for an officer of the Council duly appointed for the purpose at any reasonable time to enter upon and inspect any specified work or any other work constructed under the powers of this section:

(13) The approval by the Council of any plans or the superintendence by them of any work under the provisions of this section shall not exonerate the Authority from any liability or affect any claim for damages under this section or otherwise:

(14) In this section—

" any specified work " means any part of any work which will or may be situated over or within 50 feet measured in any other direction of any sewer of the Council;

" the Council " means the Greater London Council;

" sewer " includes any manholes, ventilating shafts, pumps or other accessories belonging to a sewer.

For protection of Harlow and Stevenage Development Corporations.

66.—(1) The provisions of section 65 (For protection of sewers of Greater London Council) of this Act shall apply for the protection of the Development Corporations and for the purposes of such application—

(*a*) references to the Council shall be construed as references to the Development Corporation;

(*b*) references to a sewer of the Council or to the Greater London sewerage system shall be construed as references to a protected sewer; and

(*c*) the following subsection shall be inserted after subsection (13):—

" (13A) Any difference which may arise between the Authority and the Development Corporation under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration:".

(2) In this section and in the said section 65 as applied by this section—

" Development Corporation " means the Harlow Development Corporation or the Stevenage Development Corporation and in relation to any protected sewer means the Development Corporation in whom the sewer is vested;

" protected sewer " means in relation to—

(*a*) the Harlow Development Corporation, the Eastern Outfall sewer from Harlow to the Rye Meads Sewage Purification Works; and

(*b*) the Stevenage Development Corporation, the North-Western Outfall sewer from Stevenage to the said purification works.

67. For the protection of the undertakers the following provisions shall unless otherwise agreed in writing between the Authority and the undertakers concerned apply and have effect:— For protection of certain statutory undertakers.

(1) In this section unless the subject or context otherwise requires—

" alternative apparatus " means alternative apparatus adequate to enable the undertakers to fulfil their statutory functions in a manner not less efficient than previously;

" apparatus " means—

(*a*) mains, pipes, valves, siphons, stopcocks, pillars or other apparatus belonging to or maintained by the Eastern Gas Board or the North Thames Gas Board;

(*b*) electric lines and works (as respectively defined in the Electric Lighting Act, 1882) belonging to or maintained by the Central Electricity Generating Board, the Eastern Electricity Board or the London Electricity Board; 1882 c. 56.

(*c*) mains, pipes, valves, hydrants, stopcocks or ancillary works or apparatus belonging to, or maintained by, the Lee Valley Water Company or the Metropolitan Water Board;

and includes any building, structure or works constructed for the lodging therein of apparatus;

" specified work " has the meaning assigned to that expression by paragraph (3) of this section;

" in " in a context referring to apparatus or alternative apparatus includes under, over, across, along or upon;

" plans " includes sections and a description of the work;

" position " includes depth;

" the undertakers " means—

the Eastern Gas Board;
the North Thames Gas Board;
the Central Electricity Generating Board;
the Eastern Electricity Board;
the London Electricity Board;
the Lee Valley Water Company; and
the Metropolitan Water Board;

or any of them, and in relation to any apparatus means the undertakers by whom the apparatus is maintained:

(2) Notwithstanding anything in this Act or shown on the deposited plan the Authority shall not under the powers of this Act acquire, otherwise than by agreement, any apparatus of the undertakers unless and until that apparatus has been replaced by alternative apparatus or has been abandoned or is deemed to have been abandoned or has become derelict, useless or otherwise unnecessary:

(3) (*a*) Except as may be otherwise agreed between the Authority and the undertakers, the Authority shall before carrying out under the powers of this Act any work (other than a work which by its nature or by reason of its position will not interfere with, damage or endanger any apparatus) give to the undertakers not less than two months' notice in writing of their intention to carry out the work together with a statement of the nature and mode of execution of the work and (if so required within fourteen days of the receipt of such notice) such further particulars of the work as the undertakers may reasonably require for the purposes of this paragraph;

(*b*) The undertakers shall, within one month from the receipt of the notice referred to in sub-paragraph (*a*) of this paragraph or the receipt of such further particulars as are mentioned in that sub-paragraph, whichever is the later, by counter-notice in writing to the Authority—

(i) so far as is practicable give to the Authority full particulars of any apparatus in the land, in, under or over which the work will be executed; and

(ii) specify the apparatus, if any, which will or may be interfered with, damaged or endangered by the execution of the work; and

(iii) specify in relation to which of any apparatus mentioned in the foregoing head (ii) plans of the work to be executed are to be submitted under paragraph (10) of this section;

(*c*) Any work in respect of which a counter-notice specifies under head (iii) of sub-paragraph (*b*) of this paragraph the apparatus in relation to which plans are to be submitted as aforesaid shall, so long as the apparatus specified in relation thereto has not been removed or abandoned or required to be removed or is deemed to have been abandoned, be a specified work for the purposes of this section:

(4) (*a*) The Authority may, if it is reasonably necessary for the purposes of the exercise of any of their powers under this Act, require the undertakers to remove any

apparatus. If the Authority require the undertakers to remove any apparatus they shall give to the undertakers written notice of such requirement;

(*b*) If the Authority require the undertakers to remove any apparatus or if in consequence of the exercise by the Authority of any of their powers under this Act, the undertakers shall reasonably require to remove any apparatus and, if in either case, it is reasonably necessary to provide alternative apparatus in lieu of the apparatus to be removed, the Authority shall, if reasonably practicable, afford to the undertakers the necessary facilities and rights to construct in other lands of the Authority alternative apparatus and thereafter for the maintenance, repair, renewal and inspection of such apparatus:

Provided that if the alternative apparatus or any part thereof is to be constructed elsewhere than in other lands of the Authority and the Authority are unable to afford such facilities and rights as aforesaid in the lands in which the alternative apparatus or such part thereof is to be constructed, the undertakers shall, on receipt of a written notice to that effect from the Authority, forthwith use their best endeavours to obtain the necessary facilities and rights in such last-mentioned lands:

(5) (*a*) Any alternative apparatus to be constructed in lands of the Authority in pursuance of paragraph (4) of this section shall be constructed in such manner and in such line and position as may be agreed between the undertakers and the Authority or in default of agreement settled by arbitration;

(*b*) The undertakers shall, after the manner of construction and the line and position of the alternative apparatus to be constructed shall have been agreed or settled by arbitration as aforesaid and after the grant to the undertakers of any such facilities and rights as are referred to in paragraph (4) of this section, proceed with all reasonable despatch to construct and bring into operation the alternative apparatus and thereafter to remove any apparatus required by the Authority or the undertakers to be removed under the provisions of this section:

(6) Where in accordance with the provisions of this section the Authority afford to the undertakers facilities and rights for the construction, maintenance, repair, renewal and inspection in lands of the Authority of alternative

apparatus in substitution for apparatus to be removed as aforesaid, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the Authority and the undertakers or, in default of agreement, determined by arbitration:

Provided that—

(*a*) in determining such terms and conditions as aforesaid in respect of alternative apparatus to be constructed in or through any lands of the Authority the arbitrator shall give effect to all reasonable requirements of the Authority for ensuring the safety and efficient use of any buildings, works, facilities, supplies or services provided by or by agreement or arrangement with the Authority and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with any such buildings, works, facilities, supplies or services; and

(*b*) if the facilities and rights to be afforded by the Authority in respect of any alternative apparatus and the terms and conditions subject to which the same are to be granted are in the opinion of the arbitrator less favourable on the whole to the undertakers than the facilities and rights, terms and conditions applying to the apparatus to be removed, the arbitrator shall make such provision for the payment of compensation by the Authority to the undertakers in respect thereof as shall appear to him to be reasonable having regard to all the circumstances of the particular case:

(7) No apparatus in respect of which it is reasonably necessary to provide alternative apparatus shall be removed under this section until alternative apparatus has been provided and is in operation to the reasonable satisfaction of the undertakers:

(8) Any apparatus which the Authority or the undertakers have required to be removed and for which it is not reasonably necessary to provide alternative apparatus shall be removed within one month or at such other time as may be agreed between the Authority and the undertakers or, in default of agreement, determined by arbitration:

(9) If the undertakers fail to remove any apparatus pursuant to paragraph (5) or (8) of this section the undertakers shall be deemed to have abandoned such apparatus:

(10) (*a*) Not less than twenty-eight days before commencing to execute any specified work the Authority shall submit to the undertakers plans of the work to be executed;

(*b*) The specified work shall be executed substantially in accordance with the plans submitted as aforesaid and in accordance with such reasonable requirements as may be made by the undertakers for the alteration or otherwise for the protection of apparatus or for securing access thereto, and the undertakers shall be entitled by their officers, servants or agents to watch and inspect the execution of such work:

Provided that—

(i) all such alterations of, or works for the protection of, apparatus shall, if so required by the undertakers, be executed by the undertakers or under the direction and superintendence of their engineer or other officer of the undertakers;

(ii) if the undertakers within fourteen days after the submission to them of any such plans shall in consequence of the specified work reasonably require the removal of any apparatus and give written notice to the Authority of such requirement, the foregoing provisions of this section shall apply and have effect as if the removal of such apparatus had been required by the Authority under paragraph (4) hereof;

(iii) nothing in this sub-paragraph shall preclude the Authority from submitting at any time or from time to time but in no case less than twenty-eight days before commencing the execution of the specified work new plans in lieu of the plans previously submitted and thereupon the provisions of this paragraph shall apply to and in respect of such new plans:

(11) The Authority shall not be required to comply with paragraph (3) of this section or sub-paragraph (*a*) of paragraph (10) of this section in a case of emergency but in such a case they shall give to the undertakers notice as soon as reasonably practicable and plans of the work as soon as reasonably practicable thereafter and shall comply with sub-paragraph (*b*) of the said paragraph (10) so far as reasonably practicable in the circumstances:

(12) The undertakers shall, if so required by the Authority, cut off and, if necessary, adequately seal at both ends or otherwise make safe any apparatus which is situated in the park and which has been abandoned or deemed to have been abandoned or which has become derelict, useless or otherwise unnecessary:

(13) Any apparatus which by reason or in consequence of the exercise of the powers of this Act is rendered derelict, useless or unnecessary shall become the property of the Authority and the Authority shall pay to the undertakers the reasonable cost of and incidental to the cutting off of such apparatus from any other apparatus and of and incidental to the execution or doing of any works or things rendered necessary or expedient by reason of or in consequence of such apparatus being so rendered derelict, useless or unnecessary:

(14) The Authority shall repay to the undertakers the expenses reasonably incurred by the undertakers in or in connection with—

(*a*) the removal of any apparatus, the relaying or replacing of any apparatus, the provision and construction of any new apparatus and the alteration or protection of any apparatus under the foregoing provisions of this section;

(*b*) the subsequent alteration or adaptation of apparatus required under the provisions of proviso (*a*) to paragraph (6) of this section;

(*c*) the cutting off and the sealing of any apparatus under the foregoing provisions of this section or in consequence of any work executed thereunder;

and the reasonable costs of and incidental to—

(i) any other work or thing rendered reasonably necessary in consequence of any such operations as are referred to in this paragraph; and

(ii) the employment of watchmen and inspectors during the execution of any specified work and of any alterations of and works for the protection of apparatus:

Provided that—

(i) if in the course of the relaying of any apparatus or the provision and construction of any new apparatus under the foregoing provisions of this section—

(*a*) apparatus of better type or of greater capacity is provided in substitution for existing apparatus of worse type or of smaller capacity; or

(*b*) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a greater depth than the existing apparatus was;

and the provision of apparatus of that type, or capacity or the placing of apparatus at that depth, as the case may be, had not been agreed or settled by arbitration under this section to be reasonably necessary by reason or in consequence of the exercise by the Authority of any of their powers under this Act and involves expenses or costs exceeding those which would have been involved if the apparatus provided had been of the existing type or capacity or had been placed at the existing depth, as the case may be, the amount which apart from this proviso would be payable to the undertakers by virtue of this paragraph shall be reduced by the amount of that excess;

(ii) the amount which apart from this proviso would be payable to the undertakers under this paragraph in respect of the provision and construction of new apparatus in substitution for apparatus provided and constructed more than seven and a half years earlier shall be reduced by the amount of any financial benefit which may be derived by the undertakers from the deferment of the time for the renewal of the existing apparatus in the ordinary course:

(15) Subject to the provisions of this section nothing in this Act shall authorise any person, except with the consent of the undertakers, to do any work or thing which, whether directly or indirectly, interferes, or will interfere—

(i) with or with the use of any apparatus of the undertakers or any property which is vested in or under the control of the undertakers, in such manner as to affect injuriously the apparatus or property or the carrying on of their undertaking;

(ii) with the exercise of any statutory power, authority or jurisdiction from time to time vested in or exercisable by the undertakers:

(16) The Authority shall make compensation to the undertakers—

(*a*) for any damage which may be caused to any lands, works or property of the undertakers or apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment in accordance with the provisions of this section) by reason or in consequence of the execution, use or failure of any work carried

out by the Authority under the powers of this Act or otherwise by reason or in consequence of the exercise by the Authority of the powers of this Act; and

(*b*) for any other expenses, loss, penalty or costs incurred by the undertakers by reason or in consequence of such damage:

Provided that nothing in this paragraph shall impose any liability on the Authority which may be attributable to the act, neglect or default of the undertakers or their contractors or workmen:

(17) Notwithstanding anything in section 19 (Power to enter for survey or valuation) of this Act, the power of entry conferred by that section shall not be exercised in respect of any land of the undertakers without their consent, which shall not be unreasonably withheld:

(18) Notwithstanding anything in section 28 (Byelaws) of this Act, no byelaw made under that section shall have effect so as to prohibit, restrict or regulate the use of any land in the park by the undertakers for or in connection with the purposes of their undertaking:

(19) Any difference which may arise between the Authority and the undertakers under this section (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

For further protection of water undertakers.

68. For the further protection of the Lee Valley Water Company and the Metropolitan Water Board (hereinafter in this section respectively referred to as " the water undertakers ") the following provisions shall unless otherwise agreed between the Authority and the water undertakers apply and have effect:—

Nothing in section 26 (Suspension of restrictive covenants) of this Act shall apply to any restriction for the protection of any water—

(*a*) which, in the case of surface water, belongs to the water undertakers or which they are for the time being authorised to take; or

(*b*) which, in the case of underground water, the water undertakers are for the time being authorised to take;

or otherwise for the protection of their undertaking.

For further protection of gas undertakers.

69. For the further protection of the gas undertakers the following provisions shall, unless otherwise agreed in writing between the Authority and the undertakers concerned, apply and have effect:—

(1) In this section, unless the subject or context otherwise requires—

"the gas undertakers" means—

the Eastern Gas Board; or

the North Thames Gas Board;

(as the case may be);

"specified mains" means—

(*a*) the gas main having a diameter of 18 inches laid by the Eastern Gas Board and forming part of the national grid main for the distribution of natural gas;

(*b*) any main or mains laid by the Eastern Gas Board adjacent to the said last-mentioned main pursuant to a right vested in that board at the passing of this Act;

(*c*) the two high pressure grid gas mains each having a diameter of 8 inches laid by the Eastern Gas Board for distributing reformed natural gas; and

(*d*) any main laid by the North Thames Gas Board within three years after the passing of this Act to form part of its high pressure distribution system along a route within the park to be agreed between that board and the Authority or, in default of agreement, determined by arbitration:

(2) Notwithstanding anything in section 67 (For protection of certain statutory undertakers) of this Act, where the Authority require the removal of any specified main or propose to execute under the powers of this Act any works near to or likely to affect any specified main, the gas undertakers who shall have laid the specified main, without prejudice to their rights under paragraph (4) of the said section 67 to object to the execution of the works or under sub-paragraph (*b*) of paragraph (10) thereof to state requirements, may within the period of one month referred to in sub-paragraph (*b*) of paragraph (3) of the said section 67 by notice in writing served on the Authority object to the execution of the works or any of them on the ground that such removal or the

execution of such works is not reasonable having regard to the statutory functions of the gas undertakers and the purposes for which the specified main is used by them for or in connection with such functions. If objection is so made and not withdrawn the Authority shall not execute such works unless they are determined by arbitration to be reasonable:

(3) Any difference which may arise under this section between the Authority and the gas undertakers (other than a difference as to the meaning or construction of this section) shall be determined by arbitration.

Saving for ng of vel.

70. Subject to the provisions of section 72 (Town and country planning) of this Act nothing in this Act shall prevent the winning, working, removal and carrying away of sand, gravel and other material from any land in the park and the Authority, on any land acquired by them under or by virtue of this Act, may, on such terms and conditions as they think fit, make arrangements with any company, body or person for the winning, working, removal and carrying away of sand, gravel and other material from such land whether for any of the purposes of this Act or otherwise.

wn rights.

71. Nothing in this Act affects prejudicially any estate, right, power, privilege or exemption of the Crown and, in particular and without prejudice to the generality of the foregoing, nothing herein contained authorises the Authority to take, use, or in any manner interfere with, any land or hereditaments or any rights of whatsoever description—

(*a*) belonging to Her Majesty in right of Her Crown and under the management of the Crown Estate Commissioners without the consent in writing of those commissioners on behalf of Her Majesty first had and obtained for that purpose; or

(*b*) belonging to a government department or held in trust for Her Majesty for the purposes of a government department without the consent in writing of that government department.

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72.—(1) The provisions of the Act of 1962 and any restrictions or powers thereby imposed or conferred in relation to land shall apply and may be exercised in relation to any land, notwithstanding that the development thereof is or may be authorised or regulated by or under this Act.

(2) Development of any lands forming part of the park shall not by virtue only of this Act be deemed for the purposes of the Town

and Country Planning General Development Orders, 1963 to 1965, and any enactment amending or replacing those Orders to be development carried out in pursuance of an Act which designates specifically both the nature of the development and the land upon which it may be carried out.

Saving for Borrowing (Control and Guarantees) Act, 1946. 1946 c. 58.

73. Nothing in this Act shall be construed as authorising the borrowing of money in contravention of any order made under section 1 of the Borrowing (Control and Guarantees) Act, 1946 (which authorises the Treasury to make regulations for the control of borrowing), which is for the time being in force.

Arbitration.

74. Where under this Act any difference (other than a difference to which the provisions of Part I of the Act of 1965 apply) is to be referred to, or determined by, arbitration, then, unless otherwise provided, such difference shall be referred to, and determined by, a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after notice in writing to the other) by the President of the Institution of Civil Engineers.

75.

[REPEALED]

SCHEDULE

Section 4.

INCIDENTAL PROVISIONS WITH RESPECT TO THE AUTHORITY

Corporate status of Authority

1. The Authority shall be a body corporate with perpetual succession and a common seal.

Meetings of Authority

2.

3.—(1) The first meeting of the Authority shall be the annual meeting for the year then current and thereafter the first meeting held after the 1st July in any year shall be the annual meeting.

(2) The Authority shall in every year after the first year hold an annual meeting and at least three other meetings for the transaction of general business which as near as may be shall be held at regular intervals.

(3) The chairman of the Authority may call a meeting of the Authority at any time.

(4) If the chairman refuses to call a meeting of the Authority after a requisition for that purpose, signed by five members of the Authority, has been presented to him, or if, without so refusing, the chairman does not call a meeting within seven days after such requisition has been presented to him, any five members of the Authority, on that refusal or on the expiration of seven days, as the case may be, may forthwith call a meeting of the Authority.

Chairman of meeting

4.—(1) At a meeting of the Authority the chairman of the Authority if present, shall preside.

(2) If the chairman of the Authority is absent from a meeting of the Authority, the vice-chairman of the Authority, if present, shall preside.

(3) If both the chairman and vice-chairman of the Authority are absent from a meeting of the Authority, such member as the members of the Authority present shall choose shall preside.

SCH. —*cont.*

Appointment of committees

5.—(1) The Authority may appoint a committee for the exercise of any of the functions of the Authority which in the opinion of the Authority can be better regulated and managed by means of a committee and may delegate to a committee so appointed the exercise of any such functions except the power of borrowing money or issuing a precept.

(2) Any such committee (other than a committee for regulating and controlling the finance of the Authority) may comprise persons who are not members of the Authority:

Provided that at least two-thirds of the members of every committee shall be members of the Authority.

(3) The catchment board and the British Waterways Board shall each be entitled to appoint one person to any committee (other than a committee for regulating and controlling the finance of the Authority) upon which it is appropriate that the board concerned should be represented.

6.—(1) A committee of the Authority may, subject to any restrictions imposed by the Authority appoint such sub-committees as the committee may determine and may authorise any such sub-committee to exercise any of the functions of the committee on their behalf.

(2) Any such sub-committee may comprise persons who are not members of the Authority.

Proceedings of Authority and committees

7. The proceedings of the Authority, or of any committee appointed by them, shall not be invalidated by any vacancy in their number or by any defect in the appointment, or qualification, of any person as a member, or as chairman or vice-chairman, of the Authority or committee.

8.—(1) The Authority may make standing orders with respect to the proceedings including a quorum, place of meeting and notices to be given of meetings of the Authority or any committee appointed by them.

(2) Subject to standing orders made under this paragraph, the proceedings of any committee appointed by the Authority shall be regulated in such manner as the committee may determine.

9. Minutes of the proceedings of a meeting of the Authority, or of any committee appointed by them, purporting to be signed at the same or next ensuing meeting of the Authority, or, as the case may be, at the same or any subsequent meeting of the committee, by the person presiding thereat, shall be evidence of the proceedings, and shall be received in evidence without further proof; and until the contrary is proved, every meeting in respect of the proceedings of which a minute had been so signed shall be deemed to have been duly convened and held, and all the proceedings had at the meeting to have been duly had, and, if the proceedings are the proceedings of the committee, the committee shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minute.

Authentication of Authority's seal

SCH. —*cont.*

10. The application of the seal of the Authority shall be authenticated by the signatures of the chairman of the Authority or some other member thereof authorised by the Authority to authenticate the application of the seal thereof and of such officer as shall be authorised by the Authority to act in that behalf.

Appearance in legal proceedings

11. Section 277 of the Act of 1933 (which relates to the appearance of local authorities in legal proceedings) shall have effect in relation to the Authority as it has effect in relation to a local authority within the meaning of that Act.

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C. H. BAYLIS
Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament