ELIZABETH II

1981 CHAPTER xvii

An Act to confer further powers upon the Greater London Council and other authorities; and for other purposes. [2nd July 1981]

WHEREAS—

(1) It is expedient that further and better provision should be made for the improvement and development of local government services in Greater London and for the safety and convenience of persons residing therein and that the powers of the Greater London Council (hereinafter called "the Council") and of the London borough councils and the Common Council of the City of London should be extended and amended as provided in this Act:

(2) It is expedient that the London borough councils and the Common Council of the City of London be empowered to regulate overcrowding in certain premises used as hostels by being enabled

to serve notices in respect of such premises specifying the maximum number of persons who may occupy the premises as sleeping accommodation:

(3) It is expedient that certain provisions of the Shops Act 1950 should not apply to certain exhibition, trade fair or conference premises in Greater London during the course of functions at those premises or when facilities in respect of those functions are being provided or removed:

1950 c. 28.

(4) It is expedient that the other provisions contained in this Act should be enacted:

(5) The purposes of this Act cannot be effected without the authority of Parliament:

(6) In relation to the promotion of the Bill for this Act the Council have complied with the requirements of section 239 of the Local Government Act 1972:

1972 c. 70.

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, that is to say:—

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Greater London Council (General Powers) Act 1981.

Interpretation.

2. In this Act, except as otherwise expressly provided or unless the context otherwise requires—

1936 c. 49.

" the Act of 1936 " means the Public Health Act 1936;

" borough council " means London borough council and includes the Common Council of the City of London; and " borough " shall be construed accordingly;

" the Council " means the Greater London Council;

" daily fine " means a fine for each day on which an offence is continued after conviction thereof.

PART II

PROVISIONS RELATING TO THE COUNCIL

Increased penalties for breach of *certain ferry* byelaws.

3. In section 5 (Enforcement of byelaws as to explosives at ferries) of the London County Council (General Powers) Act 1894 for the words " twenty pounds " there shall be substituted the words " two hundred pounds ".

PART II —*cont.*

Amendment of Part II of London County Council (General Powers) Act 1912.

4. Part II (Petroleum oil depots) of the London County Council (General Powers) Act 1912 shall have effect subject to the following amendments:—

(*a*) in section 4 (Interpretation of expressions in this Part of Act) thereof—

(i) after the definition of "controlling authority" there shall be inserted—

"'flash-point' means the flash-point as determined in accordance with Schedule 5 to the Packaging and Labelling of Dangerous Substances Regulations 1978 (S.I. 1978/209);";

1912 c. civ.

(ii) for the definition of "petroleum oil" there shall be substituted—

"'petroleum oil' means—

(*a*) petroleum as defined in section 23 of the Petroleum (Consolidation) Act 1928 when the flash-point is 21° Celsius or greater but less than 55° Celsius;

1928 c. 32.

(*b*) any liquid mixture (including any viscous or sedimentary mixture) of petroleum and any other substance when the flash-point is 21° Celsius or greater but less than 55° Celsius; and

(*c*) any flammable oil (other than petroleum spirit as defined in section 23 of the Petroleum (Consolidation) Act 1928), turpentine, methylated spirit or wood naphtha which is stored on premises on which is also stored any such petroleum or liquid mixture as is included in the expression 'petroleum oil' as defined by this section;

but does not include—

(i) petroleum oil contained in tanks, barrels or other receptacles in course of conveyance on any railway or temporarily deposited on any railway premises whilst in course of such conveyance; or

(ii) petroleum spirit as defined in section 23 of the Petroleum (Consolidation) Act 1928 or mixtures of petroleum as defined in Part I of the Schedule to the Petroleum (Mixtures) Order 1929 (S.R. & O. 1929/993) kept in accordance with the conditions attached to a licence granted under the said Act of 1928;";

(*b*) in section 8 (Fees for registration) for the words from "such fee" to the end of the section there shall be substituted the words "such reasonable fee as the controlling authority may from time to time think fit.";

PART II —*cont.*

(*c*) in subsection (2) of section 9 (Power as to entry inspection and samples) for the words "inflammable qualities" there shall be substituted the words "flash-point";

(*d*) in section 10 (Penalties) for the words "twenty pounds" where they first occur there shall be substituted the words "five hundred pounds in respect of an offence under paragraph (*a*) of this section and two hundred pounds in respect of an offence under paragraph (*b*) of this section" and for the words "twenty pounds" where they occur for the second time there shall be substituted the words "fifty pounds".

Amendment of section 38 of London Building Acts (Amendment) Act 1939.
1939 c. xcvii.
1928 c. 32.

5. Section 38 (Parts of buildings used for storage of inflammable liquid) of the London Building Acts (Amendment) Act 1939 shall have effect as if for subsection (2) thereof there were substituted the following subsections:—

"(2) The substances to which this section applies are petroleum as defined in section 23 of the Petroleum (Consolidation) Act 1928, carbon disulphide, ether, turpentine, methylated spirit and any liquid which has a flash-point of less than 55° Celsius.

(2A) In this section 'flash-point' means the flash-point as determined in accordance with Schedule 5 to the Packaging and Labelling of Dangerous Substances Regulations 1978 (S.I. 1978/209).".

Application of Health and Safety at Work etc. Act 1974.
1974 c. 37.
1912 c. civ.

6. Subsection (l) of section 80 (which provides for the repeal or modification of certain Acts and instruments) of the Health and Safety at Work etc. Act 1974 shall apply to section 4 (Amendment of Part II of London County Council (General Powers) Act 1912) and section 5 (Amendment of section 38 of London Building Acts (Amendment) Act 1939) of this Act as it applies to any provision mentioned in subsection (2) of the said section 80.

PART III

PROVISIONS RELATING TO THE COUNCIL AND TO BOROUGH COUNCILS

Extension of Act of 1967.

7.—(1) The power of the Council or a borough council under section 35 (which authorises the provision on highways of parking places where charges are made) of the Act of 1967 to make charges for vehicles left in any parking place designated by a designation order shall include power to require those charges, or any part of such charges, to be paid by means of the hire or purchase in advance, and the use, of parking devices in accordance with any relevant provision of an order under section 36 (which provides for the regulation of designated parking places) of the Act of 1967.

PART III —*cont.*

(2) The power of the Council to make orders under subsection (2) of the said section 36 shall include power to make provision—

(*a*) for regulating the issue, use and surrender of parking devices;

(*b*) for requiring vehicles to display parking devices when left in any parking place in respect of which the parking devices may be used;

(*c*) without prejudice to the generality of paragraph (*b*) above, to regulate the manner in which parking devices are to be displayed or operated;

(*d*) to prescribe the use, and the manner of such use, of apparatus (of such type as may be approved by the Secretary of State either generally or specially) designed to be used in connection with parking devices, being apparatus designed either—

(i) to indicate whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed; or

(ii) to indicate the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid;

(*e*) for treating—

(i) the indications given by a parking device; or

(ii) the display or the failure to display a parking device on or in any vehicle left in any parking place;

as evidence of such facts as may be provided by the order;

(*f*) for the refund in such circumstances and in such manner as may be prescribed in the order of the whole or part of the amount of any charge paid in advance in respect of a parking device;

(*g*) for the payment of a deposit in respect of the issue of a parking device and for the repayment of the whole or part of such deposit;

and for the purposes of this subsection the references to parking meters in paragraphs (*b*) and (*c*) of subsection (2) of the said section 36 shall include references to the apparatus referred to in paragraph (*d*) above and the reference in the said paragraph (*c*) to the insertion in a parking meter of coins additional to those inserted by way of payment of any charge shall include, so far as is appropriate, a reference to insertions or re-insertions in the said apparatus of parking devices additional to the original insertion of those devices.

PART III —*cont.*

(3) (*a*) In subsection (3) of section 42 (which creates certain offences relating to parking places on highways) of the Act of 1967, the reference to a parking meter relating to the space in which a vehicle is left in a parking place designated by a designation order shall include references to—

(i) any apparatus referred to in paragraph (*d*) of subsection (2) of this section relating to the space in which a vehicle is so left; and

(ii) a parking device used in respect of a vehicle left in a space in such a parking place.

(*b*) In subsection (6) of the said section 42, the reference to any apparatus provided for the purposes of a parking place, being an apparatus operated by the insertion of coins, shall include a reference to—

(i) any apparatus referred to in paragraph (*d*) of subsection (2) of this section; and

(ii) a parking device.

(*c*) Subsections (6) and (8) of the said section 42 shall apply to an offence under subsection (4) of this section as they apply to offences under the said section 42.

(4) A person who, with intent to defraud—

(*a*) interferes with any apparatus referred to in paragraph (*d*) of subsection (2) of this section or with a parking device or operates or attempts to operate such apparatus or device otherwise than in the manner prescribed; or

(*b*) displays a parking device otherwise than in the manner prescribed;

shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50.

(5) In this section—

" the Act of 1967 " means the Road Traffic Regulation Act 1967; 1967 c. 76.

" designation order " has the meaning assigned to it in the Act of 1967; and

" parking device " means a card, disc, token, meter, permit, stamp or other similar device, whether used in a vehicle or not, of such type or design as may be approved by the Secretary of State which, being used either by itself or in conjunction with the apparatus referred to in paragraph (*d*) of subsection (2) of this section, is designed to indicate or to cause to be indicated either—

(i) whether any charge has been paid and whether the period for which it has been paid or any further period has elapsed; or

PART III —*cont.*

(ii) the time and to issue tickets indicating the payment of a charge and the period in respect of which it has been paid.

(6) The approval of the Secretary of State of—

(*a*) the type or design of a parking device for the purposes of the last foregoing subsection; or

(*b*) the type of apparatus designed to be used in connection with parking devices, for the purposes of paragraph (*d*) of subsection (2) of this section;

may be given, in respect of any device or apparatus, either permanently or for such period, being not less than five years, as the Secretary of State considers appropriate:

Provided that, before the expiry of any such period, or of any such period as extended from time to time under this subsection, the Secretary of State may direct that the said period shall be extended, either for such further period as he may specify, or permanently.

PART IV

PROVISIONS RELATING TO CONTROL BY BOROUGH COUNCILS OF OVERCROWDING IN CERTAIN HOSTELS

Meaning of "hostel".

8. In this Part of this Act "hostel" means any premises in which there is provided on payment sleeping accommodation, whether with or without the provision of board or facilities for the preparation of food, in one or more common dormitories or other sleeping areas, if in any one of those areas four or more persons, not all being members of the same family or of the same household, are accommodated at the same time.

Overcrowding in hostels.

9.—(1) If on or after 1st January 1982 it appears to a borough council that premises in the borough are being used as a hostel and that excessive numbers of persons are being accommodated in the premises having regard to any of the following matters, that is to say:—

(*a*) the size and condition of the rooms available;

(*b*) the adequacy of the means of lighting, heating, sanitation, ventilation or (where appropriate) food storage or preparation provided in the premises;

(*c*) the adequacy of the personal washing facilities so provided;

the borough council may serve on the occupier of the premises or on any person having the control and management thereof, or on both, a notice—

(i) stating, in relation to any room on the premises, or to any part of the premises not being a room, the maximum number of persons (if any) by whom it may be occupied

PART IV —*cont.*

as sleeping accommodation at any one time, or, as the case may be, that it shall not be occupied as aforesaid; and

(ii) informing him of the effect of section 12 (Part IV penalties) of this Act:

Provided that a notice under this subsection shall not apply limits in relation to the number of persons who may occupy any room on the premises, or any part of the premises not being a room, which are more onerous than any limits applied in respect of those premises by a direction for the time being in force under section 19 (which authorises the giving of directions for the prevention or reduction of overcrowding in houses in multiple occupation) of the Housing Act 1961, by a scheme for the time being in force under section 22 (which authorises the making of registers of houses in multiple occupation) of that Act or by a notice for the time being in force under section 90 (which relates to overcrowding in houses let in lodgings) of the Housing Act 1957.

1961 c. 65.

1957 c. 56.

(2) For the purposes of the foregoing subsection a notice may, in relation to any room, prescribe special maxima applicable in any case where some or all of the persons occupying the room are under such age as may be specified in the notice.

(3) A notice served under this section shall, if no appeal is brought under section 10 (Part IV appeals) of this Act, become operative in relation to the premises to which it relates on the expiration of twenty-one days from the date of service of the notice and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice against which an appeal is brought shall, if and so far as it is confirmed by the court, or if the appeal is withdrawn, become operative as from the date of the determination of the appeal, or of the withdrawal thereof, as the case may be.

Part IV appeals.

10. Any person aggrieved by a notice under section 9 (Overcrowding in hostels) of this Act may, within twenty-one days after the service of the notice, appeal to a magistrates' court, and on any such appeal the court may make such order either confirming or quashing or varying the notice as the court thinks fit.

Exhibition of notice.

11. Any person occupying or having the control and management of premises in respect of which a notice under section 9 (Overcrowding in hostels) of this Act has become operative shall keep exhibited in a suitable place, to be specified in the notice, in the premises to which the notice relates a copy of the notice in the form in which it has come into effect, and if, without reasonable excuse he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

PART IV —*cont.*

Part IV penalties.

12.—(1) Any person who, while a notice is operative in pursuance of the provisions of this Part of this Act, knowingly causes or permits any room or other part of the premises to which the notice relates to be occupied as sleeping accommodation otherwise than in accordance with the notice shall be guilty of an offence:

Provided that a person shall not be convicted of an offence under this section where the facts which would otherwise have given rise to such an offence are, so far as is relevant, the same as the facts giving rise to an offence for which that person has been convicted under section 90 (13) of the Housing Act 1957 or under section 19 (10) of the Housing Act 1961. 1957 c. 56. 1961 c. 65.

(2) Any person committing an offence under this section shall be liable on summary conviction to a fine not exceeding £500.

Withdrawal of notice.

13. Where a borough council have served a notice under section 9 (Overcrowding in hostels) of this Act in respect of any premises, they may at any time withdraw the notice, without prejudice to anything done in pursuance thereof or to the service of another notice, or, if there is any material change of circumstances, they may substitute for the notice a further notice under the said section 9.

Powers of entry for inspection, etc.

14.—(1) An authorised officer of a borough council (on producing, if so required, some duly authenticated document showing his authority) may enter upon, inspect and examine any premises used, or which he has reasonable cause to believe are used, or intended to be used, as a hostel and may do all such things as are reasonably necessary for the purpose—

(*a*) of ascertaining whether or not circumstances exist which would authorise the borough council to take any action under this Part of this Act;

(*b*) of preparing a notice under subsection (1) of section 9 (Overcrowding in hostels) of this Act; or

(*c*) of ascertaining whether there is, or has been any contravention of the provisions of this Part of this Act.

(2) Any person who intentionally obstructs any person acting in the exercise of his powers under this section shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

(3) The provisions of subsections (2), (3) and (4) of section 287 (which confers powers to enter on premises) of the Act of 1936 shall apply in respect of entry into any premises for the purposes of this section as they apply to entry into premises for the purposes of subsection (1) of that section.

Evidence in legal proceedings.

15. If in any proceedings under this Part of this Act it is alleged that persons occupying any premises or part thereof are

PART IV —*cont.*

members of the same family or of the same household, the burden of proving that allegation shall rest upon the person by whom it is made.

Exemption for certain premises.

16. Nothing in this Part of this Act shall apply to any premises used as a hostel being premises—

(*a*) occupied, used or managed by the Crown, by the Common Council of the City of London or by an authority or body established by or under any enactment or operating under Royal Charter;

(*b*) (not being premises referred to in the foregoing paragraph) occupied, used or managed by a school within the meaning of the Education Act 1944, by a university established by any enactment or operating under Royal Charter or by any college, school or similar institution forming part of, or connected with, such a university;

1944 c. 31.

(*c*) occupied, used or managed by a polytechnic designated by the Secretary of State;

(*d*) (not being premises referred to in paragraph (*a*) or (*b*) above) occupied, used or managed by any college, school or similar institution assisted by a local education authority;

(*e*) in respect of which any person is registered as the keeper of a common lodging house in accordance with section 238 of the Act of 1936 for so long as the registration in respect of those premises continues;

(*f*) used as a hospital by virtue of any enactment or under Royal Charter;

(*g*) used as a nursing home or a mental nursing home as defined in the Nursing Homes Act 1975;

1975 c. 37.

(*h*) used as a voluntary home as defined in section 56 of the Child Care Act 1980 and which—

1980 c. 5.

(i) are registered under section 57 of that Act; or

(ii) are an assisted community home within the meaning of section 32 of that Act;

(*i*) liable to be inspected under section 8 of the Foster Children Act 1980;

1980 c. 6.

(*j*) used as—

(i) a disabled persons' or old persons' home as defined in the Residential Homes Act 1980;

1980 c. 7.

(ii) a residential home for mentally disordered persons as defined in that Act; or

(iii) an establishment which is exempted from the operation of that Act by or under regulations referred to in section 1 (2) (*e*) thereof;

PART IV —*cont.*

(*k*) occupied, used or managed by any person who is in receipt of a grant by virtue of regulations made under section 100 (1) (*b*) of the said Act of 1944;

(*l*) occupied, used or managed by a housing association registered under Part II of the Housing Act 1974; 1974 c. 44.

(*m*) occupied, used or managed, for the purposes specified in paragraph 4 of Schedule 5 to the Supplementary Benefits Act 1976, by a voluntary organisation which is 1976 c. 71. in receipt of contributions from the Secretary of State under the said paragraph 4;

(*n*) approved by the Secretary of State under section 49 (1) of the Powers of Criminal Courts Act 1973; or 1973 c. 62.

(*o*) occupied, used or managed by any society or individual in receipt of a payment in respect of those premises under section 51 (3) (*f*) of the said Act of 1973.

PART V

FURTHER PROVISIONS RELATING TO BOROUGH COUNCILS

Alteration of penalties for certain street *trading* offences.

17. The enactments specified in column (1) of Schedule 1 to this Act (being enactments creating the offences described in column (2) of that Schedule in connection with street trading) shall each have effect, so far as they relate to any part of Greater London, as if the maximum fine which may be imposed on conviction of an offence specified in that enactment were £200 instead of the fines for a first or for a second or subsequent offence specified in column (3) of that Schedule.

Stopping up of streets.

18.—(1) Subject to the provisions of this section, if it appears to a magistrates' court, after a view, if the court thinks fit, by any two or more of the justices composing the court, that a street in a borough (other than the City of London or the Royal Borough of Kensington and Chelsea) or any part thereof (not being—

(*a*) a trunk road;

(*b*) a special road;

(*c*) a metropolitan road;

(*d*) a street forming part of the route of a stage carriage or express carriage service; or

(*e*) except with the consent of the British Railways Board, a street belonging to that board);

PART V —*cont.*

in respect of which a borough council have made an application to the court under this section—

(i) is temporarily not required to afford either vehicular access or both vehicular and pedestrian access to any premises or to secure the expeditious, convenient and safe movement of, as the case may be, either vehicular traffic or both vehicular traffic and foot passengers; and

(ii) is being used for the unauthorised deposit of refuse;

the court may by order authorise the borough council to stop up the street or that part thereof either to vehicular traffic or to both vehicular traffic and foot passengers, as the case may be, for such period not exceeding two years as may be specified in the order.

(2) Not later than twenty-eight days before the day on which the application is heard the borough council shall—

(*a*) cause a copy of a notice stating their intention to apply for the order, specifying the time and place at which the application is to be made and the terms of the order applied for (embodying a plan showing what will be the effect thereof) to be displayed in a prominent position at the ends of the street or part thereof in respect of which the application is to be made and shall serve a copy of that notice on the Council; and

(*b*) publish in a local newspaper circulating in the borough a copy of the said notice except that there may be substituted for the plan a statement of a place in the borough where the plan may be inspected free of charge at all reasonable hours; and

(*c*) deliver a copy of the said notice together with a copy of the plan to each owner and occupier of land adjoining the street or part thereof in respect of which the application is to be made; and

(*d*) deliver a copy of the said notice together with a copy of the plan to the Commissioner of Police of the Metropolis and to the Chief Officer of the London Ambulance Service.

(3) Before implementing an order for stopping up a street or part thereof under this section, the borough council shall serve a copy of the order on the Council, on any statutory undertaker affected and on the Post Office.

(4) At any time when an order under this section is in force application may be made to a magistrates' court by the borough council or the Council, if they consider that the street or part thereof is required to secure the expeditious, convenient and safe movement of vehicular traffic or foot passengers, or by any person

PART V —*cont.*

who wishes to use the street or part thereof to afford vehicular or pedestrian access to any premises, for the order to be rescinded or modified, and if it appears to the court that the street or part thereof is required to afford vehicular or pedestrian access to any premises or to secure the expeditious, convenient and safe movement of vehicular traffic or foot passengers the court shall by order rescind or modify the order made under this section.

(5) On the hearing of an application under this section the borough council, the Council, the applicant, any person who uses the street and any other person who would be aggrieved by the making of the order the subject of the application shall have a right to be heard.

(6) The provisions of section 41 (which imposes duties as to the maintenance of certain highways) of the Highways Act 1980 shall not apply in respect of any street or to any part thereof while that street or that part thereof, as the case may be, is stopped up to both vehicular traffic and foot passengers pursuant to an order of the court under subsection (1) of this section. 1980 c. 66.

(7) Part II of Schedule 12 to the said Act of 1980 shall apply where—

(*a*) in pursuance of an order under this section a street or part of a street is stopped up to traffic; and

(*b*) immediately before the order is made there is in, upon, over, along or across the street any apparatus belonging to or used by any statutory undertakers for the purpose of their undertaking;

as if in that Schedule references to section 116 (which relates to the stopping up or diversion of highways) of the said Act of 1980 were references to this section.

(8) Where any street or part of a street is stopped up either to vehicular traffic or to both vehicular traffic and foot passengers under this section, the borough council shall afford vehicular access thereto to the British Railways Board, the Post Office and, without prejudice to paragraphs 18 and 19 of Part III of Schedule 9 to the London Government Act 1963, the Thames Water Authority. 1963 c. 33.

(9) (*a*) As soon as practicable after the whole or any part of a street has been stopped up in pursuance of the provisions of subsection (1) of this section the borough council shall send by post to the Post Office a notice informing it of such stopping up.

(*b*) Where the whole or any part of a street has been so stopped up the following provisions of this paragraph shall, unless otherwise agreed in writing between the borough council and the Post Office, have effect in relation to so much of any telegraphic line belonging to or used by the Post Office as is under, in, upon,

PART V —*cont.*

over, along or across the land which by reason of the stopping up ceases to be a highway (in this subsection referred to as "the affected line"):—

(i) The power of the Post Office to remove the affected line shall be exercisable notwithstanding the stopping up so however that the said power shall not be exercisable as respects the whole or any part of the affected line after the expiration of a period of 3 months from the date of the sending of the notice referred to in paragraph (*a*) of this subsection unless before the expiration of that period the Post Office has given notice to the borough council of its intention to remove the affected line or that part thereof as the case may be;

(ii) The Post Office may by notice in that behalf to the borough council abandon the affected line or any part thereof and shall be deemed as respects the affected line or any part thereof to have abandoned it at the expiration of the said period of 3 months unless before the expiration of that period the Post Office has removed it or given notice of its intention to remove it;

(iii) The Post Office shall be entitled to recover from the borough council the expense of providing in substitution for the affected line and any telegraphic line connected therewith which is rendered useless in consequence of the removal or abandonment of the affected line a telegraphic line in such other place as it may require;

(iv) Where under sub-paragraph (ii) of this paragraph the Post Office has abandoned the whole or any part of the affected line it shall vest in the borough council and the provisions of the Telegraph Acts 1863 to 1916 shall not apply in relation to it as respects anything done or omitted after the abandonment thereof.

(10) In this section the expression "telegraphic line" has the same meaning as in the Telegraph Act 1878.

1878 c. 76.

Acupuncturists, tattooists and cosmetic piercers.

19.—(1) As from the appointed day in any borough a person shall not in that borough carry on the practice of acupuncture or the business of tattooing or cosmetic piercing unless he is registered by the borough council in respect of that practice or business under this section; and he shall not carry on any such practice or business on premises occupied by him unless the premises are so registered.

(2) Subject to subsection (9) (*b*) of this section, on application for registration under this section the borough council shall register the applicant and, if the application specifies premises, those premises, and shall issue to the applicant a certificate of registration.

PART V —*cont.*

(3) The person making an application under this section shall when making the same pay to the borough council such amount as may be determined from time to time by resolution of the borough council as being appropriate and as may be sufficient in the aggregate to cover in whole or in part—

(*a*) the reasonable cost of carrying out inspections of premises for the purpose of determining whether any byelaws made under this section are being complied with; and

(*b*) any reasonable administrative or other cost incurred by the borough council in connection with the registration of persons or premises under this section.

(4) The borough council may make byelaws for the purpose of securing—

(*a*) the cleanliness of premises required to be registered under this section and the sterilising, so far as is appropriate, of the instruments, towels, materials and equipment used in connection with the practice or business;

(*b*) the cleanliness of persons engaged in such practice or business in regard to both themselves and their clothing; and

(*c*) that books, cards or forms are kept by persons registered under this section recording their activities in connection with the practice or business in respect of which they are so registered and that appropriate entries are made in such books, cards or forms;

and different provisions may be made by such byelaws as respects the different kinds of practice or business to which this section applies.

(5) Nothing in this section shall extend to the practice of acupuncture or the business of tattooing or cosmetic piercing by or under the supervision of a registered medical practitioner or to the practice of acupuncture by a dentist registered under the Dentists Act 1957 or to premises on which the practice of acupuncture or the business of tattooing or cosmetic piercing, as the case may be, is carried on by or under the supervision of a registered medical practitioner or on which the practice of acupuncture is carried on by or under the supervision of a dentist registered as aforesaid. 1957 c. 28.

(6) Any person who without reasonable excuse contravenes subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

PART V —*cont.*

(7) Any person who contravenes any byelaw made under subsection (4) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and, if he is registered under this section, the court by which he is convicted may, instead of, or in addition to, imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if they are occupied by him.

(8) A court ordering the suspension or cancellation of registration under subsection (7) above may suspend the operation of the order until the expiration of the period prescribed under section 14 (which confers powers to make Crown Court rules) of the Courts Act 1971 for giving notice of appeal to the Crown Court:

1971 c. 23.

Provided that if notice of appeal is given within the said period an order made under this subsection shall be suspended until the appeal is finally determined or abandoned.

(9) Where the registration of any person is cancelled by order of a court under subsection (7) above—

(*a*) he shall within seven days deliver up to the borough council the cancelled certificate of registration, and if without reasonable excuse he fails to do so, he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5; and

(*b*) he shall not again be registered by a borough council under this section in respect of the practice or business in question except in pursuance of a further order of a magistrates' court made on his application.

(10) The occupier of premises registered under this section shall keep a copy of any byelaw made relating to his practice of acupuncture or business of tattooing or cosmetic piercing, as the case may be, and of the certificate of registration of the premises issued under this section prominently displayed in the premises; and if without reasonable excuse he fails to do so he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £50 and to a daily fine not exceeding £5.

(11) (*a*) Section 287 (which confers powers to enter on premises) of the Act of 1936 shall have effect as if references therein to that Act included a reference to this section.

(*b*) Any person who intentionally obstructs any person acting in the exercise of his powers under this subsection shall be guilty of an offence and liable on summary conviction to a fine not exceeding £200.

PART V —*cont.*

(12) In this section " premises " includes a stall and " cosmetic piercing " means the piercing of any part of the body for cosmetic purposes.

(13) (*a*) In this section " the appointed day " means such day as may be fixed in relation to a borough by resolution of the borough council, subject to and in accordance with the provisions of this subsection.

(*b*) The borough council shall cause to be published in one or more local newspapers circulating in the borough notice—

(i) of the passing of any such resolution and of the day fixed thereby;

(ii) of the general effect of the provisions of this section coming into operation as from that day;

and the day so fixed shall not be earlier than the expiration of twenty-eight days from the date of first publication of the said notice.

(*c*) Either a photostatic or other reproduction certified by the proper officer of the borough to be a true reproduction of a page, or part of a page, of any such newspaper being a page or part bearing the date of its publication and containing any such notice shall be evidence of the publication of the notice and of the date of publication.

(*d*) Different appointed days may be fixed for the different kinds of practice or business to which this section applies.

PART VI

MISCELLANEOUS AND SUPPLEMENTAL

Application of Shops Act 1950 to exhibition and conference premises. 1950 c. 28.

20.—(1) Sections 1, 2, 8 and 47 of the Shops Act 1950 shall not apply to—

(*a*) a shop to which this section applies at any of the scheduled premises during the course of an exhibition, trade fair or conference at those premises and in the period when works or facilities in respect of that exhibition, trade fair or conference are being provided or removed; and

(*b*) a stand provided at any of the scheduled premises, whether in a building or in the open, while used for the purposes, and as part, of an exhibition, trade fair or conference at any of the scheduled premises.

(2) A shop to which this section applies is a permanent shop used for the carrying on of any retail trade or business and forming part of any of the scheduled premises if that shop is being used for the purposes of, or in connection with, an exhibition, trade

PART VI —*cont.*

fair or conference at those premises and is being used, as the case may be, either—

(*a*) as part of that exhibition, trade fair or conference; or

(*b*) for the serving of persons engaged in the provision or removal of works or facilities in respect of that exhibition, trade fair or conference.

(3) In this section—

"the scheduled premises" means the premises described in Schedule 3 to this Act; and

"stand" includes any platform, structure, space or other area.

Liability of directors, etc.

21. Where an offence under Part IV or section 19 (Acupuncturists, tattooists and cosmetic piercers) of this Act, or against any byelaw made under the said section 19 committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he, as well as the body corporate, shall be guilty of that offence.

Repeals.

22. The enactments specified in columns (1) and (2) of Schedule 2 to this Act shall be repealed to the extent specified in column (3) of that Schedule.

Costs of Act.

23. Subject to the provisions of any enactment requiring or enabling expenses in connection with any function of the Council to be chargeable otherwise than as general expenses chargeable on the whole of Greater London, all expenses of the Council in the execution of this Act shall be defrayed as the Council may decide as—

(*a*) general expenses chargeable on the whole of Greater London; or

(*b*) special expenses chargeable only on such part of Greater London as the Council may determine.

SCHEDULES

SCHEDULE 1

Section 17.

LOCAL ENACTMENTS MODIFIED IN GREATER LONDON IN RELATION TO STREET TRADING OFFENCES

Enactment (1)	Description of offence (2)	Former maximum fine (3)	
West Ham Corporation Act 1931, section 34 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.	1931 c. lx.
Dagenham Urban District Council Act 1931, section 122 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.	1931 c. xcv.
Wimbledon Corporation Act 1933, section 101 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.	1933 c. lxvii.
Barking Corporation Act 1933, section 201 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.	1933 c. lxviii.
Merton and Morden Urban District Council Act 1936, section 110 (1)	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.	1936 c. cxv.
Coulsdon and Purley Urban District Council Act 1937, section 84	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.	1937 c. xcviii.

SCH. 1 —*cont.*

Enactment (1)		Description of offence (2)	Former maximum fine (3)
1944 c. xxi.	Middlesex County Council Act 1944, section 329	Street trading without, or contrary to any prescription of, a licence, or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.
1947 c. xlvi.	London County Council (General Powers) Act 1947, section 29	Street trading without a licence.	£50 for a first offence and £200 for a second or subsequent offence.
		Street trading contrary to any prescription of a licence; procuring registration as a registered street trader or obtaining a licence or the renewal of a licence by wilful misrepresentation; or failure to furnish name and address.	£20 for a first offence and £50 for a second or subsequent offence.
1956 c. lxxxiv.	Walthamstow Corporation Act 1956, section 36	Street trading without, or contrary to any prescription of, a licence; making a false statement in connection with an application for, or the renewal of, a licence; failure to furnish name and address; or the letting, assignment or grant, or the purported letting, assignment or grant of rights under a licence.	£20 for a first offence and £50 for a second or subsequent offence.
1956 c. xc.	Middlesex County Council Act 1956, section 66	Street trading without, or contrary to any prescription of, a licence; procuring registration as a registered street trader or obtaining a licence or the renewal of a licence by wilful misrepresentation; or failure to furnish name and address.	£20 for a first offence and £50 for a second or subsequent offence.
1957 c. xxxv.	London County Council (General Powers) Act 1957, section 65	Procuring restoration of registration as a registered street trader by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.

SCH. 1 —*cont.*

Enactment (1)	Description of offence (2)	Former maximum fine (3)	
London County Council (General Powers) Act 1957, section 70	Failure to produce licence or certificate of registration.	£20 for a first offence and £50 for a second or subsequent offence.	1957 c. xxxv.
Croydon Corporation Act 1960, section 148	Street trading without, or contrary to any prescription of, a licence; or obtaining a licence or the renewal of a licence by wilful misrepresentation.	£20 for a first offence and £50 for a second or subsequent offence.	1960 c. xl.

SCHEDULE 2

Section 22.

LOCAL ENACTMENTS REPEALED

Chapter (1)	Short title (2)	Extent of repeal (3)
1969 c. lii.	Greater London Council (General Powers) Act 1969.	Section 44 and Schedule 2.
1974 c. xxiv.	Greater London Council (General Powers) Act 1974.	Section 20.

SCHEDULE 3

Section 20.

PREMISES IN GREATER LONDON IN RESPECT OF WHICH CERTAIN PROVISIONS OF THE SHOPS ACT 1950 SHALL NOT APPLY DURING EXHIBITIONS, TRADE FAIRS AND CONFERENCES 1950 c. 28.

1. Alexandra Palace, Wood Green, London N22.
2. Barbican Centre for Arts and Conferences and North Barbican Exhibition Halls, London EC2.
3. Earl's Court, Warwick Road, London SW5.
4. Olympia, Blythe Road and Hammersmith Road, London W14.
5. Royal Festival Hall, South Bank, London SE1.
6. Wembley Conference Centre and Wembley Arena, Wembley, Middlesex.
7. Premises, forming part of the World Trade Centre, known as International House, St. Katharine's Way, London E1 and Europe House, East Smithfield, London E1.

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CHAPTER xvii

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