1965 No. 531

LONDON GOVERNMENT

The Local Law (South East London Boroughs) Order 1965

Made - - - -	*19th March* 1965
Laid before Parliament	*29th March* 1965
Coming into Operation	*1st April* 1965

The Minister of Housing and Local Government, in exercise of his powers under section 84, as extended by section 87(2), of the London Government Act 1963(a) and of all other powers enabling him in that behalf, hereby makes the following order:—

1. This order may be cited as the Local Law (South East London Boroughs) Order 1965 and shall come into operation on 1st April 1965.

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

(2) In this order, except where the context otherwise requires, the following expressions shall have the following meanings respectively, that is to say—

"existing" in relation to an area, authority or body means that area, authority or body as it existed immediately before the passing of the London Government Act 1963;

"functions" includes powers and duties;

"schedule" means a schedule to this order; and

"south east London borough" means the London borough of Bexley or Bromley, and "south east London boroughs" shall be construed accordingly.

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

(4) Any reference in Schedule 2 or 3 to an enactment is a reference to that enactment as it would have effect on and after 1st April 1965 apart from those schedules.

(a) 1963 c. 33. (b) 52 & 53 Vict. c. 63.

3. In the south east London boroughs the provisions of the Kent County Council Act 1958(a), except those specified in Schedule 1, shall not apply, notwithstanding the provisions of section 87(1) of the London Government Act 1963, to the area, things or persons to which or to whom they apply before 1st April 1965.

4.—(1) The enactments as to which provision is made in Part I of Schedule 2, being enactments which, save as otherwise expressly provided in the said Part, apply to the south east London boroughs by virtue of article 5(1) of this order, shall have effect subject to the provisions of that Part.

(2) The enactments as to which provision is made in Part II of Schedule 2, being enactments which apply to the London borough of Bromley by virtue of article 5(2) of this order, shall have effect subject to the provisions of that Part.

5.—(1) Save as otherwise expressly provided in Part I of Schedule 2 the enactments specified in Part I of Schedule 3 shall apply to the south east London boroughs and shall have effect in such application subject to the substitution for any reference to an area, authority or body described in the first column of the Table set out in this article of a reference to the area, authority or body described in respect thereof in the second column.

(2) Save as otherwise expressly provided in Part II of Schedule 2 the enactments specified in Part II of Schedule 3 shall apply to the south east London borough mentioned in relation thereto and shall have effect in such application subject to the substitution for any reference to an area, authority or body described in the first column of the Table set out in this article of a reference to the area, authority or body described in respect thereof in the second column.

(3) Unless the context otherwise requires any functions exercisable in an area mentioned in the first column of the Table set out in this article shall be exercisable throughout the area mentioned in respect thereof in the second column.

TABLE

Existing area, authority or body	Substituted area, authority or body
The county of Kent	The south east London boroughs
The Kent County Council	The council of a south east London borough
An existing borough or urban district the area of which is wholly or partly comprised in a south east London borough	Each south east London borough which comprises the said area or part thereof.
The council or corporation of such a borough	The council or corporation as the case may be of the said London borough

(a) 7 Eliz. 2. c. vi.

TABLE

Existing area, authority or body	Substituted area, authority or body
The council of such an urban district	The council or corporation of the said London borough as may be appropriate
A gas company or undertaking	The Area Board within the meaning of the Gas Act 1948(a) for the supply of gas to the area
An electricity company or undertaking	An Electricity Board within the meaning of the Electricity Act 1947(b) as amended by the Electricity Act 1957(c)
A company or undertaking supplying water in an existing area	A company or undertaking supplying water in the substituted area
A railway company or undertaking; or the London Passenger Transport Board or any company or undertaking which was or whose functions were transferred to or vested in that Board by the London Passenger Transport Act 1933(d); or the British Transport Commission or any company or undertaking other than the London Passenger Transport Board which was or whose functions were transferred to or vested in the British Transport Commission by or under the Transport Act 1947(f)	The appropriate Board to or in whom the property, rights, liabilities and functions of the British Transport Commission are transferred or vested by or under the Transport Act 1962(e)
A company whose undertaking was transferred to or vested in the Port of London Authority by the Port of London Act 1908(g); or the Conservators of the River Thames in respect of the River Thames below the landward limit of the Port of London	The Port of London Authority

6.—(1) The enactments specified in Part I of Schedule 4 are hereby repealed to the extent mentioned in the third column of that Part.

(2) The enactments specified in Part II of Schedule 4 are hereby repealed to the extent mentioned in the third column of that Part so far as they relate to a south east London borough.

7. The instruments specified in Schedule 5 are hereby revoked to the extent mentioned in the third column of that schedule.

(a) 11 & 12 Geo. 6. c. 67. (b) 10 & 11 Geo. 6. c. 54.
(c) 5 & 6 Eliz. 2. c. 48. (d) 23 & 24 Geo. 5. c. 14.
(e) 10 & 11 Eliz. 2. c. 46. (f) 10 & 11 Geo. 6. c. 49. (g) 8 Edw. 7. c. 68.

8. Any byelaws made before 1st April 1965 under an enactment specified in Schedule 2 or 3 and in force in an area comprised in a south east London borough shall continue to have effect in such area as if made by the authority substituted in references by that schedule and by article 5 of this order and references in such byelaws to any authority shall in such application be construed as references to the authority so substituted.

SCHEDULE 1 *Article* 3

PROVISIONS OF THE KENT COUNTY COUNCIL ACT 1958 WHICH APPLY IN THE SOUTH EAST LONDON BOROUGHS

Sections 1, 4, 5, 18, 31, 33, 36, 50, 57, 61 to 65, 91, 93, 96 to 98, 109, 111, 114, 115, 117, 124, 126, 132 to 142 and 145 and Schedule 4.

SCHEDULE 2 *Article* 4(1)

MODIFICATION OF ENACTMENTS

PART I

Enactments applying to the south east London boroughs

1. In the Kent County Council Act 1958—

(*a*) in section 5, for subsection (1) there shall be substituted—

"(1) In this Act the expression "the appointed day" means—

(*a*) in relation to any part of the London borough of Bexley or Bromley in which a provision of this Act came into operation before 1st April 1965, the day on which the said provision came into operation in the said part, and

(*b*) in relation to the remainder of the said borough, the day fixed by resolution of the council of the borough subject to and in accordance with the provisions of this section.";

(*b*) in section 18(5), for the words "section 58 of the Road Traffic Act 1930(a)" there shall be substituted the words "section 67 or 70 of the Highways Act 1959(b)";

(*c*) in sections 31, 33 and 36, for references to a county road (not being a claimed road) there shall be substituted references to a highway;

(*d*) in section 62, for the words "the fire authority" wherever they occur there shall be substituted the words "the Greater London Council";

(*e*) in section 64(1), after the word "Council" there shall be inserted the words "after consultation with the Greater London Council";

(a) 20 & 21 Geo. 5. c. 43. (b) 7 & 8 Eliz. 2. c. 25.

(*f*) in section 91(1), in paragraph (*a*), for the words "the Lunacy Act 1890(a)" there shall be substituted the words "Part VIII of the Mental Health Act 1959(b)";

(*g*) in section 109(1), for the definition of "a library" there shall be substituted—

"the expression "a library" means any library maintained under the Public Libraries and Museums Act 1964(c) by the council of the London borough of Bexley or Bromley;"; and

(*h*) in section 126, in paragraph (1), for the definition of "appropriate authority" there shall be substituted—

""appropriate authority" means the council of the London borough of Bexley or Bromley the highway authority or the Greater London Council as the case may require and includes any of their officers and any person acting on their behalf or with their consent;".

2. In the London County Council (General Powers) Act 1958(d), for section 10, in its application to the council of a south east London borough, there shall be substituted the following section—

"10.—(1) The council of the London borough of Bexley or Bromley may be authorised by the Minister of Transport to acquire compulsorily any land in Greater London for the provision of substituted sites or facilities for the owners, lessees and occupiers of land acquired in the exercise of their powers under the Highways Act 1959 or for effecting an exchange for such land.

(2) The Acquisition of Land (Authorisation Procedure) Act 1946(e) shall apply to the compulsory acquisition of land under this section and accordingly shall have effect as if this section had been contained in a public general Act in force immediately before the commencement of the said Act of 1946.".

Article 4(2)

PART II

Enactments applying to the London borough of Bromley

1. In the Beckenham Sewerage Act 1873(f), for section 8 there shall be substituted the following section—

"8. The council of the London borough of Bromley shall pay to the council of the London borough of Lewisham a yearly sum equal to the amount that would be produced by a rate of one halfpenny in the pound on the annual rateable value of the property in the Beckenham Sewerage Area, which yearly sum shall be payable half-yearly on 29th September and 25th March in each year.".

2. In the Beckenham Urban District Council Act 1935(g)—

(*a*) in section 4(2), for the definition of "The Minister" there shall be substituted—

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

(*b*) in section 31, for the words from "The powers" to "or leading thereto" there shall be substituted the words "The powers conferred upon the council by section 164 of the Highways Act 1959";

(a) 53 & 54 Vict. c. 5. (b) 7 & 8 Eliz. 2. c. 72. (c) 1964 c. 75.
(d) 6 & 7 Eliz. 2. c. xxi. (e) 9 & 10 Geo. 6. c. 49. (f) 36 & 37 Vict. c. ccxviii.
(g) 25 & 26 Geo. 5. c. xcvii.

(*c*) in section 41(1), in paragraph (*a*), for sub-paragraphs (ii) and (iii) there shall be substituted—

"(ii) if there be no such line, then any line beyond which a house or building may not be erected on the land without infringing a condition enforceable by the council under section 169 of the Highways Act 1959; or

(iii) if there be neither of such lines, then the line beyond which a house or building may not except with the consent of the council be erected or brought forward on the land without contravening the provisions of section 75 of the said Act of 1959.";

(*d*) in section 113, for the words "section 257 of the Public Health Act 1875(a)" there shall be substituted the words "Part IX of the Highways Act 1959"; and

(*e*) in section 115, for the words "Arbitration Act 1889(b)" there shall be substituted the words "Arbitration Act 1950(c)".

3. In the Bromley Corporation Act 1953(d), in section 17(1), for the words "repairable by the inhabitants at large" there shall be substituted the words "maintainable at the public expense".

4. In the Orpington Urban District Council Act 1954(e)—

(*a*) in section 13—

(i) for the words "New Streets Act 1951(f)" there shall be substituted the words "Highways Act 1959";

(ii) for the words "section 1" wherever they occur there shall be substituted the words "section 192";

(iii) in paragraph (*a*), in the added words, for the words "subsection (4)" there shall be substituted the words "subsection (6)";

(iv) in paragraph (*c*), in the inserted paragraph (*ee*), for the words "local authority" and "repairable by the inhabitants at large" there shall be substituted the words "street works authority" and "maintainable at the public expense" respectively; and

(v) in paragraph (*d*), for the added subsection there shall be substituted—

"(6) This section shall not apply or shall cease to apply in a case where an agreement has been made before or within four months after the service of a notice under subsection (1) of section 193 of this Act by any person with the street works authority providing for the carrying out of street works under the code of 1892 in the street or a part thereof comprising the whole of the part on which the frontage of the building will be and for securing that the street or part thereof on completion of the works will become a highway maintainable at the public expense."; and

(*b*) in section 16—

(i) in paragraph (*b*), for the words "section 68 of the Public Health Act 1925(g)" there shall be substituted the words "section 81 of the Road Traffic Act 1960(h)";

(ii) in the proviso, in paragraph (i), for the reference to the Minister of Transport and Civil Aviation there shall be substituted a reference to the Minister of Transport; and

(iii) in the said proviso, for paragraph (ii) there shall be substituted—

"(ii) as respects any road which is for the time being a metropolitan road for the purposes of section 17 of the London Government Act 1963 without the consent of the Greater London Council; or".

(a) 38 & 39 Vict. c. 55. (b) 52 & 53 Vict. c. 49. (c) 14 Geo. 6. c. 27.
(d) 1 & 2 Eliz. 2. c. xiv. (e) 2 & 3 Eliz. 2. c. xlvi. (f) 14 & 15 Geo. 6. c. 40.
(g) 15 & 16 Geo. 5. c. 71. (h) 8 & 9 Eliz. 2. c. 16.

Article 5(1)

SCHEDULE 3

PART I

ENACTMENTS APPLIED TO THE SOUTH EAST LONDON BOROUGHS

Chapter	Short Title	Enactment
6 & 7 Eliz. 2. c. xxi	The London County Council (General Powers) Act 1958	Section 10.
7 Eliz. 2. c. vi	The Kent County Council Act 1958	Section 5. Section 18. Section 31. Section 33. Section 36. Section 57. Section 62. Section 64. Section 91. Section 93. Sections 96 to 98. Section 109. Sections 114 and 115. Section 117. Section 124. Section 126. Sections 132 to 142. Section 145. Schedule 4.

Article 5(2)

PART II

ENACTMENTS APPLIED TO THE LONDON BOROUGH OF BEXLEY

Chapter	Short Title	Enactment
3 Edw. 7. c. ccl	The Erith Tramways and Improvement Act 1903	Section 116. Section 171. Section 191. Sections 193 and 194. Section 201. Section 206.
10 & 11 Geo. 5. c. clv	The Erith Improvement Act 1920	Section 11. Section 43. Section 86. Sections 93 and 94.

ENACTMENTS APPLIED TO THE LONDON BOROUGH OF BROMLEY

Chapter	Short Title	Enactment
36 & 37 Vict. c. ccxviii	The Beckenham Sewerage Act 1873	Sections 7 and 8.
3 Edw. 7. c. ccxvii	The Beckenham Urban District Council Act 1903	Section 87. Sections 192 and 193. Section 199.
25 & 26 Geo. 5. c. xcvii	The Beckenham Urban District Council Act 1935	Section 23. Section 26. Sections 31 and 32. Sections 41 and 42. Section 52. Section 70. Section 73. Section 75. Sections 81 and 82. Section 89. Sections 102 and 103. Sections 107 to 111. Sections 113 to 117. Section 119. Section 121. Section 123.
1 & 2 Eliz. 2. c. xiv	The Bromley Corporation Act 1953	Part II. Section 17. Sections 27 to 29. Sections 32 to 34. The Schedule.
2 & 3 Eliz. 2. c. xlvi	The Orpington Urban District Council Act 1954	Sections 7 and 8. Section 11. Section 13. Sections 16 and 17. Section 19. Section 24. Sections 27 and 28. Sections 31 to 33. Part VII. Section 39. Sections 42 to 47. Sections 55 and 56. Section 59. Sections 62 to 70. Schedule 3.
10 & 11 Eliz. 2. c. xli	The Orpington Urban District Council Act 1962	Part II. Section 5. Sections 7 to 9. Sections 11 and 12.

Article 6(1)

SCHEDULE 4

REPEALS

PART I

GENERALLY

Chapter	Short Title	Extent of Repeal
36 & 37 Vict. c. ccxviii	The Beckenham Sewerage Act 1873	The whole Act other than sections 1, 7 and 8 and so much of section 2 as is necessary to give effect to those sections.
1 Edw. 7. c. ciii	The Bexley Tramways Act 1901	The whole Act other than section 1, Part II and so much of section 4 as is necessary to give effect to those provisions.
3 Edw. 7. c. ccxvii	The Beckenham Urban District Council Act 1903	The whole Act other than section 1, Part III, sections 87, 161, 192, 193 and 199 and so much of section 4 as is necessary to give effect to those provisions.
3 Edw. 7. c. ccl	The Erith Tramways and Improvement Act 1903	The whole Act other than sections 1 and 8(4), Part III, sections 70, 116, 134, 135, 171, 191, 193, 194, 201 and 206 and so much of section 4 as is necessary to give effect to those provisions.
10 & 11 Geo. 5. c. clv	The Erith Improvement Act 1920	The whole Act other than sections 1, 3(2), 11 and 12, Part III, sections 37, 43, 66, 86, 93 and 94 and so much of section 4 as is necessary to give effect to those provisions. Section 86, save in so far as it relates to sections 193 and 194 of the Erith Tramways and Improvement Act 1903.
25 & 26 Geo. 5. c. xcvii	The Beckenham Urban District Council Act 1935	Sections 8 to 10. Section 12. Section 17. Section 19. Sections 24 and 25. Sections 27 to 30. Section 32(1). In section 32(2), the reference to section 25. In section 32(3), the reference to subsection (1) of the said section 32. Sections 33 to 40. Sections 43 to 51.

Chapter	Short Title	Enactment
25 & 26 Geo. 5. c. xcvii—*cont.*	The Beckenham Urban District Council Act 1935—*cont.*	In section 52, the words from "" Adjustment of boundaries of streets" to "vans etc."" and from ""Lock-up" to "signs"". Part IV. Sections 68 and 69. Sections 71 and 72. Section 74. Part VI other than sections 81 and 82. In section 82, the words "this Part of this Act and of" and "other". Part VII other than sections 89 and 102. Sections 104 to 106. In section 107, the proviso. In sections 108 to 110, references to Part IV. Section 112. Section 118. Section 120. Section 122. Sections 124 to 126. Schedules 1 to 4.
1 & 2 Eliz. 2. c. xiv	The Bromley Corporation Act 1953	In section 9, paragraphs (1) to (3). Part III other than section 17. Sections 21 to 26. In section 27, paragraphs (*a*) and (*b*). Sections 30 and 31. Section 35.
2 & 3 Eliz. 2. c. xlvi	The Orpington Urban District Council Act 1954	Sections 5 and 6. Section 9. Section 12. Sections 14 and 15. In section 16, in proviso (iv), the words from "or without" onwards. Section 18. Sections 20 to 22. Sections 25 and 26. Sections 29 and 30. In section 31(1), the words from "and the following provisions" onwards. Section 39(1)(*b*). Section 39(2). Sections 40 and 41. In section 47, paragraphs (*a*), (*b*) and (*d*). Sections 48 to 54. Sections 57 and 58. Sections 60 and 61.

Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. xlvi—*cont.*	The Orpington Urban District Council Act 1954—*cont.*	In section 63, the reference to section 54. Section 66(3). In section 67, references to sections 6, 54 and 57. In section 68, paragraphs (3) and (4). Section 71. Schedules 1 and 2.
10 & 11 Eliz. 2. c. xli	The Orpington Urban District Council Act 1962	Section 10. Section 13.

Article 6(2)

PART II

ENACTMENTS REPEALED SO FAR AS THEY RELATE TO A SOUTH EAST LONDON BOROUGH

Chapter	Short Title	Extent of Repeal
7 Eliz. 2. c. vi	The Kent County Council Act 1958	In section 18, references to the county council of the administrative county of Kent. Section 18(6). Section 33(1)(*a*). Section 91(3). In section 117(1), the words " a coast protection board established under the Coast Protection Act 1949 " and " either ". In section 124, the words " of the shore or bed of the sea or " and " bay or estuary ". In section 126— in paragraph (3), the words from " Section 26 " to " forecourts) " and from " Section 35 " onwards; paragraphs (4) to (6); in paragraph (7), the reference to section 37. In section 137, the provisions mentioned in the Table other than that relating to paragraph (10) of section 126. In section 138, the reference to section 59. In section 141(2), references to sections 116 and 119. In Schedule 4, the reference to sections 116 and 119.

Article 7

SCHEDULE 5

INSTRUMENTS REVOKED

Chapter or S.I. Number	Short Title	Extent of Revocation
52 & 53 Vict. c. lxii	The Local Government Board's Provisional Orders Confirmation (No. 10) Act 1889	The Bromley Order 1889 as set out in the Schedule.
53 & 54 Vict. c. xliv	The Local Government Board's Provisional Orders Confirmation Act 1890	The Bromley Order 1890 as set out in the Schedule.
62 & 63 Vict. c. cviii	The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1899.	The Bromley Order 1899 as set out in the Schedule.
1 Edw. 7. c. xl	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1901	The Erith Order 1901 as set out in the Schedule.
6 Edw. 7. c. civ	The Local Government Board's Provisional Orders Confirmation (No. 5) Act 1906	The Beckenham Order 1906 as set out in the Schedule.
8 Edw. 7. c. cxliv	The Local Government Board's Provisional Orders Confirmation (No. 4) Act 1908	The Bromley Order 1908 as set out in the Schedule.
4 & 5 Geo. 5. c. xliv	The Local Government Board's Provisional Orders Confirmation (No. 1) Act 1914	The Bromley Order 1914 as set out in the Schedule.
9 & 10 Geo. 5. c. lxxvi	The Local Government Board's Provisional Orders Confirmation (No. 2) Act 1919	The Beckenham Order 1919 as set out in the Schedule.
13 & 14 Geo. 5. c. xxxix	The Ministry of Health Provisional Orders Confirmation (No. 6) Act 1923	The Crayford Order 1923 as set out in the Schedule.
15 & 16 Geo. 5. c. lxxxii	The Ministry of Health Provisional Orders Confirmation (No. 6) Act 1925	The Beckenham Order 1925 as set out in the Schedule.
—	The scheme made by the council of the borough of Beckenham under section 25 (1) of the Local Government Superannuation Act 1937 and approved by the Minister of Health on 31st January 1939.	The whole scheme.
S.I. 1956/104	The Beckenham (Repeal of Local Enactments) Order 1955	The whole order.
S.I. 1956/1794	The Orpington (Amendment of Local Enactments) Order 1956	The whole order.
S.I. 1961/305	The Beckenham Sewerage Order 1961	The whole order.

Given under the official seal of the Minister of Housing and Local Government on 19th March 1965.

(L.S.) *R. H. S. Crossman,*
Minister of Housing and Local Government.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order applies local enactments, with necessary consequential modifications, to the London boroughs of Bexley and Bromley and repeals and revokes those enactments which are spent, obsolete, unnecessary or substantially superseded.