CHAPTER civ.

An Act to make provision with respect to the registration of petroleum oil depôts in the administrative county of London to confer further powers on the London County Council and for other purposes. [7th August 1912.]

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WHEREAS it is expedient that with a view to the prevention or diminution of the risk of injury to life and property by fire or explosion such provisions as are contained in this Act should be made with respect to the registration of premises in the administrative county of London (herein-after referred to as "the county") which are used for the storage in large quantities of petroleum oil as defined in this Act but are not subject to the provisions of the Petroleum Acts 1871 to 1881:

And whereas the London County Council (in this Act called "the Council") have acquired certain lands in the county of Middlesex known as the White Hart Lane Estate for the purposes of the Housing of the Working Classes Acts 1890 to 1909:

And whereas a part of the said lands is being used for the purposes of the said Acts but with regard to other parts thereof it is expedient that provision should be made for enabling the same to be developed and used as a residential area with gardens and open spaces and other special amenities for persons of the working class and others:

And whereas it is expedient that the Council should be empowered as by this Act provided to afford facilities to such persons as may desire to obtain long leases of houses or cottages provided by the Council under the Housing of the Working Classes Acts 1890 to 1909:

And whereas it is expedient that provision should be made as in this Act contained with regard to the superannuation of

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certain officers of the Council and also certain teachers in non-provided schools in the county:

And whereas it is expedient that the other provisions contained in this Act should be made:

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited as the London County Council (General Powers) Act 1912.

Division of Act into Parts.

2. This Act is divided into Parts as follows:—

Part I.—Introductory.
Part II.—Petroleum Oil Depôts.
Part III.—White Hart Lane Estate.
Part IV.—Superannuation of Officers.
Part V.—Miscellaneous and Financial Provisions.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

"The Council" means the London County Council;

"The county" means the administrative county of London;

"The corporation" means the mayor and commonalty and citizens of the city of London acting by the mayor aldermen and commons of the city of London in common council assembled.

PART II.

PETROLEUM OIL DEPÔTS.

Interpretation of expressions in this Part of Act.

4. In this Part of this Act unless the subject or context otherwise requires—

"Controlling authority" means—

(*a*) As respects the county (exclusive of the city of London) the Council; and

(*b*) As respects the city of London the corporation: A.D. 1912.

"Petroleum oil" means—

(*a*) Petroleum as defined by the Petroleum Act 1871 which when tested in manner set forth in the First Schedule to the Petroleum Act 1879 gives off an inflammable vapour at a temperature of 150 degrees of Fahrenheit's thermometer or any lower temperature not being less than 73 degrees of such thermometer;

(*b*) Any liquid mixture (including any viscous or sedimentary mixture) of such petroleum and any other substance if such mixture gives off an inflammable vapour at any such temperature as aforesaid when tested in accordance with the provisions of the schedule to the Order in Council applying to mixtures of petroleum and made on the seventh day of May one thousand nine hundred and seven; and

(*c*) Any inflammable oil (other than petroleum to which the Petroleum Acts 1871 to 1881 apply) 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 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 conveyance:

"Petroleum oil depôt" means any premises in the county on which petroleum oil is stored in tanks barrels or other receptacles the aggregate capacity of which above the level of the ground is not less than the following respective quantities (that is to say):—

(*a*) In the case of premises on which tanks only are used - - - -	5,000 gallons
(*b*) In the case of any other premises	2,000 gallons

the level of the ground with reference to each such tank barrel or receptacle being taken to be the level

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of the lowest point of the surface of the ground nearest to but not directly beneath such tank barrel or receptacle:

"Existing petroleum oil depôt" means any petroleum oil depôt in use as such at the date of the passing of this Act:

"New petroleum oil depôt" means any petroleum oil depôt other than an existing petroleum oil depôt.

Registration of petroleum oil depôts.

5.—(1) From and after the first day of January one thousand nine hundred and thirteen it shall not be lawful for any person to use any existing petroleum oil depôt or to establish or use a new petroleum oil depôt unless such depôt is registered under the provisions of this Part of this Act.

(2) Any person desiring the registration of a petroleum oil depôt shall make application in writing to the controlling authority.

(3) As soon as reasonably practicable after the receipt of such application duly accompanied by the fee and particulars required to be sent therewith in accordance with the provisions of this Part of this Act the controlling authority shall register such depôt in a book to be kept by the controlling authority for the purpose:

Provided that the controlling authority shall not be required to register a new petroleum oil depôt which contravenes any regulation made and in force under the section of this Act of which the marginal note is "Regulations" but any person aggrieved by any decision of the controlling authority with respect to any such contravention may appeal to the petty sessional court having jurisdiction in the area in which the site of the proposed depôt is situate and the court may allow or disallow the appeal.

(4) Applications for the registration of existing petroleum oil depôts shall be made within one month after the date or (if more than one) the latest date of publication of the advertisements referred to in the section of this Act of which the marginal note is "Notice of this Part of Act to be given."

Regulations.

6. The controlling authority may make and enforce regulations as to the execution and maintenance of works at petroleum oil depôts for diminishing or preventing the risk of the outflow of petroleum oil therefrom:

Provided that no such regulations shall have any force or effect unless or until the same shall have been approved by the Secretary of State. A.D. 1912.

Applications to be accompanied by particulars.

7. Any person when making application for the registration of a petroleum oil depôt under this Part of this Act shall furnish to the controlling authority particulars (including plans where reasonably necessary) as to the situation in relation to other premises of the depôt to be registered the quantity and character of the petroleum oil to be stored thereat the mode of storage the capacity (whether above or below the level of the ground) of any tanks barrels or other receptacles for the storage of petroleum oil and the position character and dimensions of the buildings and works in such depôt.

Fees for registration.

8. Any person when making application in respect of registration under the provisions of this Part of this Act shall pay to the controlling authority such fee as they may from time to time fix not exceeding—

(*a*) For registering an existing petroleum oil depôt - - - - - - - One pound.

(*b*) For registering a new petroleum oil depôt - Five pounds.

Powers as to entry inspection and samples.

9.—(1) Any officer duly authorised by the controlling authority in that behalf may at all reasonable times enter and inspect any premises which are used or which such officer has reasonable cause to believe are used for the purposes of a petroleum oil depôt and such officer may require the occupier of such premises to furnish him on payment of the value thereof with samples of any oils mixtures or liquids suspected by such officer of being petroleum oil that may be on such premises.

(2) When an officer has obtained a sample as aforesaid he may declare in writing to the occupier of such premises that such sample will be tested as to its inflammable qualities by a duly qualified chemist appointed by the controlling authority at such convenient place and at such reasonable time as such officer may specify and such occupier or any person appointed by him may be present at such test.

Penalties.

10. Subject to the provisions of this Part of this Act every person who—

(*a*) Establishes or uses a petroleum oil depôt in contravention of the provisions of this Part of this Act or fails

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to comply with any regulations in force thereunder; or

(*b*) Refuses to permit any officer of the controlling authority to enter or inspect any premises which such officer is authorised under the said provisions to enter and inspect or refuses or neglects to furnish any sample as required under the said provisions or obstructs any such officer in the execution of such provisions

shall be liable on summary conviction to a penalty not exceeding twenty pounds and in respect of an offence under paragraph (*a*) of this section to a further penalty not exceeding twenty pounds for each day on which the offence continues after conviction thereof:

Provided that in the case of an existing petroleum oil depôt proceedings shall not be taken under this section with respect to any failure to comply with any regulation made under the provisions of this Part of this Act until such time has elapsed after the approval by the Secretary of State of such regulation as to afford a reasonable opportunity for compliance therewith.

Part II. of Act not to apply to certain premises in Port of London.

11. The provisions of this Part of this Act and any regulations to be made thereunder shall not extend or apply to any premises situate within the port of London as defined by the Port of London Act 1908 belonging to or occupied by the Port of London Authority.

Notice of this Part of Act to be given.

12. The controlling authority shall within three months after the passing of this Act give public notice of the effect of the provisions of this Part of this Act by advertisement in two or more daily newspapers circulating in the county and otherwise in such manner as they think sufficient.

PART III.

WHITE HART LANE ESTATE.

Development of lands as garden suburb.

13.—(1) The Council may make a scheme or schemes for developing on the lines of a garden suburb for the accommodation of persons of the working class and others all or any of the lands of the Council situate in the urban districts of Tottenham and Wood Green in the county of Middlesex shown by a pink colour on the plan signed by Sir Charles Nicholson Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred (one copy

of which has been deposited in the Private Bill Office of the House of Commons and one copy in the Parliament Office of the House of Lords).

(2) The Council may in such manner as may be prescribed by any such scheme or schemes as aforesaid utilise lay out and develop on such lines as aforesaid the said lands or the part thereof to which the scheme relates and any such scheme may authorise the Council to sell or let on lease all or any of the said lands for the purpose of such laying out or development Provided that the Council shall not themselves undertake the erection of any houses on the said lands except houses for persons of the working class.

(3) Any such scheme as aforesaid may confer exemptions from or may relax or vary any byelaws or regulations in force in any district in which such lands are situate in respect of the construction of new buildings and the laying out of new streets on such lands.

(4) No such scheme as aforesaid shall have any force or effect unless or until it shall have been approved by the Local Government Board who before approving any such scheme shall take into consideration any representation which may within one month after receipt by the Board of the application of the Council be made to that Board by the local authority of the district in which any land the subject of the application is situate and in approving the same the Board may make such modifications therein and impose such conditions as they may think fit.

(5) The Council may with the approval of the Local Government Board from time to time revoke modify extend or vary any such scheme as aforesaid.

(6) At least one month before making an application to the Local Government Board under this section the Council shall give notice in writing to the local authority of the district in which any land the subject of the application is situate of their intention to make such application and such notice shall be accompanied by a copy of the scheme revocation modification extension or variation for which approval is intended to be sought and of all plans referred to therein or intended or required to be forwarded to the Local Government Board therewith.

Open spaces &c. and bye-laws.

14. The Council may on any part of the said lands laid out and developed as aforesaid provide gardens recreation grounds open spaces and buildings and facilities and apparatus for games

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for the common use of the inhabitants of any dwellings on the said lands or of other persons and may make and enforce byelaws with respect to the management use and regulation thereof and sections 202 and 203 of the Metropolis Management Act 1855 shall apply to such byelaws.

Power to make charges.

15. The Council may make such charges as they think fit with respect to the use of any gardens recreation grounds open spaces buildings and facilities and apparatus for games provided as aforesaid.

Power to local authorities to make agreements and to take over roads.

16.—(1) The Council on the one hand and any local authority in whose district any part of the said lands is situate on the other hand may with the approval of the Local Government Board enter into and carry into effect agreements with respect to the construction laying out widening extending improving or lighting of streets roads sewers drains open spaces or recreation grounds in the district of such authority.

(2) Any local authority in whose district any part of the said lands is situate may if they think fit with the consent of the Council take over and maintain as highways repairable by the inhabitants at large any roads in their district made by the Council on the said lands when such roads shall have been made up sewered drained levelled kerbed paved metalled flagged channelled made good and provided with proper means of lighting to the reasonable satisfaction of the local authority notwithstanding that such roads may not be of the full width prescribed by or may not be otherwise in accordance with the byelaws relating to new streets and footways for the time being in force in the district of such local authority.

(3) If the consent of the Council as required under the last preceding subsection of this section is withheld or if any other difference arises under that subsection between the Council and the local authority the matter in question shall be referred to the determination of an arbitrator to be appointed by the Local Government Board on the application of either party.

Expenditure borrowing and receipts by Council.

17.—(1) The Council may incur such expenditure and may borrow to such extent as may be necessary for the purposes of this Part of this Act.

(2) Such expenditure and borrowing and also any moneys received by the Council under or in pursuance of the provisions

of this Part of this Act shall in all respects be subject to the provisions applicable to expenditure borrowing and receipts by the Council under Part III. of the Housing of the Working Classes Act 1890 as amended or extended by any other Act.

Saving for powers under Housing of Working Classes Acts.

18. Nothing contained in this Part of this Act shall prevent or interfere with the exercise in relation to any of the lands referred to in this Part of this Act of any powers vested in the Council or in the Local Government Board under or by virtue of the Housing of the Working Classes Act 1890 as amended or extended by any other Act.

Inquiries by Local Government Board.

19.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them or the giving of any approval under this Part of this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Council shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Part IV.

Superannuation of Officers.

Superannuation allowances and other benefits to certain transferred officers and servants.

20. The Council are hereby empowered to grant to or in the case of any person who having been transferred from the service of the Metropolitan Board of Works to the service of the Council under or by virtue of the Local Government Act 1888 shall at the passing of this Act be still in the service of the Council (whether paid by salary or wages) and who shall elect in writing to adopt the provisions of this Part of this Act the several superannuation allowances additional allowances and gratuities in this section mentioned and provided or such of them as may be applicable to the case in substitution for the allowances gratuities and other benefits which the Council are now authorised

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to grant to him by virtue of the Superannuation (Metropolis) Act 1866 the Local Government Act 1888 and section 60 of the London Council (General Powers) Act 1891 (herein-after referred to as "the existing Acts") or any of those Acts.

The superannuation allowances additional allowances and gratuities in this section mentioned and provided are as follows:—

(1) Such a superannuation allowance on his retirement from the service of the Council as the Council would be authorised to grant to such person as aforesaid under or by virtue of the existing Acts or some or one of them if in section 4 of the Superannuation (Metropolis) Act 1866 the words "eightieth" and "eightieths" were substituted for the words "sixtieth" and "sixtieths" wherever they occur Provided always that a superannuation allowance on such reduced basis shall only be granted in conjunction with the additional allowance next herein-after mentioned:

(2) An additional allowance to any such person as aforesaid on his retirement from the service of the Council of a lump sum in cash equal to one-thirtieth of the annual salary or wages and emoluments of the office held by such person immediately before his retirement multiplied by the number of completed years he has served under the Council and the Metropolitan Board of Works with the addition of one half per centum of such lump sum in respect of each year of such service which he shall have completed at the passing of this Act so however that such additional allowance (exclusive of the additional one-half per centum) shall in no case exceed one and a half times the amount of such salary or wages and emoluments Provided always that if any such person shall retire from the service of the Council after attaining the age of sixty-five years there shall be deducted from the amount of such additional allowance one-twentieth part of the amount which would otherwise have been payable to such person by way of additional allowance for every completed year he has served after attaining that age:

(3) A gratuity payable to the legal personal representatives of any such person as aforesaid who shall die while

still in the service of the Council of an amount equal to the annual salary or wages and emoluments of the office held by him immediately before his death provided that if such person shall die after attaining the age of sixty-five years the amount of such gratuity shall be reduced by one-twentieth part of that amount for every completed year he has served after attaining that age:

(4) In case any such person as aforesaid to whom a superannuation allowance has been granted by the Council under this Part of this Act shall die and at the time of his death the sums actually received or receivable by him up to the time of his death on account of such superannuation allowance together with any sum received or receivable by him by way of additional allowance as aforesaid shall be less than the amount of the annual salary or wages and emoluments of his office at the date of his retirement the Council may grant to his legal personal representatives a gratuity equal to the difference.

Allowances not to be assignable.

21. No superannuation or other allowance granted by the Council under this Part of this Act shall (except with the consent in writing of the Council) be assignable for or chargeable with the debts or other liabilities of the person to whom such allowance shall be granted.

Fund to which allowances and gratuities are to be charged.

22. Any allowance gratuity or other benefit granted under this Part of this Act shall be a charge upon and be payable out of the county fund.

Council may make rules.

23. The Council may make rules or regulations for the purpose of carrying this Part of this Act into effect and may therein prescribe the conditions which shall be complied with by any such person as aforesaid before he elects to adopt the provisions of this Part of this Act.

Powers of this Part of Act to be cumulative.

24. The powers given to the Council by this Part of this Act are cumulative and nothing in this Part of this Act shall take away abridge or prejudicially affect any powers at present exerciseable by the Council under the existing Acts or any of them.

PART V.

MISCELLANEOUS AND FINANCIAL PROVISIONS.

Superannuation of certain teachers in non-provided schools.

25.—(1) It shall be lawful for the Council on such terms and conditions as they may think fit to confer upon all or any of the teachers employed in non-provided schools in the county who do not contribute to the deferred annuity fund established in pursuance of the Elementary School Teachers (Superannuation) Act 1898 superannuation and other benefits similar to those conferred upon teachers in their employ by any scheme made in pursuance of the provisions of Part IV. (Superannuation &c.) of the London Council (General Powers) Act 1891 as amended or extended by other Acts.

(2) For the purpose of giving effect to the provisions of this section the Council may make such annual or other payments to or from the superannuation and provident fund established in pursuance of the said provisions of Part IV. of the said Act of 1891 as amended or extended as aforesaid as they may think fit and may make a scheme or amend any scheme so made or any existing scheme made under the said provisions and the said provisions shall subject to the provisions of this section in all respects apply to such new or amended scheme.

Discontinuance of separate accounts under Thames River Steamboat Service Act 1904.

26. The obligation imposed upon the Council by section 51 (Separate accounts) of the Thames River Steamboat Service Act 1904 to keep separate accounts of receipts and expenses shall cease to be binding upon them so long as they shall not run a service of vessels under the powers of the said Act.

Evidence in proceedings under s. 2 of Education (Provision of Meals) Act 1906.

27. For the purpose of any proceedings under the provisions of section 2 of the Education (Provision of Meals) Act 1906 a certificate purporting to be under the hand of the principal teacher of any public elementary school in the county stating that the child mentioned in such certificate has been furnished with a ticket or otherwise authorised to obtain a meal on the occasion and at the place also therein mentioned shall be conclusive evidence (unless the contrary be shown) that such child has been furnished with such meal.

Power to lease houses and cottages provided

28.—(1) Notwithstanding anything contained in the Housing of the Working Classes Acts 1890 to 1909 it shall be lawful for the Council from time to time to let on lease on such terms

and conditions and for such period not exceeding ninety-nine years as they may think fit any house or cottage provided by them in pursuance of the said Acts to any person occupying or intending to occupy the same and to impose in any lease such restrictions as to the assignment thereof by the lessee or his sequels in title or as to sub-letting or parting with the possession of the premises comprised in such lease as the Council may think fit and to accept or agree to accept the surrender of any such lease on such terms and conditions as they may think fit and particularly upon the terms of making any such payment to the lessee or other person making the surrender as the Council may consider reasonable.

under Housing of the Working Classes Acts 1890 to 1909.

(2) All expenses incurred by the Council under this section shall be deemed to be expenses of the Council under the Housing of the Working Classes Act 1890 and be defrayed accordingly.

Removal of disabilities of co-opted members of Education Committee of Council.

29. Notwithstanding anything contained in the Municipal Corporations Act 1882 as applied to the Council by the Local Government Act 1888 or any other Act any member of the Education Committee of the Council who is not a member of the Council shall have the same power of dealing with and voting upon any matter arising under any of the enactments herein-after mentioned which may be before the said committee or any sub-committee of which he is a member appointed by the said committee as any member of the said committee or sub-committee who is a member of the Council and the said committee and every sub-committee appointed by them shall as regards any such matter as aforesaid which may be referred to the said committee by the Council otherwise than as the local education authority be deemed to be a committee or a sub-committee (as the case may be) appointed in accordance with the said Acts.

The enactments herein-before mentioned are the following (that is to say):—

The Employment of Children Act 1903;

The Children Act 1908 (except Parts I. and III. thereof);

Part V. of the London County Council (General Powers) Act 1907; and

The London Building Acts (Amendment) Act 1905 so far as that Act applies to school buildings the plans of which are submitted to the Board of Education for approval.

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Power to Council to contribute to funds of certain associations.

30. It shall be lawful for the Council to make contributions to the funds or towards the expenses of any association conference or congress dealing with any matter connected with any service of or of general interest to the Council provided that the aggregate amount of such contributions in any financial year shall not exceed the sum of one hundred pounds.

Application of penalties under Act.

31. Notwithstanding anything contained in the Metropolitan Police Courts Act 1839 or in any other Act every penalty recovered under or in pursuance of this Act or any byelaw made thereunder shall be payable to the authority taking the proceedings leading to the recovery of the penalty.

Saving Crown and other rights.

32. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown nor in particular authorises the entry upon or interference with any land or building belonging to or under the control of the Admiralty or of His Majesty's Principal Secretary of State for the War Department nor imposes any obligation or liability upon the Admiralty or the said Secretary of State in relation to any such land or building or the user thereof for any purpose.

As to payments under this Act.

33.—(1) All costs and expenses of the Council in the execution of this Act (except so far as they may be otherwise provided for by this or any other Act) shall be defrayed as payments for general or special county purposes within the meaning of the Local Government Act 1888 as the Council may decide and the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act shall be paid by the Council in like manner.

(2) Any moneys expended by the corporation in the execution of this Act shall be paid out of the general rate authorised to be levied by them.

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ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

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