

by such a charter as is referred to in the last foregoing subsection, provision for their incorporation shall be made by the Minister by order (hereafter in this Act referred to as an “incorporation order”) which may include any such provision as is mentioned in paragraph (a) or (b) of that subsection.

(4) [...]

(5) Before the Minister makes as respects a London borough either representations under subsection (2) of this section for the grant of a charter or an incorporation order under subsection (3) thereof, the Minister or, as may be appropriate, the Secretary of State shall cause such notices to be given and such, if any, inquiries to be held with respect to the matters to be dealt with by the charter or order as may appear to the Minister or, as the case may be, the Secretary of State to be expedient.

(6) The Municipal Corporations Act 1882 shall apply to every London borough ... the expression “borough” when used in relation to local government in any enactment whether passed before or after this Act ... shall except where the context otherwise requires (and except in particular in the expressions “county borough” and “non-county borough”) include a London borough; ...

(7) [...]

AMENDMENTS

The words omitted from subs. (1) and the words omitted from subs. (6) were repealed by the Interpretation Act 1978, s.25(1), Sch.3. Subs. (4) was repealed by the Local Government Act 1972, ss.8(2), 272(1), Sched. 2, para 7(3) and Sch.30. Subs. (7) was repealed by the Local Government Act 1972, s.272(1), Sch.30.

GENERAL NOTE

3-12.25.3 This section establishes the London borough councils. They are statutory corporations, described as “new administrative areas”. The administrative area of Greater London consists of the area of the 32 London boroughs, the City of London and the Temples. A new tier of government for the area, the Greater London Authority, was established by the Greater London Authority Act 1999, *post*, paras 3-999/1046 *et seq.*

The 12 London boroughs whose areas, together with the City of London, once formed the administrative county of the London and are known as the “inner London boroughs” and the remaining area of Greater London is known as the “outer London boroughs”.

This Act abolished the London County Council and the Middlesex County Council, 28 metropolitan borough councils, and all other local authorities (other than the Corporation of the City of London and the Temples) within the Greater London area. They were replaced by the current London boroughs and the Greater London Council (GLC), which was itself abolished by the Local Government Act 1985. The GLC’s main responsibilities were for roads and traffic, refuse disposal, fire service, land drainage, flood protection, education in the inner London area and building and construction control in the inner London area. The GLC shared responsibility with the borough councils with respect to planning and housing. On the GLC’s abolition by the 1985 Act with effect from April 1, 1986, its functions were distributed among the remaining authorities, other existing bodies and the certain new authorities such as the Inner London Education Authority (which was itself abolished on April 1, 1990, by the Education Reform Act 1988).

Subs. (2)

A borough may be granted a charter of incorporation. As statutory corporations, their powers are limited expressly or by implication to those conferred on them. Charters of incorporation have been granted to all London boroughs. Accordingly, the Minister’s power in subs. (3) has never been exercised. Corporations created by use of the royal prerogative are in a different position and, in principle, enjoy the same powers as a natural person. Where a corporation is created by both royal prerogative and statute it remains a statutory corporation: *Hazell v Hammersmith & Fulham LBC* [1992] 2 A.C. 1, HL.

Greater London and the Greater London Council.

3-12.25.4 2.—(1) The area comprising the areas of the London boroughs, the City and the Temples shall constitute an administrative area to be known as Greater London.