



# Housing Act 1957

## 1957 CHAPTER 56

### PART V

#### PROVISION OF HOUSING ACCOMMODATION

##### *General powers and duties of local authorities*

#### **91 Periodical review of housing conditions by local authorities**

It shall be the duty of every local authority to consider housing conditions in their district and the needs of the district with respect to the provision of further housing accommodation and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under Part I of this Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister proposals for the provision of new houses, distinguishing those houses which the authority proposes to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.

#### **92 Mode of provision of accommodation**

- (1) A local authority may provide housing accommodation—
- (a) by the erection of houses on any land acquired or appropriated by them,
  - (b) by the conversion of any buildings into houses,
  - (c) by acquiring houses,
  - (d) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the local authority.

Any such powers as aforesaid may, for supplying the needs of the district, be exercised outside the district of the local authority.

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- (2) The local authority may alter, enlarge, repair or improve any house so erected, converted or acquired.
- (3) It shall be the duty of a local authority for the purposes of this Part of this Act by whom any house is erected under the enactments relating to housing, whether with or without financial assistance from the Government, to secure—
  - (a) that a fair wages clause complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts for Government departments is inserted in all contracts for the erection of the house, and
  - (b) except in so far as the Minister may, in any particular case, dispense with the observance of this paragraph, that the house is provided with a fixed bath in a bathroom.
- (4) For the purposes of this Part of this Act " provision of housing accommodation" includes the provision of lodging-houses, and separate houses or cottages containing one or several tenements, and, in the case of a cottage, a cottage with a garden of not more than one acre.

### **93 Supplementary powers of providing buildings or land in connection with provision of accommodation**

- (1) The powers of a local authority under this Part of this Act to provide housing accommodation shall include a power (either by themselves or jointly with any other person) to provide and maintain with the consent of the Minister in connection with any such housing accommodation any building adapted for use as a shop, any recreation grounds, or other buildings or land which in the opinion of the Minister will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.
- (2) The Minister, in giving his consent to the provision of any land or building under the foregoing provisions of this section, may by order apply, with any necessary modifications, to that land or building any statutory provisions which would have been applicable thereto if it had been provided under any enactment giving any local authority powers for the purpose.
- (3) The powers of the London County Council and of a metropolitan borough council under this Part of this Act to provide housing accommodation shall include also a power to provide and maintain with the consent of the Minister in connection with any such housing accommodation any building or part of a building adapted for use for any commercial purpose:

Provided that the powers conferred by this subsection shall not be exercised outside the administrative county of London except with the consent of the council of the borough or district concerned.

### **94 Power to provide furniture**

A local authority may fit out, furnish and supply any house erected, converted or acquired by them under section ninety-two of this Act with all requisite furniture, fittings and conveniences and may sell, or supply under a hire-purchase agreement, furniture to the occupants of houses provided by the local authority and, for that purpose, may buy furniture.

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In this subsection " hire-purchase agreement" has the same meaning as in the Hire Purchase Act, 1938.

#### **95 Power to provide board and laundry facilities**

- (1) The power of a local authority under this Part of this Act to provide housing accommodation shall include power to provide, in connection with the provision of such accommodation for any persons, such facilities for obtaining meals and refreshments and such facilities for doing laundry, and such laundry services as accord with the needs of those persons, and the local authority may make such reasonable charges for meals and refreshments provided by virtue of this subsection and such reasonable charges to persons availing themselves of facilities for doing laundry or laundry services so provided as the authority may determine.
- (2) A justices' licence under the Licensing Act, 1953, for the sale of intoxicating liquor in connection with the provision of facilities for obtaining meals and refreshments under this section shall only authorise the sale of such liquor for consumption with a meal, and a local authority shall in carrying on any activities under this section be subject to all enactments and rules of law relating thereto, including enactments relating to the sale of intoxicating liquor, in like manner as other persons carrying on the like activities.

#### **96 Power of local authority to acquire land for provision of accommodation**

A local authority shall have power under this Part of this Act—

- (a) to acquire any land, including any houses or buildings thereon, as a site for the erection of houses,
- (b) to acquire houses, or buildings which may be made suitable as houses, together with any lands occupied with the houses or buildings, or any estate or interest in houses or in buildings which may be made suitable as houses,
- (c) to acquire land (including houses or other buildings) proposed to be used for any purpose authorised by sections ninety-three or ninety-five of this Act, whether or not the land forms part of a site for the erection of houses,
- (d) to acquire land for the purpose of the carrying out thereon by them of works for the purpose of, or connected with, the alteration, enlarging, repair or improvement of an adjoining house,
- (e) to acquire land for the purpose of the sale or lease of the land under the powers conferred by paragraph (a) of subsection (1) and by subsection (2) of section one hundred and five of this Act.

#### **97 Procedure for acquiring land**

- (1) Land for the purposes of this Part of this Act may be acquired by a local authority by agreement, or they may be authorised to purchase land compulsorily for those purposes by the Minister; and the Seventh Schedule to this Act shall apply in relation to a compulsory purchase under this section.
- (2) A local authority may, with the consent of, and subject to any conditions imposed by, the Minister, acquire land for the purposes of this Part of this Act, notwithstanding that the land is not immediately required for those purposes:

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Provided that a local authority shall not be authorised to purchase any land compulsorily for those purposes unless it appears to the Minister that it is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order.

**98 Continuance of tenancies of houses compulsorily acquired and to be used for housing purposes**

Where a local authority are authorised to purchase compulsorily any house to be used for housing purposes under this Part of this Act and have acquired the right to enter on and take possession of the house by virtue of having served a notice under paragraph 3 of the Second Schedule to the Acquisition of Land (Authorisation Procedure) Act, 1946, the local authority may, instead of exercising that right by taking actual possession of the house, proceed by serving notice on any person then in occupation of the house or any part thereof authorising him to continue in occupation upon terms specified in the notice, or on such other terms as may be agreed; and accordingly where the authority proceed in the manner authorised by this section,—

- (a) the like consequences shall then ensue, with respect to the determination of the rights and liabilities of any person arising out of any interest of his in the house or any part thereof, as would have ensued if the authority had taken actual possession on the date of the notice, and the authority may deal with the premises in all respects as if they had done so; and
- (b) for the purposes of section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845 (which provides for payment of compensation to persons entitled to possession under short tenancies who are required to give up possession), any person who by virtue of this subsection ceases to be entitled to receive rent in respect of any premises shall be deemed to have been required to give up possession thereof.

**99 Appropriation of land for provision of accommodation**

A local authority may appropriate for the purposes of this Part of this Act any houses or land which may be for the time being vested in them, or at their disposal, subject—

- (a) in the case of land other than land for the time being vested in them in their capacity as a local educational authority for the purposes of any of their functions under the Education Act, 1944, to obtaining the consent of the Minister, and
- (b) in the case of land for the time being vested in them in their capacity as a local education authority for the said purposes, to obtaining the consent both of the said Minister and of the Minister of Education.

**100 Power to make allowances to persons displaced by purchase under Part V**

A local authority may pay to any person displaced from a house or other building which has been purchased by them under this Part of this Act such reasonable allowance as they think fit towards his expenses in removing, and to any person carrying on any trade or business in any such house or other building they may pay also such reasonable allowance as they think fit towards losses which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been

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expected to be available for the purposes of his trade or business and the availability of other premises suitable for that purpose.

### **101 Power of entry on land to be purchased by agreement or appropriated for the purposes of Part V**

- (1) Where a local authority—
  - (a) have agreed to purchase land for the purposes of this Part of this Act, or
  - (b) have determined to appropriate land for those purposes,subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year, then, at any time after the agreement has been made, or the appropriation has been approved by the Minister, the local authority may, after giving to the person so in possession not less than fourteen days' notice, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent.
- (2) The exercise of a local authority's power under the foregoing subsection shall be subject to the payment to the person so in possession of the like compensation for the land of which possession is taken, and interest on the compensation awarded, as would have been payable if the local authority had been authorised to purchase the land compulsorily and that person had in pursuance of their powers in that behalf been required to quit possession before the expiration of his term or interest in the land, but without any necessity for compliance with sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845.

### **102 Land in New Forest**

The provision of houses under this Part of this Act shall be deemed to be a local sanitary requirement for the purposes of the New Forest (Sale of Land for Public Purposes) Act, 1902:

Provided that the total area of land being part of the New Forest which may be sold or let for the provision of houses shall not exceed thirty acres.

### **103 Power to acquire water rights for houses provided**

- (1) A local authority or a county council may, notwithstanding anything in sections three hundred and thirty-one, three hundred and thirty-three or three hundred and thirty-four of the Public Health Act, 1936, but subject to the provisions of subsection (2) of section one hundred and sixteen and section one hundred and seventeen of that Act, be authorised to abstract water from any river, stream or lake, or the feeders thereof, whether within or without the district of the local authority or the county, for the purpose of affording a water supply for houses provided under this Part of this Act, and to do all such acts as may be necessary for affording a water supply to such houses, subject to a prior obligation of affording a sufficient supply of water to any houses or agricultural holdings or other premises that may be deprived thereof by reason of such abstraction, in like manner and subject to the like restrictions as they may be authorised to acquire land for the purposes of this Part of this Act:

Provided that no local authority or county council shall be authorised under this section to abstract any water which any local authority, corporation, company or person are empowered by Act of Parliament to impound, take or use for the purpose of supply

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within any area, or any water the abstraction of which, in the opinion of the Minister, would injuriously affect the working or management of any canal or inland navigation.

- (2) Any expenses incurred by a local authority under this section in connection with any houses provided or to be provided shall be treated as part of the expenses of providing those houses.

#### **104 Power of disposing of houses provided under Part V**

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the local authority may, with the consent of the Minister, sell or lease any houses on the land or erected by them on the land, subject to such covenants and conditions as they may think fit to impose in regard to the maintenance or use of the houses, and upon any such sale or on the grant of any such lease they may, if they think fit, agree to the price or any premium being paid by instalments or to a payment of part thereof being secured by a mortgage of the premises.
- (2) For the purposes of the foregoing subsection the consent of the Minister may be given generally either to all local authorities or to any local authority or authorities and either in relation to all houses or to any house or houses, and may be given subject to such conditions as the Minister thinks expedient as to the price or rent to be obtained or otherwise as to the exercise of any powers of the authority under this section in connection with the sale or lease.
- (3) On the sale of a house in accordance with this section (not being a sale to a local authority, county council, development corporation, housing association or housing trust subject to the jurisdiction of the Charity Commissioners) a local authority may in any case, and shall if so required by the Minister, impose conditions—
- (a) limiting the price at which the house may be sold during any period not exceeding five years from the completion of the sale,
  - (b) limiting the rent at which the house may be let to the limit imposed by section twenty of the Rent Act, 1957, during any such period,
  - (c) precluding the purchaser (including any successor in title of his and any person deriving title under him or any such successor) from selling or letting the house during any such period unless he has notified the authority of the proposed sale or letting and offered to resell or sell the house to them and the authority have refused the offer or have failed to accept it within one month after it is made, and prescribing or providing for the determination of the price to be paid in the event of the acceptance of such an offer.
- (4) Where a house has been sold by a local authority subject to any such condition as is mentioned in paragraph (a) or paragraph (b) of the last foregoing subsection the following enactments, that is to say—
- (a) section seven of the Building Materials and Housing Act, 1945 (which, as amended by section forty-three of the Housing Act, 1949, imposes penalties for breach of certain conditions of building licences),
  - (b) paragraphs (a) and (b) of subsection (3) and subsection (4) of section nine of that Act (which contains supplementary provisions for ascertaining when a house is sold or let, or sold or let at an excessive price or rent), and
  - (c) subsection (6) of section forty-three of the Housing Act, 1949 (which relates to the jurisdiction of justices to try offences under the said section seven),

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shall apply as if the house were constructed under the authority of a building licence granted subject to the like condition, and for that purpose shall have effect as if for the reference in the said section seven (as amended as aforesaid) to the period of eight years beginning with the passing of the said Act of 1945 there were substituted a reference to the period specified in the condition.

- (5) Where any such condition as is mentioned in paragraph (a), paragraph (b) or paragraph (c) of subsection (3) of this section is imposed on the sale of a house by a local authority, the condition shall be registered in the register of local land charges by the proper officer of the local authority in such manner as may be specified by rules made for the purposes of this section under subsection (6) of section fifteen of the Land Charges Act, 1925, but without prejudice to the registration under section ten of that Act of any condition being an estate contract within the meaning of that Act.
- (6) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land), shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.
- (7) For the purposes of this section " sale " includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and " sell " has a corresponding meaning.

#### **105 Other powers of dealing with land acquired or appropriated for provision of accommodation**

- (1) Where a local authority have acquired or appropriated any land for the purposes of this Part of this Act, then, without prejudice to any of their other powers under this Act, the local authority may, with the consent of the Minister—
  - (a) sell or lease the land or part thereof to any person for the purpose and under the condition that that person will erect thereon in accordance with plans approved by the local authority, and maintain, such number of houses of such types as may be specified by the authority and, when necessary, will lay out and construct public streets or roads and open spaces on the land, or will use the land for purposes which, in the opinion of the authority, are necessary or desirable for, or incidental to, the development of the land as a building estate in accordance with plans approved by the authority, including the provision, maintenance and improvement of houses and gardens, factories, workshops, places of worship, places of recreation and other works or buildings,
  - (b) sell the land or part thereof, or exchange the land or part thereof for land better adapted for those purposes, either with or without paying or receiving any money for equality of exchange.
- (2) Where a local authority have acquired any land with a view to the carrying out on the land by a person other than the local authority of works for the purpose of, or connected with, the alteration, enlargement, repair or improvement of an adjoining house, they may, with the consent of the Minister, sell or lease the land to any person for the purpose and under the condition that that person will carry out thereon, in accordance with plans approved by the authority, those works.
- (3) Land sold or leased under the provisions of this section, other than land sold or leased with houses, shall be sold or leased at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed.

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- (4) Where a local authority acquire a building which may be made suitable as a house, or an estate or interest in such a building, they shall forthwith proceed to secure that the building is so made suitable either by themselves executing any necessary work or by leasing it or selling it to some person subject to conditions for securing that he will so make it suitable.
- (5) The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land), shall not apply with respect to the sale by a local authority, under the powers conferred by this section, of any land acquired by the authority for the purposes of this Part of this Act.
- (6) For the purposes of this section " sale " includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and " sell " has a corresponding meaning.

#### **106 Power of Minister to impose conditions on sale of houses and land**

If any house, building, land or dwelling in respect of which a local authority are required to keep a Housing Revenue Account is with the consent of the Minister sold by them or leased by them under either of the two last foregoing sections he may in giving consent impose such conditions as he thinks just.

#### **107 Powers relating to development of land**

A local authority may lay out and construct public streets or roads and open spaces on land acquired or appropriated by them for the purposes of this Part of this Act and where they sell or lease land under the foregoing provisions of this Part of this Act they may contribute towards the expenses of the development of the land and the laying out and construction of streets thereon, subject to the condition that the streets are dedicated to the public.

#### **108 Execution of works in connection with housing operation by local authority outside their own area**

- (1) Where any housing operations under this Part of this Act are being carried out by a local authority outside their own area, that authority shall, subject to the approval of the Minister, have power to execute any works which are necessary for the purposes, or are incidental to the carrying out, of the operations, subject to entering into an agreement with the council of the county, borough or district in which the operations are being carried out, as to the terms and conditions on which any such works are to be executed.
- (2) Where housing operations under this Act have been carried out by a local authority outside their own area, and a habitation certificate from the council of the borough or district in which the houses are situate is in that borough or district required under any local Act or byelaw, such a certificate shall not be necessary in respect of any houses which were constructed in accordance with the plans and specifications approved by the Minister.



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## **109 Responsibility for roads constructed by local authority outside their own area**

- (1) Where housing operations under this Act have been carried out by a local authority outside their own area, and for the purposes of the operations public streets or roads have been constructed and completed by that local authority, the liability to maintain the streets or roads shall, subject to the provisions of this section, vest in the council of the borough or district in which the operations were carried out, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with the plans and specifications approved by the Minister.
- (2) The foregoing subsection shall not apply to the liability to maintain a public street or road in a rural district constructed and completed, by a local authority other than the council of the district for the purposes of housing operations under this Part of this Act, but that liability shall, unless the council of the county comprising the rural district are, or on appeal the Minister is, satisfied that the street or road has not been properly constructed in accordance with the plans and specifications approved by the Minister, vest in the council of the county.
- (3) If the council of a rural district are under a liability to maintain a street or road, being a liability which vested in them by virtue of subsection (2) of section eighty-one of the Housing Act, 1936, or the corresponding provisions of an enactment repealed by that Act, and the council of the county comprising the rural district are, or on appeal the Minister is, at any time satisfied that the street or road has been brought into a proper state of construction and repair, the liability to maintain it shall be transferred to and vested in the county council.
- (4) Where housing operations under this Act have been carried out by the London County Council within the area of a metropolitan borough, the liability to maintain the streets or roads shall vest in the council of that metropolitan borough, unless that council are, or on appeal the Minister is, satisfied that the streets or roads have not been properly constructed in accordance with plans and specifications approved by the Minister.

## **110 Adjustment of differences between local authorities as to carrying out proposals**

Where the Minister approves proposals of a local authority in relation to the provision of houses, whether under this Act or any other Act, in the area of another local authority, any difference arising between those authorities with respect to the carrying out of the proposals may be referred by either authority to the Minister, and the Minister's decision shall be final and binding upon the authorities.

*Management, &c, of local authority's houses*

## **111 General responsibility for local authority's houses**

- (1) The general management, regulation and control of houses provided by a local authority under this Part of this Act shall be vested in and exercised by the authority, and the authority may make such reasonable charges for the tenancy or occupation of the houses as they may determine.
- (2) Without prejudice to the foregoing provisions of this section, any such house shall be at all times open to inspection by the local authority of the district in which it is situate, or by any officer duly authorised by them.

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## **112 Byelaws for regulation of local authority's houses**

- (1) A local authority may make byelaws for the management, use and regulation of houses provided by them.
- (2) A local authority shall as respects lodging-houses provided by them (that is to say, houses not occupied as separate dwellings) by byelaws make sufficient provision for the following purposes—
  - (a) for securing that the lodging-houses shall be under the management and control of the officers, servants or others appointed or employed in that behalf by the local authority,
  - (b) for securing due separation at night of men and boys above eight years old from women and girls,
  - (c) for preventing damage, disturbance, interruption and in decent and offensive language and behaviour and nuisances,
  - (d) for determining the duties of the officers, servants and others appointed by the local authority,and a printed copy or a sufficient abstract of the byelaws relating to lodging-houses shall be put up and at all times kept in every room therein.
- (3) The Minister shall be the confirming authority as respects byelaws made under this section.
- (4) The provisions of section two hundred and seventy-seven of the Public Health (London) Act, 1936, shall apply to byelaws under this section as respects the City of London.

## **113 Conditions to be observed in management of local authority's houses**

- (1) A local authority shall, in relation to all the houses and dwellings in respect of which they are required to keep a Housing Revenue Account, observe the requirements specified in the following provisions of this section.
- (2) The local authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions.
- (3) The local authority may grant to any tenants such rebates from rent, subject to such terms and conditions, as they may think fit.
- (4) The local authority shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.
- (5) The local authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.
- (6) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of this section apply.

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## 114 Reservation of houses for agricultural population

(1) Where—

- (a) any annual exchequer subsidies under the Housing Subsidies Act, 1956, increased under subsection (1) of section four of that Act (which provides for increased subsidies for housing provided for the agricultural population), or
- (b) any annual exchequer contributions under the Housing (Financial and Miscellaneous Provisions) Act, 1946, the amount of which has been determined on the assumption that the houses in respect of which they are payable were provided by way of housing accommodation required for the agricultural population, or
- (c) any contributions under section two of the Housing (Financial Provisions) Act, 1938 (which provided for a special rate of contribution for housing accommodation required for the agricultural population),

are payable to the council of a county district, the council shall secure that a number of houses equal to the number of houses in respect of which such subsidies or contributions are payable to the council is reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district on the part of members of the agricultural population can be satisfied without such reservation.

(2) Where a county council have undertaken to make contributions to a local authority under subsection (2) of section one hundred and fifteen of the Housing Act, 1936, or are required by subsection (3) of that section to make contributions to the local authority, the local authority shall secure that a number of houses equal to the number of those in respect of which the contributions are payable are reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district of the authority on the part of members of the agricultural population can be satisfied without such reservation.

(3) Where a local authority have received assistance under section one of the Housing (Rural Workers) Act, 1926, or the Minister has undertaken to pay a contribution to a local authority under subsection (2A) of section four of that Act, the local authority shall secure that a number of houses or dwellings equal to the number of those in respect of which they have received such assistance, or in respect of which such an undertaking has been given, are reserved for such persons as are mentioned in paragraph (a) of subsection (1) of section three of that Act except in so far as the demand for housing accommodation in the district of the authority on the part of such workers can be satisfied without such reservation.

(4) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of subsection (2) or subsection (3) of this section apply.

(5) For the purposes of this section,—

the expression " agricultural population " means persons whose employment or latest employment is or was employment in agriculture or in an industry mainly dependent upon agriculture, and includes also the dependents of such persons as aforesaid ;

the expression " agriculture " includes dairy-farming and poultry-farming and the use of land as grazing, meadow or pasture land, or orchard or osier land, or woodland, or for market gardens or nursery grounds.

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## **115 Power to establish Housing Management Commissions**

- (1) Where it appears to a local authority to be expedient that a Housing Management Commission should be established with a view to the transfer to and the performance by the Commission of all or any of the functions of the authority under the enactments relating to housing with respect to the management, regulation and control, and the repair and maintenance, of houses and other buildings or land provided in connection therewith, the authority shall prepare and submit to the Minister a scheme making provision for the establishment of the Commission, and for the incorporation thereof, under the name of the Housing Management Commission with the addition of the name of the district of the local authority, with perpetual succession and a common seal, and power to hold land for the purposes of their constitution without licence in mortmain.
- (2) A scheme submitted as aforesaid may make provision with respect to the constitution, procedure and functions of the Commission and in particular, but without prejudice to the generality of the foregoing words, may make provision—
  - (a) as to the mode of appointment and term of office of the members of the Commission ;
  - (b) as to the payment of remuneration out of funds under the control of the Commission to the chairman of the Commission, where he is not a member of the local authority or of any committee or sub-committee of the local authority or as a representative of the local authority on a joint committee appointed by agreement between them and another body ;
  - (c) as to the employment by the Commission of officers and staff and the remuneration out of funds under the control of the Commission and the superannuation of persons so employed;
  - (d) as to the financial relations between the local authority and the Commission;
  - (e) for conferring on the local authority power to defray temporarily on behalf of the Commission any of their expenses;
  - (f) for making the accounts of the Commission subject to audit by a district auditor or otherwise ;
  - (g) for determining what property is to be vested in the Commission, and for what estate or interest, and whether by way of transfer of the estate or interest of the local authority or of the creation of a lesser estate or interest or otherwise, and the manner in which that vesting is to be effected, and as to the re-vesting of property in the local authority in the event of the dissolution of the Commission or in other circumstances; and
  - (h) for imposing on the Commission the duty to consult the Central Housing Advisory Committee as respects any matter specified in the scheme.
- (3) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933 (which relate to the transfer and compensation of officers of a local authority affected by a scheme or order under Part VI of that Act), shall have effect in relation to a scheme submitted under this section as they have effect in relation to a scheme or order under the said Part VI, and as if references therein to a local authority included references to the Commission.
- (4) A scheme submitted under this section may provide for the application with necessary modifications of the enactments (including schemes) governing the superannuation of persons employed by the local authority for the purposes of the superannuation of persons employed by the Commission as if they had been persons employed by the

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local authority and as if employment by the Commission had been employment by the local authority.

- (5) The Minister may approve a scheme submitted to him under this section with or without modifications, and any such scheme when approved by the Minister shall have effect as from such date as may be specified therein and may be amended by a further scheme submitted by the local authority and approved by the Minister.
- (6) Unless the scheme makes provision for making the accounts of the Commission subject to audit by a district auditor, no person shall be qualified to be appointed as auditor of those accounts unless he is a member of one or more of the following bodies, namely:—
  - The Institute of Chartered Accountants in England and Wales ;
  - The Society of Incorporated Accountants;
  - The Institute of Chartered Accountants in Scotland ;
  - The Association of Certified and Corporate Accountants.

*Special provisions for rural districts*

**116 Responsibility of county councils in respect of housing conditions in rural districts**

- (1) It shall be the duty of the council of every county, as respects each rural district within the county, to have constant regard to housing conditions in the district, to the extent to which overcrowding or other unsatisfactory conditions exist and the sufficiency of the steps which the council of the district have taken, or are proposing to take, to remedy those conditions and to provide further housing accommodation.
- (2) The council of every rural district shall at such intervals, not being in any case less than one year, as the county council may direct, furnish to that council such information with regard to the matters mentioned in the foregoing subsection as the county council may reasonably require for the purposes of enabling them to carry out their duties thereunder.

**117 Agreements by county council for assisting rural district councils in provision of accommodation**

- (1) The council of any county may, for the purpose of assisting the council of any rural district within the county in the performance of their duties under this Part of this Act, agree with the district council for the exercise by the county council of all or any of the powers of the district council under this Part of this Act.
- (2) An agreement made under this section may contain such provisions with regard to the expenses to be incurred by the county council, including the raising of loans to meet those expenses, and with regard to the vesting in the district council of any houses built by the county council under the agreement and such other incidental or consequential provisions as the councils think proper.

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## **118 Minister's power to assist rural district councils by acquiring land and erecting houses**

- (1) With a view to assisting rural district councils in the preparation and carrying out of schemes for the provision of dwelling accommodation in the agricultural parishes of their districts to meet the needs of agricultural workers and persons whose incomes are, in the opinion of the council concerned, such that they would not ordinarily pay rents in excess of those paid by agricultural workers in the council's district, the Minister, if he is requested by any such council so to do and is satisfied—
- (a) that their financial resources are insufficient, and
  - (b) that the council of the county is unwilling to give assistance to them under the last foregoing section,
- may, with the consent of the Treasury, acquire land and erect houses on behalf and at the expense of that council, and for that purpose may exercise any powers which under this Act the council may exercise in regard to the acquisition of land and the erection of houses, or may make arrangements with any other Government department for the exercise by that Department of any of those powers which, in his opinion, could more conveniently be so exercised.
- (2) For the purposes of this section a house shall be deemed to be situated in an agricultural parish if—
- (a) the net annual value of the agricultural land in the parish in which the house is situate as appearing in the valuation list in force on the first day of April, nineteen hundred and twenty-nine, exceeded 25 per cent. of the total net annual value of that parish as appearing in the said list, and
  - (b) the population of the parish, according to the latest census return of the Registrar-General, is less than fifty persons per hundred acres.
- (3) For the purposes of the last foregoing subsection the expression " agricultural land " has the meaning assigned to it by subsection (2) of section two of the Rating and Valuation (Apportionment) Act, 1928, and in the case of any hereditament occupied by or on behalf of the Crown for public purposes, the value directed by subsection (3) of section sixty-four of the Rating and Valuation Act, 1925, to be entered in the valuation list as respects the rateable value of that hereditament shall be taken as being in the case of agricultural land fifty per cent. of the net annual value of the hereditament and in any other case the net annual value thereof.
- (4) Any question whether a parish is or is not an agricultural parish within the meaning of this section shall be determined by the Minister whose decision shall be final.

### *Housing associations*

## **119 Power of local authorities and county councils to promote and assist housing associations**

- (1) A local authority for the purposes of this Part of this Act, or a county council, may promote the formation or extension of, or, subject to the provisions of this Act, assist, a housing association.
- (2) Where a housing association desires to erect houses which in the opinion of the Minister are required, and the local authority of the area in which the houses are proposed to be built are unwilling to acquire land with a view to selling or leasing it to the association, the county council, on the application of the association, may for this

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purpose acquire land and exercise all the powers of a local authority under this Part of this Act in regard to the acquisition and disposal of land, and the provisions of this Part of this Act as to the acquisition of land by local authorities shall apply accordingly.

- (3) Any such local authority or county council with the consent of, and subject to any regulations or conditions which may be made or imposed by, the Minister may, for the assistance of a housing association—
- (a) make grants or loans to the association,
  - (b) subscribe for any share or loan capital of the association,
  - (c) guarantee or join in guaranteeing the payment of the principal of and interest on any money borrowed by the association (including money borrowed by the issue of loan capital) or of interest on any share capital issued by the association,

on such terms and conditions as to rate of interest and repayment or otherwise and on such security as the local authority or county council think fit.

The Minister's power of making regulations under this subsection shall be exercisable by statutory instrument.

- (4) Notwithstanding the provisions of section four of the Industrial and Provident Societies Act, 1893, where a local authority or county council assist an association under this subsection, the local authority or council shall not be prevented from having or claiming an interest in the shares of the association exceeding the limit prescribed by that section.
- (5) Any expenses incurred by a county council under this section shall be defrayed as expenses for general county purposes.

## **120 Arrangements with housing associations for provision of housing**

- (1) A local authority may, with the approval of the Minister, make arrangements with a housing association for the purpose of enabling the association to provide housing accommodation or to alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the local authority have acquired with a view to the provision or improvement of housing accommodation.
- (2) Arrangements made under this section shall include such terms with regard to such matters, including the types of houses to be provided, and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to housing and may be approved by the Minister.
- (3) For the purposes of section ninety-three of this Act, the housing accommodation in connection with which buildings or land may be provided under that section shall include housing accommodation provided by a housing association under arrangements made with a local authority under this section.

In this subsection the reference to arrangements made under this section includes a reference to arrangements made under section twenty-nine of the Housing Act, 1930, and, without prejudice to section one hundred and ninety-two of this Act, to arrangements made under section twenty-seven of the Housing Act, 1935, or section ninety-four of the Housing Act, 1936.

- (4) If a housing association represent to the Minister that they have submitted to the local authority proposals for arrangements under this section and that the local authority have unreasonably refused to make arrangements in accordance with the proposals,

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the Minister may require the authority to furnish him with a report as to the matter stating the reasons for their refusal.

## **121 Arrangements with housing associations for improvement of housing**

- (1) A local authority may, with the approval of the Minister, make arrangements with a housing association for—
  - (a) the provision of dwellings by the association by means of the conversion of houses or other buildings,
  - (b) the alteration, enlargement, repair or improvement of dwellings by the housing association.
- (2) Arrangements made under this section shall include such terms with regard to such matters, including the rents at which the dwellings are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to housing and may be approved by the Minister.
- (3) In this section the reference to repair does not include the execution of works of ordinary repair except so far as the execution thereof is incidental to or connected with the execution of works of improvement, alteration or enlargement or of works of repair not being ordinary works of repair.
- (4) As respects the administrative county of London, other than the City of London, both the metropolitan borough council and the London County Council shall be local authorities for the purposes of this section.

## **122 Power of local authorities to sell furniture to persons housed by housing associations**

A local authority shall have power to sell, or supply under hire-purchase agreement, furniture to the occupants of houses provided by a housing association under arrangements made with the local authority, and, for that purpose, to buy furniture.

In this section the expression " hire-purchase " has the same meaning as in the Hire-Purchase Act, 1938.

## **123 Unification of conditions affecting housing associations' houses**

Where the Minister has undertaken to make in respect of any houses under the management of a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Minister may, on the application of the association and after consultation with any local authority who are under obligation to make grants or contributions in respect of any of the houses, make a scheme specifying, as conditions to be observed in the management of all the houses in substitution for the conditions or terms imposed as aforesaid, such conditions as he thinks fit, and in specifying the conditions to be so observed the Minister shall have regard to the provisions of this Part of this Act with respect to the conditions which a local authority are required to observe in relation to their houses.



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#### **124 Power of Minister to recognise central housing association**

The Minister may, if he thinks fit, recognise for the purposes of this section any central association or other body established for the purpose of promoting the formation and extension of housing associations and of giving them advice and assistance, and the Minister may, in any of the five years next following the date on which he recognises the said body, make a grant in aid of the expenses of the body of such amount as he may with the approval of the Treasury determine.

#### *Development corporations*

#### **125 Provision of housing accommodation by development corporations**

A development corporation shall be deemed to be a housing association within the meaning of this Act and accordingly arrangements may be made under section one hundred and twenty of this Act for the provision by a development corporation of any housing accommodation which a local authority are empowered to provide under this Act, and section one hundred and twenty-one of this Act shall apply to a development corporation as it applies to a housing association:

Provided that the said section one hundred and twenty-one shall not apply to a development corporation established by an order under section sixteen of the New Towns Act, 1946 (which relates to orders for the combination and transfer of functions of development corporations).

#### *Miscellaneous*

#### **126 Power of county councils to provide houses for their employees**

A county council shall have power to provide houses for persons employed or paid by, or by a statutory committee of, the council, and for that purpose may be authorised to acquire or appropriate land in like manner as a local authority may be authorised to acquire or appropriate land for the purposes of this Part of this Act.

#### **127 Power of companies, &c, to provide houses for working classes**

Any dock or harbour company, or any other company, society, or association established for trading or manufacturing purposes in the course of whose business, or in the discharge of whose duties, persons of the working class are employed, may (notwithstanding any Act of Parliament, or charter, or any rule of law or equity to the contrary) at any time erect, either on their own land or on any other land (which they are hereby authorised to purchase and hold for the purpose and to pay for out of any funds at their disposal), houses for the accommodation of all or any of the persons of the working class employed by them.

#### **128 Trusts for provision of houses for working classes**

- (1) The trustees of any houses for the working classes for the time being provided in any district by private subscriptions or otherwise, may, with the consent of a majority of the committee or other persons by whom they were appointed trustees, sell or lease the houses to the local authority of the district, or make over to them the management thereof.

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- (2) If in any case it appears to the Minister that the institution of legal proceedings is requisite or desirable with respect to any property required to be applied under any trusts for the provision of houses available for the working classes, or that the expediting of any such legal proceedings is requisite or desirable, the Minister may certify the case to the Attorney-General, and the Attorney-General may institute any legal proceedings, or intervene in any legal proceedings already instituted, in such manner as he thinks proper in the circumstances.
- (3) Before preparing any scheme with reference to property required to be applied under any trusts for the provision of houses available for the working classes, the court or body which is responsible for making the scheme shall communicate with the Minister and consider any recommendations made by him with reference to the proposed scheme.

### **129 Power of corporate bodies to sell or let land for housing purposes**

Any body corporate holding land may sell, exchange, or lease the land for the purpose of the erection of houses for the working classes at such price, or for such consideration, or for such rent, as having regard to the said purpose and to all the circumstances of the case is the best that can reasonably be obtained, notwithstanding that a higher price, consideration, or rent might have been obtained if the land were sold, exchanged, or leased for another purpose.

### **130 Power of water and gas companies to supply on favourable terms**

Any commissioners or trustees of waterworks, water companies, gas boards, and other corporations, bodies and persons having the management of any waterworks, reservoirs, wells, springs, or streams of water, and gasworks respectively, may, in their discretion, grant and furnish supplies of water or gas for houses provided under this Part of this Act, either without charge or on such other favourable terms as they think fit.

### **131 Exercise of Public Health Act powers for purposes of Part V**

- (1) A local authority may, for the purposes of this Part of this Act, exercise the same powers as in the execution of their duties under the Public Health Act, 1936.
- (2) In the application of this section to local authorities in London, for the reference to the Public Health Act, 1936, there shall be substituted a reference, in the case of a metropolitan borough council, to the Public Health (London) Act, 1936, in the case of the London County Council, a reference to the Metropolis Management Acts, 1855 to 1890, and, in the case of the Common Council of the City of London, a reference to the City of London (Sewers) Acts, 1848 to 1897.

*Provisions as to London*

### **132 Local authority for Part V in London other than City**

- (1) As respects the administrative county of London other than the City of London, the question whether or not in any case the London County Council or the metropolitan borough council are to be the local authority for the purposes of this Part of this Act

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shall, save as otherwise expressly provided, be determined in accordance with the succeeding provisions of this section.

- (2) The London County Council shall be the local authority for the purposes of this Part of this Act so far as regards the provision of any houses outside the administrative county of London.
- (3) The London County Council shall carry out such reviews of housing conditions and submit to the Minister such proposals for the provision of new houses as are required by this Part of this Act, but, before preparing any such proposals, the county council shall consult with the councils of the several metropolitan boroughs, and the council of every metropolitan borough shall furnish such information as may reasonably be required by the London County Council for the purpose of preparing any such proposals.
- (4) As respects a metropolitan borough, the council of the borough shall be the local authority for the purposes of this Part of this Act save as regards the provision of any houses outside the borough and the carrying out of such reviews of housing accommodation and the submission to the Minister of such proposals for the provision of new houses as are required by this Part of this Act.
- (5) Without prejudice to the powers conferred on a metropolitan borough council by this Act, the London County Council shall be a local authority for the purposes of this Part of this Act as respects any part of the administrative county of London, other than the City of London, for all the purposes of this Part of this Act other than those for which it is the local authority to the exclusion of the metropolitan borough council:

Provided that the London County Council shall not develop land in a metropolitan borough for the purpose only of meeting the needs of the borough without the consent of the council thereof.

- (6) If it appears to the Minister to be expedient that the needs of a metropolitan borough with respect to the provision of housing accommodation should be satisfied by the provision by the council of that borough of such accommodation outside the administrative county of London or within another metropolitan borough, he may by order contained in a statutory instrument provide for the transfer to that council, to such extent as appears to him to be requisite for that purpose, of any powers which, by virtue of subsection (2) or subsection (5) of this section are powers of the London County Council.

### **133 Exercise by local authorities in London of certain powers for the purposes of Part V**

- (1) So much of subsection (1) of section ninety-seven of this Act as provides that a local authority may acquire land for the purposes of this Part of this Act by agreement shall have effect so as to authorise a local authority in the administrative county of London to acquire land for those purposes by agreement in like manner as if those purposes were purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act so far as they relate to the purchase of land by agreement shall apply accordingly and shall for the purposes of this Part of this Act extend to London in like manner as if the common council of the City of London, the London County Council and a metropolitan borough council, respectively, were a local authority in the said sections mentioned.

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- (2) Any purchase money payable in pursuance of this section by a local authority in respect of any land, estate or interest of another local authority which would, but for this subsection, be paid into court in manner provided by the Lands Clauses Acts may, if the Minister consents, instead of being paid into court, be paid as the Minister may determine.

A decision of the Minister under this subsection shall be final and conclusive.

### *Scilly Isles*

## **134 Provision of housing accommodation in Isles of Scilly**

- (1) Without prejudice to his powers under section two hundred and ninety-two of the Local Government Act, 1933, the Minister may, upon the application of the council of the Isles of Scilly, by order confer or impose upon that council such functions relating to the provision of housing accommodation in the Isles of Scilly as the Minister thinks appropriate.
- (2) An order made under this section may provide for the making by the Minister and by the said council of contributions in respect of houses provided in pursuance of such an order.
- (3) An order made under this section may contain such incidental and consequential provisions, including provisions conferring powers or imposing duties on the said council, as the Minister thinks necessary.
- (4) An order made under this section may be revoked or varied by a subsequent order made by the Minister whether or not on the application by the said council.
- (5) The power of making orders under this section shall be exercisable by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.