



Housing Act 1957

1957 CHAPTER 56

PART VII

GENERAL

Central Housing Advisory Committee

143 Central Housing Advisory Committee

- (1) The Minister shall appoint a committee, to be called the Central Housing Advisory Committee, for the purpose of—
 - (a) advising the Minister on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which he is required by section seventy-nine of this Act to consult the Committee;
 - (b) advising the Housing Management Commissions constituted under Part V of this Act on any matter as respects which such Commissions are required to consult the Committee;
 - (c) advising the Minister on any question which may be referred by him to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;
 - (d) considering the operation of the enactments relating to housing and making to the Minister such representations with respect to matters of general concern arising in connection with the execution of those enactments as the Committee think desirable.
- (2) The Minister may by order contained in a statutory instrument make provision with respect to the constitution and procedure of the Committee, and any such order may be varied by a subsequent order under this subsection.
- (3) The Minister may, out of moneys provided by Parliament, pay such expenses of the Committee as he may, with the approval of the Treasury, determine.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

Re-housing

144 Re-housing obligations of undertakers

Where under the powers given by any local Act or Provisional Order or Order having the effect of an Act (not being an order made under this Act), any land is acquired, whether compulsorily or by agreement, by any authority, company or persons, or where any land is so acquired compulsorily under any general Act other than this Act, the provisions set out in the Ninth Schedule to this Act shall apply with respect to the provision of housing accommodation.

Provisions as to building byelaws, &c

145 Building byelaws not to apply to certain buildings

- (1) Where in connection with housing operations carried out under this Act by a local authority or county council, or by a housing association or housing trust, new buildings are constructed, or public streets and roads are laid out and constructed, in accordance with plans and specifications approved by the Minister, the provisions of any building byelaws shall not, so far as they are inconsistent with the plans and specifications so approved, apply to those buildings and streets, and, notwithstanding the provisions of any other Act, any public street or road laid out and constructed in accordance with those plans and specifications may be taken over and thereafter maintained by the local authority:

Provided that as respects the administrative county of London, the Minister shall not approve for the purposes of this subsection any plans and specifications inconsistent with the provisions of any building byelaws in force in the county except after consultation with the London County Council on the general question of the relaxation of such provisions in connection with housing operations.

- (2) Where the Minister has approved plans and specifications which in certain respects are inconsistent with the provisions of any building byelaws in force in the district in which the works are to be executed, any proposals for the erection thereon of houses and the laying out and construction of new streets which do not form part of housing operations carried out under this Act may, notwithstanding those provisions, be carried out if the local authority are, or, on appeal the Minister is, satisfied that they will involve departures from such provisions only to the like extent as in the case of the plans and specifications so approved, and that, where such plans and specifications have been approved subject to any conditions, the like conditions will be complied with in the case of proposals to which this subsection applies.
- (3) In the application of the last foregoing subsection to the administrative county of London, references to the local authority shall be construed, in relation to matters within the jurisdiction of the London County Council, as references to them, and, in relation to other matters, as references to the Common Council of the City of London or the council of a metropolitan borough as the case may be.
- (4) Subject to any conditions which may be prescribed by the Minister, the provisions of any building byelaws shall not apply to any new buildings and new streets constructed and laid out by a local authority or county council in accordance with plans and specifications approved by the Minister of Agriculture, Fisheries and Food under Part IV of the Agriculture Act, 1947, or under the Allotments Acts, 1908 to 1950.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

146 Relaxation of Building Acts or byelaws in London

For the purpose of facilitating the erection of houses within the administrative county of London, the London County Council may, with the consent of the Minister, suspend, alter or relax the provisions of any enactment or byelaw relating to the formation or laying out of new streets, or the construction of sewers or of buildings intended for human habitation.

147 Power of Minister to prescribe a code of byelaws for new streets

- (1) For the purpose of facilitating the erection of houses, the Minister may prescribe a code of building byelaws relating to the level, width, and construction of new streets, but no such code shall have effect unless and until adopted by resolution of a local authority ; and where such code or any part thereof is so adopted it shall not be necessary for the local authority to comply with the requirements of subsections (3), (4) and (5) of section two hundred and fifty of the Local Government Act, 1933, or, if the byelaws are made under a local Act, the corresponding provisions of that Act, and the code or such part thereof shall have full force and effect as part of the byelaws of the local authority in substitution for such of the existing byelaws of the authority as may be specified in the resolution.
- (2) Where a local authority have approved any plans and sections for a new street, subject to any conditions imposed or authorised by any byelaws in force in the area of that authority, those conditions may be enforced at any time by the authority against the owner for the time being of the land to which the conditions relate.
- (3) Where, as respects the district of any local authority, matters relating to the level, width and construction of new streets are regulated by a local Act and not by byelaws, and the local authority pass a resolution adopting the said code or any part thereof, the code or such part as aforesaid shall have full force and effect as if it formed part of the local Act in substitution for such provisions of the local Act as may be specified in the resolution.
- (4) Before a resolution is passed under this section, notice of the proposed resolution shall be published in one or more newspapers circulating in the district, and when such a resolution has been passed the local authority shall, within seven days thereafter, send a copy thereof to the Minister.
- (5) This section shall not apply to the administrative county of London.

148 Power of Minister to revoke unreasonable byelaws

- (1) If the Minister is satisfied, by a local inquiry or otherwise, that the erection of any buildings within any borough or urban or rural district is, or is likely to be, unreasonably impeded in consequence of any byelaws with respect to new streets or buildings in force therein, the Minister may require the local authority to revoke those byelaws or to make such new byelaws as he may consider necessary for the removal of the impediment.
- (2) If the local authority do not within three months after the requisition comply therewith, the Minister may himself revoke the byelaws, and make by statutory instrument such new byelaws as he considers necessary for the removal of the impediment, and those new byelaws shall have effect as if they had been duly made by the local authority and confirmed by the Minister.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (3) The provisions of this section shall be without prejudice to the provisions of subsection (2) of section sixty-nine of the Public Health Act, 1936 (under which the Minister may require a local authority to revoke building byelaws if the erection of any building is unreasonably impeded by them).

Provisions as to acquisition, &c. of Land

149 Protection of amenities of locality, &c

- (1) A local authority in preparing any proposals for the provision of houses, or in taking any action under this Act, shall have regard to the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Minister.
- (2) No land which is the site of an ancient monument or other object of archaeological interest shall be acquired for the purposes of this Act by means of a compulsory purchase order under Part II or Part III of this Act or by any means other than that of a compulsory purchase order.
- (3) Where any land proposed to be acquired under this Act by means of a compulsory purchase order under Part II or Part III of this Act or by any means other than that of a compulsory purchase order, or any land proposed to be appropriated under this Act, is situate within the prescribed distance from any of the royal palaces or parks, the local authority shall communicate with the Minister of Works, and the Minister of Housing and Local Government shall, before authorising the acquisition or appropriation of the land or the raising of any loan for the purpose, take into consideration any recommendations which the local authority may have received from the Minister of Works with reference to the proposal.

For the purposes of this sub-section, " prescribed " means prescribed by regulations in a statutory instrument made by the Minister of Housing and Local Government after consultation with the Minister of Works.

150 Provisions as to commons and open spaces

- (1) Where any order under this Act (not being an order for the compulsory purchase of land under Part II or Part V of this Act) authorises the acquisition or appropriation to any other purpose of any land forming part of any common, open space or allotment, the order so far as it relates to the acquisition or appropriation of such land shall be subject to special Parliamentary procedure except where it provides for giving in exchange for such land other land, not being less in area, certified by the Minister after consultation with the Minister of Agriculture, Fisheries and Food to be equally advantageous to the persons, if any, entitled to commonable or other rights and to the public.
- (2) Before giving any such certificate, the Minister shall give public notice of the proposed exchange, and shall afford opportunities to all persons interested to make representations and objections in relation thereto, and shall, if necessary, hold a local inquiry on the subject.
- (3) An order which authorises such an exchange shall provide for vesting the land given in exchange in the persons in whom the common, open space or allotment was vested,

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

subject to the same rights, trusts and incidents as attached to the common or open space or allotment and for discharging the part of the common, open space or allotment acquired or appropriated from all rights, trusts and incidents to which it was previously subject.

(4) For the purposes of this section—

" common " includes any land subject to be enclosed under the Inclosure Acts, 1845 to 1882, and any town or village green ;

" open space " means any land laid out as a public garden or used for the purposes of public recreation, and any disused burial ground;

" allotment " means any allotment set out as a fuel allotment or a field garden allotment under an Inclosure Act.

151 Power of local authorities to enforce covenants against owner for the time being of land

Where—

(a) a local authority have sold or exchanged land acquired by them under this Act and the purchaser of the land or the person taking the land in exchange has entered into a covenant with the local authority concerning the land; or

(b) an owner of any land has entered into a covenant with the local authority concerning the land for the purposes of any of the provisions of this Act;

the authority shall have power to enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

152 Compensation in certain cases of subsidence

Notwithstanding anything in section fifty of the Brine Pumping (Compensation for Subsidence) Act, 1891, a local authority or county council shall be entitled to compensation in accordance with the provisions of that Act in respect of any injury or damage to any houses belonging to them which were provided under a housing scheme towards the losses on which the Minister is liable to contribute under the Housing, Town Planning, &c. Act, 1919.

153 Donations for housing purposes

A local authority may accept a donation of land, money or other property for any of the purposes of this Act, and it shall not be necessary to enrol any assurance with respect to any such property under the Mortmain and Charitable Uses Act, 1888.

Procedure of local authorities: Official representations

154 Joint action by local authorities

Where, upon an application made by one of the local authorities concerned, the Minister is satisfied that it is expedient that any local authorities should act jointly for any purposes of this Act, either generally or in any special case, the Minister may by order contained in a statutory instrument make provision for the purpose and any

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

provisions so made shall have the same effect as if they were contained in an order made under section six of the Public Health Act, 1936.

155 Buildings situated in districts of more than one local authority

- (1) In the case of a building which is situated partly in the district of one local authority and partly in the district of another, the local authorities may agree that this section shall have effect in relation to the building or to the building and the site thereof and any yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith.
- (2) Whilst such an agreement as aforesaid is in force, the enactments relating to housing shall have effect as if the district of such one of the local authorities as may be specified therein included the whole of the building and, if the agreement so provides, the site thereof and any such other premises as aforesaid.

156 References by local authority to Public Health and Housing Committee

In the case of a county council, other than the London County Council, all matters relating to the exercise and performance by the council of their powers and duties under this Act (except the power of raising a rate or borrowing money) shall stand referred to the public health and housing committee of the council, and the council, before exercising any such powers, shall, unless in their opinion the matter is urgent, receive and consider the report of that committee with respect to the matter in question, and the council may also delegate to that committee, with or without restrictions or conditions as they think fit, any of their powers under this Act, except the power of raising a rate or borrowing money and except any power of resolving that the powers of a district council in default should be transferred to the council.

157 Official representations

- (1) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of the opinion that any house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with as a clearance area.
- (2) If any justice of the peace acting for the district of a local authority or, in the case of a rural district, the parish council of any parish within that area, complain to the medical officer of health in writing that any house is unfit for human habitation or that any area should be dealt with as a clearance area, it shall be his duty forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation or whether, in his opinion, the area should be dealt with as a clearance area, but the absence of any such complaint shall not excuse him from inspecting any house or area or making a representation thereon to the local authority.
- (3) A local authority shall as soon as may be take into consideration any official representation which has been made to them.
- (4) In this Act, the expression " official representation " means in the case of any local authority a representation made to that authority by the medical officer thereof, and includes also, in the case of the council of a rural district or of an urban district not containing according to the last published census a population of more than ten thousand, a representation made by the medical officer of health of the county to the

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

county council and forwarded by them to the council of the district, and, in the case of the council of a metropolitan borough, a representation made by the medical officer of health of the County of London to the London County Council and forwarded by them to the borough council.

- (5) Every representation made by a medical officer of health in pursuance of this Act shall be in writing.

Recovery of possession, entry, &c

158 Recovery of possession of controlled houses

- (1) Nothing in the Rent Acts shall prevent possession being obtained of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under any enactment relating to housing.
- (2) Where a local authority, for the purpose of exercising their powers under any enactment relating to housing, require possession of any building or any part of a building of which they are the owners, then, whatever may be the value or rent of the building or part of a building, they may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired, or has been determined.

159 Power of entry for inspection, &c

Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority or the Minister, may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or buildings—

- (a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised by this Act to purchase compulsorily; or
- (b) for the purpose of survey and examination, in the case of a house in respect of which—
- (i) a notice requiring the execution of works has been served under Part II of this Act, or
 - (ii) a demolition order has been made under Part II or Part III of this Act, or
 - (iii) a closing order has been made under section eighteen of this Act, or
 - (iv) a clearance order has been made under Part I11 of this Act, or
- (c) for the purpose of survey and examination, where it appears to the authority or Minister that survey or examination is necessary in order to determine whether any powers under this Act should be exercised in respect of the house, premises or building; or
- (d) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part IV of this Act the number of persons permitted to use the house for sleeping.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

160 Penalty for obstructing execution of Act

If any person obstructs the medical officer of health or any officer of the local authority, or of the Minister, or any person authorised to enter houses, premises, or buildings in pursuance of this Act in the performance of anything which such officer, authority, or person is by this Act required or authorised to do, he shall, on summary conviction, be liable to a fine not exceeding twenty pounds.

161 Penalty for preventing execution of repairs, &c

If any person, after receiving notice of the intended action,—

- (a) being the occupier of any premises, prevents the owner thereof or his officers, agents, servants or workmen, from carrying into effect with respect to those premises any of the provisions of Part II of this Act; or
- (b) being the owner or occupier of any premises prevents the medical officer of health, or any officers, agents, servants or workmen of that officer or of the local authority, from so doing ;

a magistrates' court may order him to permit to be done on the premises all things requisite for carrying into effect those provisions, and if he fails to comply with the order, he shall, in respect of each day during which the failure continues, be liable on summary conviction to a fine not exceeding twenty pounds.

Powers of the court for housing purposes

162 Power of court to determine lease where premises demolished

- (1) Where any premises in respect of which a demolition or closing order or a clearance order has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the county court within the jurisdiction of which the premises are situate for an order under this section:

Provided that this subsection shall not apply to a closing order made under section eighteen of this Act.

- (2) Upon any such application as aforesaid, the county court judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, make an order for the determination of the lease, or for the variation thereof, and, in either case, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation, damages, or otherwise) as he may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.
- (3) In this section the expression " lease " includes an underlease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions " lessor," " lessee," and " sub-lessee " shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

163 Power of court to authorise owner to execute works on default of another owner

- (1) If it appears to a magistrates' court, on the application of any owner of a house in respect of which a notice requiring the execution of works has been served under Part II of this Act, or a demolition order or a clearance order has been made, that owing

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

to the default of any other owner of the house in executing any works required to be executed on the house, or in demolishing the house, the interests of the applicant will be prejudiced, the court may make an order empowering the applicant forthwith to enter on the house, and, within a period fixed by the order, execute the said works or demolish the house, as the case may be; and where it seems to the court just so to do, the court may make a like order in favour of any other owner.

- (2) Before an order is made under this section, notice of the application shall be given to the local authority.

164 Power of court to authorise examination of works on unfit premises or for improvement

- (1) Where it is proved to the satisfaction of the court, on an application made in accordance with rules of court by any person entitled to any interest in any land used in whole or in part as a site for houses—
- (a) that the premises on the land are, or are likely to become, dangerous or injurious to health or unfit for human habitation, and that the interests of the applicant are thereby prejudiced ; or
 - (b) that the applicant should be entrusted with the carrying out of a scheme of improvement or reconstruction approved by the local authority of the district in which the land is situate ;

the court may make an order empowering the applicant forthwith to enter on the land and within a period fixed by the order to execute such works as may be necessary, and may order that any lease or agreement for a lease held from the applicant and any derivative under-lease shall be determined, subject to such conditions and to the payment of such compensation as the court may think just.

- (2) The court shall include in its order provisions to secure that the proposed works are carried out and may authorise the local authority in whose district the land is situated, or which approved the scheme of improvement or reconstruction, as the case may be, to exercise such supervision or take such action as may be necessary for the purpose.
- (3) For the purposes of this section, " court " means the High Court, and the Court of Chancery of the county palatine of Lancaster or Durham or the county court, where those courts respectively have jurisdiction.
- (4) As respects the administrative county of London other than the City of London—
- (a) the local authority for the purposes of the provisions of this section relating to such premises as are mentioned in paragraph (a) of subsection (1) thereof shall be the metropolitan borough council; and
 - (b) both the London County Council and the council of a metropolitan borough shall within that borough be local authorities for the purposes of the provisions of this section relating to schemes of improvement or reconstruction.

165 Power of court to authorise conversion of houses into several tenements

Where the local authority or any person interested in a house applies to the county court and—

- (a) it is proved to the satisfaction of the court that, owing to changes in the character of the neighbourhood in which the house is situated, the house cannot readily be let as a single tenement but could readily be let for occupation if converted into two or more tenements ; or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(b) planning permission has been granted under Part III of the Town and Country Planning Act, 1947, for the use of the house as converted into two or more separate dwelling-houses instead of as a single dwelling-house, and it is proved to the satisfaction of the court that by reason of the provisions of the lease of or any restrictive covenant affecting the house, or otherwise, such conversion is prohibited or restricted, the court, after giving any person interested an opportunity of being heard, may vary the terms of the lease or other instrument imposing the prohibition or restriction so as to enable the house to be so converted subject to such conditions and upon such terms as the court may think just.

Notices, orders, &c

166 Authentication of orders, notices, &c

- (1) Any demolition order, any closing order under section eighteen of this Act, any clearance order and any other order in writing made by a local authority under this Act, not being a closing order, shall be under their seal and authenticated by the signature of their clerk or his lawful deputy.
- (2) A notice, demand or other written document proceeding from a local authority under this Act shall be signed by their clerk or his lawful deputy:

Provided that—

- (a) this subsection shall not apply to a notice to be served under section twenty-six or section thirty of this Act; and
- (b) a notice, demand or other document proceeding from the London County Council in their capacity as landlord of the premises to which the notice, demand or other document relates may be signed by any officer of the Council authorised by the Council to sign notices, demands or documents of that particular kind or the particular notice, demand or document, as the case may be, and, if so signed, need not be signed by the clerk to the London County Council or his lawful deputy.

167 Authentication of certificates

Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

168 Service of notices, &c., on local authorities

Any notice, summons, writ or other proceeding at law or otherwise required to be served on a local authority for any of the purposes of this Act may be served upon the authority by delivering it to their clerk, or by leaving it at his office with some person employed there, or by sending it by post in a registered letter addressed to the authority or their clerk at their office.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

169 Service of notices, &c, on persons other than local authorities

- (1) Subject to the provisions of this and the last foregoing section, any notice, order or other document required or authorised to be served under this Act may be served either—
- (a) by delivering it to the person on whom it is to be served, or
 - (b) by leaving it at the usual or last known place of abode of that person, or
 - (c) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode, or
 - (d) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office, or
 - (e) if it is not practicable after reasonable enquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of " owner " or " lessee " or " occupier " of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises.
- (2) This section shall not apply to the service under section nineteen of this Act of a copy of a closing order made under the proviso to subsection (1) of section seventeen of this Act or made under subsection (3) of that section, or to the service of a notice under section twenty-six or section thirty of this Act.

170 Power of local authority to require information as to ownership of premises

A local authority may, for the purpose of enabling them to serve any notice (including any copy of any notice) which they are by this Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Default of local authorities

171 Powers of county council and Minister in the event of default of rural district council

- (1) In any case where—
- (a) complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any justice of the peace acting for, or by any four or more local government electors of, any such district, that the council of that district have failed to exercise their powers under this Act in any case where those powers ought to have been exercised ; or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) the council of a county is of opinion that an investigation should be made as to whether the council of any rural district in the county have failed as aforesaid ; the county council may cause a public local inquiry to be held, and if, after the inquiry has been held, they are satisfied that there has been such a failure on the part of the district council, they make make an order declaring the district council to be in default and transferring to themselves all or any of the said powers of the district council with respect to the whole or any part of the district.
- (2) Where an order is made under subsection (1) of this section the council of the rural district with respect to which it is made may, within a period of twenty-eight days beginning with the date on which the order is made, appeal to the Minister against the order ; and in any such case the Minister shall give to the councils of the rural district and the county, and to any other authority or person appearing to him to be interested, an opportunity to appear before and be heard by a person appointed by the Minister for the purpose, and may either confirm the order with or without modification or quash the order.
- (3) An order under subsection (1) of this section shall not come into force—
- (a) in any case, until the expiration of a period of twenty eight days beginning with the date on which the order is made, and
 - (b) in a case where an appeal is brought under this section, unless and until the order is confirmed on the appeal.
- (4) An order made under this section may provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers transferred by the order as it applies in relation to powers transferred under that Act.
- (5) If upon a representation made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that a county council have failed or refused to make an order under subsection (1) of this section in any case where they should have made such an order, or that any such order made by a county council is defective in that it fails to transfer powers which should have been transferred, or in that it does not apply to any part of the district to which it should have applied, the Minister may, if the county council have not made any order, himself make any order which they might have made, and if an order made by the county council is a defective order, himself make a supplementary order enlarging the scope of their order in such manner as he thinks fit.

The Minister's powers of making orders under this subsection shall be exercisable by statutory instrument; and subsection (2) of this section shall apply in relation to an order made under this subsection as it applies in relation to an order made under subsection (1) of this section.

172 Powers of Minister in event of default by county council in the exercise of transferred powers

If upon a representation made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that a county council to whom powers have been transferred under the last foregoing section have failed to exercise those powers in any case where those powers ought to have been exercised, he may cause a public local inquiry to be

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

held and if, after the inquiry has been held, he is satisfied that the county council have failed as aforesaid, he may either—

- (a) make an order directing them to exercise such of the said powers, in such manner and within such time as may be specified in his order ; or
- (b) make an order rendering any of the said powers exercisable by himself.

173 Power of Minister in the event of default of local authority other than rural district council

(1) In any case where—

- (a) a complaint is made to the Minister—
 - (i) as respects the council of any non-county borough or urban district, by the council of the county in which the borough or district is situate, or by any justice of the peace acting for, or by any four or more local government electors of, the borough or district; or
 - (ii) as respects any local authority, not being the council of a non-county borough or of an urban or rural district, by any justice of the peace acting for, or by any four or more local government electors of, the area of the authority,that the local authority have failed to exercise their powers under this Act in any case where these powers ought to have been exercised ; or
- (b) the Minister is of opinion that an investigation should be made as to whether any local authority, not being the council of a rural district, have failed as aforesaid ;

the Minister may cause a public local inquiry to be held and, if after the inquiry has been held he is satisfied that there has been such a failure on the part of the local authority, he may make an order declaring the authority to be in default and directing them to exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.

(2) If a local authority with respect to whom an order has been made under the foregoing subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order, may, if he thinks fit, adopt one of the following courses—

- (a) if the local authority concerned is the council of a non-county borough, or of an urban district, he may make an order directing the council of the county within which that borough or district is situate to perform such of the obligations of the borough or district council under the original order within such times as may be specified in his order addressed to the county council; or
- (b) in any case, he may make an order rendering exercise able by himself such of the powers of the local authority under this Act as may be specified in his order.

(3) The Minister's powers of making orders under this section shall be exercisable by statutory instrument.

174 Provisions as to orders directing county council to perform obligations of urban district council

An order under the last foregoing section directing a county council to perform any obligations of the council of a non-county borough or of an urban district may—

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (a) for the purpose of enabling the county council to comply with the order, transfer to them any of the powers conferred by this Act on local authorities;
- (b) provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers so transferred as it applies in relation to powers transferred under that Act.

175 Provisions as to exercise by Minister of powers of a local authority

- (1) The following provisions of this section shall have effect in any case where under the foregoing provisions of this Part of this Act the Minister has by order rendered exercisable by himself any powers of a local authority.
- (2) Any expenses incurred by the Minister in exercising the said powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid by the local authority to the Minister and shall be recoverable as a debt due to the Crown.
- (3) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which a local authority may borrow money.
- (4) The Minister may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.
- (5) In this section the expression " local authority ", in relation to any powers which, upon the default of a local authority, have been transferred to a county council, means the local authority in whom those powers were originally vested.

176 Power to vary and revoke certain orders relating to defaults

In any case where under this Act an order has been made by a county council transferring to that council any powers or duties of a local authority, or an order has been made by the Minister transferring to a county council, or directing a county council to exercise, any powers or duties of a local authority, or rendering any powers or duties of a local authority exercisable by the Minister, the county council, or, in the case of an order made by the Minister, the Minister, may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and, when any order is so revoked, the county council or, as the case may be, the Minister, may either by the revoking order, or by a supplemental order, make such provision as appears to be desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the county council, or by the Minister, in exercising the powers or duties to which the order so revoked related.

177 Power of London County Council in the event of default of metropolitan borough council

- (1) Where a complaint has been made to the Minister by the London County Council that the council of a metropolitan borough have failed—
 - (a) to exercise their powers under section eighteen of this Act in a case where those powers ought to have been exercised; or

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (b) to make an inspection of their borough under section seventy-six of this Act or, within a reasonable period, to complete the inspection and to submit the report thereon; or
 - (c) to enforce the provisions of Part IV of this Act;
- the Minister, if satisfied after due inquiry that there has been such a failure on the part of that council, may make an order declaring that council to be in default and directing that council to exercise such powers as may be necessary for the purpose of remedying the default in such manner and within such time as may be specified in the order.
- (2) If the council to whom the order is addressed fail to comply with any requirement thereof within the time limited thereby for compliance therewith, the Minister may make an order directing the London County Council to perform such of the obligations of the metropolitan borough council under the original order within such time as may be specified in his order addressed to the London County Council.
 - (3) An order under the last foregoing subsection may provide that section two hundred and ninety-two of the Public Health (London) Act, 1936, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the obligations specified therein as it applies in relation to duties which the London County Council are appointed to perform under that section.
 - (4) The Minister's powers of making orders under this section shall be exercisable by statutory instrument.

General Powers of Minister

178 Power of Minister to prescribe forms, etc.

- (1) The Minister may by regulations prescribe anything which by this Act is to be prescribed and the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this Act:

Provided that this subsection shall not apply to a notice under section twenty-six or section thirty of this Act.
- (2) The power of making regulations 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.

179 Dispensation with advertisements and notices

- (1) The Minister may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under this Act, if he is satisfied that there is reasonable cause for dispensing with the publication or service:

Provided that this subsection shall not apply to a notice under section twenty-six or section thirty of this Act.
- (2) Any such dispensation may be given by the Minister either before or after the time at which the advertisement is required to be published or the notice is required to be served, and either unconditionally, or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Minister thinks fit, due care being taken by him to prevent the interests of any persons being prejudiced by the dispensation.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

180 Provisions as to orders made by Minister

- (1) All orders made by the Minister in pursuance of this Act shall be binding and conclusive in respect of the matters to which they refer, and shall be published in such manner as the Minister may direct.
- (2) The reasonable costs of any local authority in respect of provisional orders made in pursuance of this Act, and of the inquiry preliminary thereto, as sanctioned by the Minister, shall be deemed to be expenses properly incurred for purposes of this Act by the local authority interested in such provisional orders, and such costs shall be paid accordingly; and if thought expedient by the Minister, the local authority may contract a loan for the purposes of defraying such costs.

181 Local inquiries and reports

- (1) For the purpose of the execution of his powers and duties under this Act, the Minister may cause such local inquiries to be held as he may think fit.
- (2) If it appears to the Minister that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under this Act should be put into force in that area or not, the Minister may require the local authority to make a report to him containing such particulars as to the population of the district and other matters as he may direct, and the local authority shall comply with the requirement of the Minister, and any expenses incurred by them in so doing shall be paid as expenses incurred in the execution of such Part, of this Act as the Minister may determine.

182 Arrangements between the Minister and other Departments

The Minister may make arrangements with any other Government Department for the exercise and performance by that Department of any of his powers and duties under this Act which in his opinion could be more conveniently so exercised and performed, and in that case that Department and the officers thereof shall have the same powers and duties as are by this Act conferred on the Minister and his officers.

Miscellaneous provisions as to London

183 Relations between local authorities in London

- (1) The London County Council and the Common Council of the City of London or the council of a metropolitan borough may at any time enter into an agreement with respect to—
 - (a) any action to be taken under the provisions of Part III of this Act relating to clearance areas, or redevelopment areas, or under Part IV of this Act, or under the provisions of section one hundred and sixty-four of this Act relating to schemes of improvement or reconstruction, or in connection with the provision of new houses to abate overcrowding ;
 - (b) the exercise by one of the parties to the agreement of any powers conferred under the provisions of Part III of this Act relating to redevelopment areas or under Part IV of this Act on the other party thereto ;

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

- (c) the making of contributions by one of those councils towards the expenses incurred by the other of them in taking any such action or in any such exercise of powers as aforesaid ; or
 - (d) the carrying out of any housing operations under Part V of this Act and the apportionment of the expenses incurred in carrying out such operations.
- (2) It shall be the duty of the council of every metropolitan borough to furnish any information in their power which may reasonably be required by the London County Council for the purpose of enabling them to carry out their duties under the provisions of Part III of this Act relating to clearance areas, or under the provisions of section one hundred and sixty-four of this Act relating to schemes of improvement or reconstruction.

184 Agreements between the London County Council and other authorities in London

The London County Council and the Common Council of the City of London or any metropolitan borough council may enter into agreements by which the Common Council or the metropolitan borough council may contribute such amounts as may be agreed towards the provision of houses by the London County Council within or without the county to meet any special needs of the Common Council or of any metropolitan borough council.

185 Agreements between the London County Council and neighbouring authorities as to provision of houses

The London County Council and the Common Council of the City of London, or any other council being a local authority of an area adjacent to or in the vicinity of the county of London, may enter into agreements for the provision by the London County Council of houses outside the county of London to meet the special needs of the other council, or for the provision by the other council of houses within their area to meet the needs of the London County Council, and for the payment in either case of such contributions as may be agreed by the council needing the houses to the council providing them.

In this section the expression " county of London " means the administrative county of London exclusive of the City of London.

186 Provisions as to medical officers of health in London

- (1) The London County Council may, with the consent of the Minister, at any time appoint one or more duly qualified medical practitioner or practitioners with such remuneration as they think fit for the purpose of carrying into effect any Part of this Act.
- (2) Any medical officer of health appointed by the London County Council and any officer appointed by them under this section shall be deemed to be a medical officer of health of a local authority within the meaning of this Act.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

187 Provisions as to City of London

- (1) The Common Council of the City of London may appoint a committee, consisting of so many persons as they think fit, for any purposes of this Act which in their opinion may be better regulated and managed by means of a committee:

Provided that a committee so appointed shall consist as to a majority of its members of members of the Common Council, and shall not be authorised to borrow any money, or to make any rate, and shall be subject to any regulations and restrictions which may be imposed by the Common Council.

- (2) A person shall not, by reason only of the fact that he occupies a house at a rental from the Common Council of the City of London, be disqualified from being elected or being a member of the Common Council or of any committee thereof, but no person shall vote as a member of the Common Council, or any committee thereof, upon any resolution or question which is proposed or arises in pursuance of this Act, if it relates to any house, building or land in which he is beneficially interested.
- (3) If any person votes in contravention of this section, he shall, on summary conviction, be liable to a fine not exceeding fifty pounds, but the fact of his giving the vote shall not invalidate any resolution or proceeding of the local authority.