



# Local Government Act 1948

## 1948 CHAPTER 26

### PART V

#### RATING OF TRANSPORT AND ELECTRICITY AUTHORITIES.

##### *Miscellaneous.*

#### **104 Stabilisation of payments by British Transport Commission to Railway Freight Rebates Fund.**

- (1) The sums to be paid by the British Transport Commission and the bodies mentioned in Part I of the Third Schedule to the Transport Act, 1947, to the Railway Freight Rebates Fund under paragraph 2 of Part I of the Eleventh Schedule to the Local Government Act, 1929, shall, in the case of the year ending with the thirtieth day of September, nineteen hundred and forty-eight, be four million four hundred and twenty-five thousand pounds, and, in the case of each subsequent year, be three million four hundred and seventy-five thousand pounds, and references to the estimated rate relief and the actual rate relief in any year shall, in relation to those years, be construed accordingly.
- (2) If, in the first of the said years, the amounts paid before the passing of this Act under the said paragraph 2 exceed or fall short of the amounts which would have been paid if this section had been in force at the beginning of that year, a sum equal to the difference shall on the passing of this Act be paid by way of adjustment out of the Fund to the British Transport Commission or by the British Transport Commission to the Fund, as the case may require.
- (3) Save as provided in the preceding provisions of this section, no further payments shall be made after the passing of this Act under the said paragraph 2 either in respect of the aforesaid years or in respect of any earlier year.
- (4) Nothing in this section affects the power conferred on the Minister of Transport by section eighty-seven of the Transport Act, 1947, as respects the termination of the system of rebates provided for by the Railway Freight Rebates Enactments, 1929 to 1943, and as respects the winding up of the Railway Freight Rebates Fund.

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**105 Temporary grants by county councils to county district councils, parish councils, &c, in certain cases.**

- (1) The council of each county in England and Wales shall estimate in relation to each county district within the county the amount in the pound of the rate required to be levied in the district for the year 1947-48 in order to meet the expenditure of the council of that district for that year, being expenditure falling to be met out of rates levied in the district but not including expenditure incurred in meeting a precept (other than a precept from a joint authority of which the council of the district is a member) or in meeting a warrant issued under section twenty-three of the Metropolitan Police Act, 1829.
- (2) The council of the county shall then estimate the amount in the pound of the rate which would have been required to be levied in the district for the said year for the said purposes in the following circumstances, that is to say, if—
  - (a) the product of a rate of one penny in the pound for that district for that year had been diminished by a sum ascertained as follows, that is to say, by dividing by two hundred and forty an amount equal to so much of the difference between the rateable value of the hereditaments in the district on the thirty-first day of March, nineteen hundred and forty-eight, and the rateable value for the district for the year 1948-49 as is due to the coming into effect of the provisions of this Part of this Act relating to railway or canal hereditaments and hereditaments occupied by the British Electricity Authority or an Area Electricity Board ; and
  - (b) the expenditure of the council of the district had been diminished by an amount equal to any sum paid to the council of the district for the benefit of that council for the year 1948-49 under the preceding provisions of this Part of this Act.
- (3) If in the case of any county district the amount estimated under subsection (2) of this section exceeds the amount estimated under subsection (1) thereof by more than twopence, the council of the county shall make to the council of that district grants for the year 1948-49 and the nine following years calculated in accordance with the provisions of this section.
- (4) The amount of the grants to be made by the council of the county shall be as follows, that is to say—
  - (a) for the year 1948-49, the grant shall be a sum equal to the product of a rate of one penny in the pound for the district, as estimated for the purposes of subsection (2) of this section, multiplied by the number of "pence in the amount by which the amount of the excess mentioned in subsection (3) of this section exceeds twopence ;
  - (b) for the nine following years, the grants shall be respectively nine-tenths, four-fifths, seven-tenths, three-fifths, one-half, two-fifths, three-tenths, one-fifth and one-tenth of the grant for the year 1948-49.
- (5) Any dispute as to whether any, and if so what, grant is to be made under this section to the council of a county district shall be determined by the Minister.
- (6) The preceding provisions of this section shall apply in relation to—
  - (a) any rural parish in England or Wales having a separate parish council; and
  - (b) any group of rural parishes in England or Wales under a common parish council; and

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- (c) any rural parish in England or Wales without a separate parish council, not being a parish forming part of such a group or a parish coterminous with a rural district,

as it applies in relation to a county district, subject, however, to any necessary modifications, and in particular, in the case of such a parish as is mentioned in paragraph (c) of this subsection, to the modification that references to the council of the district shall be construed as references to the parish meeting or the representative body of the parish, as the context may require.

- (7) Any payment under this section may, if the councils concerned so agree, be effected in whole or in part by making the appropriate deduction from the amount due under a precept.
- (8) This section shall apply to the council of a county in Scotland in like manner as it applies to the council of a county in England and Wales subject to the following modifications :—
- (a) for any reference to a county district there shall be substituted a reference to a small burgh and to the landward area of a county and any reference to the council of such a district shall in relation to the landward area be construed as a reference to the county-council ;
  - (b) the estimates required to be made under subsections (i) and (2) of this section shall in the case of a burgh or of the counties combined for the purposes mentioned in subsection (1) of section one hundred and eighteen of the Local Government (Scotland) Act, 1947, be made after consultation with the council of the burgh or of the separate county ;
  - (c) for any reference to expenditure incurred in meeting a precept there shall be substituted a reference to expenditure on purposes for which small burghs are included in a county; for any reference to an amount due under a precept there shall be substituted a reference to a sum payable under a requisition issued under section two hundred and fourteen of the Local Government (Scotland) Act, 1947 ; and for the word " twopence " there shall be substituted the words " one and three-fifths pence ";
  - (d) any reference to the making of grants to a council shall be construed in the case of the landward area of a county as a reference to the setting aside of a sum for behoof of the landward area ;
  - (e) any reference to the landward area of a county shall be construed in the case of the aforesaid combined counties as a reference to the landward area of each of the separate counties, and the sums required to be set aside for behoof of the landward area of those separate counties shall be paid by the councils of the combined counties to the councils of the separate counties ;
  - (f) the expenditure incurred by the council of a county in making grants under this section shall be deemed to be - expenditure on functions for which small burghs are included in the county ;
  - (g) any reference to an Area Electricity Board shall be construed as including a reference to the North of Scotland Hydro-Electric Board ;
  - (h) for any reference to the Minister there shall be substituted a reference to the Secretary of State.

## **106 Duties of rating authorities.**

Every rating authority in England and Wales shall give : effect to any directions which may from time to time be given to them by the assessment committee in pursuance

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of any provisions of this Part of this Act requiring assessment committees to cause alterations to be made in valuation lists, and shall give to the assessment committee such information and other assistance in carrying out their duties under this part of this Act as the committee may reasonably require.

**107 Amendment of Hydro-Electric Development (Scotland) Act, 1943, Sch. 4.**

The Fourth Schedule to the Hydro-Electric Development (Scotland) Act, 1943, as amended by the Electricity Act, 1947, shall have effect as if in sub-paragraph (ii) of paragraph 1 for any reference to a sum paid as rates there were substituted a reference to a sum calculated in such manner as the Secretary of State and the Minister of Fuel and Power acting jointly may determine having regard to the payments made by the British Electricity Authority for the benefit of local authorities Under this Part of this Act.

**108 Assessor of Public Undertakings (Scotland).**

- (1) The Secretary of State may by order—
  - (a) from time to time provide for the transfer to such other persons as may be specified in the order of the functions of the Assessor of Public Undertakings (Scotland) remaining after the coming into operation of this Part of this Act; and
  - (b) provide for the discontinuance of the office of the said Assessor.
- (2) The Secretary of State may by regulations make provision with regard to all or any of the following matters—
  - (a) the payment of compensation to the said Assessor or any clerk or other officer employed by him in respect of any pecuniary loss incurred by the Assessor, clerk or officer by reason of the determination of his office or the diminution of his emoluments in consequence of this Act or of anything done thereunder ;
  - (b) the superannuation benefits of any such person as afore said who becomes a civil servant or a pensionable officer or servant of a local authority and—
    - (i) the reckoning for the purposes of the Superannuation Acts, 1834 to 1946 or of the Local Government Superannuation (Scotland) Act, 1937, of the service of such person as Assessor or as such clerk or officer in like manner as if it were civil service or service rendered to the local authority as the case may be ; or
    - (ii) the application, subject to such modifications as may be prescribed in the regulations, to any such person who becomes a civil servant of any enactment relating to the superannuation of persons transferring from local government service to civil service, and to any such person who becomes an officer or servant of a local authority of the aforesaid Act of 1937, in like manner in either case as if his service as Assessor or as such clerk or officer were service rendered to a local authority;
  - (c) the payment by the Secretary of State of any compensation or superannuation benefit or transfer value payable under the regulations and the recovery of the sums so paid by such contributions (whether by way of lump sum or periodical payments) from the British Transport Commission, the British Electricity Authority, the North of Scotland Hydro-Electric Board and the bodies included in the valuation roll made up by the said Assessor for the year 1948-49 as may be specified in the regulations.

- (3) The last foregoing subsection shall, as regards any case where the said Assessor or any clerk or officer employed by him becomes a pensionable officer or servant of a local authority in England, have effect as if for any reference to the Secretary of State there were substituted a reference to the Secretary of State and the Minister, acting jointly, and for any reference to the Local Government Superannuation (Scotland) Act, 1937, there were substituted a reference to the Local Government Superannuation Act, 1937.
- (4) In this section, the expression "local authority" has the like meaning as in the Local Government Superannuation (Scotland) Act, 1937, or the Local Government Superannuation Act, 1937, as the case may be.

### **109 Power to make orders varying Part V.**

- (1) Without prejudice to any other power to make orders conferred by this Part of this Act, the Minister, the Secretary of State, or the Minister and the Secretary of State acting jointly, according as England and Wales-only, Scotland only or both England and Wales and Scotland are concerned, may by order do all or any of the following things, that is to say—
  - (a) direct that the provisions of this Act relating to railway or canal hereditaments shall apply also to other hereditaments occupied wholly or mainly for purposes of the British Transport Commission, or shall not apply to hereditaments to which they would apply but for the provisions of the order ;
  - (b) make such consequential amendments in the provisions of this Part of this Act, and in the provisions of Part III of this Act, as may be consequential on the giving of any such direction as is mentioned in paragraph (a) of this subsection ; and
  - (c) make such amendments, whether consequential or not, in any of the figures set out in any of the preceding provisions of this Part of this Act, as may be specified in the order.
- (2) Any order under this section may be revoked or varied by a subsequent order made thereunder,
- (3) Before any order is made under this section, a draft thereof shall be laid before each House of Parliament, and the order shall not be made until approved by resolution of each House of Parliament.

### **110 Power to make regulations for the purposes of Part V.**

Without prejudice to any other power to make regulations conferred by this Part of this Act, the Minister and, as respects Scotland, the Secretary of State, may make regulations for carrying this Part of this Act into effect and in particular—

- (a) for determining the manner in which, subject to the express provisions of this Part of this Act, any calculation or estimate is to be made for any of the purposes of this Part of this Act; (6) for determining the times at which payments under this Part of this Act for the benefit of local authorities are to be made ;
- (c) for providing that the calculations or estimates by reference to which any such payments are made may be treated as either conclusive or provisional or conclusive for some purposes and provisional for other purposes and, so far as they are to be treated as provisional, for the making of further calculations

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or estimates based on information not previously available and for adjusting in the light thereof any payments already made;

- (d) for modifying the operation of this Part of this Act in relation to any local authority (including a parish council or representative body of a parish not having a separate council) if and in so far as any such modification is required in relation to that authority in consequence of any alterations or combinations of authorities or alterations of boundaries ;
- (e) for prescribing anything which is to be prescribed.