



Housing Act 1957

1957 CHAPTER 56

PART VII

GENERAL

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
- (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.

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- (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 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

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- (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—

- (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

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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 exerciseable 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
 - (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.

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- (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.