



# Local Authorities (Land) Act 1963

## 1963 CHAPTER 29

An Act to make amendments of the law relating to the functions of local authorities in relation to land to the like effect as those commonly made in local Acts; to enable local authorities to make advances for the erection of buildings and to provide accommodation for keeping motor vehicles; to amend the provisions of the National Parks and Access to the Countryside Act 1949 relating to the treatment of derelict land; to amend the law with respect to the power of municipal boroughs to use the general rate fund and borrow for non-statutory purposes; to apply Part II of the Town and Country Planning Act 1959 to corporate land; and for purposes connected with the matters aforesaid. [31st July 1963]

### Annotations:

#### Modifications etc. (not altering text)

- C1 Act excluded by [Local Government Act 1972 \(c. 70\), s. 121\(2\)](#)
- C2 Functions of Minister of Housing and Local Government under this Act now exercisable by Secretary of State: [S.I. 1965/319](#) and 1970/1681
- C3 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C4 Councils of administrative counties, boroughs (except those in rural districts), urban districts, rural districts and urban parishes outside Greater London and Isles of Scilly together with municipal corporations of boroughs outside Greater London now abolished and councils of metropolitan counties, non-metropolitan counties and districts constituted by [Local Government Act 1972 \(c. 70\), ss. 1, 2, Sch. 1](#)
- C5 Act: transfer of functions (W.) (1.7.1999) by [S.I. 1999/672, art. 2, Sch. 1](#)

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### Annotations:

#### Amendments (Textual)

- F1 [S. 1](#) repealed by [Local Government Act 1972 \(c. 70\), Sch. 30](#)

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**2 Power of local authorities to develop land.**

- (1) Subject to the provisions of this Act, a local authority may, for the benefit or improvement of their area, erect any building and construct or carry out works on land.
- (2) . . . . . <sup>F2</sup>
- (4) A local authority may repair, maintain and insure any building or works erected, constructed or carried out under the power conferred by subsection (1) of this section and generally may deal with any such building or works in a proper course of management.

**Annotations:**

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**Amendments (Textual)**

**F2** S. 2(2)(3) repealed by [Local Government Act 1974 \(c. 7\)](#), s. 35, Sch. 6 para. 14, [Sch. 8](#)

**3 Power of local authorities to make advances for erection of buildings on land sold or let by them.**

- [<sup>F3</sup>(1) Where a local authority are satisfied that it would be for the benefit or improvement of their area, they may, subject to the provisions of this section, advance money to any person for the purpose of enabling him—
  - (a) to acquire land; or
  - (b) to erect any building or carry out any work on land.]
- (2) An advance made under this section, together with interest thereon, shall be secured by a mortgage of the land in respect of which the advance is made.
- [<sup>F4</sup>(3) The amount of the principal of an advance made under subsection (1)(a) of this section shall not exceed nine-tenths of the value of the land
- (3A) The amount of the principal of an advance made under subsection (1)(b) of this section shall not exceed nine-tenths of the value which it is estimated the mortgaged security will bear upon the completion of the building or other works in respect of which the advance is made.]
- (4) An advance made under this section shall carry interest at a rate not less than one quarter per cent. greater than that fixed by the Treasury . . . <sup>F5</sup> in respect of loans to local authorities made on the date on which the terms of the advance are settled and for the same period as the advance, or at such other rate as the Minister may, in the case of the advance, fix.
- (5) The mortgage deed securing an advance made under this section shall provide—
  - (a) for repayment's being made, subject to the provisions of paragraphs (c) and (d) of this subsection, within such period, not exceeding thirty years, as may be specified in the deed;
  - (b) for repayment's being made, subject to the two next following paragraphs, either by instalments of principal or by an annuity of principal and interest combined;
  - (c) that, in the event of any of the conditions subject to which the advance is made not being complied with, the balance for the time being unpaid shall become repayable on demand by the authority;

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- (d) that the said balance, or such part thereof as may be provided for in the mortgage, may, in any event other than that specified in the last foregoing paragraph, be repaid on any such conditions as may be specified in the mortgage after one month's written notice of intention to repay has been given to the authority;
- (e) where repayment is to be made by an annuity of principal and interest combined, for determining the amount by which the annuity or the life of the annuity is to be reduced when a part of the advance is paid off otherwise than by way of an instalment of the annuity.

**Annotations:**

**Amendments (Textual)**

- F3** S. 3(1) substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), **s.43(a)**
- F4** S. 3 (3)(3A) substituted by [Local Government \(Miscellaneous Provisions\) Act 1982 \(c. 30, SIF 81:1\)](#), **s. 43(b)**
- F5** Words repealed with saving by [National Loans Act 1968 \(c. 13\)](#), s. 24(2), **Sch. 6 Pt. II**

**Modifications etc. (not altering text)**

- C6** S. 3 excluded (*retrospectively*) by [Local Authorities \(Expenditure Powers\) Act 1983 \(c. 52, SIF 81:1, 2\)](#), **s. 1(2)(a)(5)** ([Local Authorities \(Expenditure Powers\) Act 1983 \(c.52, SIF 81:1\)](#)), repealed (prosp.) by [Local Government and Housing Act 1989 \(c. 42, SIF 81:1, 2\)](#), ss. 194(4), 195(2), **Sch. 12 Pt. II**
- C7** S. 3(4) amended by [National Loans Act 1968 \(c. 13\)](#), **s. 6**.

**4 Power of local authorities to make advances in pursuance of building agreements.**

- (1) Where a local authority enter into an agreement with a person (hereafter in this section referred to as “the builder”) whereby provision is made—
  - (a) authorising the builder to enter on land belonging to the local authority for the purpose of his erecting a building thereon;
  - (b) for the sale of the land to the builder, if the building is erected to the satisfaction of the local authority, or, as the agreement may provide, for the grant of a lease to him if the building is so erected;
  - (c) for the local authority to advance money to the builder for the purpose of enabling him to erect the building;
  - (d) for securing that, on such a sale or, as the case may be, grant of a lease, any amount advanced as mentioned in the last foregoing paragraph will, together with the interest thereon, be secured by a mortgage of the land;the local authority may, subject to the provisions of this section, advance money to that person for the purpose mentioned in paragraph (c) above.
- (2) The amount of the principal of an advance made under this section shall not exceed three quarters of the amount which it is estimated will be the value of the security for the mortgage for which the agreement provides.
- (3) Subsections (4) and (5) of section 3 of this Act shall apply to an advance made under this section as they apply to an advance made under that section.

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## 5 Provision of garage accommodation by local authorities.

- (1) A local authority may within their area provide off the street accommodation for the keeping of motor vehicles, and may for that purpose erect garages, construct hard standings or convert buildings into garages.
- (2) Any garage or hard standing by means of which accommodation is provided under this section for motor vehicles may be either one having accommodation for a single vehicle only or one having accommodation for several vehicles, and the local authority may let any such garage or hard standing having accommodation for a single vehicle only or any space in any such garage or hard standing having accommodation for several vehicles, for such period and consideration and subject to such terms and conditions as they think fit, to any person for the purpose of the accommodation of a motor vehicle.
- (3) The local authority may manage, repair, maintain and insure any such garage or hard standing as aforesaid.
- (4) Nothing in this section shall be taken as authorising a local authority to carry on any of the following activities, that is to say—
  - (a) the storage or sale of fuel or lubricants;
  - (b) the sale of motor vehicles or accessories, spare parts or equipment for motor vehicles;
  - (c) the business of maintaining or repairing motor vehicles,
 or to provide facilities or apparatus for any of those activities.

## 6 Amendment of provisions of National Parks and Access to the Countryside Act 1949 relating to treatment of derelict land.

- (1) .....<sup>F6</sup>
- (2) .....<sup>F7</sup> in the said subsection (4). ..... for the words “the said provisions” there shall be substituted the words “the foregoing provisions of this section”.
- (3) .....
- (4) At the end of the said section 89 there shall be added the following subsection—
 

“(7) In this section “local authority” means a local planning authority, the council of a county or county borough not being a local planning authority, or the council of a county district.”

### Annotations:

#### Amendments (Textual)

- F6** S. 6(1)(3) repealed by [Derelict Land Act 1982](#) (c. 42, SIF 46:4), s. 5(2), [Sch.](#)
- F7** Words repealed by [Countryside Act 1968](#) (c. 41), [Sch. 5](#)

#### Modifications etc. (not altering text)

- C8** The text of S. 6(2) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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**C9** The text of S. 6(4) is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**7 Power of municipal borough to use general rate fund or borrow for non-statutory purposes.**

- (1) The liabilities falling to be discharged by the council of a borough that may be discharged out of the general rate fund of the borough under section 185 of the <sup>M1</sup>Local Government Act 1933 shall include liabilities incurred by them in the exercise of any power exercisable by virtue of the charter of the municipal corporation of the borough for any of the following purposes that is to say—
- (a) the acquisition of land;
  - (b) the erection of buildings on corporate land or the construction or carrying out of works on such land;
  - (c) the repair, maintenance and insurance of buildings or works on such land.
- (2) The purposes for which the council of a borough may borrow under section 195 of the said Act of 1933 shall include the discharge of liabilities incurred by them as mentioned in the foregoing subsection for purposes so mentioned, other than the insurance of buildings or works.

**Annotations:**

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**Marginal Citations**

**M1** 1933 c. 51.

**8** ..... **F8**

**Annotations:**

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**Amendments (Textual)**

**F8** S. 8 repealed by [Statute Law \(Repeals\) Act 1974 \(c. 22\)](#), [Sch. Pt. XI](#)

**9 Power to amend local Acts.**

- (1) The Minister may, subject to the provisions of this section, by order repeal or amend any provision—
- (a) in any local Act passed before this Act, or in any Act passed before this Act and confirming a provisional order, or
  - (b) in any order made under an Act before the passing of this Act,
- where it appears to him that the provision is inconsistent with, or has become unnecessary in consequence of, any provision of this Act.
- (2) The Minister shall not make an order under this section repealing or amending any provision in any local Act the Bill for which was promoted by a local authority, or by any authority, board, commissioners, trustees or other body whose functions under the local Act have become exercisable by a local authority, except on the application of that local authority.

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- (3) Before making an order under this section the Minister shall consult with any local authority appearing to him to be concerned, not being a local authority by whom an application for the making of the order was made.
- (4) An order made under this section—
  - (a) may contain such transitional, supplemental or incidental provisions as appear to the Minister to be expedient, and
  - (b) shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

**10 Expenses.**

There shall be paid out of moneys provided by Parliament any increase attributable to the provisions of this Act in the sums payable out of moneys so provided under any other enactment.

**11 Application to Isles of Scilly.**

- (1) The Minister may, after consultation with the Council of the Isles of Scilly, by order made by statutory instrument provide for the application of this Act (except sections 6 to 8 thereof) to the Isles of Scilly; and any such order may provide for the application of this Act (except as aforesaid) to those Isles subject to such modifications or to the exception of such provisions thereof as may be specified in the order.
- (2) The exercise of the power conferred by this section shall be without prejudice to the powers of the Minister under section 292 of the <sup>M2</sup>Local Government Act 1933.

**Annotations:**

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**Marginal Citations**  
M2 1933 c. 51.

**12 Savings.**

- (1) No provision contained in section 2 or section 5 of this Act shall be construed as authorising on the part of a local authority any act or omission which, apart from that provision, would be actionable at the suit of any person on any grounds other than a limitation imposed by law on the capacity of the local authority by virtue of its constitution.
- (2) ..... <sup>F9</sup>

**Annotations:**

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**Amendments (Textual)**  
F9 S. 12(2) repealed by Town and Country Planning Act 1971 (c. 78), Sch. 25

**13** ..... <sup>F10</sup>

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**Annotations:**

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**Amendments (Textual)**

**F10** S. 13 repealed by [Local Government Act 1972 \(c. 70\)](#), [Sch. 30](#)

**14 Interpretation.**

- (1) In this Act, except where the context otherwise requires,
  - “corporate land” has the same meaning as in the Local Government Act 1933;
  - “erect” includes extend, alter and re-erect, and “erection” shall be construed accordingly;
  - “land” includes any interest in land and any easement or right in, to or over land;
  - “local authority”, except in section 6, means a local authority within the meaning of the Local Government Act 1933, other than a parish council;
  - “the Minister” means the Minister of Housing and Local Government.
- (2) References in this Act to any enactment shall, except where the context otherwise requires, be construed as references to that enactment as amended by or under any other enactment.

**15 Short title and extent.**

- (1) This Act may be cited as the Local Authorities (Land) Act 1963.
- (2) This Act shall not extend to Scotland or Northern Ireland.

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for the Local Authorities (Land) Act 1963. (See end of Document for details)*

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## SCHEDULE

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### Annotations:

#### Amendments (Textual)

**F11** Schedule repealed by Statute Law (Repeals) Act 1974 (c. 22), **Sch. Pt. XI**

**Changes to legislation:**

There are currently no known outstanding effects for the Local Authorities (Land) Act 1963.