



# Local Authorities (Land) Act 1963

## CHAPTER 29

### ARRANGEMENT OF SECTIONS

Section

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SCHEDULE—Enactments repealed.

## ELIZABETH II



## 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]

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1.—(1) The purposes for which a local authority may acquire land under section 157 of the Local Government Act 1933 (which authorises a local authority to acquire by agreement land immediately required by the authority for the purpose of any of their functions under the said Act of 1933 or any other public general Act) shall include the purpose of any of their functions under a local Act. Extension of power of local authorities to acquire land by agreement.

(2) The purposes for which a local authority may acquire land under section 158 of the said Act of 1933 (which empowers a local authority to acquire by agreement land in advance of

their requirements for any purpose for which they are authorised to acquire land by the said Act of 1933 or any other public general Act, but, by virtue of section 22 of the Town and Country Planning Act 1959, only, in the case of land outside their area, with the consent of and subject to any conditions imposed by the appropriate Minister as defined in the said section 158) shall include any purpose for which they are authorised to acquire land by any local Act.

Power of local authorities to develop land.

2.—(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) The consent of the Minister, given on an application in that behalf made by the local authority, shall be requisite to the carrying out of an operation under the power conferred by the foregoing subsection; and any such consent may be given either in respect of a particular operation or in respect of operations of any class, and either subject to or free from conditions or limitations.

(3) Where an application for the consent of the Minister is made under the last foregoing subsection by a local authority, the Minister may direct such advertisement by the authority as appears to him to be requisite for the purpose of enabling him to determine whether he shall give such consent.

(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.

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

3.—(1) For the purpose of enabling any person to whom a local authority have sold or let any land to erect a building on that land, the local authority may, subject to the provisions of this section, advance money to that person.

(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.

(3) The amount of the principal of an advance made under this section shall not exceed three quarters of the value which it is estimated the mortgaged security will bear when the building for the erection of which the advance is made has been erected.

(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 under section 1 of the Public Works Loans Act 1897 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 ;
- (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.

4.—(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,

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

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.

Provision of garage accommodation by local authorities.

5.—(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.

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

6.—(1) For section 89(2) of the National Parks and Access to the Countryside Act 1949 (which empowers a local planning authority to plant trees or carry out other work for the purpose of restoring or improving the appearance of derelict land in their area) there shall be substituted the following subsections—

“(2) Where it appears to a local authority that any land in their area is derelict, neglected or unsightly, they may, subject to the provisions of the next following subsection, carry out such work as appears to them expedient for the purpose of enabling the land to be brought into use or improving the appearance of the land.

(2A) The power conferred by the last foregoing subsection shall not be exercisable in relation to land in a National Park or an area of outstanding natural beauty except by the local planning authority for the area in which the land is situate, unless by virtue of the provisions of section 102 of this Act it is made exercisable by another local authority.”

and accordingly in subsections (3) to (6) of the said section 89 for any reference to a local planning authority there shall be substituted a reference to a local authority.

(2) So much of section 89(4) of the said Act of 1949 as provides that the powers conferred by that section shall not, as respects any land, include power to do anything which the council of a county, county borough or county district are or can be authorised to do as respects that land by any other enactment shall not apply to the power conferred by section 89(2) of the said Act of 1949 as set out in subsection (1) of this section, and accordingly in the said subsection (4) for the words “by the foregoing provisions of this section” there shall be substituted the words “by subsection (1) of this section” and for the words “the said provisions” there shall be substituted the words “the foregoing provisions of this section”.

(3) The Minister shall not authorise a local authority under section 103 of the said Act of 1949 to acquire land under the power conferred by section 89(5) of that Act for the purpose of their functions under section 89(2) of that Act as above set out, unless he is satisfied that the land is derelict, or that, by reason of neglect following the abandonment of the previous use of the land, the condition of the land is, and is likely to continue to be, such that it is desirable in the public interest that the land should be acquired under the said section 89(5) for the said purpose.

(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.”

7.—(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 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—

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

(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.

Extension of Part II of Town and Country Planning Act 1959 to corporate land.

8.—(1) Part II of the Town and Country Planning Act 1959 other than section 28 thereof (which Part, other than the said section 28, contains provisions relaxing requirements as to the obtaining of consent or approval of Ministers to the exercise, by local authorities and other bodies, of statutory powers of acquisition, appropriation and disposal of land, provisions as to the adjustment of accounts in consequence of such an appropriation or disposal, provisions as to the application of capital money received in respect of such a disposal, and provisions ancillary to the matters aforesaid) shall cease to be subject to section 30 (6) of that Act (which excludes the operation, in relation to corporate land, of the said provisions of the said Part II).

(2) Accordingly the said section 30(6) shall cease to have effect and the enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Power to amend local Acts.

9.—(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.

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

11.—(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.

Application to Isles of Scilly.

(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 Local Government Act 1933.

12.—(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.

Savings.

(2) None of the following sections of this Act, that is to say sections 2, 5 and 6, shall be treated as an alternative enactment within the meaning of section 79 of the Town and Country Planning Act 1962 (which empowers local authorities to develop land acquired by them under that Act for planning purposes where the power to do so does not exist by virtue of, and cannot be conferred under, an alternative enactment).

13. Section 159 (1) of the Local Government Act 1933 (which provides that a county council may be authorised to purchase land compulsorily for the purposes of any of their functions under any public general Act) shall not apply in relation to any function conferred on a county council by any provision of this Act.

Exclusion of powers of compulsory purchase by county councils.

**Interpretation.** 14.—(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.

**Short title  
and extent.**

15.—(1) This Act may be cited as the Local Authorities (Land) Act 1963.

(2) This Act shall not extend to Scotland or Northern Ireland.

## SCHEDULE

### ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
7 & 8 Eliz. 2. c. 53.	The Town and Country Planning Act 1959.	Section 30(6). In section 57(1), the definition of "corporate land".
10 & 11 Eliz. 2. c. 38.	The Town and Country Planning Act 1962.	In section 71(2) the words "and shall not be exercisable except with the consent of the Minister in respect of corporate land". In section 73(5) the word "or" at the end of paragraph (b), and paragraph (c). In section 77(2) the word "or" at the end of paragraph (b), and paragraph (c). In section 78(2) the word "or" at the end of paragraph (c), and paragraph (d). In section 78(8) the words from "and to the provisions of subsection (6) of section thirty" down to "corporate land". In section 221(1), the definition of "corporate land".

*Table of Statutes referred to in this Act*

Short Title	Chapter
Public Works Loans Act 1897 ... ..	60 & 61 Vict. c. 51.
Law of Property Act 1925 ... ..	15 & 16 Geo. 5. c. 20.
Local Government Act 1933 ... ..	23 & 24 Geo. 5. c. 51.
National Parks and Access to the Countryside Act 1949 ... ..	12, 13 & 14 Geo. 6. c. 97.
Town and Country Planning Act 1959 ...	7 & 8 Eliz. 2. c. 53.
Town and Country Planning Act 1962 ...	10 & 11 Eliz. 2. c. 38.

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