



Housing Act 1974

1974 CHAPTER 44

PART IV

HOUSING ACTION AREAS

36 Declaration of housing action areas

- (1) Where a report with respect to an area consisting primarily of housing accommodation is submitted to the local authority within whose district the area lies by a person or persons appearing to the authority to be suitably qualified (whether or not that person is or those persons include an officer of the authority) and, upon consideration of the report and of any other information in their possession, the authority are satisfied that, having regard to—
 - (a) the physical state of the housing accommodation in the area as a whole, and
 - (b) social conditions in the area,the requirement in subsection (2) below is fulfilled with respect to the area, the authority may cause the area to be defined on a map and by resolution declare it to be a housing action area.
- (2) The requirement referred to in subsection (1) above is that the living conditions in the area are unsatisfactory and can most effectively be dealt with within a period of 5 years so as to secure—
 - (a) the improvement of the housing accommodation in the area as a whole, and
 - (b) the well-being of the persons for the time being residing in the area, and
 - (c) the proper and effective management and use of that accommodation,by declaring the area to be a housing action area.
- (3) In considering whether to take action under subsection (1) above with respect to any area, a local authority shall have regard to such guidance as may from time to time be given by the Secretary of State, either generally or with respect to a particular authority or description of authority or in any particular case, with regard to the identification of areas suitable to be declared as housing action areas.

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- (4) As soon as may be after passing a resolution declaring an area to be a housing action area, a local authority shall—
- (a) publish in two or more newspapers circulating in the locality (of which at least one shall, if practicable, be a local newspaper) a notice of the resolution identifying the area and naming a place or places where a copy of the resolution, a map on which the area is defined and of the report referred to in subsection (1) above may be inspected at all reasonable times;
 - (b) take such further steps as may appear to them best designed to secure that the resolution and the obligations imposed by section 47 below are brought to the attention of persons residing or owning property in the area and that those persons are informed of the name and address of the person to whom should be addressed any inquiries and representations concerning any action to be taken with respect to the area or, as the case may be, any inquiries concerning the obligations so imposed ;
 - (c) send to the Secretary of State a copy of the resolution, the map and a copy of the report mentioned in paragraph (a) above, a statement of the numbers of dwellings, houses in multiple occupation and hostels in the area and a statement containing such information as the Secretary of State may for the time being require, either generally or with respect to a particular authority or description of authority or in any particular case, to show the basis on which the local authority satisfied themselves that the area was suitable to be declared a housing action area, having regard to the matters specified in paragraphs (a) and (b) of subsection (1) above and any relevant guidance given under subsection (3) above ; and
 - (d) send to the Secretary of State a statement of their proposals, whether general or specific, for the participation of registered housing associations in dealing with the living conditions in the area.
- (5) As soon as may be after a resolution has been passed declaring an area to be a housing action area, the resolution shall be registered in the register of local land charges—
- (a) by the proper officer, for the purposes of section 15 of the Land Charges Act 1925, of the local authority in whose area the housing action area is situated; and
 - (b) in such manner as may be prescribed by rules under section 19 of that Act.
- (6) In this Part of this Act " housing accommodation " means dwellings, houses in multiple occupation and hostels.

37 Functions of Secretary of State

- (1) When a local authority have declared an area to be a housing action area and have sent to the Secretary of State the documents referred to in section 36(4)(c) above, he shall send to the authority a written acknowledgment of the receipt of those documents.
- (2) If it appears to the Secretary of State to be appropriate to do so, he may, at any time within the period of 28 days beginning with the day on which he sent an acknowledgment under subsection (1) above, send a notification to the local authority concerned—
 - (a) that the area declared by the authority to be a housing action area is no longer to be such an area; or

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- (b) that land which is within the area declared by the authority to be a housing action area and which is defined on a map accompanying the notification is to be excluded from that area ; or
 - (c) that the Secretary of State requires more time to consider the authority's declaration of the area as a housing action area.
- (3) In any case where—
- (a) the Secretary of State notifies a local authority as mentioned in paragraph (c) of subsection (2) above, and
 - (b) by a direction given with respect to the particular area declared by the authority to be a housing action area, he so requires,
- the authority shall send to him such information and documents, in addition to the information and documents mentioned in section 36(4)(c) above, as may be specified in the direction.
- (4) Where the Secretary of State notifies a local authority as mentioned in paragraph (c) of subsection (2) above, he shall, on completion of his consideration of the matter, send a further notification to the authority—
- (a) as mentioned in paragraph (a) or paragraph (b) of that subsection; or
 - (b) that he does not propose to take any further action with respect to the local authority's declaration.
- (5) With effect from the date on which a local authority is notified as mentioned in paragraph (a) or paragraph (b) of subsection (2) above (whether the notification is sent under that subsection or subsection (4) above) the area concerned shall cease to be a housing action area or, according to the nature of the notification, the land defined on the map accompanying the notification shall be excluded from the housing action area.
- (6) Where subsection (5) above applies, the local authority concerned shall, as soon as may be after receipt of the notification,—
- (a) publish in two or more newspapers circulating in the locality (of which at least one shall, if practicable, be a local newspaper) a notice of the effect of the Secretary of State's notification and naming a place or places where a copy of the notification and, in the case of such a notification as is mentioned in subsection (2)(b) above, a copy of the amended map of the housing action area may be inspected at all reasonable times ; and
 - (b) take such further steps as may appear to them best designed to secure that the effect of the notification is brought to the attention of persons residing or owning property in the area declared by the local authority to be a housing action area.

38 Incorporation of general improvement areas, priority neighbourhoods, or parts thereof, into housing action areas

- (1) If a local authority propose, by a resolution under section 36 above, to declare as a housing action area an area which consists of or includes land which, immediately prior to the declaration,
- (a) is comprised in a general improvement area declared under Part II of the Housing Act 1969, or
 - (b) is comprised in a priority neighbourhood declared under section 52 below
- they shall indicate on the map referred to in section 36(1) above the land which is so comprised (in this section referred to as " the relevant land ").

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- (2) Subject to the following provisions of this section, with effect from the date on which such a resolution as is referred to in subsection (1) above is passed, the relevant land shall be deemed (according to its status) either—
- (a) to have been excluded from the general improvement area or, as the case may be, to have ceased to be a general improvement area by virtue of a resolution under section 30(1) of the Housing Act 1969 passed on that date and approved by the Secretary of State; or
 - (b) to have been excluded from the priority neighbourhood by virtue of a resolution passed on that date under section 40(1) below, as that section applies in relation to priority neighbourhoods by virtue of section 54 below or, as the case may be, to have ceased to be a priority neighbourhood by virtue of a resolution passed on that date under section 39(3) below (as that section so applies).
- (3) If the Secretary of State notifies the local authority concerned under section 37 above that the area declared by them to be a housing action area is no longer to be such an area, subsection (2) above shall be treated as never having applied in relation to the relevant land.
- (4) If the Secretary of State notifies the local authority concerned under section 37 above that any land which—
- (a) is within the area declared by the authority to be a housing action area, and
 - (b) consists of or includes any of the relevant land,
- is to be excluded from the housing action area, subsection (2) above shall be treated as never having applied in relation to so much of the relevant land as is comprised in the land so excluded.

39 Duration of housing action areas

- (1) Where a local authority have passed a resolution with respect to any area under section 36(1) above, then, subject to section 37(5) above and the following provisions of this section, the area shall be a housing action area throughout the period of 5 years beginning on the date on which the resolution was passed.
- (2) If, not less than 3 months before the date on which, apart from any extension, or further extension, under this subsection, a housing action area would cease to exist, the local authority concerned notify the Secretary of State in writing that they have passed a resolution under this subsection, the duration of the housing action area shall be extended, subject to subsections (3) and (6) below, by the addition of a further period of 2 years.
- (3) Notwithstanding anything in subsections (1) and (2) above if a local authority by resolution under this subsection so declare, an area which they had previously declared to be a housing action area shall cease to be such an area on the date on which the resolution under this subsection is passed; and as soon as may be after passing such a resolution the local authority shall send a copy of it to the Secretary of State.
- (4) On receipt of any notification sent to him under subsection (2) above the Secretary of State shall send a written acknowledgment to the local authority by whom the notification was sent and, if it appears to him to be appropriate to do so, he may, at any time within the period of 28 days beginning with the day on which he sent an acknowledgment under this subsection, send a notification to the local authority concerned—

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- (a) that the duration of the housing action area is not to be extended in accordance with the authority's resolution; or
 - (b) that the Secretary of State requires more time to consider the authority's extension of the duration of the housing action area.
- (5) Where the Secretary of State notifies a local authority as mentioned in paragraph (b) of subsection (4) above, he shall, on completion of his consideration of the matter, send a further notification to the authority—
- (a) as mentioned in paragraph (a) of that subsection ; or
 - (b) if, at the time of the notification, the 2 years' extension of the duration of the housing action area by virtue of the authority's resolution under subsection (2) above has begun to run, that the area concerned is to cease to be a housing action area on such date as may be specified in the notification; or
 - (c) that he does not propose to take any further action with respect to the authority's resolution.
- (6) Where the Secretary of State notifies a local authority as mentioned in subsection (4) (a) above or subsection (5)(b) above (whether, in the former case, the notification is given under subsection (4) or subsection (5) above) the duration of the housing action area shall not be extended by virtue of the authority's resolution under subsection (2) above or, in the case of a notification under subsection (5)(b) above, the extension by virtue of that resolution shall be for a period expiring on the date specified in the notification.
- (7) As soon as may be after passing a resolution under subsection (2) or subsection (3) above or, if subsection (6) above applies, as soon as may be after receipt of the notification from the Secretary of State, a local authority shall—
- (a) publish in two or more newspapers circulating in the locality (of which at least one shall, if practicable, be a local newspaper) a notice of the resolution or, as the case may be, of the effect of the Secretary of State's notification and naming a place or places where a copy of the resolution or notification, as the case may be, may be inspected at all reasonable times; and
 - (b) take such further steps as may appear to the authority best designed to secure that the resolution, or as the case may be, the effect of the notification, is brought to the attention of persons residing or owning property in the housing action area concerned.

40 Reduction of housing action areas

- (1) A local authority may at any time by resolution exclude from a housing action area any land for the time being included therein.
- (2) As soon as may be after passing a resolution under this section, the local authority shall—
- (a) publish in two or more newspapers circulating in the locality (of which one at least shall, if practicable, be a local newspaper) a notice of the resolution, identifying the housing action area concerned and the land excluded from it;
 - (b) take such further steps as may appear to the authority best designed to secure that the resolution is brought to the attention of persons residing or owning property in the housing action area ; and
 - (c) send to the Secretary of State a copy of the resolution.

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41 Duty to publish information

Where a local authority have declared an area to be a housing action area, it shall be their duty to bring to the attention of persons residing or owning property in the area—

- (a) the action which they propose to take in relation to the housing action area, and
- (b) the assistance available for the improvement of the housing accommodation in the area,

by publishing from time to time, in such manner as appears to them appropriate, such information as is in their opinion best designed to further the purpose for which the area was declared a housing action area.

42 Duty to inform Secretary of State of action taken

- (1) If at any time they are directed by the Secretary of State to do so, a local authority who have declared an area to be a housing action area shall furnish the Secretary of State with such information as may be specified in the direction with respect to the action taken by the authority for the purpose of securing all or any of the objectives specified in paragraphs (a) to (c) of subsection (2) of section 36 above.
- (2) A direction for the purposes of subsection (1) above—
 - (a) may require the information concerned to be furnished within a time specified in the direction or within such further time as the Secretary of State may allow; and
 - (b) may be given to local authorities generally or to a particular authority or description of authority or in any particular case.

43 Acquisition of land in housing action areas

- (1) Where a local authority have declared an area to be a housing action area then, for the purpose of securing or assisting in securing all or any of the objectives specified in paragraphs (a) to (c) of subsection (2) of section 36 above,—
 - (a) they may be authorised by the Secretary of State to acquire compulsorily any land in the area on which are situated premises which consist of or include housing accommodation; and
 - (b) to the extent that they could not do so apart from this subsection, they may acquire any such land by agreement.
- (2) The Acquisition of Land (Authorisation Procedure) Act 1946 shall apply in relation to a compulsory acquisition of land under subsection (1) above as if that subsection were contained in an Act in force immediately before the commencement of that Act.
- (3) If at any time after—
 - (a) a local authority have entered into a contract for the acquisition of land falling within subsection (1) above, or
 - (b) a compulsory purchase order authorising the acquisition of any such land has been confirmed,the housing action area concerned ceases to be such an area or the land concerned is excluded from the area, the provisions of this section shall continue to apply as if the land continued to be in a housing action area.
- (4) If, at any time after a compulsory purchase order authorising the acquisition of land falling within subsection (1) above has been made but before it is confirmed, the

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housing action area concerned ceases to be such an area by virtue of paragraph (a) of subsection (2) of section 53 below or the land concerned is excluded from the area by virtue of that paragraph, the provisions of this section shall continue to apply as if the land continued to be in a housing action area.

- (5) Section 72 of the Housing Act 1964 (restriction on recovery of possession after making of compulsory purchase order) shall apply in relation to the compulsory acquisition of land under this section as if—
- (a) the reference in that section to the Housing Act 1957 were a reference to this section ; and
 - (b) the reference in that section to a house which is occupied by persons who do not form a single household were a reference to the land proposed to be acquired under this section.
- (6) In subsection (2) of section 131 of the Local Government Act 1972 (enactments which relate to dealings in land by local authorities and which override the provisions of Part VII of that Act relating to land transactions) after paragraph (j) there shall be inserted the following paragraph:—
- “(jj) section 43 of the Housing Act 1974”.
- (7) In this section " land " includes any estate or interest in land and " local authority" includes the Greater London Council and a county council.

44 Provision, improvement etc. of housing accommodation by local authorities

- (1) The provisions of this section apply to land in a housing action area—
- (a) on which are situated premises which consist of or include housing accommodation ; and
 - (b) which was acquired (by agreement or compulsorily) by the local authority and for the purpose specified in section 43(1) above ; and
 - (c) which was so acquired after the date on which the housing action area was declared.
- (2) Subject to section 105 of this Act, the local authority referred to in subsection (1) above may, for the purpose specified in section 43(1) above, undertake on land to which this section applies all or any of the following activities—
- (a) the provision of housing accommodation, by the construction, conversion or improvement of buildings or otherwise;
 - (b) the carrying out of works required for the improvement or repair of housing accommodation, including works to the exterior, or on land within the curtilage, of buildings containing housing accommodation ;
 - (c) the management of housing accommodation ; and
 - (d) the provision of furniture, fittings or services in or in relation to housing accommodation.

45 Assistance for carrying out environmental works

- (1) For the purpose of effecting or assisting the improvement of living conditions in a housing action area, the local authority may, in accordance with the following provisions of this section, give assistance towards the carrying out of works (in this section referred to as " environmental works ")—

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- (a) to the exterior, or on land within the curtilage, of buildings containing housing accommodation, not being works in respect of which an application for a grant under Part VII of this Act has been approved; or
 - (b) on land not falling within paragraph (a) above for the purpose of improving the amenities of the area.
- (2) Subject to subsection (3) below, assistance under subsection (1) above may be given to any person having an interest in the building or land concerned and shall consist of all or any of the following, namely—
- (a) a grant in respect of expenditure which appears to the local authority to have been properly incurred in the carrying out of environmental works ;
 - (b) the provision of materials for the carrying out of environmental works; and
 - (c) by agreement with the person concerned, the execution of environmental works at his expense, at the expense of the local authority, or partly, at his expense and partly at the expense of the local authority.
- (3) No assistance may be given under subsection (1) above in respect of a building or land in which the local authority have such a freehold or leasehold interest as would enable the authority themselves to carry out environmental works in relation thereto.
- (4) A grant under subsection (2)(a) above may be paid after the completion of the works towards the cost of which it is payable or part of it may be paid in instalments as the works progress and the balance after the completion of the works; and where part of any such grant is paid in instalments the aggregate of the instalments paid shall not at any time before the completion of the works exceed one-half of the aggregate cost of the works executed up to that time.

46 Contributions towards expenditure under section 45

- (1) Subject to the following provisions of this section, the Secretary of State may pay contributions to local authorities in respect of expenditure incurred or to be incurred by them in giving assistance under section 45(1) above.
- (2) No contribution shall be paid to a local authority under subsection (1) above unless an application therefor is made by the authority and approved by the Secretary of State; and any such application—
- (a) shall be in such form and contain such information as the Secretary of State may from time to time determine; and
 - (b) may be made before the expenditure concerned is incurred by the local authority.
- (3) Subject to subsection (4) below, the amount of any contribution under subsection (1) above shall be 50 per cent. of the expenditure incurred or to be incurred by the local authority concerned in giving assistance under section 45(1) above.
- (4) The aggregate amount of the expenditure in respect of which applications for contributions may be approved under this section shall not exceed the sum arrived at by multiplying £50 by the aggregate of the number of dwellings, houses in multiple occupation and hostels stated by the local authority, in accordance with section 36(4) (c) above, to be in the area.
- (5) A contribution under subsection (1) above shall be payable in a single sum in the financial year in which are completed the external works to which the local authority's expenditure relates.

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- (6) The Secretary of State may by order made with the consent of the Treasury vary the sum of £50 specified in subsection (4) above and any such variation—
- (a) may be made generally or by reference to housing action areas declared by any particular authority or description of authority or by reference to any particular housing action area or description of housing action area ; and
 - (b) shall have effect with respect to applications for contributions under subsection (1) above approved after such date as may be specified in the order.
- (7) A statutory instrument containing an order under subsection (6) above shall be subject to annulment in pursuance of a resolution of the Commons House of Parliament.

47 Notification of notices to quit and disposals of housing accommodation etc.

- (1) Within the period of 7 days beginning with the day on which a notice to quit is served—
- (a) in respect of land consisting of or including housing accommodation in a housing action area, and
 - (b) on a tenant who occupies as a dwelling the whole or any part of that land, the landlord by or on whose behalf the notice is served shall notify the local authority in accordance with Schedule 4 to this Act, that the notice has been served.
- (2) Not less than 4 weeks before the expiry by effluxion of time of any tenancy—
- (a) which is a tenancy of land consisting of or including housing accommodation in a housing action area, and
 - (b) which expires without the service of any notice to quit, the person who is the landlord under that tenancy shall notify the local authority, in accordance with Schedule 4 to this Act, that the tenancy is about to expire.
- (3) Not less than 4 weeks and not more than 6 months before the date on which a person carries out a disposal of land to which this section applies, he shall notify the local authority, in accordance with Schedule 4 to this Act, that the disposal is to take place ; and for the purposes of this section a person carries out a disposal of land if he conveys or enters into a contract to convey a legal estate or interest in the land, whether or not that estate or interest is in existence immediately before the date of the conveyance or contract.
- (4) Nothing in the preceding provisions of this section shall impose an obligation on any person to notify a local authority of any matter if, apart from this subsection, the obligation would require him to notify the authority at some time before the expiry of the period of 4 weeks beginning with the date on which the housing action area concerned is declared.
- (5) A local authority who receive a notification given in compliance with any provision of subsections (1) to (3) above shall,—
- (a) as soon as practicable after the notification is received, send to the person by whom it was furnished a written acknowledgment of its receipt, stating the day on which it was received ; and
 - (b) within the period of 4 weeks beginning with the day on which the notification was received, inform the person by whom it was furnished what action, if any, they propose to take as a result of the notification with respect to the land to which the notification relates.

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- (6) This section applies to a disposal of land consisting of or including housing accommodation in a housing action area, other than a disposal—
- (a) by a person who, throughout the period of 6 months ending on the date of the disposal, has been continuously in exclusive occupation (with or without members of his household) of the land to which the disposal relates; or
 - (b) to which the local authority are a party ; or
 - (c) consisting of the grant of a protected tenancy, within the meaning of the Rent Act 1968, or of a contract to which Part VI of that Act applies ; or
 - (d) consisting of the grant or assignment of a lease (of land or of an interest in land) for a term which expires within the period of 5 years and 3 months beginning on the date of the grant of the lease, where neither the lease nor any other instrument or contract confers on the lessor or the lessee an option (however expressed) to renew or extend the term so that the new term or the extended term would continue beyond the end of that period of 5 years and 3 months; or
 - (e) consisting of the grant of an estate or interest by way of security for a loan ; or
 - (f) consisting of the conveyance of an estate or interest where the conveyance gives effect to a contract to convey that estate or interest and the proposal to enter into that contract was notified to the local authority in accordance with subsection (3) above.
- (7) Any person who—
- (a) without reasonable excuse fails to comply with an obligation imposed on him by subsection (1) or subsection (2) above, or
 - (b) without reasonable excuse carries out a disposal of land to which this section applies without having complied with the obligation imposed on him by subsection (3) above, or
 - (c) knowingly or recklessly furnishes a notification which is false in a material particular in purported compliance with any provision of this section, or
 - (d) knowingly or recklessly omits from any such notification any information which is required to be contained therein by Virtue of any provision of Schedule 4 to this Act,
- shall be guilty of an offence and liable on summary conviction to a fine not exceeding £400.
- (8) Where an offence under subsection (7) above which has been committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, a director, manager, secretary or other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (9) Where the affairs of a body corporate are managed by its members, subsection (8) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.
- (10) The conviction of any person for an offence under subsection (7) above shall not affect the date on which any tenancy expires (whether by virtue of a notice to quit or otherwise) or the validity of any disposal of land.

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48 Application of certain provisions of Housing Acts

- (1) The following provisions of the Housing Act 1957,—
 - (a) section 159 (power of entry for inspection, etc.),
 - (b) section 160 (penalty for obstructing execution of Act),
 - (c) section 169 (service of notices, etc., on persons other than local authorities), and
 - (d) section 170 (power of local authority to require information as to ownership of premises),shall apply, subject to subsection (2) below, as if references therein to the Housing Act 1957 included references to this Part of this Act.
- (2) In its application, by virtue of subsection (1) above, in relation to this Part of this Act, section 170 of the Housing Act 1957 shall have effect with the insertion after the words " in respect of any premises " of the words " within such period of not less than fourteen days from the date on which the requirement is made as may be specified by the authority " and after the words " that information " of the words " within the period so specified ".
- (3) In section 70 of the Housing Act 1969 (review of housing conditions by local authorities with a view to exercising certain statutory functions) for the words " or Part II of this Act " there shall be substituted the words " Part II of this Act or Part IV of the Housing Act 1974 ".

49 Local authorities for the purposes of Part IV

- (1) Subject to subsection (2) below, the local authorities for the purposes of this Part of this Act are the councils of districts and London boroughs and the Common Council of the City of London.
- (2) The Greater London Council may exercise the powers of a local authority under subsections (1) to (3) of section 36 above with respect to any area in Greater London, but only with the agreement of any local authority in whose district the area or any part of the area is situated; and in relation to, and to any premises in, an area which, in accordance with this subsection, has been declared a housing action area by the Greater London Council, any reference to a local authority in—
 - (a) section 36(4) and sections 37 to 42 and 45 to 47 above, or
 - (b) the provisions of the Housing Act 1957 applied in relation to this Part of this Act by section 48(1) above, or
 - (c) Part III of the Housing Finance Act 1972 (rent of dwellings in good repair and provided with standard amenities),shall be construed, except in so far as the context otherwise requires, as a reference to the Greater London Council, to the exclusion of any other council.
- (3) Without prejudice to subsection (2) above, in relation to any premises in a housing action area which, in accordance with that subsection, has been declared by the Greater London Council—
 - (a) the Greater London Council may exercise the functions of a local authority under Part II or Part IV of the Housing Act 1957, Part II of the Housing Act 1961, Part IV of the Housing Act 1964 or Part IV of the Housing Act 1969, and
 - (b) any functions exercisable under the enactments referred to in paragraph (a) above by the council of a London borough or the Common Council of the

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City of London shall be so exercisable only after consultation with the Greater London Council.