



Local Government Act 1958

1958 CHAPTER 55

PART I

GRANTS AND RATES

General grants

1 General grants

- (1) For the year 1959-60 and subsequent years the Minister shall make grants to the councils of counties and county boroughs in England and Wales and the Council of the Isles of Scilly; and those grants shall, save as provided in Part I of the First Schedule to this Act, be in lieu of the grants paid or payable for those years under any enactment passed before this Act in respect of expenditure (hereinafter referred to as "relevant expenditure") specified in the said Part I and not excluded by any provision of Part II of that Schedule.

The grants payable under this section are hereinafter referred to as "general grants", and the said councils as "recipient authorities".

- (2) For each of the said years there shall be a prescribed aggregate amount of the general grants payable to recipient authorities; and subject to the provisions hereinafter contained as to the adjustment of general grants by reference to the prescribed aggregate, and to the other provisions of this Part of this Act relating to general grants, the amount of the general grant payable to a recipient authority for any year shall be the aggregate of—
- (a) the basic grant specified in Part III of the First Schedule to this Act, and
 - (b) any of the supplementary grants so specified which are payable in accordance with the provisions of the said Part III,
- reduced, if it is so prescribed, by the product for the area of the authority of a rate of such sum in the pound as may be prescribed.

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- (3) The general grants payable to any recipient authority shall be paid at such times as the Minister may with the consent of the Treasury determine, and shall be payable in aid of the revenues of the recipient authority generally.
- (4) The provisions of Part IV of the First Schedule to this Act shall have effect as to the making of adjustments of general grants and of the aggregate amount thereof in respect of matters specified in the said Part IV. ,
- (5) The matters which under this section and Part III of the First Schedule to this Act are to be prescribed shall be prescribed by an order made by the Minister with the consent of the Treasury and after consultation with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.
- (6) Such an order (hereinafter referred to as a " general grant order ") shall be laid before the Commons House of Parliament together with a report by the Minister explaining the considerations leading to the provisions of the order, and shall not have effect until approved by a resolution of that House.
- (7) General grant orders shall be made in advance for successive periods (hereinafter referred to as " grant periods") of not less than two years, but as respects any matter to be prescribed by a general grant order the order may make different provisions for different years in the grant period.

2 Fixing of annual aggregate of general grants, and adjustment of grants

- (1) In fixing the annual aggregate amount to be prescribed under the foregoing section the Minister shall take into consideration—
 - (a) the latest information available to him of the rate of relevant expenditure (excluding, except in so far as the Minister with the consent of the Treasury otherwise determines, any expenditure of a description in respect of which no grant has been paid for years before the year 1959-60), and the current level of prices, costs and remuneration, together with any future variation in that level which can be foreseen;
 - (b) any probable fluctuation in the demand for the services giving rise to relevant expenditure, so far as the fluctuation is attributable to circumstances prevailing in England and Wales as a whole which are not under the control of local authorities;
 - (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop those services.
- (2) The provision to be made by a general grant order, other than the prescribing of the annual aggregate amount of the general grants, shall be such as to secure, to the best of the information available to the Minister when he makes the order, that the aggregate of the general grants for each year of the grant period shall approximate as nearly as may be to the aggregate for that year prescribed by the order and adjusted under Part IV of the First Schedule to this Act.
- (3) If, when the general grants for any year fall to be paid, it appears to the Minister that their aggregate will exceed or fall short of the aggregate amount prescribed and adjusted as aforesaid, the Minister shall adjust the amount of the grant payable to each recipient authority as nearly as may be in the proportion which the aggregate amount prescribed by the general grant order, adjusted as aforesaid, bears to the amount, as

estimated by the Minister, which would be the total of the general grants apart from this subsection.

- (4) If it appears to the Minister that during any grant period any unforeseen increase has taken place in the level of prices, costs or remuneration, and that its effect on the cost of providing the services giving rise to relevant expenditure is of such magnitude that it ought not to fall entirely on local authorities, the Minister may by order (made in the like manner and subject to the like provisions as a general grant order) increase the annual aggregate amount of the general grants, or vary any other matter prescribed by the general grant order, for such part of that grant period (beginning either before or after the making of the order) as may be specified in the order.

3 Power to reduce general grant in case of default

- (1) Subject to the provisions of this section, if the appropriate Minister is satisfied that a recipient authority has failed to achieve or maintain reasonable standards in the provision of any of the services giving rise to relevant expenditure, regard being had to the standards maintained in other areas, and is of opinion that the general grant payable to the authority ought therefore to be reduced, he may, after affording to the authority an opportunity of making representations, make and cause to be laid before Parliament a report stating the amount of the reduction, the reasons therefor, and any representations with respect thereto made by the recipient authority ; and if the report is approved by a resolution of the Commons House of Parliament the Minister may reduce the grant accordingly.
- (2) Where the provision of any service giving rise to relevant expenditure is a function of a rating authority in any administrative county, or of a joint board of which the district is wholly or partly comprised in any administrative county, the foregoing subsection shall in relation to that county apply to a failure on the part of the rating authority or joint board to achieve or maintain reasonable standards as it would apply if the failure were that of the county council; but—
 - (a) in the case of a failure by a rating authority, the amount of any reduction by virtue of this subsection in the general grant payable to the county council shall be recoverable by that council from the authority in default,
 - (b) in the case of a failure by a joint board of which the district does not comprise the whole of the county, the amount of any such reduction shall be recoverable by the county council from the rating authorities in the county whose areas are wholly or partly comprised in the district of the joint board, the amount recoverable being apportioned among the rating authorities of the areas or parts of areas so comprised in proportion to the aggregates of the rateable values shown in the valuation lists respectively in force for those areas or parts of areas on the first day of the year for which the general grant is payable,and any sum recoverable by virtue of this subsection shall be recoverable by adjustment of the amount due under the county precept.
- (3) Where the provision of any service giving rise to relevant expenditure is a function of a joint board of which the district is wholly or partly comprised in a county borough, subsection (1) of this section shall in relation to the county borough apply to a failure on the part of the joint board to achieve or maintain reasonable standards as it would apply if the failure were that of the county borough council.
- (4) The appropriate Minister may make regulations, subject to annulment in pursuance of a resolution of either House of Parliament, for prescribing standards and general

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requirements for the administration of any of the services giving rise to relevant expenditure ; and in determining for the purposes of this section whether there has been any such failure as is referred to in the foregoing provisions of this section regard shall be had to any such regulations and any other standards or requirements imposed by or under any enactment.

Discontinuance of certain grants

4 Certain grants to be discontinued

- (1) None of the grants to which this section applies shall be payable for the year 1959-60 or any part of that year, or for a subsequent year.
- (2) This section applies to:—
 - (a) the grants payable under subsection (2) of section seventeen of the Ministry of Transport Act, 1919, in respect of the salary and establishment charges of highway engineers and surveyors;
 - (b) the grants payable under subsection (3) of section fifty-seven of the Road Traffic Act, 1930 (which relates to weighbridges and other weighing-machines for vehicles);
 - (c) the grants issuable out of the Redemption Annuities Account, towards making good the loss of income of rating authorities occasioned by the extinguishment or reduction of tithe rent charge, under paragraph (e) of subsection (4) of section twenty-five of the Tithe Act, 1936;
 - (d) the grants payable under section one hundred and one of the Education Act, 1944, to local education authorities for areas in Wales and Monmouthshire;
 - (e) the grants payable under section eleven of the Prevention of Damage by Pests Act, 1949 ;
 - (f) the grants payable under paragraph (b) of subsection (1) of section twenty-four of the Vehicles (Excise) Act, 1949 (which provides for grants representing the amounts which if the Roads Act, 1920, had not been passed would have been received by local and police authorities on account of fees or charges for the licensing of mechanically propelled hackney carriages not being public service vehicles);
 - (g) the grants payable under subsection (5) of section twenty-nine of the Food and Drugs Act, 1955, towards the repayment of sums paid by way of compensation in respect of milk which is infected or suspected of being infected.

Rate-deficiency Grants to local authorities

5 Rate-deficiency Grants

- (1) The provisions of Part I of the Local Government Act, 1948 (hereinafter referred to as "the Act of 1948") relating to grants under section two of that Act (hereinafter referred to as " Rate-deficiency Grants") shall as respects the year 1959-60 and subsequent years be amended in accordance with the following provisions of this section.
- (2) The local authorities to which Rate-deficiency Grants may become payable shall include county district councils, metropolitan borough councils, and the Common Council of the City of London, as well as county and county borough councils, and

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section nine of the Act of 1948 (which provides for capitation payments by county councils to local authorities in the county) shall not have effect.

- (3) The condition for the payment of a Rate-deficiency Grant to a local authority for any year shall be that the product of a rate of one penny in the pound for the area of the authority for that year is less than the standard penny rate product for the area, and the amount of the grant for any year, subject to the following section, shall be the amount which bears to the expenditure of the authority for that year the same proportion as the difference between the said rate products bears to the standard penny rate product for the area for that year.
- (4) For the purposes of this section the standard penny rate product for an area is the sum which bears to the product of a rate of one penny in the pound for the year in question for the whole of England and Wales the same proportion as the population of the area bears to the population of England and Wales:

Provided that in ascertaining the standard penny rate product for a county or county borough the population of any county in the case of which the ratio of the population to the road-mileage of the county is less than seventy shall be taken to be increased by two-fifths of the additional population needed in order that the population divided by the road-mileage should be seventy.

- (5) For the purposes of this section the expenditure of a county council shall be taken to be so much of the total expenditure of the council for the year in question for general county purposes as would have to be met out of rates levied within the county if no Rate-deficiency Grants were payable.
- (6) For the purposes of this section the expenditure of an authority, not being a county council, shall be taken to be so much of the total expenditure of the authority for the year in question as would have to be met out of rates levied within the area of the authority if no Rate-deficiency Grants and, in the case of a local authority within the administrative county of London, no payments under section ten of the Act of 1948 were payable, excluding the cost of the collection of rates, ascertained in the case of county boroughs in accordance with rules made by the Minister for the purposes of this Part of this Act and in the case of a county district or metropolitan borough or the Common Council of the City of London in accordance with the respective rules made under section nine of the Rating and Valuation Act, 1925:

Provided that any expenditure in pursuance of section twenty-five of the Land Drainage Act, 1930 (which enables urban rating authorities to pay to drainage boards the aggregate amount of the drainage rate for any part of their area within a drainage district, and to recover the sum paid out of the proceeds of an additional item of the general rate) shall be disregarded for the purposes of this section.

- (7) For the purposes of this section—
- (a) sums payable by an authority by virtue of a precept issued by a county council, in so far as payable in respect of expenditure of the county council for general county purposes, and
 - (b) sums payable by an authority by virtue of subsection (2) of section three of this Act in respect of the amount of any reduction in general grant recoverable from the authority,

shall not be treated as expenditure of the authority paying those sums.

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- (8) For the purposes of this section the amount of expenditure of an authority falling to be met out of rates shall be ascertained without regard to the provisions of section three of this Act or to any reduction of grant made thereunder.
- (9) In accordance with the foregoing provisions of this section the Act of 1948 shall have effect, as respects the year 1959-60 and subsequent years, subject to the following amendments, that is to say:—
- (a) in section two, in subsection (1), for the words " 1948-1949 " there shall be substituted the words " 1959-60 " and for the words from "the rateable value for a county " to " this Act" there shall be substituted the words " the product of a rate of one penny in the pound for the area of a local authority is less than the standard penny rate product (as defined by the Local Government Act, 1958) for that area " , for the words from " the council of the county " to the end of the subsection there shall be substituted the words " the local authority a grant of such amount as is provided by sections five to seven of that Act " , and subsection (2) of that section shall not have effect;
 - (b) for the words " Exchequer Equalisation Grants" or " Exchequer Equalisation Grant" wherever they occur there shall be substituted the words " Rate-deficiency Grants " or, as the case may be, " Rate-deficiency Grant";
 - (c) sections three and four shall not have effect;
 - (d) in section one hundred and forty-four, in subsection (4), after the words " 1925 " there shall be inserted the words " or, if the area is a county borough, as ascertained in accordance with rules made by the Minister for the purposes of Part I of the Local Government Act, 1958 ".

6 Limitation of Rate-deficiency Grant to normal expenditure

- (1) Where, as respects a year for which Rate-deficiency Grants are payable (hereinafter referred to as " the grant year "), the expenditure of a local authority exceeds its normal expenditure as hereinafter ascertained, the amount of the excess shall be disregarded in determining the amount of any Rate-deficiency Grant payable to the authority for that year:

Provided that for any of the first four years for which Rate-deficiency Grants are payable the whole amount of the excess shall not be disregarded as aforesaid, but for the first of those years one-fifth only shall be disregarded, for the second two-fifths only and so on.

- (2) For the purposes of this section local authorities shall be divided into the following six groups, that is to say.—
- (a) county councils;
 - (b) county borough councils ;
 - (c) metropolitan borough councils and the Common Council of the City of London;
 - (d) non-county borough councils;
 - (e) urban district councils; and
 - (f) rural district councils,

and the normal expenditure of an authority of any group, in relation to the grant year, shall be ascertained as follows.

- (3) For each authority comprised in the group, and for the group as a whole, there shall be ascertained the average of the expenditure per head of population for each of the three last years preceding the grant year.

The said averages are hereinafter referred to respectively as the triennial average of a local authority and the triennial average of the group.

- (4) For the purposes of this section the population of a county in the case of which the ratio of the population to the road-mileage of the county is less than seventy shall be taken to be increased by two-fifths of the additional population needed in order that the population divide by the road mileage should be seventy.
- (5) If the triennial average of a local authority is less than the triennial average of the group, the normal expenditure of the authority for the grant year is the product of the population of the area of the local authority and the expenditure per head of population for that year of the group as a whole.
- (6) If the triennial average of a local authority equals or is greater than the triennial average of the group.—
- (a) there shall be ascertained the expenditure per head of population for the grant year of the group as a whole,
 - (b) there shall be ascertained the ratio which that expenditure bears to the triennial average of the group;

and unless that ratio is less than one, the normal expenditure of the local authority for the grant year shall be the product of the population of the area of the authority and the amount which bears that ratio to the triennial average of the authority, but if that ratio is less than one the normal expenditure of the authority for the grant year shall be the product of the population and the triennial average of the authority.

- (7) For the purposes of this section expenditure for police purposes shall be left out of account, and the Minister may leave out of account any other expenditure of a local authority in so far as it appears to him that by reason of any special circumstances it ought to be excluded.
- (8) Subject to the foregoing subsection, the expenditure of a local authority, or of the local authorities comprised in a group, shall be ascertained for the purposes of this section in like manner as for the purposes of the foregoing section.
- (9) References in this section to the expenditure per head of population of the group as a whole are references to the aggregate of the expenditures of each of the local authorities comprised in the group divided by the aggregate of the numbers of the population of the area of each of those authorities.
- (10) References in this section to local authorities or to county councils do not include references to the London County Council.

7 Modification for special cases of provisions as to Rate-deficiency Grants

- (1) If the Minister is satisfied, as respects the councils of county districts in any county, that the part of their expenditure, as ascertained for the purposes of Rate-deficiency Grant, which is attributable to expenditure of the county council for special county purposes bears such a proportion to the whole of their expenditure as so ascertained that the provisions relating to that Grant will not apply equitably in relation to the

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county without modification, the Minister may make a scheme for applying those provisions with such modifications as may be specified in the scheme.

- (2) Any scheme under this section may be varied or revoked by a subsequent scheme made by the Minister.

Amendments as to London rate equalisation

8 Amendment of s. 10 of Act of 1948

In subsection (1) of section ten of the Act of 1948 (which provides for the annual payment by the London County Council to the councils of the metropolitan boroughs mentioned in subsection (2) of that section of such sums as may be prescribed by a scheme) for the words from " the councils " to " by a scheme " there shall be substituted the words " such local authorities in the administrative county as may be determined by or under a scheme ", and at the end of the subsection there shall be added the words " such sums as may be so determined in relation to those authorities respectively. ".

Rating: industrial and freight-transport hereditaments

9 Rating of industrial and freight-transport hereditaments

- (1) For the year 1959-60 and subsequent years the fraction of net annual value by reference to which the rateable value of an industrial hereditament or of a freight-transport hereditament is to be ascertained shall be doubled, and accordingly subsection (1) of section sixty-eight of the Local Government Act, 1929, shall have effect in relation to those years with the substitution for the words " one-quarter " , wherever they occur, of the words " one-half ".
- (2) Subsection (7) of section one of the Act of 1955 (which provides that where, in the year in which a new valuation list comes into force, a proposal is made in certain circumstances to reduce the value of a hereditament, the rates for any year recoverable until the proposal has been settled shall not exceed the amount levied on the hereditament for the last year before the new list came into force) shall have effect, in relation to rates leviable on industrial and freight-transport hereditaments for the year 1959-60 and subsequent years where the proposal was made in the year 1956-57, as if for the word " levied", in the second place where it occurs, there were substituted the words " which would have fallen to be levied " and after the words " into force " there were added the words " if the rateable value, or so much thereof as fell to be ascertained by reference to a fraction of net annual value, had been twice what it was ".
- (3) Where, on or after the first day of April, nineteen hundred and fifty-nine, an alteration having effect for a period preceding that date falls to be made in a valuation list with respect to an industrial hereditament or freight-transport hereditament, the alteration, so far as concerns rateable value, shall be made so as to indicate the value ascertained in accordance with subsection (1) of this section; but as respects any such period for which the alteration has effect the valuation list shall be deemed to indicate a rateable value ascertained by reference to net annual value in like manner as if subsection (1) of this section had not passed.
- (4) In this section " industrial hereditament" and " freight-transport hereditament " have the same meanings as in the Local Government Act, 1929.

Rating of Gas and Electricity Authorities

10 Gas and Electricity Boards: rating of showrooms

- (1) In respect of any rate period beginning after the thirty-first day of March, nineteen hundred and fifty-nine, a Gas Board or Electricity Board shall, notwithstanding anything in subsection (2) of section six of the Act of 1955 or in Part V of the Act of 1948, be liable to be rated in respect of any shop, room or other place occupied and used by the Board wholly or mainly for the sale, display or demonstration of apparatus or accessories for use by consumers of gas or, as the case may be, electricity; and accordingly any such place shall be rated for any such period, and shall be included in the valuation list in force during any such period for the rating area in which the place is situated, and in every rate made for any such period by the rating authority for that area.
- (2) In determining whether any place is wholly or mainly occupied and used as aforesaid use for the receipt of payments for gas or electricity consumed shall be disregarded.
- (3) This section shall apply to any shop, room or other place in England occupied and used as aforesaid by the South of Scotland Electricity Board as it applies to a place so occupied and used by a Board constituted under the Electricity Act, 1947.

11 Rateable value of Gas Board hereditaments

- (1) As respects each Gas Board, the Minister shall certify the amount estimated by him to be the aggregate of the net annual values on the first day of April, nineteen hundred and fifty-nine, of all premises in respect of which the Board will on that day become liable to be rated by virtue of the provisions of the foregoing section; and—
 - (a) for the year 1959-60, sub-paragraph (3) of paragraph 4 of the Third Schedule to the Act of 1955 (which provides for the apportionment among rating areas of the adjusted basic total of rateable values of a Gas Board) shall have effect as if the amount required to be apportioned thereunder were the basic total of rateable values of the Board, as adjusted for that year, reduced by the amount so certified ;
 - (b) for subsequent years, the said paragraph 4 shall have effect as if the basic total of rateable values of the Board, as certified under paragraph 2 of the said Third Schedule, had been the amount apportionable under the said paragraph 4 for the year 1959-60.
- (2) In the application of the said paragraph 4 to the year 1960-61 and subsequent years the standard number of therms of a Gas Board, instead of being the number certified under paragraph 3 of the said Third Schedule, shall be the number certified by the Board to be the total number, as estimated by the Board, of therms in the gas supplied by them in the year 1957-58 to consumers in their area.
- (3) In estimating, for the purposes of the foregoing subsection or of any adjustment to be made by reference to the standard number of therms fixed under the foregoing subsection, the number of therms in the gas supplied by a Gas Board in any year, there shall be deducted one half of the number of therms in any gas purchased by the Board in that year.
- (4) As respects the making and levying of rates for any rate period beginning after the thirty-first day of March, nineteen hundred and fifty-nine,—

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- (a) gas produced by a Gas Board by the application, to gas purchased by the Board, of any process not consisting only of purification or blending with other gases, or both, shall be treated for the purposes of the Act of 1955 as gas manufactured by the Board, and the reference in subsection (1) of section six of that Act to the manufacture of gas shall be construed accordingly ;
 - (b) in estimating for the purposes of sub-paragraph (3) of paragraph 4 of the Third Schedule to the Act of 1955 the number of therms manufactured by a Gas Board, the number of therms in gas produced by the Board as aforesaid shall be treated as half the actual number thereof.
- (5) If it appears to the Minister that by reason of any substantial change of circumstances it is expedient so to do, he may, by order made after consultation with the Gas Council and with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable, vary for all Gas Boards the amount of the basic total of rateable values; but an order under this subsection shall not have effect until approved by a resolution of each House of Parliament.

Any order under this subsection may be varied or revoked by a subsequent order made in the like manner and subject to the like provisions.

12 Rating of Generating Board and Area Electricity Boards

- (1) Payments for the benefit of local authorities in lieu of rates shall not be made by the Electricity Council under the provisions of Part V of the Act of 1948 in respect of any year beginning after the thirty-first day of March, nineteen hundred and fifty-nine; but for the purposes of the making and levying of rates for any rate period beginning after that date.—
- (a) the Generating Board shall be treated as occupying during that period, in each rating area in England and Wales, a hereditament of a rateable value calculated in accordance with the provisions of Part I of the Second Schedule to this Act, and
 - (b) each Area Board shall be treated as occupying during that rate period, in each rating area which is wholly or partly within the area of that Board, a hereditament of a rateable value calculated in accordance with the provisions of the said Part I.
- (2) The hereditament which the Generating Board or an Area Board is to be treated as occupying in a rating area by virtue of the foregoing subsection shall be taken not to be situated in any part of that area in which there are leviable (as an additional item of the general rate) expenses which are not leviable in the area taken as a whole.
- (3) The provisions of Part II of the Second Schedule to this Act shall have effect for the purposes of this section.

13 Rating of Electricity Council

In respect of any rate period beginning after the thirty-first day of March, nineteen hundred and fifty-nine, the Electricity Council shall, notwithstanding anything in Part V of the Act of 1948, be liable to be rated in respect of any premises occupied by the Council during that period; and accordingly any premises occupied by the Council during any such rate period shall be rated for that period, and shall be included in the

valuation list in force during that period for the rating area in which the premises are situated, and in every rate made for that period by the rating authority for that area.

Consequential amendment of Valuation List

14 Consequential amendment of valuation lists

- (1) Valuation officers shall give to rating authorities directions for such alterations to be made in valuation lists in force on the first day of April, nineteen hundred and fifty-nine as are necessary in consequence of the provisions of sections nine, ten and thirteen of this Act; and rating authorities shall give effect to such directions.
- (2) Any alteration in a valuation list made in pursuance of a direction under this section shall be treated as having been made at the beginning of the year 1959-60; and if the alteration affects the amount of any rate levied in respect of any hereditament in accordance with the list, or any right to levy a rate in respect of the hereditament, any amount overpaid shall be repaid or allowed, or any amount underpaid shall be paid and may be recovered as if it were arrears of the rate.
- (3) Valuation officers shall from time to time make such proposals under Part III of the Act of 1948 as may be requisite for altering valuation lists in consequence of any event whereby premises cease to be within the exemption from rating conferred by section eighty-five of the Act of 1948 or by subsection (2) of section six of the Act of 1955:

Provided that this subsection shall not apply where premises cease to be within either of the said exemptions by virtue of the coming into operation of section ten or thirteen of this Act.

Transitional adjustments

15 Adjustments transitional on coming into effect of Part I

- (1) For the years to which this section applies, contributions shall be made as hereinafter provided to or by rating authorities in respect of the loss or gain to them accruing from the coming into operation of the foregoing provisions of this Part of this Act other than section eight thereof.
- (2) For the purposes of this section the loss or gain accruing to a rating authority as aforesaid shall be ascertained in accordance with regulations made by the Minister, and such regulations shall provide that it shall be ascertained, on such assumptions as may be specified in the regulations, by reference to the rate required to be levied for the year 1957-58, to the rate which would have been required to be levied for that year if the foregoing provisions of this Part of this Act (other than section eight thereof) had been in force for that year, and to the product for the area of the rating authority of a rate of one penny in the pound for that year, estimated as if the said provisions had been in force for that year, but with any exceptions or modifications specified in the regulations.
- (3) This section applies to the years 1959-60 and 1960-61 and such number of subsequent years as may be specified by regulations under this section.
- (4) The amount of the contribution to a rating authority for the first year to which this section applies shall be the amount of the loss accruing to the authority as ascertained

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under this section, for the second year to which this section applies shall be nine-tenths of that loss, and for any subsequent year to which this section applies shall be such fraction of that loss as may be provided in relation to that year by regulations under this section.

- (5) The amount of the contributions for any year by rating authorities shall be such as in the aggregate to equal the amount of the contributions for that year to rating authorities, and the amount of the contribution by each rating authority shall be proportional to the gain accruing to the authority as ascertained under this section.
- (6) Contributions under this section to or by county borough councils or the Council of the Isles of Scilly shall be made by additions to or deductions from the general grants payable under this Part of this Act
- (7) Contributions to or by other rating authorities shall be made by adjustments, in accordance with directions of the Minister, of the amounts due under precepts made on them by county councils, and the Minister shall make corresponding adjustments of the general grants payable under this Part of this Act to county councils.
- (8) Contributions under this section made to or by a local authority shall be disregarded in ascertaining the expenditure of the authority for the purposes of section five of this Act.
- (9) Regulations under this section may contain such provisions as appear to the Minister necessary or expedient for the purposes of this section in consequence of any changes in the area, status or functions of local authorities.
- (10) Regulations of the Minister under this section may impose on local authorities requirements to furnish estimates and other information appearing to the Minister necessary for the purposes of this section, including requirements as to the time at which and form in which the information is to be furnished.
- (11) Regulations under this section shall not have effect until approved by a resolution of the Commons House of Parliament.

Supplementary

16 Supplementary provisions as to Part I

- (1) This Part of this Act shall be construed as one with Part I of the Act of 1948:
Provided that section one hundred and forty-two of that Act shall not apply to regulations and orders under this Part of this Act.
- (2) For the purposes of this Part of this Act the product of a rate of one penny in the pound for a county borough shall be ascertained in accordance with rules made by the Minister under this section.

PART II

REVIEWS OF LOCAL GOVERNMENT AREAS IN ENGLAND AND WALES

Reviews by Local Government Commissions

17 The Local Government Commissions

- (1) There shall be a Local Government Commission for England and a Local Government Commission for Wales, which shall be charged as respects England, exclusive of the metropolitan area, and Wales respectively with the duty of reviewing the organisation of local government—
 - (a) in the areas specified in the Third Schedule to this Act (hereinafter referred to as " special review areas "),
 - (b) in the remainder of England (exclusive of the metropolitan area) or Wales, as the case may be,and of making such proposals as are hereinafter authorised for effecting changes appearing to the Commissions desirable in the interests of effective and convenient local government.
- (2) If the Commission make a representation in that behalf, the Minister may by order direct that the Third Schedule to this Act shall have effect as if there were specified therein any such additional special review area in England as may be defined by the order, being the area specified in the representation or that area with such additions thereto or deletions therefrom as the Minister may determine to be expedient; but no one order under this subsection shall provide for more than one additional special review area.
- (3) The provisions of the Fourth Schedule to this Act shall have effect as to the constitution of the Commissions and otherwise in relation to them and their members.
- (4) In this Act " the metropolitan area " means the area specified in the Fifth Schedule to this Act.
- (5) In this Part of this Act " the Commissions " means the Commissions established by this section, and " the Commission " means the Local Government Commission for England in relation to England, and the Local Government Commission for Wales in relation to Wales.
- (6) For the purposes of this Part of this Act Monmouthshire shall be deemed to be part of Wales.

18 General scope of Commission's proposals

The changes which may be put forward in proposals of the Commission on the review of any area are changes to be produced by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):—

- (a) the alteration of the area of an administrative county or county borough (including the abolition of any county district in the course of the extension of a county borough);

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- (b) the constitution of a new administrative county by the amalgamation of two or more areas, whether counties or county boroughs, or by the aggregation of parts of such areas or the separation of a part of such an area;
- (c) the constitution of a new county borough by the amalgamation of two or more boroughs (whether county or non-county), the conversion of a non-county borough or urban district into a county borough, or the division of an existing county borough into parts and the constitution of all or any of the parts a county borough;
- (d) the abolition of an administrative county or county borough and the distribution of its area among other areas, being counties or county boroughs
- (e) the conversion of a county borough into a non-county borough and its inclusion in an administrative county;
- (f) the inclusion of the Isles of Scilly, as one or more county districts, in an administrative county.

19 Scope of proposals for special review areas

In relation to proposals on the review of a special review area, the foregoing section shall have effect as if the following paragraphs were added thereto:—

- (a) the alteration of the area of a county district;
- (b) the constitution of a new non-county borough by the amalgamation of a non-county borough with one or more other county districts ;
- (c) the constitution of a new urban or rural district by the amalgamation of areas being urban or rural districts or by the aggregation of parts of county districts or the separation of a part of a county district;
- (d) the abolition of an urban district or rural district;
- (e) the conversion of a rural district into an urban district or of an urban district into a rural district.

20 Special review areas: distribution of functions

- (1) Where it appears to the Commission, and it is so stated in their report, that the nature of a special review area or a part of it is such that the organisation of local government therein should take the form of a continuous county, but that there should be a redistribution of functions as between the county council and the councils of the county districts in the county, the Commission may put forward proposals for—
 - (a) the exercise of county functions by the councils of the said county districts or any of them,
 - (b) the exercise of district functions by the county council, either as respects the whole or as respects a part of the county.
- (2) In this section " continuous county" means a county within the extent of which there are no county boroughs, and in this Act—
 - " county functions " means functions which under the general law are exercisable by a county council, and includes the establishment, maintenance and administration of a police force and any other functions of the Standing Joint Committee,
 - " district functions " means functions which under the general law are exercisable by councils of county districts or of county districts of any description.

21 Procedure for Commission's reviews

- (1) In determining the order in which reviews are to be carried out of special review areas, the Commission shall comply with any directions of the Minister.
- (2) As respects the review by the Commission of the organisation of local government outside special review areas.—
 - (a) the Minister may direct the Commission to hold separate reviews for such areas as may be specified in the direction;
 - (b) subject to any such direction the Commission may hold such reviews separately for such areas as they may determine;
 - (c) in holding separate reviews the Commission shall comply with any directions of the Minister as to the order in which the reviews are to be held.
- (3) In holding a review of any area, the Commission shall investigate the circumstances of local government in the area and consult with all local authorities in the area and with all such other public authorities and bodies of persons as appear to the Commission to be concerned, and shall then either—
 - (a) prepare draft proposals and furnish copies thereof to those authorities and bodies, or
 - (b) if the Commission have not formed the opinion that there are changes which are desirable in the interests of effective and convenient local government, shall notify the said authorities and bodies that they have no draft proposals to put forward,and in either case shall specify a time within which any representations with respect to the draft proposals or, as the case may be, as to the desirability of proposals being put forward by the Commission, may be made.
- (4) The Commission shall consider any representations made within the time specified under the foregoing subsection and confer with representatives of such of the authorities and bodies mentioned in that subsection as desire to be represented, and shall then formulate their proposals, if any.
- (5) The following provisions shall have effect for informing the public of the holding of reviews and the action taken by the Commission under subsection (3) of this section:—
 - (a) before entering on their review of any area, the Commission shall give public notice, in such manner as appears to them sufficient for informing persons likely to be concerned, that they are proceeding to hold the review;
 - (b) on furnishing to local authorities copies of their draft proposals on any review, the Commission shall give public notice as aforesaid that the copies have been furnished, stating that a copy of the draft proposals is available for public inspection at the offices of each of the local authorities in the area to which the review relates during such time (being the time within which under subsection (3) of this section representations with respect to the draft proposals may be made) as may be specified in the notice, and it shall be the duty of each local authority to whom copies of the draft proposals have been furnished to keep a copy thereof available for public inspection at their offices during that time;
 - (c) if the Commission notify local authorities that they have no draft proposals to put forward, the Commission shall give public notice thereof.

22 Commission's reports to Minister

- (1) When on any review the Commission have completed their proceedings under the foregoing section, they shall submit to the Minister a report on the review together with the proposals they have formulated or, as the case may be, a notification that they have no proposals to put forward.
- (2) The report of the Commission on any review shall, if the Minister has so directed, include the Commission's observations on any matter specified in the direction, whether or not the Commission make proposals with respect to that matter.
- (3) On any review of an area outside the special review areas—
 - (a) the Minister may direct the Commission to submit a separate report on any matter on which they are reporting to him, whether or not they make proposals with respect to that matter ;
 - (b) subject to the foregoing paragraph, it shall be for the Commission to determine whether they report to the Minister on the review in one or several reports.
- (4) The Commission shall comply with any directions of the Minister as to the form in which their proposals and report on any review are to be submitted to him.
- (5) The Minister shall secure that the report of the Commission on any review, together with copies of the proposals of the Commission or, as the case may be, their notification that they have no proposals to put forward, is furnished to all local authorities in the area to which the review related and to any other public authorities appearing to him to be concerned, that public notice of the submission of the report and proposals or notification is given and facilities are provided for enabling members of the public to inspect the report and any proposals, and that a time is fixed within which representations may be made with respect to any proposals by any local or public authority or member of the public.

23 Power of Minister to give effect to proposals

- (1) Proposals of the Commission made on any review held in pursuance of section seventeen of this Act may be given effect by order of the Minister in accordance with the following provisions of this section.
- (2) If within the time fixed under subsection (5) of the foregoing section an objection is made by any local authority, parish council or police authority concerned, and is not withdrawn, the Minister shall cause a local inquiry to be held into the objection:

Provided that, except where the objection is one made by a local authority to a proposal that the area of the authority should cease to be a separate area of local government, or should become a county district, the Minister may dispense with an inquiry if he is satisfied that for the purpose of considering the Commission's proposals he is sufficiently informed as to the matters to which the objection relates.
- (3) Subject to compliance with the foregoing subsection, the Minister may if he thinks fit by order give effect to the proposals of the Commission either as submitted to him or with modifications ; and any such order shall be laid before Parliament after being made, together with the report of the Commission.
- (4) Where on the review of an area outside the special review areas the Minister gives effect (with or without modifications) to a proposal for any such change as is mentioned in paragraphs (b) to (f) of section eighteen of this Act, other than the

conversion of a non-county borough or urban district into a county borough or the constitution of a new county borough by the amalgamation of two or more non-county boroughs, the Minister shall give effect thereto by an order not giving effect to any other proposals except such as appear to the Minister so connected with the first-mentioned proposal that it is requisite that effect should be given to them by the same order.

- (5) On the review of an area outside the special review areas the power of the Minister to give effect to proposals with modifications shall include power to make provision for the conversion of a non-county borough or urban district into a county borough, or the constitution of a new county borough by the amalgamation of two or more non-county boroughs (with or without, in either case, the inclusion in the new county borough of part of another county borough or the whole or part of a county district), or for the extension of the area of a county borough (including the abolition of a county district in the course of the extension), in any case where an application for the change was made to the Commission by the council of the borough or urban district or, as the case may be, of any of the boroughs to be amalgamated and an inquiry has been held with respect to the change by reason of the council having objected to the Commission's proposals on the ground that they do not include a proposal for giving effect to the application.

24 Power of Minister to initiate changes in default of proposals of Commission

- (1) If, after consideration of the report and proposals of the Commission submitted to him on any review held in pursuance of section seventeen of this Act and after consultation with all local authorities in the area to which the review related, the Minister is of opinion—
- (a) that the proposals submitted by the Commission are not, either as submitted or subject to modifications, apt for the purpose of securing the effective and convenient organisation of local government in the area reviewed, and that provision is required for that purpose, or
 - (b) that it is expedient that any particular provision should be made for that purpose, and that notwithstanding any proposals submitted by the Commission and his powers of modifying such proposals he has no power apart from this section to make that provision,
- the Minister may make proposals for the said provision.
- (2) If, in a case where the Commission have notified the Minister that they have no proposals to put forward, the Minister is of opinion after consideration of the report of the Commission and of any representations made to him by any local or public authority or member of the public and after consultation with all local authorities in the area to which the review related, that provision is required for the purpose of securing the effective and convenient organisation of local government in the area reviewed, the Minister may make proposals for the said provision.
- (3) The Minister shall give public notice, in such manner as appears to him sufficient for informing persons likely to be concerned, of any proposals of the Minister under this section, and shall consider any representations with respect to the proposals made within such time as may be limited by the notice, and shall cause a local inquiry to be held.

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- (4) After compliance with the foregoing subsection the Minister may by order give effect to the proposals, either as notified or with such modifications as appear to him expedient.
- (5) Subsection (4) of the foregoing section shall apply in relation to proposals of the Minister under this section as it applies in relation to proposals of the Commission.
- (6) Nothing in this section shall empower the Minister to make any provision which could not have been proposed by the Commission.

25 Variation of special review areas

- (1) At any time after the Commission have entered on the review of a special review area, but before they have formulated their proposals, the Minister may, by order made on the representations of, or after consultation with, the Commission, vary the area either by the exclusion of any part thereof or the inclusion therein of any area not specified in the Third Schedule to this Act.

Before making an order under this subsection the Minister shall consult with every local authority whose area, or any part of whose area, is proposed to be excluded from, or included in, the special review area.

- (2) If for the purposes of their review of a special review area it appears to the Commission expedient that the whole or any part of a county district adjoining the special review area, or of the remainder of a county district part of which is in that area, should be treated as if it were comprised in that area, they may after consultation with the councils of the county and of the county district notify the Minister and the councils of the county district and of the county within which it is comprised that they propose so to treat the county district or part, and unless within two months from the notification the Minister directs them not to do so they shall so treat the district or part and proposals may be made, and given effect to, as if it were comprised in the special review area.

Joint Boards

26 Provisions as to joint boards

- (1) Where on the review of a special review area it appears to the Commission, or to the Minister acting under section twenty-four of this Act, that for the efficient discharge of any county or district functions (including any functions of statutory water undertakers within the meaning of the Water Act, 1945) in the special review area or any part thereof, or in that area or part and any adjoining area, it is expedient that there should be a joint board, the power of the Commission or Minister to make proposals shall include power to make proposals—
 - (a) for the establishment of such a board for purposes specified in the proposals ;
 - (b) for the district for which the board is to be established ;
 - (c) for the authorities (whether or not they are or include authorities by whom the functions to be discharged by the board are dischargeable under the general law) which are to be the constituent members of the board ;
 - (d) for the undertakings (if any) which are to be transferred to the board.

- (2) The power of the Commission or Minister to make proposals on the review of a special review area shall include power to make proposals for the dissolution of a joint board constituted for any district comprised or substantially comprised in the special review area, or for the variation of the constitution, functions or area of a joint board constituted for a district any part of which is in the special review area.
- (3) Sections twenty-three and twenty-four of this Act shall have effect in relation to proposals made by virtue of the foregoing provisions of this section as if those sections, instead of providing for giving effect to proposals with or without modifications, provided respectively for approving and affirming proposals with or without modifications, and the provisions of the Sixth Schedule to this Act shall have effect in relation to such proposals.
- (4) Without prejudice to subsection (2) of this section, where it appears to the appropriate Minister that in consequence of the provisions of any order made or to be made on any review held by the Commission (whether of a special review area or not), being provisions for changing the functions, area or status of any local authority, it is expedient to dissolve, or vary the constitution, functions or area of, a joint board constituted under any enactment other than this Act, the appropriate Minister may by order dissolve the board or, as the case may be, make the variation.

27 Subsequent variation of provisions as to joint boards

Where, in the case of a joint board constituted by order under the Sixth Schedule to this Act, or a joint board of which the constitution, functions or area have been varied by an order under that Schedule or subsection (4) of the foregoing section, it appears to the appropriate Minister that the board should be dissolved or that any variation or further variation should be made in its constitution, functions or area.—

- (a) the appropriate Minister may prepare a draft order for dissolving the board or, as the case may be, making the variation, and if he does so shall send copies of the draft to the board, to its constituent members, and to any other local or public authority appearing to the appropriate Minister to be concerned ;
- (b) the appropriate Minister shall consider any representations made to him with respect to the draft within such period as he may have specified in sending out the draft, and may then make an order either in the terms of the draft or subject to such modifications as he thinks proper.

County Reviews

28 Holding of reviews by county councils

- (1) It shall be the duty of each county council in England and Wales to review the circumstances of the county districts within the county and to make such proposals as are hereinafter authorised for effecting changes appearing to the county council desirable in the interests of effective and convenient local government.
- (2) A county council shall proceed, as respects the county or any part thereof, to carry out the duty imposed by the foregoing subsection so soon as it appears to the council, or they are notified by the Minister, that the proceedings under the foregoing provisions of this Part of this Act in relation to the county or part have been carried to the point at which it is practicable for the council to proceed under this section.

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- (3) Subject to the provisions of this section, the changes which may be put forward in proposals of a county council are changes to be produced by any of the following means or any combination of those means (including the application of any of the following paragraphs to an area constituted or altered under any of those paragraphs):
-
- (a) any such means as are specified in paragraphs (a) to (e) of section nineteen of this Act;
 - (b) the inclusion of a non-county borough in a rural district;
 - (c) the alteration of the area of a borough so included or of a parish;
 - (d) the constitution of a new parish by the amalgamation of parishes, by the aggregation of parts of areas within the same rural district, or by the separation of part of an area;
 - (e) the abolition of a parish;
 - (f) the grouping of two or more parishes under a common parish council.
- (4) As respects any part of the county comprised in a special review area, or treated under subsection (2) of section twenty-five of this Act as so comprised, the county council shall not have power to propose any change authorised by paragraph (a) of the foregoing subsection.
- (5) The Seventh Schedule to this Act shall apply to boroughs included in rural districts.
- (6) Subsection (1) of this section shall not apply to the administrative county of London, and shall not apply to any other part of the metropolitan area except in so far as Her Majesty may by Order in Council apply that subsection thereto.

29 Procedure on county reviews

- (1) In carrying out their review of the whole or part of the county, a county council shall consult with the councils of the several county districts situated within the county or part, as the case may be, and shall confer with representatives of those councils.
- (2) Forthwith after the review is completed, the county council shall submit to the Minister a report on the review together with the proposals as to the changes, if any, which they consider desirable, and shall send copies of the report and any proposals to the councils of the county districts in the area to which the review related, and shall publish in one or more local newspapers circulating in those county districts a notice that the report has been submitted to the Minister, stating whether any proposals have been made and that copies of the report and any proposals are available for inspection at a specified place within the county, and that representations with respect to any proposals may be made to the Minister within two months of the publication of the notice.
- (3) The Minister may direct the county council, in carrying out the review, to include in their report observations on any matter specified in the direction, whether or not they make proposals with respect to that matter.
- (4) The Minister shall consider any proposal submitted to him by the county council and any representations with respect thereto which have been made by the council of any borough or urban or rural district or parish council or parish meeting, or by any local government electors, being a council, meeting or electors affected thereby, and may then if he thinks fit make an order giving effect to the proposals or any of them, with or without modifications:

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Provided that if an objection with respect to any proposal is made by any such council or meeting as aforesaid affected thereby, and is not withdrawn, the Minister shall not make an order giving effect to the proposal without first holding a local inquiry into the objection.

- (5) The Minister may direct the county council to submit their report by a date specified in the direction.
- (6) If it appears to the Minister, after consultation with such authorities as appear to him to be concerned, that there is a prima facie case for making any change within the powers of a county council on the review, and that the county council have failed to make a proposal for the purpose, the Minister shall publish in one or more local newspapers circulating in the county districts affected a notice stating—
 - (a) that he has it under consideration to make the change;
 - (b) that a copy of his proposals is open to inspection at a specified place within the county ; and
 - (c) that representations with respect thereto may be made to him within two months of the publication of the notice;

and the Minister, after considering any representations duly made, and, if any objections are made by the county council or the council of a borough or urban or rural district or a parish council or parish meeting and are not withdrawn, after holding a local inquiry with respect to the proposals to which the objections relate, may make an order effecting the change or such modified change as appears to him to be expedient:

Provided that where the county council have not submitted proposals they shall not be treated for the purposes of this subsection as having failed to make any particular proposal unless the Minister has fixed a date for the purposes of the foregoing subsection and that date has passed.

30 Power of Minister to direct holding of county review by Commission

- (1) If, after consideration of the report and any proposals of a county council submitted to him on their review under section twenty-eight of this Act, and after consultation with every local authority appearing to him to be concerned.—
 - (a) the Minister is of opinion that for the purpose of securing the effective and convenient organisation of local government in the county changes are required such as it is within the powers of the county council under section twenty-eight of this Act to propose, and either
 - (b) the county council have submitted no proposals, or
 - (c) the Minister is not satisfied that the proposals submitted, either as submitted or subject to modifications, are apt for the said purpose,the Minister may direct that the Commission shall hold the like review as was required to be held by the county council.
- (2) Before holding a review under this section the Commission shall confer with the county council, and the county council shall be included among the local authorities to whom copies of any proposals are to be sent and whose representations are to be considered and may involve the holding of a local inquiry.
- (3) Subsection (3) of section twenty-eight of this Act and, subject to the foregoing subsection, section twenty-nine of this Act shall apply in relation to reviews held by

the Commission under this section as they apply in relation to reviews held by county councils.

31 Subsequent county reviews

- (1) At any time after the expiry of a ten-year period the Minister may direct a county council to hold a further review, and thereupon subsections (1) and (3) of section twenty-eight, and section twenty-nine, of this Act shall apply in relation to the county council, subject however to the modification that the county council shall not submit their report and proposals to the Minister until after consultation with the council of any county borough adjoining the county, and—
 - (a) the Minister shall give to any such county borough council an opportunity of laying before him their views on the proposals made by the county council;
 - (b) the proposals may, if the council of the county borough concerned agree, include proposals for the transference of part of the area of the borough to the county or of part or the whole of any county district in the county to the borough.
- (2) In the foregoing subsection the reference to a ten-year period shall be construed as a reference to a period of ten years beginning with the submission to the Minister of the report and proposals on the previous or last previous review of the county or a part thereof.
- (3) This section shall not apply to the administrative county of London.

32 County reviews: consequential provisions as to joint boards

Where it appears to the appropriate Minister that in consequence of the provisions of any order made or to be made on a review held under section twenty-eight, thirty or thirty-one of this Act, being provisions for changing the area or status of any local authority, it is expedient to dissolve, or vary the constitution, functions or area of, a joint board constituted under any enactment other than this Act, the appropriate Minister may by order dissolve the board or, as the case may be, make the variation; and section twenty-seven of this Act shall apply in relation to a joint board of which the constitution, functions or area have been varied by an order under this section as it applies in relation to the joint boards mentioned in that section.

33 Application of ss. 28 and 31 to special cases

- (1) Sections twenty-eight and thirty-one of this Act shall have effect subject to the following subsections in the cases to which those subsections respectively apply.
- (2) The council of a county constituted by order under this Part of this Act shall proceed to carry out the duty imposed by subsection (1) of the said section twenty-eight as soon as may be after the coming into operation of the order, and nothing in subsection (2) of that section shall be taken to apply to such a council.
- (3) Where subsection (1) of the said section twenty-eight becomes applicable to any area by virtue of an Order in Council under subsection (6) of that section, the council of the county in which the area or any part thereof is comprised shall, subject to the following subsection, proceed to carry out the said duty as soon as may be after the coming into operation of the Order, and—

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- (a) the review may include any other part of the county notwithstanding that the council have already reviewed it under the said section twenty-eight;
 - (b) nothing in subsection (2) of that section shall be taken to apply to the council.
- (4) In the case of a county—
- (a) which is constituted by order under this Part of this Act, or of which the area is altered by such an order, so that (in either case) the county lies wholly within a special review area and comprises no rural districts, or
 - (b) which is constituted by order under section one hundred and forty of the Act of 1933 made after the commencement of this Act,
- subsection (1) of section twenty-eight of this Act shall not apply except by virtue of a direction under section thirty-one thereof, and the said section thirty-one shall apply as if a review of the county had already been held and the report and proposals thereon had been submitted to the Minister on the date of the coming into operation of the order mentioned in paragraph (a) or (b) of this subsection, as the case may be.
- (5) If effect is given to a proposal under this Part of this Act to include the Isles of Scilly in an administrative county, subsection (1) of section twenty-eight of this Act shall not apply to that part of the county except by virtue of a direction under section thirty-one thereof.

General provisions relating to Part II

34 Constitution of county boroughs: presumption as to size

In so far as the question of the constitution of a new county borough is affected by considerations of population, the Commission and the Minister shall presume that a population of one hundred thousand is sufficient to support the discharge of the functions of a county borough council.

35 Restriction on promotion of Bills for changes of local government areas or status

- (1) No local authority shall have power to promote a Bill for forming any new area of local government, or for altering, or altering the status of, any area of local government, before the expiration of fifteen years from the commencement of this Act.
- (2) Without prejudice to the foregoing subsection the council of a borough shall not promote a Bill for the purpose of constituting the borough a county borough unless the population of the borough is one hundred thousand or more.
- (3) In subsection (1) of this section " area of local government " means a county, a borough, an urban or rural district, or a parish.
- (4) Subsection (1) of this section shall not apply to the administrative county of London, and Her Majesty may by Order in Council provide for excluding the operation of that subsection in relation to any other part of the metropolitan area specified in the Order.

36 Regulations as to Commission

- (1) The Minister may make regulations for the guidance of the Commission in the exercise of any of their functions under this Part of this Act, and it shall be the duty of the Commission to comply with any provision or direction contained in or having effect under the regulations.

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- (2) Nothing in the provisions of this Part of this Act empowering the Minister to give directions to the Commission shall be construed as limiting the generality of the power to make regulations conferred by this section.

37 Dissolution of Commissions

When it appears to Her Majesty in Council that the functions under section seventeen of this Act of either of the Commissions have been fully performed, Her Majesty may by Order in Council provide for the dissolution of that Commission.

38 Consequential and transitional arrangements relating to Part II

- (1) An order under this Part of this Act may contain such incidental, consequential, transitional or supplementary provisions as may be necessary or proper for the purposes or in consequence of the order and for giving full effect thereto ; and nothing in any other provision of this Act shall be construed as prejudicing the generality of this subsection.
- (2) Such provisions as are mentioned in the foregoing subsection may be made with respect to administrative and judicial arrangements and with respect to the transfer and management or custody of property (whether real or personal), may provide for applying, amending or repealing any Act, and may provide for any of the matters specified in paragraphs (a) to (i) of subsection (1) of section one hundred and forty-eight of the Act of 1933; and subsections (2) and (3) of that section (which respectively empower the making of provision as to electoral divisions and wards and numbers of councillors and aldermen in the case of a change of area, and the making of provision for regulating matters incidental to the grant of a commission of the peace and a court of quarter sessions in the case of a union of boroughs) shall apply to such orders as are mentioned in the foregoing subsection.
- (3) An order under this Part of this Act constituting a new borough by the amalgamation of county boroughs, the division of a county borough, or the amalgamation of a non-county borough with other county districts may make provision for the charter of the new borough, by applying thereto, with any necessary exceptions or modifications, the charter of any amalgamated borough, or of the divided borough, as the case may be, or, in the case of an amalgamation including two or more boroughs, by applying as aforesaid to the new borough provisions of charters of two or more amalgamated boroughs or the charter of one and provisions of the charter of one or more of the others.
- (4) An order under this Part of this Act converting an urban district into a county borough may make any provision which, if the borough had been constituted in pursuance of Part VI of the Act of 1933, could have been made by the charter creating it or by a scheme confirmed under that Part; and the provisions of the Municipal Corporations Act, 1882, and the provisions of the Act of 1933 relating to boroughs, shall apply to any county borough created by such an order.
- (5) In submitting their proposals under this Part of this Act the Commission or a county council may include recommendations as to the provision to be made in any order of the Minister in pursuance of subsections (1) to (4) of this section.
- (6) Any order under this Part of this Act whereby any power to run public service vehicles (within the meaning of the Road Traffic Act, 1930) would otherwise become

exercisable as respects any road as respects which it would not be exercisable apart from the order shall contain provision whereby the power shall be exercisable as respects that road only with the consent of the traffic commissioners or traffic commissioner for the traffic area in which the road is situated, and the order shall provide for applying section one hundred and two of the Road Traffic Act, 1930 (which provides for the procedure on applications for the consent of traffic commissioners and for appeals from their decisions) to applications for such consent under the order.

39 Financial provisions

- (1) Sections one hundred and fifty-one and one hundred and fifty-two of the Act of 1933 (which provide for financial adjustments in consequence of the alteration of areas or authorities under that Act) shall apply to orders under this Part of this Act.
- (2) The following provisions shall have effect for enabling financial adjustments to be made where county functions become under this Part of this Act exercisable by county district councils or, as respects part only of a county, by a joint board, or where district functions become exercisable under this Part of this Act by a county council:—
 - (a) an order giving effect to proposals for the exercise of county functions by the councils of county districts or, as respects a district comprising part only of a county (whether or not it includes any other area), by a joint board, may contain provision for the making of contributions by the county council to expenditure of the county district councils or, as the case may be, of the councils of county districts in the county which are wholly or partly comprised within the district of the joint board, in respect of the functions;
 - (b) an order giving effect, as respects part only of a county, to proposals for the exercise of county functions by county district councils or a joint board may contain provisions as to what expenditure or receipts of the county council are to be treated as being for special county purposes;
 - (c) an order giving effect, as respects part only of a county, to proposals for the exercise of district functions by the county council may provide for expenditure or receipts of the county council in respect of those functions to be treated as being for special county purposes.

40 Orders etc. under Part II subject to affirmative or negative resolution

- (1) Subject to the provisions of this section,—
 - (a) no order giving effect to proposals made on a review held in pursuance of section seventeen of this Act, other than proposals made by virtue of section twenty-six of this Act,
 - (b) no order approving or affirming proposals made by virtue of the said section twenty-six,
 - (c) no order under subsection (2) of the said section seventeen, and
 - (d) no regulations under section thirty-six of this Act,shall have effect until approved by a resolution of each House of Parliament.
- (2) No Order in Council under section thirty-seven of this Act shall be submitted to Her Majesty unless a draft of the Order has been approved by a resolution of each House of Parliament.
- (3) Subsection (1) of this section shall not apply to any order giving effect only to proposals, made on the review of an area outside the special review areas, for altering

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the area of an administrative county or county borough (including proposals for abolishing a county district in the course of the extension of a county borough); but—

- (a) any such order,
- (b) any order giving effect to proposals made on a review held in pursuance of section twenty-eight, thirty or thirty-one of this Act,
- (c) any order under subsection (1) of section twenty-five, subsection (4) of section twenty-six, section twenty-seven or section thirty-two of this Act, and
- (d) any Order in Council under subsection (6) of section twenty-eight or subsection (4) of section thirty-five of this Act,

shall be subject to annulment in pursuance of a resolution of either House of Parliament.

41 Revocation of orders

- (1) Any order of the Minister made on a review under this Part of this Act may be varied or revoked by order of the Minister made in accordance with the following provisions of this section.
- (2) The Minister shall prepare a draft of the varying or revoking order, shall send copies of the draft to such local or public authorities as appear to him to be concerned, and shall give public notice, in such manner as appears to him sufficient for informing persons likely to be concerned, that the draft has been prepared, that a copy thereof is available for inspection at a place specified in the notice and that representations with respect thereto may be made to the Minister within two months of the publication of the notice.
- (3) The Minister shall consider any representations duly made with respect to the draft and may then if he thinks fit make an order either in the form of the draft or subject to modifications, so however that if any objection to the draft is duly made by any authority appearing to the Minister to be affected thereby, and is not withdrawn, the Minister shall not make the order without first holding a local inquiry into the objection.
- (4) The foregoing section shall apply to an order under this section as it applies to the order varied or revoked.

42 Supplementary provisions as to statutory water undertakers

The powers conferred by the provisions of this Part of this Act relating to joint boards and the Sixth Schedule to this Act shall not be exercisable so as to affect the constitution, functions, area or undertaking of any statutory water undertakers not being either a local authority or a joint board of which the constituent members are all local authorities.

43 Boundaries between English and Welsh areas not to be affected

Nothing in this Part of this Act shall be construed as enabling any alteration of areas to be made so as to alter the boundary between an area in England and one in Wales.

44 Provisions as to Cinque Ports

- (1) No change of area or status effected under this Part of this Act or under section one hundred and forty-one of the Act of 1933 shall affect the continuance of the Confederation of the Cinque Ports.
- (2) An order under this Part of this Act or the said section one hundred and forty-one affecting any port or ancient town of the Confederation may make provision for securing the continued discharge of functions in relation to the Confederation (including, but without prejudice to the generality of the foregoing, provision for the preservation so far as necessary for the purposes of this section, and with or without modifications, of any existing corporation), for appropriating property or providing funds for the discharge of functions as aforesaid, and otherwise for securing that anything required or authorised to be done by, to, or in relation to the Confederation or any Court thereof may continue to be done.
- (3) Subsection (5) of section thirty-eight of this Act shall apply in relation to the foregoing provisions of this section as it applies in relation to subsections (1) to (4) of that section.

45 Saving for Prerogative

The enabling provisions of this Part of this Act shall be deemed to be in addition to, and not in derogation of, the powers exercisable by Her Majesty by virtue of Her royal prerogative.

PART III

DELEGATION OF FUNCTIONS TO COUNCILS OF COUNTY DISTRICTS

Health and Welfare functions

46 Schemes for exercise of health and welfare functions by councils of county districts

- (1) The following functions of a county council shall, so far as they relate to a county district for which a scheme under this section (in this Part of this Act referred to as a delegation scheme) is in force, be exercisable by the council of that district on behalf of the county council, that is to say, their functions under—
 - (a) Part III of the National Health Service Act, 1946, except the functions mentioned in paragraph (g) of this subsection and the functions under section twenty-seven of that Act (which relates to ambulances),
 - (b) sections twenty-nine and thirty of the National Assistance Act, 1948 (which relate to welfare arrangements for disabled persons),
 - (c) the Nurseries and Child-Minders Regulation Act, 1948,
 - (d) the Lunacy and Mental Treatment Acts, 1890 to 1930, and the Mental Deficiency Acts, 1913 to 1938,
 - (e) subsection (2) of section fifty-one of the National Health Service Act, 1946 (which relates to contributions to voluntary organisations in connection with functions under the Mental Deficiency Acts, 1913 to 1938);and, subject to subsection (2) of this section, their functions under—

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- (f) Part III of the National Assistance Act, 1948, so far as it relates to residential or temporary accommodation, and
 - (g) section twenty-eight of the National Health Service Act, 1946, so far as it relates to the care in residential accommodation of persons suffering from mental illness or to the after-care in such accommodation of such persons.
- (2) The functions mentioned in paragraphs (f) and (g) of the foregoing subsection shall not be exercisable under a delegation scheme by the council of a county district, and accordingly provisions for their exercise shall not be included in a delegation scheme, except with the consent of the Minister of Health; and the Minister's consent may be given as respects all or any of those functions, and shall on the application of the council be given if the Minister is satisfied after consultation with the county council that there are exceptional circumstances justifying the exercise of the functions by the council of the county district, but shall not be given in any other case.
- (3) A delegation scheme may be made by the council of any county district which is a borough or urban district having a population of sixty thousand or more and, with the consent of the Minister of Health, by the council of any other county district; and the Minister shall give his consent if satisfied, after consultation with the county council and such other councils as may appear to him to be concerned, and such other consultations (if any) as he may think desirable, that there are special circumstances by reason of which the council of the county district ought to be allowed to make the scheme, but shall not give his consent in any other case.
- (4) The functions exercisable by the council of a county district by virtue of a delegation scheme shall be included among the functions which, under section eighty-five of the Act of 1933, may be delegated by the council to a committee appointed by them under that section; but nothing in this section shall be taken as applying to such a council the provisions of Part II of the Fourth Schedule to the National Health Service Act, 1946 or Part I of the Third Schedule to the National Assistance Act, 1948 as to the establishment of committees.
- (5) Any power of a county council, in the exercise of functions with respect to which provision is made in a delegation scheme, to make contributions to voluntary organisations may, in relation to the county district for which the scheme is in force, be exercised by the county council as well as the council of that district.
- (6) Nothing in subsection (1) of this section shall be taken as including among the functions exercisable under a delegation scheme any power of a county council to borrow money or issue a precept for a rate.
- (7) A delegation scheme may prescribe conditions subject to which the functions exercisable thereunder are to be exercised, and shall specify the date on which it is to come into operation, shall make provision for the determination by the Minister of Health of questions arising as to the operation of the scheme, and may make provision for incidental and supplementary matters necessary or expedient for the purposes of the scheme (including provision as to financial matters and in particular as to the submission and approval of estimates and accounts, and the manner in which and times at which the council of the county district are to be reimbursed by the county council for expenditure incurred in the exercise of the functions exercisable under it).

47 Procedure for bringing delegation scheme into operation

- (1) A delegation scheme shall be transmitted to the county council and submitted by them to the Minister of Health and shall not come into operation until after it has been approved by that Minister.
- (2) Before making a delegation scheme the council of a county district shall give notice to the county council of their intention to do so (except in the case mentioned in subsection (4) of this section) and shall consult the county council on the proposed scheme, and for that purpose shall state their proposals to the county council in the form of a draft scheme.
- (3) Subject to the following subsection, a notice under the foregoing subsection shall not be valid, and a delegation scheme shall not be submitted to the Minister of Health, unless the notice is given within a period of six months, and the scheme transmitted to the county council within a period of twelve months, beginning (in either case) on the day, or ten or a greater multiple of five years after the day, on which this Act is passed.
- (4) An application for the consent of the Minister of Health under subsection (2) or (3) of section forty-six of this Act shall not be entertained unless it is made within such a period of six months as is mentioned in the foregoing subsection; but where such an application has been duly made—
 - (a) no notice need be given under subsection (2) of this section but the Minister shall notify the county council of his decision on the application; and
 - (b) the period of twelve months mentioned in the foregoing subsection shall, if necessary, be extended so as not to expire until six months from the time at which the council making the scheme are notified of the Minister's decision.
- (5) Where by an order of the Minister made in pursuance of a review by either of the Commissions or in pursuance of the review which a county council are required to undertake by section twenty-eight of this Act, a county district becomes comprised in a county in which it was not previously comprised, or a new county district has been constituted (whether on an amalgamation, by the conversion of a county borough into a non-county borough or otherwise) or the area of a county district has been altered, subsections (3) and (4) of this section shall have effect, in relation to a scheme made by the council of that county district, as if a further date were specified in the said subsection (3) as a day on which the periods mentioned therein may begin, namely the first date on which an estimate of the population of the district as at a time after the coming into operation of the order is published by the Registrar General for England and Wales.
- (6) After submitting a delegation scheme a county council shall publish a notice stating that the scheme has been submitted to the Minister of Health and that representations may be made to him in writing within two months from the publication of the notice; and in publishing any such notice the council shall comply with such regulations (if any) as to the form or manner in which the notice is to be published as may be made by the Minister of Health.
- (7) The Minister of Health, after considering any representations duly made and not withdrawn, and after consultation with the county council and such other consultations (if any) as he may think desirable, shall approve the scheme either as submitted or with modifications; and the scheme shall have effect in the form approved by him.
- (8) In determining whether the consent of the Minister of Health under subsection (3) of section forty-six of this Act is required for the making of a scheme by the council of

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a borough or urban district any estimate of the population of the borough or urban district published after the beginning of the period within which the scheme may under subsection (3) of this section be transmitted to the county council shall be disregarded for the purposes of section sixty-five of this Act.

48 Variation and revocation of delegation schemes

- (1) A delegation scheme for any county district may be varied or revoked by a subsequent scheme made by the council of that district and approved by the Minister of Health ; and the foregoing provisions of this Part of this Act shall apply in relation to such a subsequent scheme as they apply in relation to delegation schemes, subject however to the modification that the consent of the Minister under subsection (3) of section forty-six of this Act shall not be required, whatever the circumstances of the county district.
- (2) Where it appears to the Minister of Health that it is expedient that a delegation scheme for any county district should be varied or revoked and the council of the district have not made a varying or revoking scheme he may, subject to the following subsection, require the council to make such a scheme within such time as may be specified in the requirement; and if the council do not comply with the requirement the Minister may himself, after consultation with the county council, make such a scheme as appears to him to be required, and any scheme so made shall have effect, and may be varied or revoked, as if it had been made by the council and approved by the Minister.
- (3) The Minister shall not require the revocation of a delegation scheme for a borough or urban district having a population of sixty thousand or more.

49 Default powers of Minister of Health

- (1) Where the Minister of Health is of opinion, on complaint or otherwise, that the council of any county district have failed to carry out any functions exercisable by them under a delegation scheme or have in carrying out those functions failed to comply with any regulations or directions relating thereto, he may, after such inquiry as he may think fit and after consultation with the county council, make an order declaring the council of the county district to be in default.
- (2) An order under the foregoing subsection shall direct the council of the county district, for the purpose of remedying the default, to discharge such of the said functions, and in such manner and within such time or times, as may be specified in the order, and if the council fail to comply with any direction given under this subsection, within the time limited for compliance therewith, the Minister of Health, in lieu of enforcing the order by mandamus or otherwise, may make an order providing for the exercise of the said functions by the county council during the continuance in force of the order, notwithstanding the delegation scheme.
- (3) An order under this section may contain such supplementary and incidental provisions as appear to the Minister of Health to be necessary or expedient, and may be varied or revoked by a subsequent order.
- (4) Section fifty-seven of the National Health Service Act, 1946 (which confers default powers on the Minister of Health) shall apply in relation to any functions exercisable by a county council under this Part of this Act as it applies in relation to functions exercisable by a local health authority under that Act.

50 Proposals and schemes under National Health Service Act, 1946 and National Assistance Act, 1948

- (1) The functions exercisable under a delegation scheme do not include the submission of proposals under subsection (4) of section twenty of the National Health Service Act, 1946, or of that section as applied by section fifty-one of that Act, or the amendment or revocation of schemes under subsection (3) of section twenty-one or subsection (3) of section twenty-nine of the National Assistance Act, 1948; but the council of a county district for which a delegation scheme is in force may from time to time submit to the county council proposals for the submission of new proposals under the said subsection (4) (or that subsection as applied by the said section fifty-one) or for the amendment or revocation of a scheme under subsection (3) of the said section twenty-nine and, if the delegation scheme includes provision for the exercise of the functions mentioned in paragraph (f) of subsection (1) of section forty-six of this Act, for the amendment or revocation of a scheme under subsection (3) of the said section twenty-one.
- (2) A county council may adopt proposals submitted under the foregoing subsection and exercise their powers of submitting new proposals or varying or revoking schemes so as to give effect thereto ; and—
 - (a) in any case in which they do not exercise those powers so as to give full effect to the proposals of the council of the county district they shall forward a copy of those proposals to the Minister of Health with their observations thereon; and
 - (b) if the county council submit to the Minister (whether on their own initiative or in compliance with a direction given by him) new proposals, or a scheme, which fail or fails to give full effect to proposals of the council of a county district, the power of the Minister to approve the new proposals or scheme with modifications shall include power to make any alteration thereof, omission therefrom or addition thereto which is required for giving effect to any of the proposals of that council.

51 Application of foregoing provisions to joint boards

- (1) The foregoing provisions of this Part of this Act shall apply in relation to joint boards, other than those excepted from those provisions, as they apply in relation to county councils.
- (2) A joint board constituted under Part II of this Act of which any of the constituent members is the council of a county district shall be excepted from the foregoing provisions of this Part of this Act.

Education functions

52 New claims to status of excepted district

- (1) A council of any county district which is not an excepted district within the meaning of Part III of the First Schedule to the Education Act, 1944 (which relates to the delegation of functions to divisional executives) may, within any of the periods mentioned in subsection (2) of this section, apply to the Minister of Education for a direction constituting the district an excepted district (that is to say, a district excepted from any scheme of divisional administration made by the local education authority but having

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its own scheme of divisional administration), and the Minister shall give the direction if—

- (a) the district is a borough or urban district having a population of sixty thousand or more; or
- (b) the Minister, after consultation with the local education authority and such other councils as appear to him to be concerned, is satisfied that by reason of special circumstances the district ought to be an excepted district,

but shall not give the direction in any other case; and upon his direction being given the district shall become an excepted district within the meaning of the said Part III and the provisions of that Part other than paragraph 4 shall apply to it accordingly.

- (2) The said periods are periods of six months beginning on the day, or ten or a greater multiple of five years after the day, on which this Act is passed; and subsections (5) and (8) of section forty-seven of this Act shall, with the necessary modifications, apply in relation to this and the foregoing subsection as they apply in relation to subsection (3) of that section and subsection (3) of section forty-six of this Act respectively.
- (3) Where the local education authority is a joint board constituted under Part II of this Act, and any of the constituent members of the board is the council of a county district, the foregoing provisions of this section shall not apply to the council of any county district in the area of the authority.

Metropolitan area

53 Exclusion from Part III of metropolitan area

- (1) Subject to subsection (2) of this section this Part of this Act shall not apply to the metropolitan area.
- (2) Her Majesty may by Order in Council direct that the provisions of this Part of this Act or such of them as may be specified in the Order shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the Order, extend to the metropolitan area or any part of it.

PART IV

GENERAL AND SUPPLEMENTARY

General amendments relating to local government finance

54 Extension of power of trustees to lend to local authorities

- (1) The manner in which a trustee may invest trust funds under the powers of section one of the Trustee Act, 1925, shall include—
 - (a) the lending of money to an authority to which this section applies, in any case where the money, when borrowed by the authority, is charged on all or any of the revenues of the authority or on a fund into which all or any of their revenues are payable; and
 - (b) the purchase of any security created by an authority to which this section applies for the purpose of borrowing money so charged.

- (2) Subsection (1) of section two of the said Act of 1925 (which extends the power of a trustee to invest in the securities mentioned or referred to in the said section one by authorising the purchase of redeemable securities at a price exceeding the redemption value, but with certain limitations as regards the securities specified in the proviso to that subsection) shall apply to any such security as is mentioned in the foregoing subsection as if it were among the securities mentioned or referred to in the said section one and also, except in the case of stock created by the London County Council, the Metropolitan Water Board, or the Belfast City and District Water Commissioners, among those specified in the said proviso.
- (3) The following are the authorities to which this section applies, that is to say, any local authority, the council of any borough included in a rural district, any parish council, any body all the members of which are members of local authorities, any river board, any river purification board, the Metropolitan Water Board, the Belfast City and District Water Commissioners, the Conservators of the River Thames and the Lee Conservancy Catchment Board.
- (4) In this section " local authority " means any of the following authorities in the United Kingdom, that is to say—
- (a) in England and Wales, a local authority as defined in section sixty-six of this Act, the Common Council of the City of London, the council of a metropolitan borough and the Council of the Isles of Scilly;
 - (b) in Scotland, a local authority within the meaning of the Local Government (Scotland) Act, 1947 ;
 - (c) in Northern Ireland, the council of a county, county or other borough, or urban or rural district.
- (5) The foregoing provisions of this section shall apply in relation to trusts the execution of which is governed by the law in force in Northern Ireland as if for the references to the Trustee Act, 1925, there were substituted references to the Trustee Act, 1893 ; and the references in those provisions as so applying to the proviso to subsection (1) of section two of the said Act of 1925 shall be construed as references to the proviso contained in subsection (2) of section two of the said Act of 1893.
- (6) The foregoing subsection shall, for the purposes of section six of the Government of Ireland Act, 1920, be deemed to be a provision of an Act passed before the appointed day within the meaning of that section.

55 Consolidated Loans Funds

- (1) The council of any county or county borough may in accordance with a scheme made by the council and approved by the Minister establish and operate a Consolidated Loans Fund for defraying any expenditure which the council is authorised by or under any enactment to meet out of moneys borrowed by the council and for the repayment or redemption of debt.
- (2) A scheme under this section shall make provision—
- (a) as to the purposes for which payments are to be authorised or required to be made out of the Fund;
 - (b) as to the assets and liabilities which are to be authorised or required to be transferred to or paid into the Fund;
 - (c) without prejudice to the generality of the foregoing paragraphs, applying with the necessary modifications paragraphs (a) to (c) of subsection (1) of

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section eight of the Local Authorities Loans Act, 1945 (which authorises the application for other capital purposes of assets of a capital fund which are not for the time being required for the purposes of the fund) and for securing that payments shall be made to the Fund of such amounts and at such times as are necessary for fulfilling any requirements as to the period within which loans are to be repaid and the obligations of the council to repay loans and to pay interest on loans and for defraying the management expenses of the Fund;

- (d) for the keeping of separate accounts of receipts and outgoings of the Fund determined by the scheme to be of a capital and of an income nature respectively, and of expenditure in connection with the management of the Fund;
 - (e) as to the investment of assets of the Fund which are for the time being not required for other purposes, or their application in the repayment or redemption of debt.
- (3) The foregoing provisions of this section shall apply to the council of any county district having, at the time of the making of a scheme, a population of sixty thousand or more, or, with the consent of the Minister given before the making of a scheme, to the council of any other county district, and to the council of any metropolitan borough, as those provisions apply to the council of a county or county borough.
- (4) A scheme under this section shall have effect notwithstanding anything in any enactment.
- (5) A scheme under this section, or a scheme made under the corresponding provisions of any local Act, may be varied or revoked by a subsequent scheme made by the council and approved by the Minister.

56 Contributions by county councils to expenses of county district councils

- (1) Section three hundred and seven of the Public Health Act, 1936, and section one hundred and twenty-six of the Act of 1948 (which empower county councils to make certain contributions to the expenses of county district councils) shall cease to have effect, but a county council may make any contribution the council think fit to expenditure of the council of a county district in the county.
- (2) A county council may make any contribution the council; think fit towards expenditure of the council of a borough to which the Seventh Schedule to this Act applies or by a parish council or parish meeting in connection with the exercise of the functions of the council or meeting relating to public open spaces.
- (3) Where an amount equal to the expenditure to which any contribution is made under subsection (1) of this section falls to be debited to the Housing Revenue Account of the council of the county district, that council shall carry to the credit of the account, in addition to the amounts which the) are required to carry to the credit of that account under section one hundred and twenty-nine of the Housing Act, 1936, are amount equal to the contribution under subsection (1) of this section.

57 Abolition of compulsory county contributions to local health salaries

A county council shall not be required to contribute to any salary accruing after the thirty-first day of March, nineteen hundred and fifty-nine of a medical officer of health or public health inspector of a county district or metropolitan borough.

58 Arrangements by local authorities for handling receipts and payments

- (1) Every local authority shall make safe and efficient arrangements for the receipt of moneys paid to them and the issue of moneys payable by them, and those arrangements shall be carried out under the supervision of the treasurer:

Provided that in the case of a local authority of which the treasurer at the passing of this Act is not a whole-time officer (that is to say, a person who devotes substantially the whole of his time to his employment by the authority) the said arrangements shall at any time when the treasurer is not a whole-time officer be carried out under the supervision of such officer of the authority as may be designated by them as their chief financial officer.

- (2) The following enactments, that is to say,—
- (a) subsection (2) of section eighty-six, and sections one hundred and eighty-four and one hundred and eighty-seven, of the Act of 1933, and
 - (b) subsection (3) of section sixty, and sections one hundred and nineteen and one hundred and twenty-two, of the London Government Act, 1939,
- (being enactments imposing requirements as to the manner in which payments into or out of funds of local authorities are to be made or authorised and the manner in which local authorities are to be authorised to incur liabilities exceeding one hundred pounds) shall cease to have effect.
- (3) In this section " local authority " includes the council of a metropolitan borough.
- (4) This section shall come into force on the first day of April, nineteen hundred and fifty-nine.

Supplementary provisions

59 Change of name of county or borough

- (1) The council of a county or of a borough may with the consent of the Minister change the name of the county or borough.
- (2) Where the name of a borough is changed in pursuance of this section the charter of the borough shall have effect as if the new name were substituted for the old in the name of the borough and its corporation.
- (3) Every change of name made in pursuance of this section shall be published in such manner as the Minister may direct.
- (4) A change of name made in pursuance of this section shall not affect any rights or obligations of any county, of any borough, or of any council, authority, or person, or render defective any legal proceedings, and any legal proceedings may be commenced or continued as if there had been no change of name.

60 Transfer and compensation of officers

- (1) Any order under Part II of this Act or scheme under Part III thereof may contain provisions as to the transfer of existing officers affected by the order or scheme and shall contain provisions for the protection of the interests of any such existing officers.

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- (2) Provision shall be made, by regulations made by such Minister as may be determined by the Treasury to be appropriate in relation to the persons to whom the regulations relate, for the payment by such authority as may be prescribed by or determined under the regulations, but subject to such exceptions or conditions as may be so prescribed, of compensation to or in respect of persons who are, or who but for any national service of theirs would be, the holders of any such place, situation or employment as may be so prescribed and who suffer loss of employment or loss or diminution of emoluments which is attributable to the provisions of any such order or scheme as is mentioned in subsection (1) of this section or of any scheme or order under sections forty-three to forty-five, or Part VI, of the Act of 1933 ; and so much of section one hundred and fifty of that Act as provides for compensation shall not apply to any scheme or order under the said Part VI, but without prejudice to any instrument to which it is applied by any other enactment.
- (3) Regulations under the foregoing subsection may include provision as to the manner in which and the person to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.
- (4) In this section—
- " existing officer ", in relation to an order or scheme, means an officer serving on such date or dates as may be specified in the order or scheme in relation to him;
- " national service " means any such service in any of Her Majesty's forces or other employment (whether or not in the service of Her Majesty) as may be prescribed by regulations under this section ;
- " officer " includes the holder of any place, situation or employment.
- (5) Any regulations under this section shall be subject to annulment in pursuance of a resolution of either House of Parliament.

61 Payments out of moneys provided by Parliament

There shall be defrayed out of moneys provided by Parliament—

- (a) the expenses of the Minister incurred in paying general grants under Part I of this Act;
- (b) any increase attributable to this Act in the sums payable out of moneys provided by Parliament under Part I of the Act of 1948 or under the Local Government (Financial Provisions) (Scotland) Act, 1954 as amended by the Valuation and Rating (Scotland) Act, 1956;
- (c) any expenses of the Minister of Health incurred in the exercise of default powers conferred by Part III of this Act;
- (d) any expenses incurred by any Minister in pursuance of the foregoing section;
- (e) any administrative expenses incurred under this Act by any Minister.

62 Minor and consequential amendments

The enactments specified in the Eighth Schedule to this Act shall have effect, as respects England and Wales, subject to the amendments specified in that Schedule, being minor amendments or amendments consequential on the foregoing provisions of this Act.

63 General provisions as to local inquiries

- (1) Without prejudice to any requirement under the foregoing provisions of this Act, a Minister may cause a local inquiry to be held for the purpose of any of his functions under this Act.
- (2) Subsections (2) to (5) of section two hundred and ninety of the Act of 1933 (which relate to the giving of evidence at inquiries and the payment of costs) shall apply to all inquiries held for the purposes of this Act.

64 Application of Statutory Instruments Act

Any power conferred on a Minister by this Act to make an order or rules or regulations shall be exercisable by statutory instrument.

65 Ascertainment of population

Save as otherwise expressly provided, for the purposes of Parts II to IV of this Act the population of an area shall be taken to be its population as estimated in the latest estimate published by the Registrar General for England and Wales.

66 Interpretation

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively, that is to say:—
 - " Act of 1933 " means the Local Government Act, 1933 ;
 - " Act of 1948 " means the Local Government Act, 1948;
 - " Act of 1955 " means the Rating and Valuation (Miscellaneous Provisions) Act, 1955 ;
 - " Area Board " means a Board constituted under the Electricity Act, 1947, "the Generating Board" means the Central Electricity Generating Board, and " Electricity Board" means the Generating Board or an Area Board;
 - " borough " includes any description of borough;
 - " the Commission " and " the Commissions " have the meanings assigned by subsection (5) of section seventeen of this Act;
 - " county functions " and " district functions " have the meanings assigned by subsection (2) of section twenty of this Act;
 - " expenditure " includes sums paid by virtue of a precept or other instrument or by way of contribution;
 - " functions " means powers or duties ;
 - " Gas Board " means an Area Board constituted under the Gas Act, 1948, for an area in England or Wales ;
 - " joint board " includes a combined authority or joint committee;
 - " metropolitan area " means the area specified in the Fifth Schedule to this Act;
 - " Minister " means the Minister of Housing and Local Government;
 - " appropriate Minister " means, in relation to any matter, the Minister in charge of the Government Department concerned or primarily concerned with that matter ;
 - " parish " means a rural parish;

Status: This is the original version (as it was originally enacted).

" relevant expenditure " means expenditure specified in Part I of the First Schedule to this Act and not excluded by any provision of Part II of that Schedule.

- (2) In Parts II to IV of this Act, except where the context otherwise requires, the expression " local authority " means the council of a county, county borough or county district and in the said Part II includes the Council of the Isles of Scilly.
- (3) Any question arising under this Act as to which Minister is the appropriate Minister shall be determined by the Treasury.
- (4) References in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

67 Repeals

The enactments specified in the Ninth Schedule to this Act are hereby repealed, as respects England and Wales, to the extent specified in the third column of that Schedule:

Provided that—

- (a) subject to the following paragraph, the repeal of the enactments specified in Part II or IV of that Schedule shall not have effect as respects any period before the first day of April, nineteen hundred and fifty-nine ;
- (b) the repeal of subsections (2) and (2a) of section one hundred and forty-four of the Act of 1948 and of section four of the Rating and Valuation Act, 1957, shall also have effect as respects payments for the benefit of local authorities for the year beginning with the said first day of April, but not for any earlier year;
- (c) the repeal of the enactments specified in Part III of the Ninth Schedule to this Act shall not affect the levying of rates for any period before the first day of April, nineteen hundred and sixty;
- (d) the repeal of the enactments specified in Part IV of the Ninth Schedule to this Act shall not affect contributions in respect of salary accruing before the first day of April, nineteen hundred and fifty-nine ;
- (e) the repeal of subsection (1) of section sixty-two of the Rating and Valuation Act, 1925, shall not affect the operation of the Overseers Order, 1927, and the repeal of section sixty-seven of the said Act of 1925 shall not affect the operation of any order made under the said section sixty-seven;
- (f) the repeal of the Local Government Boundary Commission (Dissolution) Act, 1949, shall not affect the continuation in force of sections one hundred and forty to one hundred and forty-five of the Act of 1933 or of the Local Government (Alteration of Areas) (Notices) Regulations, 1934.

68 Short title

This Act may be cited as the Local Government Act, 1958.