



# Local Government Act 1958

## 1958 CHAPTER 55

### PART III

#### DELEGATION OF FUNCTIONS TO COUNCILS OF COUNTY DISTRICTS

##### *Health and Welfare functions*

#### **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.