



Local Government Act 1929

1929 CHAPTER 17

PART I

POOR LAW.

Miscellaneous Provisions.

9 Acquisition of land.

For the purposes of the functions transferred to them under this Part of this Act, a council shall have power to acquire, dispose of, or otherwise deal with land—

- (a) in the case of a county council, in like manner as for the purposes of their other functions and subsection (3) of section sixty-four and section sixty-five of the Local Government Act, 1888, shall apply accordingly;
- (b) in the case of a county borough council, in like manner as for the purposes of the Public Health Act, 1875, and sections one hundred and seventy-five to one hundred and seventy-eight of that Act shall apply accordingly.

10 Disqualifications.

- (1) A person shall, after the appointed day, be disqualified for becoming or being a member of the council of a county or county borough if he has within twelve months before becoming, or has since becoming, such a member received poor relief, except that he shall not be so disqualified by reason only that he or a member of his family has received medical or surgical treatment, or been an inmate of an institution for that purpose, or received relief which could have been granted under the Blind Persons Act, 1920, or been maintained in any place as a pauper lunatic :

Provided that a person who is at the date of the commencement of this Act a member of any such council and has received poor relief before that date, shall not be thereby disqualified for being such a member.

- (2) A person shall be disqualified for being a member of a committee or sub-committee thereof constituted under an administrative scheme who would be disqualified for

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becoming or being a member of the council by which the committee is appointed, and a person who acts as a member of such a committee or subcommittee when disqualified shall be liable to the like penalties as if he had acted as a member of the council.

- (3) Notwithstanding anything in section forty-six of the Local Government Act, 1894, a person shall not, on or after the appointed day, be disqualified for becoming or being a member of any local authority to which that section applies by reason that he or any member of his family has received poor relief, if by virtue of the provisions of this section the receipt of that relief would not disqualify him for becoming or being a member of a county or county borough council.

11 Amendment as to disqualification for pensions under 9 & 10 Geo. V., c.102, and 15 & 16 Geo. V., c.70.

On and after the appointed day a person who has become an inmate of any poor law institution for the purpose of obtaining medical or surgical treatment shall not, so long as he continues to require such treatment, be disqualified, on the ground only that he is such an inmate, for receiving or continuing to receive an old age pension under the Old Age Pensions Acts, 1908 to 1924, or under the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, and accordingly subsection (1) of section three of the Old Age Pensions Act, 1919, and paragraph one of the Third Schedule to the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, shall have effect as if the words " during a period of " three months from the date on which he becomes " such an inmate if he," were omitted therefrom, and as if after the words " so long " there were inserted the words " as he. "

12 Repeal of 5 Edw.7 c.18.

The Unemployed Workmen Act, 1905, shall, as from the appointed day, be repealed, but the Minister may, on such repeal taking effect, make such orders as were by section eight of that Act authorised to be made on the expiration of the period for which that Act as originally enacted was to continue in force, and any such order may provide for applying, subject to the necessary adaptations, to officers appointed under the said Act any of the provisions of this Act as to the transfer and compensation of officers.

13 Consultation as to the provision of hospital accommodation.

The council of every county and county borough shall, when making provision for hospital accommodation in discharge of the functions transferred to them under this Part of this Act, consult such committee or other body as they consider to represent both the governing bodies and the medical and surgical staffs of the voluntary hospitals providing services in or for the benefit of the county or county borough as to the accommodation to be provided and as to the purposes for which it is to be used.

14 Consequential amendments of certain Acts.

- (1) The Local Government Act, 1888, shall, as from the appointed day, have effect as if amongst the powers conferred by that Act on county councils (including the London County Council) there were included the like powers with respect to the provision of places for the reception of the sick as are conferred on local authorities by section one hundred and thirty-one of the Public Health Act, 1875, as amended by section sixty-four of the Public Health Act, 1925.

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- (2) Section one hundred and thirty-one of the Public Health Act, 1875, as so amended, shall in its application to county councils and county borough councils have effect as if the power to provide places for the reception of the sick included power to provide places for the reception of pregnant women.
- (3) A committee appointed under the Public Health Act, 1875, by the council of a county borough for dealing with matters relating to public health, the committee appointed by the London County Council for similar purposes, and the public health and housing committee appointed by a county council under section seventy-one of the Housing, Town Planning &c, Act, 1909, may include members who are not members of the council by which the committee is appointed, so, however, that two-thirds at least of the members of the committee shall be members of the council; and any such committee may, subject to any directions of the council, appoint such and so many sub-committees, consisting either wholly or partly of members of the committee, as the committee thinks fit.
- (4) So much of proviso (ii) to section thirty of the Mental Deficiency Act, 1913, as provides that local authorities under that Act shall not have any duties with respect to defectives who are for the time being provided for by poor law authorities shall as from the appointed day cease to have effect.
- (5) A committee for the care of the mentally defective constituted under the Mental Deficiency Act, 1913, may, subject to any directions of the local authority under that Act, appoint such and so many subcommittees, consisting either wholly or partly of members of the committee, as the committee thinks fit.

15 Consequential alteration of constitution of assessment committees.

- (1) For subsection (3) of section seventeen of the Rating and Valuation Act, 1925 (which relates to the constitution of assessment committees) the following subsection shall, as from the appointed day, be substituted—
 - “(3) In the case of an assessment area being a county borough, the assessment committee shall consist of such number of persons to be appointed by the council of the borough as may be determined by the council, but not less than one-third of the members of the committee shall be persons who are not members of the council, and if any member of the committee not being a member of the council becomes a member thereof, his term of office as a member of the committee shall thereupon expire.”
- (2) As from the appointed day, in subsection (4) of the said section seventeen the words "boards of guardians" shall be repealed, and any scheme under the said Act constituting an assessment area and determining the proportion in which the various authorities entitled to representation on the assessment committee for the area are to be represented thereon shall, subject to the provisions of any new or amending scheme, have effect as if the references to the members of the committee representing boards of guardians were omitted therefrom.
- (3) Notwithstanding anything in the foregoing provisions of this section, the following provisions shall have effect with respect to members of assessment Committees holding office immediately before the appointed day:—
 - (a) a member appointed by, or on the nomination of, a board of guardians shall not vacate his office by reason of the dissolution of that board or of the fact that he himself ceases to be a guardian; and

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- (b) in the case of an assessment area being a county borough, a member of the assessment committee who is on the appointed day a member also of the council of the borough shall not vacate his office by reason of the fact that more than two-thirds of the members of the committee are members of the council, but after the appointed day no person being a member of the council shall be appointed to be a member of the committee if on his appointment the number of the members of the committee who are members of the council would exceed two-thirds of the total number of the committee.

16 Recovery of expenses.

- (1) As from the appointed day, it shall be the duty of the council of every county and county borough and of every other local authority to recover from any person who has been maintained by them in any institution, other than a person who has become an inmate of an institution for the purpose of receiving treatment for infectious disease, or from any person legally liable to maintain that person, the whole of the expenses incurred by the council or authority in the maintenance of that person, or, if the council or authority are satisfied that the persons from whom the expenses are recoverable cannot reasonably, having regard to their financial circumstances, be required to pay the whole of those expenses, such part, if any, of the expenses as they are in the opinion of the council or authority able to pay:

Provided that any such council or authority may, by agreement with the governing body of any association or fund established for the purpose of providing benefits to members or other beneficiaries thereof, accept from the association or fund, in respect of the expenses incurred by the council or authority in the maintenance of any member or beneficiary of the association or fund, payment of such sums as may be provided by the agreement, in lieu of recovering the whole or any part of the said expenses from the member or beneficiary, or from any person legally liable to maintain him.

- (2) Any expenses recoverable under this section shall, without prejudice to any other remedy, be recoverable summarily as a civil debt.
- (3) For the purposes of this section—

" Institution " means any hospital, maternity home or other residential institution accommodation wherein is provided by the council of a county or county borough or other local authority under the powers conferred by the Public Health Acts, 1875 to 1926, or the corresponding enactments relating to London, the Local Government Act, 1888, as amended by this Act, or the Maternity and Child Welfare Act, 1918.

The expenses incurred by the council or authority in providing for the maintenance of a person in an institution shall, in respect of each day of maintenance in the institution, be deemed to be a sum representing the average daily cost per patient of the maintenance of the institution and the staff thereof and the maintenance and treatment of the patients therein.

- (4) Nothing in this section shall affect any right which a local authority may have under any enactment or otherwise to recover expenses other than those to which the foregoing provisions of this section apply.

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17 Accounts and audit.

Separate accounts shall be kept by the council of every county borough of their receipts and expenditure in respect of the functions (other than those specified in section two of this Act) transferred to them under this Part of this Act, and discharged by the council as such, and those accounts shall be made up and audited in like manner and subject to the same provisions as in the case of a county council, and the enactments relating to the audit of the accounts of a county council and to all matters incidental thereto and consequential thereon, including penal provisions, shall apply in lieu of the provisions of the Municipal Corporations Act, 1882, relating to accounts and audit.