



Local Government Act 1929

1929 CHAPTER 17

PART I

POOR LAW.

Transfer and administration of Functions.

1 Transfer of functions of poor law authorities.

On the appointed day the functions of each poor law authority, shall, subject to the provisions of this Act and except as otherwise expressly provided by this Act, be transferred to the council of the county or county borough comprising the poor law area for which the poor law authority acts, or, if the poor law area is not wholly comprised within one county or county borough, the functions of the poor law authority so far as they relate to any county or county borough into which the area extends shall be transferred to the council thereof, and as from the appointed day all then existing poor law authorities shall cease to exist.

2 Special provisions as to functions of poor law authorities in respect of infant life protection and vaccination.

As from the appointed day the following provisions shall have effect with respect to functions relating to infant life protection and vaccination formerly discharged by poor law authorities:—

- (a) functions under Part I of the Children Act, 1908, shall be discharged by the councils of counties and county boroughs as functions under the Maternity and Child Welfare Act, 1918, except that where the council of a district have established a maternity and child welfare committee the said functions shall, in that district, be discharged by the council of the district and not by the county council; and
- (b) functions relating to vaccination shall be discharged by the councils of counties and county boroughs as functions relating to public health; and

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- (c) the provisions of this Part of this Act relating to administrative schemes and accounts "and audit shall not apply as respects the functions aforesaid.

3 Power to combine councils for special purposes.

- (1) Where any two or more councils, whether councils of counties or county boroughs, consider that it is expedient that the areas of the councils should be combined for any purpose connected with the administration of the functions transferred or to be transferred under this Part of this Act and make application to the Minister for the purpose, the Minister may make an order for combining the areas of the councils for the purposes named therein.
- (2) Where it appears to the Minister that the combination of the areas of any two or more councils, whether councils of counties or county boroughs, for any purpose connected with the administration of the functions transferred or to be transferred under this Part of this Act, would tend to diminish expense, or would otherwise be of public or local advantage, the Minister may make an order for combining the areas of the councils for the purposes named therein :

Provided that an order shall not be made under this subsection except after a local inquiry, unless all the councils whose areas are to be so combined consent.

- (3) An order under this section may establish for the purposes of the order a joint committee of the councils, and may constitute the joint committee a body corporate with perpetual succession and a common seal and with power to hold land for the purposes of their functions without licence in mortmain.
- (4) Any such order shall define the functions of the joint committee, and regulate the election, meetings and business of the joint committee, the mode of defraying the expenses of the joint committee, and any other matter or thing which it appears necessary or proper to regulate for the better carrying into effect of the order, and may provide for making applicable, subject to the necessary modifications, to the joint committee any of the provisions of this Part or Parts VII or VIII of this Act (including the provisions as to administrative schemes).
- (5) An order under this section may be made either before or after the appointed day, and
- (a) where the order takes effect on the appointed day, any functions which under the order are to be functions of the joint committee shall, as from the appointed day, be transferred to the joint committee, and shall not be transferred to any of the councils included in the combination; and
 - (b) where the order takes effect after the appointed day, a council included in such a combination shall, save as otherwise provided by the order, cease to exercise any functions vested by the order in the joint committee.
- (6) An order under this section shall be laid before Parliament as soon as may be after it is made.

4 Administrative schemes.

The council of every county and county borough shall prepare, and within six months after the commencement of this Act submit to the Minister, a scheme (hereinafter referred to as an administrative scheme) of the administrative arrangements proposed to be made for discharging the functions transferred to the council under this Part of this Act:

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Provided that the Minister may on the application of a council extend the time within which a scheme is to be submitted if he is satisfied that there is reasonable cause for such extension.

5 Provisions as to alternative powers of giving assistance.

- (1) A council in preparing an administrative scheme shall have regard to the desirability of securing that, as soon as circumstances permit, all assistance which can lawfully be provided otherwise than by way of poor relief shall be so provided, and accordingly any such scheme may declare that any assistance which could, after the appointed day, be provided either by way of poor relief or by virtue of any of the following Acts as amended by any subsequent enactment including this Act (that is to say)—

- (a) The Public Health Act, 1875 :
- (b) The Local Government Act, 1888 :
- (c) The Mental Deficiency Act, 1913:
- (d) The Maternity and Child Welfare Act, 1918 :
- (e) The Blind Persons Act, 1920:
- (f) The Public Health (Tuberculosis) Act, 1921:
- (g) The Education Act, 1921:

shall be provided exclusively by virtue of the appropriate Act and not by way of poor relief, but nothing in this subsection or in any scheme shall diminish or otherwise affect the duty of a council under section thirty-four of the Poor Law Act, 1927, to provide relief for the poor.

For the purposes of this subsection, the expression " assistance" includes maintenance and treatment at hospitals and other places, the education of children, and any other services which could, after the appointed day, be provided either by way of poor relief or by virtue of any of the above-mentioned Acts.

- (2) Where in the case of a county the scheme declares that the education of any children who are being maintained by the council in any institution shall be provided under the Education Act, 1921, the council may make arrangements for that purpose with the local education authority for elementary education for the area in which such institution is situated upon such terms and conditions (including the use by the local education authority of any buildings, premises or equipment belonging to the council) as may be agreed.
- (3) Where in the case of a county the scheme declares that any assistance which could be provided by virtue of the Maternity and Child Welfare Act, 1918, shall be provided under that Act, the county council may make arrangements with the council of any district wholly or partly in the county, who have established a maternity and child welfare committee, for the provision of such assistance within the district by the council thereof upon such terms and conditions (including the use by the district council of any buildings premises or equipment belonging to the county council) as may be agreed, and any such arrangements may require the district council to furnish the county council with particulars of any assistance given by the district council under the Maternity and Child Welfare Act, 1918, whether in pursuance of the arrangements or otherwise.

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6 Public assistance committee.

- (1) An administrative scheme shall provide for the constitution of a committee of the council (hereinafter referred to as the public assistance committee), and may provide—
- (a) that any other committee of the council shall act as the public assistance committee, or that the members for the time being of any other such committee, shall so act; and
 - (b) for the inclusion in the public assistance committee or among any members of another committee acting as such, of persons who are not members of the council, some of whom shall be women;
- so, however, that of the whole number of members of the public assistance committee or committee or body acting as such, two-thirds at least shall be members of the council.
- (2) Subject to the provisions of the last foregoing section, all matters relating to the exercise by the council of the functions (other than those specified in section two of this Act) transferred to them under this Part of this Act, except the power of raising a rate or borrowing money, shall stand referred to the public assistance committee, and the council before exercising any such functions shall, unless in their opinion the matter is urgent, receive and consider the report of the public assistance committee with respect to the matter in question.
- (3) The scheme may provide for the delegation by the council to the public assistance committee, with or without any restrictions or conditions as they think fit, of any of the functions so transferred, except the power of raising a rate or borrowing money, and may provide for the discharge, on behalf of and subject to the general direction and control of the public assistance committee, of any of the functions of that committee by any of the other committees of the council.

7 Guardians committees and sub-committees.

- (1) In the case of a county the administrative scheme shall provide—
- (a) for the division of the county into areas, each area consisting of one or more districts, and for the constitution for each such area of a local sub-committee of the public assistance committee (to be called the guardians committee of the area) consisting of not more than thirty-six nor less than twelve members :
 - (b) for each guardians committee consisting of—
 - (i) members for the time being of the council of the district, or of every district, comprised in the area, as the case may be, nominated by the council thereof;
 - (ii) members for the time being of the county council representing electoral divisions wholly or partly comprised in the area;
 - (iii) persons (not being elected members of the county council, and including women as well as men) appointed by the county council, so, however, that the number of persons so appointed shall not exceed one-third of the total number of members of the committee;
 - (c) for the discharge, subject to such general or special restrictions or conditions as the county council may from time to time impose, by each guardians committee or a sub-committee thereof of such of the functions transferred to the council under this Part of this Act as relate to the following matters—
 - (i) the consideration and examination of applications for relief;

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- (ii) the determination of the nature and amount of the relief, if any, to be given to such applicants;
- (iii) the determination of the amount, if any, to be paid by any recipient of relief, or the persons liable for his maintenance, towards reimbursing the council the amount expended by them on his relief;
- (iv) the visiting inspection or management, if the public assistance committee so request, of any poor law institutions in the area for which the guardians committee is appointed:

so, however, that the functions to be delegated under this subsection shall not include the appointment or dismissal of any officer :

Provided that upon representations made by the council of any county that special circumstances exist in that county or in any part thereof the Minister may, if he thinks fit, direct that the provisions of this section shall not apply as respects that county or part.

- (2) Where a district is not wholly comprised within one county, the portion of the district situate within any county shall, for the purposes of the last preceding subsection, be treated as if it were a separate district.
- (3) In appointing persons other than elected members of the county council to be members of any guardians committee a county council shall have regard to the desirability of including persons who are members of poor law authorities immediately before the appointed day and other persons of experience in the matters to be dealt with by the committee.
- (4) The scheme shall provide for effective consultation between the public assistance committee and the guardians committee of any area upon business relating specially to that area, and in particular shall empower every guardians committee to nominate their chairman or other representative to be present at any meeting of the public assistance committee at which business specially relating to the area of the guardians committee is to be transacted. Any person so nominated shall be entitled to take part in the proceedings at any such meeting so far as they relate specially to the area of the guardians committee by whom he was nominated but not to vote.
- (5) The scheme shall determine the place where a guardians committee shall sit, and any local authority shall allow a guardians committee or any sub-committee thereof to use free of charge for the purposes of their meetings, at any time when not required for the use of the local authority, any premises belonging to the authority.
- (6) In the case of a county borough, the administrative scheme may provide for the appointment of sub-committees of the public assistance committee, consisting wholly or partly of members of the public assistance committee, and for the functions of any such sub-committee:

Provided that—

- (a) a majority of the members of every subcommittee appointed under this subsection shall be members of the council; and
- (b) where the scheme provides for the appointment as members of any such sub-committee of persons who are not members of the council, it shall provide for the inclusion of women as well as men, and regard shall be had to the desirability of including persons who are members of poor law authorities immediately before the appointed day and other persons of experience in the matters delegated or referred to the sub-committee.

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8 Approval of schemes.

- (1) As soon as an administrative scheme has been submitted to the Minister, the council submitting the scheme shall publish in one or more newspapers circulating in their area a notice stating that the scheme has been so submitted and that a copy thereof is open to inspection at a specified place, and that representations thereon may be made to the Minister within four weeks after the publication of the notice, and in the case of a scheme submitted by a county council shall send a copy of the scheme to the council of each district wholly or partly within the county.
- (2) No scheme so submitted to the Minister shall be of any effect unless and until it is approved by the Minister, and the Minister, after considering any representations with respect to the scheme which may be submitted to him within four weeks after the publication of such notice as aforesaid by any local authorities and other parties who appear to him to be interested, and after consultation (if and so far as the scheme relates to education) with the Board of Education, may approve the scheme with or without modifications.
- (3) If a council fail to submit to the Minister an administrative scheme within the time allowed for the purpose, the Minister may, after consultation with such local authorities as appear to him to be interested, and (if and so far as the scheme relates to education) with the Board of Education, himself make an administrative scheme, but before making such a scheme the Minister shall publish in one or more newspapers circulating in the area to which the scheme VII relate a notice stating his intention to make the scheme, and that a copy of the draft scheme is open to inspection at a specified place and that representations thereon may be made to the Minister within four weeks after the publication of the notice, and shall consider any representations which may be submitted to him within that period, and any scheme so made shall have effect as if it were a scheme submitted by the council and approved by the Minister.