Local Government Act 1929

1929 CHAPTER 17

PART IV

MISCELLANEOUS LOCAL GOVERNMENT PROVISIONS.

Rearrangement of County Districts.

46 First general review of districts by county councils.

(1) The council of every county shall as soon as may be after the commencement of this Act, after conferences with representatives of the councils of the several districts wholly or partly within the county, review the circumstances of all such districts and consider whether it is desirable to effect any of the following changes:—

(a) any alteration or definition of the boundaries of any such district or of any parish;

(b) the union of any such district or parish with another such district or parish;

(c) the transfer of any part of such district or parish to another district or parish;

(d) the conversion of any such district or any part thereof, if it is a rural district, into an urban district, or if it is an urban district, into or so as to form part of a rural district;

(e) the formation of any new district or parish;

and shall forthwith after the review is completed as respects the whole or any part of the county, and before the first day of April, nineteen hundred and thirty-two, or such later date as the Minister may in any case allow, send to the Minister a report of the review, together with proposals as to the changes, if any, which they consider desirable:

Provided that, before making any such proposals the county council shall consult with the councils of the county boroughs adjoining the county, and the Minister shall give those councils an opportunity of laying before him their views on the proposals made by the county council.

(2) The proposals may include proposals for the transfer of a par of a non-county borough to another district, or of another district or part of another district to a non-county borough, and, if the council of the county borough concerned agree, for an alteration of boundaries between a county borough and the county and any district therein; but, save as aforesaid, the proposals shall not affect any borough.

(3) As soon as any such proposals are made to the Minister, the council making the proposals shall send copies thereof to the councils of the several districts affected thereby and shall publish in one or more newspapers circulating in those districts a notice stating that proposals have been made and that a copy thereof is open to inspection at a specified place, and that representations with respect thereto may be made to the Minister within six weeks after the publication of the notice.

(4) The Minister shall consider the proposals and any representations with respect to the proposals, or any of them, which may have been made by any local authorities (including parish councils and parish meetings) or any local government electors affected thereby, and either may make an order giving effect to the proposals, or any of them, with or without modifications, or may refuse to make such an order:

Provided that, if an objection with respect to any proposal is made by a local authority 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) If, either on representations made by a district council or otherwise it appears to the Minister, after consultation with such authorities as appear to him to be interested, that there is a prima facie case for making any such change as aforesaid, and that the county council have failed to make a proposal for the purpose within the time allowed, the Minister shall publish in one or more newspapers circulating in the districts affected a notice stating that he proposes to make the change, and that a copy of his proposals is open to inspection at a specified place, and that representations with respect thereto may be made to him within six weeks after the publication of the notice; and the Minister after considering any representations which may be made within that period, and, if any objections are made by any local authority 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.

(6) If it appears to the Minister that the council of a county have within three years before the commencement of this Act undertaken a general review of the circumstances of districts within the county, the Minister may direct that such review, whether completed before or after the commencement of this Act, shall for the purposes of this Part of this Act be treated as a review for which provision is made under subsection (1) of this section.

(7) An order under this section shall be laid before Parliament as soon as may be after it is made.

47 Subsequent periodical reviews.

(1) A county council may subsequently whenever they think it desirable, and shall if so required by the Minister, review generally the circumstances of the districts within the county, so, however, that the interval between the original review and the first review under this section, or between any two reviews under this section, shall in no case be less than ten years.

(2) The provisions of the last foregoing section shall apply to every review under this section with such modifications as are necessary, and with this modification that if within four weeks after the making by the Minister of an order under this section objection thereto is made by the council of a borough to which the order relates and is not withdrawn, the order of the Minister shall be provisional only and shall not have effect unless and until confirmed by Parliament.

48 Saving of powers under and amendments of s.57 of 51 & 52 Vict. c.41.

(1) Nothing in this Part of this Act shall affect the power of making orders under section fifty-four or section fifty-seven of the Local Government Act, 1888, but the said section fifty-seven shall have effect subject to the following amendments:—

(a) it shall be lawful for a county council to make an order under the section without a proposal having been made to the council:

(b) the county council on making, and the Minister on confirming, an order may make such modifications in the original proposals or the order as the county council or Minister think fit; but before any such modifications are made, notice of the intention to make them shall be given to all local authorities concerned, and such local authorities shall be given an opportunity of making representations thereon:

(c) it shall be lawful for the Minister either to modify or to refuse to confirm an order under the section whether or not a petition against the order has been presented, but before doing so the Minister shall, if so requested by the county council or the council or parish meeting, if any, by whom the proposals were made, cause a local inquiry to be held:

(d) if a proposal under the section has been made by the council of a district or parish, or by a parish meeting, and the county council refuse or neglect to hold a local inquiry or to make an order under the section, the council or meeting which made the proposal may apply to the Minister, and the Minister may, after giving the county council an opportunity of making representations, hold a local inquiry, or make any such order as the county council might have made, as the case may be.

(2) The said section fifty-seven shall in its application to county borough councils have effect subject to the amendments effected by this section so far as applicable, and as if for references to county councils there were therein substituted references to county borough councils.

(3) This section so far as it amends the said section fifty-seven shall extend to the county of London.

49 Adjustment of boundaries of counties and county boroughs.

(1) Where at the commencement of this Act any district or parish is not wholly comprised within one county, or where a part of a county is wholly detached therefrom, the county councils concerned shall as soon as may be take the case into consideration, and if as a result of such consideration a joint representation is made to the Minister by those councils, the Minister may, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order make such alteration of the counties as may be necessary to secure that the whole of the district or parish shall be within a single county, or to provide that such detached part shall be included in or divided amongst the county or counties surrounding it.

(2) The Minister may, on a joint representation being made by the council of a county and the council of a county borough, after holding a local inquiry, except in cases where he is satisfied that an inquiry is unnecessary, by order alter or define the boundary between the county and the county borough.

(3) An order under this section shall be laid before Parliament as soon as may be after it is made.

Review of Electoral Divisions.

50 Review by county councils of electoral divisions.

(1) The council of every county, as soon as may be after completing the first general review of the circumstances of districts wholly or partly within the county made or treated as having been made by them under this Part of this Act, shall review the electoral divisions of the county and shall consider whether any alteration of the boundary of any such division, or of the number of county councillors and electoral divisions in the county, is desirable, and shall forthwith, after the review is completed and before the first day of January, nineteen hundred and thirty-three, or such later date as the Secretary of State may in any case allow, send to the Secretary of State a report of the review, together with proposals as to the alterations (if any) which they consider desirable, and any such proposals shall have effect as if they had been a representation made to the Secretary of State under section fifty-four Of the Local Government Act, 1888:

Provided that, if in the case of any county the Secretary of State is satisfied after considering such representations, if any, as may be made by local authorities in the county, that it is unnecessary to make any such review as aforesaid, he may direct that this section shall not apply as respects that county.

(2) If either on representations made by a local authority or otherwise it appears to the Secretary of State, after consultation with such authorities as appear to him to be interested, that there is a prima facie case for making any such alteration as aforesaid and that the county council have failed to make a proposal for the purpose within the time allowed, the Secretary of State shall publish in one or more newspapers circulating in the county a notice that he proposes to make the alteration, and that a copy of his proposals is open to inspection at a specified place, and that representations with respect thereto may be made to him within six weeks after the publication of the notice, and the Secretary of State, after considering any representations which may be made within that period, and if any objections are made by any local authority 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 alteration or such modified alteration as appears to him to be expedient.

(3) An order made under this section shall be laid before Parliament as soon as may be after it is made.

Miscellaneous.

51 Reports and returns.

(1) The council of any county or county borough, or of any district, and the common council of the City of London and the council of any metropolitan borough and any joint committee or joint board appointed jointly by two or more such councils as aforesaid shall make to the Minister such reports and returns and give him such information with respect to their functions as he may require.

(2) This section shall extend to the county of London.

52 Travelling expenses.

(1) As from the appointed day it shall, subject to the provisions of this section, be lawful for the council of any county to defray any expenses necessarily incurred by members of the council or of any committee thereof to which this section applies in travelling to and from meetings of the council or committee or in travelling by direction of the council or committee for the purpose of carrying out any inspection necessary for the discharge of the functions of the council or committee.

(2) No expenses which a county council have, apart from this section, power to defray shall be defrayed under this section, and this section shall not affect any such power.

(3) No expenditure by a county council under this section shall be taken into account for the purpose of determining the amount of any sum payable to the council out of moneys provided by Parliament.

(4) This section shall apply to any committee of a county council appointed for the discharge of functions throughout the whole area for which the county council is charged with those functions, and shall also apply to any sub-committee or joint committee so appointed as if it were a committee of the council.

(5) In this section the expression "sub-committee " means a sub-committee of a committee of a county council, and the expression "joint committee " means a joint committee or joint board appointed by a county council jointly with the council of another county or of a borough or with a court of quarter sessions.

53 Borrowing and appropriation of land by councils of counties and boroughs.

(1) Subsection (5) of section sixty-nine of the Local Government Act, 1888, and subsection (1) of section one hundred and twelve of the Municipal Corporations Act, 1882, which fix respectively the maximum period within which loans by county councils and by councils of boroughs are to be repaid, shall have effect as if for "thirty years " there were substituted " sixty years. "

(2) A county council may, subject to the approval of the Minister and subject to the like restrictions as are contained in section ninety-five of the Public Health Acts Amendment Act, 1907, with respect to the appropriation of land by local authorities under that section, appropriate for any purpose for which they are authorised to acquire land any land acquired by the council for some other purpose and not required for that purpose:

Provided that, where powers of appropriation of land are conferred on a county council by any other enactment, nothing in this subsection shall affect the powers under that

enactment or dispense with the necessity for complying with any conditions imposed by any such enactment.

54 Repeal of 45 & 46 Vict. c.50 s.236.

Section two hundred and thirty-six of the Municipal Corporations Act, 1882 (which contains provisions as to the publication of notices and correspondence with respect to the approval of sales, loans, and other financial arrangements proposed to be effected by certain councils) shall cease to have effect.

55 Application of Borough Funds Acts to rural district councils.

Subject as hereinafter provided, the council of a rural district shall have the like powers of promoting and opposing Bills in Parliament and of prosecuting or defending any legal proceedings necessary for the promotion or protection of the interests of the inhabitants of their district as are conferred on councils of urban districts by the Borough Funds Acts, 1872 and 1903, and accordingly in those Acts, the expressions "governing body" and "council" shall include the council of a rural district, and-the expression "chairman" shall include the chairman of such a council:

Provided that section one of the Borough Funds Act, 1903, and the other provisions of that Act relating to meetings and polls of electors, shall not apply as respects rural district councils.

56 Provisions as to expenses of rural district councils.

(1) Where any expenses of a rural district council, whether incurred before or after the commencement of this Act, are payable as special expenses, the council may determine to contribute as part of their expenditure for general purposes such sums as appear to them to be reasonable in or towards defraying such expenses, and to treat the remainder, if any, as special expenses.

(2) A rural district council may apportion in such proportions as they think just between any two or more contributory places any expenses, whether incurred before or after the commencement of this Act, which are chargeable as special expenses, and any expenses so apportioned to any contributory place shall be deemed to be special expenses legally incurred in respect of that contributory place.

(3) Any determination or apportionment by a rural district council under this section shall be binding and conclusive on all parties concerned, notwithstanding any enactment conferring a right of appeal to quarter sessions.

57 Relations between county councils and district councils in respect of public health functions.

(1) The council of a county may agree to contribute towards the expenditure incurred, whether before or after the commencement of this Act, by the council of a district wholly or partly within the county in the provision or maintenance of any sewers or sewage disposal works, or of a supply of water, or in the improvement of an existing supply of water, such sums as appear to them to be reasonable having regard to the resources of the district and the circumstances of the case.

(2) The council of any district may at any time by agreement with the council of the county relinquish in favour of the council of the county any of their functions relating to public health upon such terms and subject to such conditions, if any, as may be specified in the agreement, and the relinquishment may be made either for a specified term, or pending the rescission or variation of the agreement, and any agreement made under this subsection may apply with such modifications and adaptations, if any, as may be agreed any of the provisions of this Act relating to the transfer of property and liabilities and the transfer, superannuation and compensation of officers.

A copy of an agreement made under this subsection shall forthwith be sent to the Minister.

(3) Where it appears to the Minister that the council of any district wholly or partly within a county have made default in providing their district or any part thereof with a sewerage system or sewage disposal works or an adequate supply of Water, or in discharging any other function relating to public health which it is their duty to discharge, the Minister may cause a local inquiry to be made into the matter, and—

(a) if after such inquiry the Minister is satisfied that there has been such default, he may make an order limiting a time for the discharge of the function by the council of the district; and

(b) if the function is not discharged by the time limited in the order, the Minister may by order transfer to the county council the function with respect to which default has been made either for a definite period or until he may otherwise direct, and the order may apply, with such modifications and adaptations, if any, as appear necessary or expedient, any of the provisions of this Act relating to the transfer, superannuation and compensation of officers and any of the provisions of section sixty-three of the Local Government Act, 1894.

(4) Sections two hundred and ninety-nine to three hundred and two of the Public Health Act, 1875, shall cease to have effect as respects district councils.

58 Provisions as to medical officers of health.

(1) The council of every county shall, after consultation with the councils of districts wholly or partly within the county, formulate arrangements for securing, whether by means of a combination of districts or otherwise, that every medical officer of health subsequently appointed for a district shall be restricted by the terms of his employment from engaging in private practice as a medical practitioner.

(2) The county council shall, as soon as may be, send a copy of the instrument embodying the arrangements to the Minister and to the council of every such district, and every such council shall be at liberty to make representations thereon to the Minister.

(3) If a county council within six months after being required to do so by the Minister fail to formulate such arrangements as aforesaid, the Minister after consulting the county council and the councils of all such districts may formulate any such arrangements as the county council might have formulated.

(4) Where such arrangements as aforesaid have been formulated, then, on a vacancy occurring in the office oi medical officer of health for any such district, it shall be a term of the appointment of a person to fill the vacancy that he shall not engage in private practice as a medical practitioner:

Provided that, if upon application made to him by the council of the district in connection with any such proposed appointment the Minister, after considering the arrangements formulated and any representations which may be made to him by the county council or by the councils of other districts concerned, is satisfied that such a term cannot conveniently form part of the terms of the proposed appointment, he may dispense with the foregoing requirement as respects that appointment on such conditions as he may think fit.

59 Qualifications of certain medical officers and health visitors.

(1) The Minister may make regulations prescribing the qualifications of medical officers and health visitors appointed by a local authority under the Maternity and Child Welfare Act, 1918, the Public Health (Tuberculosis) Act, 1921, or any regulations for the treatment of venereal disease made under the Public Health Acts, 1875 to 1926, and the Public Health (London) Act, 1891; and no person shall be appointed as such a medical officer or health visitor whose qualifications are not in accordance with the regulations.

(2) This section shall extend to the county of London.

60 Maternity and child welfare services.

Where in any district any services under the Maternity and Child Welfare Act, 1918, are being provided by a council who are not the local education authority for elementary education for the district, and the Minister, on representations being made to him by the council who are such local education authority for the district, is satisfied that the transfer of the services to the council who are such local education authority would conduce to the more efficient administration in the district of the functions relating to public health and education, the Minister may, by order—

(a) withdraw his sanction to any arrangements made under the Maternity and Child Welfare Act, 1918, by the council who are providing the services, and

(b) provide for the transfer of the services to the council who are such local education authority, and any such order may apply with the necessary modifications any of the provisions of this Act relating to the transfer of property and liabilities and the transfer, superannuation and compensation of officers.

61 Notification of births.

(1) The Minister may, if he thinks fit, make an order under proviso (6) of subsection (4) of section two of the Notification of Births Act, 1907, declaring that that Act shall take effect as if it had been adopted by the council of a district or by the council of a county, as the case may be, notwithstanding that no application has been made to him for that purpose.

(2) Where an order has been made under the said proviso, the Minister may at any time if he is satisfied that it is expedient to do so, make a further order revoking the original order, and thereupon the county council or the district council, as the case may be, shall again become the authority for the purposes of the Notification of Births Act, 1907.

62 Supervision of midwives.

(1) If the council of any district have established a maternity and child welfare committee and employ a medical officer of health who, by the terms of his appointment, is restricted from engaging in private practice, the council may apply to the Minister to be made the local supervising authority under the Midwives Acts, 1902 to 1926, and the Minister, if he is satisfied that the district council are in a position to discharge the whole of the functions of a local supervising authority under those Acts, may, by order, direct that the council shall become the local supervising authority for the district in place of the county council, and provide for the manner in which the expenses of the district council and the county council under those Acts are to be defrayed.

(2) Before making an order under the last foregoing subsection, the Minister shall consult with the county council and shall, if requested by them, hold a local inquiry.

(3) Where an order has been made under subsection (1) of this section, the Minister may at any time, if he is satisfied that the functions of the local supervising authority should be retransferred to the county council, make a further order revoking the original order, and thereupon the county council shall again become the local supervising authority under the said Acts.

63 Provision of hospital accommodation for infectious disease.

(1) For the purpose of securing the provision in every county of suitable means for the proper isolation and treatment of persons suffering from infectious disease, the council of the county shall, as soon as may be after the commencement of this Act, make a survey of the hospital accommodation for the treatment of infectious disease provided by the council and by the councils of any districts wholly or partly within the county.

(2) Upon the completion of the survey, the county council shall prepare, in consultation with the councils of all such districts and if necessary with the council of any county borough adjoining the county, and submit to the Minister for his approval, a scheme for the provision of adequate hospital accommodation for the treatment of infectious disease within the county.

(3) The scheme may provide—

(a) for the arrangements under which and the terms upon which accommodation in any existing hospital belonging to the council of a district shall be made available for the use of the inhabitants of the county other than those resident in the district;

(b) for the provision by the county council or by the council of any district of new accommodation for the treatment of infectious disease;

(c) for embodying arrangements made between the county council or the council of any district and the council of any adjoining county borough for the reception of persons residing in the county borough into hospitals provided by the county council or district council, and for the reception of persons residing within the county into hospitals provided by the council of the county borough.

(4) No scheme submitted to the Minister under this section 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 by any council affected, may approve the scheme with or without modifications.

(5) If a county council fail to submit to the Minister a scheme under this section within six months after being required by the Minister to do so, the Minister may, after consulting the county council and the councils of all such districts, himself make a scheme for the purpose, and any scheme so made shall have effect as if it were a scheme submitted by the county council and approved by the Minister.

(6) In any case in which the Minister is satisfied that the council of a district have failed to provide accommodation in accordance with a scheme under this section, or have otherwise failed to discharge their functions under the scheme, the Minister, after giving to the council of the district and the county council an opportunity of being heard, may, if he thinks fit, by order, transfer to the county council the functions of the council of the district under the scheme, and the order may, for the purpose of enabling the county council to give effect thereto, apply, with such modifications and adaptations, if any, as appear necessary or expedient, any of the provisions of this Act relating to the transfer, superannuation and compensation of officers and any of the provisions of section sixty-three of the Local Government Act, 1894.

(7) For the purposes of this section—

(a) references to councils of districts shall be construed as including references to combinations of such councils; and

(b) the expression "infectious disease " shall not include tuberculosis or venereal disease.

64 Power of London County Council to transfer or delegate functions to metropolitan borough councils.

(1) The Minister may, if he thinks fit, on the application of the London County Council or of any association or committee which is in his opinion representative of the metropolitan borough councils, by order provide—

(a) for the transfer to all the metropolitan borough councils of any functions exercisable by the county council other than functions transferred to them under Part I of this Act; or

(b) for the exercise by any of the metropolitan borough councils as agents for the county council of any functions of the county council other than functions transferred as aforesaid.

(2) Before making an order under this section, the Minister shall, in the case of an application made by the London County Council, consult such association or committee as aforesaid, and in the case of an application made by the association or committee, consult the London County Council.

(3) An order under this section may, if the common council of the City of London consent, apply to that council in like manner as it applies to metropolitan borough councils.

(4) An order under this section shall be laid before Parliament as soon as may be after it is made.

65 Saving for municipal corporations and charters.

Save in so far as may be necessary to give effect to any alteration or definition of boundaries made thereunder, nothing in this Part of this Act shall prejudicially alter or affect the powers, rights, privileges or immunities of any municipal corporation or the operation of any municipal charter.

66 Provisions as to orders, and extent of Part IV.

(1) Sections fifty-nine and sixty-two of the Local Government Act, 1888, shall apply as if an order made under this Part of this Act were an order made under that Act.

(2) An order made under this Part of this Act shall not be construed as affecting the limits of any parliamentary county or parliamentary borough.

(3) Save as therein otherwise expressly provided, this Part of this Act shall not extend to the county of London.