



# Local Government Act 1929

## 1929 CHAPTER 17

### PART VII

#### PROPERTY LIABILITIES AND OFFICERS.

##### *Transfer of Property and Liabilities.*

#### **113 Transfer of property and liabilities of poor law authorities.**

- (1) Subject to the provisions of this Part of this Act with respect to property and liabilities for which special provision is made, any property and liabilities held or incurred by or on behalf of a poor law authority whose area is wholly comprised within one county or county borough shall on the appointed day by virtue of this section be transferred to, and vest in, the council of the county or county borough.
- (2) Subject as aforesaid, the following provisions shall have effect in the case of a poor law authority whose area is not wholly comprised within one county or county borough—
  - (a) all institutional property of the authority shall on the appointed day by virtue of this section be transferred and vest to and in such one of the councils of the counties or county boroughs into which the area of the authority extends, or to and in two or more of those councils jointly, or to and in a joint body representing two or more of those councils, or may be divided between any two or more of those councils, as may be agreed between the councils, or, if no agreement has been arrived at two months before the appointed day, as the Minister may by order determine;  

Any such agreement or order may attach conditions to the transfer or user of any institutional property and may provide for the Joint user of such property;
  - (b) all institutional liabilities of a poor law authority shall on the appointed day by virtue of this section be transferred to and vest in the council or councils or joint body to which the corresponding institutional property is transferred;
  - (c) all non-institutional property and liabilities of a poor law authority shall on the appointed day by virtue of this section be transferred and vest—

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- (i) in the case of any right of recovery from any person of payments made or expenses incurred by the authority by way of poor relief, to and in the council of the county or county borough in which the recipient of the relief was resident when the relief was granted; and
- (ii) in the case of other property and liabilities, to and in the council of the county or county borough in which the portion of the poor law area having the larger or largest reduced rateable value is situate;
- (d) as soon as practicable after the appointed day there shall be made, in accordance with the provisions contained in the Sixth Schedule to this Act—
  - (i) an apportionment of, or an adjustment in respect of, the non-institutional property and liabilities of the poor law authority, other than such rights of recovery as aforesaid; and
  - (ii) unless the councils concerned have agreed that such an adjustment is unnecessary, an adjustment in respect of the institutional property and institutional liabilities of the authority.

(3) For the purposes of this section and of the said Schedule—

" Institutional property " means all poor law institutions and offices and any other freehold or leasehold property whatsoever of a poor law authority (including any rights enjoyed in connection therewith) together with any furniture, plant, and fittings on or about any such institution offices or property, and includes any unexpended balances of loans raised in respect of institutional property and sums set apart as a sinking fund to pay off loans so raised;

" Institutional liabilities " means any outstanding liabilities for loans raised in respect of the provision, extension or equipment of any institutional property;

" Non-institutional property and liabilities " includes all property and liabilities of a poor law authority other than institutional property and institutional liabilities.

**114 Mitigation of liability of councils for temporary loans raised under 11 & 12 Geo. 5 c. 67.**

- (1) For the purpose of affording relief to the councils of counties and county boroughs to whom liabilities in respect of loans (including overdrafts) raised by poor law authorities under section three of the Local Authorities (Financial Provisions) Act, 1921 (as amended by any subsequent enactment) are transferred under this Act, the following provisions shall have effect with respect to such loans—
  - (a) the Minister shall, in the case of each county and county borough to the council of which liability for any such loan is transferred under this Part of this Act, certify the amount of the liability on account of the loan outstanding on the appointed day after deducting therefrom such amount, if any, as represents sums required by the Minister to be paid by a poor law authority before the appointed day which have not been so paid;
  - (b) where any such loan is a loan made by the Minister, the sum so certified with respect to the loan shall be repaid without interest to the Minister by the council liable therefor within fifteen years from the appointed day either by means of an annuity equal to one-fifteenth part of the certified sum, the first instalment being payable on the thirty-first day of March, nineteen hundred

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- and thirty-one, or by such other means as may be agreed between the Minister and the council;
- (c) where any such loan is a loan made by a person other than the Minister, the loan and the interest thereon shall continue payable by the council liable therefor, at such times and by such instalments as are required by the terms of the contract of borrowing; but the Minister shall pay to the council out of moneys provided by Parliament an annuity for fifteen years equivalent to the difference between the sum so certified by the Minister as aforesaid with respect to the loan, and the value of the annuity which would have been payable to the Minister by the council had the loan been made by the Minister, the rate of interest assumed in calculating such value being five per cent.;
  - (d) if in the case of any council the amount, which under the foregoing provisions of this section, would have been payable by the council in any year in respect of sums so certified by the Minister if all of those sums had been on account of loans made by the Minister and had been repayable by means of an annuity equal to one-fifteenth part of the certified sums, exceeds the amount which would be produced by a rate of ninepence in the pound levied on the reduced rateable value of the county or county borough, the amount payable in that year by the council to the Minister under this section shall be reduced by the amount of the excess;
  - (e) if as respects any county or county borough the certificate of the Minister relating to any poor law authority from whom liability for any such loan is transferred provides for a deduction on account of the failure of the authority to make any payments required by the Minister to be made before the appointed day, the amount so deducted shall be paid by the council but shall—
    - (i) in the case of a county be treated as expenses for special county purposes chargeable exclusively on such part of the county as was before the appointed day comprised in the area for which the poor law authority acted;
    - (ii) in the case of a county borough not wholly comprised within the area of the poor law authority from whom the liability for the loan was transferred to the council, be chargeable exclusively on the part of the borough within that area, and the amount so charged shall be levied as an additional item of the general rate on that part of the borough.
- (2) The foregoing provisions of this section shall not apply to any such loan raised by a poor law authority after the twelfth day of November, nineteen hundred and twenty-eight, and in such case the council to whom liability for the loan is transferred shall, make the payments due in respect of capital of and interest on the loan in accordance with the terms of the contract of borrowing, and such payments shall be made and charged in like manner as is hereinbefore provided with respect to the payment of sums deducted by the Minister's certificate.
- (3) Where a poor law area is not wholly comprised within one county or county borough, the liability of the authority for any such loan as aforesaid shall be apportioned between the several counties and county boroughs into which the area extends in proportion to the reduced rateable value of the parts of the poor law area comprised therein, and the foregoing provisions of this section shall apply as if the part of a loan apportioned to any county or county borough were a loan the liability for which was transferred to the council thereof.

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## **115 Parish property.**

- (1) Any parish property vested at the appointed day in a board of guardians, including the proceeds of sale of parish property and any securities in which those proceeds have been invested, shall, on the appointed day, by virtue of this section be transferred to and vest in such council or body as is hereinafter mentioned; that is to say—
- (a) if the parish is a parish comprised in a county borough or urban district, the council of the county borough or urban district;
  - (b) if the parish is a rural parish having a parish council, the parish council;
  - (c) if the parish is a rural parish not having a parish council, the representative body constituted for the holding of property of the parish:

Provided that, where the parish property is held on behalf of two or more parishes, it shall be transferred to and vest in the appropriate councils or bodies jointly.

- (2) As from the appointed day the provisions set out in the Seventh Schedule to this Act shall have effect with respect to the sale, exchange, letting and disposal of parish property, and of any land to which the Sale of Exhausted Parish Lands Act, 1876, applies; and any enactment requiring the consent of the ratepayers and owners of property in a parish to the sale, exchange, letting or disposal of parish property shall cease to have effect:

Provided that nothing in that Schedule shall extend to any recreation ground, village green or other open space dedicated to the use of the community, or affect the powers of parish councils as to the letting, sale or exchange of property under subsection (2) of section eight of the Local Government Act, 1894.

- (3) The council of any county borough or urban district and the parish meeting of any rural parish not having a parish council may exercise the powers of executing works in relation to parish property which are by paragraph (i) of subsection (1) of section eight of the Local Government Act, 1894, conferred on parish councils.
- (4) Any expenses incurred by the council of a county borough or urban district in relation to parish property shall be defrayed as the council may determine—
- (a) from the general rate of the county borough or urban district; or
  - (b) by means of a levy of an additional item of the general rate on the parish or parishes to which the property belongs.
- (5) Where two or more rural parishes are grouped under a common parish council, the reference in subsection (1) of this section to a parish council shall include a reference to the common parish council, except that where functions in relation to the holding of parish property are by the order forming the group excluded from the functions exercisable by the common parish council that reference shall as respects each of the grouped parishes be construed as a reference to the representative body constituted for the holding of property of that parish.
- (6) For the purposes of this section and the Seventh Schedule to this Act, "parish property" means any property the rents and profits of which are applicable or, if the property were let, would be applicable to the general benefit of one or more parishes, or the ratepayers, parishioners or inhabitants thereof, but does not include—
- (a) property given or bequeathed by way of charitable donation or allotted in right of some charitable donation or otherwise for the poor persons of any parish or parishes if the income of the property is not applicable to the general benefit of the ratepayers or other persons as aforesaid;

- (b) property acquired by a board of guardians for the purposes of their functions in the relief of the poor.
- (7) In the application of this section to the county of London references to an urban district shall be construed as references to the City of London and to a metropolitan borough, references to the council of an urban district shall be construed as references to the common council of the City of London and to the council of a metropolitan borough, and references to the general rate of an urban district shall be construed as references to the general rate of the parish to which the property belongs.

#### **116 Transfer of property and liabilities under Registration Acts.**

Any property and liabilities held or incurred by or on behalf of a board of guardians for the purposes of their functions under the Registration Acts in relation to any registration district or sub-district shall on the appointed day, by virtue of this section, be transferred to and vest in the council to whom the functions of the board of guardians in relation to that registration district or sub-district are transferred under Part II of this Act.

#### **117 Transfer of road property and liabilities.**

- (1) Subject to the provisions of the next following section, the following property and liabilities of every district council, in so far as they relate to any roads which immediately before the appointed day were, or as from that day become, vested in the county council, shall, as from that day, by virtue of this section be transferred to and vest in the county council, that is to say:—
- (a) any land (other than land acquired for the improvement or development of frontages or of lands abutting on or adjacent to any road) which, before the appointed day, has been acquired by the district council for the purpose of improving any such road, but which does not on that day form part of the road;
  - (b) the unexpended balances of any loans raised by the district council for the purposes of any such roads or for the purposes of any land transferred to the county council under the last foregoing paragraph of this subsection, and any sinking funds established by the district council in connection with any such loans;
  - (c) the unexpended balances of any grants paid by the Minister of Transport to the district council for the purposes of any such roads;
  - (d) all liabilities (including loans and loan charges) incurred for the purposes of any such roads or the improvement thereof which would become due for payment by the district council on or after the appointed day:

Provided that in the case of any loan the county council and the district council may agree that, in lieu of the transfer to the county council of the loan under this subsection, the county council shall from time to time repay to the district council all sums required to meet the loan charges; and in the event of any such agreement being made, the loan and any sinking fund established in connection therewith shall remain vested in the district council.

Where the loan has been raised partly for purposes relating to such roads as aforesaid and partly for other purposes, the foregoing provisions of this subsection shall apply as if the part of the loan contracted for purposes relating to such roads were a separate loan.

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- (2) Any sum due to be paid by a district council before the appointed day into any sinking fund which the council were required to establish for the purposes of any loan transferred to the county council under the last foregoing subsection but not so paid shall be a debt due from the district council to the county council.
- (3) In the case of a road in respect of which before the appointed day an urban district council have claimed or are deemed to have claimed to exercise the functions of maintenance and repair, the county council shall from time to time repay to the district council such sums as are required to meet any loan charges falling due on or after the appointed day in respect of loans raised before that day for the purposes of the road or the improvement thereof.
- (4) So much of any sum paid or payable to a district council under the Local Government (Adjustments) Act, 1913, or otherwise by way of adjustment on alteration of boundaries or other change, as represents compensation to the council in respect of the increase of the burden on the ratepayers in meeting the cost incurred by that council in the execution of their functions in respect of roads to which this section applies and has not, on the appointed day, been exhausted or applied in or towards the discharge of liabilities transferred to the county council under this section or which would have been so transferred if undischarged, shall, in the case of a sum paid or payable to the district council by another district council within the county, be repaid to that council, and in any other case be paid to the county council.

The sum payable by a district council to another council under this subsection shall be of such amount as may be agreed between those councils, or, in default of agreement, determined by an arbitrator appointed by the Minister, and shall be paid either by a single payment or by annual instalments, as may be determined by agreement between the councils or by such arbitrator as aforesaid, and if paid by a single payment, the payment shall be a purpose for which the district council may borrow under the Public Health Acts, 1875 to 1926.

For the purposes of this subsection, unless the arbitrator for special reasons otherwise determines, a sum paid to a district council by way of such adjustment as aforesaid shall be deemed to be exhausted at the expiration of a period of twenty years from the date on which the alteration of boundaries or other change took effect, and if the sum was payable by instalments one-twentieth part shall be deemed to have been paid to the council in respect of each year during that period.

- (5) As respects any council whose district extends into more than one county, this section shall have effect as if references therein to the county council included references to the councils of the several counties, and the property and liabilities transferred by this section and any sum payable thereunder shall be apportioned between them, by agreement between the county councils or in default of agreement by the Minister, in proportion to the reduced rateable values of the parts of the district within the several counties.
- (6) Any question as to the property or liabilities transferred from or to any council under this section shall be determined by the Minister, whose decision shall be final and conclusive.
- (7) Any capital sum paid to a county council under this section shall be treated as capital, and applied with the sanction of the Minister either in repayment of debt or for any other purpose for which capital money may be applied.

- (8) Where any person or authority, other than a rating authority, receives any income applicable to the repair or maintenance of roads in any parish or other area, that person or authority shall pay over the income so received (less the amount of any expenses properly incurred in connection therewith) to the rating authority for the county borough or district in which that parish or area is situate, to be credited to that parish or area.

### **118 Transfer of quarries, plant, materials and depots.**

- (1) The council of every county shall, on the appointed day, take over—
- (a) if desired by the council of any urban district within the county (not being a council who have claimed or are deemed to have claimed to exercise the functions of maintenance and repair of county roads within their district), any quarry belonging to the district council in their capacity as highway authority, together with any fixed plant therein; and
  - (b) if desired by the council of any rural district within the county, any quarry, plant or materials belonging to the district council in their capacity as highway authority, or any depots used by the district council exclusively in that capacity,

and shall pay therefor such sum as may be agreed upon, or, in default of agreement, as may be determined by an arbitrator appointed by the Minister; but the district council shall, save in so far as may be otherwise agreed between them and the county council, remain subject to any liabilities contracted in respect of any such quarry, plant, material or depots.

- (2) Where in pursuance of Part III of this Act a district council relinquish, or a county council determine the delegation of, any functions with respect to the maintenance, repair or improvement of, or other dealing with, any road, the last foregoing subsection shall apply as if the date on which the relinquishment or determination takes effect were the appointed day and, in the case of a rural district council, as if the rural district council had on that date been a highway authority.
- (3) Where a district extends into more than one county, the obligation under this section shall be undertaken by such one of the county councils or partly by one such council and partly by another as may be agreed between the councils concerned, or as in default of agreement may be determined by the Minister.
- (4) Any capital sum paid to a district council under this section shall be treated as capital, and applied with the sanction of the Minister either in repayment of debt or for any other purpose for which capital money may be applied.