



Local Government Act 1929

1929 CHAPTER 17

PART VIII

GENERAL.

127 Information to be given by poor law authorities and district councils to county councils.

- (1) It shall be the duty of every poor law authority to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the council of any county or county borough for the purpose of enabling them to discharge the functions transferred to them under Part I. of this Act.
- (2) It shall be the duty of every district council to furnish, and to instruct their officers to furnish, any information in their power which may reasonably be required by the council of any county for the purpose of enabling them to discharge their functions under Parts III. and IV. of this Act.

128 Expenses, lending and borrowing.

- (1) Save as otherwise expressly provided by this Act or by any scheme made thereunder for the provision of hospital accommodation for the treatment of infectious disease, the expenses of the council of a county or county borough under this Act shall be defrayed—
 - (a) in the case of a county council, as expenses for general county purposes;
 - (b) in the case of a county borough council, in like manner as general expenses in the execution of the Public Health Acts, 1875 to 1926;and the provisions of the Poor Law Act, 1927, limiting the time within which debts incurred by boards of guardians are to be paid shall not apply to county councils or county borough councils.
- (2) The council of any county or county borough in Wales or Monmouthshire may, with the consent of the Minister, lend to the King Edward the Seventh Welsh National Memorial Association any money required by that association for the purposes

of capital expenditure which that association has power to borrow, subject to any conditions which the Minister may impose.

- (3) The council of a county or county borough may borrow for the purposes of this Act—
- (a) in the case of the London County Council, under and in accordance with the London County Council (Finance Consolidation) Act, 1912, as amended by any subsequent enactment, and in the case of any Other county council, under and in accordance with section sixty-nine of the Local Government Act, 1888, as amended by this Act;
 - (b) in the case of the council of a county borough, as for the purposes of the Public Health Acts, 1875 to 1926.

129 Provisions as to inquiries.

- (1) The Minister of Health may direct any inquiries to be held by his inspectors which he may deem necessary for the purposes of this Act, and such inspectors shall for the purposes of any inquiry have all such powers as they have for the purposes of inquiries directed by him under the Poor Law Act, 1927.
- (2) The Minister of Transport may hold inquiries for the purposes of this Act, including appeals to him thereunder, as, if those purposes were purposes of the Ministry of Transport Act, 1919, and section twenty of that Act shall apply accordingly.
- (3) The Secretary of State may hold inquiries for the purposes of the provisions of this Act relating to the review by county councils of electoral divisions as if those purposes were purposes of section fifty-four of the Local Government Act, 1888, and subsection (1) of section eighty-seven of that Act shall apply accordingly.
- (4) Where the Secretary of State or either such Minister causes any such inquiry as aforesaid to be held, the costs incurred by him in relation to that inquiry (including such reasonable sum not exceeding five guineas a day as he may determine for the services of any inspector or officer engaged in the inquiry) shall be paid by such council or person as the Secretary of State or Minister concerned may direct, and the Secretary of State or Minister concerned may certify the amount of the costs so incurred and any amount so certified and directed by him to be paid by any council or person shall be a debt due to the Crown from that council or person.

130 Power to remove difficulties.

- (1) If any difficulty arises in connection with the application of this Act to any exceptional area, or in bringing into operation any of the provisions of this Act, the Minister may make such order for removing the difficulty as he may judge to be necessary for that purpose, and any such order may modify the provisions of this Act so far as may appear to the Minister necessary for carrying the order into effect:

Provided that the Minister shall not exercise the powers conferred by this section after the thirty-first day of December, nineteen hundred and thirty.

- (2) Every order made under this section shall come into operation upon the date specified therein in that behalf, but shall be laid before Parliament as soon as may be after it is made and shall cease to have effect upon the expiration of a period of three months from the date upon which it came into operation, unless at some time before the expiration of that period it has been approved by a resolution passed by each House of Parliament:

Provided that, in reckoning any such period of three months as aforesaid, no account shall be taken of any time during which Parliament is dissolved or prorogued, or during which both Houses are adjourned for more than four days.

- (3) In this section the expression " exceptional area " includes any poor law area which is not wholly comprised within one county or county borough, any district which is not wholly comprised within one county, or which is administered by the council of an adjoining district in another county, any parish which is not wholly comprised within one county, county borough or district, or which is not within the same district for municipal and sanitary purposes, and any area which enjoys or is subject to any special privilege, exemption or liability in respect of rating or valuation.

131 Provisions as to orders, schemes, and regulations.

- (1) Any order or scheme made under this Act may contain such incidental, consequential or supplemental provisions as may appear necessary or proper for the purposes of the order or scheme.
- (2) Except as otherwise expressly provided by this Act, any order or scheme made under this Act may be altered or revoked by an order or scheme made in like manner and subject to the like provisions as the original order or scheme:

Provided that—

- (a) any scheme in operation under Part VI of this Act during any fixed grant period may be altered or revoked by a subsequent scheme made at any time before the end of that period; and
- (b) if, on the failure of a council to submit a scheme within the time allowed by this Act, a scheme has been made by the Minister, or a scheme has been made by the Registrar-General and approved by the Minister, the scheme so made may be altered or revoked by a scheme made in like manner as the original scheme or by a scheme submitted by the council in question and approved by the Minister.
- (3) Where any order (other than an order made under the last foregoing section or under Part IV of this Act) or any regulations are by this Act required to be laid before Parliament, the order or regulations shall be laid on the Table of both Houses of Parliament, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order or regulation has been laid before it praying that the order or regulation may be annulled, the order or regulation shall be annulled and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new order or regulation.

132 Transitory provisions and adaptation of enactments.

- (1) The provisions set out in the Ninth Schedule to this Act (which relate to transitional and temporary matters) shall have effect for the purposes of this Act.
- (2) The enactments mentioned in the Tenth Schedule to this Act shall have effect subject to the adaptations specified in that Schedule and the said adaptations shall, save as in that Schedule otherwise expressly provided, come into operation as from the appointed day.

133 Special temporary provisions for adjustment of reduced and unreduced rateable value.

Where a valuation list in force on the first day of October, nineteen hundred and twenty-nine, is amended with respect to any hereditament on the ground that it was or was not on that date an agricultural, industrial, or freight transport hereditament, then, whether or not the amendment has under this Act retrospective effect for other purposes, the reduced and unreduced rateable value of the hereditament shall, if—

- (a) in the county of London the provisional list by which the amendment was made was sent to the assessment committee before the first day of October, nineteen hundred and thirty, or sent to them in compliance with a requisition served on the rating authority before that date; or
- (b) elsewhere, the proposal for the amendment was served on the rating authority or, as the case may be, notified to the occupier or owner of the hereditament before the first day of October, nineteen hundred and thirty;

be ascertained for the purposes of all the provisions of this Act, except section one hundred and twelve thereof, as if the amendment had been made immediately before the first day of October, nineteen hundred and twenty-nine.

134 Definitions.

In this Act unless the context otherwise requires—

" Appointed day " means the first day of April, nineteen hundred and thirty, except that for the purposes of Part V of this Act it means the first day of October, nineteen hundred and twenty-nine:

" Appropriate percentage " means as respects the first and second fixed grant periods seventy-five per cent., as respects the third fixed grant period fifty per cent., and as respects the fourth fixed grant period twenty-five per cent.:

" Appropriate year " means as respects the first fixed grant period the standard year, and as respects any subsequent fixed grant period the last year of the preceding fixed grant period :

" Certified " means—

in relation to roads or road grants, certified by the Minister of Transport :

in relation to the number of unemployed insured men or women, certified by the Minister of Labour: in relation to any other matter, certified by the Minister of Health or such district auditor or officer of the Ministry of Health as he may appoint for the purpose :

" Classified road " means a road classified by the Minister of Transport under the Ministry of Transport Act, 1919, in Class I or Class II, or in any class declared by him to be not inferior to those classes for the purposes of this Act:

" County " means an administrative county, but does not include a county borough:

" County bridge " includes any bridge which a county council are liable to repair, except a bridge which they are liable to repair only by reason of the facts that the bridge is repairable by the inhabitants at large and that the road carried by the bridge is, for the time being, a county road:

" County of London " means the administrative County of London:

" District " means county district, that is to say, a non-county borough or other urban district or a rural district:

Status: This is the original version (as it was originally enacted).

" Drainage rate " means any rate which is assessed under any commission of sewers or in respect of any drainage, wall, embankment or other work for the benefit of the land:

" Enactment " includes any public general, local or private Act and any rule, regulation, byelaw order, or award made under any Act:

" Estimated population " and " estimated number " of children under five years of age per thousand " of the estimated population " mean in relation to any year, the population or number as estimated by the Registrar-General for the calendar year in which the year in question begins:

" Functions " includes powers and duties:

" Gross annual value for income tax purposes " means the annual value for the time being in force for the purposes of income tax under Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment:

" Local Act " includes a Provisional Order confirmed by Act of Parliament:

" Losses on account of grants " means such losses calculated in accordance with the rules set out in Part II. of the Fourth Schedule to this Act:

" Losses on account of rates " means such losses calculated in accordance with the rules set out in Part I. of the Fourth Schedule to this Act:

" Minister " means the Minister of Health:

" Net annual value for income tax purposes " means the gross annual value for income tax purposes as reduced for the purpose of collection in accordance with the provisions of Rule 7 of No. V. of Schedule A of the Income Tax Act, 1918, as amended by any subsequent enactment:

" Officer " includes servant:

" Parish rate " means a rate or an additional item of a rate levied to defray the expenses of a parish council or parish meeting other than expenses defrayed out of a special rate, and also includes any additional item of the general rate which by virtue of section three of the Rating and Valuation Act, 1925, is to be levied in lieu of a special rate :

" Poor law authority " means a board of guardians, the board of management of a school district, an asylum board, and a joint committee constituted under section three of the Poor Law Act, 1927, or the corresponding provision of any Act repealed by that Act:

" Poor law area " means, in relation to a board of guardians, the poor law union, in relation to the board of management of a school district, the school district, in relation to an asylum board, the asylum district, and in relation to a joint committee, the combination of poor law unions for which the joint committee acts:

" Prescribed " means, save as otherwise expressly provided in Part II of this Act, prescribed by regulations made by the Minister under this Act:

" Property " and " liabilities " have the same meanings as in the Local Government Act, 1888 :

" Public health services " includes services relating to maternity and child welfare, lunacy and mental deficiency, and the welfare of the blind:

" Rate " has the same meaning as in the Rating and Valuation Act, 1925:

" Rating area " has the same meaning as in the Rating and Valuation Act, 1925:

" Reduced rateable value " means, subject to the provisions of the last foregoing section, in relation to any hereditament, the rateable value thereof

Status: This is the original version (as it was originally enacted).

according to the valuation lists in force on the first day of October, nineteen hundred and twenty-nine, and in relation to any area the aggregate of such rateable values of all the hereditaments in the area:

" Registration Acts " means the Births and Deaths Registration Acts, 1836 to 1926, and the Marriage Acts, 1811 to 1898 :

" Registration officer " means, for the purposes of Part II and Part VII of this Act, any superintendent registrar and registrar of births and deaths :

" Road " means a highway repairable by the inhabitants at large, and, save as in this Act otherwise expressly provided, includes any bridge so repairable carrying the road, and " improvement " in relation to a road includes the fixing of a building line or improvement line under any enactment:

" Road officer " means an officer employed as the road surveyor of a highway authority or employed under the control of such a surveyor in the surveying, making, maintenance or repair of roads:

" Separately rated area " means any parish, part of a parish or place which is either a contributory place or an area otherwise subject to separate or differential rating (other than differential rating which is not of a permanent character), or as respects any county borough or any district in which there is no such parish or part of a parish or place, means the county borough or the district, as the case may be:

" Sinking fund " includes any fund for the redemption of debt:

" Special rate " means a special rate as defined in section three of the Rating and Valuation Act, 1925:

" Spending authority " means the council of a county, county borough or district, the common council of the City of London, the council of a metropolitan borough, or a board of guardians:

" Standard year " means the year beginning on the first day of April, nineteen hundred and twenty-eight, and ending on the thirty-first day of March, nineteen hundred and twenty-nine:

" Transferred officer " means an officer who by virtue of this Act is in respect of any office transferred from one authority to another :

" Transferred services " means the services in respect of which functions are transferred to councils by Parts I and III of this Act:

" Unemployed insured men " and " unemployed insured women " mean, respectively, men and women of or over the age of eighteen years being insured contributors under the Unemployment Insurance Acts, 1920 to 1928, who are for the time being recorded as being unemployed for the purpose of the returns of unemployment made by the Minister of Labour :

" Unreduced rateable value " means, subject to the provisions of the last foregoing section, in relation to any hereditament what would have been the rateable value thereof on the first day of October, nineteen hundred and twenty-nine, if that rateable value had been calculated in accordance with the enactments which were in force immediately before the commencement of this Act, but on the assumption that the net annual value of the hereditament was the net annual value thereof as on the said first day of October; and in relation to any area the aggregate of such rateable values of all the hereditaments in the area:

" Water-rate " means any rate or other charge payable by consumers for the supply of water:

" Weighted population " means in relation to any county or county borough, the weighted population calculated in accordance with the rules set out in Part III. of the Fourth Schedule to this Act.

135 Declaration of intention as to future increases of local expenditure.

It is hereby declared that it is the intention of this Act that, in the event of material additional expenditure being imposed on any class of local authorities by reason of the institution of a new public health or other service after the commencement of this Act, provision should be made for increased contributions out of moneys provided by Parliament.

136 Transmission of benefit of rate-relief in respect of freight transport hereditaments.

- (1) Whereas it is intended that occupiers of freight transport hereditaments, lands and heritages should allow rebates from, or make reductions in, the charges made by them in connection with the user of such hereditaments, lands and heritages for transport purposes, corresponding to the relief from rates due to the operation of Part V of this Act and of any corresponding enactment extending to Scotland:

Now, therefore—

- (a) the provisions set out in the Eleventh Schedule to this Act shall have effect for the purpose of securing that such rebates as aforesaid are allowed in respect of certain selected traffics by the companies to which that Schedule applies; and
- (b) the power of the Minister of Transport under any enactment, whether passed before or after the commencement of this Act, to revise the rates of the charges made by any person in connection with any canal or dock undertaking shall be deemed to include power to make provision for the allowance of rebates from, or the making of reductions in, such charges corresponding as nearly as may be to the relief from rates due to the operation of Part V of this Act and of any such corresponding enactment as aforesaid in respect of any freight transport hereditaments, lands and heritages occupied and used for canal transport purposes or dock purposes as part of that undertaking.
- (2) In this section the expressions " freight transport hereditaments, lands and heritages, " " transport purposes, " " canal undertaking, " " dock undertaking, " " canal transport purposes " and " dock purposes " have the same meanings as in the Rating and Valuation (Apportionment) Act, 1928.
- (3) This section and the said Eleventh Schedule shall extend to Great Britain.

137 Repeals.

The enactments mentioned in the Twelfth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, the repeals effected by each of the several Parts of that Schedule being consequential on the provisions of the corresponding Part of this Act:

Provided that the repeal of the enactments mentioned in Parts I, III, V, VI, and VII of that Schedule shall not take effect until the date fixed as the appointed day for the corresponding Part of this Act.

138 Short title and extent.

- (1) This Act may be cited as the Local Government Act, 1929.
- (2) This Act shall not (except the provisions thereof relating to the cattle pleuro-pneumonia account and the transmission of the benefit of rate relief in respect of freight transport hereditaments) extend to Scotland, and shall not extend to Northern Ireland.
- (3) The Minister may by order direct that this Act shall, subject to such exceptions, adaptations and modifications, if any, as may be specified in the order, extend to the Isles of Scilly, but except as so applied this Act shall not extend to the said Isles.

The Minister may by any such order amend or repeal any provisions contained in the order relating to the Isles of Scilly, which was confirmed by the Local Government Board's Provisional Order Confirmation (No. 6) Act, 1890.

- (4) The Minister may by order direct that the provisions of Part III of this Act and such other provisions of this Act as relate to the property, liabilities, and officers of highway authorities shall, subject to such exceptions, adaptations, and modifications, if any, as may be specified in the order, extend to the administrative county of the Isle of Wight, and any such order may amend or repeal any provision contained in the Isle of Wight (Highways) Act, 1925; but, except as so applied, the said provisions of this Act shall not extend to the said county.