



Civic Restaurants Act 1947

1947 CHAPTER 22

3 Financial provisions.

- (1) Every civic restaurant authority shall keep an account of their income, under this Act and their expenditure under this Act on income account, and the form of the account and the particulars to be included therein shall be prescribed by the Minister of Food, after consultation with such associations of local authorities as appear to him to be concerned.
- (2) Every civic restaurant authority shall use their best endeavours to ensure that their income under this Act is sufficient to defray their expenditure thereunder and if the account kept by any such authority under the last foregoing subsection shows a deficit in respect of each of three consecutive financial years, the said powers shall cease to be exercisable by that authority at the expiration of six months from the end of the last of those years :

Provided that—

- (a) if the Minister of Food considers that a civic restaurant authority whose account shows such a deficit as aforesaid will, within a reasonable period, be able to defray their expenditure under this Act out of their income thereunder, he may, subject to such conditions as he thinks fit, postpone or exclude the operation of this subsection as respects that deficit ;
 - (b) if the Minister of Food considers that a civic restaurant authority whose powers have ceased to be exercisable by virtue of this subsection would, by reason of any change of circumstances, be able to defray their expenditure under this Act out of their income thereunder, if the said powers were restored, he may direct that the said powers shall again become exercisable and that this subsection shall have effect as if they had not previously been exercised.
- (3) Any expenses incurred under this Act by the council of a county in England or Wales, other than the administrative county of London, shall be treated as expenses incurred for a special county purpose and chargeable on the county district or county districts for the benefit of which those expenses are incurred, and all receipts of the county council in exercising powers under this Act shall be treated as receipts for that special county purpose.

Status: This is the original version (as it was originally enacted).

- (4) Any expenses incurred under this Act by the Common Council of the City of London shall, in so far as they cannot be defrayed out of the receipts of the Council under this Act be defrayed out of the general rate.
- (5) Any expenses incurred under this Act by a civic restaurant authority in Scotland shall, in so far as they cannot be defrayed out of the receipts of the authority under this Act, be defrayed by the authority, or, where the authority are exercising delegated powers and so agree with the county or town council by whom the powers are delegated, by that county or town council, out of such rate payable by owners and occupiers in equal proportions as the authority or the council may determine and any excess of such receipts over such expenses shall be applied in reduction of that rate.
- (6) Expenditure incurred by a district council under this Act shall not be taken into account in any calculation as to the limit imposed on the district council rate by section twenty-six of the Local Government (Scotland) Act, 1929.
- (7) A civic restaurant authority in Scotland who incur expenditure under this Act or a county or town council on whose behalf expenditure is incurred by a civic restaurant authority in the exercise of delegated powers may, subject to the provisions of subsection (2) of section twenty-three of the Local Government (Scotland) Act, 1929, borrow such sums as may be required to meet any expenditure of a capital nature, or the cost of executing any work, or providing any plant or equipment, or doing any other thing where, having regard to the nature of the work, plant, equipment or thing, the cost ought to be spread over a period of years :

Provided that—

- (a) sums so borrowed shall be repaid within such period not exceeding sixty years as the Secretary of State may determine ;
- (b) nothing in this subsection shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the Local Authorities Loans Act, 1945, of any Defence Regulation within the meaning of the Supplies and Services (Transitional Powers) Act, 1945, for the time being having effect by virtue of that Act, and of any orders for the time being in force, made by the Treasury under section one of the Borrowing (Control and Guarantees) Act, 1946.