



Local Government Act 1948

1948 CHAPTER 26

PART VIII

GENERAL.

140 Compensation to officers.

- (1) The Minister shall by regulations provide for the payment by the appropriate authority, subject to such exceptions or conditions as may be specified in the regulations, of compensation to persons who are, or who, but for any war service in which they have been engaged, would be, officers or servants of any rating authority, any joint committee of rating authorities, any assessment committee, any county valuation committee, any council of a county, the quarter sessions for the County of London, the Central Valuation Committee, the Railway Assessment Authority or the Anglo-Scottish Railways Assessment Authority, who suffer loss of employment or loss or diminution of emoluments which is attributable to the coming into force of any Part of this Act.
- (2) Any such regulations may include provision as to the manner in which and the persons to whom any claim for compensation under this section is to be made, and for the determination of all questions arising under the regulations.
- (3) The appropriate authority referred to in subsection (1) of this section is—
 - (a) in the case of officers or servants of a rating authority, the rating authority ;
 - (b) in the case of officers or servants of a joint committee of rating authorities, all the rating authorities represented on that committee in proportion to the rateable values of their rating areas on the thirty-first day of March, nineteen hundred and forty-eight;
 - (c) in the case of officers or servants of an assessment committee, the rating authority for the assessment area of that committee, or, where the assessment area consists of more than one rating area, all the rating authorities in that assessment area in proportion to the rateable values of their rating areas on the thirty-first day of March, nineteen hundred and forty-eight;

- (d) in the case of officers or servants of a council of a county or of a county valuation committee, the council of the county ;
 - (e) in the case of officers or servants of the quarter sessions for the County of London, the London County Council; and
 - (f) in the case of officers or servants of the Central Valuation Committee, the Railway Assessment Authority and the Anglo-Scottish Railways Assessment Authority, the Minister.
- (4) In this section, the expression " war service " means service in any of His Majesty's forces and such other employment as may be prescribed by regulations of the Minister.

141 Payments to councils to be for general expenditure.

- (1) Any sums received under Part I or Part V of this Act—
- (a) by the council of a county in England or Wales, shall be receipts for general county purposes ;
 - (b) by the council of a county borough, of any other borough (including a metropolitan borough) or of an urban district, shall be receipts for the benefit of the whole of the borough or district;
 - (c) by the council of a rural district, shall be receipts in respect of general expenses ; and
 - (d) by the council of a rural parish or of a group of rural parishes, or by a parish meeting or the representative body of a parish, shall be receipts in respect of expenses in relation to which a precept is issuable in respect of the whole of the parish or group of parishes.
- (2) The reference in subsection (1) of this section to sums received by any council includes a reference to sums the payment whereof is effected by making a deduction from the amount due under a precept.

142 Provisions as to statutory instruments under this Act.

- (1) Any power to make regulations conferred by this Act shall be exercisable by statutory instrument, and any such statutory instrument shall be subject to annulment in pursuance of a resolution of either House of Parliament :

Provided that this subsection shall not apply where, under any of the preceding provisions of this Act, a power to make regulations is expressed to be exercisable by statutory instrument and either—

- (a) the instrument is required to be laid before Parliament after it is made ; or
 - (b) a draft of the instrument is required to be laid before Parliament.
- (2) Any power to make orders conferred by this Act shall be exercisable by statutory instrument.

143 Expenses.

- (1) There shall be paid out of moneys provided by Parliament—
- (a) the remuneration of, and any expenses incurred by, valuation officers in carrying out their functions under Part III of this Act, including the remuneration and expenses of persons, whether in the service of the Crown

- or not, employed to assist valuation officers in the exercise of their said functions ;
- (b) any administrative expenses incurred by the Minister or the Secretary of State under this Act and any compensation payable by the Minister thereunder in the case of officers or servants of the Central Valuation Committee ;
 - (c) any expenses incurred by the Minister of Works as a consequence of the passing of this Act, including, in particular, any expenses incurred by him under or by reason of any provision of this Act relating to the acquisition of premises.
- (2) Any expenses incurred under this Act by the common council of the City of London shall be defrayed out of the general rate authorised to be levied by the council.

144 Interpretation.

- (1) In this Act, except so far as the contrary is expressly provided or the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
- " Minister " means the Minister of Health ;
 - " local authority " means the council of a county, county borough, metropolitan borough or county district, or the Common Council of the City of London ;
 - " year " means a period of twelve months beginning with the first day of April;
 - " rating area ", " rate ", " owner ", " hereditament " and " clerk " have (in relation to London as well as the remainder of England and Wales) the meanings assigned to them by section sixty-eight of the Rating and Valuation Act, 1925 ;
 - " garden " includes a park ;
 - " railway " includes a light railway and a tramway authorised to be constructed by any special Act, other than a light railway or tramway laid wholly or mainly along a public highway and used wholly or mainly for the carriage of passengers ;
 - " inland waterway " includes any such waterway, whether natural or artificial ;
 - " statutory provision " means a provision, whether of a general or special nature, contained in, or in any document made or issued under, any Act, whether of a general or special nature.
- (2) Any reference in this Act to the rateable value for an area for a year shall be construed as a reference to the total of rateable values shown on the first day of that year in the valuation list in force on that day for that area, or, where there is more than one rating area in that area, to the aggregate of the totals of rateable values shown as aforesaid in the valuation lists for all the rating areas within the area:

Provided that—

- (a) where any alteration required to be made under Part V of this Act in the said lists is made after the date as from which, under the said Part V, it has effect, account shall be taken thereof for the purposes of this subsection as if it had been made in the lists as in force on that date ;
- (b) as respects any rating area in London, the references in this subsection to the first day of the year shall, in relation to the first year in which the first new

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

valuation list made under Part III of this Act is in force, and previous years, be construed as references to the sixth day of April in that year.

- (3) Any reference in this Act to the product of a rate of a specified sum in the pound for any area shall be construed as a reference to the aggregate of the product of a rate of one penny in the pound for all the rating areas within the area multiplied by the number of pence in the said sum.
- (4) The product of a rate of one penny in the pound for a rating area shall, for the purposes of this Act, be taken to be the product of a penny rate for that area as ascertained or estimated for the purpose of subsection (2) of section nine of the Rating and Valuation Act, 1925 :

Provided that—

- (a) in the case of an area in London, the product of a penny rate for the area shall, as respects years as respects which the said subsection (2) does not extend to London, be taken to be the product of a penny rate for the area as ascertained or estimated by the district auditor in accordance with the principles for the time being applicable outside London to the ascertainment and estimation of the product of a penny rate for the purposes of the said section nine ;
- (b) nothing in this, subsection detracts from the provisions of this Act enabling the Minister to make regulations as respects the way in which payments for the benefit of local authorities under Part V of this Act are to be treated.
- (5) Any reference in this Act to the aggregate gross charge to rates for any year for any area shall be construed as a reference to the total of the amounts required to be paid by virtue of all the rates made by all the authorities in the area for the year or any part thereof, calculated as if, in the case of each hereditament, the amount payable were that ascertained by applying the poundage of the rate to the rateable value of the hereditament, without any allowance or deduction.
- (6) In this Act, the expression 1947-48 means the year ending on the thirty-first day of March, nineteen hundred and forty-eight, and any corresponding expression in which two years are similarly mentioned means the year ending on the thirty-first day of March in the second mentioned of those two years.
- (7) In this Act, the expression " the North of Scotland District " means, as respects any period up to and including the vesting date within the meaning of the Electricity Act, 1947, the North of Scotland District as existing on that date for the purposes of that Act, and, as respects any subsequent period, means that District as for the time being existing for the purposes of that Act.
- (8) Any references in this Act to a local authority in a county shall be construed as including only local authorities whose areas form part of the county.
- (9) Any reference in this Act to the alteration of a valuation list or draft valuation list includes a reference to the insertion in the list or draft list, or the omission from the list or draft list, of any hereditament, and references to the alteration of the valuation list with respect to a hereditament shall be construed accordingly.
- (10) Except so far as the context otherwise requires, any reference in this Act to any other enactment shall be construed as a reference to that enactment as amended, extended or applied by or under any other enactment, including this Act.

145 Application to Scotland.

- (1) This Act in its application to Scotland shall have effect subject to the modifications specified in this section.
- (2) The following expressions shall, except so far as the contrary is expressly provided or the context otherwise requires, have the meanings hereby assigned to them, that is to say—
 - " large burgh " and " small burgh " have the like meanings as in the Local Government (Scotland) Act, 1947 ;
 - " local authority " means a county or a town council;
 - " rate " has the same meaning as in the Local Government (Scotland) Act, 1947, but except in Part V of this Act, does not include a rate levied as a domestic water rate ;
 - " rating authority " has the like meaning as in Part XI of the Local Government (Scotland) Act, 1947.
- (3) For any reference to a valuation list there shall be substituted a reference to a valuation roll; for any reference to rates made there shall be substituted a reference to rates levied ; for any reference to a hereditament there shall be substituted a reference to lands and heritages within the meaning of the Lands Valuation (Scotland) Act, 1854 ; and for references to the thirty-first day of March and to the first day of April there shall (except in relation to the abolition of the authorities created by the Railways (Valuation for Rating) Act, 1930) be respectively substituted references to the fifteenth and to the sixteenth days of May.
- (4) Subject to the provisions of subsection (2) of section eighty-five of this Act, any reference to the rateable value for an area for a year shall be construed as a reference to the rateable value shown in the valuation roll for that area in force on the first day of that year or, if the area comprises more than one area for valuation purposes, to the total of the rateable values shown in the roll in force as aforesaid for any part of the area.
- (5) The product of a rate of a specified sum in the pound for any area shall be the amount bearing the same proportion to the product of the rate for the area in question as the specified sum bears to the amount in the pound of the rate levied in that area.

For the purposes of this subsection—

 - (a) the product of a rate for an area for any year shall be deemed to be the amount actually realised during that year by the collection of the rate in that area; and
 - (b) where two or more parts of an area are differentially rated the product of a rate of a specified sum in the pound shall be separately ascertained for each part thereof in accordance with the foregoing provisions of this subsection and the sum of those amounts shall be the product of a rate of the specified sum in the pound for the rating area.
- (6) In ascertaining the product of a rate of a specified sum in the pound for any area, it shall be assumed that the sum is divisible between owners and occupiers in the same proportion as the rate levied in that area.
- (7) For the purposes of this Act, any contribution made by the Crown in aid of rates in respect of any lands and heritages owned by the Crown or occupied by or on behalf of the Crown for public purposes shall be treated as money paid as rates.

146 Application to Isles of Scilly.

The provisions of this Act shall, in relation to the Isles of Scilly, have effect subject to such modifications as the Minister may by order direct, and any order under this section may be revoked or varied by any subsequent order.

147 Repeals.

- (1) Subject to the provisions of this section, the enactments specified in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (2) The repeal of the enactments specified in Part I of the said Schedule shall apply only as respects the year 1948-49 and subsequent years, and, in the case of the repeal in section one hundred and fifty-two of the Local Government Act, 1933, and the repeal of section one hundred and forty-two of the Local Government (Scotland) Act, 1947, shall not affect any adjustments to which those sections respectively apply made in respect of any increase of burden due to an alteration of boundaries or other change taking place before the beginning of the year 1948-49.
- (3) The repeal of the enactments specified in Part II of the said Schedule shall have effect as from such day or days as the Minister may by order appoint and different days may be appointed for different enactments, and different purposes of the same enactment, and for different rating areas.
- (4) The repeal of the enactments specified in Part III -of the said Schedule shall have effect as from the first day of April, nineteen hundred and forty-eight.
- (5) The repeal of the enactments specified in Part IV of the said Schedule shall have effect as from the first day of April, nineteen hundred and forty-eight, but shall not apply in relation to any warrant issued by the Commissioner of Police of the Metropolis under any of the said enactments in respect of any period ending before the said day.
- (6) The repeal of the enactments specified in Part V of the said Schedule shall have effect as from the passing of this Act :

Provided that—

- (a) the repeal of such of the said enactments as relate to expenses of members of local authorities and other bodies shall not affect any expenses incurred before the date of the passing of this Act; and
- (b) the repeal of subsection (4) of section one hundred and seventeen of the London Government Act, 1939, shall not affect any precept of the London County Council in respect of any period beginning before the first day of April, nineteen hundred and forty-eight.

148 Short title and extent.

- (1) This Act may be cited as the Local Government Act, 1948.
- (2) This Act shall not extend to Northern Ireland.