



Civil Defence Act 1939

1939 CHAPTER 31

PART VIII

MISCELLANEOUS.

73 Power to transfer functions of defaulting authority.

- (1) If the Minister is satisfied after holding a local inquiry that any local authority have failed to discharge any functions which they are required to discharge by or under this Act or the Act of 1937, he may, in lieu of enforcing the discharge of those functions by mandamus or otherwise—
 - (a) if the defaulting authority are the council of a county district, make an order transferring the functions to the county council;
 - (b) in any case, make an order transferring the functions to himself.
- (2) The provisions of sections three hundred and twenty-three, three hundred and twenty-four and three hundred and twenty-five of the Public Health Act, 1936, (which relate to the exercise of default powers) shall apply to orders under this section as they apply to the orders mentioned in those sections, subject to the following adaptations, that is to say :—
 - (a) the references to a council shall include references to the London County Council, the common council of the city of London and the council of a metropolitan borough;
 - (b) for the references to the Minister of Health there shall be substituted references to the Minister.
- (3) The provisions of subsections (2), (3), (4) and (5) of section two hundred and ninety of the Local Government Act, 1933, shall apply to any inquiry held under this section as they apply to local inquiries held under that section with the substitution for the references to the department of references to the Minister.
- (4) Where any order has been made under this section transferring the functions of a defaulting authority to the Minister or the council of any county, the Minister or the said council may agree with the defaulting or any other local authority that the services

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of any officer of that authority shall be placed at the disposal of the Minister or county council for such period not exceeding the duration of the order and on such terms as may be specified in the agreement for the purposes of assisting the Minister or the county council to discharge those functions.

- (5) The service of an officer under the Minister in pursuance of any such agreement shall be deemed to be service under the authority with whom the agreement is made for the purpose of the Local Government Superannuation Act, 1937, or of any other Act (including any local Act) relating to the superannuation of any employees of the authority, or of any scheme under any of those Acts.
- (6) Any expenses paid by or recovered from a defaulting authority by virtue of the application of the provisions of the said sections three hundred and twenty-three or three hundred and twenty-four, shall not be approved under the Act of 1937 so as to be approved expenditure incurred by that authority for the purposes of that Act.
- (7) In relation to the functions of a local authority under Part VII of this Act, the references in this section to the Minister shall be construed as references to the Minister of Health and paragraph (b) of subsection (2) shall not apply.