



# Housing, Town Planning, &c. Act 1919

## 1919 CHAPTER 35

### PART I

#### HOUSING OF THE WORKING CLASSES

*Power of County Councils and Local Government Board to act in place of Local Authorities*

#### **3 Power to authorise county council to act in place of local authority**

- (1) Where the Local Government Board are satisfied that a local authority have failed or are not prepared to fulfil their obligations as to the preparation of schemes under this Act, or their obligations under any such scheme, or that for any other reason it is desirable that any such obligation should be performed by the county council instead of by the local authority, the Board, after considering the circumstances of the case and giving the local authority and the county council an opportunity of being heard, may, if they think fit, by order, transfer to the council of the county, in which the district of the local authority is comprised, the obligation to prepare and carry out a scheme, or to carry out in whole or in part the provisions of a scheme prepared by the local authority.
- (2) Where the Board make an order under this section, the order may, for the purpose of enabling the county council to give effect to the order, apply any of the provisions of the Housing Acts or section sixty-three of the Local Government Act, 1894, with such modifications and adaptations as appear necessary or expedient:

Provided that the local authority shall be entitled to appeal to the Local Government Board if, in their opinion, the amount of the expenses, which the county council require them to defray or propose to charge against their district, is excessive or unreasonable, or against any refusal by a county council to make an order under the said section sixty-three vesting in the local authority all or any of the powers, duties, property, debts, and liabilities of the county council in relation to the powers transferred to them, and upon any such appeal the Board may make such order as they may deem just, and an order so made shall be binding on the county council and the local authority.

- (3) This section shall apply in cases where a joint scheme has been, or in the opinion of the Board ought to be, prepared with the substitution of references to the local authorities

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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concerned and their districts for references to the local authority and the district of the local authority.

#### **4 Power of Local Government Board to act in place of the local authority**

- (1) Where the Local Government Board are satisfied that a local authority, or, in cases where any powers or duties of a local authority have been transferred to a county council, such council, or, in cases where a joint scheme has been or in the opinion of the Board should be prepared, the local authorities concerned, have failed to fulfil their obligations as to the preparation of schemes under this Act or their obligations under any such schemes, the Board may, after considering the circumstances of the case, and after giving the local authority, authorities, or county council an opportunity of being heard, themselves prepare and carry out a scheme or take such steps as may be necessary to carry out any scheme prepared by the local authority or council, or by two or more local authorities jointly, and shall for that purpose have all the powers of a local authority under the Housing Acts, and those Acts shall, with the necessary modifications and adaptations, apply accordingly.
- (2) Any expenses incurred by the Board in the exercise of such powers as aforesaid shall in the first instance be paid out of moneys provided by Parliament, but the amount certified by the Board to have been so expended, and to be properly payable by a local authority, shall on demand be paid to the Board by the local authority and shall be recoverable as a debt due to the Crown, and the payment of the sum so payable to the Board shall be a purpose for which the local authority may borrow under Part III. of the principal Act.

#### **5 Power to act in default of local authority under Parts I and II of principal Act**

Without prejudice to any other powers for enforcing the provisions of the Housing Acts, where the Local Government Board are satisfied that any area within the district of a local authority is an area in respect of which the local authority ought to exercise their powers under Part I. or Part II. of the principal Act, the Board may by order require the local authority to make a scheme for the improvement of such area either under Part I. or under Part II. of that Act and to do all things necessary under the Housing Acts for carrying into execution the scheme so made, and, if the local authority fail within such time as may be prescribed by the order to make a scheme to the satisfaction of the Local Government Board and to carry the scheme into execution, the Board may either by order empower the county council to make and carry out a scheme, or themselves make and take such steps as may be necessary to carry out a scheme, and the provisions of the last two foregoing sections of this Act in regard to the powers of county councils and the Board, as the case may be, shall apply.

#### **6 Inspection by county medical officer of health**

Where a representation is made to the Local Government Board as respects any county district that the local authority have failed to exercise their powers under Part I. or Part II. of the principal Act, the Board may direct the county council to instruct the medical officer of health of the county to inspect such district and to make a report to the Board as to the exercise of the powers aforesaid by the local authority.