

Housing Act, 1930.

[20 & 21 GEO. 5. CH. 39.]

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A.D. 1930.

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Section.

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CHAPTER 39.

An Act to make further and better provision with respect to the clearance or improvement of unhealthy areas, the repair or demolition of insanitary houses and the housing of persons of the working classes; to amend the Housing Act, 1925, the Housing, &c., Act, 1923, the Housing (Financial Provisions) Act, 1924, and the other enactments relating to housing subsidies; and for purposes connected with the matters aforesaid. A.D. 1930.

[1st August 1930.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

PROVISIONS WITH RESPECT TO THE CLEARANCE OR IMPROVEMENT OF UNHEALTHY AREAS.

Clearance Areas.

1.—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district—

- (i) that the dwelling-houses in that area are by reason of disrepair or sanitary defects unfit for human habitation, or are by reason of their bad arrangement, or the narrowness or bad arrangement of the streets, dangerous or injurious to the

Local authority may declare unhealthy area to be clearance area.

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PART I.
—*cont.*

health of the inhabitants of the area, and that the other buildings, if any, in the area are for a like reason dangerous or injurious to the health of the said inhabitants; and

- (ii) that the most satisfactory method of dealing with the conditions in the area is the demolition of all the buildings in the area,

the authority shall cause that area to be defined on a map in such manner as to exclude from the area any building which is not unfit for human habitation or dangerous or injurious to health and shall pass a resolution declaring the area so defined to be a clearance area, that is to say, an area to be cleared of all buildings in accordance with the provisions hereinafter contained :

Provided that, before passing any such resolution, the authority shall satisfy themselves—

- (a) that in so far as suitable accommodation available for the persons of the working classes who will be displaced by the clearance of the area does not already exist, the authority can provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as the demolition of buildings in the area, or in different parts thereof, proceeds; and
- (b) that the resources of the authority are sufficient for the purpose of carrying the resolution into effect.

(2) A local authority shall forthwith transmit to the Minister a copy of any resolution passed by them under this section, together with a statement of the number of persons of the working classes who on a day specified in the statement were occupying the buildings comprised in the clearance area.

(3) So soon as may be after a local authority have declared any area to be a clearance area, they shall, in accordance with the appropriate provisions hereafter in this Act contained, proceed to secure the clearance of the area in one or other of the following ways, or partly in one of those ways and partly in the other of them, that is to say—

- (i) by ordering the demolition of the buildings in the area; or

- (ii) by purchasing the land comprised in the area and themselves undertaking, or otherwise securing, the demolition of the buildings thereon.

A.D. 1930.

PART I.

—cont.

Clearance
orders.

2.—(1) Where as respects any area declared by them to be a clearance area a local authority determine to order any buildings in the area to be demolished, they shall make and submit to the Minister, for confirmation by him, an order (in this Act referred to as a “clearance order”) ordering the demolition of each of those buildings.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the making, submission and confirmation of clearance orders.

(3) When a clearance order has become operative, the owner or owners of any building to which the order applies shall demolish that building before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority may deem reasonable; and, if the building is not demolished before the expiration of that period, the local authority shall enter and demolish the building and sell the materials thereof.

(4) Any expenses incurred by an authority under the last preceding subsection, after giving credit for any amount realised by the sale of materials, may be recovered by them as a simple contract debt in the county court within the jurisdiction of which the premises are situate from the owner of the building or, if there is more than one owner, from the owners thereof in such shares as the judge may determine to be just and equitable; and any owner who pays to the authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the judge may determine to be just and equitable.

Any surplus in the hands of the authority shall be paid by them to the owner of the building, or if there is more than one owner, shall be paid as those owners may agree, or may, in default of agreement, be paid into the county court in accordance with the provisions of section seventy of the County Courts Act, 1888, as if the authority were

51 & 52 Vict.
c. 43.

A.D. 1930. by virtue of this subsection trustees of the surplus for
 — the owners of the building, and may be paid out to the
 PART I. owners by order of the judge in such shares as he may
 —cont. determine to be just and equitable.

A county court judge, in determining for the purposes of this subsection the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a building, shall have regard to their respective interests in the building, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

(5) When a clearance order has become operative, no land to which the order applies shall be used for building purposes, or otherwise developed, except subject to such restrictions and conditions, if any, as the local authority may think fit to impose :

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the authority to cancel or modify any such restriction or condition, may at any time appeal to the Minister, who shall make such order in the matter as he thinks proper, and the Minister's decision shall be final.

A person who commences, or causes to be commenced, any work in contravention of a restriction or condition imposed under this subsection shall, on summary conviction, be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding ten pounds in respect of each day during which the work exists in such a form and state as to contravene the restriction or condition.

Purchase
by local
authority
of land sur-
rounded by
or adjoining
clearance
area.

3. Where as respects any area declared by them to be a clearance area a local authority determine to purchase any land comprised in the area, they may purchase also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any adjoining land the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area.

4. A local authority when declaring an area to be a clearance area may include in that area, as defined by them, any land which they have previously acquired with the intention of demolishing the buildings thereon, either under section fifty-four of the Housing Act, 1925 (in this Act referred to as "the principal Act"), (which empowers an authority to acquire in advance land in an area proposed for inclusion in an improvement or reconstruction scheme) or under section sixty-three of that Act (which empowers an authority to acquire land for the purposes of their powers and duties in connection with the provision of houses for the working classes), and where any such land of the authority is included in a clearance area or, being land surrounded by or adjoining a clearance area, might have been purchased by the authority under section three of this Act had it not previously been acquired by them, the provisions of this Act shall apply in relation to that land as if it had been purchased by the authority as being land comprised in the clearance area or, as the case may be, as being land surrounded by or adjoining the clearance area.

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PART I.

—cont.

Provisions with respect to property belonging to a local authority within or adjacent to a clearance area.
15 Geo. 5.
c. 14.

5.—(1) A local authority who have under this Part of this Act purchased any land comprised in, or surrounded by, or adjoining, a clearance area shall, so soon as may be, cause every building thereon to be vacated and subject to compliance with any provision contained in a compulsory purchase order with respect to the carrying out of re-housing operations shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say—

Treatment of clearance area.

- (a) they shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances they deem reasonable, and thereafter may sell or let the land subject to such restrictions and conditions, if any, as they think fit, or may, subject to the approval of the Minister, and subject to the like restrictions as are contained in section ninety-five of the Public Health Acts Amendment Act, 1907, with respect to the appropriation of land by local authorities under that section, appropriate the land for any

7 Edw. 7.
c. 53.

A.D. 1930.

PART I.

—cont.

purpose for which they are authorised to acquire land; or

(b) they shall, so soon as may be, sell or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they think fit.

(2) Land sold or leased under this section shall be sold or leased at the best price or for the best rent that can reasonably be obtained having regard to any restriction or condition imposed, and any capital money received in respect of any transaction under this section shall be applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may be properly applied.

(3) For the purposes of this section “sale” includes sale in consideration of a chief rent, rentcharge or other similar periodical payment, and “sell” has a corresponding meaning.

Power of
local
authority to
purchase
cleared land
which
owners have
failed to
re-develop.

6.—(1) Where land has been cleared of buildings in accordance with a clearance order made under this Part of this Act, the local authority may, at any time after the expiration of eighteen months from the date on which the clearance order became operative, by resolution determine to purchase any part of that land which at the date of the passing of their resolution has not been, or is not in process of being, used for building purposes, or otherwise developed, by the owner thereof in accordance with plans approved by the authority and any restrictions or conditions imposed under subsection (5) of section two of this Act.

(2) A local authority shall deal with any land purchased by them under this section by sale, letting, or appropriation, in accordance with the provisions of the last preceding section.

Improvement Areas.

Local
authority
may declare
unhealthy
area to be
improve-
ment area.

7.—(1) Where a local authority, upon consideration of an official representation or other information in their possession, are satisfied as respects any area in their district that the housing conditions in that area are dangerous or injurious to the health of the inhabitants by reason of the disrepair or sanitary defects of

dwelling-houses therein, and also by reason either of overcrowding in the area or of the bad arrangement of the houses or of the narrowness or bad arrangement of the streets, and that those conditions can be effectively remedied, without the demolition of all the buildings in the area, by—

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PART I.
—cont.

- (i) the demolition or repair, as the circumstances may require, of those dwelling-houses which are unfit for human habitation;
- (ii) the purchase by the authority of any land in the area which it is expedient for them to acquire for opening out the area and, if any buildings on that land have not previously been demolished, the demolition of those buildings, so far as it is necessary to demolish them for that purpose; and
- (iii) the abatement of over-crowding in the area,

the authority may cause that area to be defined on a map, and may pass a resolution declaring the area so defined to be an improvement area:

Provided that, before passing any such resolution, the authority shall satisfy the Minister that the size of the area is such that the housing conditions therein can be remedied effectively within a reasonable period and that in so far as suitable accommodation available for the persons of the working classes who will be displaced by the steps which the authority propose to take for the improvement of the area does not already exist, the authority will provide, or secure the provision of, such accommodation in advance of the displacements which will from time to time become necessary as those steps are taken.

(2) An authority who have passed a resolution declaring an area to be an improvement area, shall forthwith—

- (a) publish, in one or more newspapers circulating within their district, a notice stating the terms of the resolution and the date on which it was passed, and naming a place at which a copy of the resolution and of the map referred to therein may be seen at all reasonable hours; and

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PART I.
—cont.

(b) transmit a copy of the resolution to the Minister, together with an estimate of the number of persons of the working classes whose displacement will be rendered necessary by any steps which the authority propose to take for the improvement of the area.

Treatment
of improve-
ment area.

8.—(1) A local authority who have passed a resolution declaring an area to be an improvement area, shall so soon as may be—

- (i) in the case of dwelling-houses which are unfit for human habitation, serve notices under Part II of this Act requiring the execution of all necessary works thereon, or the demolition thereof, and enforce compliance with those notices;
- (ii) in so far as the improvement of the area involves the purchase of land for opening out the area, proceed to purchase that land unless the authority are satisfied that the opening out of the area will be adequately carried out by the owner or owners of the land; and
- (iii) in any case, make and enforce under sections six and seven of the principal Act, byelaws satisfactory to the Minister for preventing and abating over-crowding in the area and generally for securing the improvement of housing conditions and the subsequent maintenance of a proper standard of housing conditions therein.

(2) An authority who have purchased any land under this section shall carry out, or secure the carrying out of such demolitions as may be necessary for opening out the area, and, subject thereto, shall deal with that land by sale, letting or appropriation in accordance with the provisions of section five of this Act.

(3) The byelaws to be made in pursuance of this section may include, amongst other provisions, provisions for all or any of the purposes mentioned in the said section six of the principal Act, and may be made applicable to any house, whether let in lodgings or occupied by members of more than one family or by one family only.

(4) Where any action taken by a local authority under this section with respect to a dwelling-house in an improvement area results in the tenant of that house, or of any part thereof, removing therefrom, then notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, if applicable to that house or part, shall not cease to apply thereto by reason only of the fact that upon such removal the landlord comes into possession of the house or part of a house.

A.D. 1930.
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PART I.
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13 & 14
Geo. 5. c. 32.

(5) The declaration of any area to be an improvement area shall not preclude any local authority from exercising any powers which in the absence of such a declaration would have been exercisable by them within that area.

General.

9. A local authority who have passed a resolution declaring any area to be a clearance area or an improvement area shall, before taking any action under that resolution which will necessitate the displacement of any persons of the working classes, undertake to carry out or to secure the carrying out of such re-housing operations, if any, within such period as the Minister may consider to be reasonably necessary.

Obligations
of local
authority
with respect
to re-
housing.

10.—(1) Where a local authority have determined to purchase land under this Part of this Act, they may purchase that land by agreement or they may be authorised to purchase that land compulsorily by means of an order (in this Act referred to as “a compulsory purchase order”) made and submitted to the Minister and confirmed by him in accordance with the provisions of the Second Schedule to this Act.

Provisions
as to pur-
chase of
land.

(2) An order authorising the compulsory purchase of land comprised in a clearance area shall be submitted to the Minister within six months, and an order authorising the compulsory purchase of land surrounded by or adjoining a clearance area, or of land required for opening out an improvement area, shall be submitted to the Minister within twelve months, after the date of the resolution declaring the area to be a clearance area or,

A.D. 1930. as the case may be, an improvement area, or within such longer period as the Minister may, in the circumstances of the particular case, allow.

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PART I.
—cont.

(3) An order authorising the compulsory purchase of land which the authority have resolved to purchase under section six of this Act as being land which has been cleared of buildings in accordance with a clearance order and has not been, or is not in process of being, used for building purposes, or otherwise developed, by the owner thereof, shall be submitted to the Minister within three months after the date of the passing of the resolution.

Validity
and date of
operation of
clearance
orders and
compulsory
purchase
orders.

11.—(1) The provisions of this section shall have effect with respect to the validity of clearance orders and compulsory purchase orders made under this Act, and the date on which such an order is to come into operation.

(2) So soon as may be after an order has been confirmed by the Minister, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the order, appeared at the public local inquiry in support of his objection.

(3) If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice of confirmation, make an application for the purpose to the High Court, and where any such application is duly made the court—

- (i) may by interim order suspend the operation of the order either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and
- (ii) if satisfied upon the hearing of the application that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied

with, may quash the order either generally or in so far as it affects any property of the applicant.

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PART I.
—cont.

(4) Subject to the provisions of the last preceding subsection, an order shall not, either before or after its confirmation, be questioned by prohibition or certiorari or in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of subsection (2) of this section.

(5) Except by leave of the Court of Appeal, no appeal shall lie to the House of Lords from a decision of the Court of Appeal in proceedings under this section.

(6) So soon as may be after an order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Minister for confirmation.

12.—(1) Where land is purchased compulsorily by a local authority under this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions of this section.

Assessment
of com-
pensation in
respect of
land pur-
chased com-
pulsorily.

(2) In the case of land comprised in a clearance area, the compensation to be paid for the land, including any buildings thereon, shall be assessed in accordance with the provisions of subsections (1) and (2) of section forty-six of the principal Act subject, as regards the first mentioned of those subsections, to the modifications contained in Part I of the Third Schedule to this Act.

(3) In the case of any other land, the compensation shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to this Act.

13.—(1) A local authority may, with the approval of the Minister, by order extinguish any public right of way over any land purchased by them under this Part of this Act, but an order made by an authority under this subsection shall be published in the prescribed manner, and if any objection thereto is made to the Minister before the expiration of six weeks from the publication thereof, the Minister shall not approve the order until he has caused a public local inquiry to be held into the matter.

Exstin-
guishment
of ways,
easements,
&c.

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PART I.
—*cont.*

(2) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the local authority and the person entitled to the right in question, vest in the local authority, and any person who suffers loss by the vesting of any such right or property as aforesaid, shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

9 & 10
Geo. 5. c. 57.Provisions
as to
licensed
premises
purchased
by local
authority.

14. Where land purchased by a local authority under this Part of this Act comprises premises in respect of which an old on-licence is in force, the following provisions shall have effect—

(i) the authority, before purchasing the premises, may undertake that in the event of the renewal of the licence being refused, they will pay to the compensation authority towards the compensation payable on such refusal under the Licensing (Consolidation) Act, 1910, such contribution as may be specified in the undertaking, and any sum payable by the authority in pursuance of such undertaking shall be treated as part of their expenses in purchasing the land;

10 Edw. 7 &
1 Geo. 5.
c. 24.

(ii) if, after purchasing or contracting to purchase the premises, the authority intimate to the licensing justices that they are willing to surrender the licence, the licensing justices may refer the matter to the compensation authority, and that authority, on being satisfied that the licence, if not surrendered, might properly have been dealt with as a redundant licence, shall contribute out of the compensation fund towards the compensation paid by the local authority in respect of the purchase of the premises a sum

not exceeding the compensation which would have been payable under the Licensing (Consolidation) Act, 1910, on the refusal of the renewal of the licence.

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PART I.
—cont.

15. In this Part of this Act the expression “local authority” means the council of a county borough or county district.

Local authorities
for the purposes
of this Part of
this Act.

16.—(1) The provisions of this Part of this Act shall apply to the administrative County of London subject to the modifications contained in this section.

Application
to London.

(2) Within the City of London the Common Council shall be the local authority for the purposes of this Part of this Act:

Provided that, in the case of an improvement area, byelaws for securing the stability of buildings, or the prevention of or safety from fire, shall be made and enforced by the London County Council.

(3) Subject to the provisions of the next, succeeding subsection, the London County Council shall, outside the City of London be the authority to declare any area to be an improvement area, to determine what steps shall be taken for the improvement of that area, to purchase any land which they deem it expedient to acquire for opening out the area, to carry out such demolition of buildings and such street works on that land as they deem necessary, to make any byelaws with respect to the area, and to enforce such of those byelaws as are byelaws for securing the stability of buildings or the prevention of or safety from fire, but the council of the metropolitan borough in which the area is situate, on being informed by the county council as to the steps which the county council have determined to be necessary for the improvement of the area, shall, subject as aforesaid, take those steps and shall thereafter serve and enforce any necessary notices requiring the execution of works on dwelling-houses in the area or the demolition of dwelling-houses or the closing of parts of buildings therein, and observe and enforce compliance with any byelaws made by the county council with respect to the area, not being byelaws for securing the stability of buildings or the prevention of or safety from fire:

Provided that, if it is represented to the Minister by the county council that a borough council have made

A.D. 1930. default in exercising or performing any powers or duties under this subsection, the Minister may by order transfer those powers and duties to the county council, and any expenses incurred by the county council in exercising or performing any powers or duties so transferred shall be a debt due from the borough council to the county council.

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PART I.
—*cont.*

(4) Without prejudice to the powers of the London County Council under the last preceding subsection, the council of a metropolitan borough shall as regards any area within that borough which does not contain more than ten dwelling-houses be a local authority for the purposes of the provisions relating to improvement areas :

Provided that—

(i) where the borough council are about to take into consideration a proposal that any area shall be declared by them to be an improvement area, they shall give to the county council notice in writing of their intention and shall not declare that area to be an improvement area until two months have elapsed from the date of the service of that notice, or if before the expiration of that period the county council notify the borough council that they intend themselves to deal with that area either as a clearance area or as part of a clearance area or as part of an improvement area ; and

(ii) the London County Council shall be the authority to make any byelaws with respect to the area and to enforce such of those byelaws as are byelaws for securing the stability of buildings or the prevention of or safety from fire, but the borough council shall observe and enforce compliance with any byelaws made by the county council with respect to the area, not being byelaws made for the purposes aforesaid.

(5) Subject as hereinafter provided, both the London County Council and the council of a metropolitan borough shall within that borough be local authorities

for the purposes of the provisions relating to clearance areas : A.D. 1930.

Provided that—

PART I.
—cont.

- (i) the county council shall not declare any area to be a clearance area unless that area contains more than ten dwelling-houses;
- (ii) where the borough council are about to take into consideration a proposal that any area shall be declared by them to be a clearance area, they shall give to the county council notice in writing of their intention, and shall not declare that area to be a clearance area until two months have elapsed from the date of the service of that notice, or if before the expiration of that period the county council notify the borough council that they intend themselves to deal with that area either as a clearance area, or as part of a clearance area, or as part of an improvement area.

If in any such case as aforesaid the county council do not give to the borough council notice of their intention to deal with the area and the borough council proceed to declare the area to be a clearance area, the county council may, if they think fit, make a contribution towards any expenses incurred by the borough council in dealing with the area;

- (iii) where an official representation relating to not more than ten dwelling-houses is made to the county council, the county council shall, unless they consider that the area should be dealt with by them as an improvement area or as part of a clearance area containing more than ten houses, forward the representation to the borough council concerned.

(6) The London County Council may, on any land purchased by them in connection with an improvement area or a clearance area, lay out and construct and sewer such new streets and such widenings and improvements of existing streets as they think fit, and all new streets and new parts of streets so constructed by them shall, when completed, become repairable by the council of the metropolitan borough.

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PART I.
—*cont.*

(7) Both the London County Council and the council of a metropolitan borough shall within that borough be local authorities for the purposes of section fifty-three of the principal Act.

(8) The London County Council and the Common Council of the City of London or the council of any metropolitan borough may at any time enter into an agreement with respect to any action to be taken under this Part of this Act, and with respect to the making of contributions by one of those councils towards the expenses incurred by the other of them in taking any such action.

(9) Notwithstanding anything contained in section eighty of the principal Act, as amended by any subsequent enactment, the London County Council shall, concurrently with the council of a metropolitan borough, be a local authority for the purpose of Part III of that Act so far as regards the provision within that borough of housing accommodation available for persons of the working classes displaced by any action taken by the County Council under this Act for dealing with clearance or improvement areas in that borough, or for the demolition of insanitary houses therein.

(10) It shall be the duty of the council of every metropolitan borough to furnish any information in their power which may reasonably be required by the London County Council for the purpose of enabling them to carry out their duties under this Part of this Act.

PART II.

PROVISIONS WITH RESPECT TO THE REPAIR OR DEMOLITION OF INSANITARY HOUSES.

Power of
local
authority
to require
repair of
insanitary
house.

17.—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes is in any respect unfit for human habitation, they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered so fit, serve upon such person as is hereinafter mentioned a notice requiring him, within such reasonable time, not

being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the authority, those works will render the house fit for human habitation.

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PART II.—*cont.*

(2) A notice under this section shall be served upon the person who receives the rack rent of the house, whether on his own account or as agent or trustee for any other person, or who would so receive it if the house were let at a rack rent, and that person is in this Part of this Act referred to as the person having control of the house.

For the purposes of this subsection, the expression “rack rent” means a rent which is not less than two-thirds of the full net annual value of the house.

(3) In addition to serving a notice under this section on the person having control of the house, the local authority may serve a copy of the notice on any other person having an interest in the house, whether as freeholder, mortgagee, lessee, or otherwise.

(4) In determining for the purposes of this Part of this Act whether a dwelling-house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is estimated that the dwelling-house will have when the works are completed.

18.—(1) If a notice under the last preceding section requiring the person having control of a dwelling-house to execute works is not complied with, then, after the expiration of the time specified in the notice or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may fix, the local authority may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.

Enforce-
ment of
notice
requiring
execution of
repairs

(2) Where the local authority are about to enter upon a dwelling-house under the provisions of the last preceding subsection for the purpose of doing any work, they may give to the person having control of the house and, if they think fit, to any other person being an owner

A.D. 1930.

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PART II.
—cont.

of the house, notice in writing of their intention so to do, and if at any time after the expiration of seven days from the service upon him of such notice and whilst any workman or contractor employed by the local authority is carrying out works in the house, any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the notice was served shall be deemed to be obstructing the local authority in the execution of this Act and liable on summary conviction to a fine not exceeding twenty pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the said works in order to obviate danger to occupants of the house.

(3) Any expenses incurred by the local authority under this section, together with interest, at such rate as the Minister may with the approval of the Treasury from time to time by order fix, from the date when a demand for the expenses is served until payment, may, subject as hereinafter provided, be recovered by them, by action or summarily as a civil debt, from the person having control of the dwelling-house or, if he receives the rent of the house as agent or trustee for some other person, then either from him or from that other person, or in part from him and as to the remainder from that other person :

Provided that if the person having control of the dwelling-house proves that he—

- (i) is receiving the rent merely as agent or trustee for some other person ; and
- (ii) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the authority,

his liability shall be limited to the total amount of the money which he has, or has had, in his hands as aforesaid.

(4) In all summary proceedings by the local authority for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand or, if an appeal is made against that demand, from the date on which the demand becomes operative.

(5) The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest at such rate as the Minister may, with the approval of the Treasury, from time to time by order fix, from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered summarily as a civil debt from any owner or occupier of the dwelling-house, and, if recovered from an occupier, may be deducted by him from the rent of the house.

A.D. 1930.

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PART II.

—cont.

(6) The amount of any expenses and interest thereon due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred, and the local authority shall for the purpose of enforcing that charge have all the same powers and remedies under the Law of Property Act, 1925, and otherwise as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

15 & 16

Geo. 5. c. 20.

(7) No action taken under this, or the last preceding, section shall prejudice or affect any other powers of the local authority, or any remedy available to the tenant of a dwelling-house against his landlord, either at common law or otherwise.

19.—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any dwelling-house which is occupied, or is of a type suitable for occupation, by persons of the working classes, is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future user of the house, which he may wish to submit will be considered by them, and every person upon whom such a notice is served shall be entitled to be heard when the matter is so taken into consideration.

Power of
local autho-
rity to order
demolition
of insanitary
house.

A.D. 1930.

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PART II.
—*cont.*

(2) The authority may if, after consultation with any owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the authority render the house fit for human habitation, or that it shall not be used for human habitation until the authority, on being satisfied that it has been rendered fit for that purpose, cancel the undertaking.

(3) If no such undertaking as is mentioned in the last preceding subsection is accepted by the authority, or if, in a case where they have accepted such an undertaking, any work to which the undertaking relates is not carried out within the specified period, or the house is at any time used in contravention of the terms of the undertaking, the authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished within six weeks after the expiration of that period or, if the house is not vacated before the expiration of that period, within six weeks after the date on which it is vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify, and shall serve the order upon every person upon whom they would be required by subsection (1) of this section to serve a notice issued by them under that subsection.

Power of
local authority to deal
with part of
building.

20. A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is let for human habitation as a separate tenement, or in relation to any underground room which, by virtue of subsection (1) of section eighteen of the principal Act, is to be deemed to be unfit for human habitation, as they are empowered to take in relation to a dwelling-house subject, however, to this qualification that, in circumstances in which, in the case of a dwelling-house, they would have made a demolition order, they shall, in the case of a part of a building, which is let for human habitation as a separate tenement, make a closing order prohibiting the use of that part for human habitation and, in the case of any such underground room as aforesaid, make a closing order prohibiting the use of the room for purposes of a sleeping place; but the

authority shall determine a closing order so made by them on being satisfied that the part of the building, or the room, to which it relates has been rendered fit for human habitation.

A.D. 1930.

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PART II.
—cont.

21.—(1) When a demolition order under this Part of this Act has become operative, the owner or owners of the house to which it applies shall demolish that house within the time limited in that behalf by the order; and, if the house is not demolished within that time, the local authority shall enter and demolish the house and sell the materials thereof, and the provisions of subsection (4) of section two of this Act shall apply in relation to any expenses incurred by the authority under this subsection and to any surplus remaining in the hands of the authority as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a clearance order.

Procedure where demolition order or closing order made or undertaking given as to user of house.

(2) Any person who, knowing that a closing order has become operative and applies to any premises, or that an undertaking has been given under this Part of this Act that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the terms of the order or undertaking, or permits them to be so used, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day, or part of a day, on which he so uses them, or permits them to be so used, after conviction.

(3) Where an undertaking has been given under this Part of this Act that any premises shall not be used for human habitation, nothing in the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, or in any enactment amending those Acts, shall prevent any owner of those premises from obtaining possession thereof.

22.—(1) Any person aggrieved by—

Appeals.

- (a) a notice under this Part of this Act requiring the execution of works;
- (b) a demand for the recovery of expenses incurred by a local authority in executing works specified in any such notice;
- (c) an order made by a local authority with respect to any such expenses;

A.D. 1930.

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PART II.
—cont.

(d) a demolition order made under this Part of this Act;

(e) a closing order so made or a refusal to determine a closing order;

may, within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be, appeal to the county court within the jurisdiction of which the premises to which the notice, demand, or order relates are situate, and no proceedings shall be taken by the local authority to enforce any notice, demand or order against which an appeal is brought before the appeal has been finally determined:

Provided that—

(i) on an appeal under paragraph (b) or paragraph (c) of this subsection no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of the works; and

(ii) no appeal shall lie under paragraph (d) or paragraph (e) of this subsection at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

15 & 16 Geo. 5. c. 28. (2) An appeal to a county court under this section shall, notwithstanding anything in section nineteen of the Administration of Justice Act, 1925, be tried by the county court judge without a jury, and—

(i) the judge may make such order either confirming or quashing or varying the notice, demand or order as he thinks fit, and he may, if he thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the judge shall have the like effect as if it had been given to and accepted by the authority under this Part of this Act; and

(ii) where the judge allows an appeal against a notice requiring the execution of works to a dwelling-house, he shall, if requested by the authority so to do, include in his judgment a

finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

A.D. 1930.

PART II.

—cont.

(3) Rules with respect to the practice and procedure under this section shall be made by the authority having power to make rules of practice under the County Courts Acts, 1888 to 1924, and the rules shall make provision with respect to an inspection by the judge of the premises to which the appeal relates in any case in which he considers that such inspection is desirable.

(4) An appeal shall lie on any point of law from a decision of a county court judge under this section, in accordance with rules of the Supreme Court, to the Court of Appeal; but save as aforesaid, a decision of a county court judge under this section shall be final, and no appeal shall lie from any decision of the Court of Appeal under this section.

(5) Any notice, demand or order against which an appeal might be brought to a county court under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in subsection (1) of this section, and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by the county court judge, or the Court of Appeal, become operative as from the date of the final determination of the appeal.

For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed to be a final determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against and, subject as aforesaid, an appeal shall be deemed to be finally determined on the date on which the decision of the Court of Appeal is given, or in a case where no appeal is brought to the Court of Appeal, upon the expiration of the period within which such an appeal might have been brought.

23.—(1) Where any person has appealed against a notice under this Part of this Act requiring the execution of works to a dwelling-house, and the judge or court in allowing the appeal has found that the

Power of local authority to acquire and repair certain houses.

A.D. 1930. house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or may be authorised to purchase it compulsorily in accordance with the provisions of this section, and, if they purchase the house compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.

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PART II.
—*cont.*

(2) A local authority may for the purposes of this section be authorised to purchase a house by a compulsory purchase order made and submitted to the Minister within six months after the determination of the appeal and confirmed by him in accordance with the provisions of the Second Schedule to this Act; but if any person being an owner or mortgagee of the house undertakes to carry out to the satisfaction of the Minister and within such period as the Minister may fix, the works specified in the notice against which the appeal was brought, the Minister shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

(3) The compensation to be paid for any house purchased compulsorily under this section shall be the value, at the time when the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building byelaws for the time being in force in the district and of any town planning scheme in operation in the area, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919.

Local authorities for the purposes of this Part of this Act.

24. For the purposes of this Part of this Act the local authority shall be—

- (a) as respects the City of London, the Common Council;
- (b) as respects any other part of the administrative County of London, the council of the metropolitan borough;
- (c) elsewhere, the council of the county borough or county district.

PART III.

A.D. 1930.

PROVISIONS WITH RESPECT TO THE PROVISION OF
HOUSING ACCOMMODATION AND GOVERNMENT
ASSISTANCE TOWARDS COST OF RE-HOUSING OPERATIONS.

25.—(1) It shall be the duty of every local authority to consider the housing conditions in their area and the needs of the area with respect to the provision of further housing accommodation for the working classes and for that purpose to review the information which has been brought to their notice, either as a result of inspections and surveys carried out under section eight of the principal Act or otherwise, and as often as occasion arises, or within three months after notice has been given to them by the Minister, to prepare and submit to the Minister proposals for the provision of new houses for the working classes, distinguishing those houses which the authority propose to provide for the purpose of rendering accommodation available for persons to be displaced by, or in consequence of, action taken by the authority under this Act.

Duty of local authorities to review housing conditions in their areas and to frame proposals.

(2) In the year nineteen hundred and thirty and in each fifth succeeding year the council of every borough or other urban district which for the time being contains according to the latest published return of the Registrar General a population of more than twenty thousand shall furnish to the Minister, in addition to any proposals submitted by them under the last preceding subsection, a general statement of the measures which they propose to take during the five next succeeding years for dealing with housing conditions in their area and the provision of further housing accommodation.

(3) In this Part of this Act the expression "local authority" means the council of a county borough or county district.

(4) Section sixty of the principal Act (which relates to the duty of a local authority to prepare housing schemes) shall cease to have effect.

26.—(1) The Minister shall, subject to the provisions of this Part of this Act and to such conditions as to records, certificates, audit or otherwise as, with the approval of the Treasury, he may determine, make or undertake to make contributions out of moneys provided

Government contributions to expenses of local authorities

A.D. 1930. by Parliament towards any expenses incurred by a
— local authority in connection with any action taken by
PART III. them under this Act for dealing with clearance or
—*cont.* improvement areas, or for the demolition of insanitary
in providing houses, or for the closing of parts of buildings, and in
accommo- connection with the provision and maintenance of the
dation housing accommodation rendered necessary by any action
available so taken.
for displaced persons.

(2) A contribution under this section shall be payable annually for a period of forty years, and shall be the appropriate sum (as hereinafter defined) multiplied by the number of persons of the working classes whose displacement is shown to the satisfaction of the Minister to have been rendered necessary by such action of the local authority as is mentioned in the last preceding subsection :

Provided that the number of persons to be taken into account in calculating such contribution shall not exceed the number of persons of the working classes for whom suitable accommodation has, with the approval of the Minister, been rendered available by the authority in new houses in respect of which the authority have given such an undertaking as is hereafter in this section mentioned.

(3) For the purposes of the last preceding subsection the expression “ appropriate sum ” means—

- (a) in the case of persons displaced from houses in an agricultural parish, the sum of two pounds ten shillings; and
- (b) in the case of persons displaced from houses in other parishes, the sum of two pounds five shillings :

Provided that, if in any case the Minister certifies that it is necessary to provide on a site in a clearance area rehousing accommodation in buildings of more than three storeys, or to provide such accommodation on any other site which has been, or is to be, acquired or appropriated for the purpose with the consent of the Minister and of which the cost or, in the case of a site not purchased for the purpose, the value, as certified by the Minister, exceeds three thousand pounds per acre, the

appropriate sum as respects persons for whom such accommodation is made available shall be three pounds ten shillings.

A.D. 1930.

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PART III.

—cont.

For the purposes of the foregoing proviso a group of buildings erected with the approval of the Minister within the same curtilage shall be deemed to form one building, and a building or such a group of buildings as aforesaid, though not in all parts exceeding three storeys in height, shall be deemed to be a building of more than three storeys if the Minister is satisfied that the total accommodation provided therein could not have been provided on the same site in a building containing in all parts the same number of storeys unless that number exceeded three.

(4) Contributions under this section shall not be payable unless the local authority have undertaken that the special conditions mentioned in the next succeeding section will be complied with in relation to the houses provided by them, or if contributions are payable in respect of the houses either under the Housing, &c., Act, 1923, or under the Housing (Financial Provisions) Act, 1924.

13 & 14
Geo. 5. c. 24.
14 & 15
Geo. 5. c. 35.

(5) Subsection (3) of section one of the Housing, &c., Act, 1923 (which enables the Minister to make contributions towards the expenses incurred by a local authority in carrying out certain rehousing schemes), shall cease to have effect, but this repeal shall not affect any liability of the Minister to pay any contribution which he had undertaken before the commencement of this Act to make.

(6) Payments on account of contributions under this section shall be made at such times and in such manner as the Treasury may direct.

27.—(1) Subject to the provisions of subsection (2) of this section, the special conditions for compliance with which a local authority are required by the last preceding section to give an undertaking are as follows:—

Special
conditions.

- (a) that the houses shall be let for occupation to tenants who intend to reside therein;
- (b) that it shall be a term of every such letting that the tenant shall not assign, sublet, or otherwise part with the possession of the house,

A.D. 1930.

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PART III.—*cont.*

or any part thereof, except with the consent in writing of the local authority or some person authorised by them in that behalf, and that such consent shall not be given unless it is shown to the satisfaction of the authority that no payment other than a rent which is in their opinion a reasonable rent has been or is to be received by the tenant in consideration of the assignment, subletting, or other transaction;

- (c) that, whilst the authority may charge in respect of any house such rent as they may think fit, and may grant to the tenant of any house such rebates from rent, subject to such terms and conditions as they may think fit, the total amount of the rents payable in respect of the houses in any year, after deducting the amount of any such rebates as aforesaid, shall be an amount ascertained by deducting from the estimated average annual expenses towards which contributions are payable by the Minister under this Part of this Act, calculated by reference to a period of sixty years—

(i) the annual equivalent, calculated in the like manner, of the contributions payable by the Minister towards the expenses, and

(ii) the annual equivalent, calculated in the like manner, of a sum of three pounds fifteen shillings per house deemed to be provided annually for a period of forty years out of rates, or as respects any particular year such greater or less sum, to be deemed to be provided out of rates, as the local authority in the case of a greater sum may think necessary and as the Minister in the case of a less sum may on the application of the authority approve, due regard being had in either case to the rents which persons of the class for which the houses are provided can reasonably be expected to pay;

- (d) that no fine, premium or other like sum shall be taken in addition to the rent;
- (e) that a fair wages clause, which complies with the requirements of any resolution of the House of Commons for the time being in force

with respect to contracts of Government departments, shall be inserted in all contracts for the construction of the houses.

A.D. 1930.

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PART III.—*cont.*

(2) In the case of a new house intended for occupation as a lodging house, the special conditions for compliance with which the authority are required to give an undertaking shall be such as the Minister may in any particular case consider it necessary to impose.

(3) If at any time a local authority sell any house which under this Part of this Act is subject to special conditions or, save by such letting as is authorised by those conditions, otherwise dispose of any such house, any contribution which would otherwise have been payable by the Minister by reason of the provision of that house shall cease to be payable; and if at any time it is shown to the satisfaction of the Minister that any of the special conditions to which a house is subject under this Part of this Act has not been complied with, any contribution payable by reason of the provision of that house may be discontinued, or the amount thereof may be reduced, and the duration thereof may be curtailed, according as the Minister thinks proper.

28.—(1) In the year nineteen hundred and thirty-three, after the first day of October in that year, and in each third succeeding year, after the first day of October in that year, the Minister shall take into consideration the expenses which are likely to be incurred in the period of three years from such first day of October in connection with operations in respect of which contributions would be payable by him under this Part of this Act, due regard being had to the expenses actually incurred during the period of three years ending on that day for a like purpose, and after consultation with such associations of local authorities as appear to him to be concerned, and with any local authority with whom consultation appears to him to be desirable, may, if he thinks it expedient so to do, make an order altering the amount of the contributions payable, or the period for which such contributions are to be payable, so far as regards persons in respect of whose displacement accommodation in new houses has not been rendered available before a date specified in the order, but so, nevertheless, that the amounts and period fixed by the

Periodical
revision of
scale of
contri-
butions for
purposes of
subsequent
re-housing
schemes.

A.D. 1930. order shall be such as may be approved by the Treasury,
and shall not exceed the respective amounts, or the
PART III. period, fixed by this Part of this Act, unless Parliament
—cont. otherwise determines.

An order under this section may make such consequential alterations of the sum and period mentioned in condition (c) of the special conditions set out in this Part of this Act and of the sum and period mentioned in subsection (2) of the next succeeding section as appear to be necessary for the purpose of adjusting them to any alteration made by the order in the amount or duration of the contributions.

(2) Before any order is made by the Minister under this section, a draft of the proposed order shall be laid before the Commons House of Parliament and the order shall not be made until a resolution is passed by that House approving of the draft.

Power of
local
authority
to make
arrange-
ments for
provision
of houses
by public
utility so-
cieties, &c.

29.—(1) Subject to the provisions of this section, a local authority and any such society, body of trustees or company as is mentioned in subsection (2) of section three of the Housing, &c., Act, 1923, may, with the approval of the Minister, enter into arrangements under which the society, trustees or company will, in consideration of an annual grant to be made to them by the authority, provide new houses available for the accommodation of persons of the working classes displaced by any action taken by the authority under this Act for dealing with clearance or improvement areas, or for the demolition of insanitary houses, or for the closing of parts of buildings.

(2) The society, trustees, or company shall undertake, as a necessary term of any such arrangement as aforesaid, that the special conditions set out in this Part of this Act shall be complied with in relation to the houses to be provided by them, subject as regards the rents to be charged to this modification, that the total amount of the rents to be charged by the society, trustees or company in respect of the houses shall not exceed such total amount as might have been charged by the authority by way of rents, if the houses had been provided by them with the approval of the Minister under this Part of this Act, and if the sum which, for the purpose of

calculating that total amount, is to be deemed to be provided annually for a period of forty years out of rates had been a sum of three pounds, fifteen shillings, per house.

A.D. 1930.

PART III.
—cont.

(3) If the annual grant which an authority have agreed to make under any such arrangement as aforesaid is equivalent to, or exceeds, the annual contribution which would have been payable by the Minister under this Part of this Act if the houses had been provided by the authority, the Minister shall make or undertake to make to the authority the like contributions, in the like manner and subject to the like conditions, as he would have made if the houses had been so provided.

30.—(1) If it appears to a local authority, who have under this Part of this Act provided in new houses accommodation available for displaced persons, that it is desirable to render alternative accommodation available for some of those persons in other houses belonging to the authority which, by reason of their situation or for other reasons, are better suited to the requirements of the displaced persons, but that the rents charged by the authority in respect of those other houses (hereafter in this section referred to as “the alternative houses”) are higher than the rents which would, but for the provisions of this section, be charged by them in respect of equivalent accommodation in the new houses, the authority may represent the facts to the Minister, and thereupon the Minister, if satisfied that the representation is well founded, may authorise the authority to charge in respect of the alternative houses such rents as they would, but for the provisions of this section, have charged in respect of equivalent accommodation in the new houses.

Adjustment
of rents.

(2) The following provisions shall have effect where the rents of any alternative houses are reduced in pursuance of this section, that is to say :—

- (a) For the purposes of the financial provisions of any enactment applicable in the case of the alternative houses, the authority shall be deemed to be charging in respect of those houses the rents which but for the provisions of this section they would have charged in respect of them;

A.D. 1930.

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PART III.—*cont.*

(b) For the purposes of condition (c) of the special conditions set out in this Part of this Act, the estimated average annual expenses to be taken into account in fixing the rents of the new houses concerned shall be deemed to be increased by an amount equal to the difference between the rents charged by the authority in respect of the alternative houses and the rents which, but for the provisions of this section, they would have charged in respect of them; and

(c) The authority shall comply with such directions as may be given by the Minister with respect to the making of adjustments in the accounts of their housing undertakings.

Application
to London.

31.—(1) The provisions of this Part of this Act shall apply to the administrative county of London subject to the modifications contained in this section.

(2) As regards the City of London, the Common Council shall be the local authority.

(3) As regards the rest of the administrative county of London—

(a) the London County Council shall carry out such reviews of housing conditions, and submit to the Minister such proposals for the provision of new houses, and such quinquennial statements of measures proposed to be taken, as are required by this Part of this Act, but before preparing any such proposals or statement the County Council shall consult with the councils of the several metropolitan boroughs and shall include in any such statement particulars of any new houses which those councils propose to provide during the quinquennial period and the council of every metropolitan borough shall furnish such information as may reasonably be required by the London County Council for the purpose of preparing any such proposals or statement; and

(b) subject as aforesaid, both the London County Council and the council of a metropolitan borough shall be local authorities for the pur-

poses of this Part of this Act, and contributions thereunder shall be payable to that one of those authorities by which re-housing accommodation in new houses available for displaced persons is provided, notwithstanding that the operations in consequence of which those persons were displaced were initiated or carried out by the other of them.

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PART III.
—cont.

PART IV.

PROVISION OF HOUSES IN RURAL DISTRICTS.

32.—(1) It shall be the duty of the council of every county, as respects each rural district within the county, to have constant regard to the housing conditions of persons of the working classes, the extent to which overcrowding or other unsatisfactory housing conditions exist and the sufficiency of the steps which the council of the district have taken, or are proposing to take, to remedy those conditions and to provide further housing accommodation.

Duty of
county
council in
respect of
housing
conditions
in rural
districts.

(2) The council of every rural district shall in the year nineteen hundred and thirty, and thereafter at such intervals, not being in any case less than one year, as the county council may direct, furnish to that council such information with regard to the matters mentioned in subsection (1) of this section as the county council may reasonably require for the purpose of enabling them to carry out their duties under this section.

33.—(1) The council of any county may, for the purpose of assisting the council of any rural district within the county in the performance of their duties under Part III of the principal Act, agree with the district council for the exercise by the county council of all or any of the powers of the district council under that Part.

Agreements
by county
council for
assisting
rural district
councils.

(2) An agreement made under this section may contain such provisions with regard to the expenses to be incurred by the county council, including the raising of loans to meet those expenses, and with regard to the vesting in the district council of any houses built by the county council under the agreement and such

A.D. 1930. other incidental or consequential provisions as the councils think proper; and, for the purposes of any such agreement and so far as it extends, the county council shall be deemed to be a local authority for the purposes of Part III of the principal Act and Part III of this Act.

—
PART IV.
—*cont.*

(3) Subject to the provisions of any such agreement as aforesaid, Government contributions shall be payable under Part III of this Act to that one of the councils by which re-housing accommodation available for displaced persons is provided, notwithstanding that the operations in consequence of which those persons were displaced were initiated or carried out by the other council.

Supplemen-
tary contri-
butions by
county
council
towards
housing
expenses in
rural dis-
tricts.

34.—(1) When the council of a rural district have adopted proposals for the provision of houses which, if those proposals are approved by the Minister, will be subject to special conditions under either the Housing (Financial Provisions) Act, 1924, or Part III of this Act, that council may transmit to the county council a statement of their proposals and, where such a statement is so transmitted, the following provisions of this section shall have effect with respect to the making of contributions by the county council to the council of the rural district.

(2) If the council of the rural district claim that any of the houses which they propose to provide are required for the accommodation of the agricultural population of the district, the county council, or, in the event of any dispute between the county council and the district council, the Minister shall determine for the purposes of this subsection how many of the houses are so required, and thereupon the county council shall undertake to make to the district council in respect of each of the forty years next following the completion of the houses a contribution at the rate of one pound per house payable, subject as hereinafter provided, in respect of so many of the houses provided with the approval of the Minister as are in that year occupied for a period or periods exceeding nine months by members of the agricultural population:

Provided that no such contribution shall be payable in respect of a number of houses greater than the number of houses so determined as aforesaid to be required for the accommodation of the agricultural population of the district.

For the purposes of this subsection, the expression “agricultural population” means persons whose employment or latest employment is or was employment in agriculture or in an industry mainly dependent upon agriculture, and includes also the dependants of such persons as aforesaid; the expression “agriculture” includes dairy-farming and poultry-farming and the use of land as grazing, meadow, or pasture land, or orchard or osier land, or woodland, or for market gardens or nursery grounds; the expression “year” means a period of twelve months commencing on the first day of April; and, in the event of any dispute, such date as the Minister may determine shall be taken to be the date of the completion of the houses.

A.D. 1930.

PART IV.
—cont.

(3) Without prejudice to the provisions of the last preceding subsection, the county council may, in the case of any house provided with the approval of the Minister, undertake to make to the district council an annual contribution of such amount and payable during such period as may be specified in the undertaking.

(4) If the special conditions applicable to any house provided by the district council are not complied with, no account shall be taken of that house for the purpose of calculating the amount of any future contribution under subsection (2) of this section, and any contribution which the county council have undertaken under subsection (3) of this section to make in respect of that house shall cease to be payable.

(5) The expenses of a county council under this section shall be defrayed by them as expenses for general county purposes.

35.—(1) In any case where—

- (i) complaint is made to the council of a county by the parish council or parish meeting of any parish comprised in any rural district in the county, or by any justice of the peace acting for, or by any four or more local government electors of, any such district, that the council of that district have failed to exercise their powers under this or the principal

Powers of county council and Minister in the event of default of rural district council.

A.D. 1930.

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PART IV.
—*cont.*

Act in any case where those powers ought to have been exercised; or

- (ii) the council of a county is of opinion that an investigation should be made as to whether the council of any rural district in the county have failed as aforesaid,

the council of the county may cause a public local inquiry to be held, and if, after the inquiry has been held they are satisfied that there has been such a failure on the part of the district council, they may make an order declaring the district council to be in default and transferring to themselves all or any of the powers of the district council under this or the principal Act with respect to the whole or any part of the district.

56 & 57 Vict.
c. 73. (2) An order made under the preceding subsection may provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers transferred by the order as it applies in relation to powers transferred under that Act.

(3) Where an order made under subsection (1) of this section transfers to a county council any of the powers of a district council under Part III of the principal Act, the provisions relating to Government contributions contained in section two of the Housing (Financial Provisions) Act, 1924, and Part III of this Act, shall, with the necessary modifications and subject as hereinafter provided, apply in relation to that county council as they apply in relation to a local authority, and the Minister shall make or undertake to make, contributions accordingly :

Provided that, notwithstanding anything in any Act, or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

(4) If upon representations made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that the council of a county have failed or refused to make an order under subsection (1) of this section in any case where they should have made such an order, or that any such order made by a county council is defective in that it fails to

transfer powers which should have been transferred, or in that it does not apply to any part of the district to which it should have applied, the Minister may, if the county council have not made any order, himself make any order which the county council might have made, and if an order made by the county council is a defective order, himself make a supplementary order enlarging the scope of the county council's order in such manner as he thinks fit.

A.D. 1930.

PART IV.

—cont.

36. If upon representations made to the Minister by any justice of the peace acting for, or by any four or more local government electors of, any rural district, or otherwise, it appears to the Minister that a county council to whom powers have been transferred under the last preceding section have failed to exercise those powers in any case where those powers ought to have been exercised, he may cause a public local inquiry to be held and if, after the inquiry has been held, he is satisfied that the county council have failed as aforesaid, he may either—

Powers of Minister in the event of default by county council in the exercise of transferred powers.

- (i) make an order directing the county council to exercise such of the said powers in such manner and within such time as may be specified in his order, or
- (ii) make an order rendering any of the said powers exerciseable by himself.

PART V.

GENERAL AND MISCELLANEOUS.

37. For the purposes of the provisions of this Act which relate to the obligations of a local authority with respect to re-housing, or which relate to Government contributions to the expenses of local authorities in providing accommodation available for displaced persons, the Minister, unless he is satisfied that owing to special circumstances some other standard of size or accommodation should be adopted—

Standard of re-housing accommodation.

- (i) shall not approve the provision of any house which is not such a house as is specified in paragraph (a) or paragraph (b) of subsection (2) of section one of the Housing, &c., Act, 1923, and

A.D. 1930.

PART V.
—*cont.*

- (ii) shall treat a house containing two bedrooms as providing accommodation for four persons, a house containing three bedrooms as providing accommodation for five persons, and a house containing four bedrooms as providing accommodation for seven persons.

Duty of
local autho-
rity to have
regard to
amenities of
locality, &c.

38. A local authority in preparing any proposals for the provision of houses or in taking any action under this or the principal Act shall have regard to the beauty of the landscape or countryside and the other amenities of the locality, and the desirability of preserving existing works of architectural, historic or artistic interest, and shall comply with such directions, if any, in that behalf as may be given to them by the Minister.

Recovery of
possession
of buildings
subject to a
clearance or
demolition
order.

1 & 2 Vict.
c. 74.

39.—(1) Where a clearance order or a demolition order has become operative, the local authority shall serve on the occupier of any building or any part of any building to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the authority or any owner of the building may make complaint to a court of summary jurisdiction and thereupon the court shall by their warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the building or of the part thereof to be given to the complainant within such period not being less than two weeks nor more than four weeks as they may determine.

(2) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt.

(3) Any person who, knowing that a clearance order or a demolition order has become operative and applies to any building, enters into occupation

of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day, or part of a day, on which the occupation continues after conviction.

A.D. 1930.

PART V.
—cont.

40.—(1) Where any premises in respect of which a clearance order or a demolition order made under this Act has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the county court within the jurisdiction of which the premises are situate for an order determining the lease.

Power of
county
court to
determine
lease where
premises
demolished.

(2) Upon any such application as aforesaid the county court judge, after giving to any sub-lessee an opportunity of being heard, may, if he thinks fit, order that the lease shall be determined, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation or damages or otherwise) as he may think it just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) Rules with respect to the practice and procedure under this section shall be made by the authority having power to make rules of practice under the County Courts Acts, 1888 to 1924.

(4) In this section the expression “lease” includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions “lessor,” “lessee,” and “sub-lessee” shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

41. A local authority may pay to any person displaced from any dwelling-house or other building to which a clearance order, a demolition order, or a closing order applies, or which has been purchased by them under Part I of this Act as being comprised in a clearance area, or under Part II of this Act, as being incapable of being rendered fit for human habitation, such reasonable

Power of
local
authority
to make
allowances
to certain
persons
displaced.

A.D. 1930. allowance as they think fit towards his expenses in removing; and to any person carrying on any trade or business in any such dwelling-house or other building, they may pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building, and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

PART V.
—cont.

Power of
local
authority to
require in-
formation
as to
ownership
of premises.

42. A local authority may, for the purpose of enabling them to serve any notice (including any copy of any notice) which they are by this or the principal Act authorised or required to serve, require the occupier of any premises and any person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as freeholder, mortgagee, lessee or otherwise, and any person who, having been required by a local authority in pursuance of this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Amendment
of s. 5 of
the Housing
(Financial
Provisions)
Act, 1924.

43. Section five of the Housing (Financial Provisions) Act, 1924, which requires that the Minister and the Department of Health for Scotland shall, at intervals of two years, review and, if they deem it expedient, revise the amount of the contributions payable by them in respect of the provision of houses, or the period for which such contributions are to be payable, shall be amended so as to require that no further review shall be made until the year nineteen hundred and thirty-three, but that reviews and, if deemed expedient, revisions shall be made in that year and thereafter at intervals of three years and, accordingly, the said section shall have effect as if for the words “and in each second succeeding year” there were substituted the words “in the year nineteen hundred and twenty-eight, after the first day of October

“ in that year, in the year nineteen hundred and thirty-
 “ three, after the first day of October in that year, and
 “ thereafter in each third succeeding year,” and as if for
 the first reference to a “period of two years” there
 were substituted a reference to a “period of three years,”
 and for the second reference to a “period of two years”
 there were substituted a reference, in the case of the first
 review after the commencement of this Act, to “a period
 of five years” and, in the case of any subsequent review,
 to a “period of three years.”

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PART V.
—cont.

44.—(1) Paragraph (c) of subsection (1) and para-
 graph (c) of subsection (2) of section three of the Housing
 (Financial Provisions) Act, 1924, which provide that in
 connection with the sale of any house which is subject
 to special conditions under that Act, the Minister or,
 as the case may be, the Department of Health for
 Scotland may stipulate for a reduction of the amount, or
 the curtailment of the duration, of any contribution
 payable by the Minister or by the Department in respect
 of the house, but that the contribution in respect of any
 house sold before the expiration of a period of twenty
 years from the date when that contribution first became
 payable shall not be reduced by more than three pounds,
 or in the case of a house in an agricultural parish
 in England, or in a rural area in Scotland, by more
 than six pounds ten shillings and that the duration
 thereof shall not be curtailed by more than twenty
 years, shall in its application to houses not completed
 before the first day of October, nineteen hundred and
 twenty-nine, have effect as if it provided that the con-
 tribution in respect of any house sold before the expiration
 of the said period of twenty years shall not be reduced—

Temporary
modification
of s. 3
of the
Housing
(Financial
Provisions)
Act, 1924.

- (a) as regards England, by more than seven pounds
 ten shillings or, in the case of a house in an
 agricultural parish, by more than eleven pounds;
 and
- (b) as regards Scotland, by more than five pounds
 or, in the case of a house in a rural area, by
 more than eight pounds ten shillings;

and that the duration of the contribution shall not be
 curtailed by more than twenty years.

A.D. 1930.
 —
 PART V.
 —cont.
 20 Geo. 5.
 c. 6.

(2) The provisions of paragraph (c) of Article 5 of the Housing Acts (Revision of Contributions) Order, 1928, as amended by the Housing (Revision of Contributions) Act, 1929, shall cease to have effect, but any order made by the Minister and the Department of Health for Scotland after the commencement of this Act under section five of the Housing (Financial Provisions) Act, 1924 (which relates to the revision of contributions), may make such consequential alterations in any sum or period mentioned in this section as may appear to the Minister and the Department to be necessary for the purpose of adapting the same to any alteration made by the order in the amount or duration of contributions.

Amendment
 of pro-
 visions as to
 the calcula-
 tion of con-
 tributions
 payable to
 local autho-
 rities in
 respect of
 certain
 schemes.
 9 & 10
 Geo. 5. c. 35.

45.—(1) The provisions of this section shall, as from the first day of April, nineteen hundred and thirty, have effect with respect to the determination of the amount of any annual payment to be made—

(a) by the Minister to a local authority under section seven of the Housing, Town Planning, &c., Act, 1919, and section six of the Housing, &c., Act, 1923, by way of contribution towards losses incurred by the authority in carrying out any such scheme as is mentioned in the said section seven; or

(b) by the London County Council to the council of a metropolitan borough under section eight of the Housing Act, 1921, and section six of the Housing, &c., Act, 1923, in repayment of losses incurred by the council of the borough in carrying out any such scheme as aforesaid.

11 & 12
 Geo. 5. c. 19.

(2) Notwithstanding anything contained in the said enactments or in the regulations made thereunder, it shall not be necessary that the amount of any annual payment to which this section relates shall be determined on the basis of the estimated annual loss resulting from the carrying out of the scheme in respect of which the payment is to be made and, accordingly, amending regulations made under the said enactments by the Minister, with the consent of the Treasury, may provide that, for the purposes of the financial year commencing on the said first day of April and of every subsequent

financial year, the amount of any such annual payment may be determined either—

- (a) on the basis of the actual loss resulting during the year from the carrying out of the scheme; or
- (b) if it is so agreed between the Minister and the local authority, or, as the case may be, if, with the approval of the Minister, it is so agreed between the London County Council and the council of the metropolitan borough, on the basis of the estimated annual loss resulting from the carrying out of the scheme; or
- (c) if it is so agreed as aforesaid, on the basis of actual income or expenditure as respects some items required to be brought into account, and on the basis of estimated income or expenditure as respects other such items.

A.D. 1930.
—
PART V.
—cont.

46. If a local authority satisfy the Minister that, having regard to the demand for housing accommodation on the part of aged persons, whether married or single, there is a need in their area for houses of smaller dimensions than those specified in subsection (2) of section one of the Housing, &c., Act, 1923, as the minimum dimensions of a house in respect of which a contribution may be made under that section, the Minister may for the purposes of the said section reduce the minimum measurements therein specified to such extent, and as respects such limited number of houses for that area and subject to such conditions, as he may determine:

Modification
of Housing,
&c., Act,
1923, s. 1 (2)
as regards
houses
for aged
persons.

Provided that—

- (a) if any condition imposed by the Minister under this section is not complied with, the same consequences shall ensue as if that condition had been a special condition mentioned in subsection (1) of section three of the Housing (Financial Provisions) Act, 1924, and the local authority had undertaken that it should be complied with; and
- (b) in calculating any Government contributions payable either under the Housing, &c., Act, 1923, or under the Housing (Financial Provisions) Act, 1924, and for the purposes of the other financial provisions of those Acts,

A.D. 1930.

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PART V.
—*cont.*

a house of such reduced dimensions shall be reckoned as being equivalent only to two-thirds of a house.

Power of local authorities to make advances in respect of repairs to houses.

47. Subsection (1) of section ninety-two of the principal Act, which empowers a local authority or county council to advance money to persons or bodies of persons constructing or altering, or undertaking to construct or alter, houses, shall extend to empower a local authority or county council to advance money, subject to the provisions of the said section, to persons or bodies of persons carrying out, or undertaking to carry out, repairs to any house in any case where the authority or council consider that having regard to the cost of those repairs, or to the financial position of the applicant, it is reasonable to give to him such assistance; and, as regards any house in respect of which an advance is so made, any reference in subsections (2) and (3) of the said section to the alteration of a house shall be construed as including a reference also to the repair of a house.

Agreements between London County Council and neighbouring authorities.

48.—(1) The London County Council and any other council, being the local authority of an area adjacent to or in the vicinity of the county of London, may enter into agreements for the provision by the London County Council of houses outside the county of London to meet the special needs of that other council, or for the provision by that other council of houses within their area to meet the needs of the London County Council, and for the payment, in either case, of such contributions as may be agreed by the council needing the houses to the council providing them.

(2) In calculating the rents which, under any enactment or order applicable to the case, may be charged in respect of houses by the council providing them, account shall be taken of any contribution payable under this section to that council as if that contribution fell to be raised out of the rates of that council's area as part of the expenses incurred by them in providing the houses.

Expenses of London County Council.

49. Any expenses incurred by the London County Council in connection with any action taken by them under this Act for dealing with clearance or improvement areas, or in connection with the provision and maintenance of the housing accommodation rendered necessary

by any action so taken by them, or in making contributions towards any expenses incurred by the Common Council of the City of London, or the council of a metropolitan borough in dealing with a clearance area or improvement area, shall be defrayed as expenses for general county purposes.

A.D. 1930.

PART V.

—cont.

50.—(1) Section sixty-four of the principal Act which provides that a local authority may be authorised to purchase land compulsorily for the purposes of Part III of that Act by means of an order submitted to the Minister and confirmed by him in accordance with the Third Schedule to that Act shall have effect as if for the reference therein to the Third Schedule to the principal Act there were substituted a reference to the Second Schedule to this Act.

Amendment
of s. 64 of
principal
Act.

(2) The provisions of this Act with respect to the validity and date of operation of compulsory purchase orders made under this Act shall apply in relation to compulsory purchase orders made under section sixty-four of the principal Act as amended by this section.

51.—(1) For the purposes of this or the principal Act the expression “official representation” means, in the case of any local authority, a representation made to that authority by the medical officer thereof, and includes also, in the case of the council of a county district, not being an urban district which is a borough or contains according to the latest published return of the Registrar General a population of more than ten thousand, a representation made by the medical officer of health of the county to the county council and forwarded by them to the council of the county district and, in the case of the council of a metropolitan borough, a representation made by the medical officer of health of the county of London to the London County Council and forwarded by them to the borough council.

Provisions
with respect
to official
representa-
tions.

(2) The medical officer of health of a local authority shall make an official representation to the authority whenever he is of opinion that any dwelling-house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with either as a clearance area or as an improvement area; and if any justice of the peace acting for the district,

A.D. 1930. or any four or more local government electors of the district or, in the case of a rural district, the parish council of any parish within the district, complain to the medical officer of health in writing that any dwelling-house is unfit for human habitation, or that any area should be dealt with either as a clearance area or as an improvement area, it shall be his duty forthwith to inspect that house or that area and to make a report to the local authority, stating the facts of the case and whether, in his opinion, the house is unfit for human habitation, or whether, in his opinion, the area should be dealt with either as a clearance area or as an improvement area; but the absence of any such complaint shall not excuse him from inspecting any dwelling-house or area and making a representation thereon to the local authority.

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PART V.
—cont.

(3) A local authority shall so soon as may be take into consideration any official representation which has been made to them.

Power of
Minister to
enforce
exercise of
powers by
local au-
thorities
other than
rural dis-
trict
councils.

52.—(1) In any case where—

(i) a complaint has been made to the Minister—

(a) as respects the council of any urban district, by the council of the county in which the district is situate, or by any justice of the peace acting for, or by any four or more local government electors of, the district; or

(b) as respects any local authority, not being the council of an urban or rural district, by any justice of the peace acting for, or by any four or more local government electors of, the area of the authority; that the local authority have failed to exercise their powers under this or the principal Act in any case where these powers ought to have been exercised; or

(ii) the Minister is of opinion that an investigation should be made as to whether any local authority (not being the council of a rural district) have failed as aforesaid;

the Minister may cause a public local inquiry to be held and, if after the inquiry has been held he is satisfied

that there has been such a failure on the part of the local authority, he may make an order declaring the authority to be in default and directing the authority to exercise for the purpose of remedying the default such of their powers, and in such manner and within such time or times, as may be specified in the order.

A.D. 1930.

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PART V.
—cont.

(2) If a local authority with respect to whom an order has been made under the preceding subsection fail to comply with any requirement thereof within the time limited thereby for compliance with that requirement, the Minister, in lieu of enforcing the order, may, if he thinks fit, adopt one of the following courses :—

- (i) if the local authority concerned is the council of an urban district, he may make an order directing the council of the county within which that district is situate, to perform such of the obligations of the district council under the original order within such times as may be specified in his order addressed to the county council; or
- (ii) in any case, he may make an order rendering exercisable by himself such of the powers of the local authority under this or the principal Act as may be specified in his order.

53.—(1) An order under the last preceding section directing a county council to perform any obligations of an urban district council may—

- (i) for the purpose of enabling the county council to comply with the order, transfer to the county council any of the powers conferred by this or the principal Act on local authorities;
- (ii) provide that section sixty-three of the Local Government Act, 1894, shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the powers so transferred as it applies in relation to powers transferred under that Act.

Provisions
as to orders
directing
county
council
to perform
obligations
of urban
district
councils.

(2) Where such an order transfers to a county council any of the powers of a local authority under Part III of the principal Act, the provisions relating to Government contributions contained in section two of the Housing (Financial Provisions) Act, 1924, and

A.D. 1930. Part III of this Act shall, with the necessary modifications and subject as hereinafter provided, apply in relation to that county council as they apply in relation to a local authority, and the Minister may make or undertake to make contributions accordingly :

—
PART V.
—cont.

Provided that, notwithstanding anything in any Act or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

Provisions
as to exer-
cise by
Minister
of powers
of a local
authority.

54.—(1) The following provisions of this section shall have effect in any case where, either under this, or under the last preceding, Part of this Act, the Minister has by order rendered exercisable by himself any powers of a local authority.

(2) Any expenses incurred by the Minister in exercising the said powers shall be paid in the first instance out of moneys provided by Parliament, but the amount of those expenses as certified by the Minister shall on demand be paid by the local authority to the Minister and shall be recoverable as a debt due to the Crown.

(3) The payment of any such expenses as aforesaid shall, to such extent as may be sanctioned by the Minister, be a purpose for which a local authority may borrow money in accordance with the provisions of the principal Act relating to borrowing by local authorities.

(4) The Minister may by order vest in and transfer to the local authority any property, debts or liabilities acquired or incurred by him in exercising the powers of the local authority, and that property and those debts or liabilities shall vest and attach accordingly.

(5) Where any action taken by the Minister has resulted in the provision of houses which, if that action had been taken by the local authority, might have been made subject to special conditions under the Housing (Financial Provisions) Act, 1924, or under Part III of this Act, and an order is made by the Minister vesting those houses in the local authority, those houses shall, if the order so directs, be subject to the special conditions specified in the Act under which they were provided, and the Minister may, subject as hereinafter provided, make or undertake to make contributions accordingly :

Provided that, notwithstanding anything in any Act or in any order made under any Act, the amount and duration of any such contribution may be reduced by the Minister at his discretion.

A.D. 1930.

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PART V.
—cont.

(6) In this section the expression “local authority,” in relation to any powers which, upon the default of a local authority, have been transferred to a county council, means the local authority in whom those powers were originally vested.

55. If at any time it is shown to the satisfaction of the Minister that a local authority have failed to perform any of their duties under this or the principal Act, then, without prejudice to any other power conferred upon him by this Act, he may withhold the whole or any part of any contribution which he has under this Act undertaken to make to that authority.

Power of
Minister to
withhold
contribu-
tions in
event of
default.

56. In any case where under this Act an order has been made by a county council transferring to that council any powers or duties of a local authority, or an order has been made by the Minister transferring to a county council, or directing a county council to exercise, any powers or duties of a local authority, or rendering any powers or duties of a local authority exerciseable by the Minister, the county council, or, in the case of an order made by the Minister, the Minister, may at any time by a subsequent order vary or revoke that order, but without prejudice to the validity of anything previously done thereunder; and, when any order is so revoked, the county council or, as the case may be, the Minister, may either by the revoking order, or by a supplemental order, make such provision as appears to be desirable with respect to the transfer, vesting and discharge of any property, debts or liabilities acquired or incurred by the county council, or by the Minister, in exercising the powers or duties to which the order so revoked related.

Power to
vary and
revoke cer-
tain orders.

57. The Minister may by regulations prescribe anything which by this or the principal Act is to be prescribed and the form of any notice, advertisement, statement or other document which is required or authorised to be used under, or for the purposes of, this or the principal Act.

Power to
prescribe
forms, &c.

A.D. 1930.

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PART V.—*cont.*Regulations
to be laid
before
Parliament.

58. All regulations made by the Minister under this Part of this Act shall, so soon as may be after they are made, be laid before each House of Parliament, and, if either House of Parliament, within the next subsequent twenty-one days on which that House has sat after any such regulation has been laid before it, resolves that the regulation shall be annulled, the regulation shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new regulation.

Recovery of
possession
of houses
and build-
ings for
purposes of
Housing
Acts.

59.—(1) Section one hundred and twenty-eight of the principal Act (which excludes in certain cases the application of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920) is hereby repealed and in substitution therefor the following provisions of this subsection shall have effect, that is to say :—

Nothing in the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, shall be deemed to affect the provisions of this Act relating to the obtaining possession of a house with respect to which a clearance order or demolition order has been made, or to prevent possession being obtained of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under any enactment relating to the housing of the working classes, or for the purpose of securing compliance with any byelaws made for the prevention of overcrowding.

(2) Where a local authority, for the purpose of exercising their powers under any enactment relating to the housing of the working classes, require possession of any building or any part of a building of which they are the owners, then, whatever may be the value or rent of the building or part of a building, they may obtain possession thereof under the Small Tenements Recovery Act, 1838, as in the cases therein provided for, at any time after the tenancy of the occupier has expired or has been determined.

Definition
of "agri-
cultural
parish" for
purposes of
housing
subsidies.

60.—(1) For the purposes of the Housing (Financial Provisions) Act, 1924, so far as regards any house for the provision of which a proposal is approved by the Minister after the first day of April, nineteen hundred and thirty, and for the purposes of Part III of this Act, a

house shall be deemed to be situated in an agricultural parish if—

A.D. 1930.

PART V.
—cont.

- (a) the net annual value of the agricultural land in the parish in which the house is situated as appearing in the valuation list in force on the first day of April, nineteen hundred and twenty-nine, exceeded twenty-five per cent. of the total net annual value of that parish as appearing in the said list; and
- (b) the population of the parish, according to the latest census return of the Registrar-General published before the beginning of the financial year in which the proposal for the provision of the house is approved by the Minister or, as the case may be, in which persons are displaced from the house, is less than fifty persons per hundred acres.

(2) For the purposes of this section, the expression “agricultural land” has the same meaning as in the Rating and Valuation Acts, 1925 to 1929, and, in the case of any hereditament occupied by or on behalf of the Crown for public purposes, the value directed by sub-section (3) of section sixty-four of the Rating and Valuation Act, 1925, to be entered in the valuation list as representing the rateable value of that hereditament shall be taken as being in the case of agricultural land fifty per cent. of the net annual value of the hereditament and in any other case the net annual value thereof.

15 & 16
Geo. 5. c. 90.

(3) Any question whether a parish is or is not an agricultural parish within the meaning of this section shall be determined by the Minister, whose decision shall be final.

61. The temporary rules set out in the Fourth Temporary Schedule to this Act shall, until superseded by rules made by the appropriate rule-making authority, have effect for the purposes of any proceedings under this Act which fall to be regulated by rules of court.

Temporary provisions.

62.—(1) For the purposes of this or the principal Act, unless the context otherwise requires—

Interpretation.

The expression “owner,” in relation to any building or land, means a person, other than a mortgagee not in possession, who is for the time being

A.D. 1930.

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PART V.
—*cont.*

entitled to dispose of the fee simple of the building or land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement the unexpired term whereof exceeds three years; and

The expression "sanitary defects" includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences and inadequate paving or drainage of courts, yards or passages.

(2) For the purposes of any provisions of this Act relating to the provision of housing accommodation, the expressions "house" or "dwelling-house" include, unless the context otherwise requires, any part of a building which is occupied, or intended to be occupied, as a separate dwelling.

(3) In determining for the purposes of this Act whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any byelaws in operation in the district, or of the general standard of housing accommodation for the working classes in the district.

Amend-
ments of
principal
Act.

63.—(1) The principal Act shall have effect as if the provisions of this Act with respect to the repair or demolition of insanitary houses and the provisions thereof with respect to the clearance or improvement of unhealthy areas were inserted in Parts I and II respectively of the principal Act in substitution for the provisions therein contained with respect to the power of a local authority to repair houses, to make closing and demolition orders, and to remove obstructive buildings, and for the provisions therein contained with respect to the making, confirmation and execution of improvement schemes and reconstruction schemes.

(2) The amendments specified in the second column of the Fifth Schedule to this Act (which relate to minor or consequential details) shall be made in the sections of the principal Act specified in the first column of that Schedule.

64.—(1) The enactments mentioned in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule: A.D. 1930.

Provided that, where before the commencement of this Act any notice requiring the execution of works has been served, or any demand for, or order relating to, the expenses of executing works, or any closing order or demolition order has been made, or any scheme or order has been confirmed or approved by the Minister or any order has been submitted to him for confirmation or approval, the like proceedings (including proceedings for the modification of a confirmed scheme, and, in the case of London, proceedings for the acquisition of additional land under section fifty-five of the principal Act) may be taken thereon and the like consequences shall ensue as might have been taken or would have ensued if this Act had not been passed.

(2) The mention of particular matters in the proviso to the preceding subsection shall not be held to prejudice or affect the general application of section thirty-eight of the Interpretation Act, 1889, with regard to the effect of repeals.

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PART V.
—cont.
Repeals.

52 & 53 Vict.
c. 63.

65.—(1) This Act may be cited as the Housing Act, 1930, and shall be construed as one with the principal Act, and that Act and this Act may be cited together as the Housing Acts, 1925 and 1930.

(2) Unless anything in the context otherwise requires, any reference in this Act, or in any Act passed before this Act, to the principal Act shall be construed as a reference to the principal Act as amended by this Act; and any reference in this Act, or in any Act (including the principal Act) passed before this Act, to any Part of the principal Act, or to any enactment therein contained, shall be construed as a reference to that Part or that enactment as amended by this Act.

(3) Sections forty-three and forty-four of this Act which respectively amend section five of the Housing (Financial Provisions) Act, 1924, and modify temporarily section three of that Act shall extend to Scotland, but save as aforesaid, this Act shall not extend to Scotland, and it shall not extend to Northern Ireland.

(4) This Act shall come into operation at the expiration of fourteen days from the date of its passing.

Short
title,
construc-
tion and
extent.

A.D. 1930.

SCHEDULES.

Section 2.

FIRST SCHEDULE.CLEARANCE ORDERS.

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date on which it becomes operative the period, not being less than twenty-eight days from that date, within which the authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. Before submitting the order to the Minister the local authority shall—

- (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and
- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

3. So soon as may be after the required notices have been given, the local authority shall submit the order to the Minister for confirmation.

4. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification; but in any other case he shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification:

Provided that the order as confirmed by the Minister shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

5. The Minister may confirm an order notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

A.D. 1930.

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1ST SCH.
—*cont.*

SECOND SCHEDULE.

Sections 10,
23, 50.

COMPULSORY PURCHASE ORDERS.

PART I.

PROVISIONS APPLICABLE IN THE CASE OF COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF THIS ACT AND, SUBJECT TO THE MODIFICATIONS CONTAINED IN PART II OF THIS SCHEDULE, IN THE CASE OF SUCH ORDERS MADE FOR THE PURPOSES OF PART III OF THE PRINCIPAL ACT.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

- (a) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);
- (b) the Acquisition of Land (Assessment of Compensation) Act, 1919; and
- (c) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

2. The modifications, subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows :—

- (i) The compensation shall be assessed in accordance with such of the provisions of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case ;

A.D. 1930.

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2ND SCH.
—*cont.*

- (ii) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation;
- (iii) Notwithstanding anything in section ninety-two of the Lands Clauses Consolidation Act, 1845, the arbitrator may determine that such part of any house, building or manufactory as is proposed to be taken by the local authority can be taken without material damage to the house, building or manufactory, and, if he so determines, may award compensation in respect of the severance of the part so proposed to be taken, in addition to the value of that part, and thereupon the party interested shall be required to sell and convey to the local authority that part of the house, building or manufactory; and
- (iv) Where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

3. If the order is made in connection with a clearance area it shall show in the prescribed manner—

- (a) what parts, if any, of the land to be purchased compulsorily are outside the clearance area; and
- (b) what parts, if any, of the land to be purchased compulsorily within the clearance area are to be appropriated for the rehousing of persons of the working classes.

4. Before submitting the order to the Minister the local authority shall—

- (a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the

fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

A.D. 1930.

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2ND SCH.
—cont.

- (b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall, before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that—

- (i) the Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed;
- (ii) the order as confirmed by the Minister shall not—
- (a) authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification;
 - (b) authorise the authority to purchase as being land comprised in a clearance area any land shown in the original order as being outside that area; or
 - (c) require the authority to appropriate for the rehousing of persons of the working classes, any land which the order would not have required them so to appropriate if it had been confirmed without modification;
- (iii) if the Minister is of opinion that any land included by the local authority in a clearance area ought not to have been so included, he shall in confirming the

A.D. 1930.

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2ND SCH.
—cont.

order so modify it as to exclude that land for all purposes from the clearance area; but if in any such case he is of opinion that the land may properly be purchased by the authority under section three of this Act, he shall further modify the order so as to authorise the local authority to purchase that land under the said section three and not as being land comprised in the clearance area.

6. The Minister may confirm an order made in connection with a clearance area notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.

7. In construing for the purpose of this schedule or any order made thereunder any enactment incorporated in the order this Act, together with the order, shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking.

PART II.

MODIFICATIONS APPLICABLE IN THE CASE OF COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF PART III OF THE PRINCIPAL ACT.

1. The provisions in Part I of this Schedule shall apply to the making, submission and confirmation of compulsory purchase orders made for the purposes of Part III of the principal Act subject to the following modifications, that is to say—sub-paragraphs (i) and (iii) of paragraph 2, paragraph 3, so much of paragraph 4 as requires the service of notices upon mortgagees and provisos (ii) (b), (ii) (c), and (iii) to paragraph 5 shall not apply.

THIRD SCHEDULE.

A.D. 1930.

Section 12.

PART I.

MODIFICATIONS TO BE MADE IN SUBSECTION (1) OF SECTION FORTY-SIX OF THE PRINCIPAL ACT FOR THE PURPOSES OF ITS APPLICATION TO THE ASSESSMENT OF COMPENSATION UNDER THIS ACT IN THE CASE OF LANDS COMPRISED IN A CLEARANCE AREA.

Subsection (1) of section forty-six of the principal Act shall be modified in the following manner:—

For the words from the beginning of the subsection to “dangerous or prejudicial to health,” there shall be substituted the words “Where land comprised in a clearance area.”

In the proviso, for the words from “if in the opinion of the Minister” to “laid out as an open space” there shall be substituted the words “if under the provisions of the compulsory purchase order as confirmed by the Minister any land comprised in the clearance area is to be appropriated for the rehousing of persons of the working classes.”

For the words “any land included in the scheme (other than as aforesaid),” there shall be substituted the words “such of the land purchased compulsorily as is comprised in the clearance area.”

In sub-paragraph (a) for the words “included in the scheme,” there shall be substituted the words “comprised in the clearance area.”

In sub-paragraph (b) for the words “the requirements of the scheme” there shall be substituted the words “the requirements of the compulsory purchase order” and the words “or the laying out of open spaces” shall be omitted.

PART II.

RULES AS TO ASSESSMENT OF COMPENSATION APPLICABLE IN THE CASE OF LAND PURCHASED UNDER PART I OF THIS ACT, NOT BEING LAND COMPRISED IN A CLEARANCE AREA.

1. If the arbitrator is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the compensation shall, so far as it is based on rental, be based on the rental which would have been obtainable if the premises were

A.D. 1930. occupied for legal purposes and only by the number of persons
— whom the premises were, under all the circumstances of the
3RD SCH. case, fitted to accommodate without such overcrowding.
—cont.

2. If the arbitrator is satisfied that any premises are in a state of defective sanitation, or are not in reasonably good repair, the compensation shall be the estimated value of the premises if put into a sanitary condition, or reasonably good repair, less the estimated expense of putting them into such condition or repair.

3. The local authority may tender evidence as to the matters aforesaid, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

4. The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the demolition by the local authority of any buildings.

5. Subject to the foregoing provisions, the compensation shall be assessed in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919.

Section 61.

FOURTH SCHEDULE.

TEMPORARY RULES OF PROCEDURE.

PART I.

Applications to the High Court.

1. An application under section eleven of this Act shall be made by an originating notice of motion to a judge of the High Court selected for the purpose by the Lord Chancellor.

2. The evidence upon the hearing of the application shall be by affidavit except in so far as the Court at the hearing may direct oral evidence to be given.

3. The notice of motion shall state the grounds for the application, and the date mentioned in the notice for the hearing of the application shall be not less than fourteen days after the service of the notice.

4. The notice of motion shall be served before the expiration of six weeks after the publication of the notice of confirmation of the order to which the application relates on the local

authority by whom the order was made and on the Minister, and shall be entered at the Crown Office within the same period. A.D. 1930.

5. The ordinary practice and rules of the King's Bench Division shall apply so far as they are applicable, and are not inconsistent with the provisions of this Act or of these temporary rules.

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4TH SCH.
—cont.

PART II.

Appeals to a County Court.

1.—(1) An appeal to a county court under section twenty-two of this Act shall be commenced by the entry of a plaint and shall be called an action.

(2) The appellant shall be the plaintiff and the local authority shall be the defendant.

2.—(1) The judge may inspect the premises to which the action relates in any case in which he thinks that such inspection is desirable.

(2) The expenses of the inspection shall be paid in the first instance by the party on whose application it is made, or if inspection is made without an application, by the plaintiff.

(3) The court shall have power to direct by whom the expenses shall be ultimately borne and in default of any such direction they shall be costs in the action.

3. In default of any particular direction, the costs of the action shall be taxed upon the scale prescribed for claims between £20 and £50.

4. The County Court Rules for the time being in force shall apply so far as they are applicable and are not inconsistent with the provisions of this Act or of these temporary rules.

PART III.

Applications to a County Court for Determination of a Lease.

1.—(1) An application to a county court for the determination of a lease under section forty of this Act shall be commenced by the entry of a plaint and shall be called an action.

(2) The applicant shall be the plaintiff and the other party to the lease shall be the defendant.

2. Where the applicant is the lessee of any premises he shall join as plaintiff any person to whom he sublets, or has mortgaged, the premises and who consents in writing to be so joined, and as defendant any person to whom he sublets, or has mortgaged, the premises and who does not so consent.

A.D. 1930.

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4TH SCH.
—cont.

3. It shall be the duty of the judge to be satisfied that all persons interested whose presence is necessary to enable him effectually and completely to adjudicate upon and settle all the questions involved in the action are before the court, and if necessary to adjourn the hearing to enable any such persons who are not already parties to the action to be joined as defendants.

4. In default of any particular direction the costs of the action shall be taxed upon the scale prescribed for claims between £20 and £50.

5. The County Court Rules for the time being in force shall apply so far as they are applicable and are not inconsistent with the provisions of this Act or of these temporary rules.

Section 63.

FIFTH SCHEDULE.

MINOR AND CONSEQUENTIAL AMENDMENTS OF THE PRINCIPAL ACT.

The Housing Act,
1925.

- Section 7 - In subsection (3) for the words "the provisions of section three of this Act with respect to the execution of works" there shall be substituted the words "the provisions of this Part of this Act with respect to the enforcement of notices requiring the execution of works."
- Section 8 - The words "in a state so dangerous or injurious to health as to be" shall be omitted.
- Section 16 - In subsection (1) for the words "by an order," there shall be substituted the words "by a notice."
- Section 17 - In subsection (1) the words "in a state so dangerous or injurious to health as to be" shall be omitted.
- Section 18 - In subsection (1) the words "a house so dangerous or injurious to health as to be" shall be omitted.
- Section 29 - In subsection (2) for the words "a closing order has been made or of an obstructive building" there shall be substituted the words "a notice requiring the execution of works has been served or a clearance order or demolition order has been made"; and the words "or building," wherever those

The Housing Act,
1925.

A.D. 1930.

5TH SCH.
—cont.

Section 29—*cont.* - words occur, the words “or in claiming to
“retain the site of the building in pursuance
“of this Part of this Act” and the words
“or to claim to retain the site” shall be
omitted.

Section 31 - After the words “an order is made” there
shall be inserted the words “or a notice
“requiring the execution of works is
“served” and after the words “any such
“order” there shall be inserted the words
“or notice.”

Section 41 - In subsection (1) for the words “any person
“whose lands were proposed by the scheme
“to be taken compulsorily,” there shall be
substituted the words “any owner of any
“lands included in a clearance order or
“compulsory purchase order made under
“this Part of this Act,” and for the words
“such scheme” there shall be substituted
the words “such order.”

In subsection (2) for the words “any order
“under the last preceding section,” there
shall be substituted the words “any such
“order as aforesaid.”

Section 62 - For the words “Where any such scheme is
“being carried into effect” there shall be
substituted the words “Where any housing
“operations under this Part of this Act are
“being carried out”; for the words “of
“the scheme” there shall be substituted the
words “of the operations,” and for the
words “the scheme is” there shall be sub-
stituted the words “the operations are.”

Section 80 - In proviso (ii) to paragraph (b) of subsection (2)
the words “and such approval shall have the
“like effect as if it had been given under
“section sixty of this Act” shall be
omitted.

In subsection (3) for the words “scheme for
“the purpose of” there shall be substituted
the words “housing operations under,” and
for the words “such scheme” there shall be
substituted the words “such operations.”

A.D. 1930. The Housing Act,
— 1925.

5TH SCH.
—cont.

Section 86 - In subsection (1) for the words "Where a
" housing scheme approved under Part III
" of this Act is being carried into effect"
there shall be substituted the words "Where
" housing operations under Part III of this
" Act are being carried out," and for the
words "the scheme," wherever those words
occur, there shall be substituted the words
"the operations."

In subsection (2) for the words "a scheme is
" being carried out" there shall be sub-
stituted the words "operations are being
" carried out."

Section 93 - For the words "Where a housing scheme ap-
" proved under Part III of this Act is being
" carried into effect" there shall be sub-
stituted the words "Where housing opera-
" tions under Part III of this Act are
" being carried out"; for the words "the
" scheme is being carried out" there shall be
substituted the words "the operations are
" being carried out," and for the words "the
" carrying out of the scheme" there shall be
substituted the words "the carrying out of
" the operations."

Section 98 - After the words "an Act" there shall be
inserted the words "not being an order made
" under this Act."

Section 99 - In subsection (1) for the words "a housing
" scheme" there shall be substituted the
words "housing operations"; for the words
"in pursuance of the scheme" there shall be
substituted the words "in connection with
" the operations": and for the words
"housing schemes" there shall be substi-
tuted the words "housing operations."

In subsection (2) for the words "a housing
" scheme" there shall be substituted the
words "housing operations."

For subsection (3) the following subsection
shall be substituted—"The housing opera-
" tions to which this section applies are

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—cont.

Section 99—*cont.* “ housing operations carried out under this
“ Act by a local authority or county council
“ or by a public utility society or housing
“ trust.”

Section 103 - The words “ scheme or,” wherever those words
occur, shall be omitted.

Section 104 - In subsection (1) for the words “ any land
“ proposed to be included in any scheme or
“ order to be made under this Act or any
“ land proposed to be acquired under this
“ Act,” there shall be substituted the words
“ ‘ any land proposed to be acquired or
“ appropriated under this Act ’ ”; the words
“ before preparing the scheme or order or
“ acquiring the land,” and the words
“ ‘ confirming the scheme or order or ’ ” shall
be omitted, and after the word “ acqui-
“ sition ” the words “ or appropriation ” shall
be inserted.

Section 106 - In subsection (1) for the words “ confirming a
“ scheme ” there shall be substituted the
words “ made and confirmed ”, and for the
words “ of the scheme ” there shall be
substituted the words “ of Part II.”

In subsection (2) and in paragraph (a) of sub-
section (3) the words “ a scheme under ”
shall be omitted.

Section 107 - In subsection (1) the words “ or under any
“ scheme made in pursuance of this Act ”
shall be omitted.

Section 108 - In subsection (1) the words “ a scheme made
under ” shall be omitted, and for the words
“ the purposes of the scheme ” there shall be
substituted the words “ the purposes of
“ Part III of this Act.”

In subsection (2) the words “ under a scheme ”
shall be omitted, and for the words “ carry-
“ ing out that scheme ” there shall be sub-
stituted the words “ providing those houses.”

Section 109 - In subsection (1) for the words “ Where a
“ housing scheme to which this section
“ applies has been carried into effect ” there

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—cont.

Section 109—
cont.

shall be substituted the words “Where housing operations to which this section applies have been carried out”; for the words “of the scheme,” there shall be substituted the words “of the operations,” and for the words “the scheme was” there shall be substituted the words “the operations were.”

In subsection (2) for the words “Where such a scheme has been carried out” there shall be substituted the words “Where such operations have been carried out,” and for the words “any houses provided under the scheme” there shall be substituted the words “any of the houses.”

In subsection (3) for the words “Where a scheme to which this section applies has been carried out” there shall be substituted the words “Where housing operations to which this section applies have been carried out.”

For subsection (4), the following subsection shall be substituted:—“The housing operations to which this section applies are housing operations carried out or to be carried out under this Act or under any enactment repealed by this Act.”

Section 124 - In paragraph (c) of subsection (1) the words “Part I of” shall be omitted,

Section 127 - In paragraph (b) for the words “in respect of which a closing order or an order for demolition has been made,” there shall be substituted the words “in respect of which a notice requiring the execution of works has been served or a clearance order, demolition order or closing order has been made.”

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A.D. 1930.

Section 64.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c., Act, 1923.	Subsection (3) of section one.
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	Subsection (2) of section two.
15 Geo. 5. c. 14	The Housing Act, 1925.	Sections three, four, and nine to fifteen; subsections (2) and (3) of section eighteen; sections nineteen to twenty-six and twenty-eight; subsection (3) of section twenty-nine; sections thirty-three to forty and forty-two to forty-five; subsection (3) of section forty-six; sections forty-seven to fifty-two, fifty-four to fifty-six, sixty, sixty-one, seventy-three to seventy-seven, eighty-two and one hundred and fifteen; subsection (1) of section one hundred and twenty-two; section one hundred and twenty-eight, and in section one hundred and thirty-five the definition of "owner"; Schedules I., II. and III.
20 Geo. 5 c. 6	The Housing (Revision of Contributions) Act, 1929.	Paragraph (c) of Article 5 of Part I. of the Schedule.

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