

# Local Government Act 1974

## CHAPTER 7

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## ELIZABETH II



## Local Government Act 1974

## 1974 CHAPTER 7

An Act to make further provision, in relation to England and Wales, with respect to the payment of grants to local authorities, rating and valuation, borrowing and lending by local authorities and the classification of highways; to extend the powers of the Countryside Commission to give financial assistance; to provide for the establishment of Commissions for the investigation of administrative action taken by or on behalf of local and other authorities; to restrict certain grants under the Transport Act 1968; to provide for the removal or relaxation of certain statutory controls affecting local government activities; to make provision in relation to the collection of sums by local authorities on behalf of water authorities; to amend section 259(3) of the Local Government Act 1972 and to make certain minor amendments of or consequential on that Act; and for connected purposes. [8th February 1974]

**B**E IT ENACTED by the Queen'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  
GRANTS

*Rate support grants*

1.—(1) Subject to the provisions of this Part of this Act, the Secretary of State shall, for the year 1974-75 and each subsequent year, make grants to local authorities in England and Wales in accordance with this section; and any grants made in pursuance of this subsection shall be known as “rate support grants”.

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(2) For the purpose of fixing the estimated aggregate amount of the rate support grants for any year, the Secretary of State shall determine the aggregate amount (in this Part of this Act referred to as "the amount available for grants") which he estimates is to be available for the payment out of money provided by Parliament of grants, other than housing subsidies and grants under section 8 below, to local authorities in respect of their relevant expenditure for that year, and shall deduct therefrom—

- (a) the portion of the amount available for grants which he estimates will be allocated to grants in respect of specific services, other than grants under section 8 below ; and
- (b) the portion of that amount which is prescribed as the aggregate amount of supplementary grants for transport purposes, within the meaning of section 6 below ; and
- (c) the portion of that amount which is prescribed as the aggregate amount of supplementary grants under section 7 below ;

and so much of the amount available for grants as remains after making those deductions shall be the estimated aggregate amount of the rate support grants for that year.

(3) Before determining the amount available for grants and the portions of that amount mentioned in paragraphs (a) to (c) of subsection (2) above, the Secretary of State shall consult 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, and shall take into account—

- (a) the latest information available to him as to the rate of relevant expenditure ;
- (b) any probable fluctuation in the demand for services giving rise to relevant expenditure, so far as the fluctuation is attributable to circumstances prevailing in England and Wales as a whole which are not under the control of local authorities ;
- (c) the need for developing those services and the extent to which, having regard to general economic conditions, it is reasonable to develop those services ; and
- (d) the current level of prices, costs and remuneration and any future variation in that level which in the opinion of the Secretary of State will result from decisions which appear to him to be final and which will have the effect of increasing or decreasing any particular prices, costs or remuneration.

(4) Subject to subsection (6) below, in this section "relevant expenditure", in relation to any year, means the expenditure

for that year falling to be defrayed out of the rate fund of a local authority— PART I

- (a) reduced by the amount of any payments of such descriptions as the Secretary of State may determine which fall to be made for that year into the rate fund; and
  - (b) exclusive of the items of expenditure specified in subsection (5) below.
- (5) The items of expenditure referred to in subsection (4)(b) above are—
- (a) sums falling to be paid to another local authority by virtue of a precept or other instrument;
  - (b) expenditure under section 1(1) (awards for university and comparable courses) or section 2(3) (grants to persons undergoing training as teachers) of the Education Act 1962; and
  - (c) so much of the allowances granted in the year in question under a local authority's allowance scheme, within the meaning of Part II of the Housing Finance Act 1972, as does not exceed the authority's standard amount of rent allowances, within the meaning of that Act, for that year.
- (6) The following grants for specific services, namely grants—
- (a) to the Receiver for the Metropolitan Police District under section 77 of the Criminal Justice Act 1948 (towards the cost of probation services) and under section 27 of the Justices of the Peace Act 1949 (for magistrates' courts purposes), and
  - (b) under section 31 of the Police Act 1964 (police grants), whether made to a committee of a local authority or not,

shall be treated for the purposes of subsection (2) above as grants made to local authorities; and to the extent that, in any year, any expenditure of the Receiver for the Metropolitan Police District or of a combined police authority is met by any such grants, that expenditure shall be treated for the purposes of this section as relevant expenditure in relation to that year.

(7) In this section—

“housing subsidies” means such grants to local authorities out of money provided by Parliament for housing as may be determined by the Secretary of State to be housing subsidies for the purposes of this section; and

“rate fund”, in relation to the Greater London Council, the Common Council of the City of London and the Council of the Isles of Scilly, means the general fund or general rate, as the case may require, and in relation

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to any other local authority means the county fund or general rate fund.

(8) The provisions of Part I of Schedule 1 to this Act shall have effect with respect to the termination of grants under section 1 of the Local Government Act 1966 (existing rate support grants).

1966 c. 42.

Elements of  
rate support  
grants.

2.—(1) The aggregate amount of the rate support grants for any year shall be divided by the Secretary of State into three elements, to be known respectively as “the needs element”, “the domestic element” and “the resources element”, and the aggregate amount of the needs element and of the domestic element and the estimated aggregate amount of the resources element shall be such as may be prescribed.

(2) Subject to the following provisions of this section, payments in respect of the elements of rate support grant shall be made to a local authority at such times as the Secretary of State may with the consent of the Treasury determine, and shall be made in aid of the revenues of the authority generally; and the provisions of Schedule 2 to this Act shall have effect with respect to the determination of the amounts payable to any local authority in respect of those elements for any year.

(3) Except as provided by subsection (4) below, no payment in respect of the needs element shall be made to the council of a non-metropolitan district and the Secretary of State may by regulations provide that such proportion as may be determined by or under the regulations of the amount which, apart from the regulations, would be payable in respect of the needs element for any year—

(a) to the council of a London borough or the Common Council of the City of London, or

(b) to the council of a metropolitan district,

shall be payable instead to the Greater London Council or, as the case may be, to the council of the metropolitan county in which the district is situated; and any such regulations may make different provision in relation to different councils.

(4) The Secretary of State may by regulations provide that such proportion as may be determined by or under the regulations of the amount which, apart from the regulations, would be payable in respect of the needs element for any year to the council of a non-metropolitan county shall, in such cases as may be determined in accordance with the regulations, be payable instead to the councils of districts situated in the county; and any such regulations may make different provision in relation to different councils.

(5) No payment in respect of either the domestic element or the resources element shall be made to a county council or the Greater London Council.

(6) Any amounts payable to a local authority in respect of the domestic element shall be taken into account for the purposes of this and any other Act as if they were payable on account of rates.

(7) Subject to subsection (8) below, the Secretary of State may—

- (a) defray any expenditure incurred in any year in the provision of services for local authorities by any body specified in regulations made by the Secretary of State ; and
- (b) deduct from the aggregate amount of the needs element for that year such amount, not exceeding the total of the expenditure so defrayed, as appears to him to be appropriate.

(8) Before exercising his powers under subsection (7) above, the Secretary of State shall consult 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.

3.—(1) The estimated aggregate amount of the rate support grants fixed in accordance with section 1(2) above for any year and the matters which under this Part of this Act are to be prescribed shall be fixed and prescribed by an order (in this Part of this Act referred to as a “rate support grant order”) made by the Secretary of State with the consent of the Treasury and after consultation with such associations of local authorities as appear to the Secretary of State to be concerned and with any local authority with whom consultation appears to him to be desirable.

(2) Every rate support grant order shall be laid before the Commons House of Parliament and shall not have effect until approved by a resolution of that House.

(3) Together with any rate support grant order laid before the Commons House of Parliament there shall be laid a report of the considerations leading to the provisions of the order, including the considerations leading to the determination of the amount available for grants and the portions mentioned in paragraphs (a) to (c) of section 1(2) above.

(4) A separate rate support grant order shall be made in advance for each year.

4.—(1) If it appears to the Secretary of State that, after the time when the amount available for grants was determined for any year, the relevant expenditure of local authorities for that

Rate support grant orders.

Variation of rate support grant orders.



**PART I** year has been or is likely to be substantially increased by reason of—

- (a) an increase which has taken place in the level of prices, costs or remuneration, or
- (b) the coming into operation of a provision of an enactment passed after this Act,

and that no account was taken of that increase or, as the case may be, the effect of that provision when the amount available for grants was so determined, he may for that year redetermine that amount and the portions which are to be deducted therefrom in accordance with section 1(2) above and, by an order made in the like manner and subject to the like provisions as a rate support grant order, may increase the amounts fixed by the relevant rate support grant order as the estimated aggregate amount of the rate support grants and the aggregate amount of the needs element for that year.

(2) The provisions of sections 1(3) and 3(3) above relating to consultation and to a report of the considerations leading to a determination under section 1 above shall apply to a redetermination under this section as they apply to a determination under that section.

(3) In redetermining under this section the amount available for grants and the portions referred to in subsection (1) above, the Secretary of State—

- (a) shall take into account not only the effect of the increase referred to in paragraph (a) of that subsection or, as the case may be, the provision referred to in paragraph (b) thereof, but also any future variation in the level of prices, costs and remuneration current at the time of the redetermination which in his opinion will result from any such decisions as are referred to in section 1(3)(d) above, and

- (b) except in the case of a change resulting from the coming into operation of any enactment passed after this Act, shall take no account of any change, as compared with the situation at the time that amount and those portions were determined for the purposes of the relevant rate support grant order, in the demand for services giving rise to relevant expenditure, in the need for developing those services, in the extent to which those services have been developed or in the extent to which, having regard to general economic conditions, it is reasonable to develop those services.

(4) An order made under subsection (1) above in respect of any year shall specify the actual (and not the estimated) aggregate amount of the resources element for that year.

(5) If, in a case where the Secretary of State proposes to make an order under subsection (1) above in respect of any year, it appears to him that, apart from any provision made by virtue of this subsection, the effect of the order and of any other order under subsection (1) above which he considers likely to be made in respect of that year would be that the ratio between the actual aggregate amount of the resources element for that year and the aggregate amount of the needs element for that year would be significantly different from the ratio (in this subsection referred to as "the expected ratio") between the estimated aggregate amount of the resources element for that year, as fixed by the relevant rate support grant order, and the aggregate amount of the needs element, as so fixed, he may in the order under subsection (1) above—

(a) specify as the aggregate amount of the resources element for that year such amount as, in his estimation, will secure that (taking account of the effect of any further orders likely to be made under subsection (1) above in respect of that year) the ratio which the amount so specified will bear to the aggregate amount of the needs element for that year will be the expected ratio ; and

(b) in order to secure that the total amount paid in respect of the resources element to local authorities entitled to payments in respect of that element does not exceed the amount specified as mentioned in paragraph (a) above, make provision for a corresponding variation in the amount payable to each such authority in respect of that element.

(6) Except as provided by the preceding provisions of this section, an order under subsection (1) above in respect of any year shall not vary the amount of the elements of the rate support grants for that year but, subject thereto, any such order may, as respects the year to which it relates, vary any matters prescribed by the relevant rate support grant order other than—

(a) the additional factors prescribed by that order for the purposes of paragraph 1 of Schedule 2 to this Act ; and

(b) any matter prescribed by that order in relation to the domestic element or the resources element.

(7) In this section "relevant expenditure" has the same meaning as in section 1 above.

5.—(1) If, in the case of any local authority or joint board, the appropriate Minister—

Reduction of grants in case of default.

(a) is satisfied that the authority or board have failed to achieve or maintain a reasonable standard in the

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discharge of any of their functions, regard being had to the standards maintained by other authorities and boards, and

- (b) is of opinion that by reason of the failure a reduction should be made in the amount of any elements of rate support grant payable to the local authority or a constituent authority of the joint board,

he may, after affording to the local or constituent authority in question an opportunity of making representations, make and cause to be laid before Parliament a report stating the amount of and the reasons for the proposed reduction and setting out any representations made by the authority with respect to the proposed reduction; and if the report is approved by a resolution of the Commons House of Parliament the Secretary of State may reduce the elements of the grant accordingly.

(2) The appropriate Minister may make regulations for prescribing standards and general requirements in relation to any function of a local authority; and in determining for the purposes of subsection (1) above whether there has been such a failure as is mentioned in that subsection, regard shall be had to any such regulations and any other standards or requirements imposed by or under any enactment.

(3) Any regulations in force immediately before 1st April 1974 and—

1966 c. 42.

(a) made under subsection (2) of section 4 of the Local Government Act 1966 (which in the context of that Act corresponds to subsection (2) above), or

1958 c. 55.

(b) made under section 3(4) of the Local Government Act 1958 but, by virtue of subsection (3) of the said section 4, having effect for the purposes of that section as if made under subsection (2) thereof,

shall have effect on and after that date for the purposes of this section as if made under subsection (2) above.

1972 c. 70.

(4) In this section “joint board” includes a joint committee which continues to exist by virtue of section 263(5) of the Local Government Act 1972.

*Grants for particular purposes*

6.—(1) For the year 1975-76 and each subsequent year the Secretary of State shall make, in accordance with the provisions of this section, supplementary grants (in this section referred to as “supplementary grants for transport purposes”) to county councils and the Greater London Council in respect of their estimated expenditure in connection with—

- (a) public transport,
- (b) highways,
- (c) the regulation of traffic, and
- (d) the provision of parking places,

Supplementary grants for transport purposes.

and the matters specified in paragraphs (a) to (d) above are in this section referred to as "transport matters".

(2) To the extent that it would not otherwise be so included, there shall be treated for the purposes of this section as included in a council's estimated expenditure in connection with transport matters their estimated capital expenditure in connection with the provision by any person of facilities for or in connection with the loading or unloading of freight carried or intended to be carried otherwise than by road.

(3) The aggregate amount of supplementary grants for transport purposes for any year shall be such as may be prescribed.

(4) The proportion of the aggregate amount of supplementary grants for transport purposes payable for any year to a county council or the Greater London Council shall be determined, by such method as may be prescribed for the purposes of this section, by reference to the extent (if any) to which the accepted estimated expenditure of the council for the year in connection with transport matters exceeds a level of expenditure determined in such manner and by reference to such factors as may be prescribed for the purposes of this section.

(5) For the purposes of subsection (4) above,—

- (a) the Secretary of State may treat the estimated expenditure of the London borough councils and the Common Council of the City of London in connection with transport matters as forming part of the estimated expenditure in connection with those matters of the Greater London Council ;
- (b) the Secretary of State may treat the estimated expenditure of a district council in connection with transport matters as forming part of the estimated expenditure in connection with those matters of the council of the county in which the district is situated ; and
- (c) "accepted", in relation to the estimated expenditure of a council, means so much of their estimated expenditure as the Secretary of State may determine to be appropriate to be taken into account for the purposes of this section ;

and in making a determination under paragraph (c) above, in relation to the estimated expenditure of a council, the Secretary of State shall have regard to the progress which appears to him to have been made by the council in formulating and implementing suitable policies to meet the needs of their area in connection with transport matters.

(6) Payments of supplementary grants for transport purposes shall be made at such times as the Secretary of State may, with the consent of the Treasury, determine.

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(7) The Secretary of State may by regulations make such supplementary provision as he considers appropriate in relation to any factor prescribed for the purposes of this section in accordance with subsection (4) above.

(8) In consequence of the introduction of supplementary grants for transport purposes and of the provisions of this Part of this Act relating to rate support grants, the provisions of Part II of Schedule 1 to this Act shall have effect with respect to certain grants under the Highways Act 1959 and the Transport Act 1968.

1959 c. 25.  
1968 c. 73.

Supplementary grants towards expenditure with respect to National Parks.

**7.**—(1) For the year 1974-75 and each subsequent year the Secretary of State shall make, in accordance with the provisions of this section, supplementary grants to county councils in respect of their estimated expenditure in connection with National Parks.

(2) The aggregate amount of supplementary grants under this section for any year shall be such as may be prescribed.

(3) Supplementary grants under this section shall be payable only to county councils whose areas include the whole or any part of a National Park, and the proportion of the aggregate amount of supplementary grants under this section payable for any year to a county council shall be determined, by such method as may be prescribed for the purposes of this section, by reference to so much of the estimated expenditure of the council with respect to National Parks as the Secretary of State, after consultation with the Countryside Commission, may determine to be appropriate to be taken into account for the purposes of this section.

(4) Payments of supplementary grants under this section shall be made at such times as the Secretary of State may, with the consent of the Treasury, determine.

Specific grants for purposes not covered by rate support grants.

**8.**—(1) For the year 1974-75 and each subsequent year, the Secretary of State shall pay—

(a) to any rating authority granting rebates under the statutory rate rebate scheme in that year a grant equal to 90 per cent. of the aggregate amount of the rebates so granted; and

(b) to any rating authority granting rebates under a local rate rebate scheme in that year a grant equal to 90 per cent. of the aggregate amount of the rebates which, if that scheme had not been in force, would have been granted under the statutory rate rebate scheme during that year or, as the case may require, during the part of the year when the local rate rebate scheme was in force.

(2) For the year 1974-75 and each subsequent year the Secretary of State shall pay to each local education authority a grant equal to 90 per cent. of the aggregate amount paid in that year by the authority—

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(a) in pursuance of awards bestowed under section 1(1) of the Education Act 1962 (for persons attending first degree university courses and comparable courses); and 1962 c. 12.

(b) by way of grants under section 2(3) of that Act (to or in respect of persons undergoing training as teachers).

(3) Payments of grants under subsection (1) or subsection (2) above shall be made at such times as the Secretary of State may, with the consent of the Treasury, determine.

(4) In subsection (1) above “the statutory rate rebate scheme” and “local rate rebate scheme” have the same meanings as in Part II of this Act.

(5) The provisions of Part III of Schedule 1 to this Act shall have effect with respect to the termination of certain grants for specific purposes, other than highways and public transport.

9.—(1) In accordance with arrangements approved by the Secretary of State and the Treasury, the Countryside Commission may give financial assistance by way of grant or loan, or partly in the one way and partly in the other, to any person in respect of expenditure incurred by him in doing anything which, in the opinion of the Commission, is conducive to the attainment of any of the purposes of the Countryside Act 1968 or the National Parks and Access to the Countryside Act 1949. Grants and loans by the Countryside Commission. 1968 c. 41. 1949 c. 97.

(2) On making a grant or loan under this section the Countryside Commission may impose such conditions as they think fit including (in the case of a grant) conditions for repayment in specified circumstances.

(3) The exercise of the Countryside Commission’s power under this section shall be subject to any directions given to the Commission by the Secretary of State.

(4) The provisions of this section shall have effect in place of the provisions of section 5 of the Countryside Act 1968 (under which grants may be made only to persons other than public bodies and only in respect of projects approved by the Secretary of State).

### Supplementary

10.—(1) The following bodies are local authorities for the purposes of this Part of this Act, namely,— Supplementary provisions for Part I.

- (a) the council of a county,
- (b) the Greater London Council,
- (c) the council of a district,
- (d) the council of a London borough,

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- (e) the Common Council of the City of London, and
- (f) the Council of the Isles of Scilly,

and for the purposes of the provisions of this Act relating to the domestic element the Sub-Treasurer of the Inner Temple and the Under Treasurer of the Middle Temple shall also be local authorities.

(2) In this Part of this Act—

- “ the amount available for grants ” has the meaning assigned to it by section 1(2) above ;
- “ the appropriate Minister ” means, in relation to any matter, the Minister in charge of the Government department concerned or primarily concerned with that matter ;
- “ the domestic element ”, “ the needs element ” and “ the resources element ” shall be construed in accordance with section 2(1) above ;
- “ prescribed ” means prescribed by a rate support grant order ; and
- “ year ” means a period of twelve months beginning with 1st April.

(3) The Secretary of State may make regulations for carrying the provisions of sections 1 to 5 of and Schedule 2 to this Act into effect and, without prejudice to the generality of this provision,—

- (a) for determining the manner in which any calculation or estimate is to be made for any of the purposes of those provisions ;
- (b) for determining the authority or person by or to whom any information required for those purposes is to be given and the time at which and the form in which it is to be given ;
- (c) for providing that the calculations or estimates by reference to which any payments are made may be treated as either conclusive or provisional or conclusive for some purposes and provisional for other purposes and, in so far as they are treated as provisional, for the making of further calculations or estimates based on information not previously available and for adjusting, in the light thereof, any payment already made ;

and regulations under this subsection may make different provisions for different circumstances.

(4) Any power conferred by any provision of this Part of this Act to make regulations shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(5) Before making regulations under any provision of this Part of this Act, the Secretary of State shall consult 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.

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## PART II

## RATING

11.—(1) The Secretary of State shall by regulations make, with the consent of the Treasury, a scheme (in this Part of this Act referred to as “the statutory rate rebate scheme”) for the grant by rating authorities to residential occupiers of rebates from rates calculated in accordance with the provisions of the scheme by reference to their needs and their resources. The statutory rate rebate scheme.

(2) The statutory rate rebate scheme shall have effect in respect of rebate periods beginning on or after 1st April 1974, and accordingly no person shall be entitled in respect of any such rebate period to a rate rebate under section 49 of the principal Act.

(3) Without prejudice to the generality of the power conferred by subsection (1) above, the statutory rate rebate scheme may contain provisions corresponding, so far as the Secretary of State considers appropriate, to provisions of Part I of Schedule 3 or Part I of Schedule 4 to the Housing Finance Act 1972 (model schemes of rent rebates and rent allowances). 1972 c. 47.

(4) In this Part of this Act “rebate period” means such period as may be determined in accordance with the statutory rate rebate scheme, and that scheme may make provision for the determination of different periods in relation to different residential occupiers or different classes of residential occupiers.

12.—(1) Subject to the following provisions of this section, a rating authority may by resolution make for their area a scheme (in this Part of this Act referred to as a “local rate rebate scheme”) for the grant by the authority to residential occupiers of rebates from rates calculated in accordance with the provisions of the scheme by reference to their needs and resources. Local rate rebate schemes.

(2) A local rate rebate scheme may take the form of a scheme distinct from the statutory rate rebate scheme or may operate by way of variation of that scheme, and accordingly any reference in this Part of this Act to a local rate rebate scheme includes a reference to the statutory rate rebate scheme as so varied.

(3) A local rate rebate scheme shall be so framed as to secure that, in the estimate of the rating authority,—

(a) for any rebate period no person will be entitled under the scheme to a rate rebate less than that to which he



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would be entitled under the statutory rate rebate scheme ; and

- (b) the total of the rebates which will be allowable under the local rate rebate scheme in any year will not exceed the permitted total of rebates for that year.

(4) In relation to a local rate rebate scheme for any area, the permitted total of rebates for any year is 110 per cent. of the total of the rate rebates which (if the local rate rebate scheme had not been in force) would have been allowable in that year to residential occupiers in that area under the statutory rate rebate scheme.

(5) A local rate rebate scheme may be revoked or varied by a further resolution of the rating authority and, except in so far as the Secretary of State otherwise directs,—

- (a) any such scheme and any variation thereof shall take effect with respect to any rebate period beginning on or after such date as may be specified in the rating authority's resolution, and
- (b) a resolution revoking a local rate rebate scheme shall take effect at the expiry of any rebate period which is current, or which expires, on such date as may be specified in the resolution,

and, as soon as practicable after a rating authority has passed a resolution making, varying or revoking a local rate rebate scheme, the authority shall send a copy of the resolution to the Secretary of State.

(6) As soon as practicable after the end of any year in which a local rate rebate scheme has been in operation, and in any case not later than 31st July next following, the rating authority concerned shall send to the Secretary of State a certificate specifying—

- (a) the total amount of the rate rebates allowed in that year under the local rate rebate scheme, and
- (b) the permitted total of rebates for that year and, if the local rate rebate scheme was not in operation during the whole of that year, the fraction of that permitted total which corresponds to the fraction of the year during which the local scheme was in operation.

(7) Where it appears from a certificate under subsection (6) above that the amount specified as mentioned in paragraph (a) of that subsection exceeds the permitted total or, as the case may be, the appropriate fraction of the permitted total referred to in paragraph (b) of that subsection, it shall be the duty of the rating authority to send to the Secretary of State, together with that certificate, a statement of—

- (a) their proposals for varying or revoking the local rate rebate scheme so as to secure that the total of the rate

rebates allowed in the year following that to which the certificate relates will not exceed the permitted total of rebates for that year ; or

- (b) their reasons for believing that no change is necessary in the local rate rebate scheme in order to secure that result.

(8) If the Secretary of State is of the opinion that any proposals made by a rating authority under subsection (7)(a) above will not secure the result referred to in that subsection, or that some variation of a local rate rebate scheme will be required to secure that result, notwithstanding the contrary view expressed by a rating authority in a statement under subsection (7)(b) above, or if it comes to the knowledge of the Secretary of State that the condition in subsection (3)(a) above is not fulfilled with respect to the entitlement of any person to a rate rebate under a local rate rebate scheme, the Secretary of State may by order provide—

- (a) that from such date as may be specified in the order the local rate rebate scheme shall have effect subject to such variations as may be so specified and that, within such minimum period as may be specified, no other variations may be made in the scheme by the rating authority ; or
- (b) that the local rate rebate scheme shall be revoked with effect from such date as may be specified in the order and that no new local rate rebate scheme shall be brought into operation for the rating area concerned within such period as may be so specified.

13.—(1) Subject to subsections (2) and (3) below, the following persons are residential occupiers for the purposes of this Part of this Act, namely,— Residential occupiers.

- (a) a person who is the occupier of, and resides or is usually resident in, a hereditament which is a dwelling-house and which at the relevant date has a rateable value not exceeding the specified limit ;
- (b) a person who is the occupier of a hereditament which is not a dwelling-house, but who resides or is usually resident in a part of the hereditament which is used for the purposes of a private dwelling and has at the relevant date a rateable value not exceeding the specified limit ;
- (c) a person who, not being the occupier of any such hereditament as is mentioned in paragraph (a) or paragraph (b) above, resides or is usually resident in a part of any such hereditament, which part is used for the purposes of a private dwelling and at the relevant date has a rateable value not exceeding the specified

## PART II

limit, and in respect of which he makes payments by way of rent to the occupier or any other person who is himself a residential occupier.

(2) Where two or more persons are joint occupiers of a hereditament such as is mentioned in paragraph (a) or paragraph (b) of subsection (1) above, or joint tenants of such a part thereof as is mentioned in paragraph (c) of that subsection, then, for the purposes of rate rebates under the statutory rate rebate scheme or a local rate rebate scheme, the rating authority may treat one of those persons as if he were the sole occupier of the hereditament or, as the case may be, sole tenant of that part thereof.

(3) For the purposes of paragraphs (b) and (c) of subsection (1) above, the rateable value on any day of part of a hereditament shall be taken to be such value as is found by a proper apportionment of the rateable value of the whole hereditament on that day; and any question arising under this subsection as to the proper apportionment of any rateable value shall be determined by the county court, whose decision shall be final.

(4) In subsection (1) above,—

(a) “the relevant date”, in relation to a person making an application for a rate rebate under the statutory rate rebate scheme or a local rate rebate scheme, means the beginning of the year in any part of which a rebate granted to him in pursuance of the application will be effective, and

(b) “the specified limit”, in relation to a hereditament, means such limit of rateable value as the Secretary of State may by order specify for the purposes of this section in relation to hereditaments in the rating area in which that hereditament is situated.

Supplementary provisions as to eligibility for rate rebates.

14.—(1) Subject to subsection (2) below, no residential occupier liable for rates in respect of a hereditament in any area shall be eligible to apply for a rate rebate under the statutory rate rebate scheme in respect of those rates for any rebate period during which a local rate rebate scheme is in operation in that area.

(2) If any such residential occupier as is referred to in subsection (1) above shows to the satisfaction of the rating authority that the local rate rebate scheme does not in his case fulfil the condition in section 12(3)(a) above, he shall be eligible to apply for a rate rebate under the statutory rate rebate scheme and, if he makes such an application for any rebate period, he shall cease to be eligible to make an application for that period under the local rate rebate scheme.

(3) If, in a case where a residential occupier is liable for rates in respect of a hereditament for a rate period beginning on or after 1st April 1974,—

- (a) the residential occupier is entitled to a rebate from those rates under the statutory rate rebate scheme or a local rate rebate scheme, and
- (b) the rating authority affords him relief in respect of those rates under section 53 of the principal Act (reduction or remission of payment of rates on account of poverty),

the rating authority shall grant him a rebate as mentioned in paragraph (a) above only if, and to the extent that, the amount of the rebate exceeds the aggregate amount afforded him as mentioned in paragraph (b) above.

(4) In section 16(2) of the Ministry of Social Security Act 1966 1966 c. 20. (rate rebates to which persons in receipt of supplementary benefit might otherwise be entitled reduced if their requirements were determined without regard to any rate rebate) for the words “section 5 of the Rating Act 1966” there shall be substituted the words “a scheme under section 11 or section 12 of the Local Government Act 1974”.

**15.**—(1) In section 17 of the principal Act (rating of unoccupied property in accordance with Schedule 1 to that Act) in subsection (2)— Rating of unoccupied property.

- (a) so much of paragraph (a) as provides that, except with the authority of the Secretary of State, a resolution providing that the provisions of Schedule 1 to that Act shall apply to an area may not take effect within the period of seven years beginning with the day on which those provisions ceased or last ceased to apply to that area, and
- (b) so much of paragraph (b) as provides that, except with the authority of the Secretary of State, a resolution providing that the provisions of Schedule 1 to that Act shall cease to apply to an area may not take effect within the period of seven years beginning with the day on which those provisions came or last came into operation in that area,

shall cease to have effect.

(2) In subsection (5) of that section for the words “This section and the said Schedule 1 shall not apply to the Temples, and in their application” there shall be substituted the words “In the application of this section and the said Schedule 1”.

(3) In paragraph 1(1) of Schedule 1 to the principal Act (where, by virtue of a resolution under section 17 of that Act,

**PART II**

that Schedule is in operation in any area, every relevant hereditament in that area which is unoccupied for a continuous period exceeding three months shall be rated in accordance with the provisions of that Schedule) after the words "in that area" there shall be inserted the words "or, if only a class or classes of relevant hereditament is or are for the time being specified by a resolution of the rating authority for the purposes of this paragraph, any relevant hereditament in that area which falls within that class or any of those classes".

(4) In sub-paragraph (2) of paragraph 1 of Schedule 1 to the principal Act (the amount of rates payable in respect of a vacant hereditament to be one-half of the amount which would be payable if the hereditament were occupied) for the words "one-half" there shall be substituted the words "the specified proportion", and at the end of that sub-paragraph there shall be inserted the following sub-paragraph:—

"(2A) In sub-paragraph (2) above 'the specified proportion', in relation to a hereditament, means such proportion (which may be the whole or any less amount) as may be specified for the purposes of this sub-paragraph by a resolution of the rating authority for the rating area in which the hereditament is situated; and different proportions may be so specified in relation to different classes of hereditaments and in relation to hereditaments in different parts of the rating area."

(5) After paragraph 3 of Schedule 1 to the principal Act there shall be inserted the following paragraph:—

"3A. Without prejudice to section 53 of this Act, a rating authority shall have power to reduce or remit the payment of any rates payable in respect of a hereditament by virtue of paragraph 1 of this Schedule if they consider that the payment would cause hardship to the person liable for those rates."

(6) At the end of paragraph 14 of Schedule 1 to the principal Act there shall be added the following sub-paragraph:—

"(2) In calculating any period for the purposes of this Schedule in relation to a hereditament which is of a class specified by the rating authority for the purposes of paragraph 1 above, any earlier period during which classes of relevant hereditament were, but no class comprising that hereditament was, so specified shall be disregarded."

16. The following sections shall be inserted after section 17 of the principal Act:— PART II

“Liability to progressive surcharge in respect of unused office, etc., property.

Rating surcharge on unused office, etc., property.

17A.—(1) If for a continuous period exceeding six months a commercial building is not used for the purpose for which it was constructed or has been adapted, its owner shall pay in respect of that period (the ‘period of non-use’) a surcharge additional to the rates (if any) payable apart from this section.

(2) Subsection (1) of this section shall not apply where—

- (a) the owner has tried his best to let the building, or
- (b) the condition of the building makes it unfit for use for the purpose for which it was constructed or has been adapted, and it cannot be rendered fit at a cost which is reasonable in relation to the value of that use.

(3) Where the owner is in occupation of the building throughout the period of non-use, the surcharge shall be levied in the form of rates by doubling the normal rates for the first twelve months of the period of non-use, trebling the normal rates for the second twelve months, quadrupling the normal rates for the third twelve months, and so on progressively while the period of non-use lasts.

In this subsection ‘the normal rates’, in relation to any period, means the rates payable in respect of that period apart from this section (taking rates as accruing uniformly from day to day); and where the period of non-use extends through part only of any twelve-month period, the surcharge shall be calculated by reference to the normal rates for that part.

(4) Where the owner is not in occupation of the building throughout the period of non-use—

- (a) the amount of the surcharge shall be the same as it would have been if the owner had been in occupation of the building throughout the period of non-use, and
- (b) the surcharge shall be levied in the form of rates of that amount as if they were payable by the owner in respect of that occupation.

## PART II

(5) In determining whether or not the owner has tried his best to let the building, regard shall be had to the following, as well as other relevant factors—

- (a) the rent sought, compared with rents of similar properties in the area,
- (b) the other covenants and conditions required by the owner to be contained in any proposed lease,
- (c) whether or not the owner indicated to prospective lessees that he was prepared to let the building in parts,
- (d) the number and resources of the firms of estate agents retained for the purpose of letting the building, and
- (e) the nature and extent of advertising of the building by the owner or those agents.

Supplemental provisions as to section 17A.

17B.—(1) A rating authority may serve a notice on the owner of any commercial building requiring him to make a written return containing such particulars as may be reasonably required by the authority for the purposes of section 17A of this Act; and subsections (3) to (6) of section 82 of this Act shall apply to a notice under this subsection as they apply to a notice under section 82, as if—

- (a) the reference in section 82(3) to the valuation officer were a reference to the rating authority, and
- (b) the penalties laid down by section 82(4) and (5) were—
  - (i) on summary conviction, a fine not exceeding £400; and
  - (ii) on conviction on indictment, imprisonment for a term not exceeding two years, or a fine, or both.

(2) References in section 17A of this Act and this section to a commercial building are references to a hereditament (not being a dwellinghouse, or a hereditament having a floor space not exceeding 240 square feet and used as a lock-up garage) whose net annual value falls to be ascertained under section 19(2) of this Act; and if during a period of non-use a commercial building is divided into two or more hereditaments, the amount of any surcharge imposed under section 17A of this Act in respect of any of

those hereditaments shall be the same as if it had been a separate hereditament from the beginning of the period of non-use.

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(3) A surcharge imposed under section 17A of this Act in respect of a hereditament shall until recovered be a charge on the land comprised in the hereditament; and for the purposes of the application to such a charge of section 15 (registration of local land charges) of the Land Charges Act 1925 this Act shall be deemed to be a similar statute to the Acts mentioned in subsection (1) of that section. 1925 c. 22.

(4) Where a hereditament which is not used for the purpose for which it was constructed or has been adapted becomes so used on any day and becomes not so used again on the expiration of a period of less than six weeks beginning with that day, then for the purpose of ascertaining any period during which the hereditament has been continuously not so used, it shall be deemed to have remained not so used on that day and during that period.

(5) A hereditament shall be taken to be used on any day for the purposes for which it was constructed or has been adapted if, but only if, not less than four-fifths of it was so used on that day.

(6) Schedule 1 to this Act (except paragraphs 1, 2(c) and (d), 6, 12 and 14) shall apply for the purposes of section 17A of this Act as it applies for the purposes of section 17 thereof, as if—

- (a) references to paragraph 1 of that Schedule were references to section 17A of this Act,
- (b) references to a relevant hereditament or a relevant period of vacancy were references to a commercial building and a period of non-use respectively, and
- (c) references to three months were references to six months.

(7) In section 17A of this Act and this section 'owner' means the person entitled to possession, and where different persons are entitled to possession of a hereditament during different parts of a period of non-use, a surcharge in respect of that period shall be apportioned between them according to the length of each part and levied accordingly.

(8) In the application of section 17(A) of this Act to the City of London, 'rates' means the aggregate of the poor rate and the general rate.



## PART II

(9) Section 17A of this Act shall not apply to any period before the passing of the Local Government Act 1974."

Increases in statutory deduction from gross value: alteration of valuation lists.

17. If, on or before 31st December 1973, a draft of an order is laid before Parliament under subsection (5) of section 19 of the principal Act increasing the amount which, in accordance with subsection (2) of that section, is to be deducted from the gross value of a hereditament of a class specified in the order for the purpose of ascertaining the net annual value of that hereditament and an order is made in terms of the draft so laid,—

- (a) the valuation officer shall, by directions to the rating authority, cause to be made in a valuation list any alterations necessary to give effect to the increased deductions, and the rating authority shall give effect to any such directions accordingly; and
- (b) any alteration made in a valuation list by virtue of paragraph (a) above shall have effect as from 1st April 1974, but without prejudice to any subsequent alteration of the valuation list made by virtue of any provision of the principal Act.

Rating of plant and machinery.

18.—(1) In subsection (5) of section 21 of the principal Act (power for the Secretary of State by order to exclude certain items of plant or machinery, or parts of such items, from being treated as part of a hereditament for the purposes of valuation) for the words from "which satisfies" to the end of the subsection there shall be substituted the words "which falls within any of paragraphs (a) to (c) below, that is to say,—

- (a) any item or part of an item which is moved or rotated by motive power as part of a process of manufacture;
- (b) so much of any refractory or other lining forming part of any plant or machinery as is customarily renewed by reason of normal use at intervals of such frequency being less than a year as may be specified in the order;
- (c) any item which is of such a description and in respect of which such conditions are fulfilled as may be specified in the order and which is readily capable of being moved from one site and re-erected in its original state on another without the substantial demolition of the item or of any surrounding structure".

(2) Section 22 of the principal Act (determination of certain questions as to plant and machinery) shall cease to have effect.

19.—(1) The Secretary of State may by order make provision for determining, by such method as may be specified in the order, the rateable value of, or of any class or description of, the hereditaments specified in Schedule 3 to this Act.

PART II  
Rating of  
certain public  
utilities and  
other bodies.

(2) An order under this section applying to any hereditament, or any class or description of hereditament, may provide for determining rateable value by the application of different methods of valuation to different parts of the hereditament.

(3) Before making an order under this section the Secretary of State shall consult with such associations of local authorities or of persons carrying on undertakings as appear to him to be concerned and with any local authority or person carrying on an undertaking with whom consultation appears to him to be desirable.

(4) An order under this section may repeal or amend any provision of—

(a) sections 31 to 34 of and Schedules 4 to 7 to the principal Act,

(b) section 52 of the Post Office Act 1969, and

1969 c. 48.

(c) any other provision of the principal Act so far as that provision relates to the valuation of hereditaments to which the order relates,

and any such order may as regards any such hereditaments apply, restrict or modify the provisions of the principal Act relating to proposals for alterations of valuation lists and to appeals in connection with such lists and to the withholding of rates where proposals are pending, and shall have effect notwithstanding anything in any of those provisions.

(5) No order under this section shall have effect unless approved by a resolution of each House of Parliament.

20. Section 45 of the principal Act (relief in respect of facilities for disabled persons) shall have effect, and shall be deemed to have had effect on and after 1st April 1973, as if at the end of the section there were added the following subsections:—

Exemption  
from rates  
for certain  
hereditaments  
comprising  
facilities for  
disabled  
persons.

“(2) No person shall, in respect of any period, be liable to pay rates in respect of a hereditament to which this subsection applies, or be deemed to be in occupation thereof for rating purposes, and notwithstanding anything in this Act no such hereditament shall be included in any rate made in respect of any period.

## PART II

(3) Subsection (2) of this section applies to a hereditament consisting exclusively of—

- (a) land on which is erected a structure falling within paragraph (a) of subsection (1) of this section ; or
- (b) land on which is erected a structure which falls within paragraph (c) of subsection (1) of this section and which is provided for the accommodation of a vehicle used by an invalid or disabled person ; or
- (c) land on which is erected a structure which falls within paragraph (d) of subsection (1) of this section and is of a kind similar to such a structure as is referred to in paragraph (a) or paragraph (b) above ; or
- (d) land falling within paragraph (a), paragraph (b) or paragraph (c) above together with other land occupied and used solely in connection with the structure in question ; or
- (e) land on which no structure is erected but which is used exclusively for the keeping of a vehicle used by an invalid or disabled person.”

**21.**—(1) In the case of a hereditament which is a dwelling-house or a mixed hereditament within the meaning of section 48 of the principal Act, no proposal may be made under section 69 of that Act for an increase in the gross value ascribed to the hereditament in the valuation list by reason of the making of structural alterations on or after 1st April 1974—

- (a) if and so far as the alterations are necessary for the purpose of installing a system for providing heating in two or more rooms in the hereditament, or
- (b) if the proposal would be for an increase not exceeding such an amount as the Secretary of State may by order specify,

and, accordingly, references in the following provisions of this section to structural alterations do not include alterations falling within paragraph (a) above.

(2) If, by reason of the making of structural alterations on or after 1st April 1974, a proposal is made for an increase in the gross value of any such hereditament as is referred to in subsection (1) above, but—

- (a) an agreement is reached under section 72(1) of the principal Act on the alteration of the valuation list which, apart from this section, would be appropriate to take account of the alterations, and

Valuation lists not to be altered on account of minor structural alterations to dwellings.

- (b) the alteration so agreed would represent an increase in the gross value of such an amount that, by virtue of subsection (1)(b) above, no proposal for an increase of that amount could have been made,

then, notwithstanding the said section 72(1), no alteration shall be made to the gross value ascribed to the hereditament in the valuation list.

(3) If, by reason of the making of structural alterations on or after 1st April 1974, a proposal is made for an increase in the gross value of any such hereditament as is referred to in subsection (1) above but, on an appeal under section 76 or an arbitration under section 78 of the principal Act relating to the proposal, the court or arbitrator is of the opinion that the increase in the gross value to take account of the alterations would be of such an amount that, by virtue of subsection (1)(b) above, no proposal for an increase of that amount could have been made, the court or arbitrator shall direct that no alteration be made to the gross value ascribed to the hereditament in the valuation list.

(4) If, by reason of the making of structural alterations on or after 1st April 1974, the gross value of any such hereditament as is referred to in subsection (1) above is increased but, on an appeal under section 77 of the principal Act, the Lands Tribunal is of the opinion that the increase in the gross value should be reduced to such an amount that, by virtue of subsection (1)(b) above, no proposal for an increase of that amount could have been made, the Tribunal shall give such directions as appear to it to be appropriate to secure that the valuation list is altered so as to restore to the hereditament the gross value ascribed to it in that list before the increase.

(5) In any case where,—

- (a) by virtue of subsection (1)(b) above, no proposal for an increase in the gross value ascribed to a hereditament in a valuation list is made to take account of the making of structural alterations, but
- (b) as a result of subsequent structural alterations, a proposal, permitted by subsection (1) above, is made under section 69 of the principal Act for such an increase,

then, for the purposes of section 79(2) of the principal Act (date on which alterations in the valuation list are to have effect), the event by reason of which the alteration is made shall be taken to be the making of the last of the structural alterations of which account was taken in the making of the proposal referred to in paragraph (b) above.

(6) An order under subsection (1)(b) above shall be of no effect unless it is approved by a resolution of each House of Parliament.

## PART II

Interpretation  
of Part II.  
1967 c. 9.

22.—(1) In this Part of this Act—

“the principal Act” means the General Rate Act 1967;

“local rate rebate scheme” has the meaning assigned to it by section 12 above; and

“the statutory rate rebate scheme” has the meaning assigned to it by section 11 above.

(2) Except in so far as otherwise provided in this Part of this Act, expressions used in this Part have the same meanings as in the principal Act.

(3) Sections 114 (rules, regulations and orders) and 118 (application to Isles of Scilly) of the principal Act shall apply as if this Part of this Act were contained in the principal Act.

## PART III

## LOCAL GOVERNMENT ADMINISTRATION

The  
Commissions  
for Local  
Adminis-  
tration.

23.—(1) For the purpose of conducting investigations in accordance with this Part of this Act, there shall be—

(a) a body of commissioners to be known as the Commission for Local Administration in England, and

(b) a body consisting of two or more commissioners to be known as the Commission for Local Administration in Wales.

(2) The Parliamentary Commissioner shall be a member of each of the Commissions.

(3) In the following provisions of this Part of this Act the expression “Local Commissioner” means a person, other than the Parliamentary Commissioner, who is a member of one of the Commissions.

(4) Appointments to the office of Local Commissioner shall be made by Her Majesty on the recommendation of the Secretary of State after consultation with the appropriate representative body, and a person so appointed shall, subject to subsection (6) below, hold office during good behaviour.

(5) Local Commissioners may be appointed to serve either as full-time commissioners or as part-time commissioners.

(6) A Local Commissioner may be relieved of office by Her Majesty at his own request or may be removed from office by Her Majesty on grounds of incapacity or misbehaviour, and shall in any case vacate office on completing the year of service in which he attains the age of sixty-five years.

## PART III

(7) The Secretary of State shall designate two of the Local Commissioners for England as chairman and vice-chairman respectively of the Commission for Local Administration in England and, in the event of there being more than one Local Commissioner for Wales, shall designate one of them as chairman of the Commission for Local Administration in Wales.

(8) The Commission for Local Administration in England shall divide England into areas and shall provide, in relation to each area, for one or more of the Local Commissioners to be responsible for the area; and where the Commission for Local Administration in Wales consist of more than one Local Commissioner they may, if they think fit, act in a similar way in Wales.

A Local Commissioner may, by virtue of this subsection, be made responsible for more than one area.

(9) It shall be the duty of the Commission for Local Administration in England to ensure that any Local Commissioner made responsible for an area which includes the county of Cornwall is made responsible for an area which also includes the Isles of Scilly.

(10) Each of the Commissions—

- (a) shall make arrangements for Local Commissioners to accept cases for which they are not responsible including, where the other Commission so request, a case arising in the country of that other Commission, and
- (b) shall publish information about the procedures for making complaints under this Part of this Act.

(11) For the year ending on 31st March 1975, and for each subsequent financial year, every Local Commissioner shall prepare a general report on the discharge of his functions and shall submit it to his Commission; and where he has discharged functions at the request of the other Commission he shall prepare a general report on the discharge of those functions and shall submit it to the other Commission.

Any such report shall be submitted to the appropriate Commission not later than two months after the end of the year to which it relates.

(12) The Commissions shall each financial year review the operation of the provisions of this Part of this Act about the investigation of complaints, and shall have power to convey to local authorities (through the appropriate representative body designated under section 24 below), or to government departments, any recommendations or conclusions reached in the course of their reviews.

**PART III**

(13) Schedule 4 to this Act shall have effect as respects the Commissions.

Bodies representing authorities to which Part III applies.

24.—(1) The Secretary of State shall by order designate bodies to be called respectively “the representative body for England” and “the representative body for Wales”.

(2) The said representative bodies shall be bodies appearing to the Secretary of State to represent authorities in England to which this Part of this Act applies, or as the case may be such authorities in Wales.

(3) An order made under subsection (1) above may be varied or revoked by a subsequent order so made, and shall be contained in a statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.

(4) For the year ending on 31st March 1975, and for each subsequent financial year, each of the Commissions shall prepare a general report on the discharge of their functions and shall submit it to the appropriate representative body.

(5) The report shall be submitted as soon as may be after the Commission have received the reports for the year from Local Commissioners under section 23(11) above, and each Commission shall submit copies of those reports, together with their own report.

(6) Each representative body shall arrange for the publication of the reports submitted to them under the preceding provisions of this section.

(7) In transmitting to local authorities recommendations or conclusions conveyed by either of the Commissions (in accordance with section 23(12) above) the representative body concerned may make such comments on those recommendations or conclusions as they think appropriate.

(8) Where, in accordance with subsection (6) above, a representative body arrange for the publication of a report submitted to them under subsection (4) above, they may also arrange for the report to be published with an annex containing such comments on the report as they think appropriate.

(9) Without prejudice to the generality of subsection (8) above, comments made by a representative body by virtue of that subsection may relate to particular classes of authorities to which this Part of this Act applies.

(10) Where the Commission for Local Administration in Wales consist of only one Local Commissioner, section 23(11) above and subsection (5) above shall have effect with the necessary modifications.

**25.—**(1) This Part of this Act applies to—

- (a) any local authority,
- (b) any joint board the constituent authorities of which are all local authorities,
- (c) any police authority, other than the Secretary of State, and
- (d) any water authority within the meaning of the Water Act 1973.

**PART III**  
Authorities  
subject to  
investigation.

1973 c. 37.

(2) Her Majesty may by Order in Council provide that this Part of this Act shall also apply, subject to any modifications or exceptions specified in the Order, to any authority specified in the Order, being an authority which is established by or under an Act of Parliament, and which has power to levy a rate, or to issue a precept.

(3) An Order made by virtue of subsection (2) above may be varied or revoked by a subsequent Order so made and shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(4) Any reference to an authority to which this Part of this Act applies includes a reference—

- (a) to the members and officers of that authority, and
- (b) to any person or body of persons acting for the authority under section 101 or section 110 of the Local Government Act 1972 (arrangements for discharge of functions by local authorities), or
- (c) any committee mentioned in section 101(9) of the said Act.

1972 c. 70.

**26.—**(1) Subject to the provisions of this Part of this Act where a written complaint is made by or on behalf of a member of the public who claims to have sustained injustice in consequence of maladministration in connection with action taken by or on behalf of an authority to which this Part of this Act applies, being action taken in the exercise of administrative functions of that authority, a Local Commissioner may investigate that complaint.

Matters  
subject to  
investigation.

(2) A complaint shall not be entertained under this Part of this Act unless—

- (a) it is made in writing to a member of the authority, or of any other authority concerned, specifying the action alleged to constitute maladministration, and
- (b) it is referred to the Local Commissioner, with the consent of the person aggrieved, or of a person acting on his behalf, by that member, or by any other person who is a member of any authority concerned, with a request to investigate the complaint.



**PART III**

(3) If the Local Commissioner is satisfied that any member of any authority concerned has been requested to refer the complaint to a Local Commissioner, and has not done so, the Local Commissioner may, if he thinks fit, dispense with the requirements in subsection (2)(b) above.

(4) A complaint shall not be entertained unless it was made to a member of any authority concerned within twelve months from the day on which the person aggrieved first had notice of the matters alleged in the complaint, but a Local Commissioner may conduct an investigation pursuant to a complaint not made within that period if he considers that there are special circumstances which make it proper to do so.

(5) Before proceeding to investigate a complaint, a Local Commissioner shall satisfy himself that the complaint has been brought, by or on behalf of the person aggrieved, to the notice of the authority to which the complaint relates and that that authority has been afforded a reasonable opportunity to investigate, and reply to, the complaint.

(6) A Local Commissioner shall not conduct an investigation under this Part of this Act in respect of any of the following matters, that is to say,—

- (a) any action in respect of which the person aggrieved has or had a right of appeal, reference or review to or before a tribunal constituted by or under any enactment;
- (b) any action in respect of which the person aggrieved has or had a right of appeal to a Minister of the Crown; or
- (c) any action in respect of which the person aggrieved has or had a remedy by way of proceedings in any court of law:

Provided that a Local Commissioner may conduct an investigation notwithstanding the existence of such a right or remedy if satisfied that in the particular circumstances it is not reasonable to expect the person aggrieved to resort or have resorted to it.

(7) A Local Commissioner shall not conduct an investigation in respect of any action which in his opinion affects all or most of the inhabitants of the area of the authority concerned.

(8) Without prejudice to the preceding provisions of this section, a Local Commissioner shall not conduct an investigation under this Part of this Act in respect of any such action or matter as is described in Schedule 5 to this Act.

(9) Her Majesty may by Order in Council amend the said Schedule 5 so as to exclude from the provisions of that Schedule such actions or matters as may be described in the Order; and any Order made by virtue of this subsection shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(10) In determining whether to initiate, continue or discontinue an investigation, a Local Commissioner shall, subject to the preceding provisions of this section, act at discretion; and any question whether a complaint is duly made under this Part of this Act shall be determined by the Local Commissioner.

(11) In this section references to a person aggrieved include references to his personal representatives.

(12) A complaint shall not be entertained under this Part of this Act if and so far as it is in respect of anything done before 1st April 1974, or in respect of any default or alleged default first arising before that date.

**27.—**(1) A complaint under this Part of this Act may be made by any individual, or by any body of persons whether incorporated or not, not being— Provisions relating to complaints.

(a) a local authority or other authority or body constituted for purposes of the public service or of local government, or for the purposes of carrying on under national ownership any industry or undertaking or part of an industry or undertaking;

(b) any other authority or body whose members are appointed by Her Majesty or any Minister of the Crown or government department, or whose revenues consist wholly or mainly of moneys provided by Parliament.

(2) Where the person by whom a complaint might have been made under the preceding provisions of this Part of this Act has died or is for any reason unable to act for himself, the complaint may be made by his personal representative or by a member of his family or by some body or individual suitable to represent him; but except as aforesaid a complaint shall not be entertained under this Part of this Act unless made by the person aggrieved himself.

**28.—**(1) Where a Local Commissioner proposes to conduct an investigation pursuant to a complaint, he shall afford to the authority concerned, and to any person who is alleged in the complaint to have taken or authorised the action complained of, an opportunity to comment on any allegations contained in the complaint. Procedure in respect of investigations.

**PART III**

(2) Every such investigation shall be conducted in private, but except as aforesaid the procedure for conducting an investigation shall be such as the Local Commissioner considers appropriate in the circumstances of the case; and without prejudice to the generality of the preceding provision the Local Commissioner may obtain information from such persons and in such manner, and make such inquiries, as he thinks fit, and may determine whether any person may be represented (by counsel or solicitor or otherwise) in the investigation.

(3) The Local Commissioner may, if he thinks fit, pay to the person by whom the complaint was made, and to any other person who attends or furnishes information for the purposes of an investigation under this Part of this Act—

(a) sums in respect of the expenses properly incurred by them;

(b) allowances by way of compensation for the loss of their time,

in accordance with such scales and subject to such conditions as may be determined by the Minister for the Civil Service.

(4) The conduct of an investigation under this Part of this Act shall not affect any action taken by the authority concerned, or any power or duty of that authority to take further action with respect to any matters subject to the investigation.

Investigations:  
further  
provisions.

**29.**—(1) For the purposes of an investigation under this Part of this Act a Local Commissioner may require any member or officer of the authority concerned, or any other person who in his opinion is able to furnish information or produce documents relevant to the investigation, to furnish any such information or produce any such documents.

(2) For the purposes of any such investigation a Local Commissioner shall have the same powers as the High Court in respect of the attendance and examination of witnesses, and in respect of the production of documents.

(3) A Local Commissioner may, under subsection (1) above, require any person to furnish information concerning communications between the authority concerned and any Government department, or to produce any correspondence or other documents forming part of any such written communications.

(4) No obligation to maintain secrecy or other restriction upon the disclosure of information obtained by or furnished to persons in Her Majesty's service, whether imposed by any enactment or by any rule of law, shall apply to the disclosure of information in accordance with subsection (3) above; and where that subsection applies the Crown shall not be entitled

to any such privilege in respect of the production of documents or the giving of evidence as is allowed by law in legal proceedings. PART III

(5) Nothing in subsection (1) or subsection (3) above affects—

(a) the restriction, imposed by section 11(2) of the Parliamentary Commissioner Act 1967, on the disclosure of information by the Parliamentary Commissioner or his officers ; or 1967 c. 13.

(b) the restriction, imposed by that section (as applied by section 36 of the National Health Service Reorganisation Act 1973), on the disclosure of information by the Health Service Commissioner for England or the Health Service Commissioner for Wales, or by their officers. 1973 c. 32.

(6) To assist him in any investigation, a Local Commissioner may obtain advice from any person who in his opinion is qualified to give it and may pay to any such person such fees or allowances as he may determine with the approval of the Minister for the Civil Service.

(7) Subject to subsection (4) above, no person shall be compelled for the purposes of an investigation under this Part of this Act to give any evidence or produce any document which he could not be compelled to give or produce in civil proceedings before the High Court.

(8) If any person without lawful excuse obstructs a Local Commissioner in the performance of his functions under this Part of this Act, or any officer of the Commission assisting in the performance of those functions, or is guilty of any act or omission in relation to an investigation under this Part of this Act which, if that investigation were a proceeding in the High Court, would constitute contempt of court, the Local Commissioner may certify the offence to the High Court.

(9) Where an offence is so certified, the High Court may inquire into the matter and, after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, deal with him in any manner in which the High Court could deal with him if he had committed the like offence in relation to the High Court.

(10) Nothing in subsection (8) above shall be construed as applying to the taking of any such action as is mentioned in section 28(4) above.

**PART III**  
**Reports on**  
**investigations.**

**30.—(1)** In any case where a Local Commissioner conducts an investigation, or decides not to conduct an investigation, he shall send a report of the results of the investigation, or as the case may be a statement of his reasons for not conducting an investigation—

- (a) to the person, if any, who referred the complaint to the Local Commissioner in accordance with section 26(2) above, and
- (b) to the complainant, and
- (c) to the authority concerned, and to any other authority or person who is alleged in the complaint to have taken or authorised the action complained of.

(2) Where the complaint was referred by a person who was a member of an authority but who has since ceased to be a member of that authority, the report or statement shall be sent to the chairman, or, as the case may be, mayor of that authority.

(3) Apart from identifying the authority or authorities concerned, the report shall not—

- (a) mention the name of any person, or
- (b) contain any particulars which, in the opinion of the Local Commissioner, are likely to identify any person and can be omitted without impairing the effectiveness of the report,

unless, after taking into account the public interest as well as the interests of the complainant and of persons other than the complainant, the Local Commissioner considers it necessary to mention the name of that person or to include in the report any such particulars.

(4) Subject to the provisions of subsection (7) below, the authority concerned shall for a period of three weeks make copies of the report available for inspection by the public without charge at all reasonable hours at one or more of their offices; and any person shall be entitled to take copies of, or extracts from, the report when so made available.

(5) Not later than one week after the report is received by the authority concerned, the proper officer of the authority shall give public notice, by advertisement in newspapers and such other ways as appear to him appropriate, that the report will be available for inspection as provided by subsection (4) above, and shall specify the date, being a date after the giving of the public notice, from which the period of three weeks will begin.

(6) If a person having the custody of a report made available for inspection as provided by subsection (4) above obstructs any person seeking to inspect the report, or to make a copy of, or extract from, the report, he shall be liable on summary conviction to a fine not exceeding £50.

**PART III**

(7) The Local Commissioner may, if he thinks fit after taking into account the public interest as well as the interests of the complainant and of persons other than the complainant, direct that a report specified in the direction shall not be subject to the provisions of subsections (4) and (5) above about its publication.

**31.**—(1) If in the opinion of the Local Commissioner, as set out in the report, injustice has been caused to the person aggrieved in consequence of maladministration, the report shall be laid before the authority concerned, and it shall be the duty of that authority to consider the report, and to notify the Local Commissioner of the action which the authority have taken, or propose to take.

Reports on investigations: further provisions.

(2) If the Local Commissioner—

- (a) does not receive any such notification within a reasonable time; or
- (b) is not satisfied with the action which the authority concerned have taken; or
- (c) does not within a reasonable time receive confirmation from the authority concerned that they have taken action, as proposed, to the satisfaction of the Local Commissioner,

he shall make a further report setting out those facts; and section 30 above shall apply, with any necessary modifications, to that further report.

**32.**—(1) For the purposes of the law of defamation, any such publication as is hereinafter mentioned shall be absolutely privileged, that is to say—

Law of defamation, and disclosure of information.

- (a) the publication of any matter in communications between a member of an authority and a Local Commissioner, or any officer of either Commission, for the purposes of this Part of this Act;
- (b) the publication of any matter by a Local Commissioner or by any officer of either Commission, in communicating with a complainant for the purposes of this Part of this Act;
- (c) the publication of any matter in preparing, making and sending a report or statement in accordance with section 30 or section 31 above, or, subject to section 30(7) above, in making a report available to the public;
- (d) the publication of any matter contained in a report by a Local Commissioner which has been made available to the public, being publication by inclusion in a report made or published under section 24 above.

## PART III

(2) Information obtained by a Local Commissioner, or any officer of either Commission, in the course of or for the purposes of an investigation under this Part of this Act shall not be disclosed except—

- (a) for the purposes of the investigation and of any report to be made under section 30 or section 31 above ; or
- (b) for the purposes of any proceedings for an offence under the Official Secrets Acts 1911 to 1939 alleged to have been committed in respect of information obtained, by virtue of this Part of this Act, by a Local Commissioner or by an officer of either Commission or for an offence of perjury alleged to have been committed in the course of an investigation under this Part of this Act or for the purposes of an inquiry with a view to the taking of such proceedings, or
- (c) for the purpose of any proceedings under section 29(9) above,

and a Local Commissioner and the officers of his Commission shall not be called upon to give evidence in any proceedings (other than proceedings within paragraph (b) or (c) above) of matters coming to his or their knowledge in the course of an investigation under this Part of this Act.

(3) A Minister of the Crown or any of the authorities mentioned in section 25(1) above may give notice in writing to a Local Commissioner with respect to any document or information specified in the notice, or any class of documents or information so specified, that in the opinion of the Minister, or as the case may be of the authority, the disclosure of that document or information, or of documents or information of that class, would be contrary to the public interest ; and where such a notice is given nothing in this Part of this Act shall be construed as authorising or requiring any person to communicate to any other person, or for any purpose, any document or information specified in the notice, or any document or information of a class so specified :

Provided that a notice given under this subsection by any authority may be discharged by the Secretary of State.

(4) Nothing in subsection (3) above shall affect the obligations imposed by subsections (3) and (4) of section 29 above.

(5) Where information is disclosed in accordance with section 29(3) above, being information which is derived from a communication from a government department, and which has not been made public, a Local Commissioner shall not without the written consent of an officer of the government department make a report which includes all or any of that information unless he has given the department not less than one month's notice in writing of his intention.

(6) The provisions of this section shall apply to the Commissioners of Customs and Excise and Commissioners of Inland Revenue as they apply to a Minister of the Crown.

PART III

**33.**—(1) If, at any stage in the course of conducting an investigation under this Part of this Act, a Local Commissioner forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation—

Consultation between Local Commissioner, the Parliamentary Commissioner and the Health Service Commissioners.

- (a) by the Parliamentary Commissioner, in accordance with section 5 of the Act of 1967, or
- (b) by the Health Service Commissioner for England or the Health Service Commissioner for Wales, in accordance with section 34 of the Act of 1973,

he shall consult with the appropriate Commissioner about the complaint and, if he considers it necessary, inform the person initiating the complaint under this Part of this Act of the steps necessary to initiate a complaint under the Act of 1967 or under Part III of the Act of 1973, as the case may be.

(2) Where, by virtue of subsection (1) above, a Local Commissioner consults the Parliamentary Commissioner or one of the Health Service Commissioners in relation to a complaint under this Part of this Act, he may consult that Commissioner about any matter relating to the complaint, including—

- (a) the conduct of any investigation into the complaint, and
- (b) the form, content and publication of any report of the results of such an investigation.

(3) If, at any stage in the course of conducting an investigation under—

- (a) the Act of 1967, or
- (b) Part III of the Act of 1973,

the Commissioner conducting the investigation forms the opinion that the complaint relates partly to a matter which could be the subject of an investigation under this Part of this Act, he shall consult with the appropriate Local Commissioner about the complaint and, if he considers it necessary, inform the person initiating the complaint under the Act of 1967 or Part III of the Act of 1973, as the case may be, of the steps necessary to initiate a complaint under this Part of this Act.

(4) Where, by virtue of subsection (3) above, a Local Commissioner is consulted about a complaint under the Act of 1967 or Part III of the Act of 1973, subsection (2) above shall apply (with the necessary modifications) as it applies in relation to consultations held by virtue of subsection (1) above.



**PART III**

(5) Nothing in section 11(2) of the Act of 1967, in that section as applied by section 36 of the Act of 1973, or in section 32(2) of this Act (restrictions of disclosure of information) shall apply in relation to the disclosure of information by any of the Commissioners mentioned in this section, or by any of their officers, in the course of consultations held in accordance with this section.

1967 c. 13.  
1973 c. 32.

(6) In this section the "Act of 1967" means the Parliamentary Commissioner Act 1967 and the "Act of 1973" means the National Health Service Reorganisation Act 1973.

Interpretation  
of Part III.

34.—(1) In this Part of this Act, unless the context otherwise requires—

"action" includes failure to act, and other expressions connoting action shall be construed accordingly,

"the Commissions" means the Commission for Local Administration in England and the Commission for Local Administration in Wales,

"local authority" means a county council, the Greater London Council, a district council, a London borough council, the Common Council of the City of London, or the Council of the Isles of Scilly,

"member", in relation to a joint board, includes a member of any of the constituent authorities of the joint board,

"person aggrieved" means the person who claims or is alleged to have sustained any such injustice as is mentioned in section 26(1) above,

"Parliamentary Commissioner" means the Parliamentary Commissioner for Administration;

"representative body" means a body designated under section 24 above,

"tribunal" includes the person constituting a tribunal consisting of one person.

1972 c. 70.

(2) Section 269 of the Local Government Act 1972 (which relates to the meaning of "England" and "Wales" in Acts passed after 1st April 1974) shall apply to this Part of this Act as if it had been passed after that date.

(3) It is hereby declared that nothing in this Part of this Act authorises or requires a Local Commissioner to question the merits of a decision taken without maladministration by an authority in the exercise of a discretion vested in that authority.

## PART IV

## MISCELLANEOUS AND GENERAL

**35.**—(1) For the purpose of removing or relaxing controls which affect the exercise by local authorities of certain functions, including limits imposed on the amount of the fees which may be charged by local authorities in connection with the issue of licences and the exercise of other functions, the enactments specified in the first column of Schedule 6 to this Act shall have effect subject to the amendments specified in the second column of that Schedule.

Removal or relaxation of controls affecting certain local authority functions.

(2) Without prejudice to section 43(4) below, any reference in Schedule 6 to this Act to any enactment includes a reference to that enactment as applied by any other enactment, including a local Act.

(3) Without prejudice to subsection (1) above, the Secretary of State may by order made by statutory instrument make provision for the removal or relaxation of any control, including any such limit as is referred to in subsection (1) above, which affects the exercise of any function by a local authority and which is conferred by or under any enactment on a Minister of the Crown or a body constituted by or under any enactment.

(4) An order made under this section—

(a) may be revoked or varied by a further order so made, and

(b) may contain such incidental or consequential provisions as appear to the Secretary of State to be appropriate, including provisions amending or repealing or revoking, with or without savings, any enactment passed before this Act and any instrument made under any such enactment.

(5) A statutory instrument containing an order under this section shall be of no effect unless approved by a resolution of each House of Parliament.

(6) In this section “local authority” means any local authority within the meaning of the Local Government Act 1972 c. 70, 1972, the Common Council of the City of London, the Sub-Treasurer of the Inner Temple, the Under Treasurer of the Middle Temple, the Council of the Isles of Scilly, a port health authority, the London Transport Executive and a Passenger Transport Executive.

**36.**—(1) In any case where a local authority—

(a) are empowered under any enactment to carry out any works or do any other thing on or in relation to any land or building, and

Recovery by local authorities of establishment charges.

## PART IV

- (b) by virtue of that or any other enactment are entitled to recover from any person expenses incurred by them in exercising that power,

the local authority shall be entitled to recover, together with and in like manner as the expenses which are recoverable as mentioned in paragraph (b) above, such sum as appears to them to be reasonable in respect of their establishment charges.

(2) The provisions of subsection (1) above shall have effect in substitution for any provision contained in any enactment, including an enactment in a local Act, under which a local authority who have exercised any such power as is referred to in subsection (1)(a) above have power to recover any sum in respect of their establishment charges or any element or elements of those charges.

(3) In this section "local authority" has the same meaning as in section 35 above.

Extension\*of  
power of local  
authorities to  
make  
advances.

1958 c. 42.

**37.**—(1) Section 43 of the Housing (Financial Provisions) Act 1958 (power of local authorities to make advances for certain housing purposes) shall be amended in accordance with the provisions of this section.

(2) At the end of paragraph (d) of subsection (1) there shall be added the words " or

(e) subject to subsection (2A) below, facilitating the repayment by means of the advance of the amount outstanding on a previous loan made for any of the purposes specified in paragraphs (a) to (d) above "

(3) After subsection (2) there shall be inserted the following subsection:—

"(2A) An advance shall not be made for the purpose specified in paragraph (e) of subsection (1) above unless the local authority or county council satisfy themselves that the primary effect of the advance will be to meet the housing needs of the applicant by enabling him either to retain an interest in the house concerned or to carry out such works in relation to that house as would be eligible for an advance by virtue of paragraph (c) or paragraph (d) of that subsection."

(4) In paragraph (c) of subsection (3) of the section for the words " may provide for repayment being made either by instalments of principal or by an annuity of principal and interest combined " there shall be substituted the words " shall provide for repayment of the principal—

(i) by instalments (of equal or unequal amounts) beginning either on the date of the advance or at a later date, or

- (ii) at the end of a fixed period (with or without a provision allowing the local authority or county council to extend that period) or on the happening of a specified event before the end of that period,

PART IV

and for the payment of instalments of interest throughout the period beginning on the date of the advance and ending when the whole of the principal is repaid ”.

(5) At the end of the section there shall be added the following subsection :—

“ (5) If it appears to a local authority or county council that the principal effect of the making of an advance under subsection (1) above in respect of any premises would be to meet the housing needs of the applicant, they may make the advance notwithstanding that it is intended that some part of the premises will be used or, as the case may be, will continue to be used, otherwise than as a dwelling ; and accordingly where, by virtue of this subsection, a local authority or county council propose to make an advance in respect of any premises, the premises shall be treated for the purposes of subsections (1) to (4) above as, or as a building to be converted into, a house or houses ”.

(6) On the coming into operation of this section, no further advances shall be made by local authorities in England and Wales under section 74 of the Housing Act 1969 or section 41 of the Land Compensation Act 1973.

1969 c. 33.  
1973 c. 26.

**38.** After section 32 of the Water Act 1973 there shall be inserted the following section :—

“ Agreement for collection and recovery by local authorities of charges due to water authorities.

32A.—(1) A local authority and a water authority may enter into an agreement for the collection and recovery by the local authority on behalf of the water authority of any charges payable for services performed, facilities provided or rights made available in the local authority’s area by the water authority.

Collection by local authorities of charges payable in respect of services provided by water authorities.  
1973 c. 37.

(2) Without prejudice to any other method of recovery, where an agreement is entered into under subsection (1) above, any charges which, in accordance with the agreement, are to be collected and recovered by the local authority concerned may be demanded, collected and recovered by the local authority in like manner as, and together with, any amount due to the local authority in respect of the general rate.

## PART IV

(3) Where an agreement is entered into under subsection (1) above,—

(a) rules made by the Secretary of State under subsection (1)(a) of section 113 of the General Rate Act 1967 may make such provision with respect to the documents referred to in that subsection, and

(b) regulations made by the Secretary of State under that Act may make such modifications of the forms in Schedule 12 to that Act,

as he considers appropriate to take account of the provisions of subsection (2) above”.

1967 c. 9.

Compensation for loss of office: extension of cases for which regulations may provide.

1972 c. 70.

**39.** For subsection (3) of section 259 of the Local Government Act 1972 (regulations providing for compensation for loss of office attributable to that Act may extend to persons whose loss is attributable to any such transfer or relinquishment of functions as is referred to in paragraph (c) of the new subsection set out below) there shall be substituted the following subsection:—

“(3) Without prejudice to subsection (1) above, regulations under this section may make provision in relation to persons who suffer loss of employment or loss or diminution of emoluments which is attributable to—

(a) the provisions of any such order as is referred to in section 326(1) of the Public Health Act 1936;

(b) an existing local authority ceasing, as respects the whole or any part of their area, to be a food and drugs authority, within the meaning of the Food and Drugs Act 1955;

(c) any transfer or relinquishment of functions under any of the provisions of the Public Health Act 1936 which are incorporated in the Food and Drugs Act 1955 or in the Slaughterhouses Act 1974; or

(d) the provisions of an order under section 46 of the Children and Young Persons Act 1969;

and, without prejudice to the repeal of any enactment by this Act, regulations making provision for any of the cases specified in paragraphs (a) to (d) above may provide that the provisions as to compensation made for that case by section 326 of the Public Health Act 1936, section 129(1) of the Food and Drugs Act 1955 or, as the case may be, paragraph 2 of Schedule 3 to the Children and Young Persons Act 1969 shall not apply in relation to persons to whom the provisions of the regulations apply.”

1936 c. 49.

1955 c. 16  
(4 & 5 Eliz. 2).

1974 c. 3.

1969 c. 54.

**40.**—(1) On and after 1st April 1975, a highway or proposed highway which, immediately before that date, is classified under section 27(2) of the Local Government Act 1966 as a principal road for the purposes of section 235 of the Highways Act 1959, so far as that section relates to the making of advances to local highway authorities, shall cease to be so classified for the purposes of the said section 235 but, except in so far as the Secretary of State otherwise directs, shall continue to be treated as a principal road or a classified road for the purposes of any enactment or instrument (whether passed or made before or after the passing of this Act) which refers to roads or highways classified under any enactment as principal roads (whether for the purposes of advances under the said section 235 or otherwise) or, as the case may be, to roads or highways classified by the Secretary of State.

PART IV  
Classification  
of highways.  
1966 c. 42.  
1959 c. 25.

(2) The Secretary of State may by order made by statutory instrument assign some other description to the highways which, whether by virtue of subsection (1) above or otherwise, are for the time being treated as principal roads for the purposes of any enactment or instrument.

(3) If an order is made under subsection (2) above then, except in so far as the order otherwise provides, any reference to a principal road in any enactment or instrument passed or made before the order is made shall be construed as a reference to a highway of the description specified in the order.

(4) Nothing in subsection (2) above shall affect the power of the Secretary of State under section 27(2) of the Local Government Act 1966 to classify particular highways or proposed highways in such manner as he may determine after consultation with the highway authorities concerned.

(5) In this section “highway” and “proposed highway” have the same meanings as in the Highways Act 1959.

**41.** There shall be defrayed out of money provided by Parliament— Expenses.

- (a) any sums required for the payment of grants under this Act or any other expenses of a Minister under this Act;
- (b) any increase attributable to the provisions of this Act in the sums payable out of such money under any other Act.

**42.**—(1) Schedule 7 to this Act, which contains minor amendments and amendments consequential on the provisions of this Act, shall have effect. Minor and consequential amendments and repeals.

## PART IV

(2) The enactments specified in Schedule 8 to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Short title,  
commence-  
ment,  
construction,  
application  
and extent.

**43.**—(1) This Act may be cited as the Local Government Act 1974.

(2) Part II, other than sections 16 and 22, and sections 35, 37 and 42 of this Act and Schedules 6 to 8 to this Act shall come into operation on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be so appointed for different provisions and for different purposes.

(3) An order under subsection (2) above appointing a day for the coming into operation of any provision of Schedules 6 to 8 to this Act may contain such savings with respect to the operation of that provision as appear to the Secretary of State to be appropriate.

(4) Any reference in this Act to any other enactment shall be construed as referring to that enactment as amended by or under any other enactment, including this Act.

(5) In their application to the Isles of Scilly, the provisions of Parts I and IV of this Act shall have effect subject to such modifications as the Secretary of State may by order made by statutory instrument direct.

(6) Except in so far as Schedule 4 to this Act amends the House of Commons Disqualification Act 1957, this Act shall not extend to Scotland or to Northern Ireland.

## SCHEDULES

## SCHEDULE 1

Sections 1, 6  
and 8.

## TERMINATION OR MODIFICATION OF CERTAIN EXISTING GRANTS

## PART I

## EXISTING RATE SUPPORT GRANTS

1. The provisions of sections 1 to 5 of the Local Government Act 1966 (in this Part of this Schedule referred to as "the 1966 Act") shall not have effect with respect to any year beginning on or after 1st April 1974 but, subject to paragraph 2 below, nothing in this Act shall affect the continued operation of those provisions on or after that date in relation to any year ending before that date.

2. No order shall be made after 31st March 1974 under section 3 of the 1966 Act (power of Secretary of State to vary rate support grant orders).

3. Without prejudice to his powers under section 4 of this Act, if at any time during the year 1974-75 it appears to the Secretary of State that, but for the provisions of paragraph 2 above, he would have made an order under section 3 of the 1966 Act increasing the amount fixed by the rate support grant order for the year 1973-74 as the aggregate amount of the rate support grants for that year, he may by an order made in like manner and subject to the like provisions as a rate support grant order—

- (a) increase the amount fixed by the rate support grant order for the year 1974-75 as the estimated aggregate amount of the rate support grants for that year by an amount equal to the increase for which he would have made provision in the order under section 3 of the 1966 Act; and
- (b) make such increases in all or any of the elements of rate support grants for that year as appear to him to be appropriate in consequence of the increase in the estimated aggregate amount of those grants made by virtue of subparagraph (a) above.

4. Without prejudice to the generality of the power to make regulations under section 5 of the 1966 Act (for carrying into effect the provisions of sections 1 to 4 of, and Schedule 1 to, that Act) regulations under that section may make—

- (a) such provision as the Secretary of State considers appropriate, having regard to paragraphs 1 and 2 above, to secure that any calculations or estimates for the time being treated by virtue of any such regulations as provisional are treated on and after 1st April 1974 as conclusive; and
- (b) such other incidental or consequential provisions, including provisions amending Part I of Schedule 1 to the 1966 Act, as the Secretary of State considers appropriate for, or in connection with, carrying the provisions of this Part of this Schedule into effect.

5. In this Part of this Schedule the expressions "rate support grants" and "rate support grant order" have, in relation to any year ending before 1st April 1974, the same meanings as in the 1966 Act.



## SCH. 1

## PART II

## EXISTING GRANTS FOR HIGHWAYS AND PUBLIC TRANSPORT

6. Subject to paragraph 8 below, on and after 1st April 1975 the power of the Secretary of State—

1959 c. 25.

(a) to make advances to a local highway authority under section 235(1) of the Highways Act 1959 (for the purposes of, or in connection with, highways, road-ferries and the provision of facilities associated with highways), and

1968 c. 73.

(b) to make grants to a Passenger Transport Executive under section 20(8) of the Transport Act 1968 (towards expenditure incurred by the Executive for certain areas in pursuance of agreements with the Railways Board for the provision of railway passenger services), and

(c) to make grants to any person under section 56(1) of the Transport Act 1968 (towards capital expenditure incurred or to be incurred in the provision, improvement or development of facilities for public passenger transport),

shall cease to be exercisable except in cases where it appears to the Secretary of State that, notwithstanding the grants for which provision is made in Part I of this Act, the whole or any part of any expenditure in respect of which any such advances or grants as are referred to in paragraph (a), paragraph (b) or paragraph (c) above could be made should not fall on the local highway authority, Passenger Transport Executive or other person concerned.

7. No grants shall be paid under section 34(2) of the Transport Act 1968 (towards expenditure incurred by local authorities in making grants to provide assistance for rural bus or ferry services and in the provision of such ferry services) in respect of expenditure incurred in connection with the provision, improvement or continuance, after the end of the year 1974-75, of any bus service or ferry service, within the meaning of that Act.

8.—(1) In any case where it appears to the Secretary of State—

(a) that any person other than a local authority, a Passenger Transport Executive or the London Transport Executive has before 1st April 1975 entered upon a course of expenditure of a capital nature such as is referred to in section 56(1) of the Transport Act 1968, and

(b) that the course of expenditure was entered upon in reliance on an undertaking by the Secretary of State to make a grant or grants towards that expenditure under that section,

then, notwithstanding anything in paragraph 6 above, the Secretary of State may, on or after 1st April 1975, make to that person under that section any grant which he considers appropriate in the light of that undertaking.

(2) In sub-paragraph (1)(a) above "local authority" includes the council of an administrative county, county borough or county district.

9.—(1) In any case where it appears to the Secretary of State—

(a) that a Passenger Transport Executive or the London Transport Executive has before 1st April 1975 entered upon a course of expenditure of a capital nature such as is referred to in section 56(1) of the Transport Act 1968, and

1968 c. 73.

(b) that the course of expenditure was entered upon in reliance on an undertaking by the Secretary of State to make a grant or grants towards that expenditure under that section, the Secretary of State shall, as soon as practicable after 1st April 1975, give notice in writing to the appropriate local authority specifying the purpose of the expenditure, the Executive carrying it out and particulars of the grant or grants to which the undertaking relates, including the terms and conditions upon which the grant or grants were to be made and details of the amount or proportion thereof already paid at that date.

(2) An authority to whom a notice is given under sub-paragraph (1) above shall make to the Executive specified in the notice payments under subsection (2) of section 56 of the Transport Act 1968—

(a) corresponding in amount to the payments which, in accordance with the particulars specified in the notice, would have been made under the grant or grants concerned, and

(b) on terms and conditions corresponding, as near as may be, to those so specified,

and, in relation to the authority, expenditure for the purpose specified in the notice shall be conclusively presumed for the purposes of that subsection to be expenditure towards which payments may be made under that subsection.

(3) In sub-paragraph (1) above “the appropriate local authority”, in relation to a Passenger Transport Executive, means the county council which is the Passenger Transport Authority for the Executive’s area and, in relation to the London Transport Executive, means the Greater London Council.

### PART III

#### EXISTING GRANTS FOR OTHER SPECIFIC PURPOSES

10. No grants shall be paid for the year 1974-75 or any subsequent year under—

(a) section 97 of the National Parks and Access to the Country- 1949 c. 97. side Act 1949 (grants to local authorities in respect of expenditure on National Parks and areas of outstanding natural beauty) except in so far as that section provides for grants in respect of expenditure incurred in the exercise of powers under section 89(2) of that Act (derelict land) or of powers of acquiring land, whether by agreement or compulsorily, for the purpose of functions under that section ;

(b) section 98 of that Act (grants to local authorities in respect of expenditure on long-distance routes) ;

(c) section 9 of the Rating Act 1966 (grants to rating authorities 1966 c. 9. in respect of rebates afforded by them under existing rate rebate schemes) ;

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1966 c. 42.

(d) section 8 or section 10 of the Local Government Act 1966 (grants to local authorities in respect of expenditure on public open spaces and port health and airport health functions); or

1968 c. 41.

(e) section 33, section 34 or section 35 of the Countryside Act 1968 (grants to local authorities and other bodies in respect of expenditure on country parks, including the Lee Valley Regional Park, and the countryside).

11.—(1) The Secretary of State may from time to time, by order made by statutory instrument, provide that, with effect from such year as may be specified in the order, no grant shall be paid under any such local authority grant provision as may be so specified or that no grant shall be so paid except in respect of expenditure of a description so specified.

(2) In this paragraph “local authority grant provision” means an enactment providing for the payment of grants to local authorities (within the meaning of the enactment concerned) in respect of expenditure incurred in connection with a specific function.

(3) An order under this paragraph may contain such provisions as appear to the Secretary of State to be necessary or proper in consequence of the termination of the grants, including provision amending, repealing or revoking, with or without savings, any enactment or instrument made under an enactment.

(4) No order under this paragraph shall have effect unless it is approved by a resolution of each House of Parliament.

Section 2.

## SCHEDULE 2

### ELEMENTS OF RATE SUPPORT GRANTS

#### PART I

##### THE NEEDS ELEMENT

1. Subject to paragraph 3 below, the amount of the needs element payable for any year to a local authority shall be the aggregate of—

- (a) an amount arrived at by multiplying a prescribed sum by the population of the authority’s area ; and
- (b) additional amounts determined in such manner as may be prescribed and attributable to such additional factors as may be prescribed for that year.

2. For the purposes of paragraph 1 above the Secretary of State may by regulations provide for the method of determining, for any year,—

- (a) the population of a local authority’s area ; and
- (b) the application or operation of any additional prescribed factor in relation to a local authority.

3.—(1) The needs element shall be subject to adjustment, in accordance with the following provisions of this paragraph, in respect of expenditure to which this paragraph applies.

(2) The Secretary of State may by regulations provide for ascertaining the aggregate of the expenditure to which this paragraph applies of all local authorities, for apportioning the aggregate among the authorities and for ascertaining the amount by which the needs element payable to each authority ought to be increased or decreased.

(3) The Secretary of State shall, in accordance with regulations made by him under this paragraph, ascertain at such time as may be specified by the regulations—

- (a) the estimated amount of the increases and decreases of the needs element which ought to be made for any year, and
- (b) the actual amount of those increases and decreases,

and he shall in paying the needs element for any year adjust the amount of that element in accordance with the estimated amounts so ascertained and shall in paying that element for the earliest practicable subsequent year make any adjustment necessary to offset differences between the estimated and actual amounts so ascertained.

(4) Subject to sub-paragraph (5) below, this paragraph applies to expenditure incurred—

- (a) in establishing, maintaining or assisting colleges or other institutions for the training of teachers or in providing or assisting the provision of other facilities specified in directions under section 62 of the Education Act 1944 ; 1944 c. 31.
- (b) in making payments, in such cases as may be specified by regulations made by the Secretary of State under this paragraph, to or in respect of persons taking teachers' training or further training courses ;
- (c) in the provision, or in assisting the provision, of such facilities for further education of an advanced character as may be specified by or under regulations so made ;
- (d) in the making of provision for primary, secondary or further education of pupils not belonging to the area of any local education authority ;
- (e) in the training of persons to undertake educational research or to become educational psychologists, or in respect of persons who are being so trained.

(5) The Secretary of State may by regulations provide—

- (a) that this paragraph shall apply to such expenditure as may be specified by the regulations which is incurred by local authorities—
  - (i) upon research into any of their functions, or

## SCH. 2

(ii) in the training of persons in matters connected with the functions of local authorities, or

(iii) in respect of persons to whom the training is given, or

(iv) in providing, for persons who suffer from any disability of mind or body, education by special methods appropriate for persons suffering from that disability, or

(v) in making payments to persons who cease to be employed as teachers in colleges for the training of teachers and become employed either by a local authority in a different capacity or as teachers in voluntary schools ; or

(b) that any expenditure to which this paragraph applies shall cease to be such expenditure.

4. If, when the needs element for any year falls to be paid, it appears to the Secretary of State that the aggregate amount of that element will exceed or fall short of its aggregate amount as fixed by the relevant rate support grant order, the Secretary of State shall adjust the amount of that element payable to each local authority as nearly as may be in the proportion which the aggregate amount of the element as so fixed bears to the amount, as estimated by the Secretary of State, which would be the aggregate amount of that element for that year apart from this paragraph.

## PART II

## THE DOMESTIC ELEMENT

1967 c. 9.

5.—(1) In each year an amount in the pound shall be prescribed for the purposes of section 48 of the General Rate Act 1967 (reduction of rates on dwellings by reference to domestic element) and different amounts in the pound may be so prescribed for different rating areas.

(2) In prescribing any amount or amounts in the pound under this paragraph for any year the Secretary of State shall seek to secure that the total amount of the reductions under section 48 of the General Rate Act 1967 for all rating areas will correspond to the aggregate amount of the domestic element prescribed for that year in pursuance of section 2(1) of this Act.

(3) In this paragraph “rating area” has the same meaning as in the General Rate Act 1967.

6. The amount of the domestic element payable to a local authority for any year shall be determined in such manner as may be provided by regulations made by the Secretary of State.

## PART III

## THE RESOURCES ELEMENT

7. No payment in respect of the resources element shall be made to a local authority for any year unless in that year the rateable value per head of population of the authority's area is less than the national standard rateable value per head of population.

8. In relation to the resources element, the national standard rateable value per head of population shall be of such amount as may be prescribed.

SCH. 2

9.—(1) In relation to the resources element, the rateable value per head of population of the area of a local authority for any year shall be determined by—

- (a) ascertaining the aggregate of the effective rateable values of all the hereditaments in the area of the authority, including any hereditament which, by virtue of any enactment, any body is to be treated as occupying in that area ; and
- (b) dividing the aggregate figure so ascertained by the population of the authority's area, determined for that year in accordance with regulations made by the Secretary of State.

(2) For the purposes of sub-paragraph (1) above, "effective rateable value", in relation to any hereditament, means such value as may be determined in accordance with regulations made by the Secretary of State ; and any such regulations may make different provision in relation to different types of hereditament.

10.—(1) Subject to any provision made by virtue of section 4(5) of this Act and to paragraph 11 below, the amount of the resources element payable to a local authority for any year shall be an amount arrived at by multiplying the local deficiency in rateable value for that year by the amount in the pound which in accordance with sub-paragraph (3) below is determined as the uniform rate in that year for the authority's area.

(2) For the purposes of sub-paragraph (1) above, "local deficiency in rateable value", in relation to any authority for any year, means the product of—

- (a) the amount by which, in that year, the national standard rateable value per head of population exceeds the rateable value per head of population of the authority's area ; and
- (b) the population of the authority's area, determined for that year as mentioned in paragraph 9(1)(b) above.

(3) For the purposes of sub-paragraph (1) above "the uniform rate" in any year for the area of a local authority means the amount in the pound determined by dividing—

- (a) so much of the total estimated expenditure to be incurred by the authority during that year (as mentioned in section 2(1) of the General Rate Act 1967) as falls to be met by the authority out of the general rate for that year, by 1967 c. 9.
- (b) the aggregate of the effective rateable values of all the hereditaments in the area of the authority determined as for the purposes of paragraph 9(1) above.

11.—(1) If, after the amount of the resources element payable to a local authority for any year has been determined under paragraph 10 above,—

- (a) the rateable values of hereditaments in the authority's area are reduced with effect from a date on or before that which

## SCH. 2

is relevant for determining the aggregate of the effective rateable values of all the hereditaments in the authority's area for that year under paragraph 9 above, and

- (b) the effect of that reduction is to produce a reduction in the aggregate of the effective rateable values of all the hereditaments in the authority's area which is of such a magnitude that, expressed as a percentage of the initially ascertained aggregate figure, it exceeds such percentage as may be specified for the purposes of this paragraph in regulations made by the Secretary of State, and
- (c) the authority by notice in writing request the Secretary of State to give a direction under this paragraph,

the Secretary of State shall direct that the amount of the resources element payable to the authority for that year shall be recalculated in accordance with the following provisions of this paragraph and a further payment on account of that element shall be made to the local authority accordingly.

(2) Where sub-paragraph (1) above applies—

- (a) the rateable value per head of population of the local authority's area for the year concerned shall be recalculated under paragraph 9 above by treating the initially ascertained aggregate figure as reduced by the amount of the excess referred to in sub-paragraph (1)(b) above ; and
- (b) subject to any provision made by virtue of section 4(5) of this Act, paragraph 10 above shall have effect accordingly for the purpose of determining the amount which, on the basis of that recalculation, would have been payable to the authority for that year.

(3) The further payment referred to in sub-paragraph (1) above shall be an amount equal to the difference between the amount previously paid to the authority for the year concerned on account of the resources element and the amount determined as mentioned in sub-paragraph (2)(b) above.

(4) In this paragraph "the initially ascertained aggregate figure", in relation to any year, means the aggregate figure ascertained under paragraph 9(1)(a) above for the purposes of the first determination of the amount of the resources element payable to the authority in that year.

(5) The provisions of this paragraph shall have effect notwithstanding that the actual aggregate amount of the resources element for the year concerned may have been specified in an order under section 4(1) of this Act, and if any amount has been so specified it shall be treated as having been increased to such amount as may be necessary to provide for any further payment made to a local authority under this paragraph.

## SCHEDULE 3

Section 19.

## HEREDITAMENTS TO WHICH SECTION 19(1) APPLIES

1. Any water hereditament, within the meaning of section 31 of the principal Act.

2. Any hereditament consisting of railway or canal premises, within the meaning of section 32 of the principal Act, which are occupied wholly or partly for non-rateable purposes of any transport Board, within the meaning of that section.

3. Any hereditament which the British Gas Corporation are to be treated as occupying in a rating area by virtue of section 33(3) of the principal Act.

4. Any hereditament which an Electricity Board, within the meaning of section 34 of the principal Act, are to be treated as occupying in a rating area by virtue of subsection (3) of that section.

5. Any hereditament occupied by the Post Office by any such property as follows, namely—

(a) posts, wires, underground cables and ducts, telephone kiosks and other equipment not within a building, being property used for the purposes of telecommunication services ; and

(b) the railway constructed, and the works executed, by the Postmaster General in exercise of the powers conferred by the Post Office (London) Railway Act 1913, and the railway constructed, and the works associated therewith executed, by him in exercise of the powers conferred by the Post Office (Site and Railway) Act 1954. 1913 c. cxvi.  
1954 c. xxix.

6. Any hereditament occupied by the National Coal Board.

7.—(1) Any other hereditament which consists of or includes a mine or quarry or the whole or part of which is occupied together with a mine or quarry in connection with its working, or the treatment, preparation, storage or removal of its minerals or products of its minerals or the removal of its refuse.

(2) Any reference in sub-paragraph (1) above to a mine or quarry includes a reference to a well or bore-hole or a well and bore-hole combined.

(3) Subject to sub-paragraph (2) above, expressions used in sub-paragraph (1) above and in the Mines and Quarries Act 1954 have the same meanings in sub-paragraph (1) above as in that Act. 1954 c. 70.

8. Any hereditament occupied by the persons carrying on, under authority conferred by or under any enactment, a dock or harbour undertaking.

9. Any hereditament occupied by the persons carrying on an undertaking for the diffusion by wire of sound or television programmes.



## Section 23.

## SCHEDULE 4

## THE COMMISSIONS

*Disqualifications*

1.—(1) A person shall be disqualified for being appointed as, or for being, a Local Commissioner if—

(a) he is disqualified for being elected, or being, a member of any of the authorities mentioned in section 25(1) of this Act; or

(b) he is a member of any of those authorities or is a member (by co-option) of a committee of any of those authorities.

(2) A Local Commissioner shall not at any time conduct a case arising in an area if it is wholly or partly within an area for which one of those authorities is responsible and, within the five years ending at that time, the Local Commissioner has been a member of that authority, or a member (by co-option) of a committee of that authority.

(3) The acts and proceedings of a person appointed as a Local Commissioner and acting in that office shall, notwithstanding his disqualification under this paragraph, be as valid and effectual as if he had been qualified.

2.—(1) So long as a Local Commissioner is responsible for any area, and for three years after he ceases to be so responsible, he shall be disqualified for being appointed to any paid office by any of the authorities mentioned in section 25(1) of this Act if the area for which the Local Commissioner is, or was, responsible falls wholly or partly within the area for which that authority is responsible.

(2) In this paragraph references to the area for which a Local Commissioner is responsible are references to an area for which he assumes responsibility under section 23 of this Act and, if the Commission for Local Administration in Wales consist of more than one Local Commissioner but Wales has not been divided into areas under that section, each of the Local Commissioners for Wales shall be treated as responsible for the whole of Wales.

*Remuneration, etc.*

3.—(1) Each Commission shall pay to or in respect of their Local Commissioners and their officers such amounts, by way of remuneration, pensions, allowances or gratuities or by way of provision for any such benefits, as the Secretary of State may, with the approval of the Minister for the Civil Service, determine.

(2) If a person ceases to be a Local Commissioner and it appears to the Secretary of State that there are special circumstances which make it right that that person should receive compensation, the appropriate Commission may pay to that person a sum of such amount as the Secretary of State may, with the consent of the Minister for the Civil Service, determine.

*Staff and accommodation*

SCH. 4

4.—(1) Each of the Commissions may appoint a secretary, and such other officers as they may consider to be required for the discharge of their functions.

(2) Each of the Commissions shall make arrangements to enable Local Commissioners to investigate complaints, and in particular arrangements for—

(a) allocating members of their staff to assist Local Commissioners, and

(b) providing offices and other accommodation.

(3) An officer of a Commission shall not be allocated to assist a Local Commissioner without the approval of that Local Commissioner.

(4) The Commission for Wales shall ensure that staff are available who can enable a Local Commissioner to deal with complaints in the Welsh language.

(5) Any function of a Local Commissioner, other than that of making any report, may be performed by any officer of the Commission who is authorised for the purpose by the Local Commissioner.

*Proceedings of the Commissions*

5.—(1) The Commissions may determine their own procedure, including the quorum necessary for their meetings.

(2) The validity of any proceedings of either Commission shall not be affected by any vacancy among the members of the Commission or by any defect in the appointment of any member of the Commission.

(3) Each of the Commissions shall be a body corporate, and their common seal shall be authenticated by the signature of a member of the Commission, or of some other person authorised in that behalf by the Commission.

*Expenses of the Commissions*

6. Subject to paragraph 9 below, all expenses incurred by the Commission for Local Administration in England shall be defrayed by the county councils in England, the Greater London Council and the Council of the Isles of Scilly.

7. Subject to paragraph 9 below, all expenses incurred by the Commission for Local Administration in Wales shall be defrayed by the county councils in Wales.

8.—(1) The said expenses shall be apportioned among the authorities liable to defray them, each authority being liable for the fraction  $\frac{A}{B}$  of the expenses where—

$\frac{A}{B}$   
 A is the product of a rate levied in the authority's area of 1p in the pound, as ascertained for the purposes of this paragraph by rules made under section 113 of the General Rate Act 1967 c. 9.

SCH. 4

**B** is the aggregate product of a rate levied in the area of every authority in England or, as the case may be, in Wales, of 1p in the pound as so ascertained.

(2) Any sums due to a Commission under this Schedule shall be payable on demand and recoverable as a civil debt; and a Commission may, for any financial year, demand payment in advance of part of their expenses.

9.—(1) In relation to each of the Commissions, the Secretary of State may by order provide for such part of their expenses as may be specified in the order to be defrayed by such authorities (being authorities to which this Part of this Act applies other than those mentioned in paragraph 6 or 7 above) as may be so specified.

(2) Where two or more authorities are liable, by virtue of an order made under this paragraph, to defray part of the expenses of a Commission, the order shall provide for the apportionment of the amount concerned among those authorities.

(3) Paragraphs 6 and 7 above shall not apply in relation to so much of the expenses of a Commission as is, by virtue of any order made under this paragraph, to be defrayed by authorities other than those mentioned in those paragraphs.

(4) An order made under this paragraph shall be contained in a statutory instrument and may be varied or revoked by a subsequent order.

10.—(1) In each financial year each Commission shall prepare an estimate of the expenses which they will incur in the next financial year, and shall submit it, not later than 1st November in the first of those financial years, for consideration by the appropriate representative body.

(2) Any observations by the representative body shall be submitted to the Commission within one month of receipt of the estimate, and it shall be the duty of the Commission to take any such observations into consideration before taking any final decision affecting their expenditure for the next financial year.

(3) The Commission shall, within fourteen days of taking any final decision as to the estimate for the next financial year, notify the appropriate representative body of the decision.

11.—(1) Where—

- (a) a representative body have made observations on the estimate submitted to them in accordance with paragraph 10(1) above;
- (b) the Commission concerned have notified the representative body of their final decision, in accordance with paragraph 10(3) above; and
- (c) the representative body consider that the estimate is excessive;

the representative body may refer the question to the Secretary of State.

(2) Where any question has been referred to the Secretary of State under sub-paragraph (1) above he may, if he considers that the expenditure of the Commission for the next financial year is, on the basis of the estimate, likely to be excessive, give such a direction to the Commission in relation to any matter affecting that expenditure as he considers necessary to ensure that it is not excessive.

SCH. 4

(3) It shall be the duty of each of the Commissions to comply with any direction given to them by the Secretary of State under this paragraph.

(4) Any direction given by the Secretary of State under this paragraph may be varied or revoked by a subsequent direction given by him.

*House of Commons Disqualification Act 1957*

1957 c. 20.

12. In Part II of Schedule 1 to the House of Commons Disqualification Act 1957 (bodies of which all members are disqualified under that Act) there shall (at the appropriate place in alphabetical order) be inserted the following entries:—

“The Commission for Local Administration in England”.

“The Commission for Local Administration in Wales”.

and the like amendments shall be made in the Part substituted for the said Part II by Schedule 3 to that Act in its application to the Northern Ireland Assembly.

SCHEDULE 5

Section 26.

MATTERS NOT SUBJECT TO INVESTIGATION

1. The commencement or conduct of civil or criminal proceedings before any court of law.

2. Action taken by any authority in connection with the investigation or prevention of crime.

3.—(1) Action taken in matters relating to contractual or other commercial transactions of any authority to which Part III of this Act applies, including transactions falling within sub-paragraph (2) below but excluding transactions falling within sub-paragraph (3) below.

(2) The transactions mentioned in sub-paragraph (1) above as included in the matters which, by virtue of that sub-paragraph, are not subject to investigation are all transactions of an authority to which Part III of this Act applies relating to the operation of public passenger transport, the carrying on of a dock or harbour undertaking, the provision of entertainment, or the provision and operation of industrial establishments and of markets.

(3) The transactions mentioned in sub-paragraph (1) above as not included in those matters are—

(a) transactions for or relating to the acquisition or disposal of land; and

## SCH. 5

(b) all transactions (not being transactions falling within subparagraph (2) above) in the discharge of functions exercisable under any public general Act, other than those required for the procurement of the goods and services necessary to discharge those functions.

4. Action taken in respect of appointments or removals, pay, discipline, superannuation or other personnel matters.

1944 c. 31.

5.—(1) Any action taken by a local education authority in the exercise of functions under section 23 of the Education Act 1944 (secular instruction in county schools and in voluntary schools).

(2) Any action concerning—

(a) the giving of instruction, whether secular or religious, or

(b) conduct, curriculum, internal organisation, management or discipline,

whether—

(i) in any school maintained by the authority, or

(ii) in any college of education or establishment of further education maintained by the authority.

Section 35.

## SCHEDULE 6

## RELAXATION AND REMOVAL OF CONTROLS

*Enactment relating to local authority function**Amendment*

1907 c. 53.

1. Section 94 of the Public Health Acts Amendment Act 1907 (power of local authorities to license pleasure boats and boatmen).

In subsection (1), for the words from “annual fees” to the end of the subsection there shall be substituted the words “for each type of licence such annual fee as appears to them to be appropriate”.

1925 c. 38.

2.—(1) Section 1 of the Performing Animals (Regulation) Act 1925 (restriction on exhibition and training of performing animals).

In subsection (2), for the words “the prescribed fee” there shall be substituted the words “such fee as appears to the local authority to be appropriate”; in subsection (5) the words “on payment of the prescribed fee”, in both places where they occur, shall be omitted; in subsection (7) the words “subject to payment of the prescribed fee” shall be omitted; and at the end of the

*Enactment relating to local authority function**Amendment*

## SCH. 6

2. The Performing Animals (Regulation) Act 1925—*cont.*

section there shall be added the 1925 c. 38. following subsection:

“(8) A local authority may charge such fees as appear to them to be appropriate for inspection of the register, for taking copies thereof or making extracts therefrom or for inspection of copies of certificates of registration issued by them”.

(2) Section 5(3) of that Act (expenses of local authorities, etc.).

The words from “and the fee for registration” to the end shall be omitted.

3. Section 3 of the Home Counties (Music and Dancing) Licensing Act 1926 (grants and conditions of licences).

For subsection (5) there shall 1926 c. 31. be substituted the following subsection:—

“(5) On applications for the grant or transfer of licences there shall be payable such fees as the council may determine, and the council may determine a lower rate of fee for an application for a licence to be granted for the sole purpose of a charitable entertainment.”

4. Section 3 of the Civic Restaurants Act 1947 (financial provisions).

In subsection (1) (every civic 1947 c. 22. restaurant authority to keep an account of income and expenditure on income account, and form of that account and particulars to be included therein to be prescribed by Minister of Agriculture, Fisheries and Food) the words from “and the form of the account” to the end of the subsection shall be omitted and in subsection (2) (every civic restaurant authority to endeavour to ensure that their income under the Act is sufficient to defray their expenditure thereunder and if their account shows a deficit for three consecutive financial years their powers to cease to be exercisable)

SCH. 6	<i>Enactment relating to local authority function</i>	<i>Amendment</i>
1947 c. 22.	4. Civic Restaurants Act 1947 — <i>cont.</i>	the words from “and if the account” to the end of the subsection shall be omitted.
1948 c. 26.	5. Section 138 of the Local Government Act 1948 (power for local authorities to enter into agreements to assist in performing functions transferred to certain statutory bodies).	Subsection (2) (certain agreements to require prior Ministerial approval) shall be omitted.
1949 c. 97.	6.—(1) Section 64 of the National Parks and Access to the Countryside Act 1949 (power of local planning authority to make access agreements with landowners in their area).  (2) Section 65 of that Act (power of local planning authorities to make access orders).  (3) Section 104 of that Act (general provisions as to appropriation and disposal of land).  (4) Section 105 of that Act (default powers of Secretary of State).	In subsection (1) the words “with the approval of the Minister” shall be omitted.  Subsection (6) (power of Secretary of State to direct a local planning authority to make an access order or to make such an order himself) shall be omitted.  Subsections (7) and (8) (power of Secretary of State to require local authority to dispose of land in certain cases and to resolve differences as to the best consideration in those cases) shall be omitted.  The section shall cease to have effect.
1950 c. 36.	7.—(1) Section 43 of the Diseases of Animals Act 1950 (power of local authority to provide facilities for sheepdipping).  (2) Section 61 of that Act (provision of wharves, etc.).	The words “with the sanction of the Minister” shall be omitted.  Subsection (7) (power of Minister to require a reduction in the tolls taken by a local authority) shall be omitted.
1951 c. 35.	8. Section 1 of the Pet Animals Act 1951 (licensing of pet shops by local authorities).	In subsection (2), as originally enacted, the words “not exceeding ten shillings” shall be omitted.
1951 c. 60.	9. Section 19 of the Mineral Workings Act 1951 (disposal of land acquired by local authorities).	In subsection (2) (power of Secretary of State to require a local authority to dispose of land acquired for certain purposes) the words from “but the local authority” to the end of the subsection shall be omitted.

<i>Enactment relating to local authority function</i>	<i>Amendment</i>	SCH. 6
<p>10. Section 6 of the Pests Act 1954 (Order in Council may authorise a port health authority to make and recover charges for inspection of ships and hovercraft).</p>	<p>The words from the beginning to "may authorise" shall be omitted; for the words "to make and recover charges" there shall be substituted the words "may impose such charges as appear to the authority to be appropriate"; and for the words "any such Order in Council" there shall be substituted the words "any Order in Council under section 23 of the Prevention of Damage by Pests Act 1949".</p>	<p>1954 c. 68.</p>
<p>11. Section 80 of the Food and Drugs Act 1955 (power of local authorities to provide cold stores and refrigerators).</p>	<p>In subsection (1) (power of a local authority, with the approval of the Minister, to provide a cold-air store or refrigerator for the storage and preservation of food) the words "with the approval of the Minister" shall be omitted.</p> <p>Subsection (3) (advertisement of local authority's intention to apply for Minister's approval) shall be omitted.</p>	<p>1955 c. 16 (4 &amp; 5 Eliz. 2).</p>
<p>12. Section 124 of the Highways Act 1959 (power of highway authorities to require removal of structures from highway).</p>	<p>Subsection (2) (power of Secretary of State to extend time limit specified by highway authority for removal of structure) shall be omitted and in subsection (3) the words from "or, in a case where" to "so extended" and the words from "or, if an appeal" to the end of the subsection shall be omitted.</p>	<p>1959 c. 25.</p>
<p>13. Schedule 2 to the Caravan Sites and Control of Development Act 1960 (orders of district councils prohibiting caravans on commons).</p>	<p>In paragraph 3, in sub-paragraph (1) (service of notices and power of Secretary of State to dispense with service) for the words "Provided that where" there shall be substituted the words "unless the council are satisfied that" and the words from "the Minister" to the end of the sub-paragraph shall be omitted.</p>	<p>1960 c. 62.</p>
<p>14. Section 2 of the Local Authorities (Land) Act 1963 (power of local authorities to develop land for the benefit or improvement of their area).</p>	<p>Subsections (2) and (3) (consent of Secretary of State required for local authorities to develop land) shall be omitted.</p>	<p>1963 c. 29.</p>



SCH. 6	<i>Enactment relating to local authority function</i>	<i>Amendment</i>
1963 c. 31.	15.—(1) Section 4(2) of the Weights and Measures Act 1963 (local standards to be kept and used at approved premises).	After the word “kept” there shall be inserted the words “in such manner and under such conditions as the Secretary of State may direct”, the words “and approved for the purpose by the Board” shall be omitted and for the words “approved in that behalf by the Board” there shall be substituted the words “which appear to the authority to be appropriate”.
	(2) Section 5(3) of that Act (working standards and testing and stamping equipment to be kept at approved premises).	The words “and approved for the purpose by the Board” shall be omitted.
	(3) Section 44(1) of that Act (no discount to be given in respect of inspectors’ fees except with consent).	The words “with the consent of the Board” shall be omitted.
1963 c. 33.	16. Schedule 12 to the London Government Act 1963 (licensing of public entertainments in Greater London).	In each of paragraphs 3 and 6 (fees payable on application for licences for differing types of public entertainments to be such as the Greater London Council may fix, within specified limits) the words from “not exceeding” to the end of the paragraph shall be omitted.
1963 c. 43.	17. Section 1 of the Animal Boarding Establishments Act 1963 (licensing by local authorities of boarding establishments for animals).	In subsection (2), as originally enacted, the words “not exceeding ten shillings” shall be omitted.
1964 c. 70.	18. Section 1 of the Riding Establishments Act 1964 (licensing of riding establishments by local authorities).	In subsection (2), for the words from “and on payment” to “grant” there shall be substituted the words “grant, on payment of such fee as may be determined by the local authority”.
1967 c. 8.	19.—(1) Section 5 of the Plant Health Act 1967 (execution of Act by local authorities).	In subsection (2) (local authorities to keep certain records in such manner and form as competent authority may direct), the words from “in such manner” to “direct” shall be omitted.
	(2) Section 6 of that Act (publication of orders).	In subsection (3) (local authorities to publish orders in such manner and form as competent authority directs) the words from

<i>Enactment relating to local authority function</i>	<i>Amendment</i>	<b>SCH. 6</b>
<p>19. The Plant Health Act 1967— <i>cont.</i></p>	<p>“ in such manner as the competent authority directs ” to “ such direction ” shall be omitted.</p>	<p>1967 c. 8.</p>
<p>20.—(1) Section 12 of the Road Traffic Regulation Act 1967 (temporary prohibition or restriction of traffic on roads).</p>	<p>In subsection (6) (order made by highway authority, other than a Minister, restricting or prohibiting use of road not to continue in force for a longer period than six weeks from the making thereof without the Secretary of State's approval) after the words “ by a Minister ” there shall be inserted the words “ or the Greater London Council ”, for the words “ six weeks ” there shall be substituted the words “ three months ”, for the word “ making ” there shall be substituted the words “ coming into operation ”, and at the end of the subsection there shall be added the words “ The reference in this subsection to an order made by the Greater London Council does not include a reference to an order made by any other body, in the exercise of delegated powers, as agents for the Greater London Council ”.</p>	<p>1967 c. 76.</p>
<p>(2) Section 29 of that Act (additional powers of local authorities in connection with off-street parking places).</p>	<p>In subsection (1) (additional powers exercisable with Secretary of State's approval) the words from “ exercisable ” to “ approved by him ” shall be omitted.</p>	
<p>(3) Section 31 of that Act (power of local authorities by order to make provision as to use of parking places).</p>	<p>In subsection (2) (where order provides for use of apparatus for collecting charges, local authorities to comply with Secretary of State's directions as to testing, etc. thereof) the words from “ and, where an order provides for the use of any apparatus ” to the end of the subsection shall be omitted.</p>	
<p>(4) Section 37(5) of that Act (local authority to take prescribed steps for inspection and testing on prescribed occasions of parking meters</p>	<p>For the words “ the prescribed steps ” there shall be substituted the words “ such steps as appear to them to be appropriate ”,</p>	

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*Enactment relating to local authority function**Amendment*

1967 c. 76.

20. The Road Traffic Regulation Act 1967—*cont.*  
and for recording in prescribed manner the date on which and the person by whom a meter has been tested).

for the words from “not less” to “occasions” there shall be substituted the word “afterwards”, and the words “in the prescribed manner” and the words from “and in this” onwards shall be omitted.

(5) Section 44 of that Act (financial provisions relating to parking places).

In the proviso to subsection (2) (local authority's surplus not to be carried forward from one quadrennial period to another without Secretary of State's consent) the words from “but shall not be carried forward” onwards shall be omitted and in subsection (3)(c) (surplus may be applied in making contributions towards cost of parking accommodation provided by other local authorities or, with Secretary of State's consent, by other persons) the words “with the consent of the appropriate Minister” shall be omitted.

(6) Section 46 of that Act (power of parish and community councils to provide parking places).

In subsection (2) (power of councils to appropriate land, with Secretary of State's consent, for the purpose of providing parking places) the words “with the consent of the Minister of Housing and Local Government” shall be omitted.

1968 c. 46.

21.—(1) Section 12 of the Health Services and Public Health Act 1968 (power of certain local authorities to make arrangements for prophylaxis, care and after-care).

In subsection (5) (power of authorities, with Secretary of State's approval, to recover charges for services) the words “with the approval of the Minister” shall be omitted.

(2) Section 13 of that Act (provision by certain local authorities of home help and laundry facilities).

In subsection (2) (power of authorities, with Secretary of State's approval, to recover charges for help or facilities provided) the words “with the approval of the Minister” shall be omitted.

1968 c. 73.

22.—(1) Section 10 of the Transport Act 1968 (general powers of Passenger Transport Executive).

In subsection (1)(xvi) (power, with Passenger Transport Authority's approval and Secretary

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authority function*

*Amendment*

**SCH. 6**

22. The Transport Act 1968—*cont.* of State's consent, to make <sup>1968 c. 73.</sup> arrangements for transfer of part of Executive's undertaking or property to persons who have agreed to carry on any of Executive's activities) the words "and the consent of the Minister" shall be omitted.
- (2) Section 11 of that Act (financial duty of Executive). Subsection (4) (Executive to submit to Secretary of State statement of Executive's proposals for expenditure on capital account and power of Secretary of State to limit such expenditure) shall be omitted.
- (3) Section 12 of that Act (borrowing powers of Executive). In subsection (4) (power of certain councils to lend money to Executive and, with Secretary of State's consent, to borrow money for that purpose) the words "with the consent of the Minister" shall be omitted.
- (4) Section 13 of that Act (power for Authority to precept for Executive). Subsection (4) (power of Secretary of State to restrict the aggregate amount for which Authority may issue precepts) shall be omitted.
- (5) Section 16 of that Act (publication of annual report by Authority and Executive and prevention of improper conduct of subsidiary activities). In subsection (2), in paragraph (c), the final word "and" and paragraph (d) (in certain cases report to contain such information as the Secretary of State may direct) shall be omitted, and subsections (3) to (5) (Secretary of State's powers to control conduct of certain types of business carried on by an Executive and subsidiaries thereof) shall be omitted.
- (6) Section 18 of that Act (planning of passenger transport services in designated areas). In subsection (1) (statement of general policy to be prepared within twelve months of establishment of Authority, or such longer period as the Secretary of State allows, and copies to be sent to the Secretary of State and to local authorities concerned) the words "to the Minister and" shall be omitted,

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*Enactment relating to local  
authority function**Amendment*

1968 c. 73.

22. The Transport Act 1968—*cont.*

(7) Section 19 of that Act (transfer of control of bus services to Executive).

(8) Section 21 of that Act (provisions as to functions of traffic commissioners in connection with designated areas).

(9) Section 36 of that Act (power of local authority to run public service vehicles as contract carriages).

(10) Section 37 of that Act (power of local authorities, with the Secretary of State's consent, to acquire or dispose of public service vehicle undertakings).

(11) Section 138 of that Act (power of a local authority to make arrangements to reimburse, and to contribute towards, costs incurred by other bodies in granting travel concessions).

and in subsection (2) (plan for development of passenger transport system to be prepared within two years of establishment of Executive, or such longer period as the Secretary of State allows, and copies to be sent to the Secretary of State and to local authorities concerned) the words "to the Minister and" shall be omitted.

In subsection (1) (power of Secretary of State, after receiving copy of statement prepared under section 18(1), to transfer control of bus services to Executive) for the words from "Minister has received" to "a copy of" there shall be substituted the words "Authority for a designated area have caused to be published".

In subsection (5), paragraph (a) (regulations of Secretary of State may require Executive to furnish commissioners with information as to certain road passenger transport services) shall be omitted.

In subsection (2), the words "subject to subsection (3) of this section" and subsections (3) to (8) (control by Secretary of State over exercise of local authorities' powers) shall be omitted.

In subsection (1), the words from "with the consent" to "Secretary of State" and subsection (2) (terms on which consent may be given) shall be omitted.

Subsections (7) and (8) (power of Secretary of State to prescribe method of calculating cost incurred in providing travel concessions and to make regulations about determinations of disputes with respect to such cost) shall be omitted.

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1968 c. 73.

22. The Transport Act 1968—*cont.*

(12) Part III of Schedule 5 to that Act (matters which may be dealt with by an order designating a passenger transport area).

Paragraph 14 (making of reports and furnishing of information by Authority and Executive to Secretary of State) shall be omitted.

23.—(1) Section 7 of the Transport (London) Act 1969 (financial duty of London Transport Executive).

Subsection (5) (Executive to submit to Secretary of State statement of Executive's proposals for expenditure on capital account and power of Secretary of State to limit such expenditure) shall be omitted.

(2) Section 12 of that Act (Secretary of State's power to prevent improper conduct of subsidiary activities).

In subsection (2), in paragraph (c), the final word "and" and paragraph (d) (in certain cases, annual report of Executive to contain such information as the Secretary of State may direct) shall be omitted, and subsections (3) to (5) (Secretary of State's powers to control conduct of certain types of business carried on by Executive and subsidiaries thereof) shall be omitted.

24.—(1) Section 3 of the Late Night Refreshment Houses Act 1969 (annual duty payable to licensing authority in respect of licence to keep late night refreshment house).

In subsection (1) (duty of £6 payable in respect of licence), for the words from "charged" to "to the licensing authority" there shall be substituted the words "payable to the licensing authority a fee of such amount as appears to them to be appropriate" and for the word "duty", in the second place where it occurs, there shall be substituted the word "fee", and subsections (2) and (3) (power of Secretary of State by order to vary or dispense with licence duty) shall be omitted.

(2) Sections 4 and 5 of that Act (reduced duty on beginner's part-year licence and date of licence and period of validity).

For the word "duty", in each place where it occurs, there shall be substituted the word "fee" and for the word "chargeable" (in section 5(2)) there shall be substituted the word "payable".

25.—(1) Section 28 of the Town and Country Planning Act 1971 (publicity for applications for plan-

development with which section is concerned) the word "either",

## SCH. 6

*Enactment relating to local authority function*

1971 c. 78.

25. The Town and Country Planning Act 1971—*cont.*

ning permission for development affecting conservation areas).

(2) Section 31 of that Act (directions etc. to local planning authorities as to method of dealing with applications).

(3) Section 46 of that Act (procedure where revocation or modification of planning permission by local planning authority is unopposed).

(4) Section 65 of that Act (power of local planning authority, subject to Secretary of State's directions, to serve notice requiring proper maintenance of waste land).

(5) Section 87(1) of that Act (power of local planning authority, subject to Secretary of State's directions, to serve enforcement notice).

(6) Section 96(1) of that Act (power of local planning authority, subject to Secretary of State's directions, to serve listed building enforcement notice).

(7) Section 100(1) of that Act (power of Secretary of State to give directions to local planning authorities requiring them to serve listed building enforcement notices or to serve such notices himself).

(8) Section 117 of that Act (direction for minimum compensation in case of listed building deliberately left derelict).

*Amendment*

paragraph (b) and the word "or" immediately preceding it shall be omitted.

Subsections (2) and (3) (directions with respect to applications affecting conservation areas) shall be omitted.

In subsection (1), paragraph (b) (procedure conditional on it appearing to the authority that no claim for compensation is likely to arise under section 164) and the word "and" immediately preceding it shall be omitted and in subsection (3) (service of notice, and notice to include a statement that no compensation is payable) the words from "and the notice" to the end of the subsection shall be omitted.

In subsection (1), the words "then, subject to any directions given by the Secretary of State" shall be omitted.

The words "any directions given by the Secretary of State and to" shall be omitted.

The words "then, subject to any directions given by the Secretary of State" shall be omitted.

The words from "give directions" to "or may" shall be omitted.

In subsection (1) (power of authority to include in compulsory purchase order as submitted to Secretary of State for confirmation an application for a direction for minimum compensation) the words "an application for" and the words from

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authority function*

*Amendment*

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25. The Town and Country Planning Act 1971—*cont.*

“ and the Secretary of State ” 1971 c. 78.  
to the end of the subsection shall be omitted, in subsection (3) (notice stating effect of compulsory purchase order to include statement that authority have made application for direction for minimum compensation) for the words “ made application for ” there shall be substituted the words “ included in the order ” and in subsection (5) (power to object to directions for minimum compensation) the words “ an application for ”, “ the local authority’s application for ” and “ be refused or, as the case may be, that such a direction ” shall be omitted and after the words “ order as ” there shall be inserted the words “ confirmed or ”.

(9) Section 124 of that Act (power of local authority to develop land held for planning purposes).

Subsections (3) and (4) (Secretary of State’s consent requisite to any exercise of authority’s power) shall be omitted, in subsection (6) (power of authority, with Secretary of State’s consent, to enter into arrangements with authorised association for the carrying out by the association of development) the words “ with the consent of the Secretary of State ” shall be omitted and in subsection (8) (authorised associations defined as certain societies, companies or bodies of persons approved by the Secretary of State) the words “ approved by the Secretary of State ” shall be omitted.

(10) Section 125 of that Act (special provisions as to features and buildings of architectural and historic interest).

In subsection (1) (local authority, in exercising certain powers, to have regard to the desirability of preserving features of special architectural or historic interest and Secretary of State, in giving consent under certain provisions, to ensure the preservation of listed buildings) the words from “ and the



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1971 c. 78.

25. The Town and Country Planning Act 1971—*cont.*

Secretary of State ” to the end of the subsection shall be omitted and, consequentially, subsection (2) and in subsection (3) the words from “ “ preservation ”, in ” to “ and ” shall be omitted.

(11) Section 164(1) of that Act (where planning permission is revoked or modified by an order, other than an order taking effect by virtue of section 46 and without being confirmed by the Secretary of State, the local planning authority is to pay compensation).

The words from “ (other than ” to “ Secretary of State ) ” shall be omitted.

(12) Section 276 of that Act (default powers of Secretary of State).

In subsection (1) (power of Secretary of State to give directions to local planning authorities requiring them to submit to him certain orders for his confirmation or to make such orders himself) the words from “ give directions ” to “ or may ” shall be omitted and in subsection (5) (power of Secretary of State to give directions to local planning authorities requiring them to serve certain notices or to serve such notices himself) paragraph (b), in paragraph (c) the words from “ or under ” to “ this Act ” and the words from “ give directions ” to “ or may ” shall be omitted.

(13) Section 277 of that Act (designation of conservation areas).

Subsection (2) (power of Secretary of State to give directions to local planning authorities with respect to designation of conservation areas) shall be omitted.

(14) Schedule 11 to that Act (control of works for demolition, alteration or extension of listed buildings).

In paragraph 11, in subparagraph (1) (power of Secretary of State to give directions to a local planning authority requiring them to submit to him for his confirmation an order revoking or modifying listed building consent in respect of certain works or to make such an order himself) the words from “ give directions ” to “ or may ” shall be omitted.

<i>Enactment relating to local authority function</i>	<i>Amendment</i>	SCH. 6
<p>26.—(1) Section 18 of the Slaughterhouses Act 1974 (power to provide cold stores and refrigerators for public slaughterhouses).</p> <p>(2) Section 40(9) of that Act (power of local authority to charge fixed fees for grant and renewal of licence).</p>	<p>In subsection (1) (power of a local authority, with the approval of the Minister, to provide cold store or refrigerator for the storage and preservation of meat and other articles of food) the words “with the approval of the Minister” shall be omitted and subsections (3) to (5) (advertisement of local authority’s intention to apply for Minister’s approval and provisions as to public inquiries) shall be omitted.</p> <p>For the words from “a fee”, in the first place where they occur, to “5p” there shall be substituted the words “such fees as appear to them to be appropriate for the grant and”.</p>	<p>1974 c. 3.</p>

## SCHEDULE 7

Section 42.

### MINOR AND CONSEQUENTIAL AMENDMENTS

#### *The National Parks and Access to the Countryside Act 1949* 1949 c. 97.

1. In paragraph (e) of section 97(1) of the National Parks and Access to the Countryside Act 1949 for the words from “any of” to the end of the paragraph there shall be substituted the words “section 89(5) or section 103(5) of this Act for the purpose of their functions under section 89(2) of this Act”.

#### *The Local Government Act 1966*

1966 c. 42.

2.—(1) In section 27 of the Local Government Act 1966, in subsection (3), after the words “this Act” there shall be inserted the words “(in this section referred to as an ‘existing enactment or instrument’)” and for the words from “is classified” to the end of the subsection there shall be substituted the following paragraphs:—

“(a) is classified under subsection (2) of this section, or continues to be treated under section 40 of the Local Government Act 1974, as a principal road for the purposes of any enactment or instrument which refers to roads or highways classified by the Secretary of State as principal roads; or

(b) is classified under subsection (2) of this section as a classified road for the purposes of that existing enactment or instrument.”

(2) In subsection (4) of that section, for the words from “every such” to the end of the subsection there shall be substituted the words “every existing enactment or instrument”.

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1967 c. 9.

*The General Rate Act 1967*

3. In section 12(9) of the General Rate Act 1967 (interest on amounts due under precepts which are not paid on or before the date specified for payment) after the words "six per cent. per annum" there shall be inserted the words "or such other rate as may be either prescribed or determined in a prescribed manner".

4.—(1) In section 48 of that Act, in subsection (1)(a), for the words "in pursuance of paragraph 1 of Part III of Schedule 1 to the Local Government Act 1966" there shall be substituted the words "for their area under paragraph 5 of Schedule 2 to the Local Government Act 1974".

(2) In subsection (4) of that section for the words "Part III of Schedule 1 to the said Act of 1966" there shall be substituted the words "paragraph 5 of Schedule 2 to the Local Government Act 1974".

5. In section 51(1) of that Act (power of rating authority to grant discount not exceeding  $2\frac{1}{2}$  per cent. in respect of rates on dwelling-houses) the words "not exceeding two-and-a-half per cent." shall be omitted.

6. Section 52 of that Act shall cease to have effect.

7. In section 54(1) of that Act (power of rating authority to make allowance by way of discount not exceeding  $2\frac{1}{2}$  per cent. in respect of rates on all hereditaments) for the words "not exceeding two and a half per cent." there shall be substituted the words "of such amount as may be specified in the resolution".

8. In paragraph (a) of subsection (1) of section 113 of that Act (power to make rules prescribing certain matters and the form of certain documents) after the words "the form of" there shall be inserted the words "or the matters to be specified in".

9. In section 115(3) of that Act for the words "sections 49 and 50" there shall be substituted the words "section 50", in paragraph (a) for the words from "relevant date" to the end of sub-paragraph (ii) there shall be substituted the words "date of the giving of a notice under subsection (1) of that section", paragraph (b) shall be omitted and for paragraph (c) there shall be substituted the following paragraph:—

"(c) if at the date of the giving of a notice under the said subsection (1) a rebate is for the time being payable in respect of the hereditament or any part thereof under the statutory rate rebate scheme, within the meaning of Part II of the Local Government Act 1974 or, as the case may be, a local rate rebate scheme, within the meaning of that Part".

10. Schedule 11 to that Act shall cease to have effect.

1972 c. 70.

*The Local Government Act 1972*

11. In section 81 of the Local Government Act 1972 (exceptions to provisions about disqualification in section 80) after subsection (3) there shall be inserted the following subsection:—

"(3A) Section 80(1)(a) above shall not operate to disqualify any person for being elected or being the chairman, vice-chairman, deputy chairman or an alderman or councillor of

the Greater London Council by reason of his being employed by the London Transport Executive or any subsidiary of theirs.”

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12. In paragraph 7 of Schedule 13 to that Act, in sub-paragraph (1), after the words “subject to” there shall be inserted the words “sub-paragraph (3) and” and at the end of that paragraph there shall be added the following sub-paragraph:—

“(3) In any case where—

- (a) a local authority make an advance to any other person (including another authority) and the expenditure incurred in making the advance is defrayed by borrowing, and
- (b) the terms of that advance are such that repayment is to be made otherwise than by equal instalments of principal and interest combined, and
- (c) apart from this sub-paragraph, the local authority would have no power, with respect to the expenditure referred to in paragraph (a) above, to vary the sums which would otherwise be debited under sub-paragraph (1) above or to suspend their obligation under that sub-paragraph,

the local authority may, under sub-paragraph (1) above, debit the account from which the expenditure referred to in paragraph (a) above would otherwise fall to be defrayed with sums of different amounts (whether or not including instalments of principal) in respect of different years in order to take account of the terms on which their advance falls to be repaid.”

#### *The Water Act 1973*

1973 c. 37.

13.—(1) In paragraph 11(9) of Schedule 5 to the Water Act 1973 the words from “multiplied by” to “authority for that year” shall be omitted.

(2) In paragraph 11(13) of that Schedule, for the definition of “the appropriate factor” there shall be substituted the words “‘actual penny rate product’, in relation to any area, means the product of a rate of 1p in the pound for that area as determined for the purposes of this paragraph in accordance with rules made under section 113(1)(c) of the General Rate Act 1967” and the definition of “the conclusive calculation” shall be omitted.

(3) In paragraph 13(1) of that Schedule for the words “in accordance with this paragraph” there shall be substituted the words “as mentioned in sub-paragraph (3) below”.

(4) Paragraph 13(2) of that Schedule shall be omitted.

(5) In sub-paragraph (3) of paragraph 13 of that Schedule for the words from “as estimated” to the end of the sub-paragraph there shall be substituted the words “as determined for the purposes of this Part of this Schedule in accordance with rules made under section 113(1)(c) of the General Rate Act 1967, and the appropriate

SCH. 7 penny rate product as so determined for any area for the relevant year and any information relevant to that determination which may be specified in those rules shall be notified to the water authority at such time and in such manner as may be so specified”.

14. In Schedule 6 to that Act, in paragraph 5(2), in paragraph (c) after the words “transitional period” there shall be inserted the words “in respect of which no provision is made by an agreement under section 32A of this Act” and at the end of the said paragraph (c) there shall be inserted the following paragraph:—

“(cc) without prejudice to the generality of paragraph (c) above, for the demand, collection and recovery by a local authority of any such amount as is mentioned in that paragraph in like manner as, and together with, any amount due to the authority in respect of the general rate and for the extension of section 113 of, and the modification of Schedule 12 to, the General Rate Act 1967 (power to make rules, and forms of documents) to take account of any such provision made by the order.”.

1973 c. 60.

*The Breeding of Dogs Act 1973*

15.—(1) Section 4 of the Breeding of Dogs Act 1973 (which confers power on a local authority to prosecute for certain offences but is rendered unnecessary by section 111 of the Local Government Act 1972) shall cease to have effect.

(2) In section 5(2) of that Act, in the definition of local authority, after the word “means” there shall be inserted the words “in England and Wales” and for the words from “or of a district” to “Wales)” there shall be substituted the words “the council of a district”.

## SCHEDULE 8

Section 42.

## ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
15 & 16 Geo. 5. c. 38.	The Performing Animals (Regulation) Act 1925.	In section 1, in subsection (5) the words "on payment of the prescribed fee", in both places where they occur, and in subsection (7) the words "subject to payment of the prescribed fee". In section 5, in subsection (3) the words from "and the fee for registration" to the end of the subsection.
26 Geo. 5 & 1 Edw. 8. c. 49.	The Public Health Act 1936.	Section 292.
10 & 11 Geo. 6. c. 22.	The Civic Restaurants Act 1947.	In section 3, in subsection (1) the words from "and the form of the account" to the end of the subsection, and in subsection (2) the words from "and if the account" to the end of the subsection.
11 & 12 Geo. 6. c. 26.	The Local Government Act 1948.	Section 138(2).
12, 13 & 14 Geo. 6. c. 55.	The Prevention of Dam- age by Pests Act 1949.	In section 7(2) the words "two hundred and ninety-two" and the words "for the inclusion of sums in respect of establishment charges in expenses recoverable under that Act".
12, 13 & 14 Geo. 6. c. 97.	The National Parks and Access to the Country- side Act 1949.	In section 64(1) the words "with the approval of the Minister". Section 65(6). In section 97, in subsection (1), paragraphs (a) and (b), and in paragraph (c) the words from "and under" to the end of the paragraph, and subsections (6) and (7). Section 98. In section 104, subsections (7) and (8). Section 105.
14 Geo. 6. c. 36.	The Diseases of Animals Act 1950.	In section 43 the words "with the sanction of the Minister". Section 61(7).
14 & 15 Geo. 6. c. 35.	The Pet Animals Act 1951.	In section 1(2), as originally enacted, the words "not exceeding ten shillings".
14 & 15 Geo. 6. c. 60.	The Mineral Workings Act 1951.	In section 19, in subsection (2) the words from "but the local authority" to the end of the subsection, and subsection (4).

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Chapter	Short Title	Extent of Repeal
2 & 3 Eliz. 2. c. 68.	The Pests Act 1954.	In section 6 the words from the beginning to "may authorise".
4 & 5 Eliz. 2. c. 16.	The Food and Drugs Act 1955.	In section 80, in subsection (1), the words "with the approval of the Minister", and subsection (3).
7 & 8 Eliz. 2. c. 25.	The Highways Act 1959.	In section 124, subsection (2), and in subsection (3) the words from "or, in a case where" to "so extended" and the words from "or, if an appeal" to the end of the subsection. In section 174(2)(b) the words from "which may include" to "and notices".
8 & 9 Eliz. 2. c. 62.	The Caravan Sites and Control of Development Act 1960.	In Schedule 2, in paragraph 3, in sub-paragraph (1) the words from "the Minister" to the end of the sub-paragraph.
1963 c. 29.	The Local Authorities (Land) Act 1963.	In section 2, subsections (2) and (3).
1963 c. 31.	The Weights and Measures Act 1963.	In section 4(2) the words "and approved for the purpose by the Board". In section 5(3) the words "and approved for the purpose by the Board". In section 44(1) the words "with the consent of the Board".
1963 c. 33.	The London Government Act 1963.	In Schedule 12, in each of paragraphs 3 and 6, the words from "not exceeding" to the end of the paragraph.
1963 c. 43.	The Animal Boarding Establishments Act 1963.	In section 1(2), as originally enacted, the words "not exceeding ten shillings".
1966 c. 9.	The Rating Act 1966.	Section 9. Section 12(a).
1966 c. 42.	The Local Government Act 1966.	Sections 1 to 5. Section 8. Section 10. In section 27(2) the words from "all or any" to "authorities, and". Schedule 1. In Schedule 3, in Part II, in column 1 the entries numbered 11, 14, 16, 21, 24, 25, 26 and 28.
1967 c. 8.	The Plant Health Act 1967.	In section 5(2) the words from "in such manner" to "direct".

Chapter	Short Title	Extent of Repeal
1967 c. 8— <i>cont.</i>	The Plant Health Act 1967— <i>cont.</i>	In section 6(3) the words from “in such manner as the competent authority directs” to “such direction”.
1967 c. 9.	The General Rate Act 1967.	<p>In section 17(2), in paragraph (a) the words from “not being earlier” to the end of the paragraph, and in paragraph (b) the words from “not being earlier” to the end of the paragraph.</p> <p>In section 21(7) the words “or in section 22 of this Act”.</p> <p>Section 22.</p> <p>Section 35.</p> <p>Section 49.</p> <p>In section 51(1) the words “not exceeding two-and-a-half per cent”.</p> <p>Section 52.</p> <p>In section 115, in subsection (1) the definitions of “rebate application” and “rebate period”, and subsection (3)(b).</p> <p>Schedules 9 and 11.</p>
1967 c. 76.	The Road Traffic Regulation Act 1967.	<p>In section 29, in subsection (1) the words from “exercisable” to “approved by him”, and subsection (2).</p> <p>In section 31, in subsection (2) the words from “and, where an order provides” to the end of the subsection.</p> <p>In section 37, in subsection (5) the words “in the prescribed manner” and the words from “and in this” onwards.</p> <p>In section 44, in subsection (2), in the proviso the words from “but shall not be carried forward” to the end of the proviso, and in subsection (3)(c) the words “with the consent of the appropriate Minister”.</p> <p>In section 46(2) the words “with the consent of the Minister of Housing and Local Government”.</p> <p>In section 72(6)(a) the words “for the purposes of advances under section 235 of the Highways Act 1959”.</p> <p>In section 84B(8)(a) the words “for the purposes of advances under section 235 of the Highways Act 1959”.</p>



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Chapter	Short Title	Extent of Repeal
1968 c. 41.	The Countryside Act 1968.	<p>In section 2(9) the words " this Act or ".</p> <p>Section 5.</p> <p>Sections 33 to 35.</p> <p>In section 36, in subsection (1) the words from " under this Act " to " making of grants ", and in subsection (8) the words from " and subsections (2) " onwards.</p>
1968 c. 46.	The Health Services and Public Health Act 1968.	<p>In section 12(5) the words " with the approval of the Minister ".</p> <p>In section 13(2), the words " with the approval of the Minister ".</p>
1968 c. 73.	The Transport Act 1968.	<p>In section 10(1)(xvi) the words " and the consent of the Minister ".</p> <p>In section 11, subsections (4) and (5).</p> <p>In section 12(4) the words " with the consent of the Minister ".</p> <p>In section 13, subsections (4) and (7).</p> <p>In section 15, in subsection (4) the words from " to the provisions " to the end of the subsection.</p> <p>In section 16, in subsection (2), in paragraph (c) the final word " and " and paragraph (d), and subsections (3) to (5).</p> <p>In section 18, in each of subsections (1) and (2), the words " to the Minister and ".</p> <p>Section 21(5)(a).</p> <p>In section 34, subsections (2) and (3).</p> <p>In section 36, in subsection (2) the words " subject to subsection (3) of this section ", and subsections (3) to (8).</p> <p>In section 37, in subsection (1) the words from " with the consent " to " Secretary of State ", and subsection (2).</p> <p>In section 138, subsections (6) to (8) and (9)(a).</p> <p>In Schedule 5, in Part III paragraph 14.</p> <p>In Schedule 14, in Part IV paragraph 10.</p>

Chapter	Short Title	Extent of Repeal
1969 c. 10.	The Mines and Quarries (Tips) Act 1969.	In section 23(1), paragraph (c) except the final word "and".
1969 c. 33.	The Housing Act 1969.	Section 74.
1969 c. 35.	The Transport (London) Act 1969.	In section 3, in subsection (1) the words from "but any expenditure" to the end of the subsection. In section 7, subsection (5) and in subsection (6), in paragraph (a) the final word "and" and paragraphs (b) and (c). In section 12, in subsection (2), in paragraph (c) the final word "and" and paragraph (d), and subsections (3) to (5). In section 23(6), paragraph (b) and the word "and" immediately preceding it. In section 29(1)(a) the words "for the purposes of advances under section 235 of the Highways Act 1959".
1969 c. 53.	The Late Night Refreshment Houses Act 1969.	In section 3, subsections (2) and (3). Section 12.
1970 c. 21.	The New Forest Act 1970.	Section 4.
1970 c. 32.	The Riding Establishments Act 1970.	In section 2(1), paragraph (i).
1971 c. 41.	The Highways Act 1971.	In section 1(6)(a)(i) the words "for the purposes of advances under section 235 of the principal Act".
1971 c. 78.	The Town and Country Planning Act 1971.	In section 28(1) the word "either", paragraph (b) and the word "or" immediately preceding it. In section 31, subsections (2) and (3). In section 46, in subsection (1) paragraph (b) and the word "and" immediately preceding it, and in subsection (3) the words from "and the notice" to the end of the subsection. In section 65(1) the words "then, subject to any directions given by the Secretary of State". In section 87(1) the words "any directions given by the Secretary of State and to". In section 91(4), paragraph (c) except the final word "and".

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Chapter	Short Title	Extent of Repeal
1971 c. 78— <i>cont.</i>	The Town and Country Planning Act 1971— <i>cont.</i>	<p>In section 96(1) the words “then, subject to any directions given by the Secretary of State”.</p> <p>In section 100(1) the words from “give directions” to “or may”.</p> <p>In section 117, in subsection (1) the words “an application for” and the words from “and the Secretary of State” to the end of the subsection, and in subsection (5) the words “an application for”, “the local authority’s application for” and “be refused or, as the case may be, that such a direction”.</p> <p>In section 124, subsections (3) and (4), in subsection (6) the words “with the consent of the Secretary of State” and in subsection (8) the words “approved by the Secretary of State”.</p> <p>In section 125, in subsection (1) the words from “and the Secretary of State” to the end of the subsection, subsection (2) and in subsection (3) the words from ““preservation”, in” to “and”.</p> <p>In section 164(1) the words from “(other than)” to “Secretary of State”.</p> <p>In section 212(1) the words “for the purposes of advances under section 235 of the Highways Act 1959”.</p> <p>In section 276, in subsection (1) the words from “give directions” to “or may” and in subsection (5) paragraph (b), in paragraph (c) the words from “or under” to “this Act” and the words from “give directions” to “or may”.</p> <p>Section 277(2).</p> <p>In Schedule 11, in paragraph 11(1) the words from “give directions” to “or may”.</p>
1971 c. lxx.	The Chichester Harbour Conservancy Act 1971.	Section 30(3).
1972 c. 47.	The Housing Finance Act 1972.	In Schedule 9, paragraphs 7 and 8.

Chapter	Short title	Extent of Repeal
1972 c. 70.	The Local Government Act 1972.	Section 203(5). In Schedule 24, paragraph 11, and in paragraph 12, in section 13 of the Transport Act 1968 as set out in that paragraph, subsection (2).
1973 c. 28.	The Rate Rebate Act 1973.	The whole Act.
1973 c. 37.	The Water Act 1973.	In Schedule 5, in paragraph 11(9) the words from "multiplied by" to "authority for that year", in paragraph 11(13) the definition of "the conclusive calculation" and paragraph 13(2).
1973 c. 60.	The Breeding of Dogs Act 1973.	Section 4.
1974 c. 3.	The Slaughterhouses Act 1974.	In section 18, in subsection (1) the words "with the approval of the Minister" and subsections (3) to (5). In Schedule 3, paragraphs 3 and 6.

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