



# Prevention of Damage by Pests Act 1949

## 1949 CHAPTER 55

### PART I

#### RATS AND MICE

#### **12 Powers of Minister with respect to functions of local authorities**

- (1) The functions of a local authority under this Part of this Act shall be exercised in accordance with any general or specific directions of the Minister, which may be given either to local authorities generally or to any particular local authority or class of local authorities :

Provided that the validity of anything done by a local authority in pursuance of this Act shall not be called in question on the ground that it was done otherwise than in accordance with any such directions as aforesaid.

- (2) Where the Minister is satisfied, on complaint or otherwise, that any of the functions of a local authority under this Part of this Act are not being satisfactorily performed by the authority, he may by order empower any person named in the order to exercise those functions on behalf of the authority.
- (3) Before making an order under this section, the Minister shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of subsections (2) to (5) of section two hundred and ninety of the Local Government Act, 1933 (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall have effect with respect to any such inquiry as if the Minister were a department for the purposes of that section.
- (4) Any expenses incurred under this section by a person named in an order made by the Minister thereunder shall on demand be paid to the Minister by the local authority.
- (5) An order under this section may be varied or revoked by a subsequent order.
- (6) In the application of this section to Scotland, for subsection (3) there shall be substituted the following subsection :—

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*Status: This is the original version (as it was originally enacted).*

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“(3) Before making an order under this section, the Secretary of State shall give to the local authority an opportunity of making representations to him and shall take into consideration any representations made and, if the authority so require, cause a local inquiry to be held; and the provisions of subsections (3) to (9) of section three hundred and fifty-five of the Local Government (Scotland) Act, 1947 (which relate to the giving of evidence at, and defraying the cost of, local inquiries), shall apply to any such inquiry.”