CHAPTER 22.

An Act to empower local authorities to establish and carry on restaurants, and otherwise provide for the supply to the public of meals and refreshments, and for purposes connected with the matters aforesaid.

[2nd April 1947.]

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

Power of local authorities to establish restaurants.

1.—(1) The following authorities, that is to say—

(*a*) in the administrative county of London, the London County Council,

(*b*) elsewhere in England and Wales, the council of a county borough or county district,

(*c*) in Scotland, a county or town council,

may establish and carry on restaurants and otherwise provide for the supply to the public of meals and refreshments, and may carry on such activities as are reasonably incidental or ancillary to the activities aforesaid:

Provided that—

(i) where the Minister of Food is satisfied that the council of any county in Scotland are unreasonably refusing to exercise their powers under this Act in any district of the county, he may by order direct that the powers of the county council, so far as relating to that district, shall be exercisable by the district council instead of by the county council; and

(ii) this subsection shall not authorise the grant of a certificate under the Licensing (Scotland) Acts, 1903 to 1934, for the sale of exciseable liquor in any such restaurant in Scotland; and

(iii) a justices' licence granted under the Licensing Acts, 1910 to 1934, for the sale of intoxicating liquor in any such restaurant in England or Wales shall only authorise the sale of such liquor for consumption in the restaurant with a meal; and

(iv) such a licence shall not be granted in respect of any such restaurant established in premises forming part of, or used for the purposes of, any church, chapel or other place of religious worship or used for the purposes of any religious organisation except with the consent of the incumbent, minister, or other person in charge of the church, chapel or place of worship or, as the case may be, the consent of the religious organisation.

(2) Any such authority may delegate their powers under the foregoing provisions of this section, in respect of the whole of their area or any part thereof, to any other local authority.

(3) An authority exercising powers under this section, including an authority exercising delegated powers, is hereafter in this Act referred to as a " civic restaurant authority ".

(4) A civic restaurant authority shall, in carrying on any activities under this section, be subject to all enactments and rules of law relating thereto, including, in England and Wales, the enactments relating to the sale of intoxicating liquor, in like manner as other persons carrying on the like activities.

Compulsory purchase powers.
9 & 10 Geo. 6. c. 49.

2.—(1) A civic restaurant authority may be authorised by the Minister of Health to purchase land compulsorily for the purposes of this Act, and the Acquisition of Land (Authorisation Procedure) Act, 1946, shall have effect as if this section had been in force immediately before the passing of that Act:

Provided that section two of that Act shall not apply to the compulsory purchase of land for the purposes of this Act and a civic restaurant authority shall not be authorised under this subsection to purchase compulsorily for the purposes of this Act any premises which are being used by any other person wholly or mainly as a restaurant or otherwise for the supply to the public of meals and refreshments.

In the application of this subsection to Scotland, for the reference to the Minister of Health there shall be substituted a reference to the Secretary of State.

8 & 9 Geo. 6. c. 43.

(2) Section twenty-six of the Requisitioned Land and War Works Act, 1945 (which empowers local authorities to acquire land which they have been authorised under Defence Regulations to use for purposes for which they can acquire land compulsorily

under any Act) shall apply to any local authority, being a civic restaurant authority, as if this Act had been in force immediately before the passing of that Act, and the other provisions of the Requisitioned Land and War Works Act, 1945, relating to the acquisition of land under the said section twenty-six shall have effect accordingly.

Financial provisions.

3.—(1) Every civic restaurant authority shall keep an account of their income under this Act and their expenditure under this Act on income account, and the form of the account and the particulars to be included therein shall be prescribed by the Minister of Food, after consultation with such associations of local authorities as appear to him to be concerned.

(2) Every civic restaurant authority shall use their best endeavours to ensure that their income under this Act is sufficient to defray their expenditure thereunder and if the account kept by any such authority under the last foregoing subsection shows a deficit in respect of each of three consecutive financial years, the said powers shall cease to be exercisable by that authority at the expiration of six months from the end of the last of those years:

Provided that—

(*a*) if the Minister of Food considers that a civic restaurant authority whose account shows such a deficit as aforesaid will, within a reasonable period, be able to defray their expenditure under this Act out of their income thereunder, he may, subject to such conditions as he thinks fit, postpone or exclude the operation of this subsection as respects that deficit;

(*b*) if the Minister of Food considers that a civic restaurant authority whose powers have ceased to be exercisable by virtue of this subsection would, by reason of any change of circumstances, be able to defray their expenditure under this Act out of their income thereunder, if the said powers were restored, he may direct that the said powers shall again become exercisable and that this subsection shall have effect as if they had not previously been exercised.

(3) Any expenses incurred under this Act by the council of a county in England or Wales, other than the administrative county of London, shall be treated as expenses incurred for a special county purpose and chargeable on the county district or county districts for the benefit of which those expenses are incurred, and all receipts of the county council in exercising powers under this Act shall be treated as receipts for that special county purpose.

(4) Any expenses incurred under this Act by the Common Council of the City of London shall, in so far as they cannot be defrayed out of the receipts of the Council under this Act, be defrayed out of the general rate.

(5) Any expenses incurred under this Act by a civic restaurant authority in Scotland shall, in so far as they cannot be defrayed out of the receipts of the authority under this Act, be defrayed by the authority, or, where the authority are exercising delegated powers and so agree with the county or town council by whom the powers are delegated, by that county or town council, out of such rate payable by owners and occupiers in equal proportions as the authority or the council may determine and any excess of such receipts over such expenses shall be applied in reduction of that rate.

(6) Expenditure incurred by a district council under this Act shall not be taken into account in any calculation as to the limit imposed on the district council rate by section twenty-six of the Local Government (Scotland) Act, 1929.

19 & 20 Geo. 5. c. 25.

(7) A civic restaurant authority in Scotland who incur expenditure under this Act or a county or town council on whose behalf expenditure is incurred by a civic restaurant authority in the exercise of delegated powers may, subject to the provisions of subsection (2) of section twenty-three of the Local Government (Scotland) Act, 1929, borrow such sums as may be required to meet any expenditure of a capital nature, or the cost of executing any work, or providing any plant or equipment, or doing any other thing where, having regard to the nature of the work, plant, equipment or thing, the cost ought to be spread over a period of years:

Provided that—

(*a*) sums so borrowed shall be repaid within such period not exceeding sixty years as the Secretary of State may determine;

(*b*) nothing in this subsection shall authorise the exercise of the power of borrowing money thereby conferred otherwise than in compliance with the provisions of the Local Authorities Loans Act, 1945, of any Defence Regulation within the meaning of the Supplies and Services (Transitional Powers) Act, 1945, for the time being having effect by virtue of that Act, and of any orders for the time being in force, made by the Treasury under section one of the Borrowing (Control and Guarantees) Act, 1946.

8 & 9 Geo. 6. c. 18.
9 & 10 Geo. 6. c. 10.
9 & 10 Geo. 6. c. 58.

Short title, extent, and interpretation.

4.—(1) This Act may be cited as the Civic Restaurants Act, 1947.

(2) This Act shall not extend to Northern Ireland.

(3) In this Act the expression "local authority" means, in England and Wales, the council of a county, county borough or county district, the Common Council of the City of London and the council of a metropolitan borough, and, in Scotland, a county, town or district council.

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